Friends of Toppenish Creek

Dear WA Ecology, Please see two attachments for previously submitted comments from Friends of Toppenish Creek. Thank you. Jean Mendoza



February 28, 2025

Kathy Taylor Director WA Ecology Air Programs 300 Desmond Drive, SE Lacey, WA 98503

Dear Ms. Taylor,

Friends of Toppenish Creek is a 501(C)(3) non-profit group in Yakima County with a mission to protect the natural environment.

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.

This letter is a request for the WA State Dept. of Ecology to exercise your authority under RCW 70A.15.3100 to determine whether, or not, air pollution prevention and control by the Yakima Regional Clean Air Agency (YRCAA) is being carried out 1. In good faith, and 2. As effectively as possible.

Here are some specific reasons for this request:

1. At one time the Yakima Regional Clean Air Agency had a staff of 12. When the Executive Director reported to the YRCAA Board of Directors he brought three division heads and gave comprehensive reports. The agency convened work groups to study air quality issues in Yakima County. YRCAA addressed air pollution from dairies. The agency met with the Yakima Health District and provided community education.

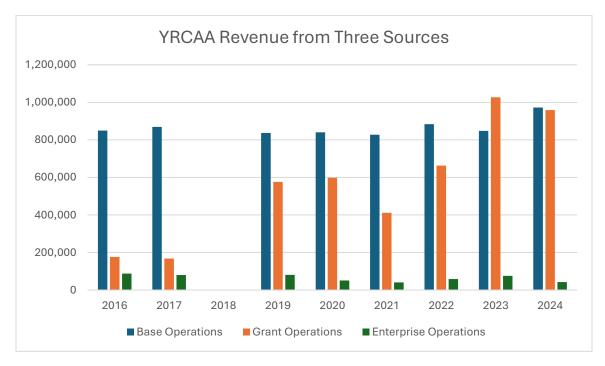
Today there is a staff of 8. Three people have been on the job for about a year. Three have been on the job less than six months. The Planning and Permitting Division, the division responsible for science-based evaluation of air issues, has one staff-member left, a chemical engineer who recently graduated from college. The Executive Director came to the agency 2 ½ years ago with a bachelor's degree in business administration and no

experience in air science. One staff member remains who has been with the agency for over 3 years.

2. The YRCAA budget has nearly doubled over the last eight years, from around \$1 million per year to almost \$2 million per year. There are three sources of revenue:

- Base operations Permitting Fees for Stationary Sources, Burn Permits, Core Grants from Ecology and the EPA, Fines & Penalties, Fees from Cities and Yakima County, Interest, and Miscellaneous.
- b. Grants Wood Stove Changeouts, PM 2.5 Program.
- c. Enterprise Operations Smoke School.

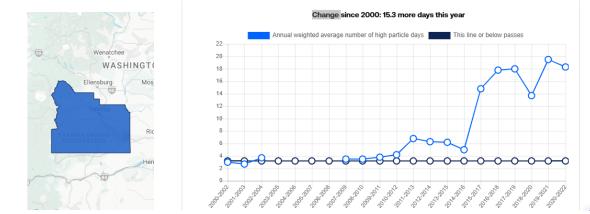
Revenue for base operations did not change much until 2024 when it increased by \$100,000. Revenue for Wood Stove Programs increased from less than \$200,000 in 2016 to over \$1 million in 2023.¹ Our point is that half of the YRCAA budget is currently devoted to a Wood Stove Program, while other projects remain stagnant or in decline.



Although the overall budget for YRCAA is increasing, the agency is not on strong financial footing. There are options for improved funding such as increased support from Yakima County or taxation or application for other grants, but these options have not been discussed, at least not in an open public meeting.

¹ See Attachment 1, Page 11

3. Air quality in Yakima County is worsening, although some of the pollution is attributable to an increase in wildfire. It is difficult to find good data on air quality trends for Yakima County. The YRCAA certainly does not provide it. We share this graph from the highly respected American Lung Association as evidence that Yakima air quality is worsening.



