Public Comments from YRCAA Board Meetings

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**December 2011**

Jan Whitefoot (Citizen): Against CAFO air pollution. Object to Tom Silva, former director, as a citizen rep on the AQMP work group. No information from Mr. Silva. Picture of Mr. Silva’s house with burning during a burn ban. Study by D’Ann Williams – air testing on 40 YV homes showed that it is bad to live next to a dairy/feedlot. Particulates can travel over ¾ miles. Today smelled stench of CAFOs. Have you read D’Ann Williams report. Have asked copies of the notes from dairy WG meetings. Have not received them. Violation of the law. She volunteers to be the female rep on the dairy meetings. Gary Pruitt says the dairy meetings are not public meetings and they do not have to share minutes with the public. Invited the board to tour the LYV. There is more manure in the county than there is land for application. Has photos of manure application for two straight weeks during the winter. That is why you need a genuine citizen rep on the dairy WG.

Tom Gasseling (YRCAA Board Chairman), “let’s see what comes out with this report and this work group. . . . we still don’t know exactly the final outcome of this workgroup. . . we may not have a legal recourse, but we have an ethical recourse.”

Jan, Whitefoot “We should be there working with you.” “The people of the community need to know that we are not being represented by Clean Air.”

Larry Fendell (Citizen): Ongoing inversion. No outdoor burning. Asked for no more liquid manure spreading. They are spreading it next to me, . . . every day. A ban would help a lot.

Chairman Gasseling: I don’t think we have the jurisdiction.

**January 2012**

Presentation of Air Quality for Dairies by YRCAA Director Gary Pruitt

Dr. Nicole Embertson, Nutrient Management Specialist from Whatcom County participated.

Louie Aguilar (Citizen): When he visits his 90-year-old mother in Sunnyside the smells are bad. Will this policy make a difference or is it just a procedural document that says, maybe in 15 – 20 years Sunnyside will smell better.

County Commissioner Rand Elliott: Appreciate the question. No intention of getting into a public debate.

Jim Dyjak (Citizen):

Only seven people got the packet. What about the hundreds of people who did not get the packet?

What if a dairyman removes manure from pens and gets high points, then moves the manure to another place? What if he takes the manure off the dairy and places it on another site?

No scientific instruments were used. Re NAEMS – Where is the baseline for neighboring homes?

Karen Cook Gulley (Citizen):

Lived in Toppenish all her life as well as grandparents. Health is decreasing in value. Has asthma, sinus infections, migraines, now chest pains. Why can the Beef Plant burn whatever they want any time they want, while residents cannot use their wood stoves.

Every time there is a problem, they sell the plant and pass the problem on to someone else. Have you ever studied the asthma rates in Toppenish?

The air quality leaves deposits on Toppenish murals.

Jan Whitefoot (Citizen):

Vision Statement – To protect public health and safety from air pollution

Score Card is based on the assumption that BMPS work. Have been in place for 20 years. Not enforceable. Following BMPs has led to the mess we are in today.

YRCAA received $30,000 to conduct the Pilot Project. This is unethical. No environmental representatives were allowed to attend the meetings. Consider this a conflict of interest.

Quotes Attorney Charlie Tebbutt: “The proposed policy does nothing . . . but allow the industry to claim they are regulated.”

You cannot separate a lagoon with aeration from water.

“Why do you allow the poop sprinklers on the dairies?” People have experienced poop sprayed on their cars while driving to work. Under BMPs the poop sprinklers are legal.

Why are poop sprinklers not addressed?

John Hopkins study. Why did the YRCAA say the study has holes in it. Why are you not paying attention to this study, peer reviewed, etc.

Say you are going to use eyesight as a mode of measurement. Not scientifically acceptable.

RCW 70.94 requires scientific measurement. HOUND has been used at Monson feed lot and by the EPA.

We have had horrible inversions. Cows don’t stop pooping during inversions.

Dairy Score Card does not address public health during inversions.

Voluntary participation has never worked.

Pumping liquid manure from a lagoon onto 40 acres next to an area where children are playing. And this is legal under the AQMP.

Dust control.

Acting YRCAA Board Chairman Bill Lover tries to cut her off.

Whitefoot continues: Why would you allow dairies to recycle wastewater to be used for dust control?

AQMP creates a paper tiger that protects industry and does nothing to protect the air.

Are there monitors at dairy sites?

EPA did not participate in development of AQMP.

Much of the information in the score card will not be available to the public.

Ask them to stop and work with the public to write a viable plan.

Jean Mendoza (Citizen):

Report looks very nice. Goal should be to make report relatable to reality. Goal to improve and maintain public health with respect to air quality.

Baby’s lungs are not mature until age five. Pollution impacts children differently.

Studies on young people with asthma.

Chairman Lover questions relevance

Mendoza – trying to make the link to human health as well as animal health. Encourage YRCAA to put a human health component into the project.

Suggested additions:

* Look at impact on human health
* Micro-organisms in particulate matter
* Difference between Pm 2.5 and PM 10
* Look at fecal dust – can cause disease in people
* Look at how much pollutant there is – Can look at how many cows per acre

Chairman Lover intervenes – have to close meeting by law

Suggest rejection of Appendix G – A lot of people will accept this as the truth, It is more virtual than real. There was no baseline air study. YRCAA says they cannot measure odor, but says they reduced odor by 24% in Appendix G

Adjourn study session and re-open to public comments for regular meeting. Lover, Elliott and Camp present.

Louie Aguilar (Citizen):

If you held these sessions in an environment where people are exposed to the pollution all the time, it might bring a different incentive, able to observe changes. We are sitting here in a beautiful, air-conditioned environment. Need to consider the issues where the problem exists. Otherwise, will be here 20 years from now discussing the same problem.

Gerald Gefre (Citizen):

Downwind from the DeVries Dairy – means anyone within 3-4 miles of a dairy. There was no true citizen representation at the workshops. Impacted people were not heard. Maybe the board should get into an airplane in June or July and smell the odors from the dairies – causes N/V.

Suggests implementation of BAT – Best Available Technology instead of BMPs. Dairymen who make a good living, should be looking out for their neighbors.

Pollution will affect people down the road.

No reference to what happens to manure after it comes off the dairy.

Asa Washines (Citizen):

From West Wapato area. The document lacks the partnerships with the Yakama Nation, part of Yakima County.

There have been cases in which tribal areas have higher standards than neighboring areas. Tribal standards can supersede neighboring rules.

Disappointing to see lack of collaboration.

Chairman Lover says he tried to reach out, not successful.

Do you remember the name of the person from the Yakama Nation.

Rebecca Hauk, Elizabeth Sanchey, Noelle Saluskin & Phil Rigdon per Gary Pruitt. YRCAA presented to the Tribal Council.

Lavina Wilkins (Citizen):

Tribal member who lives on West Wapato. Moved to her home for fresh air for her grandchildren. Now all her family has allergies and asthma. Every morning when you go outside you smell cow manure. Raising a grandchild with asthma who is on a machine. I have an inhaler.

Jurisdiction. Air does not have jurisdiction. The cities are affected by pollution.

Need to see a better plan and more people involved. Our children are our most valued possession.

“If you can see the air its OK” Is this the policy you are pushing. I can’t for the life of me see how you can see the air. Applause.

Steve George (Citizen):

Works for the dairy federation. The industry was invited to participate and did so voluntarily. Appreciate the professionalism of the YRCAA staff and others. There has been a lot of chaff spread round here today. Believes the wheat needs to be separated from the chaff.

Industry looks forward to working with staff. Believes they have made great headway. Great program. Looks forward to working with YRCAA.

Larry Fendell (Citizen):

A lot of work involved, even though I don’t agree. Appendix G-1. Pie Charts. Ammonia and odor. Could not find a baseline anywhere. Says they reduced ammonia and odor. But there is no baseline.

I live down there. I don’t notice a 24% reduction. It stinks. There’s too many cows on a confined area. You end up with > 6 cows per area. This is not agronomic. The main thing dairies produce is manure. But we have just too many cows.

Only eight people participated in the workshops.

Not the first in the nation. Have found projects in Idaho and California. They are used to get more laws passed and a propaganda tool.

Putting up trees at stage three. Creates problems – mites and aphids.

Running manure through wheel lines, or through a honey wagon, pollution hangs in the air till the cows come home.

There is nothing scientific about the AQMP. They should have established a baseline. Dr. Ndgwa has state that spraying manure is the worst way to spread manure. People’s homes and cars have been sprayed.

Dr. Nicole Embertson (Consultant):

Good comments, etc. Good to compile so the scientists can reply and provide resources.

Lover was an observer throughout. Not an expert but has comments:

Public should believe the dairy industry made a good faith effort and should be commended. In particular the article in the paper from Dr. Williams made irrelevant comments.

Conclusions are consistent with pro-active problem solving with CQI. Same processes used in major industry.

States he is still open to opinions. Believes it will improve air quality. Commends the industry.

**February 2012**

Study Session – YRCAA Director Gary Pruitt – Purpose to comply with the WAC. Identified BMPS that impact human health. Investigate whether BMPs were being implemented. Summarized in a Score Sheet. Emissions can’t be measured adequately and accurately for fugitive sources such as dairies.

There are public impressions and concerns:

* Measurement of ambient air is necessary.
* Measurement of fugitive emissions cannot be done.
* Public was not involved.
* No new BMPs created.
* Therefore, the public could not and should not have been involved.
* Perception of conflict of interest because of dairy funding
* CAA declares that the cost of air quality control should be funded by polluters.
* BMPs don’t work.
* National Academy of Science disagrees. 2003 report on Regulation of Air Emissions from Animal Sources says there should be no delay.
* Industry has concerns – Not totally on board – Policy is another layer of govt regulation.
* Prefer no consequences.
* Gary disagrees.
* Industry says there is already a high degree of BMP utilization.
* Information given to the agency can be used to support lawsuits.
* YRCAA would not disclose.

YRCAA has the legal authority to require all dairies to register.

Registration does not mean a permit. Need to be able to determine if a facility has the potential to permit that would trigger a permit requirement under federal law.

**March 8, 2012**

Larry Fendell (Citizen):

Involved in clean air for a number of years. No problems getting information. All of a sudden it is hard to get information.

Dave Caprile wrote a deal into the paper – best approach to the dairies. He’s writing and talking about people twisting facts. This leads a lot to be deserved too. I brought a few pictures showing the smell problems we have. They push up berms. Make lagoons wherever, usually on property lines. They spread it out to dry right next to people’s homes.

This is a rig spreading the manure out. This is what it looks like after they harrow it. They haul it everywhere. This is Roza Drive in one drive. Where do you think that goes when you can’t get your mile? How do you incorporate manure on asphalt? One of the pictures they have dead calves laying out there. Here are the Big Guns. This is brown water. There supposed to be cutting that with something. Dr. Pius has said this is the thing they can do. Aerating it through irrigation. Here is a barn that hasn’t been cleaned.

When Dave writes a deal for the paper, he shouldn’t be so single minded. There are lots of reports that are ignored. They were supposed to be doing something since 2003.

Jan Whitefoot (Citizen):

On Monday the day the wind was blowing, 40 miles or more. Helen and I invited a reporter to go with us on a poop tour. You couldn’t hardly see the road. I the Best Management Plan it said they wouldn’t do anything in the wind. We saw truck after truck applying manure. They are not following it now. What will make them follow the plan.

Concerned about transparency. You didn’t share that the dairy industry provided $30,000 until we brought it up. We are never offered the choice of participating. The citizen rep has not showed up for the last meetings. We all volunteered to serve in that position.

I would like to formally request that we do gasses. Asked for tracking and way to go back and see results. It is an EJ issue to include the public, and a matter of fairness. We never have the opportunity to share what we know.

Did anyone work with Ecology on the AQWMP card.

Did any members of the YRCAA lobby for a bill that would limit public request records. Kevin Bouchey might have done this.

You wouldn’t be getting all these PRRs if we could access the records.

Steve George (Citizen):

Reiterate items from dairy industry perspective.

Industry participated 110%. Worked toward a positive goal. Had significant participation – at least half of the cattle. Had academia. High compliance rate.

Dairy should not be saddled with a mandatory program.

YRCAA Board Chairman Tom Gasseling:

The problem with the pictures is you cannot tell what they are. They could be dust blowing or anything.

Fendell: You mean you don’t know shit from shinola.

Gasseling: That’s right, I don’t.

Gasseling: I’m getting real tired being told that I’m sneaky, deceitful, devious . . I ‘m getting real tired of being called devious. . . Don’t come here every month and being told I’m some useless piece of crap.

I personally, I’m fed up with it.

This has got to stop. I’m not going to tolerate it any more.

Jan Whitefoot: You were bad mouthing me in an email.

Gasseling: I meant what I said.

**April 12, 2012**

Steve George (Citizen): Industry appreciates the tact you took at the last meeting. Over half of the cows in the program. Thanks from the industry to continue with a voluntary program.

Doug Moore (Citizen): Fighting this problem since Feb. 1991. I quit counting how many calls I have made. They go to the dairy. They don’t go to the complainant. The dairies take them to a different area. I have had visitors that visited the boundary and almost vomited. Dr. Williams said the air at my place is the second worst in the LYV. When I see that crap in the paper that says no one complains I throw my hands up in the air. Like I said, I have been complaining since 1991. I get pretty upset. As you can see my hands are shaking right now. There is an extra lagoon. The stuff is going into Ditch 9, Black Rock Creek. I know they are dumping, and no one investigates. They put in a plastic pipe that discharges right into Ditch 9. Now the discharge is covered up. It’s been 21 years and I am still fighting the bureaucratic BS. Brought pictures. I got a dairy on Stover Road with manure this high. (five feet) Now they are coming down Braden Road. That’s not good management practices . . and you want them to decide what is good management practices. There is a lagoon with 3 million gallons of raw manure 187 feet from my house. I’ve filed complaints against it. They bulldozed down cat tails because that was a wetland. One time the gate broke and the whole 3 million gallons drained into Black Rock Creek. Nothing has ever been done. I’m so mad I have just about given up.

Dale Coder (Citizen): I really don’t know what I’m doing here because it sounds like no one is doing anything. I get up every morning and go out to get my paper and the air is so bad I can’t hardly stand it. Who pays you guys wages? When are you going to get off your butts?

Chairman Gasseling tries to intervene.

“Come out and take a look. It’s crazy.”

Eleanor Hungate (Citizen): Former full-time faculty at WSU Dept of Ag Economics. Talks about externalities and CAFOs. Don’t think you are concerned about the vastness of the externalities. Pediatric asthma cases are real costs. Increased among people who live down wind. You don’t seem to have much power to regulate. I think you have too nice a relationship with those you regulate. If dairies can say they are performing within guidelines their liability is reduced. Concerned abut the over concentration of CAFOs. We have other agriculture that is of equal or greater value, that is being adversely affected.

Doug Moore: Many years ago I was affiliated with a dairy in Southern California, one of the largest, and they didn’t do this stuff. At one time I helped service about 57 dairies in this area. A lot of them came from Simi Valley, through Maple Valley, they started moving here in the 1990s. So they didn’t really sell their dairies like they were supposed to. I’ll bet a lot of them have another dairy over by Twin Falls, Idaho.

Jan Whitefoot: Questions. At last meeting I was embarrassed by the way Tom Gasseling yelled at us. Where is the code of conduct for board members?

Chairman Gasseling: I’m going to cut you off.

