

August 21, 2020

TO: Kelly Bacon, Designated Permit Coordinator
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926
kelly.bacon.cd@co.kittitas.wa.us

FROM: David & Georgia Arnold
210 Tarkenton Avenue
Ellensburg, WA 98926

RE: Project File Number, Brown and Jackson, SE-20-00003

Dear Kelly Bacon,

Our written comments submitted are in regard to Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and Kittitas County Grading Permit public notice Brown and Jackson, SE-20-00003, dated, Monday, August 17, 2020. It is of our understanding that Kittitas County is acting as SEPA Lead Agency for the proposed project and proposed SEPA project actions and that Kittitas County is reviewing Brown and Jackson's June 11, 2020 Kittitas County, Department of Public Works, Grading Permit Application. However, based on review of the documents we understand we are commenting on the project as a whole, including, but not limited to, SEPA determination for Washington State Department of Ecology's General Permit for Biosolids Management.

The comments contained herein apply to the project as a whole as presented in the public documents provided by Kittitas County on August 17, 2020, see list below. We reserve the right to comment on any and all future proposed changes, additional project actions, amendments, Environmental Impact Statements and/or mitigation.

Comments related to this proposed action include, but are not expressly limited to the following, based on information provided in Kittitas County's SEPA website, below, accessed on Monday August 24, 2020.

Project Location:

Kittitas County Parcel Number: 295134

Project proponent/applicant: Brown and Jackson, Inc. of Ellensburg, WA

Kittitas County Project Documents Weblink:

<https://www.co.kittitas.wa.us/cds/land-use/project-details.aspx?title=Miscellaneous%20SEPA%20Applications&project=SE-20-00003+Brown+%26+Jackson>

List of SEPA and project documents available for review:

- 20410_SEPA ADDENDUM_06.30.20.pdf
- GP-20-00010.pdf
- SE-20-00003 Brown & Jackson Receipt.pdf
- SE-20-00003 Brown & Jackson SEPA Checklist.pdf
- SE-20-00003 Brown and Jackson NOA Legal.pdf
- SE-20-00003 Brown and Jackson NOA Memo.pdf

SEPA Checklist and Proposed Action comments:

The following is a list of comments related to the SEPA checklist and available project documents.

A. Background

A.12.: Included Preliminary Site Plan does not appear to locate features, such as streams and irrigation ditches accurately. Included map in the July 30, 2020 Western Pacific Engineering and Survey document improperly characterizes Parke Creek's location with respect to the fields and proposed storage ponds. Parke Creek is the water body flowing from the north to south on the eastern-center portion of the site. The irrigation ditch, locally known as Parke Creek Ditch, flows from the east to the west across the site conveying irrigation and stock water to farms and ranches several miles downstream of the site. Please update maps and labeling.

Corrections to the map are included in Attachment 1.

B. Environmental Elements

B.1.: Earth.

c. Included narrative does not mention that the site's predominant soils include: 1) 674 – Durtash gravelly loam, and 2) 618 – Nitzel ashy silt loam, Attachment 2. Roughly 50% of the site is found within 674, which is noted as containing a restrictive feature 10-20 inches below surface to duripan, otherwise known as caliche or hardpan. Caliche is known to be a confining layer of groundwater flow and can cause groundwater to flow laterally. Leaching of nutrients from the surface application of septage could flow along groundwater flow paths into irrigation ditches and surface water bodies. Please clearly define soil profiles.

USDA Web Soil Service references:

- Attachments 2

<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

e. It is locally understood that construction of an access bridge across Parke Creek has already occurred. Please clearly describe recent construction.

B.2.: Air

c. How long will soil be left uncovered/exposed before planting a crop? How will a crop be planted in the event that there are no fall rains for seed germination? Will heavy fall rains cause soil erosion and transportation of septage into surface water bodies? Is there an irrigation plan and/or valid water rights?

B.3.A., B. and C.: Water

A.1.: Parke Creek Ditch flows east to west diagonally across the project site. Parke Creek flows north to south across the project site. KRD North Branch Canal immediately abuts the project site to the south. 3 surface water bodies, total. Please update.

A.4.: The application and checklist state water will be used for dust control. Please describe water sources and legal water rights.

A.5.: The checklist state that the site lies in Zone C of the FEMA FIRM and is defined as "minimal flooding". Being that the site is known to flood, how will flooding affect soil-applied septage and storage ponds?

