

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

SEPA Distribution List

SEP2012-00007

Date of Issuance: February 7, 2012

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 676-6907. Please submit your response by the comment date noted on the attached notice of determination.

SEPA Unit, WA State Department of Ecology, Olympia via email
sepaunit@ecy.wa.gov

WA State Department of Archaeological and Historic Preservation

WA State Department of Fish and Wildlife

WA State Department of Natural Resources

Lummi Nation

Attn: Natural Resources Department

Attn: Cultural Resources Department

Nooksack Indian Tribe

Attn: Natural Resources Department

Attn: Cultural Resources Department

Applicant:

Edaleen Cow Power LLC

Other:

Northwest Clean Air

Fire District #21

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J.E. "Sam" Ryan
Director

SEPA Determination of Nonsignificance (DNS)

File: SEP2012-00007

Project Description: A farm based anaerobic digester for the processing of dairy manure and the production of electrical power. The project will include the construction of a 240 ft by 74 ft partially buried concrete receiving tank, a 5,100 square foot mechanical building, a 17,720 square foot storage (digester) structure, and accessory fire flow infrastructure. In the future, off-site pre-consumer waste may be brought to the site in a manner that meets the exemption criteria outlined in RCW 70.95.330.

Proponent: Edaleen Cow Power, LLC

Address and Parcel #: 9409 Depot Rd. Lynden, WA 98264; APNs: 400305 070238, 400305 070206 & 400305 184163

Lead Agency: Whatcom County Planning and Development Services

Zoning: Agriculture (AG)

Comp Plan: Agriculture

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by February 21, 2012 and should be sent to: **Nick Smith**

Responsible Official: Tyler Schroeder

Title: Current Planning Supervisor

Telephone: 360-676-6907

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: February 7, 2012

Signature: _____

A handwritten signature in black ink, appearing to be "Tyler Schroeder", is written over a horizontal line.

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding March 2, 2012.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.

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J.E. "Sam" Ryan
Director

Received

JAN 20 2012

SEP 2012 - 7

SEPA Environmental Checklist

Whatcom County PDS

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." In addition, complete the supplemental sheet for non-project actions (part C).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A Background

- 1 Name of proposed project, if applicable:

Edaleen Dairy Anaerobic Digester Project

- 2 Name of applicant: Edaleen Cow Power, LLC

Applicant phone number: (360) 354-5342

Applicant address: 9593 Guide Meridian, Lynden, WA 98264

- 3 Contact name: Eric Powell (Agent for Applicant)

Contact phone number: (360) 366-9900

Contact address: PO Box 2708, Ferndale, WA 98248

- 4 Date checklist prepared: 11/17/12

- 5 Agency requesting checklist: Whatcom County

- 6 Proposed timing or schedule (including phasing, if applicable):

Project Start: 2/3/12 Project Completion: 9/1/12

- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No

If yes, explain:

Though the project owners do not plan on taking in any off-site pre-consumer food waste at this time, there is a chance that they would choose to do so at some point in the future. If they were to take in any off-site pre-consumer food waste, they would do so under the Anaerobic Digester solid waste permit exemption.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

USDA has prepared a NEPA

A United States Department of Energy Environmental checklist has been prepared.

A SEPA checklist has been prepared and submitted to Northwest Clean Air Agency

- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal?

Yes No

If yes, explain.

Applications for Notice of Construction and Application for Approval from Northwest Clean Air Agency.

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

Construction Permit from Whatcom County Planning & Permitting

Notice of Construction and Application for Approval from Northwest Clean Air Agency.

NAS
1/25/12

A proposed
Boundary line
adjustment.
NAS

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Construct an anaerobic digester renewable energy system. Construction includes one 240' x 74' partially buried concrete tank and one 60' x 55' steel building. On operating, the anaerobic digester will produce biogas that will be combusted in an internal combustion engine, located in the 60' x 55' building. The genset will be capable of producing up to 750 kw of electricity per hour. There will also be a 28" diameter octagon collection pit for manure overflow and storage and a pole building for fiber storage.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Address: 9409 Depot Rd. Lynden, WA 98284

Section 05, Township 40, Range 3E.

