From:	Brandt-Erichsen, Svend
To:	Carole Cenci
Subject:	DNS for Lenz Enterprises, Inc. Composting
Date:	Wednesday, October 20, 2021 10:43:10 AM
Attachments:	image001.png 2021-10-20 Letter Re DNS Comment Period.pdf

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Please see attached request that additional information be made available for review regarding the Lenz composting DNS.

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Refer To File # 502352.0005

VIA EMAIL

October 20, 2021

Ms. Carole Cenci
Senior Engineer
Puget Sound Clean Air Agency
1904 Third Avenue, Suite 105
Seattle, WA 98101

Re: Lenz Enterprises SEPA DNS

Dear Ms. Cenci:

PSCAA recently published a preliminary SEPA determination of non-significance (DNS) on Lenz Enterprises' application to increase the capacity of the Lenz composting facility in Stanwood, Washington. The Agency invited comment on the preliminary DNS, and posted certain documents about the project on the Agency's web page for the application. The Agency's supporting rationale for the DNS appears in the NOC Worksheet that you approved on September 17, 2020.

The Agency posted the NOC Worksheet on the Lenz project web page, but you omitted Appendices A through F of the Worksheet. These appendices provide the evidentiary support for most of the Agency's SEPA determinations. For instance, PSCAA's determination that the proposed project will not generate any additional vehicle trips per day is based on the Lenz NOC application, Appendix A to the worksheet, and a transportation analysis, Appendix E to the worksheet. See NOC Worksheet at 10. The NOC worksheet also indicates that Appendix D (Air Quality Technical Report 2nd Addendum) provides key assumptions regarding the emission calculations that PSCAA has relied upon in the NOC worksheet and in issuing a preliminary DNS. See NOC Worksheet at 28-30. PSCAA's determination that increases in toxic air pollutant emissions will not exceed the ASILs is based on the Agency's modeling files, Appendix F to the worksheet. See NOC Worksheet at 35. The NOC Worksheet also has several documents embedded within it (Agency report on compost VOC emission factors, updated emission calculations for the Lenz application) that have not been posted.

To understand the foundations for the preliminary DNS, so that we can develop informed comments on the DNS, any commenter needs access to the appendices to the NOC Worksheet.

I am writing to request that PSCAA post Appendices A through F of the NOC Worksheet on its project web page, and reopen the comment period on the preliminary DNS. For a complex

project with a 14 day comment period, it is critical that PSCAA provide the evidentiary support for its findings prior to the commencement of the comment period.

Thank you for providing a complete administrative record so that Cedar Grove and other stakeholders can provide informed comments on the preliminary DNS.

Sincerely,

Svend Brandt-Erichsen
Nossaman LLP

SBE:io

From:	Cohen, Matthew
To:	Carole Cenci; Heather Beckford; Jay Blazey (jayb@cgcompost.com)
Subject:	Comment Letter on Lenz SEPA DNS(112770712.2)
Date:	Wednesday, October 27, 2021 2:49:42 PM
Attachments:	Comment Letter on Lenz SEPA DNS(112770712.2).pdf

Attached please find comments from Cedar Grove Composting Inc. on the Preliminary DNS for proposed Order of Approval 11753, addressing Lenz Enterprises' expansion project.

Matthew Cohen | Partner
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Stoel Rives LLP

October 27, 2021

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Ms. Carole Cenci
Senior Engineer
Puget Sound Clean Air Agency
1904 Third Avenue, Suite 105
Seattle, WA 98101

Re: Lenz Enterprises SEPA DNS for Notice of Construction No. 11753

Dear Ms. Cenci:

Lenz Enterprises has applied to permit a 500 percent increase in the permitted capacity of the Lenz composting facility in Stanwood, Washington. On October 12, 2021 PSCAA solicited comment on a preliminary Determination of Non-Significance (DNS) for this project, finding that the proposed expansion will not have a probable significant adverse impact on the environment. I am writing on behalf of Cedar Grove Composting Inc. to comment on the proposed determination.

The DNS is fatally flawed for multiple reasons. First, the environmental checklist and supporting materials that the applicant filed in support of its notice of construction application understate the environmental impacts of the project. The Agency relied on this erroneous information in issuing the DNS. Second, the Agency published its analysis of the environmental impacts of the project in an NOC Worksheet, but failed to publish the appendices to the Worksheet that contain much of the evidentiary support for the Agency's SEPA findings. This omission has prevented interested parties from reviewing the factual foundation for key determinations supporting the DNS.

For reasons documented below PSCAA should withdraw the DNS, publish a determination of significance and initiate scoping on an EIS. In the alternative the Agency must publish the appendices that support its SEPA findings, and reopen the comment period, so that interested parties can provide informed comments.