Jan Whitefoot: Last month someone said that only a few people complained. Brought presentation from Les Ornelas. Brought documentation of many complaints.

Have requested exact changes to policy. We should not have to FOIA this information. Need differences between new and old policy. Requested this information three weeks ago. Still has not received. Feel that only meeting with the dairy industry is prejudicial. Request meeting with the public so people can present information more than allowed in two minutes.

Five months that the public representative has not showed up for board meetings.

What scientific instruments should be used to measure air pollutants. Going out and having a guy roll down his window and take a sniff is not scientific. Dairies say an official came out and took a sniff and said we are in compliance.

Let’s work together. You need to involve the citizens.

Recently one of the CAFOs on the reservation applied for an expansion. Why is YRCAA included in the permit application. Hasan says it is because of the SEPA review. Did Dr. Tahat visit the site? No. The dairies fill out the paperwork.

You have members that have attended dairy symposiums and have presented dairy symposiums. Why not attend health symposiums.

Marlene White (Citizen): Member of the Yakama Nation. As a resident of Harrah dairy smells are getting worse. Becoming significantly far, far worse. I have family members that suffer from allergies. Now we smell it during the winter. Have had problems with flies. New problem. Need a response to the people who come to you with these problems. When you permit establishments to come onto a reservation and you don’t regulate it, this is concerning. Lots of cancer on the reservation. Listen to some of the things that are being said. I assume that this is part of your jobs. No one has come to the little town of Harrah and asked what we think. I beg you people to do something and then get back to us.

Jan Whitefoot: In your statistics include the hundreds of complaints to the EPA.

Chairman Gasseling: Agency has no authority on the reservation. (Incorrect because the county permits)

Marlene White: Cites the permitting that takes place on the reservation. If you are going to permit find a way to cooperate on regulation. We meet resistance regarding regulation of non-Indian people on the reservation. I would say, extend an olive branch regarding regulation of CAFOs.

Larry Fendell: This has been going on for 20 years. It got really bad in 2002. There were stacks of complaints. When we talked to Clean Air they had no record. We had stacks of records. People are angry. Has only had one person set foot on his property after a complaint.

They are still not incorporating. The dairies are clean but the neighborhoods are a mess. It is spread all over the roads. Manure is just laying out there on the fields since winter.

Jan Whitefoot: Of all the dairies on the reservation only one has a legal permit to operate. Yakima County permits dairies on non-tribal land, permits pipes. Only one operator has a legal permit.

**May 10, 2012**

Helen Reddout (Citizen): Minutes of last meeting said that he invited Helen to be on the dairy committee. If I had been invited, I would have been there with bells on. I went back to 2010, the only face to face conversation with Mr. Pruitt took place in 2011. Mr. Pruitt came up to me and thanked me for my professionalism. If it is an oversight on my part, I would like for Mr. Pruitt to produce the emails asking me to be on the committee. Asked for clarification.

YRCAA Director Gary Pruitt: I placed a phone call. Intent was to aske her to meet and be on the committee if we talked. Never got the opportunity to invite Helen.

Helen Reddout would like to be on the committee.

Jan Whitefoot: Corrections to last months minutes. Also, comments on Les Ornelas exaggerating. Please add to minutes. Mr. Silva has now missed six meetings. Asked for clarification. We ask questions but don’t get answers. YRCAA did a SEPA review on the Steve Bangs Dairy.

EPA has air monitoring devices available. Public asks for air monitoring when you do an investigation. Some people are voting on CAFO issues and have never seen a CAFO. Invitation to tour the area.

Director Gary Pruitt: Will post comments on the YRCAA website.

Jean Mendoza (Citizen)

Are several vacancies on the board. FOTC supports Jan Whitefoot for the small cities position. She is knowledgeable. Has necessary contacts. She is female. Feel the need for a female perspective.

Chairman Gasseling: Board has no control over small cities rep.

Mendoza: Response to review of John Hopkins by Ndgwa, Harrison, Embertson. Clarifies a longitudinal study versus a cross sectional study. They talked about ammonia. Not the only component of odor. There are over 200 chemicals that impact odor in the air. You can have sub threshold levels for all compounds but when you put them all together you get bad odor.

When people have asthma, they respond to lower levels of BOS D2 antigen. That is why there are no threshold levels.

Antigens can 1. Sensitize the lungs – develop asthma over time. 2. Cause an asthma attack with exposure.

**June 21, 2012**

No public comments

**July 12, 2012**

Jan Whitefoot (Citizen): Asked for clarification re PM 2.5 number of times out of compliance. What measuring devices are you using and is it different from EPA devices. How do you differentiate between particulates from CAFOs and wood smoke?

Acting Chairman Bill Lover: Do you want to wait until the next meeting?

Director Pruitt: Would be a qualified answer. Needs to make assumptions in order to answer.

 Use a federal reference monitor approved by EPA.

 Differentiating particles form CAFOs and wood smoke. There is really no way to differentiate. Are running a set of chemical speciation monitors. But no way to differentiate between either crustal or organic.

 Will make an attempt to answer.

Steve George (Citizen): Understanding is that the air quality issue is primarily during the wintertime when wood stoves are being used and there is little agricultural activity

**August 9, 2012**

Jan Whitefoot reads letter from Helen Reddout. Letter says that the RCW does not say YRCAA cannot enforce air quality on CAFOs. At no time was a position on the dairy committee mentioned or a position on the committee. If he wanted me on the committee not mention it on the call or send a letter. In June Helen said she would like to serve. Did Mr. Pruitt forget?

Minutes forgot to tell about air monitoring in Harrah. Citizens still do not support AQMP. No reason not to have air monitoring.

Title VI says there should be diversity on the committee. Would like to see more women and minorities on committees.

Provides data from the federal govt on the number of cattle. Contradicts numbers from YRCAA. Left data with the board.

For the record, Do not repeat that Jan Whitefoot is against all CAFOs in the Yakima Valley because that is not true.

Chairman Lover - will answer at next meeting.

**October 11, 2012**

Jan Whitefoot: Last meeting gave YRCAA the numbers for cows in Yakima Co. Working on data through NASS. The number does not include beef and slaughter cows.

Hot spots for water pollution are in Granger, Mabton, Sunnyside, Grandview. Lagoons lead to air monitor. Want air monitoring near the Outlook School.

Why wasn’t Hydrogen sulfide included in YAWNS.

Need to test downwind from facilities.

Still asking YRCAA how they monitor poop sprinklers?

Impacted communities are supposed to be included in the studies.

Larry Fendell: Last month was a tough month for smoke and things. We were socked in and yet we had neighbors that were aerating the manure. You know where it stayed. What do you think hangs in the air? I’ve asked in the past and I’m asking again. If there is a Stage II burn ban, and I can’t burn a fireplace or any outside burning, I don’t know why people should be allowed to go out and spread liquid manure. I’ve asked before and I’m asking again for a discussion.

Jean Mendoza: As advocates for people in the LYV Ammonia is a precursor to nitrates in the air. Every dairy cow produces about 80 lbs. of ammonia per year.

Director Gary Pruitt: We’ll communicate with Jan, Larry and Jean outside the meeting.

Acting Chair Lover: There were some jurisdiction questions in WA. All contributors of airborne nitrates will be considered. Even the ammonia that each of us emits on a daily basis. It’s a “must do” study. We support.

Legal action by Citizens for Sustainable Development – hearing date set for October 30.

New Mission Statement

**November 8, 2012**

Jan Whitefoot (Citizen): New information on dairy cow numbers. 226,000 non-dairy cows. 58,000 milkers, other Total 318,687 head of cattle.

Lagoon surface area in 1,211,127 meters squared. Need to address this.

How will you incorporate the new numbers into your policy.

Letter from Mendoza,

Spraying of manure during air inversions. Would you be willing to discuss and write regulations re manure spraying during burn bans?

Helen Reddout (Citizen): I would like to look at your definition of a dairy. Should include heifers, calves and other.

Larry Fendell (Citizen): Need discussion. It was a simple question. I want an answer in an open forum. I want a discussion. Let’s talk about it between the board and citizens.

Don’t need any more cows in this county. We have polluted air and water.

When did the policy lower the time between pulling out trees and burning to 30 days?

Kathleen Rogers (Citizen): Neighborhood formed a group called AWARE. They stopped a calf operation in their neighborhood. Close to her home two dairies have merged. They have added so many more calves, cows, lights at night, piles of poop. Used to have 5 acres of manure. Now they have started more. I don’t understand why you have to be so angry. Enough is enough. Draw the line. We have to do something to contain the smell of the lagoons, urine, cow poop. I want to protect my home and I know you would too.

Director Gary Pruitt: Have experienced ineffective information exchange. Asked about an open forum.

**December 13, 2012**

Jim Dyjak (Citizen): Major health problem. Haystack fire burned and smoldered for a week. I am now the proud owner of an inhaler.

Facilitator at community forum needs to be independent from the agency. (Facilitator was Dave Caprile from YRCAA)

Larry Fendell (Citizen): Feels for Jim Dyjak. In Larry’s area there was a huge barn fire. The fire dept. stayed until the fire was out. No smoke the next morning.

Community meetings. I’ve asked a question for three meetings now. No answer. Why are dairies allowed to spread manure during burn bans? The reason we bring things to the board is when we bring things to the agency nothing happens. Need to have concerns recorded. For the last three months we have asked about ammonia. We have to stop using wood stoves and fireplaces. We go out and they are spreading manure and the air is bad. I want the board to know that there is a problem.

Director Gary Pruitt: “You’re so full of crap.”

Jan Whitefoot (Citizen): We have been asking for several years for scientific air monitoring in the LYV. $9,000 on incentives. Spent $12,000 on a reader board. We need a 1-800 number so people can call in complaints. YRCAA says they still have a 1-800 number. A lot of people do not have computers.

Community Forum no decision-making power.

Did Tom Silva attend the dairy meetings? Still no citizen representation.

County Commissioner Kevin Bouchey – The board needs to address Mr. Silva’s absence.

Director Pruitt: There are others that are no longer attending.

Whitefoot: The fact is that throughout the whole procedure you had no citizen representation.

Cow numbers were not put in last months minutes.

Mary Baechler (Citizen): Is it true we don’t have any air monitoring in the LYV.

Dr. Hasan Tahat (YRCAA): We have them in Yakima, Toppenish and White Swan. None in Sunnyside.

Baechler: Are we monitoring nitrates? I recall that nitrates are carcinogens.

Tahat: No.

Baechler: Why not?

Tahat: What we are monitoring is the criteria pollutants.

We have a speciation monitor in Yakima. By law we are required to have basically the criteria pollutants.

**January 1, 2013**

Larry Fendell (Citizen): From a TV interview Mr. Pruitt, “Frankly the money just isn’t there. Testing wouldn’t produce credible evidence of anything. It would cost tens of millions of dollars to set up testing in the lower valley.” Does that statement bother anyone?

Requests for items on the community forum agenda. Its also been stated that they are going to take this nationally. Other studies have PhDs and peer review. Don’t see this on the AQMP.

Board Chairman Gasseling We don’t have any authority so anything we can do to move it forward is a good thing.

Fendell: Mr. Pruitt said that Helen Reddout would not be on the work group.

**First Community Forum – Led by Dave Caprile of YRCAA**

Outlined the purpose of the forum – to address air quality questions from the public. Only air quality issues. Provide answers that can’t be provided at board meetings.

Will start with points of information. Point of view from the laws and regulations.

Larry Fendell (Citizen) Spraying manure during an air inversion

Several days when manure just stayed on the fields. The pollution just hung in the air.

Dr. Tahat (YRCAA): We do not have the authority to shut down an operation

Fendell explains that originally dairies had to have enough storage. Now they haul every day of the winter.

Helen Reddout (Citizen): I’m astonished that you have no idea what is happening in the valley. Why don’t you come down and we will take you around the valley? Over 400 pathogens held near the ground surface. What are those pathogens doing to people’s lungs.

YRCAA Director Gary Pruitt: We have no authority to regulate emissions during emissions except for wood stoves. There is a piece of legislation that would change that – specific to banning heating devices and outdoor burning.

Monitor in Yakima is situated to find the highest readings in the Yakima urban area. The type of pollutants of primary concern would not measure the pollutants of concern.

Steve George (Citizen): Not aware of a certain time frame in the fall or spring when manure from lagoons could be applied. Only aware of weather conditions or soil conditions.

Reddout: SYCD handbook 1995 talks about fall applications only.

Fendell: roads covered with manure, liquids and solids.

Caprile: looking for our ability to stop manure applications during a burn ban.

Reddout: provided scientific studies – PEW, John Hopkins, etc.

Caprile: this is based on a model, not sampling.

Reddout: but we have used the Cerex air monitoring device. We had readings clear off the graph.

Caprile: maybe we should offer discussions on modeling and sampling.

Reddout: you turned down our offer to use the Cerex air monitor.

Fendell: Dr, Ndgwa used this type of monitor in the NAEMS

Dyjak: the dairies are clean and getting high scores. They just move it across the street and you ignore it.

If they lease land it is not attached to the dairy.

Pruitt: we are looking at the whole farm operation, all the land under his control.

Rogers: Veldhuis stored manure 50 feet from a neighbors’ home. Composting manure across the street from her house. He says this manure doesn’t stink and there won’t be any flies. There shouldn’t be manure dust in my home. That is an invasion of my home.

Keith Hurley (YRCAA): Agrees with her. But we are paid to be dispassionate. We are constrained by the law. My guys will continue to act within the letter of the law. If we see a violation we will act. We have sat down and we have examined the law. Because of the complaints that were lodged we did something.

I’m going to speak to D’Ann Williams study. She wrote it. John Hopkins did not endorse that study. We all know there is a dilution level after air leaves a dairy. The problem I have is there were serious technical issues with it. There was no correlating to a health issue threshold. If there was there would have been actionable intelligence. The NAEMS is going to do that. We are kind of tied until the results arrive.

In this particular case the fight is at the legislature. We aren’t moving fast enough for you guys.

**June 13, 2013**

Jim Dyjak: Changes in Item 9 from the material presented to the public. Need to sit down with the public at a study session. A lot of unanswered questions and different from the material that was presented last month.

Larry Fendell: Item 10. Started this discussion earlier. We were berated, reprimanded and ignored. We have brought things up at the community meeting and it gets thrown away. You wonder why we want to come to the board. If we can’t have open communications; if things are being covered up then some changes need to be made.

Item 9, is not what the public reviewed a year ago. It is a blank check.

Jan Whitefoot: Agrees that the public was left out of the dairy score card. Cannot think about any public suggestions that have been implemented. Does nothing to protect public health. Ecology has public hearings for their air permits for CAFOs. YRCAA does not do this. You all were elected to protect all of the people, not just dairy. Using eyesight to measure air quality is junk science.

It’s a logical concern to put poop into the air that people breathe. Would you accept this for your children?

Helen Reddout (CARE): Over a decade of advocacy. Each time we had to go to court. That is not a good way to go about protecting a neighborhood. You represent all of us, not just one group. Supposed to be making decisions on the basis of the needs of the constituency. This is the agency that is being paid to do that.

Kathleen Rogers: Invitation to visit the LYV and see what is surrounding homes in the LYV. Last month Mary Baechler spoke, and someone asked why she spoke since she is form west valley. Mary does visit the LYV.

