

Logo by Laura Harris

**A Successful  
Anti-Sludge  
Campaign in  
Eastern  
Washington  
March 24, 2021**

Presented by:  
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Davenport & Spokane, WA

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# Mill Canyon



Photo by Chrys Ostrander

**Check Out the Campaign Website:**

<http://www.protectmillcanyon.org/>

# Location



Mill  
Canyon

## Mill Canyon Topography

- **Steeply eroded canyon – wheat fields above to Spokane River at bottom**
- Lots of opportunity for soil erosion
- Streams and springs within the canyon



## Organic farms

- Mill Canyon organic businesses' livelihoods, reputations and certifications
- Tolstoy Farms, Perianth Herbs, other organic producers, & the (non-commercial) Alexander Orchard



## Turnley Spring

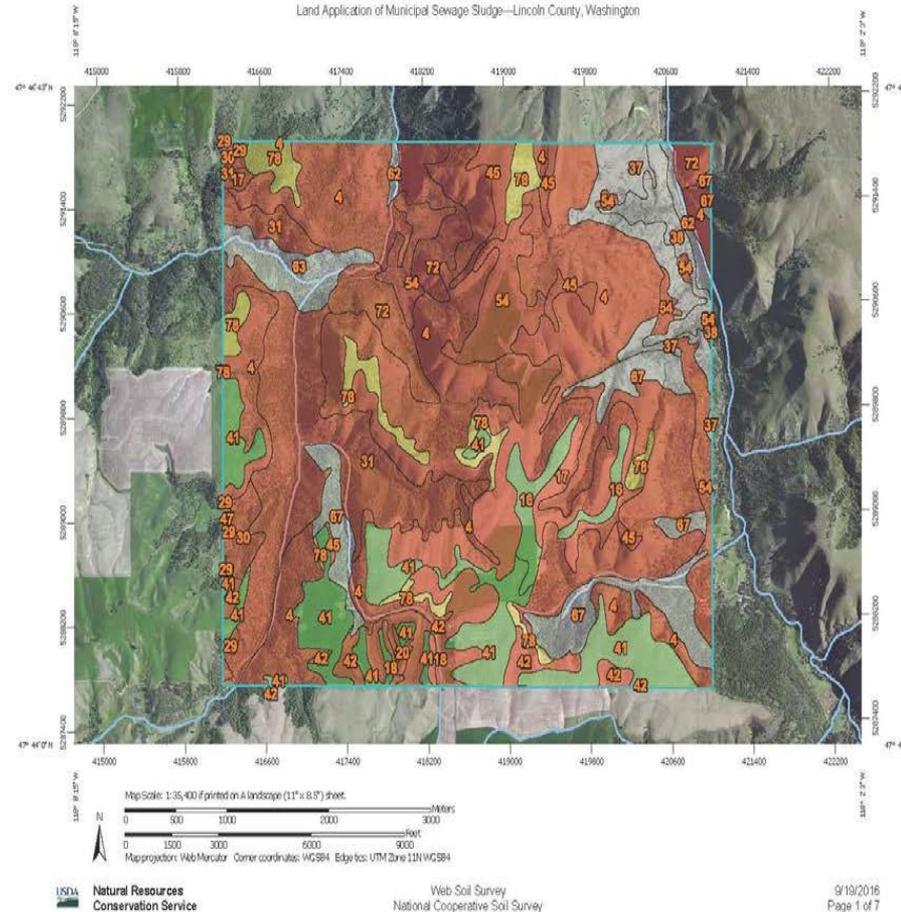
- Water source for Morton's house and orchard, as well as neighbor's home and organic herb business.
- The century old **clean drinking water source for many families throughout the canyon.**
- This natural **spring is steeply downhill from, less than half a mile distant, and within sight of one of the grain fields to be sludged.**



# Mill Canyon Issues

USDA/NRCS Soil Map shows

- Wheat farm on canyon rim (**in red**) the most inappropriate site for sludge disposal.
- Classified HEL (Highly Erodible Land)
- (important: we had an expert for this)
- Lack of erosion controls for surface & ground water and air
- Agronomic rate of application