The Agency's failure to analyze the full environmental impacts of the Lenz expansion would adversely affect Cedar Grove and the citizens of western Washington. The uncontrolled windrows proposed by Lenz in NOC 11753 to perform stage 2 composting will generate higher emissions of VOCs, toxics and GHGs than the ASPs and Gore units installed at Cedar Grove facilities to perform the same functions. By approving less effective control technology as BACT the Agency would discourage investment in state of the art controls, and encourage cities and counties to route solid waste to higher emitting facilities that offer lower tipping fees. A

more accurate disclosure of the emissions from the proposed Lenz expansion would document the differential environmental impacts of building new composting capacity with windrows, as opposed to the more advanced technologies installed at Cedar Grove's facilities.

A. The Environmental Checklist and NOC Application understate the capacity increase that Lenz seeks to permit.

NOC 11753 seeks authorization to increase the capacity of the Stanwood composting facility from 75,000 to 150,000 tons per year. The Environmental Checklist for NOC 11753 states that "Lenz proposes to expand operations from 75,000 tons of organics processed annually to 150,000 tons annually."[1] All of PSCAA's calculations of the environmental impacts of the project assume that the permitted capacity of the Lenz facility today is 75,000 tons per year.[2] That assumption, however, is incorrect. In 2014 the Agency issued an approval order to authorize the "temporary expansion" of the Lenz facility from 30,000 to 75,000 tpy. The 2014 order required that Lenz submit an NOC application for the expansion, and provided that the temporary order would terminate when PSCAA took final action on the application to authorize the expansion.[3] The NOC Worksheet for the 2014 order explained that "there is not sufficient data to conclude probable significant impacts. The intent of the proposed approval is to obtain additional relevant data to support a possible future determination of nonsignificance on a permanent basis in the future."[4]

Lenz did submit NOC 11053 in 2015 to permit a capacity expansion from 30,000 to 75,000 tpy. PSCAA never approved that application.[5] Instead, the Agency allowed Lenz to withdraw NOC 11053 and to substitute the current NOC 11753, in which Lenz proposes a much larger capacity expansion. The "Permit History" section of the current NOC worksheet states that "the NOC application submitted for No. 11053 *will be reviewed and included in this NOC as needed and appropriate.*"[6]

While PSCAA could have incorporated the review of the increase from 30,000 to 75,000 tons per year into the current SEPA threshold determination that is not what the Agency did. Lenz submitted an environmental checklist and NOC application only on the increase from 75,000 to

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[1] Lenz Environmental Checklist at 4 (submitted July 30, 2019).

[2] See, e.g., NOC Worksheet 11753 at 32 (March 15, 2021) (toxic air pollutant increases based on the increase from 75,000 to 150,000 tons per year of feedstock).

[3] Approval Order 10494, Condition 15.

[4] NOC Worksheet 10494 at 8-9 (2014).

[5] NOC Worksheet 11753 at 4 (emphasis added).

[6] NOC Worksheet 11753 at 4.

150,000 tons per year. PSCAA based its SEPA review on this erroneous baseline assumption.[7] PSCAA has never performed an ambient impacts analysis of the increase from 30,000 to 75,000 tons per year, let alone the increase from 30,000 to 150,000 tons per year. All of the environmental impact projections in the NOC worksheet understate the impacts of the project by omitting the effects of the increase from 30,000 to 75,000 tons per year. PSCAA has never granted permanent approval for that increase or completed SEPA review on it. As a result, the calculations supporting the DNS are fatally flawed. PSCAA must withdraw the DNS and ask Lenz to update its NOC application and Environmental Checklist to incorporate the full scope of the 500 percent capacity increase proposed in NOC 11753.

B. The DNS underestimates the VOC emissions increases Lenz seeks to permit.

The Agency's SEPA review of air emissions from the Lenz expansion project relies on Sections E, F, G and H of the NOC Worksheet.[8] Section F of the NOC Worksheet discusses project emissions.

As noted above the Lenz NOC application and SEPA checklist improperly omit from the scope of the proposal the throughput increase from 30,000 to 75,000 tons per year. As a result, SEPA review and the NOC worksheet overlook the emissions and ambient air quality impacts of a 45,000 ton per year addition to the facility.

Setting aside this foundational error, the NOC Worksheet gravely underestimates the emissions increases attributable to the Lenz expansion. The NOC seeks authority to add 75,000 tons per year of processing capacity to the Lenz facility, including new primary ASPs vented to biofilters, replacement of the existing "mass bed" Stage 2 composting units with windrows, and the addition of new windrows to provide Stage 2 processing of the output from the new ASPs. The Agency assumes a control efficiency of 95 percent for VOC emissions from the ASPs and zero percent for the windrows.[9] All of the Stage 2 processing capacity at Stanwood will consist of newly installed uncovered, uncontrolled windrows.