American Lung Association at Yakima, WA | American Lung Association

4. Three of Washington's sixteen overburdened and underserved communities are in Yakima County. But the YRCAA does not talk about overburdened and underserved communities. In fact, one long-time, influential YRCAA board member believes that Environmental Justice turns these communities into a "special class of people that require special treatment above and beyond the general public." ² The YRCAA never says the words Environmental Justice.

5. There are two limited use landfills west of the City of Yakima where citizens complain of hazardous air emissions. In recent years both landfills have been plagued with underground fires that continue to burn. YRCAA claims that the agency is doing what is required by law. Citizens believe the YRCAA could and should do more.

Neighbors have told the YRCAA Board of Directors about a high incidence of cancer near Caton Landfill, enough cases to form a cancer cluster. The board listened, thanked the neighbors, and then ignored the issue.

The YRCAA has issued air permits for DTG Landfill which neighbors opposed by going to the WA State Pollution Control Hearings Board (PCHB). In legal documents the YRCAA claims to have held a public hearing regarding DTG. This is not true.

² See Attachment 2, Page 30

In fact, the YRCAA labeled public meetings in September 2023 and September 2024³ as hearings but these meetings did not meet the legal definition of a hearing by any stretch of the imagination.

RCW 70A.15.2040 authorizes the Board of Directors for a Clean Air Agency to conduct public hearings. The intent of the statute is for a majority of the board to be present to hear testimony and make a record. The statute does not authorize the board to delegate hearing testimony to staff. The meetings that the YRCAA claims were hearings were led by the YRCAA Executive Director. None of the YRCAA Board Members attended. There was no testimony under oath, no legal record, and no decision-making. These were not hearings.

6. YRCAA either does not understand or intentionally abuses the WA State Environmental Policy Act (SEPA).

In 2019 Ostrom Mushrooms relocated to Sunnyside, WA. The company applied for and received an air quality permit. Growing mushrooms produces lots of air emissions and odor. This was the primary reason for Ostrom's relocation from Thurston County where the Olympic Regional Clean Air Agency fielded numerous citizen complaints.

A SEPA review was required for this air permit. The YRCAA simply used an old SEPA mitigated determination of non-significance for the Port of Sunnyside to satisfy this requirement. The permit for this operation only looked at machinery for the plant. It did not look at emissions from the chicken manure that is used to grow mushrooms.

In 2023 the City of Sunnyside posted a Notice of Environmental Review for a proposed manure methane biodigester to be built at the Port of Sunnyside. As the agency with expertise for air emissions the YRCAA was asked to comment. The YRCAA did not.

After two more iterations, YRCAA commented in 2024 stating that the biodigester would need a New Source Review (NSR) Air Quality permit and a dust control plan. YRCAA did not evaluate the impact of air emissions for this project, despite strong evidence that biodigesters do impact air. Now, with an MDNS in place, it will be easy for proponents to say they have already addressed air impacts.⁴ They have not.

In 2023 DTG Landfill applied for an Air Operating Permit to expand their operations. For nearly 40 years this landfill had operated without a New Source Review (NSR) air permit. This was an after-the-fact application. NSR review applications are subject to SEPA review, but DTG did not submit a SEPA checklist with this application. Instead DTG attached an

³ See Attachment 3, Page 31

⁴ FOTC Questions SEPA Review for an Anaerobic Manure Bio-Digester. <u>Friends of Toppenish Creek - Protecting</u> the rights of rural communities and improving oversight of industrial agriculture

outdated 2015 Mitigated Determination of Non-Significance (MDNS) from a 2015 SEPA review by Yakima County. ⁵

YRCAA accepted this MDNS and approved the air operating permit. Neighbors are now in the process of appealing this permit approval alleging improper interpretation of SEPA. YRCAA is responding before the WA State Pollution Control Hearings Board. But, the YRCAA board has never discussed how to respond to the appeal in a public meeting or in an executive session. Somehow, the YRCAA Executive Director got the message that he should not negotiate but should hire legal counsel. Did the board use telepathy?