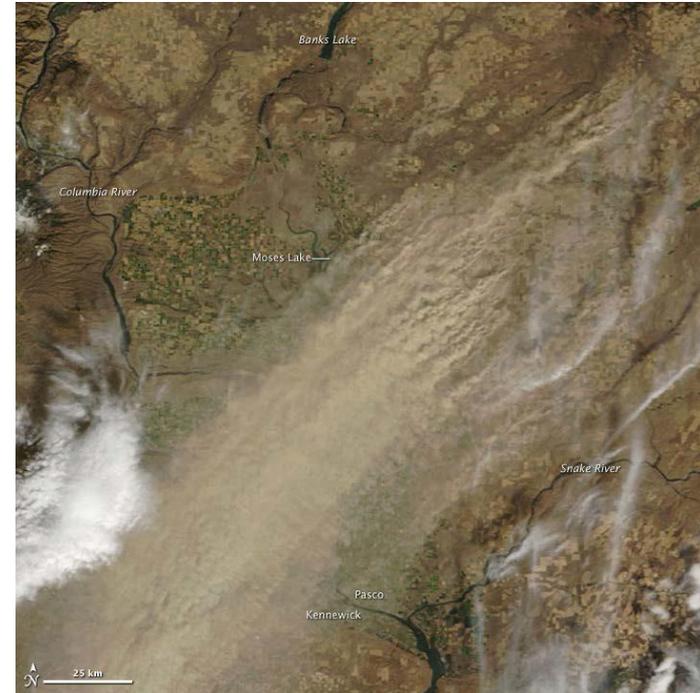


# Floods & Dust Storms

## Top soil migrates down into canyon.

See video of the March 2014  
Mill Canyon flood at the link  
below:

<https://www.youtube.com/watch?v=FEeeXQHbFWks>



# Chronology

- **March 2015 –first public notice. Placed in local rural paper and on sign in remote field.**
- August 2016 – Meeting on farmer’s lawn: sludge wholesaler and Ecology permit writer informs canyon folks that sludge is safe.
- 10/11/16 – Public hearing in Davenport
- 10/31/16 – Public comment period closes; lots of informed and passionate comments submitted by Mill Canyon residents, and Sierra Club.
- **2016-2017 – Protect Mill Canyon campaign**
- 11/27/17 – New landowner agreement signed by farmer rescinding consent to apply biosolids near Mill Canyon rim.
- 12/13/17 – permit issued
- **2018 - Hauler loses interest** due to considerably reduced (by ¾) acreage of the deal from the original acreage proposed.

# Public Notice

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE (DNS), AMENDMENT TO COVERAGE UNDER THE STATEWIDE GENERAL PERMIT FOR BIOSOLIDS MANAGEMENT**

Notice is hereby given that Fire Mountain Farms, Inc. (FMF) is applying to the Washington State Department of Ecology (Ecology) to amend its existing coverage as a biosolids beneficial use facility under the Statewide General Permit for Biosolids Management. A copy of the general permit can be found at: <http://www.ecy.wa.gov/programs/swfa/biosolids/pdf/BiosolidsManagement.pdf>. FMF is proposing to add a new land application site located at Sections 12, 13, 23, 24 & 34, Township 26N, Range 37W, WM and Sections 17, 18, 19 & 20, Township 26N, Range 38W, WM near 32529 Level Rd. N. and unaddressed Olson Hill Rd. E, Davenport, WA. A Site Specific Land Application Plan (SSLAP) has been submitted to address the management of biosolids at this site. FMF proposes to accept biosolids from unspecified sources for land application at the new site. The site consists of fields totaling approximately 2 thousand acres.

As the lead agency for this proposal, Ecology has determined that the proposed action will likely not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with Ecology.

Copies of the Site Specific Land Application Plan, DNS and completed Environmental Checklist are available at: by contacting Betty Ann Bickner. Any person wishing to comment on the DNS or proposed permit application must do so in writing or as described below. Comments must be received by Ecology, at the address listed below by 5:00 p.m. on May 15, 2015.

Any person who wants to comment of this proposal or to request a public hearing or meeting must do so in writing. Comments or requests must be submitted to Betty Ann Bickner by May 15, 2015.

If you wish to receive notification of activities relating to this project, please notify, in writing, the Fire Mountain Farms contact listed. Fire Mountain Farms, Inc. will provide written confirmation by certified mail, return receipt requested, to each interested person or organization that their name has been placed on the list.

Contact persons to receive questions, comments, or requests:

<b>Department of Ecology</b> Betty Ann Bickner 4601 N. Monroe Spokane, WA 99205-1295 509-329-3505 <a href="mailto:bbic461@ecy.wa.gov">bbic461@ecy.wa.gov</a>	<b>Fire Mountain Farms, Inc</b> Robert Thode 856 Burnt Ridge Road Onalaska, WA 98570 (360)266-0695 <a href="mailto:Robert.Thode@Firemtn.us">Robert.Thode@Firemtn.us</a>
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# Sludge is Bad

“Biosolids” is the waste industry's marketing euphemism for the sludge left over after sewage is processed through waste water treatment plants.