A.6.: The checklist states "No, waste materials are expected to be discharged to surface waters as a result of this proposal." Conflicting statement, please consider revising. Also please consider the potential for waste materials to be discharged to surface water bodies through groundwater movement, especially if irrigation is anticipated to be applied.

B.1.: The checklist states: "This project does not include the additional withdrawal of water from the ground, or the withdrawal of groundwater." However, Section B.2.C. states that water will be used for dust control and Section A.11. states various crops will be grown. Please state how water will be used for both and from what legal source(s). If crops are grown, how will applied

B.2.: "Other sources" should include field/soil application of septage.

C.1. and 2.: Checklist should also account for frequent thunderstorms in the summer that are known create significant rainfall and flash flooding. Additionally, the area can receive substantial snow fall and then melt suddenly in rain-on-snow events. These local weather conditions can exacerbate erosion, especially in uncovered soils.

Additionally, runoff from the site is likely to flow into Parke Creek Ditch, a private irrigation ditch, and the KRD North Branch Canal, a federal and state facility. Runoff can include, but is not limited to:

- Accidental spills from land application into and in the near vicinity of the Parke Creek Ditch or KRD North Branch Canal.
- Surface water runoff into the irrigation ditch either from irrigation water application or storm events.
- Groundwater infiltration and upwelling into the irrigation ditch.
- Runoff into Parke Creek, a fish bearing stream.
- Surface water transportation down irrigation ditches and canals.
 - Expanded impacts to domestic wells as a result of potential irrigation ditch transportation of septage downstream?

Construction of roads and tillage could cause impacts to the irrigation ditch by transmitting seepage to downstream water right holders, properties and commercial crops.

Plants

4.C.: Parke Creek is a fish bearing stream. ESA listed steelhead use Parke Creek downstream of 1-90.

B.7.: Environmental Health

A.1.: Spill Response Plan was not included in documents provided by Kittitas County. Unable to review or comment on the specific document.

B.8.: Land and Shoreline Use

B. Is the land tillable to the depth required for septage treatment? Since the land has not been farmed in the last 30+ years it is possible that any/all state issued water rights have relinquished per Chapter 90.14 RCW.

B.1. Answer provided is incorrect. The Parke Creek Ditch and KRD North Branch Canal are either within or immediately adjacent to the project. Describe how any runoff or over application of septage will directly impact 1,000's of acres of highly valuable farmland and crops.

B.14.: Transportation

F. Will there be additional trucks/traffic during construction? Will there be more traffic during certain times of the year? Is the estimate provided based on traffic following construction and during the course of normal business? How many trips per week during construction and during normal business?

Response/comment in regards to the "Notice of Application", dated Monday, August 17, 2020.

Brown & Jackson's proposed septage storage ponds and associated land application of biosolids is not a utility and is not permitted in the Agriculture 20 zone. Brown & Jackson is a commercial business that collects "septage" that "they pump from a variety of commercial and residential sources." It does not operate a utility system handling sewage as is the focus of KCC 17.61 identified in the Notice of Application. Brown & Jackson merely pumps on-site septic systems and transports the collected septage to approved treatment facilities, presently the Kittitas County landfill. Brown & Jackson's proposed project itself is not a utility. The evasion of county regulations to allow this private commercial operation and in the rural agricultural zone of the County is harmful and damaging to the primary agricultural use and not allowed.

More specific provisions in the zoning code indicate that Brown & Jackson's proposed commercial septage management facility constitutes wastewater treatment based on its handling, treatment, and application of septage. Wastewater treatment is not an allowed use in the Agriculture 20 zone. The proposed application is not accurately categorized as a utility, and should be denied as a nonauthorized use.

Conclusion.

Furthermore, given the significance of this project to cause potential significant impacts and harm across large swaths of Kittitas County, we recommend Kittitas County consider a SEPA threshold Determination of Significance. Moreover, we encourage the applicant and Kittitas County to consider other, less significant, potential project sites for this nature of project that do not contain free surface water bodies, and/or consider the status quo of using properly permitted existing facilities for the disposal of septage.

We appreciate the opportunity to submit comments on this proposed project.

Respectfully,

David v. Aruced
Sr. Water Rites holder
of Park Creek Water.