7. In 2022 the Member at Large position on the YRCAA Board of Directors came up for appointment. This position is filled when the rest of the board decides whom to appoint. The YRCAA did not advertise this opportunity to serve, but one citizen from the Lower Yakima Valley submitted her application. The YRCAA re-appointed the serving board member without discussion of the LYV candidate.

Another board position came up for appointment in December 2024. This position is filled by appointment from the County Commissioners. At the December YRCAA Board Meeting the Executive Director asked to add an item to the agenda. He stated that Yakima County had asked him whether the YRCAA board wanted to recommend the current holder of that position for re-appointment. The item was added and the board recommended re-appointment. This action without proper notice violates the YRCAA Administrative Code and possibly the Open Public Meetings Act.

Shortly afterward two citizens, the executive director for a Latino social service organization and a physician with a master's degree in public health, also applied for the position. They were not considered. The commissioners re-appointed the current holder of the position without advertising the opportunity to the public or even mentioning the other candidates by name.

After much discussion the County Commissioners have rescinded the appointment and re-opened the position for applications due in mid-March.

8. This is not the first time the YRCAA has sidestepped the OPMA. In the fall of 2021, the Executive Director for the YRCAA resigned due to complaints of abuse by the YRCAA staff. FOTC asked the YRCAA board to add a citizen from the LYV to the selection committee for a new director. The board declined, saying they would instead hold a public meeting in the

⁵ Friends of Rocky top versus Yakima Regional Clean Air Agency & DTG LLC. Page 27/84. Available at <u>2024-12-</u> <u>12_Board_Packet.pdf</u>

LYV to present candidates so the people could meet them and provide input. On July 14, 2022, the YRCAA held such a meeting with 24 hours' notice and no notification to the media. Two of the three finalists were present. The only effort at publicizing the meeting was an email to about 30 interested people, six of whom live in the LYV.⁶ In accordance with guidance from the YRCAA Administrative Code A, FOTC complained to the YRCAA Board Chair, to no avail. The Interim YRCAA Director reviewed the complaint and concluded that the board most likely violated the agency's Administrative Code. But there was no follow-up.

9. In 2023 Friends of Toppenish Creek lodged a second civil rights complaint against the YRCAA with the U.S. Environmental Protection Agency. One reason for this complaint was the discriminatory selection of executive directors.

In 2017 there were three finalists for that position. One man was of Middle Eastern descent with a doctorate in Environmental Engineering and many years of experience in air quality management. Another was a man from India with two master's degrees in air science and years of experience in air quality management. A third was a White man with a bachelor's degree in physical fitness and experience in air quality compliance – policing for air violations. The YRCAA Board of Directors hired the White man.

When this did not work out so well, the YRCAA Board of Directors interviewed again for a new executive director. Once again there were three finalists. There were two white men with management experience and no air quality experience or education. There was a man of color with a doctorate in air science and decades of experience in air quality management. The YRCAA Board of Directors chose a White man.

10. The YRCAA Board of Directors seldom addresses citizen requests:

May 2022: A citizen inquired regarding the amount of FTE's included in the budget, number of the employees based on the proposed budget, how many employee hours will be spent collecting data, how many hours will be spent on responding to complaints, and how many employee hours will be spent educating the public. No response.

November 2022: Citizens expressed concern about a proposed manure methane biodigester. No comments.

⁶ Friends of Toppenish Creek. Air Regulations in Yakima Count and the Open Public Meetings Act. <u>Friends of</u> <u>Toppenish Creek - Issues - Air</u>

Citizens expressed concern that the YRCAA does not regulate emissions from dairies and that dairies do not pay their fair share to address air pollution. No response.

