



Comments re Addendum to Sunnyside Renewable Natural Gas (SS RNG) SEPA document

Friends of Toppenish Creek is a 501 C (3) non profit group incorporated under the laws of Washington State and located in Yakima County. FOTC submits the following comments regarding an addendum submittal to a June 2023 SEPA review and mitigated determination of non-significance (MDNS) for a proposed Renewable Natural Gas (RNG) bio-digester at the Port of Sunnyside. The City of Sunnyside Notice of SEPA Addendum asked commenters to reference SEPA 2022.0200. We are not sure whether this is correct, or whether SEPA 2022.0200 exists.¹ The correct file number may be SEPA 2023.0200.

It is difficult to comment intelligently on this addendum submittal because the notice omits so much content. For example, the addendum includes a February 2023 New Source Review (NSR) application from Sunnyside RNG to the Yakima Regional Clean Air Agency (YRCAA) but omits the response from the YRCAA that rejected the application and requested more information.

FOTC believes that an MDNS should not have been issued until the City of Sunnyside and the public had the opportunity to review information on air emissions and traffic impacts. The MDNS was issued on June 22, 2023, but a Traffic Impact Analysis (TIA), that is part of the November 23, 2023 addendum letter, is dated July 10, 2023.

The Yakima Regional Clean Air Agency, as the agency with expertise on air, failed to comment on the May 2023 SEPA Review, as required by RCW 43.21C and WAC 197-11, and especially WAC 197-11-030, WAC 197-11-060(4), and WAC 197-11-502(2).

The City of Sunnyside did not have sufficient information to conclude no environmental impacts, and the public did not have sufficient information to comment intelligently on the May 2023 Environmental Review. The resulting MDNS is invalid due to withheld and/or insufficient information. See WAC 197-11-335, WAC 197-11-340(3), WAC 197-11-080.

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¹ FOTC does not find SEPA 2022.0200 in Ecology's State Environmental Policy Act (SEPA) Register at <https://apps.ecology.wa.gov/separ/Main/SEPA/Search.aspx?SearchText=City%20of%20Sunnyside&SearchFields=All&County=YAKIMA&PageSize=10&SortColumn=LeadAgencyAscending&Page=17>

According to a presentation by Pacific AG to the Port of Sunnyside² on September 6, 2022, the Sunnyside RNG facility could be “one of the largest ag waste anaerobic digesters in the nation.”³

Realistically, how can “one of the largest waste anaerobic digesters in the nation” not have an impact on the environment?

The SS RNG project would:

- Produce between 800,000 & 950,000 MMBTUs of Renewable Natural Gas a year
- Produce and store methane, a flammable and explosive gas, in tanks with membrane covers
- Transfer the natural gas to a major pipeline
- Move 140 truckloads of manure every day from dairies to the digester
- Store digestate in stacks at the digester site and on farms
- Store liquid effluent from the digester in lagoons
- Spread digestate onto crop fields. There is insufficient information to determine the composition of the digestate and potential impacts on soil health and greenhouse gas emissions.

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Manure bio-digesters are known to experience spills and explosions.⁴ These adverse impacts are not expected to occur, but when they do occur the impacts are grave. Washington law accounts for this in WAC 197-11-794 (2).

FOTC has requested more information regarding fires and spills from Pacific AG, Sunnyside RNG, and Yakima County Emergency Services. The City of Sunnyside should not take further action on the SS RNG MDNS until this information arrives, and answers satisfy potentially impacted people.

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FOTC believes the City of Sunnyside violated many sections of Washington SEPA law when the city issued the June 22, 2023 MDNS. These alleged violations are listed below. FOTC believes that the MDNS should be rescinded pursuant to WAC 197-11-340(3), a determination of non-significance (DNS) should be issued, and an Environmental Impact Statement (EIS) completed. Conducting a thorough EIS is the only way to adequately determine the environmental consequences of constructing such a large digester.

² See Attachment 1

³ Harrison Pettit from Pacific Ag said this was not true at a public meeting in Sunnyside on November 30, 2023.

⁴ See Attachment 2

WAC 197-11-030

Policy.

(1) *The policies and goals set forth in SEPA are supplementary to existing agency authority.*

(2) *Agencies shall to the fullest extent possible:*

(a) *Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.*

(b) *Find ways to make the SEPA process more useful to decision makers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives.*

(c) *Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.*

(d) *Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.*

(e) *Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.*

(f) *Encourage public involvement in decisions that significantly affect environmental quality.*

(g) *Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.*

The City of Sunnyside did not, to the fullest extent possible, *Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.* Sunnyside did not compel the Yakima Regional Clean Air Agency to provide comments on air impacts from:

- Potential leaks at the digester site
- Transport of manure and digestate
- Leaks in pipes that transport natural gas
- 140 round trip truck trips per day
- Storage of manure and digestate in stacks and lagoons
- Spreading and spraying digestate on crop fields

The City of Sunnyside did not *promote certainty regarding the requirements of the act.* Sunnyside sent conflicting messages to the public by telling the public that an appeal was authorized, improperly stating the appeal would be a closed appeal, scheduling an appeal, and then canceling the appeal. Sunnyside did not respond to reasonable questions regarding the proposed RNG project.⁵

⁵ See Attachment 3 FOTC Request for the City of Sunnyside to reconsider an MDNS for the Sunnyside RNG project. The City did not answer our questions.

The City of Sunnyside did not *emphasize important environmental impacts and alternatives*. Sunnyside did not explore or list alternatives to the project or citing of the project. Sunnyside did not describe potential air impacts or potential impacts to ground and/or surface waters at the Port of Sunnyside where monitoring wells have high levels of nitrate⁶ and the Sulphur Creek Wasteway traverses the area. The City of Sunnyside did not address the potential for fires and explosions.

There were no analyses to prove statements by the project proponent, Pacific Ag/Sunnyside RNG, that the project would generate millions in tax dollars. There was no analysis of costs to tax payers in the form of subsidies, wear and tear on roadways, and decreased property values.

The City of Sunnyside did not *integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively*. Instead Sunnyside issued an MDNS and then told FOTC that we could not appeal the MDNS until a later time after Pacific Ag applied for a permit.

The City of Sunnyside did not *encourage public involvement*. Instead, the city made it difficult for the public to be involved by not posting notices in newspapers, by not translating notices into Spanish, by only notifying about 20 neighbors of the SEPA review, by posting signs in a corn field, by not providing informational paperwork, by refusing to answer questions about the project, and by failure to attend a public meeting regarding the digester on November 30, 2023.

The City of Sunnyside did not *identify reasonable alternatives*, such as on-farm digesters, a more remote location, limitations on hours for manure transport, different methods of manure management and disposal, or the “no-action” alternative.

WAC 197-11-055

Timing of the SEPA Process

(b) Agencies shall identify the times at which the environmental review shall be conducted either in their procedures or on a case-by-case basis. Agencies may also organize environmental review in phases, as specified in WAC 197-11-060(5).

⁶ See Monitoring Wells LYV-PS-031, LYV-PS-032, and LYV-PS-033 on Ecology’s Environmental Information Monitoring Data Base at <https://apps.ecology.wa.gov/eim/search/Groundwater/GWSearchResults.aspx?ResultType=GroundwaterWellTab&StudyUserIds=MRED&StudyUserIdSearchType=Contains&LocationCounties=Yakima&HasGroundwaterData=True>

The City of Sunnyside did not state that the environmental review for the Sunnyside RNG project would be organized in phases.

(c) Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action (WAC [197-11-070](#)).

