

Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

File No. SEPA22-013/CUP22-008/CAP23-004

STATE ENVIRONMENTAL POLICY ACT (SEPA) MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Description of Proposal: BERRI Resource Recovery Park. Establish Organic Waste Processing Facility at the former sawmill location. The facility will compost green waste, food scraps, cardboard, construction debris, paper, and municipal solid waste. According to the applicant, the process will result in producing marketable compost, other soil amendments, and/or energy recovery from the on-site and/or off-site organic material fraction of the waste stream.

Proponent(s): BIO-ENVIRONMENTAL RESOURCE
RECOVERY INTERNATIONAL, LLC (BERRI)
C/O David Dressler
1916 SE Clover Court
College Place, WA 99324

Location of Proposal: The site is located generally at 3397 ISAACS AVE (APN 360714420055).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The Mitigated Determination of Non-Significance (MDNS) is based on the project as proposed and reflected in the following:

- Revised SEPA Environmental Checklist, dated 1/9/2023
- SEPA Staff Evaluation Report dated 4/14/2023
- Revised Application Packet, MSW Composting Conditional Use Permit Packet, including revised (unsigned) SEPA Checklist, submitted 11/16/2022
- Critical Areas Permit application, submitted 1/10/2023
- Critical Areas Report addressing impacts to aquifer recharge areas and geologically hazardous areas, prepared by Bryce Evan Cole, PE, dated 1/8/2023
- Critical Areas Preliminary Liquefaction Assessment, prepared by Maury Fortney, ME, PE, MASCE, Principal Engineer, MEFI Engineering, dated 1/5/2023
- Traffic Analysis and Assessment Report, prepared by Maury Fortney, ME, PE, MASCE, Principal Engineer, MEFI Engineering, dated 1/10/2023
- Stormwater Pollution Prevention Plan (SWPPP) dated 10/2/2022
- Conditional Use Permit application (CUP22-008), with Exhibit A (response to WWCC Section 17.40.020) and site plan, signed 11/1/2021, submitted 4/15/2022
- Memo by applicant related to conditional use permit criteria received 1/11/2023 (18 pages)
- Notice of Application (CUP22-008) dated 6/17/2022
- Preliminary Site plan indicating locations and schedule for processing the organic waste material, submitted 5/13/2022

- Memo by applicant titled “Response to Common Questions/Concerns” received 1/11/2023
- MSW Operation Plan for BERRI Resource Recovery Park 8/19/2022
- Undated “BERRI MSW Operation Plan – BERRI’s Transfer Station Model” document (3 pages)
- Agency Comments (on Conditional Use Permit resulting from Notice of Application):
 - Washington State Department of Ecology, Martin D. Quinn, Facilities Specialist, and attachment referencing FAA concerns, email dated 7/12/2022
 - Letter from Washington State Department of Transportation, Paul Gonseth, P.E., Planning Engineer, dated 6/23/2022
 - Letter from Leah C. Rohan, P.E., City of Walla Walla Environmental Engineer, dated 7/5/2022
 - Email from Renee Hadley, Walla Walla County Conservation District, dated 6/21/2022
 - Letter from Andrew Maycumber, R.S., Environmental Health Division, Walla Walla County Community Health Department, dated 7/11/2022
 - Memorandum from Joy Bader, Walla Walla County Public Works Department, dated 7/1/2022
 - Letter from Washington State Department of Archaeology and Historic Preservation, dated 6/30/2022
 - Notes from Rob Grandstaff, Walla Walla County Fire Marshal, “The process of composting includes “heat” that could potentially start fires. Composting fires are quite common. The proponent is proposing a relatively new process that includes the composting of routine garbage, which includes a variety of components such as metals, glass, plastics, natural materials, and unknown materials that would add to the potential of an unplanned ignition. Best practices used to reduce the risk of fires while managing other potential health and nuisance concerns are required to be carefully considered. Where the risk of fires is known to be a high potential and the process is new, developing a work process fire prevention plan with the aid of a Fire Protection Engineer will be required to evaluate the following:
 - A work processing plan that evaluates the fire risks of the composting for the proposed operation.
 - Fire flow requirements for the composting operation.
 - Fire access routes to the composting operation identified on the proposed site plan.”
- Public Comments: None received to date on conditional use permit/project.

This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for fourteen days from the date below. **Comments must be submitted by May 1, 2023.**

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.

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.

This MDNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); if there is significant new information indicating a proposal's probable significant adverse environmental impacts; or if the DNS was procured by misrepresentation or lack of material disclosure.

Mitigation Measures:

- 1. Background:** The Washington State Department of Archaeology and Historic Preservation responded during the comment period on the Notice of Application that a cultural resources survey should be conducted prior to any ground disturbance because the area has never been surveyed and there is a high potential for subsurface deposits being present on the parcel, including ancestral remains. This is confirmed in the SEPA Checklist in Section B-13.