January 2023: Citizen stated the process for selection for Board Position 5 was flawed. No response.

November 2023: Citizen concerns:

- a. Information shared at community forums is not shared with the Board of Directors
- b. No information regarding a proposed manure methane biodigester has been shared with the public
- c. Improper selection for Board Position 5.
- d. Some board members do not possess knowledge needed to implement the Clean Air Act
- e. No quorum since July 2023
- f. No alternates for absent board members
- g. Civil Rights Complaint submitted in the spring of 2023 has not been discussed by the board
- h. The largest source of air pollution in LYV, CAFO dairies, pays nothing in fees.

The Board did not address these concerns.

June 2024: Third cancellation of the Community Forum in a row. Citizen expressed concern regarding the unwillingness of the YRCAA to receive information from the community. YRCAA refusal to discuss global warming. No response.

Citizen concern that the performance evaluation for the Executive Director did not include an evaluation of effectiveness in protecting air quality. No response.

August 2024: Citizen stated that the YRCAA has been unwilling to discuss concerns about discrimination at the agency. No response.

Concerns about inspections of permitted facilities. No response

October 2024: Observation that no board members attended a recent Community Forum; thus, they are unaware of community concerns.

Observation that the YRCAA Board has not discussed DTG litigation under the State Environmental Policy Act. YRCAA could have avoided costs by negotiating a settlement instead of going straight to court.

Response: A member of the YRCAA Board stated that such discussions are often held in executive sessions. However, the YRCAA has never discussed DTG litigation in executive sessions.

At the Community Forum, when the agency was asked how often facilities are subject to inspection, the answer was once per year under optimal circumstances. Citizens remarked this answer was unsatisfactory and the agency should spend more effort on better compliance enforcement.

November 2024:

Request for increased enforcement at the Caton landfill. No response.

Testimony about adverse health impacts at the DTG landfill. Testimony that neighbors shared information with the YRCAA and there was no response. No response.

December 2024: A non-profit group, Empowering Latinas in Leadership and Action (ELLA) has conducted bilingual listening sessions in LYV and learned that people have serious concerns about air quality in that area. ELLA has asked for the opportunity to confer with the YRCAA. No response.

Minutes from previous meetings are not provided in Spanish in the board packets. Could the YRCAA provide this translation in the packets? No response.

11. The largest source of air pollution in Yakima County, after wildfires, is dairy. There are about 100,000 milk cows in the county, about 36% of all Washington milk cows. FOTC has estimated air emissions for these cows based on data collected from a Lower Yakima Valley dairy during the National Air Emissions Monitoring Study.⁷ These are estimates, but they are close enough to reality to illustrate the issue.

Pollutant	Metric tons per year	Tons per year
Methane	30,651	33,716
Ammonia	2,062	2,270
Hydrogen Sulfide	41	45
VOCs	4,241	4,665
PM 2.5	131	144

Estimated Emissions from 100,000 milk cows in Yakima County in Tons Per Year⁸

⁷ From *Emissions Data from Two Dairy Freestall Barns in Washington* – National Air Emissions Monitoring Study available at <u>ASAE_Journal | US EPA ARCHIVE DOCUMENT</u>

⁸ See Attachment 4, Page 34

To put these numbers in perspective, here are Title V (Major Sources) of Air Emissions in Yakima County in tons per year for 2023.⁹

Source	PM 10	PM 2.5	SO ₂	NOX	VOC	CO	NH₃
Novolex Shields	0	0	0	1.6	352.8	2.3	0
Terrace Heights Landfill	24.398	4.1377	1.48	2.28	19.62	6.8	0

Yet the YRCAA does not regulate emissions from dairies. This is likely a violation of several WA laws:

RCW 70A.15.1005 Declaration of public policies and purpose. Paragraph 6 states: *It is the policy of the state that the costs of protecting the air resource and operating state and local air pollution control programs shall be shared as equitably as possible among all sources whose emissions cause air pollution.*

RCW 70A.15.2270 Annual fees from operating permit program source to cover cost of program.