The Port of Sunnyside committed to the Sunnyside RNG project by proposing the sale of property to Pacific AG in November 2022.⁷ The City of Sunnyside issued a determination of non-significance for that sale on December 6, 2022.⁸ Sale of real estate for a designated purpose is a commitment to a course of action.

Notice of the sale was not properly advertised. Public comments regarding the sale have not been posted. The City of Sunnyside approved an MDNS for the Sunnyside RNG project on June 22, 2023, six months after sale approval.

(4) Applicant review at conceptual stage. In general, agencies should adopt procedures for environmental review and for preparation of EISs on private proposals at the conceptual stage rather than the final detailed design stage.⁹

(a) If an agency's only action is a decision on a building permit or other license that requires detailed project plans and specifications, agencies shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

(b) Agencies may specify the amount of detail needed from applicants for such early environmental review, consistent with WAC [197-11-100](#) and [197-11-335](#), in their SEPA or permit procedures.

(c) This subsection does not preclude agencies or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

On November 30, 2023, Harrison Pettit from Pacific AG told attendees at a public meeting regarding the Sunnyside RNG project that conversations regarding the project have been ongoing for two years. The fact that the Port of Sunnyside sold property to Pacific Ag for the project indicates a commitment on the part of the Port of Sunnyside and the City of Sunnyside to the biodigester project.

There is no documentation of alternatives as addressed in RCW 43.21C.030(2)(c)(iii), RCW 43.21C.030(2)(e), WAC 197-11-030(2), WAC 197-11-060 (1), WAC 197-11-060

⁷ Port of Sunnyside Property Sale.

<http://www.friendsoftopenishcreek.org/cabinet/data/AVS%203%20SS%20RNG%20Property%20Sale%20Notice.pdf>

⁸ DNS for Property Sale.

http://www.friendsoftopenishcreek.org/cabinet/data/SS%20RNG%20DNS_SEPA-2022.0046.pdf

⁹ FOTC assumed in July of 2023 that the Sunnyside RNG project is a public and private partnership, based on statements in the June 22, 2023, MDNS. However, at a November 30, 2023 public meeting regarding the project, Harrison Pettit from Pacific Ag stated several times that this is a private project.

(2), WAC 197-11-060 (3), WAC 197-11-080(1), WAC 197-11-400 (2), WAC 197-11-402(1), WAC 197-11-402(9), WAC 197-11-408(2), WAC 197-11-440(4), WAC 197-11-440(5), WAC 197-11-655(3). According to WAC 197-11-440(5)(b)(ii) *The "no-action" alternative shall be evaluated and compared to other alternatives.*

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in WAC 197-11-050 and 197-11-922.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

Selected environmental documents for the Sunnyside RNG project were first shared with the public on May 23, 2023. A Traffic Impact Analysis was not published until July of 2023. There is still no approved air study. Questions regarding increased pollution related to the production of manure to feed the digester, and emissions from the digestate produced by the digester have not been answered.

WAC 197-11-060 (4) Impacts.

(a) SEPA's procedural provisions require the consideration of "environmental" impacts (see definition of "environment" in WAC 197-11-740 and of "impacts" in WAC 197-11-752), with attention to impacts that are likely, not merely speculative. (See definition of "probable" in WAC 197-11-782 and 197-11-080 on incomplete or unavailable information.)

(b) In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries (see WAC 197-11-330(3) also).

(c) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.

(d) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects or extension of sewer lines would tend to encourage development in previously unsewered areas.

(e) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, WAC 197-11-792) may be wider than the impacts for which mitigation measures are required of applicants (WAC 197-11-660). This will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

This is a large project. This bio-digester may be one of the largest in the United States. Impacts will extend beyond the Sunnyside City Limits.

- There will be increased traffic on Yakima County roads to haul manure and crop residues to the digester, to haul digestate from the digester, to haul composted digestate to markets. Increased traffic brings increased pollution of the air with nitrogen oxides and particulate matter. Increased traffic brings increased wear and tear on county roads and costs to tax payers across the county. FOTC submitted an evaluation of the Sunnyside RNG TIA to Yakima County and the Port of Sunnyside on August 28, 2023.¹⁰ We await responses.
- If dairies receive up to \$200 per year per cow for manure, there is an incentive to increase the number of cows in each herd. More cows mean increased leaching to the aquifers, and increased air emissions. More cows mean more land taken out of production of fruits and vegetables and more land devoted to dairies and cattle feed. Corn and alfalfa, the major crops for cattle feed, require large amounts of water. Corn is hard on the land, requires large amounts of fertilizer and introduces a wide range of plant pathogens.
- FOTC does not believe it is possible to test for and screen out all the possible contaminants in digestate. There is a significant risk of spreading pathogens to a large number of farming operations when digestate is spread as fertilizer or used as animal bedding. For example, cryptosporidium is a common and wide spread zoonotic parasite that attacks young calves and is more common on dairies with intense confinement and moist conditions.¹¹ If there is cryptosporidium in manure used as feedstock, the parasite may proliferate in the digesters, live in the digestate, and infect soils for miles around where farmers spread digestate. Cryptosporidium could infect large numbers of animals housed in facilities that use the digestate for bedding.
- If dairies receive up to \$200 per year per cow for manure, the up to 25 LYV dairies that participate in this project have a serious economic advantage over the 15 or more dairies that do not. If a dairy has 1,000 milk cows and receives \$200 per year per cow, that dairy will increase annual income by \$200,000. This makes a difference in which dairies survive and which do not.
- Sunnyside RNG has not described contracts with dairies. FOTC believes there is a potential for this project to squeeze out non-participating dairies and to create dairy dependence on the digester for economic survival. If dependence occurs, then LYV dairies are at the mercy of digester operators who can raise or lower the rates of payment for manure. There is a troubled dairy digester in Iowa where

¹⁰ See Attachment 4

¹¹ Oregon State University. The cryptosporidium parasite and its effect on calves and humans. <https://extension.oregonstate.edu/animals-livestock/beef/cryptosporidium-parasite-its-effect-calves-humans> *Cryptosporidium* is most infectious when the parasite is passed in feces and then ingested. Infected calves can have crypto in their feces for weeks after they are no longer sick. Crypto eggs have a tough outer shell and are resistant to disinfectants, even chlorine bleach. They can survive outside the body and in the environment for long periods. The eggs can be killed by generous applications of a 3% hydrogen peroxide solution as well as exposure to high temperatures in excess of 160° F, which is hotter than most domestic tap water.

economic benefits do not pencil out. A recent newspaper article¹² about the Waunakee Digester in Wisconsin stated:

Many of the assumptions the company made at the start were wrong. In the future, the business model will have to be tweaked, and farmers sending manure to comparable operations may need to pay the plant to accept it.

- Regarding global warming: To our knowledge no one has calculated how much diesel fuel would be burned to transport manure and digestate for this project.
- Regarding global warming: Dairies produce at least one metric ton of CO₂ equivalents via enteric fermentation for every metric ton of methane produced in anaerobic manure lagoons. Consider a hypothetical community that produces 0.5 MMT CO₂ equivalents of methane via enteric fermentation, and 0.5 MMT CO₂ equivalents of methane from manure lagoons. This equals 1 MMT CO₂ equivalents of methane total. Suppose the community can process all the methane from manure lagoons into renewable natural gas. The total is now 0.5 MMT CO₂ equivalents of methane. Because the operation is profitable the community doubles the number of cows. All the methane from manure lagoons is captured, but the community now produces 1 MMT CO₂ equivalents of methane from enteric fermentation – back to the starting point. Plus the emission of other air pollutants has doubled & emissions from manure transport has doubled, etc.
- We do not see an accounting of how much income for the proposed digester comes from the Washington Cap and Trade program, and from tax payers. The Cap and Trade program does not last forever. Can the Sunnyside RNG digester continue to profit if subsidies decline?
- According to the EPA AgStar program¹³ there are many ways to reduce methane emissions from livestock manure management. Some methods are:
 - *Anaerobic digesters – 50% reduction*
 - *Daily spread – 45% reduction*
 - *Pasture based management – 45% reduction*
 - *Composting – 45% reduction*
 - *Solid storage – 45% reduction*
 - *Manure drying practices – 45% reduction*
 - *Semi-permeable covers – 40% reduction*
 - *Decreased manure storage time – 40% reduction*
 - *Composted bedded pack barns – 30% reduction*
 - *Solid separation of manure solids prior to entry to wet/anaerobic environment – 20% reduction*

But anaerobic digesters cost so much more than the other methods.

