

Morton Alexander

I endorse the very expert critique that the Washington State Chapter of the Sierra Club is sending you on your program's proposed renewal. I have participated in some in its construction.

I'm going to focus here on my experience and that of others with your program's very sloppy practice. I did this once before, and am used to the lack of response any more detailed than to simply cite the parts of the code under which your actions are based. So, that might be my first suggestion: That you give real and attentive replies to criticisms of your practice.

As some of your staff may recall, my contact with your department has to do with the process which resulted in the 2017 permit you issued for land application of sludge on Rosman Farms in Lincoln County. In that case the farmland borders Mill Canyon, home to commercial organic food producers and a natural spring supplying many neighbors drinking water (directly downhill from one of the targeted wheat fields). The concern was about migration of toxins through flooding, wind storms and the fact (established by USDA soil maps) that most of the farmer's land is classified as HEL, Highly Erodible Land. ♦ (In fact it straddles 2 canyons.) At that time a federal soil scientist called it the most inappropriate location for such an application of potentially toxic material, and said that his agency would never approve such a venture. The farmer's fields had also been (and probably continues to be) the recipient of dumping by a local septage company. Fortunately, local citizens organized through ♦Protect Mill Canyon Watershed ♦to block that land application of "biosolids".

Our main concern with a five-year re-authorization of how the Department of Ecology manages the program of land application of sewage sludge is that the material is host to an unknown amount of contaminants which constantly go down the drain in municipalities. They only test for nine heavy metals, nitrogen and selected pathogens. Unexamined are the many chemicals, micro-plastics, pharmaceuticals, and the infamous alphabet soup of ubiquitous super toxins now headed by PFAS (Per- and PolyFluoroAlkyl Substances).

♦

As you well know: A 2009 U.S. Environmental Protection Agency study concluded that all sewage sludge contains toxic and hazardous elements. In 2018, the EPA's Office of Inspector General concluded that they haven't the means to prove "biosolids" safe.

Of course none of this matters to the Department of Ecology, which is in the grip of the waste and other polluting industries. Ecology staff is very aggressive in pursuit of their "partnership" (Ecology caseworker's term in the Rosman Farms case) with one of the state's main wholesalers of sludge, Fire Mountain Farms. FMF has been repeatedly slapped on the wrist by its partner, Ecology, for code violations like storing chemical wastes in the same piles of "biosolids" that it land spreads around the state. ♦FMF intentionally created a "mixed" product to spread on agricultural fields that sometimes was comprised of as much as 15% of listed hazardous waste. A search of Ecology documents by Yelm-based ♦Preserve the Commons ♦found that much of it was flammable with large quantities of paint thinner. ♦

As shocked as I was to observe the caseworker playing the role of cheerleader instead of regulator, I now realize that she was "just following orders". In 1992, the Washington

State legislature deemed "biosolids" to be a beneficial resource and mandated that the Department of Ecology promote its use on soil. ♦ (Garbage out of the effluent, and garbage back in to our crops). ♦ This foolish mandate from the state, based on very outmoded science, if any at all, has made Ecology into an active promoter of pollution, rather than a judicious guardian of the public interest. Other states, like Wisconsin, Michigan and Maine have started to rein in the sludge industry, but not Washington.

Ecology says "the draft permit streamlines some requirements, reducing the regulatory burden for the [biosolids industry] in the state." This mirrors a complaint expressed (at a public meeting) by one of the officers of FMF that "there is too much paperwork." FMF had submitted blatantly inadequate and incorrect boiler plate language in the required environmental analyses (SEPA checklists and SSLAP's). In our case, there were 3 separate Site Specific Land Application Plans, all contradictory, in effect at the same time. They listed only wells in our canyon, including one on the opposite wall of the canyon from the one that could be affected by the land application. They didn't even appear to be aware of the springs that support animal (including human) and plant life, probably because it would have required more research than simply looking up records of registered wells. The caseworker was overheard to say in frustration, "Why are these people drinking from springs?" Among the listed wildlife, coyotes were absent. They obviously never set foot in our canyon. They even got the land descriptions wrong.

The tendency of your department is toward diminished scrutiny and public oversight. Last year, you eliminated comment on specific local permit applications in favor of the one general permit process we now deal with. Of course, it seems futile to generate comments to the Department itself, rather than to a higher independent regulatory authority. ♦ Unfortunately, this is the unaccountable system we are stuck with. As a now retired 20 year state employee, I know how insular and corrupt some departments can be in their dedication to an almost sacred model of practice. Often these models last way beyond their deserved time because the careers of so many staff become too vested in them. State agencies are vulnerable prey to the private contractors they deal with. There is also the revolving door between state employees and private consultants. This is how the public interest and even public safety gets forgotten. I have a friend who retired from Ecology who said, "We don't tell people not to pollute. We just let them know the limits." Another Ecology staffer confided that he consistently refused to work in the Waste 2 Resources Program because of its unprincipled practice.

Almost weekly, new studies come out around the world criticizing the practice of conditioning soil with sewage sludge as dangerous folly. ♦ How long do you intend to ignore these and resist growing public disgust with this barbaric model? We'd like to see Ecology replace "best management practice" with "independent current science" as a guideline. ♦ We call on the state to seriously research alternative methods of disposal such as pyrolysis, gasification or extraction of useful materials.