(1) The department and delegated local air authorities are authorized to determine, assess, and collect, and each permit program source shall pay, annual fees sufficient to cover the direct and indirect costs of implementing a state operating permit program approved by the United States environmental protection agency under the federal clean air act....

(2) The fee schedule developed by each permitting authority shall fully cover and not exceed both its permit administration costs and the permitting authority's share of statewide program development and oversight costs.

RCW 70A.15.3060 State financial aid—Application for—Requirements.

(1) Any authority may apply to the department for state financial aid....

(2) Before any such application is approved and financial aid is given or approved by the department, the authority shall demonstrate to the satisfaction of the department that it is fulfilling the requirements of this chapter. If the department has not adopted ambient air quality standards and objectives as permitted by RCW 70A.15.3000, the authority shall demonstrate to the satisfaction of the department that it is acting in good faith and doing all that is possible and reasonable to control and prevent air pollution within its jurisdictional boundaries and to carry out the purposes of this chapter.

⁹ From Washington Emissions Inventory Reporting System (WEIRS) available at <u>Emissions inventory reporting</u> - <u>Washington State Department of Ecology</u> (1 metric ton equals 1.1 standard ton; 1,000 kg equals 2,200 lbs.)

RCW 70A.15.3050 Emission control requirements.

(1) Every activated authority operating an air pollution control program shall have requirements for the control of emissions which are no less stringent than those adopted by the department of ecology for the geographic area in which such air pollution control program is located.

RCW 70A.15.3150 Penalties.

(1) Any person who knowingly violates any of the provisions of this chapter or chapter 70A.25 RCW, RCW 70A.45.080, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death of substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both. (4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

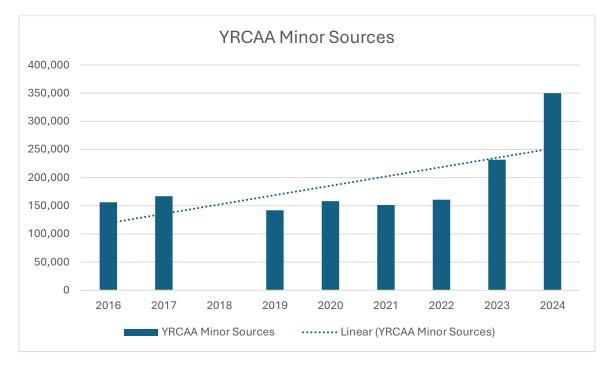
Thank you in advance for taking the time to review this information that is important for the over 250,000 people who live in Yakima County.

Sincerely,

Jean Mendeza

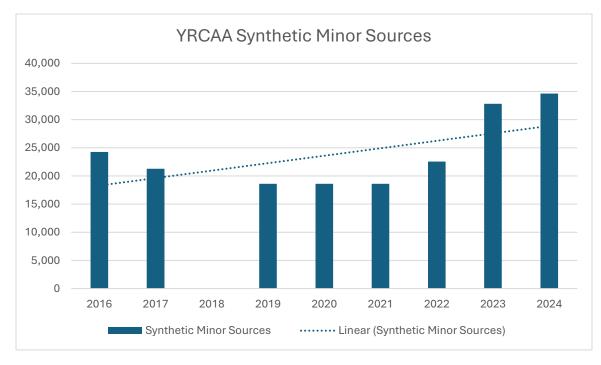
Executive Director, Friends of Toppenish Creek

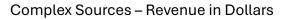
Attachment 1: YRCAA Budget Trends 2016 to 2024