¹² State-financed manure digester plagued by spills, explosions. 2015.
<https://archive.jsonline.com/news/statepolitics/state-financed-manure-digester-plagued-by-spills-explosion-b99435123z1-290263421.html>

¹³ EPA AgStar. (2023) Practices to Reduce Methane Emissions from Livestock Manure Management.
<https://www.epa.gov/agstar/practices-reduce-methane-emissions-livestock-manure-management>

- The Sunnyside RNG New Source Review (NSR) application requires more information and does not quantify the amount of air pollutants currently in the LYV ambient air. It does not estimate the percentage of air pollution attributable to the proposed Sunnyside RNG digester if it becomes reality. Would Sunnyside residents be forced to stop using wood stoves to compensate for digester emissions to keep Yakima County in compliance with U.S. criteria air standards?
- There are significant increases in morbidity and mortality associated with fine particulate air pollution.¹⁴ One study found a decrease of 10 µg/m³ of fine particulate concentration was associated with an estimated increase in life expectancy equal to 0.77 years.¹⁵ By how much would fine particulate matter levels increase in the LYV if the Sunnyside RNG digester were built? What is the cost of human health and life?

WAC 197-11-060 Content of Environmental Review

(5) *Phased review.*

(a) *Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decision-making processes. (See WAC 197-11-055 on timing of environmental review.)*

(b) *Environmental review may be phased. If used, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues already decided or not yet ready. Broader environmental documents may be followed by narrower documents, for example, that incorporate prior general*

¹⁴ Xie, W., Li, G., Zhao, D., Xie, X., Wei, Z., Wang, W., ... & Liu, J. (2015). Relationship between fine particulate air pollution and ischaemic heart disease morbidity and mortality. *Heart*, 101(4), 257-263.

<https://kd.nsf.gov.cn/paperDownload/1000008959735.pdf>

Samet, J. M., Dominici, F., Curriero, F. C., Coursac, I., & Zeger, S. L. (2000). Fine particulate air pollution and mortality in 20 US cities, 1987–1994. *New England journal of medicine*, 343(24), 1742-1749.

<https://www.nejm.org/doi/full/10.1056/NEJM200012143432401>

Zanobetti, A., & Schwartz, J. (2009). The effect of fine and coarse particulate air pollution on mortality: a national analysis. *Environmental health perspectives*, 117(6), 898-903.

[https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.0800108?url_ver=Z39.88-](https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.0800108?url_ver=Z39.88-2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%20%200pubmed)

[2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%20%200pubmed](https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.0800108?url_ver=Z39.88-2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%20%200pubmed)

Pope III, C. A., & Dockery, D. W. (2006). Health effects of fine particulate air pollution: lines that connect. *Journal of the air & waste management association*, 56(6), 709-742.

<https://www.nejm.org/doi/full/10.1056/NEJMsa0805646>

Pope III, C. A., Turner, M. C., Burnett, R. T., Jerrett, M., Gapstur, S. M., Diver, W. R., ... & Brook, R. D. (2015). Relationships between fine particulate air pollution, cardiometabolic disorders, and cardiovascular mortality. *Circulation research*, 116(1), 108-115.

<https://www.ahajournals.org/doi/full/10.1161/circresaha.116.305060>

¹⁵ Pope CA 3rd, Ezzati M, Dockery DW. Fine-particulate air pollution and life expectancy in the United States. *N Engl J Med*. 2009 Jan 22;360(4):376-86. doi: 10.1056/NEJMsa0805646. PMID: 19164188;

PMCID: PMC3382057. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3382057/>

discussion by reference and concentrate solely on the issues specific to that phase of the proposal.

(c) Phased review is appropriate when:

(i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, WAC [197-11-443](#)); or

(ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts).

(d) Phased review is not appropriate when:

(i) The sequence is from a narrow project document to a broad policy document;

(ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or

(iii) It would segment and avoid present consideration of proposals and their impacts that are required to be evaluated in a single environmental document under WAC 197-11-060 (3)(b) or [197-11-305](#)(1); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts.

(e) When a lead agency knows it is using phased review, it shall so state in its environmental document.

(f) Agencies shall use the environmental checklist, scoping process, nonproject EISs, incorporation by reference, adoption, and supplemental EISs, and addenda, as appropriate, to avoid duplication and excess paperwork.

(g) Where proposals are related to a large existing or planned network, such as highways, streets, pipelines, or utility lines or systems, the lead agency may analyze in detail the overall network as the present proposal or may select some of the future elements for present detailed consideration. Any phased review shall be logical in relation to the design of the overall system or network, and shall be consistent with this section and WAC [197-11-070](#).

The City of Sunnyside did not state that the city would use a phased review. FOTC believes the City of Sunnyside should have gathered information sooner and presented all relevant environmental information with the initial SEPA review. Because the process now involves addressing a SEPA Review and then addressing Addenda to the SEPA review, the amount of study and paperwork has doubled, at least for FOTC.

WAC 197-11-080

Incomplete or unavailable information.

(1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents.

(2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists.

(3) Agencies may proceed in the absence of vital information as follows:

*(a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but is not known, and the costs of obtaining it are exorbitant; or
(b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known;*

Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(4) Agencies may rely upon applicants to provide information as allowed in WAC 197-11-100.

The City of Sunnyside did not document incomplete information, as required in the rule. FOTC believes that significant information is missing, and this should have been documented. See the concerns described on pages 6 to 9 above. We are especially concerned about costs to tax payers, impact on non-participating dairies and other farms, spreading disease, unknown increases in LYV air pollution, wear and tear on county roads, increases in traffic accidents, dangers to school children, and risks of fire and explosions.

Although the chances of fires and explosions are not great, damage when such incidents occur may be high and could include death.¹⁶ A quality SEPA review must acknowledge this risk and address it. See WAC 197-11-794 (2).

The Sunnyside RNG SEPA Check list says:

Anaerobic-digester-based renewable natural gas facilities produce biogas composed of methane (CH₄) which is a flammable gas (under limited circumstances), hydrogen sulfide (H₂S) which is both a flammable and toxic gas, along with CO₂ and vocs. These components will be contained in anaerobic tanks with membrane roofs and in the downstream raw biogas piping systems designed in compliance with industry standards for sour gas facilities.

Methane (CH₄) and Hydrogen Sulfide (H₂S) are products of the anaerobic digestion process and both are considered hazardous with H₂S also considered toxic. Both components will be present in the facility tanks and piping. Their hazardous and/or toxic characteristics along with response measures, should either be released to the atmosphere, can be found in Safety Data Sheets (SDS). Process chemicals such as solvents, oils, lubricants, antifreeze, ferric chloride and natural gas injection calibration gases such as Nitrogen, Propane, Helium, and potentially odorant will be used in limited quantities.