Given the disparity in control efficiency between the Stage 1 ASPs and the Stage 2 windrows it is critical to apply an accurate emission factor for emissions from the windrows. But the NOC worksheet proposes no emission factor for either the ASPs or the windrows. Instead, Lenz proposed, and the Agency accepted, a crude allocation formula, under which 90 percent of uncontrolled emissions from the facility are deemed to occur in Stage 1, and 10 percent in Stage 2.[10] The Agency then applied an aggregate VOC emission factor for Stages 1 and 2 of 5.7

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[7] NOC Worksheet 11753 at 10 ("[T]the proposal would increase the maximum amount of feedstock processed from 75,000 tons per year to 150,000 tons per year.").

[8] NOC Worksheet 11753 at 8.

[9] NOC Worksheet 11753 at 28, 29.

[10] NOC Worksheet 11753 at 28-29.

lbs/ton, borrowed from PSCAA's 2014 composting report.[11] The Agency assigned 90 percent of this factor to the uncontrolled ASPs and 10 percent – 0.57 lbs/ton – to the uncontrolled windrows.[12] The VOC emission calculations in the NOC Worksheet multiply 0.57 lbs/ton by 75,000 tons/year to derive a Stage 2 emissions increase of 21.38 tons per year.[13] Finally, the Agency applied a 95 percent control efficiency to the ASP emissions, yielding Stage 1 project emissions of 10.39 tpy, or 0.28 lb/ton.[14]

This formula is extraordinarily sensitive to the accuracy of the 90/10 allocation between Stage 1 and 2 emissions. PSCAA's support for this key assumption is weak,[15] and recent evidence suggests that the emissions from Stage 2 will be higher than 10% of the total emissions.[16] If the Stage 2 share of uncontrolled VOC emissions increases to 17 percent, the emission rate from the Lenz windrows would be 0.97 lbs/ton, and the stage 2 project emissions increase would be 36.4 tons. If the 0.97 lb/ton stage 2 emission factor is applied to the full project increase from 30,000 tons per year to 150,000 tons per year, NOC 11753 seeks authorization to increase Stage 2 VOC emissions by 58.2 tons per year, not 21.3.

C. The DNS fails to account for the emissions impacts of the feedstocks Lenz accepts.

The emissions calculations supporting the DNS apply a VOC emission factor of 5.7 lbs per ton of throughput. This factor is not based on any site specific information about Lenz emissions.

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[11] NOC Worksheet 11753 at 28.

[12] NOC Worksheet at 29.

[13] NOC Worksheet 11753, Table 7.

[14] NOC Worksheet 11753, Table 7.

[15] PSCAA relies mainly on a San Joaquin Valley Air Pollution Control District 2010 report, "Compost VOC Emission Factors," as the basis for the 90%/10% assumption. NOC Worksheet 11753 at 29. That report cited no data to support the 90/10 split, and the four southern California composting facilities analyzed by the District included no ASPs, processed feedstocks with lower food waste concentrations than Lenz and, unlike Lenz, stored green waste in stockpiles prior to composting it. *Id.* at 6-7.

[16] Two recent source tests performed at California composting facilities similar in design to Lenz (primary stage ASPs vented to a biofilter, secondary stage windrows) showed that the stage 2 windrows emitted 17 percent of the facility's uncontrolled VOC emissions, and higher percentages of toxic air emissions. Air Emissions Compliance Test Report, Newby Island Landfill (May 2020); Air Emissions Compliance Test Report, Waste Management of Alameda County, Altamont Landfill and Resource Recovery Facility (May 2019). A 2006 source test report on the Jepson Prairie Organics Compost Facility in Vacaville, CA reported that 92 percent of the VOCs from a composting process performed in closed bags came from the curing stage of the process. Jepson Prairie Organics Compost Facility, Emissions Evaluation of Complete Compost Cycle VOC and Ammonia Emissions (May 2006).

Instead PSCAA applied generic emission factors from a 2014 PSCAA report. That report provides an uncontrolled VOC emission factor of 5.7 lbs/ton for green waste, and 13.1 lbs/ton for "food waste," defined as feedstock containing a 15 percent or greater concentration of food waste.[17] The proposed approval order attached to the NOC Worksheet limits Lenz to 14 percent food waste.[18] If Lenz were to process just 1 percent more food waste than anticipated, its emissions would *more than double*.

Agencies often need to rely on emission factors to estimate the emissions from a process. The generic factors described above, however, are too crude for use in analyzing the environmental impacts of the Lenz expansion. SEPA requires reasonably accurate estimates of the environmental impacts of a project. It is not permissible to apply a set of factors that attributes a 130 percent increase in the VOC emission rate to a 1 percent increase in the food waste concentration of the feedstock. Such crude assumptions yield unrealistic emission estimates, and encourage facilities to propose operational limits that are just below the food waste threshold, and difficult to monitor.

