

Friends of Toppenish Creek



August 5, 2023

Dear Sunnyside Hearing Examiner,

The Friends of Toppenish Creek (FOTC) respectfully submit the following interrogatory and request for documents prior to our August 23, 2023 appeal of the City of Sunnyside's approval of a proposed Sunnyside Renewable Natural Gas (SS RNG) project - SEPA 2023-0200.

First, a housekeeping measure:

The Mitigated Determination of Non-Significance title says:

Mitigated Determination of Non-significance
RCW 197-11-350

We believe it should read

Mitigated Determination of Non-significance
WAC 197-11-350

SS RNG Interrogatory for The City of Sunnyside Community and Economic Development Department:

1. Is the SS RNG a public or private project as defined in WAC 197-11-928?
2. Is the SS RNG a major action as defined in WAC 197-11-764? Why or why not?
3. Please name all Agencies with Jurisdiction for this project as cited in SSC 18.04.050 F and WAC 197-11-714
4. Please name all Agencies with Environmental Expertise for this project as cited in WAC 197-11-714
5. Which SEPA Agencies with Jurisdiction and/or Environmental Expertise received the Notification of Environmental Review?
6. Please list all others who received the Notification of Environmental Review.
7. Please list all methods of public notification.
8. Is the City of Sunnyside an "Agency with Jurisdiction" as defined in WAC 197-11-714?

9. Is the City of Sunnyside Planning Department an “Agency with Environmental Expertise” as defined in WAC 197-11-714
10. Did the City of Sunnyside elect to be both the Lead Agency and the Agency with Jurisdiction for the SS RNG project under SSC 18.04.050?
11. Please list all alternatives to the SS RNG project as required under WAC 197-11-060.
12. The Notice of Environmental Review says,
The following local, state, and federal permits/approvals may or will be needed for this project: Building Permit, potentially other permits suggested by DST.
What does DST stand for?
13. Did SS RNG receive an “Early Notice” as defined in SSC 18.04.030, and did SS RNG amend their SEPA document by adding mitigation measures? See also SSC 18.04.120.
14. Did the Sunnyside SEPA officer invoke SSC 18.04.120.E.1 or SSC 18.04.120.E.2 when deciding to issue a Mitigated Determination of Non-Significance (MDNS)?
15. SSC 18.04.040 B references WAC 173-806-020. We do not find WAC 173-806-020 in the Washington Code. Can you clarify?
16. Will the SS RNG project require a conditional use permit (CUP)? If so, what agency will issue a CUP?
17. When was this Port of Sunnyside site changed from light industrial to heavy industrial?

Documents: FOTC respectfully asks the City of Sunnyside Department of Community and Economic Development to provide the following documents related to the proposed Sunnyside RNG project, SEPA 2023-0200

1. Copies of all the environmental documents and submitted documents that the City of Sunnyside used in making the determination of mitigated non-significance (MDNS). The City of Sunnyside stated in the SS RNG MDNS on page 3:

The Lead Agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c), provided the measures listed below are taken to mitigate potential adverse impacts. This decision was made after careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation and a traffic study) is available to the public upon request and can be examined at our office during

regular business hours. Environmental documents include: SEPA checklist, this preliminary threshold determination, and submitted materials. Emphasis added.

2. The traffic study/report cited above, along with WSDOT review(s). The MDNS states on page 2:

A traffic report is on file with the City of Sunnyside and has been reviewed by WSDOT.

3. Geotechnical Report and Phase 1 ESA for the SS RNG project. See Environmental Checklist A.8. and B.7.a.1.
4. Yakima County Clean Air Permit application(s). See Environmental Checklist B.2.a.
5. Yakima Regional Clean Air Agency (YRCAA) Notice of Construction (NOC) air permit(s). See Environmental Checklist A.10.
6. Yakima Health District Health consultations, permit requests, and requests for permit exemption. See Environmental Checklist A.10 and B.7.a.4.

WA Ecology stated in that agency's comments on page 2 of the MDNS:

Solid Waste Management - This project involves a solid waste handling facility that is regulated under WAC 173-350. Please contact your local County Health Department to find out what requirements pertain to the project, and whether a solid waste permit is required. If you believe your facility meets the criteria for permit exemption from WAC 173-350, please fill out a notice of intent form and submit it to Ecology.

Staff response was:

The proposed development shall work with the Washington State Department of Ecology and acquire all necessary permits for development prior to the issuance of an City of Sunnyside development permits being issued.

7. Project descriptions for the proposed SS RNG facility that include:
 - Technical description of the proposed liner for the proposed digestate lagoon
 - Technical description of the proposed cover for the proposed digestate lagoon
 - Volume for the digestate storage lagoon.
 - Technical description of the membranous roofs for the anaerobic tanks
 - Volumes for each storage and treatment tank.
 - Estimated maximum amount of methane to be stored onsite at any given time.
 - Detailed description of storage area for solid digestate.
 - Estimate of times that the feedstocks will be subject to mesophilic and thermophilic temperatures during treatment.

- Detailed plans to measure and manage ammonia, hydrogen sulfide, volatile organic compounds, carbon dioxide, and any other air emissions that are generated during methane production. The December 2022 SEPA Checklist in the Notice of Environmental Review states on page 4, Section B.2.a:
... emissions quantities are being refined currently as part of the Clean Air Permit Application with Yakima County.
 - Safety and evacuation plan to address potential fires and explosions at the proposed SS RNG facility.
 - Description of air monitors on site including placement, air pollutant to be measured, and reporting protocols.
8. Detailed plans to develop additional access to the industrial park from Alexander road to the north. See Environmental Checklist B.14.a.
 9. Listing of and/or well logs for all wells on the proposed SS RNG property.
 10. Copies of all filed permits. The MDNS states on page 2:
The applicant has indicated they are willing to cooperate with the City's conditions for development, and have filed all of the required permits.

The SEPA Checklist that was completed in December 2022, states on page 2:

List any government approvals or permits that will be needed for your proposal, if known.

Response:

- *City of Sunnyside grading permit*
 - *Yakima Regional Clean Air Agency (YRCAA) Notice of Construction (NOC) air permit*
 - *Commercial Building Permit*
 - *Mechanical Permits*
 - *Electrical Permit*
 - *Plumbing Permit*
 - *Fire Safety Permit*
 - *Erosion/ Dust Control (from Yakima Regional Clean Air Authority)*
 - *Health Department consultation*
11. All complete comment letters submitted regarding the SS RNG project- SEPA 2022-0046 & SEPA 2023-0200.

Thank you for providing this important information.

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style with a large, stylized "J" and "M".

Jean Mendoza
Executive Director, Friends of Toppenish Creek

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