Standard emergency and fire services, as well as potentially confined space rescue. Other special health and safety planning is underway and will be confirmed with emergency

¹⁶ See Attachment 2

services and County Health Department. Standard emergency services equipment includes self-contained breathing apparatus (SCBA) appropriate for potential exposure.

The following measures may be implemented to reduce or control environmental health hazards: A health and safety plan would be followed during construction to address worker safety and to minimize exposure to potential environmental health hazards. To help detect potential leaks quickly, an odorant may be added to the gas . Pressure and flow at the facilities will be monitored to ensure proper operation and reduce potential risk for fire and explosion. The centralized gas cleaning unit would be designed with internal shutoff valves that will switch automatically if the system detects a malfunction. The centralized gas cleaning unit would be outfitted with control technology to ensure that emissions are below the acceptable source impact level for air pollutants associated with project operation. The extremely limited areas where toxic/ hazardous materials are utilized will have impermeable surfaces and curbing to contain any potential spills.

Every methane producing facility with spills, leaks, fires, and explosions said the same things when they convinced communities to permit operations. Nothing in this statement is enforceable.¹⁷

The checklist says, *The following measures may be implemented to reduce or control environmental health hazards.*

If there is an accident and victims argue for compensation, Sunnyside RNG insurance companies can simply say, ‘W never promised to do those things. We said those measures *may be implemented.*’

A useful SEPA check list would tell the reader, among other things:

- Where on the facility would alarms and monitors be located?
- What would be the pressure and flow danger signs?
- Would monitoring be automated or by trained personnel?
- What would the alarms detect?
- Frequency of alarm checks to make sure they function properly?
- How would the facility check for corrosion in the piping system, in the tank floors and walls?
- How often would piping be checked for leaks?
- When would equipment be replaced as the facility ages?
- Required safety training for staff – content, how often?
- Evacuation routes?
- What are protocols for rescuing trapped and endangered workers?
- Would there be monitoring for release of pathogens in effluent and air?
- Would there be fence line monitoring?

¹⁷ The City of Sunnyside Municipal Code 18.04.120.E.3 states: *The applicant’s proposed mitigation measures must be in writing and must be specific. For example, proposals to “control noise” or “prevent storm water runoff” are inadequate, whereas proposals to “muffle machinery to X decibels” or “construction 200-foot storm water retention pond at Y location” are adequate.*

- What are proposed protocols for notifying neighbors of leaks and dangers?
- Describe a worst case scenario for fires and explosions

WAC 197-11-158 SEPA/GMA project review—Reliance on existing plans, laws, and regulations.

(1) In reviewing the environmental impacts of a project and making a threshold determination, a GMA county/city may, at its option, determine that the requirements for environmental analysis, protection, and mitigation measures in the GMA county/city's development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, provide adequate analysis of and mitigation for some or all of the specific adverse environmental impacts of the project.

(2) In making the determination under subsection (1) of this section, the GMA county/city shall:

(d) Place the following statement in the threshold determination if all of a project's impacts are addressed by other applicable laws and no conditions will be required under SEPA: "The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA."

The City of Sunnyside did not select this option.

WAC 197-11-164 Planned actions—Definition and criteria.

(1) Under RCW 43.21C.440, GMA counties/cities may designate a planned action.

FOTC interpretation is that the Sunnyside RNG project is not a planned action.

WAC 197-11-330 Threshold determination process.

(3) In determining an impact's significance (WAC 197-11-794), the responsible official shall take into account the following, that:

(a) The same proposal may have a significant adverse impact in one location but not in another location;

(b) The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment;

(c) Several marginal impacts when considered together may result in a significant adverse impact;

(d) For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified.

(e) A proposal may to a significant degree:

(i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;

(ii) Adversely affect endangered or threatened species or their habitat;

(iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and

(iv) Establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.

(4) If after following WAC [197-11-080](#) and [197-11-335](#) the lead agency reasonably believes that a proposal may have a significant adverse impact, an EIS is required.

(5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

Many people believe that the SS RNG digester should be located away from the City of Sunnyside, in a more remote area.

People note that the proposed digester will be situated near the Windmill Mushroom Farms that already sends odorous emissions into the ambient air, and the Nutrien Fertilizer Plant with a history of a fire that required evacuation of neighbors, and the Sunnyside wastewater treatment plant that sprays odorous effluent onto nearby fields.

The proposed digester would be near the area where the poorer people of Sunnyside live and farther from more affluent areas. A previous site, near more affluent areas, and near the Williams natural gas pipeline, was rejected. No one is stating the reason.

Soil at this site, Quincy loamy fine sand, is “excessively drained” according to the Natural Resources Conservation Service. Nearby monitoring wells at the Port of Sunnyside show high levels of nitrates in the underlying aquifer. Sunnyside RNG has not stated what kind of liner will be used for digester lagoons. It is reasonable to expect that spills on the digester site would quickly leach to the aquifer.

Approval of this project without an Environmental Impact Statement would demonstrate to the public that Washington laws to protect people in marginalized neighborhoods mean nothing.

197-11-335 Additional information.

The lead agency shall make its threshold determination based upon information reasonably sufficient to evaluate the environmental impact of a proposal (WAC 197-11-055(2) and 197-11-060(3)). The lead agency may take one or more of the following actions if, after reviewing the checklist, the agency concludes that there is insufficient information to make its threshold determination:

- (1) Require an applicant to submit more information on subjects in the checklist;*
- (2) Make its own further study, including physical investigations on a proposed site;*
- (3) Consult with other agencies, requesting information on the proposal's potential impacts which lie within the other agencies' jurisdiction or expertise (agencies shall respond in accordance with WAC 197-11-550); or*
- (4) Decide that all or part of the action or its impacts are not sufficiently definite to allow environmental analysis and commit to timely, subsequent environmental analysis, consistent with WAC 197-11-055 through 197-11-070.*

There is insufficient information in the Sunnyside RNG checklist to evaluate the environmental impact of the proposed digester.

- Only vague speculation about project expansion
- A Geotechnical Report and Phase I ESA are referenced but not available for review
- There is no air permit. The application posted on the City of Sunnyside web site that appears to have been accepted by the Yakima Regional Clean Air Agency was not in fact accepted. The YRCAA returned it to Sunnyside RNG for more information
- Could the answers be any vaguer? How about this: “Best management practices will be used to reduce and control erosion. Local and state laws will be followed. Silt fence, construction entrance, an inlet protection are planned.”¹⁸
- The Environmental Checklist assures the public that emissions from the proposed digester will not exceed:
 - CO - 100 tons per year (tpy)
 - NOX - 40 tons per year (tpy)
 - SO2 - 40 tons per year (tpy)
 - PM - 25 tons per year (tpy)
 - PM10-15tpy
 - PM25 -10 tpy

¹⁸ The City of Sunnyside Municipal Code 18.04.120.E.3 states: *The applicant’s proposed mitigation measures must be in writing and must be specific. For example, proposals to “control noise” or “prevent storm water runoff” are inadequate, whereas proposals to “muffle machinery to X decibels” or “construction 200-foot storm water retention pond at Y location” are adequate.*