Jean Mendoza: Response to Ex Memo, Item 10. Would have been good if the agency had consulted Ecology, DOH and SYCD. WSDA does not address inversions in their implementation of the nutrient management act. Do address high winds. Appears some producers ignore these provisions.

Regarding the Ex. Memo. It is not the role of YRCAA to protect groundwater. Not the role to protect industry. Primary role of clean air is to protect the most vulnerable members of society,

A member of a community advisory board for asthma in the LYV. Looks at what happens to asthmatic children. Have measured ammonia and other pollutants. Data shows a relationship between decreased lung function and air pollution. U of W wants to share the data.

Gary Pruitt: Lawsuit against YRCAA by Citizens for Sustainable Development has been settled in the amount authorized by the board. Dismissed with prejudice in process. Agency denies any liability. Settlement chose to avoid continued litigation.

Item 9: AQMP for Dairies.

Director Pruitt: Changes were made specifically to address non-substantive requirements.

* Open to advice from Ecology, EPA, etc.
* Changes related to applicability.
* Number of site visits & frequency. Code B, Part 5 address site visits.
* Fees. Treat all the sources the same. Would fit into the minor source category. Some might be considered a complex minor. Won’t know until the visit.
* AG Task Force has been existence since 1995, not always active. Has been dormant, and primarily dealt with ag burning. Dairy Task Force has completed their work. Would entertain suggestions on who should serve on the task force. Will bring a recommendation.

Board Member Lover: Is there an appeal process for a task force ruling?

Pruitt, doesn’t know of an appeal process.

Lover, so it would just be a citizen appeal to the board.

* How AQMPs are submitted added to the policy.
* When will policy be evaluated? Will be accomplished jointly by YRCAA and Ag Task Force, based on effectiveness of reducing pollution and reasonableness. Board would approve any changes.
* Recommends adopting the policy.

Board Member John Gawlick abstains from voting on policy and rulemaking because he does not know enough.

Yakima County Commissioner Elliott willing to support with the proviso that it is appropriately reviewed.

Lover questions answered include evaluation, dispute resolution, updates, timelines, etc. Prepared to go forward with the current document.

Yakima County Commissioner Bouchey believes the policy represents the interests of all people in Yakima County. Delay is not advisable. Passes with 2 for and 1 abstention.

Item 10: Ban of manure spraying.

Director Pruitt: The guiding statute is the Administrative Procedures Act. Talked to Laurie Crowe, SYCD. Dairy Nutrient Management Act (DNMA) is the only law that deals with manure. Emailed Virginia Prest at WSDA. She responded yesterday.

Part of the tenet of the Clean Air Act is to support economic development.

Reasons are not stand alone.

Nutrient management is managed by the DNMA. Must be agronomic.

There is no evidence that there would be a difference of health risks during a burn ban. Burn bans are sometimes called to prevent fires. Air quality burn bans don’t exist during windy conditions.

Could impact groundwater.

We don’t want to be responsible for overflowing someone’s lagoons. Also, there would be an enforcement issue. We can’t do that.

If board choses to deny the petition I will give further reasons.

Commissioner Elliott not willing to adopt petition. Does not think petitioners will run and appeal to the Governor. It deserves further consideration.

Commissioner Bouchey if we do not take action then the rulemaking process begins.

Board needs more time. Will commence rulemaking.

**July 11, 2013**

Jim Dyjak (Citizen): Questions

* Can the public participate in the study sessions? Pruitt – When it is appropriate. There would be some cases in which it would not be of value. Depends. Elliott – No hard and fast rule.
* Re AG Task Force – need a study session. In the past I tried to be on it and was told I could not join.
* How often the AQMP for dairies is reviewed needs to be clearly stated.
* Petitioners need to meet with YRCAA – It is being dragged out. Suggestion of back room dealings. Let’s fill in that two month hole and meet with the petitioners. We ask for the same respect YRCAA gave the dairies.

Kathleen Rogers (Citizen)

* Directors report re rulemaking – When will the first stakeholders meeting be held? How many meetings? Why the 60 day delay? What are the criteria for acceptance or rejection?
* Why did YRCAA reject the nomination of Jim Dyjak for an award? Larry Fendell was also nominated. Believes the criteria needs revision to make citizens eligible.
* Advocates for ammonia monitors

Larry Fendell (Citizen)

* Supports the need for LYV monitors. Have been calling for this for 12 years.
* Delays in Item 6 – another drag out that prolongs suffering of the people form air pollution.
* Cow numbers are increasing. Manure hauling increases during the winter months. Let’s don’t sit on our hands. We’re ready to go. You need scientific evidence. We have it. No reason to have to go through another winter like last winter.

**July 15, 2013**

Community Forum

Dave Caprile, Gary Pruitt, Hasan Tahat, Patty Walker, Jim Dyjak, Linda Dyjak, Kathleen Rogers, Dan DeGroot, Genny DeRuyter, John Gawlick, Mary Baechler

Open Agenda: Rule Making, Final Thoughts

Kathleen Rogers (Citizen): Few other ways to express Yakima County concerns. Has not seen Mr. Pruitt report concerns from the meetings to the Board of Directors. No assurance that concerns would be brought to the board so they could provide solutions. Only insulates the board from community complaints. Some meetings have been intimidating. Regular citizens would be inhibited by this format. Sees value in the forums if the alternative is no venue whatsoever. Hope the forum continues.

Question: Has the YRCAA staff communicated with the board after community meetings?

Director Pruitt: Communicates by providing a meeting summary. It is their decision to decide whether or not to come.

Question: Can we presume that the forum meetings are only designed to placate the community? Partially answered.

Pruitt: I personally have reported that the meetings have been productive. We can provide this in any format that provides information.

Mary Baechler (Citizen): How do you publicize the community forum?

Dave Caprile (YRCAA): Website & board meetings. Community Announcements in Yakima Herald, Sunnyside Sun & El Sol.

Genny DeRuyter (Dairy): How has attendance been recorded. Disappointed that so few people attend and we talk about the same old things.

Mary Baechler: You have to leave work. I had to leave work for example.

Genny DeRuyter: We have to hear from more people.

Jim Dyjak: Twice I have asked to have something put on the board agenda. The board gets to put on a presentation with their spin. We have to spend our time correcting their statements. That’s why I will not tell the agency what I plan to say ahead of time.

**August 8, 2013**

Study Session: Discuss a Petition to Disallow the Spraying of Manure during Inversions

Director Gary Pruitt:

There is an executive memo, and a summary of the two public meetings.

Very little attempt at consensus building.

Four key points

* Does the agency have the authority to write a rule?
* Adverse health effects.
* Is the rule needed?
* Where to go from there, continue the rule making process?

There is apparent consensus that YRCAA should not continue the rule making process.

Comments from the Farm Bureau, Yakima Dairy Federation, WA Dairy Federation, Attorney Shawn Russell. Late comments came in late, consistent with those comments against:

* No clear statutory authority.
* No adverse health effects.
* already regulated.
* potential damage to crops, soil and water.
* unreasonable operating and management impacts.
* probable adverse effects on non-dairy operations.
* uncertainty of agency’s ability to enforce.
* does not apply to Yakama Nation.
* best addressed by recently adopted AQMP for dairy operations.
* lack of consensus to proceed.

Summary of comments in favor:

* 50 signers
* 3 Individual letters of support.
* Literature in support.
* Rule is needed.
* No conflict with other laws.
* No less expensive alternative.
* Should not apply differently to public and private entities.
* Rule is simple.
* Rule does not differ from federal law that applies.

Comments from meetings:

* BMPs are not being used.
* BMPs don’t work.
* There are adverse health effects.
* Air quality is worsening.
* There is a lack of air sampling in the LYV.

Emails received in support of the rule. Made no progress on consensus on that the rule should say. Are at the end of negotiations. Need to decide whether to proceed with the rule making process and if they do proceed how to accomplish that.

If they decide to proceed with rulemaking there is a period for further public comment. Have up to 100 days to complete the rule making.

Both meetings resulted in unanimous decisions not to proceed with rulemaking. No hands raised in favor of pursuing.

Elliott – Have we fulfilled our obligations. If there is no interest in going forward, do we need to go on.

Gary Cuillier (YRCAA Attorney): Are past the 60 days to deny the proposal. At the exact point to chose

* Stop proposed rule, discontinue the process.
* Refer the effort to committees such as the AG Task Force.
* Continue effort by agency staff.

Regular Meeting:

Jim Dyjak: Put together a package. Flow chart for agency rulemaking.

* Agency must make the rule
* Optional paths – rulemaking process
* Earliest you can take public comments on the rule

Does anyone know where negotiated rulemaking came from? 1990 Congress enacted the National Rulemaking Act. Public Law 104-320 signed in 1996.

No rule was ever proposed.

Why the rule is needed or might accomplish. But that is not what he sent to the state. The statement to the state should have been given to the public.

Commissioner Elliott asked who the rule writer is. It doesn’t have to be Mr. Pruitt. No qualifications.

The intent is for people to come together on the writing of the rule. The agency can still write a rule without consensus. I myself got upset at the meeting. It was like, “lets go out and lynch somebody.” The statute doesn’t say let’s get a bunch of people together and ask them to fill in the blanks.

Questions about AG task force. Why are we making for dairies their own little world where they are judged only by their peers and insulates them from the process. Why aren’t Jim Dyjak and Larry Fendell on the list? We have been coming to these meetings for 11 – 14 years. Debra Suzuki from EPA said that her people couldn’t make the meetings, but they are happy to advise.

Larry Fendell (Citizen): Agrees with Jim Dyjak. The two meetings – Consensus of what? I had to ask to have the petition read so people would understand it. At the second meeting other things were discussed. Meetings provided no information. There was no rule written. Nothing explained.

This valley is getting worse on air quality. I don’t need someone from Whatcom County or anyplace else to tell me what’s going on in my neighborhood. It all boils down to too many cows. They shouldn’t be putting manure on their fields in the winter. Rules and regulations are not being fields.

Doug Moore (Citizen): Lived in the valley for 22 years at the same spot next to a 3 million gallon lagoon. Last night at 3 o’clock I had to get up and close my windows due to the manure smells. Last winter, five weeks in a row, my neighbor spread this stuff on the ground next to my home, within fifty feet. Ammonia releases at a packing house brings closure of a highway. But not for the dairy. I have had to fix electrical problems on dairies due to ammonia destroying the wiring. I would guess 20% of dairies are not very good. Especially during a burn ban, that should be a no brainer. Family is being bitten by vicious flies.

Steve George representing the Yakima Farm Bureau and Yakima Dairy Federation (app 70 dairies)

Item 9. Did not see the legal brief from Groen, Stevens & Klingle on the table of documents.

* Proposed rule prohibited by the ag exemption.
* No substantial effect on public health
* From Ginny Prest from WSDA – request to comment. Can’t endorse a proposal that might have unintended consequences in other areas.
* Farm Bureau requested data from Dept. of L & I. – 90% of injuries are open wounds & bruises. No complaints from harmful air quality.
* No scientific data
* Clients do not support moving forward.

Yes, ammonia is corrosive. But this does not happen just on dairies. Also for fertilizers.

Steve attended both meetings. Did not hear confusion. A large majority of the attendees were dairymen. Dairy is still committed to working on the issues.

Jan Whitefoot, a Petitioner:

Has talked to families where children have played in sprinklers when they did not know manure was in the water. Spraying manures have been banned in other areas due to the pathogens and particulate matter. Referenced El Proyecto Bienestar regarding asthma. Have asked YRCAA to do further studies with the same inexpensive equipment. We never hear about asthma at YRCAA meetings. In favor of proceeding with the rule. Attended both meetings. Opposes Gary Pruitt as Rule writer. Our health studies were not shared at the meetings. But dairy information is shared. I felt intimidated and others felt intimidated. No Latinos at the Granger meeting. I get phone calls because people are afraid of losing their jobs and homes. I have been threatened and followed.

You all didn’t listen until we brought a lawyer. We have come time after time. We have told you about the problem. EPA does want to be involved. I would encourage you not to take the staff’s words at face value. Do your homework.

Doug Moore: Five years ago I had the Hound installed at my place for three months. We have had scientific proof and it’s been delivered to the department. She said the air at Harrah was the worst, mine was second worst and there were several others that were similar.

Fendell: There was scientific evidence turned in with the petition. The agency hid it.

Kathleen Rogers: I have to tell you, scientific data or not, my nose and my lungs are scientific instruments. It is urine in your window.

Terry Brooks (Citizen): This winter one of the dairy farmers that has a new lagoon right in my front door. Last night my neighbor had so much manure on the road you can’t see the line. This stuff is getting in my throat. I just hope and pray that something can be done. I don’t think we are asking too much. I have lived there all my life, longer than any of my neighbors.

Steve George: Some people have relied on a report from John Hopkins by Dr. Williams. Dr. Embertson did a review of that report. She states, the study examining allergens found levels below National OSHA levels. In some cases, children born on farms have lower incidences of allergies. You have to make your decisions based on science and the law, not impassioned pleas.

Genny DeRuyter: Not all dairies have the same practices. Since 1997 we have spent millions of dollars to address issues. There are different degrees of manure separation. At our dairies we have a three-stage separation. We end up with brown water. We have more than enough storage. Where we get into a problem is different storm events with rain and snow melt. We can’t predict the weather. There are lots of extenuating circumstances. I’m not convinced that it is the responsibility of this agency to address. Some lies with WSDA and Ecology.

Report on six Community Air Forums

AG Task Force:

Gary Pruitt: At the July board meeting you agreed to the formation of an Ag Task Force. Has a proposed list.

Item 9: Petition

Board Member Lover moves to suspend the rulemaking process. Second. Discussion.

Board Member Gawlick: Having another rule when others already exist and need to be enforced. Can revisit the rulemaking process after we see the implementation of the practices that were approved by the board in January. I have been told by staff that there was a positive effect. We should put it into action. For those who are not participating compliance should come into play.

Commissioner Elliott: Lots of contradicting opinions and evidence. Believes that 90% of problems are created by 10% of dairies. We need to put pressure on WSDA to do their job. Agrees on stopping the process.

Lover: This was excluded from the BMP study. Maybe this is where it should land. To me we are headed right into court. We should wait for EPA to complete their work. Obviously, there are problems in certain areas and with certain operators. I don’t believe a rule is the way to go.

Commissioner Bouchey: Currently the rules and regulations are not being followed. We need to look at the agencies that have oversight. We have approved the AQMP for dairies. I’d like to see the staff focus on that.

Motion passed.

**October 10, 2013**

Jon DeVaney joins the board as an at-large citizen representative, replacing Tom Gasseling.

Larry Fendell (Citizen): E-coli can travel on air. Would like to hear from the Health Department on how people can protect themselves. The manure trucks are going really heavy. It is falling of and blowing all over. Other trucks have to cover up their loads. Manure trucks should also.

Jim Dyjak (Citizen): Jean Mendoza would like time to address the study session of removing Dr. Embertson from the Ag Task Force. 90% of the members are from ag. But I see you adding more dairies. You need some citizens on there. Again, what happened to the public? What about the victims? When will we be included? Everything is geared to protect ag. If I bring an academic is the agency going to pay them. The last time we had to pay them. But the agency pays the academics for the dairies. If you are going to pay one you should pay them all.

**November 14, 2013**

Jean Mendoza (Citizen): Re Dr. Embertson.