Mitigation Measure: Prior to any ground disturbance, the applicant shall coordinate with DAHP to adequately investigate the property for potential cultural resources by conducting a survey or alternative measures.
- 2. Background:** Several local, state and federal permits/approvals will be required for this project. Many of these requirements have been identified in the agency comments listed above and the referenced SEPA documents, although comments on the conditional use permit were not submitted by several agencies who may have jurisdiction but will be notified of this determination. Sufficient information is not available to confirm that all applicable standards have been met. This MDNS is based on the assumption that the applicant will comply with all permit requirements, codes, laws, and policies including FAA regulations, County Environmental Health Standards for waste disposal, Washington State Department of Ecology standards, Fire Code, Building Code, etc.


Mitigation Measure: Prior to operation, the applicant must provide documentation to the County showing compliance with applicable agency requirements including but not limited to Environmental Health, Department of Ecology, Public Works, Department of Ecology, Department of Archaeology and Historic Preservation, Building Code, and Fire Code. Conditions of these permits, if any, must be incorporated into a revised Operations Plan to be filed with the County.

Lead Agency: Walla Walla County Community Development Department (CDD)

Responsible official: Lauren Prentice, Director

Address: 310 W Poplar St., Suite 200
Walla Walla, WA 99362
Phone: 509-524-2610
Email: commdev@co.walla-walla.wa.us

Issue Date: 4/17/2023

Signature:  _____ **Signed:** 4/17/2023 _____

Staff Contact: Don Sims, Associate Planner, 509-524-2618

You may appeal this determination, in writing, to the CDD no later than fourteen days from the end of the comment period. You should be prepared to make specific factual objections. Contact the CDD to read or ask about the procedures for SEPA appeals and obtain details regarding submittals for appeals (including application forms and fees). Walla Walla County Code (WWCC) Chapter 14.11 outlines the County's appeal procedure.

STATE ENVIRONMENTAL POLICY ACT (SEPA)

Final Staff Evaluation Report for Environmental Checklist

This document is intended to supplement the information in the applicant's submitted environmental checklist and also document some staff evaluation of the proposal. It is meant to serve as a supplement to the primary documents required by SEPA.

Date: 4/14/2023

Project Name: BERRI – Organic waste processing facility (Per SEPA Checklist, “BERRI Resource Recovery Park”)

Proponent/Applicant/Owner: BIO-ENVIRONMENTAL RESOURCE RECOVERY INTERNATIONAL, LLC
C/O David Dressler
1916 SE CLOVER CT
COLLEGE PLACE WA, 99324

Description of Proposal: Establish Organic Waste Processing Facility at the former sawmill location. The facility will compost green waste, food scraps, cardboard, construction debris, paper, and municipal solid waste. According to the applicant, the process will result in producing marketable compost, other soil amendments, and/or energy recovery from the on-site and/or off-site organic material fraction of the waste stream.

The following mapped Critical Areas are on the subject property: Critical Aquifer Recharge Areas (both Walla Walla River Shallow Gravel Aquifer Critical and Moderate Recharge Vulnerability and the City of Walla Walla’s Ten Year Wellhead Protection Area) and Geological Hazardous Areas (both moderate to high liquefaction susceptibility and erosion hazard areas with slopes greater than 15%).

Location of Proposal: The site is located generally at 3397 ISAACS AVE (APN 360714420055).

Zoning: Light Industrial (LI)

Comprehensive Plan Map Designation: Industrial

Conclusions: Based on the analysis herein, the proposal can be found to not have a probable significant adverse impact on the environment, subject to mitigation. The application materials, including the SEPA checklist, were distributed to state and local agencies for review and comment during the 14-day Notice of Application comment period. There will be a SEPA comment period on the threshold determination.

The County reserves the right to review any future revisions or alterations to the site or to the proposal in order to determine the environmental significance or non-significance of the project at that point in time.

Prepared by: Don Sims, Associate Planner, 509-524-2610

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 - A work processing plan that evaluates the fire risks of the composting for the proposed operation.
 - Fire flow requirements for the composting operation.
 - Fire access routes to the composting operation identified on the proposed site plan.”
- Public Comments: None received to date on conditional use permit/project.

A. Background

The SEPA checklist for project SEPA22-013 was prepared by BERRI’s President, David Dressler, a revised SEPA Checklist is dated 1/9/2023; this has been utilized in preparing this staff evaluation report. SEPA documents were submitted with a Conditional Use Permit Application (CUP22-008), Critical Areas Permit (CAP23-004), and grading building permit (B22-0566) applications which are presently under review. Answer 8 should include an archaeological assessment to be prepared due to a request by WDAH. Answer 10 should be: Conditional Use Permit application, Critical Areas Permit application, and Grading Permit application.