- Suppose the SS RNG digester only emits 5 tons per year of PM 2.5, fine particulate matter, and Windmill Mushroom Farms only emits 5 tons per year of fine particulate matter, and Nutrien Solutions only emits 5 tons per year of fine particulate matter, and the City of Sunnyside Waste Water Treatment Plant only emits 5 tons per year of fine particulate matter. The Total is 20 tons per year. What does this mean for South Sunnyside air quality? Wouldn't it be better to study this problem before ground is broken, rather than trying to protect human health with home air filters and breathing treatments afterwards?
- *Stormwater runoff will be retained on site and infiltrated into the ground at various locations including a potential stormwater pond. This water will not flow into other waters.* This means that stormwater will wash spilled manure and digestate from the site into the ground. Who will monitor for onsite spills? Is groundwater monitoring appropriate here?
 - *Natural gas used for heat (the boilers) is accounted for in the air emissions as well as avoided methane calculations.* This natural gas should not be counted in avoided methane calculations.
 - *Thermal energy will be recaptured from the amine re boiler for heating other site processes. Where appropriate variable rate pumps will be used.* There is insufficient information to quantify these proposed savings. There is insufficient information for the average reader, including City of Sunnyside Officials, to understand the nature of an amine boiler.
 - *To help detect potential leaks quickly, an odorant may be added to the gas.* An odorant “may” be added. You “may” win the lottery
 - *Noise is not anticipated to be a problem.* Please tell us why not.
 - *FOTC’s table top calculation, using data from the SS RNG Traffic Impact Analysis estimates there will be an additional 1,500 miles of truck traffic per day mostly on Yakima County Roads. Heavy duty trucks inflict about 2,500 times more wear and tear on roads than private cars. There is no estimate of cost to maintain the impacted county roads.*

WAC 197-11-340 Determination of nonsignificance (DNS).

(2)(c) Any person, affected tribe, or agency may submit comments to the lead agency within fourteen days of the date of issuance of the DNS.

(2)(f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(3)(a) The lead agency shall withdraw a DNS if:

(i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental

checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(b) Subsection (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also WAC [197-11-070](#)).

The City of Sunnyside issued a mitigated determination of non-significance (MDNS) of the SS RNG project on June 22, 2023.

The Friends of Toppenish Creek submitted an appeal of the MDNS on July 6, 2023.¹⁹

There is no evidence that the responsible official reconsidered the MDNS based on FOTC's lengthy comments, as required by WAC 197-11-340(2)(f).

FOTC maintains there was a lack of material disclosure due to the absence of data regarding air quality, risks for fires and explosion, and traffic impacts. The agency with expertise for air, the YRCAA, did not comment. A Traffic Impact Analysis (TIA) was not available for review prior to our July 6, 2023 appeal.

WAC 197-11-350 Mitigated DNS.

The purpose of this section is to allow clarifications or changes to a proposal prior to making the threshold determination.

(1) In making threshold determinations, an agency may consider mitigation measures that the agency or applicant will implement.

(2) After submission of an environmental checklist and prior to the lead agency's threshold determination on a proposal, an applicant may ask the lead agency to indicate whether it is considering a DS. If the lead agency indicates a DS is likely, the applicant may clarify or change features of the proposal to mitigate the impacts which led the agency to consider a DS likely. The applicant shall revise the environmental checklist as may be necessary to describe the clarifications or changes. The lead agency shall make its threshold determination based upon the changed or clarified proposal. If a proposal continues to have a probable significant adverse environmental impact, even with mitigation measures, an EIS shall be prepared.

(3) Whether or not an applicant requests early notice under subsection (2), if the lead agency specifies mitigation measures on an applicant's proposal that would allow it to issue a DNS, and the proposal is clarified, changed, or conditioned to include those measures, the lead agency shall issue a DNS.

¹⁹ See Attachment 2

(4) Environmental documents need not be revised and resubmitted if the clarifications or changes are stated in writing in documents that are attachments to, or incorporate by reference, the documents previously submitted. An addendum may be used, see Part Six.

The June 22, 2023 MDNS for the SS RNG project stated the following mitigation measures:

Mitigation Measure: An Inadvertent Discovery Plan shall be created and submitted to the City of Sunnyside as part of the building permit package for the prosed development.

Mitigating Measures: a stormwater management plan is required to be submitted for review and approval by City of Sunnyside public works department prior to construction. The plan must meet the following design standards:

- a) Stormwater retention or detention shall be provided. A professional engineer registered in the state of Washington shall design all drainage facilities and components. Drainage plans using best management practices and design requirements must be submitted to and approved by City of Sunnyside prior to grading or development.*
- b) Post development stormwater flow rates and volumes shall not exceed predevelopment conditions. The standard of full retention of the 25-year storm event generally meets the goal.*
- c) The depth to groundwater should be determined prior to planning the layout of stormwater facilities. If a stormwater infiltration facility will be used for the disposal of runoff, a permeability test should be conducted initially at the site to determine existing infiltration rates prior to the design stage.*

Mitigation Measure: Dust a. A dust control plan must be filed with the Yakima Regional Clean Air Authority.

Documentation for most of these mitigation measures is still missing, namely there is no:

- Inadvertent Discovery Plan, although the addendum letter from SS RNG claims one exists
- NPDES Construction Stormwater permit, although the addendum letter from SS RNG claims one exists
- Stormwater Pollution Prevention Plan, although the addendum letter from SS RNG claims one exists
- Consultation with the WA State Dept. of Ecology and the Yakima Health District regarding a Notice of Intent to operate under terms and conditions of a solid waste permit
- Depth to groundwater and permeability tests

On December 4, 2023, FOTC submitted a public records request to Yakima County Emergency Services for information re conversations with Sunnyside RNG regarding possible fires and explosions. On December 5, 2023, Yakima County Emergency

Services informed FOTC that they have no records of conversations with Pacific Ag/Sunnyside RNG regarding the proposed manure bio-digester.

FOTC interprets this to mean that project proponents have not adequately prepared for possible fires and explosions at the site. There is abundant information demonstrating the possibility of fires and explosions related to methane production facilities.

WAC 197-11-355 Optional DNS process.

In the City of Sunnyside’s May 23, 2023 Notice of Environmental Review the city stated:

NOTICE OF ENVIRONMENTAL REVIEW This is to notify agencies with jurisdiction and environmental expertise and the public that the City of Sunnyside, Planning Division, has been established as the lead agency, under WAC § 197-11-928 for this project. The City of Sunnyside has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination may be obtained by request and may be appealed pursuant to SMC Ch. 18.04.

However the City of Sunnyside has not incorporated WAC 197-11-355 by reference. See City of Sunnyside Municipal Code, Chapter 18.04 available at <https://www.codepublishing.com/WA/Sunnyside/#!/Sunnyside18/Sunnyside1804.html#18.04.020>

18.04.080 Categorical exemptions and threshold determinations, provisions adopted by reference.

Regarding the rules for deciding whether a proposal has a “probable significant adverse environmental impact” requiring an EIS to be prepared, and the rules for evaluating the impacts of proposals not requiring an EIS, the City adopts the following sections of Chapter [197-11](#) WAC by reference:

WAC

- [197-11-300](#) Purpose
- [197-11-305](#) Categorical Exemptions
- [197-11-310](#) Threshold Determination Required
- [197-11-315](#) Environmental Checklist
- [197-11-330](#) Threshold Determination Process
- [197-11-335](#) Additional Information
- [197-11-340](#) Determination of Non-Significance

[197-11-350](#) *Mitigated Determinations of Non-Significance*

[197-11-360](#) *Determinations of Significance/Initiation of Scoping*

[197-11-390](#) *Effects of Threshold Determination*

[Ord. 1475 § 2, 1984.]

FOTC questions whether the city can invoke a rule that the city has not approved. The city did not respond when FOTC brought this fact to the city's attention.

WAC 197-11-400 Purpose of EIS.

(1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

(3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision making process.

(4) The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

An Environmental Impact Statement, as described in WAC 197-11-400 is essential for quality decision making. A project as large as the Sunnyside RNG digester should not proceed without study of environmental information at this level

WAC 197-11-500 Purpose of this part.