It is increasingly pushed as free fertilizer for farmers, as well as compost for gardeners.

Consider the source

- **Untreated pollutants** (PBTs, PFAS, PCB's, emerging contaminants)
- **Unknown unknowns**
- **Very limited testing**
- Impacts on markets



Keep in mind: Sludge comes from the CWA-mandated wastewater (sewage) treatment process



The Department of Ecology is trying to help STPs get rid of their sludge, creating an internal conflict of mission (ie, help cities dispose of sludge versus protect public and environmental health).

**Sewage effluent to Farmer's field: Garbage out, garbage back in!**

# Sloppy Paperwork

- Fire Mountain Farms obtained coverage under the 2015 General Permit
- SSLAP's to Ecology to land apply sludge on Landowner/Farmer's property 3-4 times over 3 year period; **much confusion.**
- Incomplete information
- Procedural irregularities
- **FMF's bad record** of mixing sludge with chemical waste
- **SEPA checklist was filled out in boilerplate.**
- Coyotes were not among the animals listed.
- Only wells were listed, not springs.
- One well listed was on opposite wall of the canyon from both the farmer's and my properties.



## Mill Canyon Issues, cont.

- Neighbor Concerns:

- Topographic relationship between sludge disposal site and canyon
- **Potential impacts to Morton's (Turnley) Spring**
- Surface runoff and flooding
- Aerial deposition



- **Threat to Mill Canyon organic commercial producers**

- USDA Organic production handling standards
  - <https://www.ams.usda.gov/publications/content/organic-production-handling-standards>
- Organic farms cannot use municipal sewage sludge and “Land must have had no prohibited substances applied to it for at least 3 years before the harvest of an organic crop.”

## Organize!

- Build a complete campaign: legal, public, legislative and corporate arenas
- Build a good website
- Get publicity and lots of it
- Retain a tough lawyer and a good scientist:  
    We were accused of “threats and intimidation,” meaning good advocacy
- Be bold – conquer your fear and engage on behalf of what’s right.



# The Protect Mill Canyon Campaign

- Create a Steering Committee (folks affected, organic farmers, expertise, skills, concerns)
- Logo, website, media outreach
- Networking with local and food safety groups
- Letter-writing campaign for moratorium on applying sludge to food crops
- **Preparation for appeal** (fundraising, finding a lawyer)
- **Teambuilding:** John Osborn (strategic advice), Chrys Ostrander (outstanding execution), and Rachael Osborn, (legal advice), Don Hansen (neighbor-soil scientist), Laura Harris (art), Morton Alexander (organizing).



Photo: Capital Press

**Agitate!**

**Combo demonstration / press conference outside Ecology's Spokane office.**



**Tolstoy Farmer Tim Pellow explains organic farmer's position**

# Use Art!



Image by Laura Harr

# The Media Paid Attention

- Mill Canyon Farm Applies to Use Fertilizer Derived from Municipal Sewage (KPBX, Aug. 28, 2017)
  - <http://spokanepublicradio.org/post/mill-canyon-farm-applies-use-fertilizer-derived-municipal-sewage>
- Making a Stink: For decades, cities and towns have spread their sewage on agricultural land, but one group questions if regulations have kept pace with science (Inlander 9-21-17)
  - <https://www.inlander.com/spokane/making-a-stink/Content?oid=5631277>
- Lincoln County residents fight biosolids on nearby farm (S-R 9-27-17)
  - <http://www.spokesman.com/stories/2017/sep/27/lincoln-county-residents-fight-biosolids-on-nearby/>
- Washington group starts campaign to stop use of biosolids on ag land (Capital Press 9-7-17)
  - <http://www.capitalpress.com/Washington/20170907/wa-group-starts-campaign-to-stop-use-of-biosolids-on-ag-land>