A site plan is included with the building permit application

B Environmental Elements

1 Earth

- a. General description of the site:

- Flat
 Rolling
 Hilly
 Steep Slopes
 Mountainous
 Other

- b. What is the steepest slope on the site (approximate percent slope)?

Flat terrain.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The existing soils on the site comprise of sandy gravel.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No

If so, describe.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

There will be no grading or filling other than backfilling against the existing the structures with the excavated soils.

Indicate source of fill.

- f. Could erosion occur as a result of clearing, construction, or use?

Yes No

If so, generally describe.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Approximately 15% of the general vicinity will be covered with impervious surfaces. The surrounding area of the project site comprises of barns and farmland.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The project site is flat so there will be little to no soil erosion. Temporary piles of excavated material will be covered with straw.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, or industrial wood smoke) during construction and when the project is completed?

If any, generally describe and give approximate quantities if known.

The project, while producing a few emissions from the exhaust, will reduce net carbon equivalents by combusting methane.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No

If so, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The collected biogas is controlled using a flare and a lean burn 4-stroke internal combustion engine.

3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes No

If yes, please describe and attach available plans.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material.

- (4) Will the proposal require surface water withdrawals or diversions? Yes No

NAS
1/25/12

Give general description, purpose, and approximate quantities if known.

Does the proposal lie within a 100-year floodplain?

Yes No

If so, note location on the site plan.

(5) Does the proposal involve any discharges of waste materials to surface waters?

Yes No

If so, describe the type of waste and anticipated volume of discharge

b. Ground

Will ground water be withdrawn, or will water be discharged to ground water? Yes No

Give general description, purpose, and approximate quantities if known.

(1) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material will be discharged into the ground from the proposed project.

c. Water runoff (including stormwater):

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

Runoff from the project will come from precipitation fallen on the structures.

NAS
1/25/12

Where will this water flow? *Dairy's existing collection system.*

Will this water flow into other waters? Yes No

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes No

If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The existing dairy has a runoff water collection and lagoon system already in place.

4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

The site contains a small amount of native grass but is mostly gravel.

c. List threatened or endangered species known to be on or near the site.

No endangered species are known to be on or near the site.

NAS
1/25/12

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Grass will be planted around the site once construction is complete.

5. Animals

- a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- | | |
|---|-------------------------------------|
| <input checked="" type="checkbox"/> Hawk, | <input type="checkbox"/> Heron, |
| <input checked="" type="checkbox"/> Eagle, | <input type="checkbox"/> Songbirds; |
| <input checked="" type="checkbox"/> Other: <i>crows, seagulls</i> | |

Mammals:

- | | |
|---------------------------------|----------------------------------|
| <input type="checkbox"/> Deer, | <input type="checkbox"/> Bear, |
| <input type="checkbox"/> Elk, | <input type="checkbox"/> Beaver; |
| <input type="checkbox"/> Other: | |

Fish:

- | | |
|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> Bass, | <input type="checkbox"/> Salmon, |
| <input type="checkbox"/> Trout, | <input type="checkbox"/> Herring, |
| <input type="checkbox"/> Shellfish; | <input type="checkbox"/> Other: |

- b. List any threatened or endangered species known to be on or near the site.

No endangered species are known to be on or near the site.

- c. Is the site part of a migration route? Yes No

If so, explain.

*NAS
1/25/12*

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The project will produce renewable energy in the form of electricity and will have a positive net energy flow.

b. Would your project affect the potential use of solar energy by adjacent properties? Yes No

If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The project will produce renewable energy in the form of electricity and will have a positive net energy flow.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No

If so, describe.

The project will combust biogas in a reciprocating engine. A flame arrester is in place to reduce the biogas available for combustion to a minimal level so there is little risk.

(1) Describe special emergency services that might be required.

The building is an unoccupied building so human exposure is not a risk. Service from the fire department are the only services that might be required.

(2) Proposed measures to reduce or control environmental health hazards, if any:

The exhaust from the engine will be terminated at an adequate level to ensure that there are no environmental health risks.

b. Noise

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

There is traffic and agricultural equipment which contribute to noise in the area.