This part provides rules for:

(1) Notice and public availability of environmental documents, especially environmental impact statements;

(2) Consultation and comment by agencies and members of the public on environmental documents;

(3) *Public hearings and meetings; and*
(4) *Lead agency response to comments and preparation of final environmental impact statements. Review, comment, and responsiveness to comments on a draft EIS are the focal point of the act's commenting process because the DEIS is developed as a result of scoping and serves as the basis for the final statement.*

This section especially addresses public notice for Environmental Impact Statements, but it is not limited to EIS. FOTC believes that this section also addresses Environmental Review in sections that do not limit discussion to EIS.

WAC 197-11-502 Inviting comment.

(1) *Agency efforts to involve other agencies and the public in the SEPA process should be commensurate with the type and scope of the environmental document.*
(2) *Consulted agencies have a responsibility to respond in a timely and specific manner to requests for comments (WAC [197-11-545](#), [197-11-550](#), and [197-11-724](#)).*

The Yakima Regional Clean Air Agency, the agency tasked with enforcing the Clean Air Act in Yakima County, did not respond to the City of Sunnyside's request for comments on the May 2023 Notice of Environmental Review. Consequently the MDNS did not contain sufficient analysis of related air impacts. If there were an adequate analysis of air impacts the City of Sunnyside might have issued a Determination of Significance that would have changed the course of these actions.

(3) ***Threshold determinations.***
(a) *Agencies shall send DNSs to other agencies with jurisdiction, if any, as required by WAC [197-11-340](#)(2) and [197-11-355](#).*

The City of Sunnyside has never incorporated WAC 197-11-355 by reference.

(b) *For DNSs issued under WAC [197-11-340](#)(2), agencies shall provide public notice under WAC [197-11-510](#) and receive comments on the DNS for fourteen days.*

The City of Sunnyside provided public notice of the MDNS on June 22, 2023, and stated

Appeal Period: This MDNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date of issuance. Appeals may be submitted on this proposal to the address below.

However the May 2023 Notice of Environmental Review stated

The City of Sunnyside has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355.

FOTC did appeal the MDNS on July 6, 2023. The City of Sunnyside scheduled a hearing date for August 23, 2023. The City of Sunnyside cancelled the hearing on August 16, 2023. The city did not put the cancellation in an official document, but relied instead on an email that said:

After consultation with the City's legal team, it has been discovered that the Mitigated Determination of Nonsignificance (MDNS) issued on June 22, 2023, cannot at this time be appealed. The reason the MDNS cannot be appeal is because the MDNS only serves as an advisory statement on behalf of the City. In order to process an appeal, the MDNS is required to be tied to a development permits, such as a land use review, engineering permit, or building permit. None of those items have been issued for the site at this time, therefore the City cannot process a standalone MDNS appeal. See - Ellensburg Cement Products, Inc. v. Kittitas County, 179 Wn.2d 737 (2014).

FOTC disputed the cancellation to no avail. The City of Sunnyside did not cite rules that allow an unelected official to cancel a legally authorized hearing. In fact, the city did not point to any places in WAC 197-11 that might support the cancellation. It is inappropriate for the city to cite case law as though issuing a ruling from the bench.

FOTC disagrees with the statement *the MDNS only serves as an advisory statement on behalf of the City*. FOTC contends that environmental review means *Deciding whether a proposal has a probable significant adverse impact and thus requires an EIS (the threshold determination)* WAC 197-11-300(2)

(6) Public hearings and meetings.

(a) Public hearings or meetings may be held (WAC [197-11-535](#)). Notice of such public hearings shall be given under WAC [197-11-510](#) and may be combined with other agency notice.

(b) In conjunction with the requirements of WAC [197-11-510](#), notice of public hearings shall be published no later than ten days before the hearing. For nonproject proposals, notice of the public hearing shall be published in a newspaper of general circulation in the general area where the lead agency has its principal offices. For nonproject proposals having a regional or statewide applicability, copies of the notice shall be given to the Olympia bureaus of the Associated Press and United Press International.

The City of Sunnyside refused to conduct public hearings on this project. As noted, the city cancelled a public hearing of the FOTC appeal. There was no opportunity for the community to learn about risks and benefits related to the SS RNG bio-digester, thus a thwarting of the intent of the law.

WAC 197-11-510 Public notice.

(1) When these rules require notice to be given under this section, the lead agency must use reasonable methods to inform the public and other agencies that an

environmental document is being prepared or is available and that public hearing(s), if any, will be held. The agency may use its existing notice procedures.

Examples of reasonable methods to inform the public are:

- (a) Posting the property, for site-specific proposals;*
- (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;*
- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;*
- (d) Notifying the news media;*
- (e) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals;*
- (f) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals or subject areas); and/or*
- (g) Mailing or emailing notice to any person, group or agency who has requested notice.*

(2) Each agency shall specify its method of public notice in its SEPA procedures, WAC [197-11-904](#) and [197-11-906](#). If an agency does not specify its method of public notice or does not adopt SEPA procedures, the agency shall use methods (a) and (b) in subsection (1).

(3) Documents which are required to be sent to the department of ecology under these rules will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet compliance with this section.

FOTC only became aware of the SS RNG MDNS as a result of a public records request. FOTC paid particular attention to public notices in the Yakima Herald Republic because we heard rumors about the proposed digester. We found zero notices in the Yakima Herald Republic or in the Spanish media.

To the best of our knowledge notices were sent to about twenty residences near the proposed site. Many of the recipients only speak Spanish, yet the notices were only in English. This project, if completed will have long lasting impacts on the entire county, yet most people in the county are still unaware.

The City of Sunnyside or the Port of Sunnyside placed a sign in a cornfield at the proposed site next to a highway with a 55 mph speed limit. Public notice was minimal and inadequate.

WAC 197-11-535 Public hearings and meetings.

(1) If a public hearing on the proposal is held under some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any environmental document that is available. This does not require extension of the comment periods for environmental documents.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and these rules; or

(b) When fifty or more persons residing within the jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty days of issuance of the draft EIS; or

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within thirty days of the issuance of the draft EIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no earlier than fifteen days from the date the draft EIS is issued, nor later than fifty days from its issuance. Notice shall be given under WAC 197-11-502(6) and 197-11-510 and may be combined with other agency notice.

(4) If a public hearing is required under this chapter, it shall be open to discussion of all environmental documents and any written comments that have been received by the lead agency prior to the hearing. A copy of the environmental document shall be available at the public hearing.

(5) Comments at public hearings should be as specific as possible (see WAC 197-11-550).

(6) Agencies and their designees may hold informal public meetings or workshops. Such gatherings may be more flexible than public hearings and are not subject to the above notice and similar requirements for public hearings.

(7) Public meetings held by local governments under chapter 36.70B RCW may be used to meet SEPA public hearing requirements as long as the requirements for public hearing in this section are met. A public hearing under this section need not be an open record hearing as defined in RCW 36.70B.020(3).

Based on WAC 197-11-535(2) & (3) FOTC concludes that this section primarily applies to Environmental Impact Statements. However, the City of Sunnyside could have conducted public meetings or workshops to inform residents about the risks and benefits of this proposed project. Such an action would have demonstrated confidence in the intelligence and civic interest of members of the public. Absence of such meetings indicates a propensity to keep the public in the dark.

WAC 197-11-545 Effect of no comment.

(1) **Consulted agencies.** If a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the lead agency may assume that the consulted agency has no information relating to the potential impact of the proposal as it relates to the consulted agency's jurisdiction or special expertise. Any consulted agency that fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with Part Four of these rules.