D. The Agency's calculations underestimate the impact on the public of the toxic air pollutant increases Lenz seeks to permit.

The NOC Worksheet states that PSCAA modeled project emissions of six toxic air pollutants (TAPs) against their respective ASILs.[19] PSCAA modeled one of those TAPs, formaldehyde, at 92 percent of its ASIL. All six of the TAPs that the Agency modeled are VOCs. If the project VOC emissions increase due to either of the factors discussed above, formaldehyde and other TAPS almost certainly will exceed their respective ASILs, and other TAPs that neither PSCAA nor Lenz modeled will exceed their small quantity emission rates and require modeling.[20]

PSCAA declares that the Agency's final modeling files are included in Appendix F of the NOC Worksheet.[21] The Agency did not post those files for review when it noticed the DNS for comment. If the Agency reopens the comment period on the DNS to provide those files for

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[17] *PSCAA Compost Emission Factors – Volatile Organic Compounds* (Sept. 2014) at Table 1.

[18] NOC Worksheet 11753 at 41, 42 (recommended approval conditions 15 and 20).

[19] NOC Worksheet 11753 at 36.

[20] The NOC Worksheet states that the Agency derived TAP emission rates for some VOCs from sampling performed at Lenz in 2013. But the Stage 2 emissions sampled at Lenz were from mass beds, not the windrows that Lenz proposes to replace the mass beds. NOC Worksheet 11753 at 29. For two TAPS the Agency estimated emission rates as a percentage of total VOC emissions. *Id.* For those pollutants, increases in project emissions of VOCs translate directly into TAP emissions increases.

[21] NOC Worksheet 11753 at 35.

review, it may be possible for commenters to discuss the extent to which the Lenz expansion will expose neighbors to TAP concentrations exceeding the ASILs, and for which pollutants.

E. Conclusion

The Environmental Checklist and supporting materials filed by Lenz and the SEPA review performed by the Agency understate the adverse environmental impacts of the proposed Lenz expansion by measuring the effects of the project against a baseline capacity for which Lenz never completed SEPA review or new source approval. The Agency's emissions and ambient impact calculations gravely understate the VOC and toxic air pollutant emissions increases from the project, by employing unrealistic assumptions about the emission rates from the Stage 2 windrows that Lenz proposes to install. The Agency's DNS relies on support documents that the Agency never posted for review and comment. For all of these reasons, the Agency should withdraw the proposed DNS, publish a determination of significance and initiate scoping on an EIS. In the alternative, the Agency should post Appendices A through F of the NOC Worksheet on the Lenz action website, and reopen the comment period.

Thank you for carefully considering the issues raised in these comments.

Respectfully,

Matthew Cohen

Cc: John Dawson
Jay Blazey

From: Betsy Wheelock
To: Carole Cenci
Subject: FW: PSCAA SEPA DNS for Lenz Enterprises, Inc.
Date: Friday, October 15, 2021 9:39:03 AM

From: Peggy Kitting <peggypooh321@yahoo.com>
Sent: Thursday, October 14, 2021 8:58 AM
To: Betsy Wheelock <BetsyW@pscleanair.gov>
Subject: Re: PSCAA SEPA DNS for Lenz Enterprises, Inc.

Am I to understand that the SEPA-- State Environmental Policy Act--- that this checklist has determined to allow LENZ too increase 750,000 more tons of pollution in our community air?

Is this the final decision and can you please tell me what more we can expect after all these months of waiting for a determination? Please answer my two questions. Thank you so much Peggy Kitting

Sent from Yahoo Mail on Android

On Wed, Oct 13, 2021 at 3:41 PM, Betsy Wheelock <BetsyW@pscleanair.gov> wrote:

> PUBLIC NOTICE
>
> PUGET SOUND CLEAN AIR AGENCY
>
> SEPA Determination of Nonsignificance related to
>
> Order of Approval No. 11753
>
> Increase in Composting Capacity
>
> **Lenz Enterprises, Inc.**
>
> **5210 SR 532**
> **Stanwood, WA 98292**
>
> The Puget Sound Clean Air Agency is providing public notice regarding the application by Lenz Enterprises, Inc. (Lenz) to increase the permitted capacity of the commercial composting facility from 75,000 tons per year to 150,000 tons per year.
>
> PRELIMINARY DETERMINATION

On March 22, 2021, the Agency published notice that it has completed a review of application No. 11753 and has made a preliminary determination that the proposal meets all the requirements of Agency Regulations I, II and III, and draft Order No. 11753 should be approved. The Agency accepted comments on the draft Order of Approval from March 23 to April 28, 2021. The Agency also conducted a hearing on the draft Order on April 27, 2021. The Agency is considering all comments that were submitted during the comment period and hearing in its pending final determination regarding the Order of Approval. The comment period on the draft Order of Approval has concluded; the Agency is no longer accepting comments on the draft Order of Approval.

