

Via E-mail and US Mail

September 27, 2012

Svend Brandt-Erichsen  
Marten Law Group PLLC  
1191 Second Ave, Ste 2200  
Seattle, WA 98101

Jerry Bartlett  
Cedar Grove Composting, Inc.  
7343 E Marginal Wy S  
Seattle, WA 98108

Re: Cedar Grove - Maple Valley;  
January 25, 2012 Settlement Agreement

Dear Mr. Brandt-Erichsen and Mr. Bartlett:

**EXECUTIVE DIRECTOR**

Craig T. Kenworthy

**BOARD OF DIRECTORS**

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Stephanie Wright,  
Councilwoman

**TACOMA**

Jake Fey, Councilman

Thank you for your letter of August 14, 2012 regarding Cedar Grove's biofilter monitoring plan required by paragraph 11 of the January 25, 2012 Settlement Agreement.

Background. As you describe, within a few weeks of signing the Settlement Agreement with the Agency which contained a specific, agreed-upon design for biofilter monitoring at two of the biofilters located at the Maple Valley facility, Cedar Grove began re-designing the biofilter monitoring systems. Then on April 24, 2012, Cedar Grove asked the Agency for an extension of 30 days to install the newly designed systems. On May 29, 2012, the Agency accepted the re-design, but noted its concern regarding data capture related to the new design and noted that to address adequate data capture, compliance with Agency Regulation I, sections 12.03(b) and (f)(5) should be made express in the Settlement Agreement.

Two and ½ months later, Cedar Grove responded that it cannot meet Agency Regulation I, sections 12.03(b) and (f)(5) regarding data capture and describes the new bio-filter design as "experimental." *See* Aug. 14, 2012 letter at 2. Cedar Grove states that it is "willing to identify data capture reliability as a goal" and suggests developing a quality assurance plan to be provided to the Agency. *Id.* at 3.

Agency Response to August 14, 2012 proposal. At this point in time, the Agency cannot accept, on its face, Cedar Grove's latest proposal regarding data capture. While the Agency has agreed to a re-design of the biofilter monitoring system, *see* Agency letter of May 29, 2012, it is imperative that Cedar Grove promptly moves ahead with operation of the systems and capturing and reporting data so the requirement to provide 360 days of data per paragraph 12 of the Agreement can be met. Moreover, contrary to Cedar Grove's description, measuring and recording gas flow rate, temperature and

pressure data on a continuous basis is not experimental and has been done routinely for decades. Composting operations are no exception to this experience which exists in a wide range of process operations.

The Agency also does not agree that "data capture reliability," is an appropriate goal for the monitoring effort under the Settlement Agreement. *See* Aug. 12, 2012 letter at 3. The Agency, however, will accept Cedar Grove's offered data analysis, *id.* at 3, as an acceptable condition for the monitoring. Specifically, the Agency accepts Cedar Grove's statement that it will include in each quarterly report: an identification of any day that is below 90% data capture; an explanation for the loss of that data; and a description of the corrective action taken. *Id.* at 3. Additionally, Cedar Grove will do the same (identify; explain; perform corrective action) for each quarter that is below 95% data capture. *Id.* at 3.

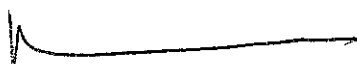
At the end of the monitoring period and for the subsequent NOC application described in paragraph 12 of the Settlement Agreement, the Agency will consider both the data capture experience for the monitoring data collected and the responses to data loss as factors in reviewing the NOC application.

Consistent with the above, the biofilter monitoring systems must be fully operational and adequately capturing data by December 3, 2012 and continue for one year. If both do not occur by that date, the Agency will conclude that paragraph 11 has not been met by Cedar Grove and will consider Condition 8 of Order of Approval No. 10456 no longer stayed pursuant to paragraph 13 of the Agreement. The Agency will then begin to take action to enforce Condition 8.

Finally, while your August 14, 2012 letter suggests the possibility of a meeting to discuss this topic, the Agency does not believe a meeting at this time is needed. The next steps for Cedar Grove to proceed consistent with this letter are clear and it is imperative for Cedar Grove to begin monitoring its biofilters and obtaining adequate data in compliance with the Agreement with the Agency, rather than conduct an additional meeting on this topic.

Thank you and please let me know if you have any questions.

Sincerely,

  
Jennifer A. Dold  
Attorney

JAD:emm

cc: Laurie Halvorson, Director – Compliance and Legal  
Steve Van Slyke, Manager - Compliance