

EX 77

December 21, 2004  
HWA Project No. 2004-043

## 8.0 LIMITATIONS

The conclusions expressed by HWA are based solely on material referenced in this report. Observations were made under the conditions stated. Within the limitations of scope, schedule and budget, HWA attempted to execute these services in accordance with generally accepted professional principles and practices in the area at the time the report was prepared. No warranty, expressed or implied, is made. Experience has shown that subsurface soil and ground water conditions can vary significantly over small distances. HWA's findings and conclusions must not be considered as scientific or engineering certainties, but rather as our professional opinion concerning the significance of the limited data gathered and interpreted during the course of the assessment.

This study and report have been prepared on behalf of R.W. Beck and Kittitas County, for the specific application to the subject property. This report and the findings contained herein shall not, in whole or part, be disseminated or conveyed to any other party without prior written consent of HWA. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report.

My name is Christine McCroskey. I have filed the SEPA appeal and am here this evening to do my best to identify and clarify my findings. I am not an expert in any field.

I have therefore referenced persons or agencies certified, referenced by, or used in this permit by the county. Also included are reports by published and licensed professionals in the specific fields being cited. I have also cited HWA geoscience's studies and findings. They offer very limited published expert studies or papers to validate their findings. The lead agency listed is Kittitas County Community Development Services. HWA is the sole preparer and testing source of all geological, hydrological, environmental, laboratory and field studies presented for this SEPA and conditional use by the lead agency.

See Section 8.0 Limitations Page 31.

The SEPA checklist dated 2004 is specific for a reclassification of an existing CDL to LPL. Within the SEPA document, number 8 states "no environmental information is prepared related to the proposal." The checklist is incomplete and does not pertain to the specific site of this expansion.

The expansion is using the same checklist as the one used for reclassification of an existing site. The conditional use data shows extensive environmental information related to water, soil, gas studies as well as MWF/Balefill studies. A history of the balefill shows it listed as superfund waste site. Monitoring has been in place since the 1999 closure for toxic leaching to ground water flowing to Columbia and Yakima aquifers. Gas monitoring for the site is also in place per agreement with DOE.

The SEPA process is to be used to prevent "The reasonable likelihood of more than a moderate adverse impact on environmental quality. RCW 43.21c.030 states: "prior proposal or action and new must have similar elements that provide basis for comparing environmental consequences". The current SEPA and addendum do not address or list the expansion having site disruption and long term storage of concrete and debris. It is an expansion proposal not a change in classification of an existing landfill. Tests show the existing unmitigated pollution to ground water and wells associated to the landfills. (See multiple documentation cited for complete soil removal at expansion site. See photographs of concrete storage on proposed expansion site.)

Secondarily, the 2004 SEPA Checklist and its addendum is not relevant for 2021 in that the population and habitat awareness have changed in the last 17 years. The lead agency updated the Kittitas County Comprehensive Plan

(2015) stating highest priority is given to rural habitats, recreational promotion, conservation and agriculture. Conservation of forest and range and open space habitat is highest priority in our rural designation. This proposal is in the middle of forest, range, open space, recreational and a few long-time and new residents. New developments have brought larger population directly below where the current landfills are located. As one of the long-time residents, I have read the damages of these landfills, and say "Enough." Forty years of direct contamination and annihilation of the shrub-steppe is enough. At best I'm requesting that the current LPL be cleaned up, monitored accurately, revegetated, and incorporation of the county parcel into the Naneum Ridge to Columbia River Project (See Document). There are available alternatives more environmentally friendly than burying debris. Recycling is available. 40 years should have allowed for consideration of reasonable alternatives to stop the consistent environmental destruction.

The least I am asking in this appeal is a RELEVANT analysis of all or part of the expansion proposal. The DNS is related to a reclassification of an existing site, NOT AN EXPANSION! (RCW43.21c.030) supports this.

The most important aspect of the SEPA process is the consideration of environmental impacts and possible mitigation measures during agency decisions. SEPA substantive authority gives all levels of government the ability to condition or deny a proposal based on environmental impacts (WAC197-11-340(2)(b)). This WAC clarifies or refers to preparation of new threshold determinations or supplemental EIS if there are:

- (1) Substantial changes to the proposal so that the proposal is likely to have significant adverse environmental impacts.
- (2) New information indicating a proposal's PROBABLE or significant environmental impacts (this includes discovery of misrepresentation or lack of material disclosure).

A new determination is NOT required if probable significant adverse environmental impacts are covered by the range of alternatives (none submitted) and impacts are analyzed in the existing environmental documents. (RCW43.21c.030). SEPA provides lead agencies with substantive authority to mitigate adverse impacts to the natural and built environments. Information forming the basis of a threshold determination and associated mitigation measures must be substantive, specific, and sufficient and are required to assure SEPA mandated compliance.

