

Washington high court says let the biosolids flow

Ruling gives a green light to using treated human waste as a fertilizer

By NATALIE ST. JOHN
EO Media Group

OLYMPIA, Wash. — In a move that surprised some Wahkiakum County officials, the state Supreme Court has refused to weigh in on the county's controversial ban on the use of "Class B Biosolids" — a type of treated human waste — as fertilizer.

State law says, whenever possible, communities should convert treated waste to biosolids that can be spread on agricultural land. The state Department of Ecology says biosolids provide a safe, affordable and environmentally sound alternative to incinerating the waste or dumping it in

landfills. Wastewater and septic treatment operators promote the use of biosolids, because spreading the treated waste on farmland is cheaper than paying to deposit it at a treatment plant.

But Wahkiakum County residents had concerns about using a product derived from human waste on local land in 2010, when Long Beach-based Evergreen Septic applied to the DOE for a permit to haul biosolids to Phillip Zerr's farm near Rosburg.

In 2011, Wahkiakum county commissioners banned the use of all but the highest-grade biosolids. The DOE sued. When a Cowlitz County Superior Court judge sided with the county, the DOE asked the state Court of Appeals to review the decision. In November 2014, the appeals court overturned the Cowlitz County ruling, saying that the Wahkiakum County policy was unconstitutional because it undermined state law. Wahkiakum County Prosecutor Dan Bigelow then asked the Supreme

Court to review the appeals court decision.

Bigelow said in November he thought the case had a good chance of making it to the Supreme Court, because the ruling could potentially help determine whether local governments have any authority to limit or ban legal marijuana production and sales.

While the county waited to hear from the higher courts, medical and recreational marijuana groups took an interest in the case. So did lobby groups representing wastewater treatment and industrial agriculture companies.

In a February 2014 blog post, James Slaughter, an attorney who works on behalf of the wastewater treatment industry, said the Wahkiakum ruling "will be important nationally for land application," meaning that it could influence how other communities deal with increasing objections to biosolids. On April 29, the Supreme

Court denied Bigelow's petition and put an end to the county's ban — a clear victory for the state and other groups who see biosolids as a cheap and necessary means of dealing with massive volumes of treated human waste.

"There's no appeal from this," Bigelow said in an email. "The Court of Appeals basically ruled the state runs the show. That means biosolids opponents have to lobby the state Legislature if they want the rules changed."

Once the formal mandate from the state is processed in Cowlitz County Superior Court, locals may begin applying for permits to spread biosolids.

Among the interested parties? Cathlamet, Wahkiakum County's only city and the county seat. According to the Wahkiakum County Eagle, city leaders hope to reduce costs by applying biosolids on a local property, rather than hauling them to Lewis County.



Submitted photo
Pictured, a flock of birds flies over the White-Tail Slough at the Julia Butler Hansen Refuge for the Columbian White-tailed Deer.

New trail, slough open Saturday at Cathlamet white-tailed deer refuge

CATHLAMET, Wash. — The U. S. Fish and Wildlife Service is holding a grand opening celebration of the White-tail Trail and White-tail Slough at Julia Butler Hansen Refuge for the Columbian White-tailed Deer from 9 a.m. to 1:30 p.m. Saturday. The refuge is located at 46 Steamboat Slough Road in Cathlamet.

"The Refuge's White-tail Trail and White-tail Slough provide rich opportunities for wildlife observation, photography and simply enjoying the great outdoors," said Project Leader Jackie Ferrier. Beginning Saturday, the Refuge's White-tail Trail will be open for hiking and biking and the White-tail Slough to nonmotorized watercraft from sunrise to sunset year-round.

The grand opening day features the following events:

- 9 a.m.: Guided bird walk on the White-tail Trail lead by a refuge biologist;
- 10 a.m.: Wahkiakum

4-H's 31st annual Great White Tail Run begins with ribbon breaking around 10:15 a.m.;

- 10:30 a.m.: Canoeing the White-tail Slough with the Lower Columbia Estuary Partnership;

- 12:30 p.m.: Telemetry lessons, search for Columbian White-tailed Deer with refuge staff;

- 1:30 p.m.: Friends of Willapa National Wildlife Refuge prize drawing.

A variety of food will also be available throughout the day from the Friends of Willapa National Wildlife Refuge.

To reserve a spot on a special kayaking tour of the White-tail Slough, contact Columbia River Kayaking at 360-747-1044.

For more information about the event, or Julia Butler Hansen Refuge for Columbian White-tailed Deer, email willapa@fws.gov, call 360-795-3915 or go to www.fws.gov/refuge/julia_butler_hansen

Former sheriff's deputy sentenced to 14 days in jail

By NATALIE ST. JOHN
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SOUTH BEND, Wash. — Former sheriff's deputy Vance Johnson was sentenced April 27 for his March conviction on charges of official misconduct and reckless endangerment.

During the hearing in North District Court, Judge William Faubion sentenced Johnson to 14 days in jail, a suspended 350-day jail sentence, \$1,549 in fines, fees and costs, and two years of probation. He must report to the jail to begin his sentence within 30 days, according to a representative for the state Attorney General's Office.

Johnson was dismissed from the Pacific County Sheriff's Office last September, after he was ac-

cused of using his position to intimidate a group of North County youths who egged his personal vehicle, and subsequently attempting to coerce their families into paying for the damage in spring 2014.

Johnson is appealing his dismissal from PCSO. Johnson has said he cannot speak with the media until ongoing arbitration proceedings with PCSO are over.

A state court records database shows Johnson is also appealing his conviction in Pacific County Superior Court. On April 16, Johnson filed a Notice of Appeal with the Superior Court Clerk. Documents from the North District Court sentencing hearing and Superior Court appeal filing were not immediately available.



NATALIE ST. JOHN — EO Media Group
Vance Johnson sat quietly during the first day of his trial in March, taking notes as witnesses testified about their encounters with him. He was sentenced April 27.

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