* Provided misinformation and false information to the agency and the board
* Embertson’s Literature Review was made available to the public and was posted on the YRCAA website.
* Statement regarding scientific misconduct
	+ Fabrication
	+ Falsification – manipulating data or results
	+ Plagiarism – appropriation of another person’s ideas
* Definition of a Literature Review

Chairman Bouchey asks for information in addition to letter.

* Referenced 40 pieces of research. 13 pieces actually look at community health. 12 found significant health impacts related to public health. Reads some conclusions.
* No restrictions regarding high temperatures, inversion, or wind events in the Dairy Nutrient Management Act. Not part of AQMP for dairies. It is a fact that people complained to YRCAA when one of the creators of the AQMP sprayed manure into the air during 40 mph winds.
* Incorrect use of references.
* Incorrect statement of a chemical reaction
* How much does ammonia from agriculture impact PM 2.5. Misstates the statistics.
* States manure is not typically applied during winter months. This is not true.
* O’Conner study rejected all but 9 out of > 4,000 studies on health

Chairman Bouchey – Keep asks Mendoza to stay focused.

Do you get my point that she is saying studies say one thing and they say something different?

* Misquoted the John Hopkins study and said it addressed pollutants carried by winds.
* Ignored studies done in the Yakima Valley.

Jan Whitefoot (Citizen):

Granger meeting, proposal was not presented to the public. Only dairy information was shared. Dave Caprile gave the board misinformation.

Dick Camp, former YRCAA board member, has applied to increase his operation. Why could a person be a board member when they are regulated? Mr. Camp’s operation (Bay Zinc/Kronos) was the biggest polluter of SO2 in Yakima County. Why was a permit even given to a facility that was classified as a category 5 hazardous waste site? EPA is currently investigating a spill at Kronos (Camp’s facility). Kronos self-monitors.

Jim Dyjak (Citizen):

Summary says that Jim Dyjak declined an opportunity to participate. I don’t believe in the program, and I’m not being involved in kick starting it. Summary did not convey what he meant.

33 – 38 dairies have not come on board yet. Now fees are going up. We want your money because we need a pay raise.

Item 12: Ms. Rogers asked about the status of a grant for monitors. Tell us what the monitors are, what they will be used for, and where.

Steve George representing Dairy Federation & Yakima Farm Bureau. Organizations do not agree with accusations against Dr. Embertson. Swine operations are not relevant.

Mendoza: Dr. Embertson is the one who brought swine information to the table.

Bouchey: Need to give Dr. Embertson the opportunity to respond. (Dr. Embertson wrote a letter in which she rejected the need to respond. The board took no action against her.)

**December 19, 2013**

Kathleen Rogers (Citizen): Questions re monitors in Sunnyside. There was a monitor at the Sunnyside Schools around 2000. How to get the monitor back. The bases are still in place. Also, the “Hound” is available. Invasive air in the area. Keeps my in my home. I can hardly breathe.

Jan Whitefoot (Citizen): Has received training on how to read the PM 2.5 monitors. In Toppenish for six days in a row the readings were above 35 mcg/sq meter in November. Horrible inversions for weeks. Has friends with bad COPD. Need to inform the public. Risk of non-attainment. Ten days of non-attainment so far this year. It would be good to have a report on asthma. YHD said e-coli in the air can affect people. How many extra people are hospitalized during periods of high PM 2.5? Please do air monitoring.

Jim Dyjak (Citizen): Asks for details on grant request for monitors. For years you have said you cannot afford monitors. When we brought the “Hound” to the board we had to provide information.

Larry Fendell (Citizen): November and December have been pretty bad. Tuesday night there were three fires going along the old Sunnyside Highway. Seems like people are burning more. There are just lighting them up. Someone needs to impress on them that there is a burn ban.

Can we get the health district to talk to us about e-coli in the air?

I asked Nicole Embertson to tell us where she got her information. She said that only 5% of the people spread manure during the winter. I asked where she got the information. She said that Stuart Turner told me that. I asked, Is Stuart Turner running experiments? I don’t think so. That’s the reason we don’t like your paper. You don’t have any facts to back it up.

Jean Mendoza (Citizen): Presented a paper last week regarding Dr. Embertson’s Literature Review. I read her response that is in your packet. She essentially said, I don’t have to justify what I said. By implication the Clean Air Agency is saying, we can put out any information and we don’t have to support it. It is a cruel thing to do to the public, to put out information and say, it is your job to research and find if it is true. I hope you will take some action on my request.

Board discussed complaint against Dr. Embertson. Took no action.

**January 9, 2014**

Dr. Steven Jones joins the board in place of County Commissioner Kevin Bouchey.

Jim Dyjak (Citizen): Board and staff do not answer citizen questions. Cites unanswered questions.

Kathleen Rogers (Citizen): Please continue in your efforts to understand what is happening in the lower valley. Need a monitor.

**February 13, 2014**

Kathleen Rogers (Citizen): Monitoring is a huge step. Without the data, we have no comparison on what the task force is doing.

Jim Dyjak (Citizen): We do need monitors. Talks about a contract for a monitor. Asks for a citizen’s group to discuss. Dyjak hand carried the grant application to EPA trying to help the agency. Need more communication with the citizens.

Mayor Micah Cauley joins the board as representative for large cities in place of Bill Lover.

**March 13, 2014**

Jean Mendoza (Citizen): Provides information to the new board members. Participates in the ag task force with the goal of improving air quality. Talks about spreading/spraying manure during inversions. WA Dairy Commission asked Dr. Nicole Embertson to write a letter. She opined that there is no danger to human health. Mendoza analysis is that Dr. Embertson is biased and gave the agency misinformation. Passed on half-truths. Embertson said producers do not spread manure during the winter. This is not true.

**April 10, 2014**

Study Session for Budget.

Jim Dyjak (Citizen): Will citizens receive the complete board packet. Will the agency post the complete packet on their website? Clerk Patty Walker says the complete packets will be emailed to the addresses she has for board members and for interested citizens.

Item 6, the Dairy Work Group Meeting. Russ Davis is an instigator? Is this insulting? Director Pruitt agrees. Why are we still testing on the dairies? The problem is on properties next to the dairies, in the homes of people who are impacted.

Ask that the public be made part of the budget process. People get five minutes or less to testify. There is no discussion. The public is left out of the process. Written comments never make it to the board.

At one time there was discussion at the board meetings, but no longer. The board assumes that the YRCAA staff is correct. Not always true. For example, giving a pay raise and a bonus at the same time is wrong. Bonuses should not be automatic.

Larry Fendell (Citizen): Seems to be a whole new atmosphere on the board, an improvement. There has been a study in Idaho re spreading of liquid manure. Injection reduced the ammonia and air emissions by 78%. Idaho started with a baseline. The YRCAA policy did not. There is a huge difference in application rates. Be cognizant. Testing needs to be done off the dairies also.

Dr. Tahat (Agency): What is the baseline you referenced?

Fendell: They place monitors on a 22-acre field. Applied manure from tankers. Had another field with circles. Had another field with injection. The baseline was before application.

Genny DeRuyter (Dairywoman): In response. If you were to come to our dairy and measure the differences in tank applications and compare to other dairies, there will be a big difference based on manure separation technology. We are trying for better separation and get cleaner water. Our applications will be different from others. Lots of variables involved.

Don Day (City Manager for Sunnyside): Introduced himself. States concern and awareness of odor problems. SS wants to work with dairies and others to find solutions.

Kathleen Rogers (Citizen): Thanks for open attitude and improved communication. She has talked with neighboring dairymen. All we can do is hope. The door is open. She has talked with Director Pruitt about dust control and flies.

Jean Mendoza (Citizen): Compares YRCAA budget to family budgets when children are sick, for example asthma. References letter from WA Dairy Commission. Concerned that the letter became part of clean air thinking. You all do not answer to anyone but the legislature. You are the only people who can address respiratory problems re air quality.

Shares SIP for YTCAA. No person shall make a false statement to the board.

May 8, 2014

Presentation on Yakima Air Winter Nitrate Study (YAWNS).

Jim Dyjak (Citizen): YAWN Study identified potential health risks to people in the valley. Opened a lot of eyes and will help everyone.

Questions re the study. Do you need further study?

Jan Whitefoot (Citizen): Questions for Ecology. Is ozone higher in the summer? Where is the proof of a NO2 max compliance? A couple of years ago the EPA Environmental Justice division cane to Yakima and found serious problems. 100,000 cows contribute to much of this air pollution. We learned of a difference in air monitors. Any monitor should be certified. Need to monitor for a large number of pollutants in order to know where the pollution is coming from.

Answer – off-gassing of ammonia from application happens during the summer. There are probably other forms of nitrate in other parts of the year but may not be gaseous.

Whitefoot: Ammonia is a precursor?

Yes.

There was a NOx monitor at the community college. Nothing close to the standard.

Whitefoot: You mentioned other areas with similar problems. Do those areas have CAFOs?

Yes.

Alvin Atlee (Businessman from Selah): Concerns about a big smoker and barbecues. Smoke impacts businesses. It is not illegal to have a smoker in town. Smoke is worst during non-business hours for YRCAA. Several complaints to YRCAA.

Director Pruitt: YRCAA will address the complaints.

Inspector Hurley: The smoker is legal. Invading other properties is not. Ideal solution is for parties to work things out. Trying to get the smoke up and out of the breathing zone. Put a stack on it.

Theresa Lua (Citizen and another Selah business owner): Concerned about the health of her employees who now have breathing problems.

Rick Moen (Owner of the Smoker): Prior to this meeting we would have openly taken discussion about the problem and tried to rectify it. We start it in the morning and bring it up to heat. and this eliminates the smoking later in the day. I’ve always tried to accommodate them. I sat down with these gentlemen and explained the smoking process. We have looked at bids for extending the stack. We will continue to do everything we can.

Kathleen Rogers (Citizen): Applauds people for coming together and talking. Keep communication open.

Larry Fendell (Citizen): Thanks people who presented the YAWN Study. People who testified on manure spraying during inversions proved health problems during inversions. Asks board to revisit a ban.

Dean Effler (Citizen): Ran into a grandma recently with four grandchildren, ages 3 to 10. About forty years ago she bought a rural home. There was a neighbor with a few cows. About ten years ago that property was purchased by a dairy. She can no longer let her grandchildren go out and play. Two of them have asthma. There is a lot of particulate matter in the air. Lots of spraying of manure right next to her property. So frustrated. It is no longer a good place for family. Property values have dropped. If this was your property, what would you want? If these were your grandkids, what would you want? I am making an assumption that everyone in the Yakima Valley has a right to clean air. Monitoring units should be on the property right next to the CAFOs. They have as much right to clean air as someone who lives in the middle of Yakima next to Yakima Valley Community College.

Mayor Gawlick: As always, the problem is the budget. We have to do the best we can with current resources.

Steve George (WA Dairy Federation): Dairy industry went into an effort with the YRCAA on a mandatory reduction program. Asked the YRCAA to give it time. Already addressing the ammonia issue. Give it time to work and gather real data, rather than use some model from outside the area.

It appears that claims are made that animal agriculture is not healthy. I would challenge you to come up with the data that shows agriculture is not healthy. There is data that shows people on farms are more healthy than the national average.

Mayor Gawlick: Board members visited the LYV. Are aware that the dairy industry is using the AQMP for dairies. Board is hopeful that they will see positive results.

**June 12, 2014**

No public comments. Discussion about additional monitor in Sunnyside and proposal for more monitoring.

**August 14, 2014**

Study Session re Open Government Training. John Gawlick and Steve Jones present for the board.

General Session.

No public comments

Rand Elliott joins.

**September 11, 2014**

No public comments

**October 8, 2013**

Jim Dyjak (Citizen): Questions about Item 8, Item 9 on the agenda. Shares documents. Suggestions regarding posted data from the new monitor.

Jan Whitefoot (Citizen): Thanks YRCAA for setting up the new monitor. The CDC will do some ammonia and hydrogen sulfide monitoring in Harrah. Concerns because the SS monitor is not certified. A citizen called her and stated that the Steve Bangs Dairy is expanding. Does it need an air permit for expanding? Citizen called Yakima Planning and was told there was no need for action. 1. Does he have an air quality permit. 2. Does he need an updated permit.

Question: Do you have any dairies with air quality permits?

Director Pruitt: No.

Kathleen Rogers (Citizen): This year has been better than last year re neighboring dairies and air quality. Pleased about new monitor. Hoping for progress.

Director Pruitt: YRCAA asked for an FRM monitor. Were denied. Will continue to request an FRM. Looking forward to a large data set.

**December 11, 2014**

No public comments

**January 7, 2015**

Jim Dyjak (Citizen): If there is an item on the agenda, do I come up now or during the discussion.

Rand Elliott: Comments now. John Gawlick agrees.

Dyjak: Comments on Strategic Plan. Is this a requirement of some sort?

Elliott: Not that he is aware.

Director Pruitt: No

Dyjak: Input from key stakeholders. In the AQMP plan public was excluded. Will this happen again? Question re highly impacted communities. What is the definition of highly impacted communities?

Elliott: When the plan came up, I was going to ask to table it. I think it would be better for the board to prepare a presentation to the public, rather than a presentation from staff.

Dyjak agrees. Has lots of concerns.

Dyjak: Concerns about statement re declining cancer. Now we have an agency with no expertise that thinks they can do something by 2020. Goals have to be measurable.

Larry Matson (New Director for the Yakima Council of Governments): Introduces himself.

**February 12, 2015**

No public comments

**March 12, 2015**

Jim Dyjak (Citizen): Effectiveness evaluation of AQMP for Dairies assigned to Dairy WG. Will the victims be allowed to comment? Asked whether YRCAA contracted out Smoke School to a former employee?

Director Pruitt: Yes

Dyjak: I asked the board specifically to watch that. Caprile retired and he got the contract. Asks someone to look into it. Was the contract advertised, or was it set up?

Larry Fendell (Citizen): Did not attend Tuesday meeting of the Dairy WG. Heard that some of the information he passed on was inaccurate. Justifies his statements about increasing dairy herds. Cows from outside the area are coming through the Toppenish Auction. This is where the market is.

Jan Whitefoot (Citizen): Questions about solar energy. There are some really good programs for solar panels. Would be pleased to see YRCAA pursue solar in addition to wood stove change outs. On the east coast people can lease solar panels.

Talks about NPDES permits for CAFOs – under consideration by Ecology. There is a dire need. Curious why dairies are not permitted while others are.

Dairy Air Score Card. Has not seen a change in air quality. Hardly any burn bans called this year, because we can see hazardous air.

Monitor in Sunnyside is frequently down. How can you calculate impaired days when the monitor does not work during bad air events?

Where does the public get information on hazardous waste facilities? Is it ever put on the YRCAA website? Specifically, how to get information on Kronos in Moxee.

**April 9, 2015**

Jon Devaney assumes the role of Board Chair.

Jim Dyjak (Citizen): Questions on Item 7. Does this policy cover contractors, or just employees?

Director Pruitt: Applies to contractors.

Dyjak: Is it customary to issue credit cards to contractors?

Pruitt: No. Only if the Director administers a credit card?

Dyjak: How does a contractor purchase gasoline?

Pruitt: They use a gas card that is assigned to a vehicle.

Further discussion. Discussion of Smoke School and former employees. Anything > $25,000 must come to the board. So you divided Smoke School into two sections, each < $25,000. This is a sweetheart deal that was set up before the employee retired. Also an employee was terminated for cause and then received a contract with YRCAA. YRCAA does not know if the contractor is bonded and insured or has a contractor’s license.

