

April 2, 2009

FEIS Appeal from:
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To:
San Juan County Council,
San Juan County Administrator Pete Rose,
Ron Henrickson, Director of the Community Development and Planning Department

Standing to Appeal: Our property borders the Beaverton Valley site on the east side. Our well, and our community well serving eight families, draw from the same aquifer. We are also under the landing pattern of the Friday Harbor Airport and will be directly affected by aircraft safety issues. Insuring that the FEIS adequately address matters of public health, safety, and environmental damage and degradation as required by the applicable regulations will affect us greatly.

The matter being appealed is the adequacy and compliance of the Final EIS of March, 2009 with controlling regulations and codes.

The grounds for the appeal are that the document in question does not meet requirements of the several applicable Washington Amended Code sections and other state and county rules because of multiple errors and omissions. The FEIS does not contain the proper information on the various alternatives for the elected decision makers to determine which will be least harmful to the environment. Entire categories of examination, emphasized by public comment during the SEPA process, are absent or in error. In multiple vital areas concerning the protection of environmental values, the data presented by this EIS is in error or incomplete.

This appeal will be based on an examination of the factual data, as they actually exist on the alternative sites in question. Its method will be to identify and compare the physical features, i.e. wetlands, wells, aquifers, and landfills, to their description or lack of description in the EIS, to identify areas that require addition or correction.

This FEIS is being appealed for demonstrable failures to comply with WAC 197-11-440, EIS Contents, the San Juan County Scope Determination document of November 5, 2007, and multiple federal, state, and county rules, regulations, proscribed procedures, and environmental protections.

WAC 197-11-440 requires that the FEIS "Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives..." This has

not been adequately done in areas of groundwater, stormwater management, aquifers, wetlands, well data and water usage, and topography, among others. Some of the most basic data upon which the entire evaluation and decision-making process depend are either missing or incorrect.

The relief sought will be the correction of errors and omissions not consistent with several codes to provide the San Juan County Council with accurate and complete information upon which to base their pending decision where to locate a trash transfer station. The extent of the relief will be those corrections and additions that will bring this document into compliance before the legislative body makes a decision.

I have read this appeal, believe the contents to be true, and attest to that with my signature.

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AIR

The DEIS and now the FEIS do not examine compliance with FAA rules governing waste handling facilities under AC 150/5200-33B.

Although the FEIS acknowledges that there are federal regulations that must be complied with, it does not identify the specific document, nor identify the required manner of operation necessary to construct a transfer station within 10,000 feet of the Friday Harbor Airport. The Beaverton Valley site is about 6,000 from the runway and is directly under the landing pattern. In the planning stage, there appear to be numerous violations of the FAA regs that require further examination and correction.

The manner in which the county plans to operate the facility, receiving garbage with opens doors, is deemed in section 2.2d , defining enclosed trash transfer stations, as “incompatible with safe airport operations.”

The construction and demolition debris operation planned for the Beaverton Valley site does not comply with section 2.2 h, which says “Therefore, a C&D facility co-located with another waste disposal operation should be located outside of separations”...(10,000 feet.

Without specifically identifying the restrictions imposed by the FAA regulations, it is impossible for the county council to make an informed decision on the differences between sites. Section 4-1 a. states, “The FAA discourages the development of waste disposal and other facilitieswithin the 10,000 foot criteria” and may determine that such a facility is “a hazard to aviation.”

WATER

In places, this FEIS's failures are linked. The FAA regulations require washing of vehicles and storage trailers to prevent attracting birds. This industrial use of water supplied by a well on the BV site was not studied. Comparisons with other sites were not accomplished, as required by scoping document. Nearly all groundwater data supplied in the EIS is incomplete or inaccurate. There are no hydrogeologic studies. The well data used is out of date or missing. The well on the Beaverton Valley site to be used for this industrial activity is not identified or quantified, nor is the neighboring well also used for commercial and industrial purposes. Specific information on surface and ground water conditions and movement are not included. Plans as submitted violate San Juan County health code.

The FEIS describes mitigation measures for surface and groundwater problems, but nowhere describes what impact development will have that requires mitigation. The BV site drains both into the Friday Harbor and False Bay watersheds, the second and third most threatened watersheds on the island. This is not adequately discussed for comparison to other sites. The BV site is surrounded on four sides by a series of interlinked wetlands, well sites, and replenishment ponds that constitute the threatened water supply for residents of San Juan and Beaverton Valley. The SEPA and WAC regulations require that the data to compare the ecological risks to our aquifers be included in the FEIS. Other alternatives served by town water are not threatened by transfer station location.

This FEIS fails to identify, let alone discuss, wetlands and wells immediately adjacent to the Beaverton site that will be affected by development. Major areas of water usage, groundwater replenishment, and protection from pollution are absent from the EIS. Both state and county code, and the scoping document, require more detailed data for an informed decision.

GROUND

The EIS contains major errors and omissions in the most basic descriptions of physical features essential to understanding the ecological protection of the various alternatives.

In the Beaverton Valley site data, a large and contiguous wetlands into which about half the county property's stormwater drains is omitted. That wetland's function for aquifer recharge is unexamined. The relationship of that omitted wetlands to other wetlands and drainage features, both onsite and as a portion of a flow system to an adjacent Class I wetlands, are unexamined.

Surface water flows and drains from the BV site in at least five locations, making it the most complicated of all sites under consideration. The FEIS fails to provide the information to compare the stormwater and drainage differences between sites.

At one corner of the BV site there is a large undescribed landfill. County plans in the FEIS portray extensive development on and near the landfill where debris and discarded vehicles can be observed at the base. Neighbors and previous county enforcement actions indicate it was once used as a dump, partially filling a canyon.

A portion of this landfill forms one containment wall of a pond the county plans to use for stormwater control. All of this is perched directly above a Class I wetlands. The adequacy and compliance with pertinent regulations for development atop and near this unregulated and undescribed landfill is not discussed in the FEIS. Issues of public health and safety cannot be properly discussed without supplying the most basic and required accurate data.

Next to the landfill is a section of bedrock that is steeper than any comparable site in the alternatives under consideration. Plans in the FEIS show building construction and roadways here.

Failure to consider this specific area, among several others, has led to fundamental inaccuracies in the Supplemental Alternatives Analysis, upon which the county council will partially base their decision. It is a prime example of the effect of preventable errors and omissions cascading into more serious errors and perhaps eventually, to an incorrect and indefensible decision. There have been continuing attempts by members of the public to correct these errors, so far denied. This appeal is one of the final places to make those corrections.

Examination by the appeals process will determine that this FEIS is not protective of the environment, that alternatives are not described in an environmentally neutral manner, that the public and the county council has not been informed in a credible, objective, clear, and concise manner about the extent and complexity of both impacts and mitigations. This FEIS fails to meet these and other requirements. While not a direct concern of the EIS, all cost estimates, important to the decision makers, are false and incomplete until the underlying data supplied by the document are corrected.

The alternatives for the transfer station location siting were not properly evaluated. The most vital components for the council to perform accurate and complete cost/benefit and risk/benefit analyses are absent or incorrect.

That is why my neighbors and I are standing to appeal.

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