

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300
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October 4, 2019

Wyatt Golding
Ziontz Chestnut
2101 4th Ave, Ste 1230
Seattle, WA 98121-2331

Dear Wyatt Golding:

The Department of Ecology (Ecology) received a proposal from Fire Mountain Farms (FMF) to amend its existing coverage under the Statewide General Permit for Biosolids Management to add a new site located at 19724 128th Ave SE in Yelm, WA. This amendment, if approved, would have allowed FMF to apply Class B biosolids at agronomic rates to approved fields at this site. This site met the criteria listed in FMF's General Land Application Plan.

After the formal public process for the permit amendment, Ecology received two letters, each requesting responses from Ecology on two points of concern, explained below. The first letter, from Ziontz Chestnut Attorneys at Law, on behalf of Preserve the Commons, was received on July 1, 2019. The second letter, from Preserve the Commons, was received on August 12, 2019.

Both letters ask Ecology to deny FMF's application to add the new site in Yelm to FMF's permit coverage, and to withdraw the corresponding Determination of Non-Significance (DNS) that Ecology issued under the State Environmental Policy Act (SEPA) on December 17th, 2018.

Ecology cannot deny coverage of the proposed site in Yelm because FMF withdrew its permit amendment application on June 14, 2019. The application is not "indefinitely stalled" as stated in the letter from lawyer Wyatt Golding; rather the application is closed and will not be processed. Ecology has withdrawn the SEPA DNS as part of closing the application.

Additionally, both parties requested that Ecology require a Site Specific Land Application Plan (SSLAP) per Washington Administrative Code (WAC) 173-308-310(8)(a)(iii), in order to apply exceptional quality biosolids. Ecology may require a SSLAP for land application of exceptional quality biosolids if the agency determines that the entity preparing/land applying those biosolids has not met applicable criteria under state rules or permit conditions. Additionally, WAC 173-308-200(2) says the director may apply any or all site management and access restrictions to a person who applies biosolids that meet the exceptional quality standards on a case-by-case basis when application of bulk exceptional quality biosolids has been proposed.

The request for requiring a SSLAP was based on speculation about what the owner of the property might seek to do in the future. The landowner of the property at 19724 128th Ave has

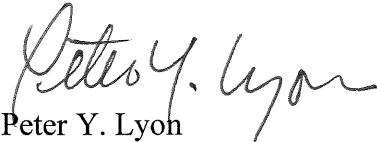
Wyatt Golding
October 4, 2019
Page 2

not expressed any interest nor proposed to Ecology that they plan to apply exceptional quality biosolids.

Further, Class B biosolids and Class A biosolids that do not meet exceptional quality standards may not be land applied at this site without an application for permit coverage that is first submitted and approved by Ecology. Ecology's review of such an application would include a new SEPA process, checklist, and public notification period.

Thank you for taking the time to submit your concerns to Ecology. We hope this response will alleviate those concerns in regards to this withdrawn proposal for biosolids land application at this site in Yelm, WA. If you have any questions, please contact me at (360) 407-6381 or peter.lyon@ecy.wa.gov.

Sincerely,



Peter Y. Lyon
Regional Section Manager
Solid Waste Management Program

Enclosure: DNS withdrawal letter

By certified mail: 9489 0090 0027 6086 4117 05

cc: Preserve the Commons (by email)



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STATE ENVIRONMENTAL POLICY ACT

**Withdrawal Notice
Determination of Nonsignificance (DNS)**

October 4, 2019

Lead agency: Washington State Department of Ecology
Agency Contact: Peter Lyon, peter.lyon@ecy.wa.gov, 360-407-6381
Agency File#: 201806999
Proponent: Fire Mountain Farms, Inc. (c/o Robert Thode)
856 Burnt Ridge Rd
Onalaska, WA 98570
(360) 266-0695
operations@firemtn.us

Proposal Description:

Amendment to Application for Coverage Under the Statewide General Permit for Biosolids Management; Fire Mountain Farms (FMF), Inc., a beneficial use facility (BUF) submitted an application to Ecology to amend its existing coverage under the Statewide General Permit for Biosolids Management. Fire Mountain Farms proposed to add three fields of approximately 265 acres in the vicinity of Bald Hill Rd and 128th Ave SE in Yelm, WA.

Location: Mid Mountain Unit; 19724 128th Avenue Southeast, Yelm, WA
Parcel(s): 22601320000, 22602430000, 22602420000, 22602130200,
22602130100, 22602130000, 22602120000, 22602110100, 22602140100,
22601230000, 22602140000
Latitude: 46.540514; Longitude: -122.310510

Reason for Withdrawal:

The Department of Ecology is withdrawing the SEPA DNS issued December 17, 2018. The applicant, Fire Mountain Farms, Inc, has withdrawn their proposal for applying Class B biosolids at this location. If a new threshold determination is issued for this site in the future, then a new notice and comment period will be provided per WAC 197-11-340 (2).

Signature

Date

10/4/19