



October 18, 2022

Comments re Overburdened Communities and the Climate Commitment Act

Dear WA Dept. of Ecology,

The Friends of Toppenish Creek (FOTC) suggest that one of the defining characteristics of overburdened communities is that state and local regulatory agencies ignore us when we ask for assistance. To make this point FOTC provides this *Timeline for Community Engagement in the Lower Yakima Valley*.

1. 2012 to 2019: The Lower Yakima Valley Groundwater Management Area (LYV GWMA) favored the dairy industry over community. The GWMA leadership even appointed the wife of a dairyman to represent the impacted community.  
<https://www.yakimacounty.us/DocumentCenter/View/18990/FOTC-Minority-Report>
  - a. At the onset community members asked for translation of meetings and meeting materials into Spanish. The request was denied.
  - b. At the end of the LYV GWMA Program leaders presented the project to the public. Facilitators announced that an interpreter was available for those who wanted to hear the presentation in Spanish. This was the extent of sharing with Spanish speakers.
2. The WA State Dept. of Ecology (Ecology) certified the LYV GWMA Program in 2019 with three conditions that the GWMA Implementation Team was supposed to meet. FOTC has asked repeatedly for documentation that the Implementation Team meets, and that the conditions are being met. Neither Ecology nor the South Yakima Conservation District (SYCD) have provided that information to date.
3. 2013 Citizens presented the Yakima Regional Clean Air Agency (YRCAA) a petition with fifty signatures asking for a ban on spraying/spreading manures during periods of poor air quality. Request denied.  
<http://www.friendsoftoppenishcreek.org/cabinet/data/Spraying%20Manure%20History%20of%20Citizen%20Motions%20to%20Ban%20Manure%20Spreading.pdf>
4. 2016 Citizens asked the YRCAA and the WA Dept. of Health (DOH) for professional opinions on the adverse health effects of manure spraying. We are still waiting.  
<http://www.friendsoftoppenishcreek.org/issues/data.html>
5. 2017 Citizens resubmitted the petition for a ban on spraying/spreading manure during periods of poor air quality. Request denied.  
<http://www.friendsoftoppenishcreek.org/cabinet/data/Spraying%20Manure%20History%20of%20Citizen%20Motions%20to%20Ban%20Manure%20Spreading.pdf>

6. 2016 Pursuant to RCW 70.94.405 citizens asked Ecology to “determine whether or not the air pollution prevention and control program of such authority (YRCAA) is being carried out in good faith and is as effective as possible.”  
<http://www.friendsoftoppenishcreek.org/cabinet/data/YRCAA%20Oversight%20Dear%20Director%20Bellon%20May%202016%20II.pdf>  
Ecology declined.  
<http://www.friendsoftoppenishcreek.org/cabinet/data/YRCAA%20Oversight%20Bellon%20Response.pdf>
7. 2019 Pursuant to RCW 70.94.405 citizens again asked Ecology to “determine whether or not the air pollution prevention and control program of such authority (YRCAA) is being carried out in good faith and is as effective as possible.”  
<http://www.friendsoftoppenishcreek.org/cabinet/data/YRCAA%20Oversight%20Dear%20Director%20Bellon%202019.pdf>  
Ecology declined.
8. 2021 People who live next to the Riverview Dairy asked Ecology, the YRCAA and the WA State Dept. of Agriculture (WSDA) for help addressing air pollution. WSDA inspectors said the dairy is complying with their Dairy Nutrient Management Plan. End of story.  
<http://www.friendsoftoppenishcreek.org/cabinet/data/Riverview%20Dairy%20Statement%20of%20Concern.pdf>
9. 2021 FOTC explained to Ecology and WSDA that manure lagoons at Riverview Dairy are in a high risk category and the agencies should address likely discharge.  
<http://www.friendsoftoppenishcreek.org/cabinet/data/Riverview%20Letter%20to%20Sage%20Park%20and%20Chery%20Sullivan%20June%202021.pdf>  
WSDA replied that the assessment tools referenced by FOTC and used by WSDA and Ecology to evaluate the lagoons are not adequate for regulation.  
[http://www.friendsoftoppenishcreek.org/cabinet/data/TN%2023%20Capper%20WSDA%20Reply\\_FOTC%20Letter%20to%20WSDA%20DNMP%20December%208%202021.pdf](http://www.friendsoftoppenishcreek.org/cabinet/data/TN%2023%20Capper%20WSDA%20Reply_FOTC%20Letter%20to%20WSDA%20DNMP%20December%208%202021.pdf)  
With that excuse, Ecology and WSDA have taken no action regarding this likely discharge.
10. FOTC has filed complaints against a large CAFO dairy in the LYV using the Environmental Risk Tracking System (ERTS). So far, the inspector for the Dairy Nutrient Management Program (DNMP) and the agencies have defended the dairy.  
<http://www.friendsoftoppenishcreek.org/cabinet/data/ERTS%201%20August%202022.pdf>  
<http://www.friendsoftoppenishcreek.org/cabinet/data/ERTS%202%20August%202022.pdf>  
<http://www.friendsoftoppenishcreek.org/cabinet/data/ERTS%203%20August%202022.pdf>  
<http://www.friendsoftoppenishcreek.org/cabinet/data/ERTS%204%20August%202022.pdf>  
<http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Letter%20to%20Ecology%20Re%20ERTS%20708314.pdf>
11. FOTC has submitted comments on WAC 173-446 that implements the 2021 Climate Commitment Act. In the agency Response to Comments Ecology did not address the specific points FOTC made in our comments.

<http://www.friendsoftoppenishcreek.org/cabinet/data/CCA%20Comments%20FOTC%20Letter%20to%20Joshua%20Grice%20Sept%2030%202022.pdf>

12. Over the past ten years FOTC has submitted many letters of concern to the Governor's Interagency Council on Health Disparities. The council has never acted on our concerns.

Sincerely,

*Jean Mendoza*

Executive Director, Friends of Toppenish Creek