B. Environmental Elements

1. Earth

b. WWCC Section 18.08.560(A)(1)(a) states slopes greater than 15% shall require a buffer area of 50-feet or the height of the slope, whichever is greater. The submitted report by Cole states that the organic waste processing facility will not be able to meet the 50-foot buffer area and his report recommends an eco block retaining wall be placed in this area to reduce the buffer to 20 feet. To finalize the Grading Permit further information and plans will be

needed for the retention wall.

c. Both of the above referenced assessments on the soil by both Bryce Cole, PE, and Maury Fortney, PE concluded the soil type to be comprised of various silt loam soils.

e. Grading will be required as part of the beginning of operation, the applicant has applied for a Grading Permit application (B22-0302) for the site.

f. Mr. Cole's plans state the site will utilize a concrete slab to control any stormwater or runoff. Stormwater will be discussed later in this evaluation report.

g. Walla Walla County Chapter 18.08 regulates erosion hazard areas (slopes greater than 15%), the site's northeastern boundary is adjacent to State Highway 12 & has a slope of 30% (per Cole Report); Cole states that ecology-block retaining walls are planned to ensure the slopes remain stable (p. 2). Further details such as the height of said walls will be needed prior to permit issuance.

2. Air

Walla Walla County's land use, environmental, and SEPA reviews are only the first of a number of different application processes this application will require. An additional application will go to the Washington Department of Ecology's Solid Waste Management program and the Environmental Health Division of the Department of Community Health which will review the project for approval of solid waste and/or composting. The monitoring activities is included in the Mitigated DNS and will be included as a recommended condition of approval in a staff report for the CUP application.

3. Water

Generally concur with the checklist.

4. Plants

Generally concur with the checklist.

5. Animals

Generally concur with the checklist.

d. During the NOA comment period, Martin D. Quinn, Facilities Specialist, submitted a comment relating to the distance of the site to the Walla Walla Municipal Airport. The comments were FAA review guidelines that stated activities that may lead to hazardous wildlife attractants near airports (specially avian wildlife) may cause hazards to planes. The applicant's response in this and other written documents suggests that keeping organic material contained/covered will be enough to avoid animals attention. We suggest this be monitored when applicant is operating the facility. The monitoring activities is included in the Mitigated DNS and will be included as a recommended condition of approval in a staff report for the CUP application.

6. Energy and natural resources

Generally concur with the checklist.

7. Environmental Health

As stated above in Air, the County Environmental Health Division will be required to review the applicant's proposal. Subject to prior code interpretation, the project meets the definition of "Organic Waste Processing Facility" in WWCC Section 17.08.364, but it may not meet the similar health classification (see letter from Andrew Maycumber, R.S.); the primary concern is that municipal solid waste and composting organic material can't be mixed according to standard opinions. The applicant will need to meet Health Department's requirements to begin operating the facility.

8. Land and Shoreline Use

Generally believe the checklist provided accurately describes issues. Note supporting documentation provided by Bryce Cole, PE and Maury Fortney, PE.

9. Housing

Generally concur with the checklist.

10. Aesthetics

The application has received comments from the public regarding the site location potentially being one of the first sites seen by motorists on Highway 12 approaching Walla Walla from the east; by all accounts, the applicant is aware of these concerns and will take actions to keep the site from being unsightly. The operations will have to comply with all zoning, nuisance, and other development standards. The site is zoned for industrial uses. Subject to the conditional use permit process the project should not generate significant unmitigated aesthetic impacts.

11. Light and Glare

Generally concur with the checklist.

12. Recreation

Generally concur with the checklist.

13. Historic and Cultural Preservation

Generally concur with the checklist.

14. Transportation

c. No parking plans have been provided; a future building permit or other approvals will need to be more detailed and adequately address County parking standards in WWCC Chapter 17.20.

f. At the request of the Walla Walla Public Works Department, the applicant has submitted a traffic study prepared by Maury Fortney, PE. The study concludes that while the Institute of Traffic Engineers does not have a Trip Generation Model for this type of operation, the trip generation would come from either BDI collection trucks or the 10-12 employees anticipated on site. Fortney concludes Isaacs Avenue would see a 2.0% rise in traffic, which would not impact the current Level of Service of A.

15. Public Services

Application materials were distributed to the County Sheriff's Office, the applicable Fire District Chief, and the County's Building Official/Fire Marshal. The only response was from the Building Official/Fire Marshal that stated the applicant should work to develop a work process fire prevention plan with the aid of a Fire Protection Engineer, this will need to be completed prior to building permits/operation.

16. Utilities

Generally concur with the checklist.