The Agency, as the lead agency for this proposal, has made a preliminary determination that the proposal would not have a probable significant adverse impact on the environment for purposes of SEPA. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist and other information on file at the Agency. This information is available to the public upon request and is available on the Agency website throughout this public comment period. A Determination of Nonsignificance (DNS) for this proposal is issued in accordance with WAC 197-11-340(1), WAC 197-11-970, and Puget Sound Clean Air Agency Regulation I, Sections 2.07 and 2.12.

PUBLIC COMMENT on DNS

The application, Environmental Checklist, and other information considered in making this preliminary DNS determination are available on the Agency's website at https://www.pscleanair.gov/175/Permits-Open-for-Comment. If you need assistance, please contact our office at (206) 343-8800. Written comments with respect to the DNS must be mailed to Carole Cenci, Senior Engineer, at Puget Sound Clean Air Agency, 1904 Third Avenue, Suite 105, Seattle, Washington 98101, faxed to Carole Cenci at (206) 343-7522, or e-mailed to CaroleC@pscleanair.gov within 14 days of the publication date of this notice.

Any comments related to the DNS that were already submitted during the March 23-April 28 comment period on the draft Order of Approval, including the April 27 hearing, will be considered as comments on the DNS. There is no need to re-submit comments that were submitted during the previous comment period. The Agency is accepting comments only on the DNS, not on the draft Order of Approval.

Betsy Wheelock

Puget Sound Clean Air Agency

1904 Third Avenue, Suite 105

Seattle, WA 98101

From: Brandt-Erichsen, Svend
To: Carole Cenci
Subject: Lenz Enterprises Inc. Composting Expansion - Comments on DNS
Date: Wednesday, October 27, 2021 12:34:14 PM
Attachments: image001.png
Comments - Lenz DNS.pdf

Ms. Cenci –

The attached comments are submitted for PSCAA's consideration in response to the agency's recent public notice regarding the DNS for the above-referenced project.

Thank you

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VIA ELECTRONIC MAIL

October 27, 2021

Carole Cenci
Senior Engineer
Puget Sound Clean Air Agency
1904 3rd Avenue, Suite 105
Seattle, Washington 98101
CaroleC@pscleanair.gov

Re: Determination of Nonsignificance for Expansion of Lenz Enterprises Inc. Composting Operation

Dear Ms. Cenci:

Puget Sound Clean Air Agency (PSCAA) has released for public comment its proposed determination that an increase in the incoming feedstock received by the Lenz Enterprises Inc. composting operation would not have a probable significant adverse impact on the environment (determination of nonsignificance, or DNS). For the reasons discussed in this letter and in prior comments provided to PSCAA on May 6, 2020, and April 28, 2021 (incorporated herein by reference), PSCAA should withdraw the DNS and issue a Determination of Significance.

The proposed 150,000 tons a year of feedstock represents a five-fold increase from the processing volume that last underwent SEPA review. This increase will have a significant adverse impact on air quality, water quality, traffic, and other environmental factors, as discussed in both my May 6, 2020 and April 28, 2021 letters. In these comments on the DNS I ask PSCAA to consider additional aspects of some of those impacts.

Traffic Impacts

My May 6, 2020 letter called for a traffic study to assist the significant adverse environmental impacts of increased truck traffic associated with this project. The Lenz SEPA checklist makes the unrealistic claim that the significant increase in feedstock and finished compost will not increase the number of truck trips to and from the facility. Lenz also provided a "traffic analysis" to PSCAA in 2020 consisting of short, incomplete responses to three questions from PSCAA and a single page of calculations, in which Lenz simply divided 150,000 tons by an estimate of the average load size that will be delivered by large (Class 8) trucks.

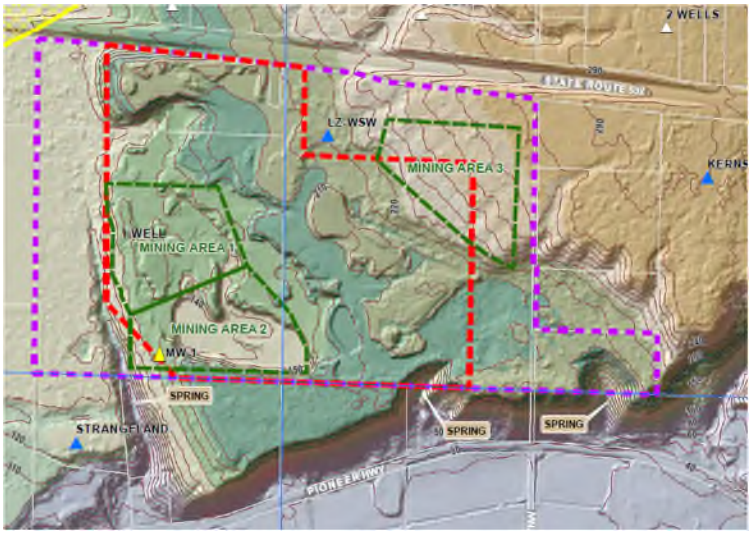
My April 28, 2021 comments pointed out several categories of truck traffic that were not included in that simplistic analysis. The documents supporting the DNS do not address the impacts from those additional truck trips. The April 28, 2021 letter also pointed out that Lenz has been operating at a higher volume than allowed under its temporary authorization to process 75,000 tons a year, exceeding that figure by almost 20 percent in 2019 and 40 percent in 2020.

