



Friends of Toppenish Creek

September 27, 2024

Jordan Wildish
Senior Environmental Planner
Washington Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

FOTC Comments on Washington's Cap & Invest Offsets Program

Dear Mr. Wildish:

Friends of Toppenish Creek (FOTC) is a 501 C (3) environmental group from Yakima County with a mission:

Friends of Toppenish Creek is dedicated to protecting the rights of rural communities and improving oversight of industrial agriculture. FOTC operates under the simple principle that all people deserve clean air, clean water and protection from abuse that results when profit is favored over people. FOTC works through public education, citizen investigations, research, legislation, special events, and direct action.

We have expertise regarding concentrated animal feeding operations (CAFOs) and appreciate the opportunity to contribute to the discussion of offsets in Washington's Cap and Invest program.

To our understanding greenhouse gas emitting industries can partially compensate for their emissions by investing in projects that reduce greenhouse gas emissions in other sectors. Investment in manure methane biodigesters is an approved option under WA law as adapted from California law.

This is not only wrong, but also dangerous because it weakens the WA Climate Commitment Act's power to reduce greenhouse gas emissions. The climate change experts at Ecology already understand the facts we present here, but it is important for

legislators, the public and others to learn how a polluting industry has turned the WA Climate Commitment Act into a cash cow. ¹

Concentrated animal feeding operations (CAFOs) are factory farms where large numbers of animals are confined to barns or pens. Food is trucked to the animals and waste products are removed by tractors and flushing. In Washington most CAFOs are dairies. Milk cows produce a lot of manure – over 120 lbs. per day per cow. In earlier times that manure was promptly spread on cropland. But we have learned that spreading manure onto cropland when there are no plants to use it results in leaching of nitrates and other pollutants to groundwater – a danger to public health.

So, beginning in the 1980’s the recommended solution was to store manure in lagoons over the winter months and only spread the manure during the growing season. Now, as global warming threatens our way of life, we learn that storing manure in anaerobic lagoons produces methane, a potent greenhouse gas. Aerobic lagoons do not produce methane, but they are not commonly utilized in our state.

In Washington, according to Ecology, animal agriculture produces about 1.4 million metric tons of CO₂ equivalents just from manure management and mostly from anaerobic manure lagoons. As a state we could eliminate 1% of our greenhouse gas emissions just by helping dairymen to convert to other more effective methods of manure management.

Climate Action California has compiled estimates of methane emissions from various manure management practices. Their work² is copied below:

Emission factor of CH₄ from different manure management practices on California dairies.

Manure Management Practices	Emission factor (kq CH ₄ per dairy cow per year)
Anaerobic digester	82.24
Anaerobic lagoon	331.98
Daily Spread	2.27
Deep Pit	146.79
Liquid Slurry	146.79
Pasture	6.81
Solid storage	18.16

¹ Smith, A. 2023. The Value of Methane from Manure. [The Value of Methane from Cow Manure | Aaron Smith \(ucdavis.edu\)](https://www.ucdavis.edu/~aaron-smith/)

² Climate Action California Petition for Rulemaking. Available at [Petition for Rulemaking to Regulate Methane and Other Air Pollutants from California Livestock](https://www.climateactioncalifornia.org/petition-for-rulemaking-to-regulate-methane-and-other-air-pollutants-from-california-livestock/)

Dry manure management practices produce far less methane, but these more effective methods will not be implemented if state policies pay dairymen to produce methane using liquid manure management. Methane production continues when we adopt and accept the California Air Resources Board's *Compliance Offset Protocol for Livestock Projects*.

Under the California protocol dairies build bio-digesters with the help of investors, taxpayers and offsets. They harvest the methane and sell it in the marketplace or burn the methane to produce electricity. Dairies can make a lot of money by (unnecessarily) generating pollution and getting paid for disposing of it.

In Washington any industry that emits over 10,000 metric tons of CO₂ equivalents of greenhouse gasses per year must quantify and report those emissions. (WAC 173-441-030) But concentrated animal feeding operations (CAFOs) are exempt from reporting. FOTC has performed a table-top estimation of greenhouse gas emissions from Washington dairies and concluded that any dairy with 5,000 milk cows probably exceeds this threshold.³

There are about 90,000 milk cows along with thousands of heifers and calves in the Lower Yakima Valley – a third of all Washington dairy cows. Yet there is no reporting of greenhouse gas emissions from these operations that likely total half a million metric tons of CO₂ equivalents per year.⁴ There is no regulation whatsoever of any air emissions from these dairies.⁵

In Sunnyside, WA, investors are prepared to put up millions to build a manure bio-digester. They anticipate producing refined natural gas for injection into the Williams pipeline. The City of Sunnyside has surprisingly issued a mitigated determination of non-significance for the project so there will be no environmental impact statement. FOTC believes this is contrary to the intent of the WA State Environmental Policy Act (SEPA).⁶

The population in Sunnyside is 80% Latino and 25% of the people speak little or no English. Digester proponents, including the Port of Sunnyside, have failed to inform the public in English or in Spanish about the risks and benefits of the project. This is contrary to the WA Healthy Environment for All (HEAL) act.

³ We used inputs from California Air Resources Board's *Compliance Offset Protocol for Livestock Projects*, available at [Microsoft Word - Cap and Trade Livestock Projects protocol.docx](#)

⁴ Data from Climate Action California puts this number even higher.

⁵ In 2018 the Yakima Regional Clean Air Agency rescinded a policy to monitor best management practices on Yakima Dairies.

⁶ Friends of Toppenish Creek. FOTC Questions SEPA Review for an Anaerobic Manure Bio-Digester. [Friends of Toppenish Creek - Protecting the rights of rural communities and improving oversight of industrial agriculture](#)

The proposed digester is a hub and spoke model so manure will be trucked to the digester from over 25 dairies within a 35-mile radius – about 140 round trips per day. Yakima County taxpayers will pay for road maintenance. Yakima County taxpayers will breathe the extra air pollution from trucking and from digestate. In effect this biodigester will receive funding from green monies and will negatively impact an already overburdened and underserved community that has no input on the project.

Spending large amounts of CCA monies on biodigesters diverts funds from other more environmentally friendly energy projects. Please take a harder look at offsets for livestock and initiate rulemaking to rescind WAC 173-446-505 (3) that adopts the California Air Resources Board's *Compliance Offset Protocol for Livestock Projects*.

Sincerely,

Friends of Toppenish Creek

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