Devaney: You have raised some good questions. The board needs to investigate.

Jan Whitefoot (Citizen): Was the contract put up for bids?

Pruitt: No. Does not reach $25,000 bar.

Whitefoot: Comment on Dairy Air Score Card. Describes John Hopkins study, YAWNS. Concerned about using eyesight to measure air quality. How does YRCAA evaluate off gassing of hydrogen sulfide? No baseline. No scientific air monitoring equipment in AQMP for dairies. Dairies are supposed to use AKART and BACT. The CDC will do scientific studies in the valley using scientific equipment. SS monitor did not work for a month. Dairy Air Score Card does not address off gassing from lagoons, nor manure spreading.

Larry Fendell (Citizen): Number of cows has increased. Lots of studies since 2009. So much ammonia in the air according to YAWNS.

**May 14, 2015**

Jan Whitefoot (Citizen): Article in YHR says Yakima is one of the most polluted cities in the nation, worse than Seattle. No stage 2 burn bans last year? The year before there were about 66 burn bans. Has anyone looked into the solar information? Did a PRR on Yakima Air monitors. Response says there are five monitors. Four are in Yakima, so they do not measure anything near the dairies. For Director Pruitt to imply that YRCAA is monitoring air on dairies is incorrect. The only relevant monitor is in Sunnyside and that is for PM 2.5. That monitor was down from January 9, 2015 to March 10, 2015. This is a period with the worst air quality. EPA said they would place the monitor for a year and see if there were problems. Having the monitor down skews the data. Please ask us questions.

**June 11, 2015**

No public comments

**August 13, 2015**

FOTC asked YRCAA to address global warming and climate change.

Larry Fendell (Citizen): Over the years we have had public comments during meetings. Sometimes we have question that arise during the meeting. Asks to have public comments moved to the end of the meeting.

Commissioner Elliott: Yakima County has comments at the beginning. Board meetings are business meetings. Should welcome questions ahead of time, take them under advisement and respond.

Dr. Jones: Could this take place in another setting?

Rainey Haws (Alternate for Jon Devaney) Agrees

Bill Lover: At City Council Meetings have sign in slips for agenda comments. Otherwise, there is a public comment period at the beginning.

Mayor Gawlick: Will continue as done in the past and address at next meeting.

Jim Dyjak (Citizen): At one time we could talk during study sessions. Now we cannot. All you get is what the agency wants you to hear. Item 8 – approval of SS air monitor – should be upgraded. Hopes you vote in favor. The public has fought hard for the monitor. Has worked with EPA.

Environmental Justice is big in the federal government. YRCAA should not be getting funds when the public is left out. I am pushing hard to stop federal funds until we get an EJ program.

The SS monitor was off for a week and no one noticed.

YRCAA needs the public and should realize it. Dyjak hand carried a grant request to EPA officials in Seattle. Work with the public.

Jan Whitefoot (Citizen): Hx of not working with the public. We had to go to the CDC to get air monitors that would tell us where the pollution is coming from. CDC sent a team, and they are in the second phase. The YRCAA Board has turned your backs on the public. YRCAA has refused to monitor for ammonia, hydrogen sulfide and VOCs. Many monitors are easy to program.

Dairy Air Score Cards – Lots of redactions on PRR information. They did not list the number of cows. No scientific measurement of the pollutants that the scoring says they measure. Why are the numbers of the cows not listed? If you don’t know how many cows, how do you know how much ammonia or hydrogen sulfide? Does YRCAA measure the pH in manure piles and lagoons? She shows cards with major redactions.

Director Pruitt: If there is reaction RCW 70.94.205 provides for redaction. Dairies have to certify in writing that the information would adversely impact their business.

Mayor Gawlick: What about multiple facilities in one operation. Title V insists that the agency document all facilities under one operation as one operation. They are registered as one operation.

Director Pruitt: There is no reason to look at cow numbers.

Whitefoot disagrees. The pollutants are listed at the top.

Kathleen Rogers (Citizen): Shares an album of pictures and pictures from the previous night. There is no water applied to the dust from the pens. Drove around and took pictures of the neighborhood. There is no reason why people should have to breathe that air. Some dairies are improving. They have gone to expense and effort. Others have not. Instead, they buy more property and expand. Do not even take care of the facilities they have.

Mayor Gawlick re the photos: What part of the BMPs addresses dust control.

Director Pruitt: Most of the dust is PM or larger. You can water, cross fencing in which urine stops dust and compacts, additives. These practices are listed in the policy. I’ve never been a cow inspector, but I’ve been a building inspector. You have to manage dust.

Director Pruitt: Cites the law. Have to prove public health problems. The law really says that nuisance is OK. This is the major complaint we receive. We don’t like the nuisance exemption. Obviously, the people that are being annoyed do not agree with what we are doing. I would not either. Describes limited resources.

Larry Fendell (Citizen): Dry year. Once a pollutant leaves your problem you are in violation of the law. There are laws that cover that also.

Genny DeRuyter (Dairywoman): Single family-owned farm. Clarifies how dairies operate. She has two milk barns classified by WSDA as two facilities. But they are contiguous. There are different methods of classification.

Jean Mendoza (Citizen): Who wants to do something about Global Warming?

No response.

Mendoza: That is sad. YRCAA is the most important agency re Global Warming. Presents a mini-lesson. In Europe, the amount of ammonia in the air has increased by 50% over 100 years. Here to ask YRCAA to get involved. Ask YRCAA to do this type of analysis. Here to volunteer to help.

**September 10, 2015**

Study Session – Comments and Appearance before the Board: Request to move the comment period to the latter part of the meeting.

Commissioner Elliott prefers keeping comments at the beginning.

Director Pruitt: Administrative Code Part A says people could engage with the board during action items. Fill out a request prior to the meeting. Was never implemented because the board changed. It is your choice. There are no rules.

Mayor Gawlick: Concerned about prolonging the discussion. Can be a problem.

Commissioner Elliott: Needs to be ahead of time in writing. No back and forth.

Devaney agrees.

Jones agrees.

Make a change. Comments during the public comment period. Consider changing Code A.

Second Item – Proposal from Jean Mendoza. Commissioner has not heard from staff. Postpone to next meeting. Pruitt – needs to look at from an engineering viewpoint and also from an administrative viewpoint. They are dissimilar.

Director Pruitt comments on paper. Lots of works. Large body of information. Does not fit into any of their work programs. Are some disagreements. “Nitrogen is not an air pollutant. It is not even an air contaminant. It can become an air contaminant.” “Our atmosphere is extremely durable, and resilient.” “We need to deal with pollution one pollutant at a time.” YRCAA can aske the DOH to discuss asthma and health problems. We are not health officials. We use advice from others. This is a request from FOTC asking YRCAA to:

1. Analyze impact of agriculture on air quality – Ecology does that.
2. Analyze impact of wet and dry deposition of ammonia – We are not going to do that.
3. Estimate costs and benefits from PM 2.5 and Ammonia with respect to public health – We are not going to do that.
4. Seek funding for research and mitigation projects – Yes, absolutely.
5. Inform outside researchers and agencies about the unique characteristics of the Yakima Valley – If you want us to do that, we can.
6. Discuss the ways that pollution impacts life in the Yakima Valley – Yes, absolutely
7. Read and consider the document “Hidden Costs of Agriculture” by Harvard scientists Paulot and Jacob – Yes. We have read it and do not disagree. But we are not economists and do not pretend to be.
8. Inform decision makers that lung health is not addressed in the Yakima Valley in spite of the fact that we have the worst air in the state. – That is an opinion.
9. Impose appropriate regulations to control Yakima Valley air pollution – YRCAA disagrees with statements.

Will address at next meeting.

Regular Meeting

Kathleen Rogers (Citizen): Wrote a letter to the editor regarding dust from dairies. “It seems to me there ought to be a conscience there of taking care of their pen dirt when there is already and air issue.” They should have been out there with some water. Question about Mr. Pruitt’s answer last month about how dairies chose how to deal with pen dirt. What does YRCAA do if they make poor choices.

Jean Mendoza (Citizen): Thank you for reading my request. There is a strong connection between air and water. Sometimes when you decrease water pollution there is increased air pollution. I am here to volunteer my skills and work. At the meeting for the Integrated Plan yesterday people acknowledged Global Warming. I want to help.

**October 8, 2015**

No public comment

**November 11, 2015**

Devaney & Jones present. No Quorum.

Kathleen Rogers (Citizen): Urgency of air pollution in her neighborhood.

Larry Fendell (Citizen): Can vouch for the bad air quality last night. Poop sprinklers are still going. Lots of manure that has not been incorporated into the ground. Air quality is worse.

**December 10, 2015**

Larry Fendell (Citizen): Four months ago I asked for public comments to be moved from the beginning to the end of the meeting. Bringing up the request again.

Commissioner Elliott thought it was discussed and agreed to leave it as it was.

Dr. Jones agrees.

Fendell – cannot bring additional information that disagrees with the staff at the meeting.

Dr. Jones – Was discussed and agreed to leave it as it was.

Jon Devaney – Move it to a future agenda item when Director Pruitt returns.

Mayor Gawlick – Put it on a future agenda.

We’ve had burn bans for some time, but manure is still being spread. If you can’t burn wood stoves people should not be spreading manure.

Mayor Gawlick – Put it on a future agenda?

Fendell – Future agenda.

Jim Dyjak (Citizen):

Example – Item 8 Budget Revision. Suppose I have a question after the report? In order to ask I have to come back next month. It is hard to ask an agenda question if you don’t know what people are going to say.

Where does the citizen award program stand?

The citizen representative on the board is always from industry. This agency is corrupt. The agency is discriminating against the public.

Dr. Tahat: Not sure about the citizen award?

Mayor Gawlick: The accusation of corruption is offensive to me. I have taken my job very seriously and have worked with several of the staff members. The things that I have seen do not substantiate the allegations.

Dyjak: You have done an outstanding job. From Day One when the Dairy Program began, citizens could not participate. When is the Five Year Strategic Plan coming back?

Commissioner Elliott: It was tabled. Will not come back.

Dyjak: Where is the enforcement on business during burn bans. Why only private citizens? There is discrimination.

Kathleen Rogers (Citizen): Sent a letter. Received an answer from Nancy Helms. Dr. Catherine Karr is doing health studies. EPA is working on the problem. Hoping the CDC will provide useful information. Thanks Mayor Gawlick for his hard work.

Steve George (Yakima Dairy Federation): Clarification on the YHR article by Dr. Seeman. He supported some valid studies.

**January 14, 2016**

Jean Mendoza (Citizen): YRCAA is the only agency with the responsibility of protecting public health re air quality. One method is education re risk factors. Uses the media. Last week there was an article in the Toppenish Review Independent. Quotes the YRCAA. Says ammonia emissions are insignificant. This is inaccurate information. Review Independent said the article was approved by the YRCAA. Shared U of W research from November 2015 in the LYV re asthmatic children. Article talks about ammonia in the LYV. Found a relationship. When ammonia levels rise the children’s respiratory function decreases. The closer to dairies, the more ammonia. People in the workplace are expected to tolerate higher levels of pollution than young children. Hopes the board will direct YRCAA staff to request a correction to the newspaper.

Kathleen Rogers (Citizens): Agrees with Mendoza. Received a report from Dr. Wasserman from DOH about asthma in Yakima County. Last year the air in my home was intolerable. Begs her neighbors to do something. Too many calls on such a small area. There is more than smoke in the air.

Jim Dyjak (Citizen); Item 9. The chart on PM 2.5. The monitor was down for a week. We had the same problem last year. Does it take a week to change a battery? Dec 27 to 30, the monitor was off again, during a peak of pollution. Dr. Seeman was talking about farms, not CAFOs. On page 13, tables 13 & 14. Who is the QA person? If no evaluation was performed, how do you get valid data?

**March 16, 2016**

Kathleen Rogers (Citizen): Impact on her health last week. In spite of promises, her neighbor began stockpiling manure across the road from her. Nothing he could do because of the wet winter, he said. They have no other place to use. I begged him not to place manure there.

Dr. Tahat, you can come to my house any time and test the air. She has asked to join inspections. No one every invited her.

Jean Mendoza (Citizen): Talks about NAEM Study in the LYV by WSU. Studied Hydrogen Sulfide. Average level of hydrogen sulfide in the ambient air was high. Some states do regulate it. Levels in the study were above regulatory limits in California and Minnesota. In Minnesota the state sanctioned a dairy for hydrogen sulfide.

WA state has a law that regulates toxic air substances and the air in this study exceeded WA regulatory limits.

According to Regulation 1, if a business emits more than 40 tons per year of VOC, they must get a permit. According to the NAEM Study LYV dairies emit > 40 tons.

Jan Whitefoot (Citizen): Since yesterday people in Harrah are getting sick. Has been coming to meetings for ten years. Sees no attention to public health. Only cares about industry. Talks about Ecology fines at the Wallula Feedlot. YRCAA is supposed to be doing this. If YRCAA cannot do this, you need to step down.

Larry Fendell (Citizen): Recalls smudging. Was involved in moving away from that practice. This problem went away. That problem lasted one month out of the year. The dairy problem lasts all year long. Talks about inability to respond to misstatements until the next month. Talks about spraying manure during inversions.

Jim Dyjak (Citizen): When you started the AQMP for dairies, Director insisted it could be enforced. A few meetings ago Director Pruitt said it could not be enforced. In this newspaper article Hasan says it can be enforced. Which is it? If they are only going to inspect dairies with a D or below, this is just a money-making project. No inspection but we will take your money. Where is the report and evaluation? Where is the baseline? Need to measure what is off the dairies. Come to my yard. I have told you that many times. YRCAA needs to make money so they can get their pay raises and guaranteed bonuses.

**April 14, 2016**

Mayor Norm Childress from Grandview joins the board.

Kathleen Rogers (Citizen): Several years later expressing disappointment. This is her sixth year coming to YRCAA meetings and making comments. Had hoped that things would change. Maybe a little bit. Last year was one of the most horrific. Doesn’t expect anything better this year. Her neighbor is turning a green field into a compost area. Doesn’t know how some neighbors survive the stench. Disappointed that there are no handheld monitors. Director Pruitt asked her to organize neighbors to put together a grant application for handheld monitors and bring it to the board. Buying out your neighbors is not a solution. I am not going to sell. I’ve been in my home for 35 years. Asking for board’s help.

Jean Mendoza (Citizen): Correction to last meeting. Dr. Tahat said that a study was a snapshot in time. Actually, it was a two-year study. There was an article in the Toppenish Review and the Yakima Times saying there is no danger to public health from ammonia emissions from Yakima dairies. Publisher said the article was endorsed by YRCAA. It is a bad policy for the agency to deny health hazards. The research shows that there is a health hazard. I presented this information to the board in January and Commissioner Elliott said he would look into it. I haven’t heard a response since then.

Jan Whitefoot (Citizen): Clarification re what she said last month. Why doesn’t YRCAA address fugitive dust the way that Ecology does in Wallula. YRCAA has refused to implement enforcement against dairies as the law says they should. A local agency cannot institute less restrictive rules than the state. Meeting after meeting we come here and you guys have turned your backs on us. Linda Dyjak has been reporting the DeVries dairy to YRCAA for 15 years. Air quality is not improving. It is YRCAA’s legal responsibility to do something. Questions re which monitors are used for determining attainment/non-attainment. You have purposefully turned your backs on the people of the Yakima Valley. People cannot sit in their own back yards, but YRCAA gives dairies high scores.