Not addressed in the prior comments is a question that PSCAA must consider in relation to the DNS: whether Lenz's representations regarding "existing" truck traffic include trips transporting feedstock and processed material that exceeded the volumes currently authorized for this facility. If the "existing" traffic levels are inflated by transporting unauthorized volumes, as appears to be the case, then the claim that the increase in authorized volume will not result in an increase in truck traffic is misleading. As noted in prior comments, the baseline for the SEPA analysis actually should be 30,000 tons a year, the last level of authorized activity that was evaluated under SEPA. However, traffic volumes in the last several years also have exceeded levels that would be representative of the temporarily authorized 75,000 tons per year. SEPA analysis must evaluate traffic and other impacts against a baseline that reflects the permitted processing volumes. PSCAA should re-evaluate its DNS determination against a proper baseline.

Site Characteristics – Environmental Checklist

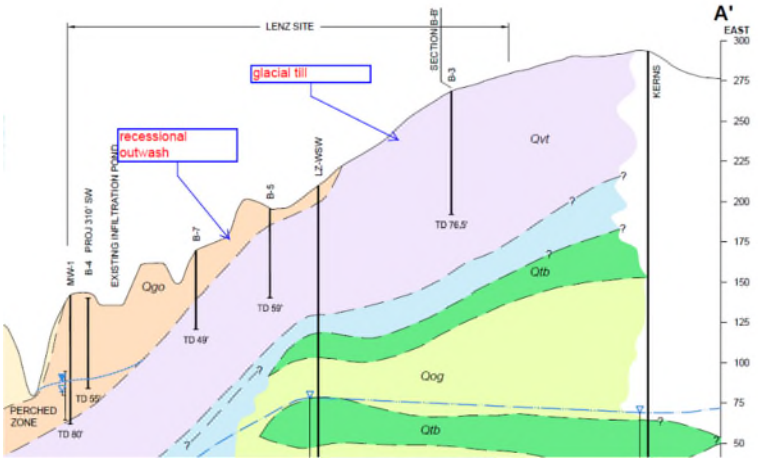
The DNS relies upon the environmental checklist submitted on July 3, 2019. In reviewing the project file for the Lenz permit modification and the associated environmental checklist we note that Lenz did not adequately disclose attributes of the site that relate to the potential for environmental impacts.

Comment 1: In environmental checklist Section A.12, the location of the proposal is not adequately defined. Presumably, the environmental review was conducted for the entire 108-acre permit area shown in purple below. However, it is not clear in the environmental checklist if the entire permit area is being discussed or a portion of the permit area that relates to the compost facility.



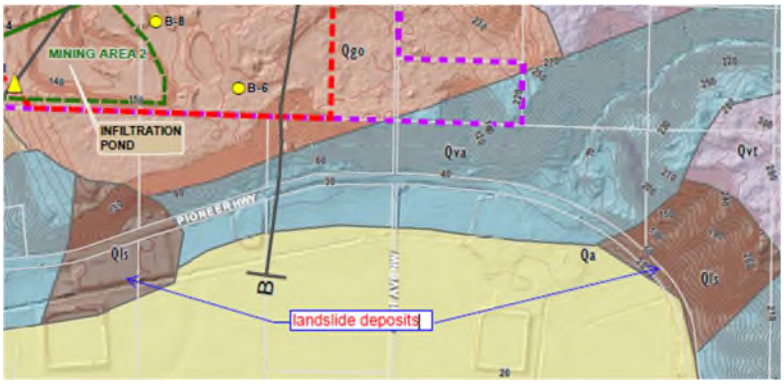
Comment 2: In environmental checklist Section B.1.a. and B.1.b. the site (the permitted area) is listed as being **flat** with steepest slopes being **less than 2 percent** (emphasis added). These statements are incorrect. The site has and will have slopes that are steeper than 2 percent. The property includes and is adjacent to a steep bluff on the north side of the Stillaguamish River valley. The bluff includes slopes that are greater than 45 percent. The site includes some of these steep slopes. There also are steep slopes associated with a ravine and spring fed creek on the southwest corner of the site. Slopes within the permitted area are documented in the September 27, 2017 Revised Hydrogeologic Site Evaluation prepared for Lenz by Associated Earth Scientists, Incorporated (AESI). An excerpt from Figure 8 of the AESI report is shown on the figure above. The permit area is highlighted by a purple dashed line.