(2) **Other agencies and the public.** Lack of comment by other agencies or members of the public on environmental documents, within the time periods specified by

these rules, shall be construed as lack of objection to the environmental analysis, if the requirements of WAC 197-11-510 are met.

It is extremely disturbing that the Yakima Regional Clean Air Agency and the Yakima Health District did not comment on the SS RNG Environmental Review. This failure to comment borders on failure to fulfill these agencies' mandated duties.

It is impossible to construct a manure methane bio-digester that produces between 800,000 and 950,000 MMBtu's of renewable natural gas per year without an impact on air quality or human health.

WAC 197-11-600 When to use existing environmental documents.

(1) This section contains criteria for determining whether an environmental document must be used unchanged and describes when existing documents may be used to meet all or part of an agency's responsibilities under SEPA.

(2) An agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents.

Pacific Ag/Sunnyside RNG acknowledges that the company must acquire an air quality permit prior to commencing construction. When the YRACC evaluates such an application the YRCAA may incorporate the City of Sunnyside's MDNS, even though the YRCAA failed to comment on air impacts. FOTC would interpret such an action as an attempt to circumvent SEPA laws, and permit a polluting operation.

(3) Any agency acting on the same proposal shall use an environmental document unchanged, except in the following cases:

(a) For DNSs, an agency with jurisdiction is dissatisfied with the DNS, in which case it may assume lead agency status (WAC 197-11-340 (2)(e) and 197-11-948).

(b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are:

(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.) A new threshold determination or SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in the existing environmental documents.

FOTC has introduced new evidence of potential adverse impacts in the forms of 1. an Evaluation of the Sunnyside RNG Traffic Impact Analysis, 2. Documentation of fires and explosions on other manure bio-digesters, 3. Reference to groundwater issues at the Port of Sunnyside, 4. Data supporting likelihood of cumulative impacts, and 5. Demographic data that demonstrates Environmental Justice concerns.

(c) For EISs, the agency concludes that its written comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

(4) Existing documents may be used for a proposal by employing one or more of the following methods:

(a) "Adoption," where an agency may use all or part of an existing environmental document to meet its responsibilities under SEPA. Agencies acting on the same proposal for which an environmental document was prepared are not required to adopt the document; or

(b) "Incorporation by reference," where an agency preparing an environmental document includes all or part of an existing document by reference.

(c) An addendum, that adds analyses or information about a proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

(d) Preparation of a SEIS if there are:

(i) Substantial changes so that the proposal is likely to have significant adverse environmental impacts; or

(ii) New information indicating a proposal's probable significant adverse environmental impacts.

New information provided by FOTC, and others strongly indicates significant adverse environmental impacts from the SS RNG project. These impacts may be direct, indirect, short term, long term, widespread and cumulative. An EIS is warranted.

(e) If a proposal is substantially similar to one covered in an existing EIS, that EIS may be adopted; additional information may be provided in an addendum or SEIS (see (c) and (d) of this subsection).

WAC 197-11-655 Implementation.

(1) See RCW [43.21C.020](#), [43.21C.030\(1\)](#), [43.21C.060](#), [43.21C.075](#), and [43.21C.080](#).

(2) Relevant environmental documents, comments, and responses shall accompany proposals through existing agency review processes, as determined by agency practice and procedure, so that agency officials use them in making decisions.

(3) When a decision maker considers a final decision on a proposal:

(a) The alternatives in the relevant environmental documents shall be considered.

(b) The range of alternative courses of action considered by decision makers shall be within the range of alternatives discussed in the relevant environmental documents. However, mitigation measures adopted need not be identical to those discussed in the environmental document.

(c) If information about alternatives is contained in another decision document which accompanies the relevant environmental documents to the decision maker, agencies are encouraged to make that information available to the public before the decision is made.

Since the City of Sunnyside did not evaluate alternatives to the SS RNG proposal, the city cannot comply with WAC 197-11-655

WAC 197-11-680 Appeals.

*(1) **Introduction.** Appeals provisions in SEPA are found in RCW [43.21C.060](#), [43.21C.075](#) and [43.21C.080](#). These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.*

*(2) **Appeal to local legislative body.** RCW [43.21C.060](#) allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution. Such appeals are subject to the restrictions in RCW [36.70B.050](#) and [36.70B.060](#) that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.*

FOTC has appealed to the Sunnyside City Council three times under WAC 197-11-680(2). The first appeal was on September 22, 2023, likely beyond the short 20 day window prescribed in the Sunnyside Municipal Code section 2.72

*(3) **Agency administrative appeal procedures.***

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

(ii) Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(iii) Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action.

The June 22, 2023 MDNS was a final threshold determination. Pacific Ag/Sunnyside RNG supplemented their environmental checklist with addenda on October 8, 2023. The City of Sunnyside posted a signed Notice of Addendum on November 28, 2023, with a deadline for comments of December 5, 2023.

Frankly, FOTC is confused regarding timelines for appeals, but we submit comments today to make sure we do not miss deadlines. This results in excess paperwork and excess documentation.

(iv) An agency shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to administrative appeals before another agency.

(v) Except as provided in (a)(vi) of this subsection, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. For example, an appeal of the adequacy of an EIS must be consolidated with a hearing or appeal on the agency's decision or recommendation on the proposed action, if both proceedings are allowed in agency procedures. If an agency does not provide for a hearing or appeal on the underlying governmental action (either a hearing on the agency's recommendation or an agency appeal hearing after the decision is made), the agency may not hold a SEPA administrative appeal, except as allowed under (a)(vi) of this subsection.

This section says, *appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body.* It does not say that appeals must be made to Superior Court as the City of Sunnyside advises.

(vi) The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

(A) An appeal of a determination of significance;

(B) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

FOTC's July 6, 2023 appeal of the June 22, 2023 MDNS was mostly procedural. We believe that the City of Sunnyside and the Port of Sunnyside are project proponents based on the two years of meetings with Pacific Ag, the sale of property to Sunnyside RNG, and the extreme efforts the city and the port have exerted to move the SS RNG project forward. Based on WAC 197-11-680 (3)(a)(vi)(B) the City of Sunnyside should not have cancelled the August 23, 2023 appeal hearing.

(C) An appeal of a procedural determination made by an agency on a nonproject action; and

(D) An appeal to the local legislative authority under RCW [43.21C.060](#) or other applicable state statutes.

(vii) If a county/city to which RCW 36.70B.110 applies provides for an administrative appeal, any such appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required under this chapter or under county/city rules adopted under SEPA. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed by a county/city shall be filed within fourteen days after notice that the determination has been made and is appealable. Nothing in this subsection alters the requirements of (a)(v) and (vi) of this subsection.

(viii) Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(b) Agencies providing for administrative appeals shall provide for a record as required by RCW 43.21C.075 (3)(c).

(c) If an agency provides an administrative appeal procedure, that procedure must be used before anyone may initiate judicial review of any SEPA issue that could have been reviewed under the agency procedures.

The City of Sunnyside provides an administrative appeal procedure under Sunnyside Municipal Code Section 2.46 and 2.72. FOTC believes the City of Sunnyside erred by cancelling our August 23, 2023, appeal and telling us that our only option was to appeal permit decisions in Superior Court. WAC 197-11-680 (3)(c) says differently.

(4) Judicial appeals.

(a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit.

(c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within such time period.

The Sunnyside City Code states:

2.72.010 Appeal period.

Any appeal from any action of the City Council, City Commission or City Board, or City official or employee, whose decisions are not directly appealable to the City Council, must be brought within 20 days from the date of the effective date of the action appealed from. [Ord. 1313 § 1, 1981.]