Larry Fendell (Citizen): I’m going to sound like a broken record. When the people ask about something it is discussed behind closed doors. This is not a public meeting. If you have three board members together that is a public meeting. Things are getting worse. Who gets marked down for all the manure on the roads in the LYV? Air quality is not getting better. Don’t think that anyone who lives there believes the statements about improved air quality. Let’s actually do something or save the $1.2 million and let Ecology take over.

Steve George (Dairy Federation): We discuss with what has been said. We feel that the dairy industry has stepped up to the plate to work with the YRCAA. Guidelines were put together by professionals in the field. I looked into the DeVries Dairy. YRCAA said there were no violations. Tom DeVries does everything he can. His dairy is a showcase dairy. There were no obnoxious odors when I was out there last Friday. I know that YRCAA went out there last Friday and did not find the conditions that these people describe. They make these claims that are not substantiated. In regard to the claims that there are health issues, WSU and others have done studies on dairies. We have provided the information to staff. They have not found health issues directly associated with the dairies. I don’t know where this is coming from. The dairies are willing to come to the table.

Sandy Braden (Citizen): Happy to take Mr. George to the LYV when odors are high. Why is Dr. Jones on the board, considering that he is a dairy nutrition consultant? He is here in a position of decision making while he has financial ties to dairies.

**August 11, 2016**

Study Session – Process for Selecting Next Executive Director

Jean Mendoza (Citizen): Asks the board to add a member of the community to the search committee. Be aware of public health related to air quality. YHD is seriously underfunded. YHD cannot even send a representative to YRCAA work groups. Asks the board to find a director with knowledge about public health. Asks the board to add Jim Dyjak to the search committee.

Jim Dyjak (Citizen): Why is there no emergency back-up for the director? What if he is killed in an auto accident? Most clean air agencies in this state have a director who is an environmental attorney. Let’s make sure you hire a director with the educational qualifications. Avoid the good old boy system. Do they have the background, the knowledge, the people skills?

Sandy Braden (Citizen): Do you have any information from the Attorney General’s office based on complaint re Dr. Jones conflict of interest?

Chairman Jon Devaney: Still awaiting an AG opinion. Will be asking YRCAA attorney for an opinion.

Braden: Has called the AG office to learn whether they have received a complaint. They said they have received no complaint. In essence, the supposed complaint has not reached them. Braden submitted her own complaint. Received confirmation.

Chairman Devaney; YRCAA submitted it as a general request, not a complaint.

Braden: Asked if there was a record of anything coming from Rep. Johnson. She will share her data with the chair.

Steve George (Yakima Dairy Federation): In regard to the selection committee. If you are going to open it up to persons other than the board, then please include someone from the regulated community.

Kathleen Rogers (Citizen): Reiterates what she has said before. Need someone from the public on the search committee.

**December 8, 2016**

Study Session for Proposed Ammonia Project

YRCAA presented a proposed ammonia study. Prepared by staff after conversations with Dyjak, Mendoza & Rogers. To assess the contribution of ammonia to aerosol emissions inventory. Suggested use of National Ammonia Program methods.

Proposed: Four sites, two in upper valley, two in LYV.

“will provide YRCAA with a better estimate of nitrogen inputs to the Yakima County airshed and a better understanding of the county’s emission inventory.”

Proposed Budget: $14,400.44

Questions:

Costs? Come from profits from NOC or penalties. Those are discretionary funds. Absorbable.

Will establish additional baseline data? Yes.

Will not tell us anything about sources? Yes.

What will the decision tree look like? What would the board’s actions be after data is collected?

Answer: What we are trying to find out is how much ammonia is in the ambient air and how it contributes to the 25% of PM 2.5 in the UYV air and 33% of PM 2.5 in the LYV. Long term that might point to methods for reduction in the winter of PM 2.5. Might lead to changes in the YRCAA PM 2.5 Advance Program that we submit and change every year. There is no National Ambient Air Quality Standard for ammonia.

Dr. Jones: Disturbed by the phrase, “it is hoped”. Did you have a thesis or hypothesis for this study?

It doesn’t appear like there is randomization for sampling. This biases the study from the beginning.

Commissioner Elliott: How did you arrive at these four locations?

Dr. Tahat: About 3 years ago we submitted a grant for half a million dollars. There would have been 20 sites.

In this case, as far as I am concerned, ammonia is going to exist whether it is in an urban area or a rural area. No question. It is really a matter of time, temperature and humidity for contribution of PM 2.5. There are several ammonia sources in addition to dairies. Year long study will give you an idea of how much ammonia we have. It could come from fertilizer, or from other sources.

The objective, as far as I am concerned, is to say how much ammonia is in the lower and the upper valley. We can do some modeling eventually. Take those numbers and do some modeling county-wide.

Dr. Jones: Is there any agency policy about doing sampling on private property versus public property?

No.

Dr. Jones: So the YAWNS said that 97% of ammonia comes from agriculture and dairy was 94% of that. That’s really, really high. I’m suspicious of that number. Hristov studies estimated that only 50% of ammonia comes from agricultural operations.

Dr. Tahat: I don’t remember that number. If that number is true, I would also question that number.

Dr. Jones: If we know that ammonia is not the driver of PM 2.5, why do we need to measure it in the first place?

Dr. Tahat: We are talking about the primary source and the secondary source. Regarding secondary you are talking about the NOx, part of the combustion process.

Dr. Jones: But you are not going to get PM 2.5 unless you have the NOx. As long as you have the NOx available it is going to create aerosol nitrates.

Dr. Tahat: If you look at the ammonia by itself, then you can look at other reduction strategies. Going back to the National Academy of Science paper, either you are going to wait for the emission factors, or you measure. That is the dilemma, how much is there. We know it is there, but we don’t know how much.

The question we are being asked is, you don’t have the scientific data to show how much you reduce emissions with BMPs. With the data you can implement some modeling and develop control strategies.

In this agency we have never had the chance to say how much ammonia is in the air. Even though it is limited, I don’t believe it is a bad idea.

Dr. Jones: To me it is like wetting your finger and sticking it in the air and saying, OK the wind is blowing. I don’t see how you are going to come up with any definitive numbers.

Dr. Jones: Is there any approved method accepted across the United States for ammonia sampling?

Dr. Tahat: There are several. There is a lot. But you have got to look at the budget and how much you can do.

Keith Hurley: Initially we had two sites. I talked with Dr. Lehman at the national monitoring lab in Illinois and he said it would be better to have four sites. What you really need is a large array of sites.

Dr. Jones: What you are telling me is what you will get will be a number. It won’t be worth a lot.

Mayor Childress: With the lack of a national standard, do you guys have an idea, what will you use as a baseline to tell us, this is a lot of ammonia, or this is not a lot of ammonia?

Dr. Tahat: What we have right now is the YAWNS and the subsequent study.

Jon Devaney: My understanding is that we will have the opportunity to question staff further as we need to.

Regular Meeting

Jean Mendoza (Citizen): Comment on ammonia project. No NAAQs. The CDC does have standards for chronic exposure. The U of W has studied asthmatic children in the LYV. At least three board members are presumed to have the public interests at heart. Please put public health at the top of your agenda as you think about this study.

Jim Dyjak (Citizen): Now if you have some numbers to show ammonia is here, it may give us data to get more grants. If you have the numbers, it may make a lot of sense to the people holding the purse strings.

Sandy Braden (Citizen): Back again for the eighth month. Have you heard from the AG’s office about my complaint that Dr. Jones has a conflict of interest?

Board Chair Jon Devaney: I have not.

Kathleen Rogers (Citizen): There is nothing like getting your hopes up about something being done and then see someone on the board squelch it. We want monitoring because our dedication to this program has gone on for a decade or more. We don’t come up here for our jollies. We come here because of what is going on in our homes. It feels like Dr. Jones is putting the industry ahead of the citizens. We have been battling YRCAA to get attention for many, many years. And it is here. We are finally going to get something that will tell us what we are seeing and smelling and feeling.

Steve George (Dairy Federation): Has written comments that he will provide to staff. Will give a summary. We contacted Dr. Pius Ndgwa earlier this year because this is the first time this has come up about how ammonia emissions affect the air. I’m going to read an excerpt. Dr. Ndgwa says, “Air quality in Yakima gets worse in winter months from December to February when too many residents keep warm with wood burning stoves that when blended with vehicle emissions bring significant air quality challenges to the valley. Regional Clean Air Authority continues to work on improving air quality with local residents and businesses including farms. Although the research reveals small amounts of ammonia emissions from farms, these emissions are insignificant and do not pose an overall risk to human health.”

States that research shows low levels of ammonia at sites outside dairy barns. States levels are below levels set by OSHA and NAOSH

So. a lot of the stuff has already been addressed. For the record, the dairy industry does not support this project as proposed. It is too cursory without enough depth. It targets dairy producers when there are other sources of ammonia. These sites are not random. They are biased.

The government is providing services to two chronic dairy complainers who have demonstrated that their complaints are frivolous, being used as harassment, and, according to agency staff that I have had conversations with, wasting public resources.

The dairy industry has already stepped up. We are in our third year of a mandatory dairy air emission program.

Jim Dyjak: I’m going to rebut that. He just gave you a false statement, that all the complaints have never been verified at my house. Do you know why? Not one person from this agency in sixteen years has ever been to my house. Not one. When you report something on Monday and they might come out a week later, it ain’t going to be there. The study he cites was done inside the barns. Dr. Pius is using an assumption that the drift is less. This study will show whether it is there or not. I resent being told my complaints are wrong when no (investigators) have ever been to my house.

Larry Fendell (Citizen): All the testing has been done on dairies. The neighbors really don’t care what is on the dairy. We care about what comes across the fenceline. We care about all the fields where they apply manure, don’t disc it in, make two or three applications. The neighbors get to smell it for a month. So, let’s be fair about this. He (Steve George) is a paid person who gives you half-truths. Too many of us live with this. We want to know what is coming over the fence. We want it reported.

**January 12, 2017**

Study Session to Interview Candidates for Executive Director

Regular Meeting

Sandy Braden (Citizen): This is my ninth month asking this question. Have you heard form the AGs office yet about my complaint about Dr. Jones presence on your board. I feel there is a conflict of interest.

Chairman Devaney: We have not heard from the AGs office. In the interim it has been the board’s determination that there is not a conflict. We are acting according to our own counsel’s advice in the interim.

Jim Dyjak (Citizen): Discussion about the ammonia study. Dr. Pius supports what the agency is doing. He supports what you propose to do. He gives them a study by Dr. Ndgwa on measuring odors from dairies. He outlines low cost equipment for measurement because sense of smell is variable from person to person. He provides a form for doing the studies.

If you look at an odor complaint from this agency, none of this information is on there and it is very critical – the wind, the temperature. When you look at a form this agency fills out it just says, I was there, there was no smell. It tells you nothing about it.

I doubt if anyone at this agency has ever had certified training for using your nose.

Board discussion of proposed ammonia project.

Devaney: There were questions about cost and methodology. Do you have answers? No.

What data points would be actionable? It could lead to raised expectations and public disappointment.

Commissioner Elliott: I think that questions remain and I’m not comfortable approving it today.

Dave Edler will get a further report for next month.

Devaney: We’d like to table this till a future meeting where some of those methodological questions can be addressed.

Dr. Jones: Mark, will you accept some written questions from the board? Yes

Devaney: I know there is a lot of public interest. Why don’t you communicate with the public and try to get their questions?

**February 1, 2017**

Commissioner Ron Anderson replaces Commissioner Rand Elliott

Discussion of contract with Keith Hurley, the choice to head the YRCAA.

Regular meeting was cancelled.

**March 9, 2017**

Study Session – Proposed ammonia project – Bill Lover, Rainey Haas & Steve Jones present

Comments were solicited. Copies provided to the board.

Dr. Jones: With DOE inventory of ammonia why are we doing further study? > 8,000 tons for the county?

Dr. Tahat: Differentiates between ag and animal ag. Basically, ammonia comes from livestock. The purpose is to look at temporal and spatial distribution. We would like to know how much ammonia is available in the atmosphere by season. It is a stretch to say the ammonia by source is the same in the UYV and the LYV.

If we are out of attainment for PM 2.5, We have to look at every source. Without data we have to use the emission inventory.

Dr. Jones: Four sites will give enough information?

Dr. Tahat: Yes

Dr. Jones: I am still not sure the four measurements are sufficient.

Director Hurley: We are not doing this for the dairies. We are looking at ammonia. Don’t have the resources to do more studies. We have had 9 exceedances in 2017 so far. In the past we had 2-3. This is due to more sampling. This is purely an exploratory study. We do see value.

Dr. Jones: Drs. Harrison and Leytem said more data is needed.

Director Hurley agrees.

Bill Lover: Hear from the audience. Haas & Jones say No.

Regular Meeting.

Jim Dyjak (Citizens): Request removal of ammonia project under the fairness doctrine. Two board members have not participated in the ammonia discussions.

Public comment

Sandy Braden (Citizen): Month 11 asking if they have heard about complaint that Dr. Jones clearly has financial ties to the dairy industry.

Bill Lover: Our chair has been following this. The agency has received no update.

Rainey Haas: No information.

Kathleen Rogers (Citizen): Thanks Dr. Tahat and Director Hurley for presentations about ammonia studies. Last meeting was so difficult because her complaints were classified as frivolous. Don’t vote today. Brought parents because they are also impacted. Dr. Jones does not know the impact. Problems only began when the CAFO across the road from her began to grow. If the CAFOs are growing then we need to let YRCAA measure the air quality.

Jim Dyjak (Citizen): Questions about the community forum, item 12. Dan DeGroot said that economic incentives reduce emissions. Where is the documentation. The summary says the odor intensity is decreased. Where is the documentation?

Director Hurley: There was no documentation. That was his opinion.

Dyjak: Why not use the EPCRA calculations for animal ag?

Does anyone know if they have even been required to provide this information?

Keith Sparrow (Citizen): Lives in Grandview Sunnyside. Goes for walks in the evening. Sees high clouds of dust from cows that spread for several miles. The smells are in my house. I think the air monitors would show the problem before it gets worse. If the money is there, why not?

Jean Mendoza (Citizen): Provides handouts. Letter to YRCAA re conflict of interest. Response to Chairman Devaney’s interim opinion. Formal request for date, time and minutes for the meeting where that decision was made. Mr. Cullier’s letter to the board cites a requirement for board members to recuse themselves from discussion and voting on projects in which they have a financial interest. Requests that Dr. Jones not vote on the ammonia project.

Dr. Jones: Took offense when Mr. Fendell referred to PhD as piled higher and deeper.

Larry Fendell (Citizen): Comments referred to submitted letters by PhDs. When people talk about dust, that is not dirt. Let’s call it what it is.

Director’s Report:

Proposal to eliminate division reports at board meetings.

Ammonia Project – Table till next meeting? Yes.

**April 13, 2017**

Study Session for Budget

Regular Meeting

Jim Dyjak (Citizen): Approve ammonia research. On AQMP there were lots of questions by the public and we were blown away. Now the public wants research and industry opposes. The public could not attend dairy meetings. Dr. Jones was not a board member at that time and he attended. We need to work together. There has never been an actual citizen on the board.

He applied to be on the YRCAA board and was refused because he stated he would not vote on dairy issues. Then they appointed someone from the industry.