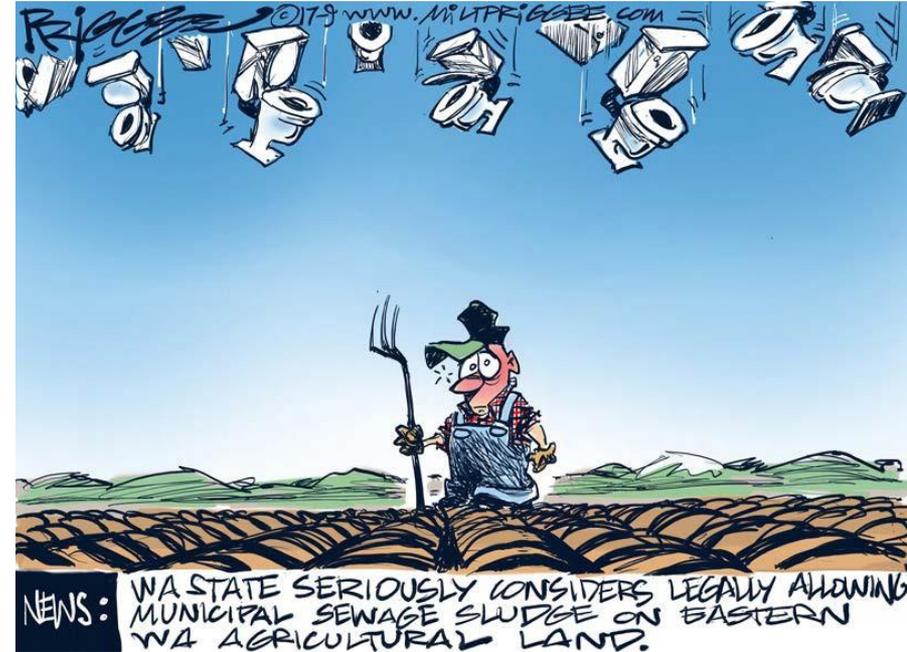


Kevin Johnbrow, from Spokane's wastewater treatment plant, spreads biosolids on a farm near Reardan last week. Photo by: Young Kwak, Inlander

## Support from Allied Groups

The committee also received valuable guidance, advice and support from the Columbia Institute for Water Policy, the Northwest Fund for the Environment, Safe Food and Fertilizer (a project of Earth Island Institute) and the Sierra Club.

- The Fig Tree (faith community)
  - <http://www.thefigtree.org/sept17/090117millcanyonprotects.html>
- Sierra Club Upper Columbia Group's Nature's Advocate (Autumn 2017)
  - <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u1774/Advocate%20Fall17%20WEB.pdf>
- Sierra Club Washington Chapter Cascade Crest
  - <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/washington-state-chapter/Communications/Crest/2017%20i3%20Fall%20Crest.pdf>
- AND, an Op-Ed: Alexander & Ostrander, Keep Sewage Sludge Off Farmland (Spokesman-Review 10/14/17) at
  - <http://www.spokesman.com/stories/2017/oct/14/keep-sewage-sludge-off-farmland/>



Cartoon: Milt Priggee

## Ecology Response was to Approve Permit

- *But: **Victory!***
- Because the landowner **withdrew** permission to apply biosolids on the **lands directly above Mill Canyon**, our effective goal was achieved.
- Instead of within 1 mile of canyon, it is permitted for a grain field 5 miles away.
- Acreage of to be sludged reduced by  $\frac{3}{4}$ .
- **FMF abandoned project as too small.**



# Media coverage of the victory

- Citizen Group Happy with Sludge Decision (KPBX, Dec. 20, 2017)
  - <http://spokanepublicradio.org/post/citizens-group-up-happy-sludge-decision>
- Eastern Washington group reaches compromise on plan to spread sewage on farm (Inlander, Dec 21, 2017)
  - <https://www.inlander.com/Bloglander/archives/2017/12/21/eastern-washington-group-reaches-compromise-over-plan-to-spread-sewage-on-farm>
- Permit will limit use of treated sludge on Lincoln County farm (S-R, Dec. 23, 2017)
  - <http://www.spokesman.com/stories/2017/dec/23/permit-will-limit-use-of-treated-sludge-on-lincoln/>



The local paper (**Davenport Times**) drew comments from both left and right opposing the use of sludge on farmland, putting local pressure on the local farmer

## Environmental Classism

This battle pitted the canyon community of **small organic farmers** against an **alliance of the state, the sludge industry** and a neighboring member of the local grain growing establishment.

**Ecology staff was aggressive** in pursuing this "partnership", even referring to it as such. (**Partner, not regulator**).

National Organic Program's certification code obligates growers to prevent potential contamination of their fields.

**Not everyone can afford a lawyer.**



# Thank you!

Morton Alexander:

*“We refused to just lie down and accept this threat to our beautiful canyon, its air and water. We are grateful for support from the larger community, regional and statewide, that brought credibility to our fight. Hopefully, our success inspires resistance by others in similar struggles.”*