I am specifically asking to address the project area proposed for the expansion. It is within mapped and photographed mule deer and elk wintering areas as part of WDFW priority habitat and species (PHS) database. The SEPA checklist should be revised to include Priority Habitat and Species listed in the email submitted by WDFW. The potential impacts on priority wildlife species and habitat are part of Kittitas County Critical Area Ordinance under KCC Code Title 17A, Fish and Wildlife Habitat Conservation Areas.

I am requesting a Critical Areas Report, specifically, a species and habitat management plan completed by a qualified expert before consideration of this conditional use.

In addition, a site specific Vegetation Management Plan before permitting this proposal. The post closure revegetation plan in the existing conditional use proposal does not include a complete plan for revegetation to habitat shrub-steppe. This is necessary as multiple sources from 1997 to current studies (11/10/1997 Page 2 addressed to Mr. Rohrbaugh) reference the SEPA checklist from AER-EX plan to use on site soil for cover material. The Ryegrass Landfill initially planned to use on-site soil also. They have found that there is not enough soil present to meet the cover requirements since 1997. No financial or specific plan cites how the County intends to procure or fund the existing LPL closure soil requirements. There is no financial or site specific cover material procurement or financial expense line for the closure of the proposed expansion.

New bore samples that are site specific must be drilled on the proposed expansion site. It is documented that top soil has been removed down to the basalt layer. This leaves no filtration mechanisms which would naturally occur allowing for an unlined LPL as proposed. (HWA Page 12 last paragraph 3.4 HWA on site borrow material). "The current site and expanding in the future needs for cover and road material. Site has been scraped to within 6" of bedrock."

The same study prepared by HWA support the use of soil and gravel mix as a cover medium. I can find no study for the use of, or processing of concrete as a cover material. A study is necessary (example submitted) by experts to show substantial impacts to the environment. Stockpiling of concrete debris on the current site should be evaluated for long-term ground water and soil contamination. Per study, concrete crushing also creates airborne silica release. (See document again on concrete impacts).

Site specific new monitoring wells need to be in place within the proposed monitoring plan. HWA, Page 12, 2020 monitoring report shows that B2, B3, B4,

& B5, 2006-2011, the wells were insufficient for representative samples. The same HWA report, Page 14, states, "the power of long-term trend (contamination and exceedance levels) is greater than short-term analysis." Continued on Page 15, the table for long-term trend in all wells have substantive increases in pH. Page 19 lists parameters exceeding state ground water quality criteria. Also, arsenic, nitrates, TDS, iron, chloride, magnesium, and pH are high. (pH of 9.7/9.2 Page 21 & Page 26). LPL site specific well B7 has the same increasing contaminants in both long and short term trending. These are current, monitored, ongoing reports of pollution to ground water in excess of state ground water criteria. No mitigation of these trends are in place. No plans to mitigate are acknowledged currently or within the proposed expansion request.

Monitoring wells need to be patent for sample collection or new monitoring wells need to be drilled before the new expansion proposal. HWA reports submitted in conditional use permit recommended the same. References to "dry wells" are throughout the analytical reports, but no mitigation plans are in place. The monitoring wells failing is not likely to improve spontaneously.

In conclusion, landfills are an environmental nightmare. As lead agency, Kittitas County continues to ignore, circumvent, or condition LPL use, thus allowing increases to environmental hazards at this site. No mitigation or proposed mitigation is included within the proposal. I have witnessed the destruction for 23 years. I am appalled by the lead agency's attitude and continued neglect in face of the degradation of habitat and environment. In fact the County conditions new and toxic waste into the expansion site and ignores the DOE's specific request to mitigate the environmental and financial impacts of cardboard and carpet prior to approval. The lead agency answered with no site specific mitigation or plan as requested. The only reference or consideration of the DOE 's question seems to be at the most recent study session. No deletion of carpet and cardboard is proposed and no quantitative acceptable amount is included. No financial plan or discussion is addressed. Just because the area is sparsely populated should not be guiding the county's choice of location for landfills. Yet this appears to be the answer for most mitigation. Only a few people will suffer the toxicity of the landfills.

Please begin a change. Forty years ago, the county began the pollution with the Balefill. Uncontrolled fires, toxic waste, gas and water contamination were the results of site management. The current LPL:Non permitted crushing and storing of hazardous concrete debris, the non permitted excavation of topsoil and habitat down to bedrock, disruption and ignorance of local species migrations, and the stink of sewage and sludge deposited in the associated

lagoons is an affront to the environment and the residents.

There are better ways to manage waste than burying it for the next generations to come. Stop the madness.