The City of Sunnyside issued an MDNS for the SS RNG project. FOTC timely appealed. The city cancelled the appeal. After the threshold determination, SS RNG submitted changes to the environmental checklist that will affect the MDNS. FOTC may comment, but there is apparently no pathway for an appeal, according to the Sunnyside Municipal Code.

The City of Sunnyside may have designed a trap in which appeals were postponed and then prohibited due to postponement.

(d) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be the time limit in the statute or ordinance for the underlying governmental action. If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(e) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(f) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(g) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(5) Official notice of the date and place for commencing a judicial appeal.

(a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(i) The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and

(ii) Where an appeal may be filed.

(b) Notice is given by:

(i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(ii) Following the agency's normal methods of notice for the type of governmental action taken.

(c) Written notice containing the information required by subsection (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(d) Official notices required by this subparagraph shall not be given prior to final agency action.

As noted above, FOTC is not certain of the intent of the City of Sunnyside's Notice of SEPA Addendum. FOTC could engage better if we knew whether these addenda would result in changes to the MDNS and consequently in final agency action.

The Notice of SEPA Addendum provides a window for public comments, but does not describe an appeal procedure. We understand that the lead agency has an obligation to evaluate and respond to our comments. See WAC 197-11-340 (2)(f)

WAC 197-11-910 Designation of responsible official.

Agency SEPA procedures shall designate or provide a method of designating the responsible official with speed and certainty (WAC [197-11-906](#) (1)(d)). This designation may vary depending upon the nature of the proposal. The responsible official shall carry out the duties and functions of the agency when it is acting as the lead agency under these guidelines. Since it is possible under these rules for an agency to be acting as a lead agency prior to actually receiving an application for a license to undertake a private project, designation of the first department within the agency to receive an application as the responsible official will not be sufficient.

It is FOTC's understanding that Trevor Martin from the City of Sunnyside is the responsible official for this SEPA determination.

WAC 197-11-924 Determining the lead agency.

(1) The first agency receiving an application for or initiating a nonexempt proposal shall determine the lead agency for that proposal, unless the lead agency has been previously determined, or the agency receiving the proposal is aware that another agency is determining the lead agency. The lead agency shall be determined by using the criteria in WAC [197-11-926](#) through [197-11-944](#).

(2) If an agency determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and an explanation. If the agency receiving this determination agrees that it is the lead agency, it shall notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition the department of ecology for a lead agency determination under WAC [197-11-946](#).

(3) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition the department for a lead agency determination within fifteen days of receiving the determination.

(4) An applicant may also petition the department to resolve the lead agency dispute under WAC [197-11-946](#).

(5) *To make the lead agency determination, an agency must determine to the best of its ability the range of proposed actions for the proposal (WAC [197-11-060](#)) and the other agencies with jurisdiction over some or all of the proposal. This can be done by:*

- (a) Describing or requiring an applicant to describe the main features of the proposal;*
- (b) Reviewing the list of agencies with expertise;*
- (c) Contacting potential agencies with jurisdiction either orally or in writing.*

It is FOTC's understanding that Pacific Ag/Sunnyside RNG may have approached Yakima County with this proposal prior to contacting the City and Port of Sunnyside.

WAC 197-11-92 Lead agency for governmental proposals.

(1) When an agency initiates a proposal, it is the lead agency for that proposal. If two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will be the lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity.

(2) Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal.

WAC 197-11-928 Lead agency for public and private proposals.

When the proposal involves both private and public activities, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the private sector. Any project in which agency and private interests are too intertwined to make this characterization shall be considered a public project. The lead agency for all public projects shall be determined under WAC [197-11-926](#).

The City of Sunnyside's May 17, 2023 Notice of Environmental Review stated:

NOTICE OF ENVIRONMENTAL REVIEW This is to notify agencies with jurisdiction and environmental expertise and the public that the City of Sunnyside, Planning Division, has been established as the lead agency, under WAC § 197-11-928 for this project. The City of Sunnyside has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination may be obtained by request and may be appealed pursuant to SMC Ch. 18.04.

Because this notice cited WAC 197-11-928, FOTC assumed this to be a public and private proposal. FOTC asked the City of Sunnyside several times whether it is a public and private project or a private project. The city did not answer. At a November 30, 2023 public meeting regarding the project, Harrison Pettit from Pacific Ag assured us several times that it is a private project. If this is so, then the City of Sunnyside was incorrect in

assuming the lead agency role, at least under WAC 197-11-928. FOTC asserts that the City of Sunnyside has an obligation to provide the public with accurate information.

WAC 197-11-930 Lead agency for private projects with one agency with jurisdiction.

For proposed private projects for which there is only one agency with jurisdiction, the lead agency shall be the agency with jurisdiction.

FOTC has asked the City of Sunnyside to list agencies with jurisdiction for the SS RNG project. The city has not answered.

* * * * *

There are errors in the documents posted for this project:

- In the November 16, 2022, and May 17, 2023 Notice of Environmental Reviews the City of Sunnyside stated:

The City of Sunnyside has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355.

But the City of Sunnyside has not incorporated WAC 197-11-355 by reference.

- In the November 16, 2022, and May 17, 2023 Notice of Environmental Reviews the City of Sunnyside stated:

This is to notify agencies with jurisdiction and environmental expertise and the public that the City of Sunnyside, Planning Division, has been established as the lead agency, under WAC § 197-11-928 for this project.

But WAC 197-11-928 refers to public and private projects. Sunnyside RNG claims this is a private project.

- Tax Parcel Numbers are listed as:
 - Notice of Environmental Review TAX PARCEL NUMBER(S): 220901-13001, -44401, -41404
 - Mitigated Determination of Non-Significance Parcel Number(s): 220901-13001, -44401, & -41404
 - Notice of Appeal Cancellation TAX PARCEL NUMBER(S): 220901-13001, -44401, -41404
 - Notice of SEPA Addendum TAX PARCEL NUMBER(S): 22090-141405 & 220901-41406 (Previously 220901-13001, -44401, - 41404)

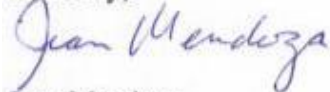
- When did these changes occur? FOTC asks because we have spent many, many hours trying to make sense of the property location and zoning.
- Many related documents list two different File Numbers: SEPA-2022.0200 & SEPA 2023.0200 for the same project
- The October 8, 2023 Addendum Letter from Sunnyside RNG to the City of Sunnyside references File Number 2022.0200
- The October 8, 2023 Addendum Letter from Sunnyside RNG to the City of Sunnyside references Exhibit B, *A Cultural Resources Survey for the Sunnyside RNG project*. This document has not been posted for public view.
- The October 8, 2023 Addendum Letter from Sunnyside RNG to the City of Sunnyside also identifies Exhibit B as a *Traffic Impact Analysis*
- The signature date for this letter is November 8, 2023, while the heading date for the letter is October 8, 2023
- The November 28, 2023 Notice of SEPA Addendum says:

There is a 14-day comment period for this review. This may be your only opportunity to comment. All written comments received by 5:00 p.m. on December 5, 2023. Please reference file numbers (SEPA-2022.0200) and applicant's name (Sunnyside RNG) in any correspondence you submit.

We are not sure this is the correct File Number.

The Friends of Toppenish Creek appreciate this opportunity to comment on SEPA review for the SS RNG project. We request clarification on next steps, specifically the appeal process as interpreted by the Lead Agency, the City of Sunnyside.

Sincerely,



Jean Mendoza

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