Public comments at the community forums do not reach the board. Why should we go to a meeting if it makes no difference? We are busy just like you.

When the public brought information that disagrees with information presented it is cut out. Now we cannot comment in a timely manner. If I have been slandered at a meeting (by Steve George) I will defend myself. Start working with the public, not just industry.

Devaney: You have spoken for five minutes.

Dyjak wraps up.

Kathleen Rogers (Citizen): Asked classmates about their experiences when they come back home for a class reunion. Several submitted comments. She reads five. She has fifteen. Please vote for ammonia study.

Sandy Braden (Citizen): Month eleven or twelve. Have you heard from the AG’s office re conflict of interest?

Devaney: Yes. Will discuss during the agenda. The short answer is an unequivocal No. There are details.

Braden: She received a letter and reads point by point. No. 2 & 3 are in fact maybe. If there is a conflict of interest the member may not participate or vote on related issues. Will the board allow Dr. Jones a vote on the ammonia project?

Larry Fendell (Citizen): In the past things, when he was young, were discussed openly. There were heated discussions among the board members. Have not seen that for a long time. Appears that some things have been discussed outside of public meetings. I think you need to watch what is going on. I’d like to see some dissent. Five people do not agree all the time.

We want to know what is happening on our property. This is the agency’s job.

Director Hurley suggests a study session on conflict of interest.

Devaney asks attorney Gary Cuillier if he sees anything in the AG letter that impacts voting at this meeting.

Cuillier: If Dr. Jones earns more than 20% of his income from an industry, he probably should excuse himself from a quasi-judicial hearing. Getting to the legislative issues, it is difficult, because legislators have agendas & constituents. Cuillier goes by the 2016 MRSC book, Knowing the Territory. They look at financial interest. If someone were to be influenced because of their customers, then there is a conflict of interest. The other conflict is if the agency contracts with someone that the board members works with. The other conflict is if the board member feels obligated to disclose confidential information. Sharing confidential information poses a conflict of interest. Doesn’t really say that every legislative matter involves a conflict of interest. The AG letter leaves that up in the air.

Does not know about a conflict with the AQMP.

Plan to ask MRSC to present a study session.

Devaney: Re annual adoption of a fee schedule. Has impacted clients.

Cuillier: Schedules are presented by staff. Does not originate with the board. Does not see a financial gain or loss from voting on this issue.

Director: Letter from Steve George re Public Comments at Board Meetings – will formulate guidelines for public comments.

Ammonia Project

Dr. Jones believes he can be fair and impartial but asks for the board to consider.

Bill Lover – At City of Yakima they don’t vote on anything without time to study the issue. The Las Vegas rule.

Devaney, the Las Vegas rule has been met.

Childress – I don’t intend to make a motion. If Steve says he can be impartial I think he can be impartial.

Lover – To me there are citizens who do not want Jones to vote and they are using the conflict of interest issue to keep him from voting. Do we settle this before voting on ammonia.

Devaney further discussion on the Draft Ammonia Project.

Mayor Childress: Let’s presuppose that we do this and get the results. What are the ramifications of the results? Does the agency have enforcement action as a result? Do you have sanctions?

Director Hurley: First of all, this is ammonia and there no NAAQ standards so there is no enforcement. The study will also educate us on the life cycle of ammonia in the valley. I don’t see any enforcement.

Motion to take action. Anderson moves to adopt. Second – Childress. Discussion.

Commissioner Anderson: It is a study. I feel we need to have a study so we have a basis for any future actions and determinations.

Lover asks for staff input on the need.

Hurley: relates to non-attainment. May help reduce precursors.

Childress: No standards. I’ve been in the valley for close to 60 years. I lived across the road from the Monson feedlot. I understand. I smell it in Grandview. I don’t know what we are going to do with the information. So, what do we do? Now we know the air stinks and there is dust. There has to be an end result.

Childress: Is ammonia a public health risk? Is there a danger to the public?

Hurley: What if we go through this and we see medium levels and we see something that says we need more monitors?

Dr. Jones: In March, the highest PM 2.5 was around 8. Can you directly relate any reading for ammonia to PM 2.5?

No.

Childress: If we do this it will just get our foot in the door. We’ll have people coming to us saying there is ammonia in the air, what are you going to do?

Devaney: If we are solely looking at ambient and monitoring of regulated pollutants, why do we need four sites.

Hurley: I increased the sites at the suggestions of the AMON people.

Devaney: What is the cost difference between two and four sites?

Hurley: Roughly half.

Anderson votes in favor. Others, including Jones, vote no.

**May 11, 2017**

Jean Mendoza (Citizen): Tried to attend the public forum in April. Jumped through all the hoops she knew about. Was told to go home and come back in August.

Since the YRCAA is not doing an ammonia studies, hopes YRCAA will use the ammonia studies already performed. U of W found levels up to 200 times the state average. Some samples above the minimum risk level for ammonia. Shared MRLs fir ammonia from the CDC. If YRCAA cannot do your own studies, need to use the best available information.

Re Ag advisory committee. Last month’s report sounded like everything was going well. Disagrees. YRCAA shared no data at the meeting. No data from the AQMP. The only evidence at the meeting was testimony from two people who live close to dairies. In one home a woman’s son came to her and said he could not breathe.

April 2016 board meeting. Last report in 2014. Beginning in 2015 dairies with grade D would be visited every 6 months, grade C dairies would be visited every year. This has not happened.

**August 10, 2017**

Study Session on Ethics and Conflict of Interest

General Session

Jean Mendoza (Citizen): March of this year AG task force met. Later Director presented a review of the AQMP for dairies. I sent you a disagreement with Director Hurley. Will send the disagreement again and requests a response.

Kathleen Rogers (Citizen): In July she took videos of air in her area. She will send a copy. The air in Grandview/Sunnyside is horrid and she will persist until they do something.

Board made changes to the code regarding public comments.

**September 14, 2017**

Sandy Braden (Citizen): A year and a half ago she asked about conflict of interest re Dr. Steven Jones. Listened to Jim Daugherty from MRCS. No definitive answer whether there was a problem here, whether Dr. Jones is allowed to vote on issues related to dairies.

Dr. Jones is also supposed to address the general public interests

Dr. Jones Mr. Chairman, I have a point of order – Public comments are supposed to address an agenda matter.

Braden: The fact that we were supposed to, according to Mr. Cuillier he brought this gentleman in to address . . . cut off

Childress – that item is not on today’s agenda.

Hurley – You are absolutely correct. that item is not on the agenda. Her characterization is incorrect. It is wrong. It’s off. There were three opinions.

Braden: Which were two maybes and a no

Hurley – No, it is pretty clear. Much more . . .

Braden: OK, may I finish. Is this something new, that I’m not aware of. People have brought up things before . .

Lover: The first three lines state. . .

Hurley: The admin code is quite clear and was discussed at the last meeting. There is a process now for people to submit comments to me ahead of time.

Braden disagrees.

Lover: He has not ruled on a point of order.

Childress: This board has put things to rest. If you want to bring it to us . . . I don’t think this board has any problem with Dr. Jones serving on the board. I think we put this issue to rest.

Braden: You see no problem with Dr. Jones voting on air quality issues related to dairies?

Childress: I personally don’t. You would have to go to the board members individually. Case by case. If a conflict arises we will address it.

Lover: Point of order. We have not discussed the point of order.

Childress: You are correct. Her comments addressed something not on the agenda. If you want to continue this submit comments ahead of time.

Braden: Is this something new.

Hurley: The admin code was discussed last month.

Braden: At an open public meeting why is the door locked?

Don Lyon (Citizen): I don’t know whether what I want to talk about is on the agenda. I was invited to this meeting by Commissioner Ron Anderson. . . I’m here and I would like to speak.

Childress: What item are you speaking about.

Lyon: I am speaking on clean air . . begins

Jones: Point of Order is it on the agenda

Childress: I don’t know

Lover: We have public comments on the agenda. Should we suspend the rules.

Childress: I would entertain a motion to suspend the rules until we get this sorted out.

Jones moves, Second.

Discussion follows. Passes. Will allow Ms. Braden to restate her comments.

Braden cites definition of open public meeting.

Lyon: I’m just trying to get some information out here. Up until 1994 summers were always clean and pristine. We have choices but I think we can make better ones.

The clean air authority does some good things. But . . two weeks ago I called the YRCAA when it was so smoky I could not see Ahtanum Ridge from my home north of Selah. There was no burn ban n effect.

Burn permits in this county are just a source of revenue. Many are not following permits. Some homeowners burn large piles on the weekend when the YRCAA is closed. Some burn large amounts of unpermitted materials.

When are we supposed to get a breath of fresh air around here?

Except for agriculture, outdoor burning should be outlawed countywide – my opinion.

Easter Sunday, I came out of the house. It was so smoky I thought I was in the forest fires of ’94. Two houses north of me was a pile burning. Neighbor was burning. He said, “I’ve got a burn permit”. He didn’t follow it.

I’ve had heart palpitations due to bad air. How many people are dying because of the air.

Jean Mendoza (Citizen): “I did attempt to get something on the agenda.” Her request is not on the agenda. I want to submit a petition. Can you tell me your preferred method?

Childress, Hurley – don’t know

Mendoza: I’m just asking.

Hurley: I would have to research.

Childress: Do you have copies. Go ahead. I don’t have a problem.

Mendoza: How soon will you get back to me?

Childress: I don’t know.

Hurley: I will have to take a look at the Clean Air Act.

Mendoza: Will you give me time to talk at the October meeting?

Childress: Yes

Mendoza: Will you give me more than three minutes?

More

Can present at a study session.

Mendoza: It is a legal petition from the citizens so I hope you will take it seriously.

Francisco Maltos (Citizen): I want you to think about something. Global warming is for real. Suggest that the YRCAA discuss the benefits of inviting more people to participate, specifically the young people. They are the future and, unfortunately, they have to deal with global warming and climate change. If you set an example by being proactive by trying to engage and think about this issue.

**October 12, 2017**

Study Petition to Ban Spraying of Manure during Burn Bans

CARE and FOTC asked for the ban.

Director Hurley presents. April 20, 2013 the same petition was presented. This is the second submission. Process ceased after public meetings.

Hurley recommends rejection of petition. No evidence of change. Conflicts with RCW 90.64 and RCW 90.48. Laurie Crowe from SYCD says permit processes have emergency application provisions. Cites the agricultural exemption. There is no evidence that spraying of manure during burn bans endangers public health. Such a rule would impact many farmers.

Adds a letter from Gary Cuillier. Finds no impediments to deny or initiate rule making. A discretionary legislative policy decision.

Jean Mendoza (Petitioner): Mr. Hurley spent a great deal of time investigating from the perspective of the dairy industry and no time on public health.

No one should be adding pollutants to the ambient air when it is unhealthy. Intentionally adding pollutants to the air when it is unhealthy is unwise.

Rebuttal of five recommendations.

* RCW 90.64 does not address air issues. DNMA is for water.
* Most dairies are not covered by NPDES permits and these only address water.
* Overtopping should only be an emergency situation. Don’t see why this is a valid reason for not protecting public health.
* Local regulations cannot be less stringent than state. Reads ag exemption for YRCAA.

Reads state exemption – more information “unless the practice has a substantial adverse effect on public health and safety.”

* It is incorrect to say that spraying does not impact public health.
* Section 2.03 A of the SIP – no false statements
* Research shows increased morbidity and mortality with increased pollution.
* There is no proof that farmers would substitute synthetic fertilizers for manures.
* Compares inconvenience to dairies to inconvenience when orchardist cannot burn trees at will.
* Director did not tell us how many lbs. of ammonia in fertilizers are applied and how many lbs. of manure are applied.
* Manures are aerosolized and this increases air pollution.

People of the LYV are more likely to be poor and people of color.

Most manure is spread in a 271 square mile area.

Know the impact of disease related to PM 2.5. Know the percentage of PM 2.5 in the LYV from ammonium nitrate.

Talks about reduced life expectancy and spread of infectious organisms when the air is stagnant.

No questions.

Devaney: This issue is appropriate for the public comment period.

Regular Meeting

Review of Administrative Code Part A, Public Comments

Director Hurley: Letter from Yakima Valley Dairy Federation – concerns with conduct of board meetings. Resolution 22.11.

During the May board meeting the board requested procedures for conduct of public comment period.

Page 5-10. Agenda posted on YRCAA . . . Requires the public to submit comments ahead of time for approval.

Public comment period on page 9-10. Must identify agenda item to be addressed. < three minutes per person.

Will introduce a change to the format for agendas.

Mayor Childress: I voted for it, but I don’t like it. There needs to be a way for people from the street to address us. There needs to be civility and decorum. We need a way for people to come to the podium and say their piece.

Chairman Devaney: When there is back and forth, we are getting into an un-advertised discussion of policy.

Mr. Lover: I have always been in favor of public comment. Never too much, maybe too loud.

Devaney: You don’t have to come to these meetings to interact with staff or board members.

Public Comments:

Jim Dyjak (Citizen): Comment section needs to be moved to the end of the meeting. It is hard to address items on the agenda until we have the opportunity to hear the presentations.

On the petition, if you go to the state website. There is a form that says, when you say no, you have to reply, say why and provide an alternate method.

None of the material Jean turns in to the agency is sent to the board. The dairy information is shared with the public and the board, but the board does not hear public health. Let’s take a look at the documentation.

Devaney: We had issues with emails from the agency not being auto forwarded to our personal emails. At some point my workplace decided this was spam. Forwarded mails are flagged as spam by many systems. It was not intentionally not forwarded by staff.

Lover: There should have been a point of order called as soon as he started talking about the ED. Get in the habit of not allowing negative comments.

Childress: Also had trouble with emails. Has been rectified. You are correct. A lot of information did not reach us.

Larry Fendell (Citizen): Comment period should be moved to the end of the meeting. RE the petition, a burn ban is called because the air is unhealthy. If you ever drive by one of these fields at this time you know. This is in the dead of winter when artificial fertilizer is not spread. They spread manure because they need to get rid of the manure. There is a huge difference when they turn on the big guns in the evenings. There are 84,000 people in the LYV. People can’t heat their homes during a burn ban. It seems idiotic that they can spray raw sewage during a burn ban.

Steve George (Dairy Federation); Re the petition:

* Discussion made it sound like the dairies are not regulated. Are the most regulated segment of ag in the state.
* We have the AQMP in place. All dairies are inspected by this agency.
* Nobody talks about the increase in population and the increase in vehicle traffic, the main contributor to pollution.
* There was a burn ban for 60 days last summer and that is during the growing season.
* Best practices are to spoon feed fertilizer to the plants a little at a time.
* “Dairy is second only to apple in Yakima County. Employee nearly 5,000 people. Over 90%, probably closer to 99% is of Hispanic origin. So, those people, I feel I represent, along with the 60 -70 farm owner families. Those people like their full time jobs, They like to buy their houses and their cars. The dairies are a huge employer of minorities and those guys like their jobs. We don’t seem to see those health effects with the workers and their families that live on those farms.”

I’d like to add to the public comment issue. Keith mentioned that the letter I wrote to the agency is in your file. I wrote that letter because I was tired of the type of conduct I was getting from other people who were making public comments.

I don’t know where the comment came from that the dairy industry is running things, because I’m from the industry and I haven’t talked to anyone.

