



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

July 24, 2019

Ben Alworth  
Kyle Mathison Orchards  
4597 Stemilt Hill Road  
Wenatchee, WA 98801

**RE: Notice of Temporary State Waste Discharge Permit No. ST0501323 for  
Stemilt World Famous Compost, Effective June 8, 2019**

Dear Ben Alworth:

Your application for a State Waste Discharge Permit for Stemilt World Famous Compost was received by this office on February 27, 2019. It was reviewed and accepted as complete on March 28, 2019. A Public Notice of Application was published on April 30, and May 7, 2019, in the Wenatchee World and the public comment period ended on June 7, 2019. Ecology received no comments.

Given our limited resources, beyond processing and approving your application, we cannot issue a full permit at this time. Washington Administrative Code (WAC) 173-216-070 explains what satisfies the requirement for filing a permit application. WAC 173-216-090 requires publication of a public notice followed by a 30-day comment period. Revised Code of Washington (RCW) 90.48.200 states, "In the event of failure of the Department of Ecology (Ecology) to act upon an application within 60 days after it has been filed, the applicant shall be deemed to have received a temporary permit. Said permit shall authorize the applicant to discharge wastes into waters of the state as requested in its application only until such time as Ecology shall have taken action upon said application."

Therefore, as RCW 90.48.200 and WAC 173-216-090 provide, your new Temporary Permit became effective June 8, 2019, the day following completion of the public notice comment period. It will remain in force for up to five years, or until further notice by the Department, whichever occurs first.



Ecology will undertake writing a full permit as time allows. At that time we will contact you to discuss any changes in operation and to do a site visit.

**Your temporary permit consists of the permit application and all appendices submitted with it.** Compliance with the application and the appendices will constitute compliance with the temporary permit.

### **Temporary Permit Conditions and Requirements**

1. The Permittee may only apply wastewater seasonally from March through October on the sprayfield. Process wastewater can only be applied during these months and only when the soil temperature is 2°C or greater. Soil temperature data is available from the nearby AgWeatherNet Malaga Weather Station (<https://weather.wsu.edu/>).
2. Flow meters and sampling points for the following monitoring points must be installed, if not already existing, by February 1, 2020.
  - Process Wastewater Lagoon Influent (Outfall 001)
  - Process Wastewater Discharge back to Composting Area
  - Process Wastewater Lagoon Effluent to Sprayfield (Outfall 002)
  - Supplemental Irrigation Water Monitoring
3. A letter confirming installation of these new flow meters and sampling points must be submitted to Ecology by February 1, 2020.
4. Discharge Monitoring Reports (DMRs) are not required to be submitted to Ecology until after the monitoring points have been installed or by February 1, 2020.

This authorization does not allow you to discharge pollutants not specified in your application or appendices, or in quantities exceeding those specified. You are also required to comply with all water pollution laws and regulations.

### **Discharge Monitoring Report (DMR) Forms**

Submit monthly DMRs by the 15th day of the following month. Ecology requests that you register for WQWebDMR, Ecology's electronic data reporting system, and submit your DMRs electronically. To sign up for WQWebDMR (with step-by-step registration instructions and screen shots) at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>. Please feel free to contact Ecology if you have any questions about WQWebDMR.

If you are unable to submit your DMR electronically, contact the Water Quality Permit Coordinator, Department of Ecology, 1250 West Alder Street, Union Gap, WA 98903-0009, to request a waiver to use WQWebDMR and obtain a paper DMR form.

A new application must be submitted before **June 7, 2023**, if discharge of wastewater is to continue after the five-year term of this temporary permit. Ecology may issue a new permit for this discharge at any time. Ecology may request an updated application if a substantial amount of time passes before acting on your original application.

### **Permit Fees**

Under the Model Toxics Control Act, codified as RCW 90.48.465, Ecology is required to recover the cost of the Water Quality Permit Program. Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Your Temporary Permit is subject to this fee. Permit fee billing will be in a separate mailing from the Ecology Fee Unit.

### **Appeal Process**

You have the right to appeal this permit within thirty (30) days upon receipt of this document. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

If you choose to appeal this action or decision, your notice of appeal must contain: (1) A copy of the permit you are appealing, and (2) A copy of the application for the permit.

Any appeal must contain the following in accordance with the rules of the hearing board:

- a. The appellant's name and address;
- b. The coverage date and number of the permit appealed;
- c. A description of the substance within the permit that is the subject of the appeal;
- d. A clear, separate, and concise statement of every error alleged to have been committed;
- e. A clear and concise statement of facts which the requester relies to sustain his or her statements of error; and
- f. A statement setting forth the relief sought;
- g. The notice of appeal shall contain a copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application.

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Your appeal must be filed with the Pollution Control Hearings Board:

**Street Address**

Pollution Control Hearings Board  
1111 Israel Road SW, Suite 301  
Tumwater, WA 98501

**Mailing Address**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

Your appeal must also be served on the Department of Ecology:

**Street Address**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

**Mailing Address**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

In addition, please send a copy of your appeal to:

David B. Bowen, Section Manager  
Water Quality Program – Central Regional Office  
Department of Ecology  
1250 W. Alder St.  
Union Gap, WA 98903-0009

If you have any questions or need assistance, please feel free to contact Matt Durkee, your permit manager at 509-575-2821 or [matthew.durkee@ecy.wa.gov](mailto:matthew.durkee@ecy.wa.gov).

Sincerely,



David B. Bowen  
Section Manager  
Water Quality Program

By Certified Mail 7014 3490 0001 5527 7359

Enclosure: Monitoring Requirement Table

c: Charles Gilman, Ecology-Olympia  
Caleb Bos, Ecology-Union Gap