Comment 3: In environmental checklist Section B.1.c the underlying soil is listed as being glacial till. This statement doesn't comport with the AESI 2017 hydrogeologic evaluation prepared for Lenz. Figure 3 of the AESI report indicates the presence of permeable recessional outwash deposits and advance outwash deposits at the surface of the site along with glacial till. The environmental checklist suggests that all non-glacial till deposits will be removed, exposing glacial till at the surface. However, removal of all recessional outwash soil is unlikely and impractical given site stratigraphy (see excerpt from Figure 5 of the AESI report). For example, in the southwest corner of the site, recessional outwash overlying glacial till occurs to about Elevation 65 ft, MSL (according to the AESI 2017 report). The minimum mining elevation indicated in the current 2018 Reclamation Plan is Elevation 100 ft. Mining will also not extend deeper than 10 ft above the high groundwater level indicated in the onsite well MW-1. The maximum measured water level during a single year of monitoring at MW-1 is about Elevation 89 ft. Also, in areas where advance outwash is present at the surface (the southeast corner of the site), glacial till is not present.



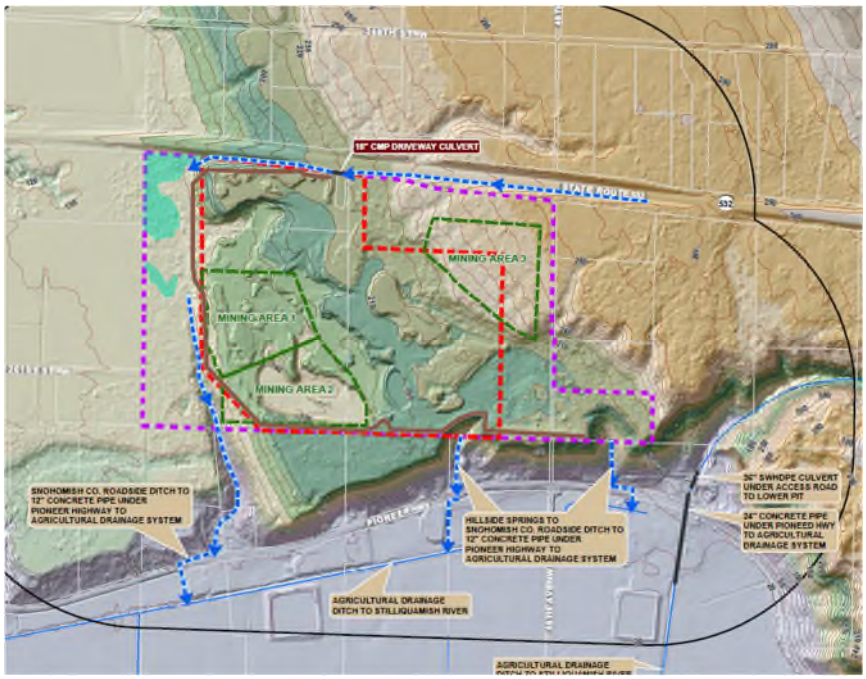
The presence of advanced and recessional outwash as surface deposits at the site is important. These deposits are much more permeable than glacial till and will make it difficult for the site to retain surface water onsite without the water infiltrating and impacting underlying groundwater and discharging to the nearby surface water springs and creek. These potential impacts on groundwater quality – and surface water, in light of the direct pathway to surface water to the south – were not disclosed in the environmental checklist and have not been adequately evaluated by PSCAA in proposing the DNS.

Comment 4. In environmental checklist Section B.1.d. it is indicated that there is not a history of unstable soils in the immediate vicinity of the site. This is incorrect. Landslide deposits (designated as Qls deposits) are mapped on the step slope directly south of the site. This information is availalable in the geologic literature for the area but also in Figure 3 of the 2017 AESI hydrogeologic report prepared by Lenz. An annotated excerpt from Figure 3 is shown on the adjacent figure. The presence of unstable slopes is a cause for concern for the following reasons:



- Slopes with a history of instability are more likely to slide in the future
- The site has an infiltration pond that loads the underlying perched aquifer causing high pore water pressures. Water levels in well MW-1 located near infiltration pond fluctuate over 20 ft annually (see 2017 AESI report Figure 7).
- As mentioned in the 2017 AESI "*two concentrated springs have been identified near the southern boundary of the project site…. (and) there are numerous diffuse seeps and wet areas along the slope*". The presence of seepage and springs on a steep slope is a significant risk factor for slope instability.

