

January 5, 2009

San Juan County Council,

The majority of the SWAC has recommend to the county council a site for the solid waste transfer facility, Beaverton Valley, that is the most dangerous, most expensive, and least in compliance with pertinent federal, state, and county codes of all the alternatives considered.

The best, most compliant, most cost-effective alternative---remodeling and improving the existing facility--was not specifically considered. The second-best choice, the inaccurately named "no action" alternative, was not "evaluated and compared to other alternatives," as required by state law.

How could this happen, that the majority of SWAC, composed of civic-minded individuals intent on doing the right thing, confused north from south, best from worst, right from wrong?

*A de facto* and erroneous judgment was made that the Solid Waste Management Plan ((SWMP) takes precedence over the county comprehensive plan, state law, and federal regulations. Chairman George Post, supported by the majority, refused to seriously discuss costs of mitigation, conflicts of applicable laws and regulations with the SWMP, or examine specific safety information and regulations.

Citizen input was curtailed or accepted begrudgingly and not examined fully even when specific federal or state regulations were cited. Questions about costs and increased liability for the county were routinely turned aside and not answered by either the SWAC or Public Works staff.

Post made multiple rulings, some which went to defeated motions, that the SWAC was not to consider the truth of the evidence presented to us, not to consider the legality, code compliance, nor to consider any cost issues. The majority even defeated a motion to request county council for guidance on fiscal issues, as our county, state, and country appear to be sliding into depression.

The result is a SWAC majority decision that is a liability to the council.

The SWAC refused to fully consider the defensibility of our recommendation or its usefulness to the council. To be defensible, a project like this and the decision to build it must be:

1. Safe
2. Legal
3. Of public benefit. The risk/benefit analyses must be fair and just.
4. Cost effective. The cost/benefit analyses must be rational.
5. Functional. In this case, conforming to the SWMP.

The SWAC turned this list on its head and only considered functionality. Public Work's consultants said any site, with mitigation, could be made to work. If that is true, it is indefensible to choose the most problematic site as the best.

Finally, the SWAC made a fatal legal and logical error essential to good decision-making and good government that dates back to Socrates. Every act and every contention must be judged by three criteria:

- Is it true?
- Is it lawful?
- Is it just?

SWAC's failure to make these judgments, in fact the stated opposition to this form of inquiry, makes the majority recommendation indefensible and a liability to the continued council decision-making process. The majority choice is not true, is least lawful, and the most unjust of all we considered.

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