Sandy Braden (Citizen): Doesn’t claim to be a scientist. If your purpose as an agency is to guard the public health of this valley. When dairymen chose to spray manure into the air during a bad event, common sense says you are adding to the pollution.

**November 9, 2017**

Study Session re YRCAA Permit Program Revenue Analysis

No comments

**December 14, 2017**

No public comments

**January 11, 2018**

No video

**February 8, 2018**

No video

**March 8, 2018**

No public comments

**April 12, 2018**

Study Session re Legal Costs of Exposure for the AQMP for dairies

Director Hurley: December 9, 2011 the agency was sued by Citizens for Sustainable Development. Followed by $120,000 settlement. Legal fees = $60,000. Consequently developed Admin Code Part C.

Jan Whitefoot has sued the agency over public records access.

Started tracking PRR.

Annually 425 work hours fulfilling PRR. Dairy issues require more staff time and are more complex. Dairy centered PRRs are about 19%.

Two suits directly related to dairy PRRs. No estimate of future costs re PRR and lawsuits.

Legal costs are allocated under base operations, professional services.

PRR is spread over entire spectrum of YRCAA work.

Childress: What happened in 2011?

Violations of the Public Records act.

Could be a plethora of issues with the PRR. With the new law suit we are concerned with redactions.

Devaney: Understands that by collecting information YRCAA is a target for lawsuits against dairies.

Hurley: Some of the data in AQMP forms there is protected information. Have a duty to protect. On the flip side, there may have been a misunderstanding that anything they turn in was protected. The records open us up to legal liabilities.

Devaney recommends continuing the discussion at a later time. Provide guidelines that reduce emissions without collecting information that may contribute to litigation. Need to more fully explore their options.

Kay Funk: Are your records electronic.

Hurley: They are electronic. There are problems doing redactions electronically. There is some paper. Try to digitize where they can. YRCAA is a lean agency.

Devaney recommends that Hurley brings back more information.

General Meeting

No public comments

**May 10, 2018**

Study Session for Review of the 2018 Budget Summary and Proposed 2019 Budget

General Meeting

No public comments

**June 14, 2018**

Study Session to Review the 2019 Budget

General Meeting

Jean Mendoza (Citizen): YRCAA is responsible for implementing the federal CAA. Sent research regarding “manure irrigation”. A permit is required in Wisconsin. Sent the board related research. Looked only at bacterial infections. Three different bacteria – Salmonella, Campylobacteria and E-coli 0.157. Did find an increase in infections when manure is sprayed and spread.

How many people are allowed to get sick before we impose regulations on animal agriculture.

Summarized the research – zoonotic GI infections.

In Wisconsin manure spraying is prohibited within 500 feet of a home. Recommended that manure irrigation should not take place during inversions. Cites pages.

Devaney: Are the documents included in the Monthly Packet? Yes.

**August 9, 2018**

Study Session to Review the AQMP

Director Hurley: Presents an executive Memorandum. Vast majority of litigation risk relates to the documents collected. Impressive requirement to examine documents for PRRs. If they reduce the data in the collected documents reduces litigation risk.

Maintain the policy in current form.

Terminate in entirety.

Modify by reducing the

Terminate and publish as a resource guide.

Blend of strategies 3 & 4.

Anticipate a federal plan to estimate air emissions from animal ag that will require data collection, if animal emission factors are promulgated.

Devaney asks about conflict of interest.

Dr. Jones does not believe he has a conflict but steps out to avoid problems.

Hurley recommends rescinding the policy and making it a resource guide.

Calls Laurie Crowe from SYCD to add information.

Hurley: I don’t know if she is a doctor or not. (In fact, Ms. Crowe does not even have a bachelor’s degree).

Devaney: How would you use this document in the future?

Hurley: We would make it available on the website and to anyone who asks. We would continue to provide free consultation. A bookshelf reference.

Laurie Crowe: We (SYCD) gathers our own information gathered from other agencies. Each dairy has a nutrient management plan. Dairies are inspected by WSDA. There is a tool for producers to evaluate their own properties. She is in the process of adding a web page on dairies. Partnering with YRCAA they could do a fantastic job.

Crowe: Dairy odor and dust has always been part of the nutrient management plans.

Anderson: Would you send out letters that say your web sites are linked. Could send letters to dairies.

Childress: Concerned about changing from a policy to guidelines. Takes the teeth out.

Hurley: Cannot enforce anyway.

Crowe: Most eastside producers are doing a really good job.

Childress: I’ve found that with any group you have bad apples.

Hurley: If we felt the need, we could always bring in WSDA.

Crowe: A lot of people do call them.

Devaney: How do we require other industries to pay a fee in anticipation of modeling?

Hurley: We don’t require people to register for modeling. For ag do not have approved estimated emission factors. Nationwide do not. His opinion that the state will do this first.

Devaney suggests coming back during the regular board meeting.

Regular Meeting

Jean Mendoza (Citizen): More information regarding the dairy policy. Is part of a group looking at atmospheric deposition – wet and dry. The EPA does study atmospheric deposition of ammonia across the nation. There is a monitor in Twin Falls, Idaho. Similar to Yakima County. CDC says that anything > 25 ppm for eight hours is hazardous to human health. Left copies.

**September 13, 2018**

Study Session re Reducing Litigation Risks

Two proposed resolutions:

1. Simple Rescinding.
2. Maintain registration and publish AQMP as a resource guide.

For purposes of discussion. No action. Action in October.

Dr. Jones: Questions about distribution of BMPs. (Dr. Jones stepped out of this AQMP discussion in August)

Chair Devaney: Do we currently maintain lists of other sources?

Yes. What is different in this is when they pay a registration fee, they go through New Source Review.

Dr. Jones: If other clean air agencies wanted a dairy policy, they would have to get information from other agencies. Or gather the information themselves.

Childress: I assume the fee covers administration costs.

Hurley: $124 per registration for a scaled down program – for two hours of work. For all sources it is $423 normally.

Childress: Is there a problem with sharing information? Do you have interlocal agreements? Why do you need a PRR?

Hurley: No intergovernmental agreement with WSDA.

Dr. Jones: The registry would potentially be an inventory?

Hurley: Yes. It would be part of being a good air agency. Would provide a clearer description of the airshed.

Jones: How do CERCLA and EPCRA fit in?

Hurley: We want to be the best agency we can be. There is a recent court decision. CERCLA and EPCRA no longer required. But we owe it to the public to know what is happening in the airshed.

Decision in October.

General Meeting

Jean Mendoza (Citizen): Apology because she brough inaccurate information re Twin Falls. Math error.

Dept. of Ecology is readdressing standards for toxic air pollutants. Will attend meetings.

During unhealthy air days last month, dairies continued to spray manure into the air.

Devaney: Do we post the revision study to our website?

Hurley: Gives an overview. Will not be a complete rewrite. Dr. Tahat sits in on the meetings.

**October 11, 2018**

No public comments

Board votes to rescind the AQMP for dairies.

**November 8, 2018**

Study Session Review of Calendar 19 Fee Schedule

Regular Meeting

No public comments

**January 10, 2019**

No public comments

**February 14, 2019**

No public comments

**March 14, 2019**

Study Session to discuss public comments.

Director Hurley: Hx refresher. Took over as Director on February 17, 2017. Soon after the board approved changes to public comments.

Reviewed the community forum so items could be addressed that are not appropriate for the board.

Will make an addition to the policy today. Suggested addition. “The agenda is the business at hand.” Comments by public commenters are to be directed to the board chair. Have heard from MRCS, Jim Dougherty - Recommend putting restriction on when public comments are allowed. Limit to matters on the agenda. Time limits are good.

Mayor Childress: I don’t know that we should put on restrictions. If people read that we are having a meeting, come down and have an issue that they want to talk about, I don’t think we should restrict it to agenda items only.

Dr. Jones: Items were being brought up that the agency had no control over. It got to be pretty frustrating for me personally listening to things we could not address.

Chair Devaney: We had issues brought up that tended to engage the board. We had un notice debates.

Commissioner Childress: I’ve presided over hundreds of meetings. These are lay people. I know you can get off topic, but people really don’t understand. I can go both ways. I think people have a right to express their concerns. Maybe they will say something, and we can give them help.

Chair Devaney: I have not refused to hear a public comment. I don’t think anyone else has done so.

Director Hurley: Parliamentary Rules govern. If we are going to suspend rules it takes 2/3 to do that by a motion and vote. Options:

* Suspend the rule for a certain meeting.
* Rewrite the rule, doesn’t have to be an agenda item.

Childress: The rule says any item relevant to the business of the board, not an item on the agenda.

Devaney: My view is that when people have detailed information on a specific issue the board may not be prepared.

Childress: We could give people more than three minutes if they ask to be put on the agenda. Items should be for discussion with not action – avoids need to notify the public.

Dr. Jones: I think you will put a lot of pressure on the chair. There were some aggressive comments. Pressure on the chair to calm the public. The chair has to be able to cut off comments if they get out of bounds and that will be difficult. Needs to be something the agency can actually do something about.

Childress: I don’t know that we can decide this until we give people the chance to speak.

Dr. Jones: I want people to address something that the board or the agency can actually work on and that is not what we had in the past.

Devaney: They could relate to the Director’s report and agency operations. As chair I would interpret it broadly. I would relate it to the agenda and board activities.

Agree on no change and discretion of the chair.

Regular Meeting

Last Monday was a deadline for selection of a representative from the Small Cities. No nominations. Will have to start the process all over again. Not sure if he has the authority to call a meeting of the City Selections meeting. (Norm Childress, former Mayor of Grandview and rep to the YRCAA board, was elected to the Yakima County Comm

Commissioner Childress: I have had two people from the small cities ask and it appeared that the message is not being passed along.

Hurley: Don’t know if the process is convening the City Selection Committee or starting communication for the third time. Will target June. We have met our obligations as far as the CAA goes by starting the process.

Sandy Braden (Citizen): Placed on the agenda for “Other Business”

Jean Mendoza (Citizen): Am I allowed to talk about the study session? Knows that people have asked to have public comments at the end of the meeting. Previously was a member of the AG task force and disagreed with Director Hurley’s summary of the meeting. Asked to be put on the next agenda to make corrections at the nest meeting. Was not placed on the agenda. Emailed each of the board members. Asked them to let her know if they received the emails and there were no replies.

At a previous board member Board Member asked if private citizens could represent small cities. That is encoded in code A. That is an option. Please let the public know.

It is frustrating when private citizens come here month after month and feel that they are being stonewalled. This is a reason for anger.

Received a letter from Kirk Ellis. Hurley is in communications with the EPA Office of External Civil Rights.

Usually get 2-3 exceedances per year. May be more this year. One in 20 year event.

Sandy Braden: Clarification of the type of burn permits and enforcement methods if an inspection officer determines that the permit is not the correct one. Initially talked to Director Hurley at a community forum. Relates a case. Appears that someone used an incorrect permit for land clearing and there were no consequences.

**April 11, 2019**

Sandy Braden (Citizen): Addressed the board last month re enforcement of burn permits. Discussed at last month’s community forum which she missed. Asks what happened.

Chairman Devaney: Contents of meeting will be available on the YRCAA website.

**May 9, 2019**

Study Session to Address on Proposed FY 2020 YRCAA Budget.

Regular Meeting

No quorum

Jean Mendoza (Citizen): Study Session, Composition of the Board, and Inform about an Ammonia Study. Is that alright?

Yes

There is a law that the majority of the board members need to represent the public. Since January there has been a 50/50 split. Two are elected officials. Two are from the regulated community.

Re SIP policy. Asks the agency to follow its own guidelines when reviewing regulations. Shares problems with YRCAA Regulation 1, in place since 2003.

FOTC completed an ammonia study between Sunnyside and Grandview. Results show that on average the samples were above the Minimum Risk Level (MRL) for chronic exposure.

Why has the YRCAA gone from 11 FTEs to 10 FTEs? Gone from 3 inspectors to 2 inspectors. If either of the inspectors takes vacation, that leaves only one inspector to do the work. The cost for salaries and benefits has gone down but the cost per FTE has gone up.

Would like to hear what the YRCAA is doing about SIP.

How are raises determined? Who evaluates whether people reach their job goals?

Director Hurley: State of the Air 2019. Yakima is the sixth most polluted city in the nation for fine particulate matter. Previously was sixteenth. YRCAA attributes this to wildfires.

WA Dept response to FOTC for requested review of YRCAA.

Small City rep. Receiving nominations and will move to balloting portion.

**June 13, 2019**

Mayor Jose Trevino form Granger joins the board.

Jean Mendoza (Citizen): Questions about pages 11 & 12. Numbers don’t agree.

Director Hurley: Probably a data entry error.

Testimony on Budget.

Jean Mendoza (Citizen): Sent an email re the budget to the agency and board members with questions. Received no answers. It is difficult to comment on a budget with so many unanswered questions.

Director Hurley: We are not required by law to respond. I looked at the comments and considered them. There is no requirement to respond. I believe she addressed them to board members. We can respond if you direct me to.

**August 8, 2019**

Jay Hester (Sunnyside Port District) Speaks about relocation of Ostrom’s Mushrooms to Sunnyside. Experience with permitting has been exceptional.

Executive Session re Potential Litigation

**September 12, 2019**

No public comments

**October 10, 2019**

No public comments

**November 14, 2019**

No public comments

**January 9, 2020**

Vicki Baker replaces Norm Childress as County Commissioner

Jean Mendoza (Citizen): Ask for report on update to SIP revisions. Also, requests a report on how the agency is addressing risks form the composting of dead animals in Yakima County.

SIP will be addressed in March.

Composting of animal carcasses? Article in the YHR. More the purview of the YHD and WSDA. YRCAA visited sites, identified no adverse impacts. Have not identified any odor complaints specifically related to the compost. No air testing.

**February 13, 2020**

Sandy Braden (Citizen): Question for Director Hurley. 20 – 25 acres off of Washington and 64th due north of Ahtanum View Correction area. It appears they have taken out the orchard and there are house size piles of removed trees ready for burning. Appears to require a land clearing permit. There are restrictions, including population limitations.

Director Hurley: It is not land clearing so the restrictions for land clearing do not apply. Has visited and there have been approved burns because it is not land clearing. It is inside the UGA. Land clearing and residential are prohibited within the UGA. Ag burning within a UGA is permissible and permits have been permitted previously. Aware of citizen concerns on the internet. Will have a meeting with the orchardists to resolve issues. Must let stuff dry for at least 30 days before burning.

What type of permit?

Agriculture.

So you are saying that land will be re-planted with something?

Yes

**March 12, 2020**

Study Session re SIP Need to update Regulation 1

Sandy Braden (Citizen): Watched a news report on KIMA news re Tree Tops Waste Water Pollution. Director Hurley stated the odor was a solid 2, but not enough to warrant any further investigation. What scientific method was used to establish this conclusion?

Mayor Trevino: Is there a process or method where a concerned citizen can ask the agency that question?

Director Hurley: There is no scientific method for determining odor. This state classifies this as a pollutant. Our field agents used a scale with a four point odor evaluation. Its not as simple as Ms. Braden led you to believe. We get this question all the time. It is not a scientific method, but it has been approved. We draw the line at 3, typically causes people to wretch. Tree Top is well aware. We are working with Tree Top. No action. As APOC I get to decide when to take action. Will take a significant financial investment to fix the problem and they know that. There is no certification for the odor evaluation. We do test inspectors sensitivity. Talks about coffee roasters in the Puget Sound Area.