Comment 5. In environmental checklist Section B.3.a.1. it is indicated that there are no surface water bodies in the immediate vicinity of the site. In fact, as documented in the 2017 AESI hydrogeology report, there is a stream that traverses the west portion of the site and a wetland in the northwest corner of the site. There are also multiple springs (see Comment 3) and the ditch at the base of the steep slope discharges to the Stillaguamish River. An excerpt from the AESI 2017 report Figure 9 summarizes surface water features in the adjacent figure. Site work is planned within 200 ft of some of these surface water bodies contrary to the statement in environmental checklist Section B.3.a.2.



Comment 6. In environmental checklist Section B.3.c.1. it is indicated that all stormwater will be collected and reused on site. However, much of the stormwater at the site is directed to a stormwater infiltration pond. This infiltration pond is renamed as a retention pond in the Lenz 2019 Solid Waste Permit Modification and Notice of Construction Modification Engineering Report. However, we did not see an indication that this pond will be lined.

Comment 7. In environmental checklist Section B.3.c.2. it is indicated that waste material could not enter the ground. However, the onsite infiltration pond readily discharges to the underlying perched aquifer which in turn discharges to the onsite stream. It appears from aerial photographs that this pond has high levels of nutrients as it is covered at times with green algal scum, like the onsite leachate pond. Consequently, the existing site stormwater pond is a potential or likely pathway for waste material to be discharged to ground. A green film over stormwater ponds is shown on the Google Earth photographs below for various dates. To ensure that waste material is not getting into groundwater and then into the nearby springs and streams, the nearby streams and springs should be sampled for nutrients and indicator parameters to ensure that state Surface Water Quality Standards are not being violated by the project.

June 2, 2011

July 2014

July 2018

Comment 8. Environmental checklist section B.3.d claims that all surface water will be contained, controlled, treated and reused. The above aerial photos show how much the footprint of the composting operation has increased since 2011, before the increase in processing volume that is the subject of this action. The photos show that the facility already is storing compost, in various stages of processing, outside the area of stormwater control.

PSCAA is the lead agency for SEPA analysis of this proposed expansion. As lead agency, it must consider the impact that this facility is having, and an expanded facility will have, on groundwater and surface water. When those impacts are taken into account, PSCAA has no choice but to withdraw the DNS and issue a determination that the proposed expansion would have unmitigated significant adverse environmental impacts.

Conclusion

After considering the additional information set forth above, as well as the information provided in prior comments dated May 6, 2020, and April 28, 2021, PSCAA must withdraw the DNS, issue a DS, and require the development of an Environmental Impact Statement for the proposed composting expansion.

Sincerely,

Svend Brandt-Erichsen
Nossaman LLP

SBE:io

From: Ray Sheldon
To: Carole Cenci
Subject: Lenz increase tonnage
Date: Monday, October 25, 2021 11:47:07 PM

Carole
I worry about significant environmental impacts to air and water quality when facilities exceed their permit limits and it's unacceptable for violators to be ignored
It seems like Lenz has exceeded the permit limit in the last 2 years since started!
Has their Health issues been any violations to Lenz? Why not posted
Lenz has a permit for 75,000 tons, it seems the addition doesn't add up! City of Seattle and transfer station Eastmont have walking floor trailers haul to Lenz site! Those numbers add up to total 100,000 at this time! I understand that Waste Management route trucks bring those loads almost 3,500 tons.
I believed that 5,000 tons of waste which is animals left overs!
Who audit Lenz records, County or Health Department? Then who does?
Too approve the 150,000 tons per, doesn't make any sense! I tried to contact Stanwood they pushed into the Snohomish County! Of course, County pushed me onto Puget Sound Clean Air! Told me I had a few days to input on your next decision.
Couple months ago I read some information about someone in your staff!
Staff member had wrote the statement that land may used to be lived on by tribal people years ago in the past!
I'm upset with the idea that my ancestors could have lived in the area! Puget Sound Air doesn't worry of any site water run off! My flow to the Salish Sea!
I thought we learned the mistakes on Cedar Grove the wind blowing to sunnyside hills!
My daughter had to moved to get clean air in Granite Falls!
Adding the limit to 150,000 could be dangerous and there's taking that tonnage back!
Seems to me that big Corporate Companies are looking for cheaper rates, moving around Snohomish County to add more big mounds on companies property! If the tonnage comes from Seattle, if there isn't smell problem! They find a site in King County!!
They never give us the numbers for outbound of finished product! There are 2 sites in Snohomish County that the big corporate companies used for piles and find others.
Outside of Snohomish City and then Everett on Smith Island!
PS Clean Air problem! I hope they make a great decision for us! After this's land is filled, where next!
Maybe the future, Salish Sea Clean Air? Can tell I'm a tribal member!
County Planning Commissioner
Tribal Planning Commissioner
Ray Sheldon Jr
Tulalip, Washington

Thank you, for reading my concerns!