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

The noise from the project is less than what is typically heard for equipment on a dairy farm. The noise will come from the site 24 hours per day.

(3) Proposed measures to reduce or control noise impacts, if any:

The generator will be located in an insulated building and have a muffler to reduce noise impacts.

8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Agriculture

b. Has the site been used for agriculture? Yes No
If so, describe.

The land around the project has been used in the dairy farming operation.

c. Describe any structures on the site.
Structures on the farm includes barns to house dairy cows, feed to house equipment and animal feed.

d. Will any structures be demolished? Yes No
If so, what?

e. What is the current zoning classification of the site?

Agriculture

f. What is the current comprehensive plan designation of the site?

Do not know.

NAS
1/25/12

g. If applicable, what is the current shoreline master program designation of the site?

NA

h. Has any part of the site been classified as an "environmentally sensitive" area? Yes No

If so, specify.

i. Approximately how many people would reside or work in the completed project?

Less than one full time equivalent employee will work on the completed project.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

NA.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The current use of the project is related to the existing dairy operation which has been in operation for numerous years.

9 Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

NA.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

NA.

- High
 Middle
 Low-income

NAS
1/25/12

- c. Proposed measures to reduce or control housing impacts, if any:

NA.

10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The tallest height of any new structure is 22'. The exterior material of this structure will be metal to match the existing dairy barns.

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

None.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

None.

NAS
1/25/11

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

NA.

13 Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

NA.

- c. Proposed measures to reduce or control impacts, if any:

NA.

14 Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Prairie Rd serves the existing dairy's driveway which will be used to access the site. A site plan is included in the permit application.

- b. Is site currently served by public transit? Yes No

If not, what is the approximate distance to the nearest transit stop?

Unknown.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

NA

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? Yes No
If so, generally describe (indicate whether public or private).

- e. Will the project use (or occur in the immediate vicinity of)

- Water,
 Rail, or
 Air transportation?

If so, generally describe.

NA

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

The completed project will not generate any additional trips from what is already taking place at the site.

- g. Proposed measures to reduce or control transportation impacts, if any:

NA.

15 Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes No

If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

NA.

16 Utilities

- a. Check utilities currently available at the site:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Electricity, | <input type="checkbox"/> Natural gas, |
| <input type="checkbox"/> Water, | <input type="checkbox"/> Refuse service, |
| <input type="checkbox"/> Telephone, | <input type="checkbox"/> Sanitary sewer, |
| <input type="checkbox"/> Septic system, | <input type="checkbox"/> Other. |

NAS
1/25/12

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The utilities that will serve the project is electricity by Puget Sound Energy and telephone by Frontier. A trench will be dug, conduit installed, and soil backfilled for the utility lines.

SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: SNR

Date Submitted: 1/20/2012

NAS
1/25/12

C Supplemental Sheet for Non-project Actions

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal will not increase on any of the items listed above.

Proposed measures to avoid or reduce such increases are:

There will be no increases.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal will not affect plant, animal, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will not affect any of the areas listed above.

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not allow or encourage land or shoreline uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will have no affect on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will not conflict with local, state, or federal laws or requirements for the protection of the environment.

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J.E. "Sam" Ryan
Director

SEPA Determination of Nonsignificance (DNS)
Legal Notice

To be published one time only on: **February 7, 2012**

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #048867

**WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN
ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD
CONCLUDING ON February 21 , 2012.**

File: SEP2012-00007

Project Description: A farm based anaerobic digester for the processing of dairy manure and the production of electrical power. The project will include the construction of a 240 ft by 74 ft partially buried concrete receiving tank, a 5,100 square foot mechanical building, a 17,720 square foot storage (digester) structure, and accessory fire flow infrastructure. In the future, off-site pre-consumer waste may be brought to the site in a manner that meets the exemption criteria outlined in RCW 70.95.330.

Proponent: Edaleen Cow Power, LLC

Address and Parcel #: 9409 Depot Rd. Lynden, WA 98264;
APNs: 400305 070238, 400305 070206 & 400305 184163

Lead Agency: Whatcom County Planning and Development Services

Zoning: Agriculture (AG) **Comp Plan:** Agriculture

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY CURRENT PLANNING DIVISION LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.