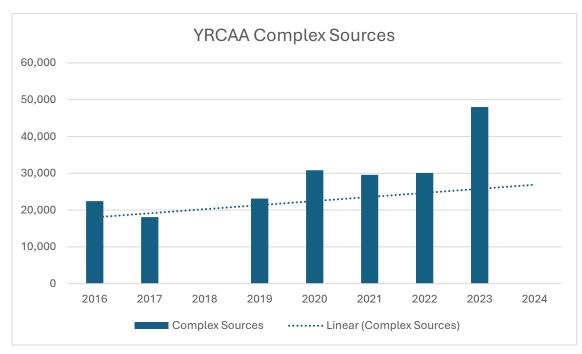


Minor Sources – Revenue in Dollars

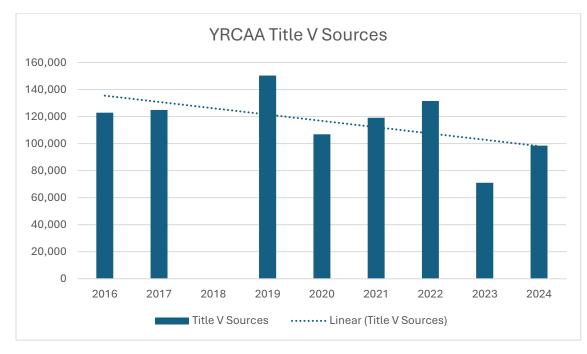
Synthetic Minor Sources – Revenue in Dollars



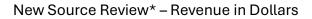


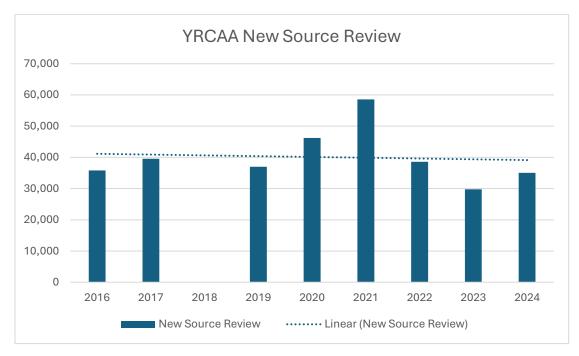


Title V Sources* – Revenue in Dollars



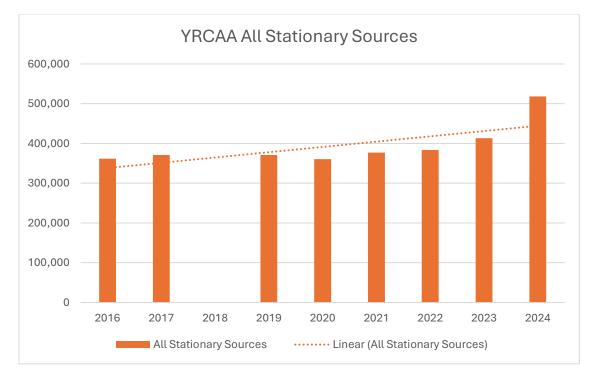
*A Title V Source emits over 100 tons of air pollutants per year; over 10 tons per years for a single hazardous air pollutant, over 25 tons per year for any combination of hazardous air pollutants. In Yakima County the Terrace Heights Landfill and the Cheyne Landfill are Title V

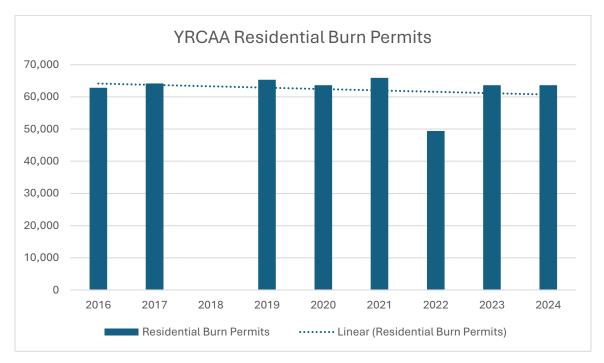




*New Source Review (NSR) is a Clean Air Act program that requires industrial facilities to install modern pollution control equipment when they are built or when making a change that increases emissions significantly.

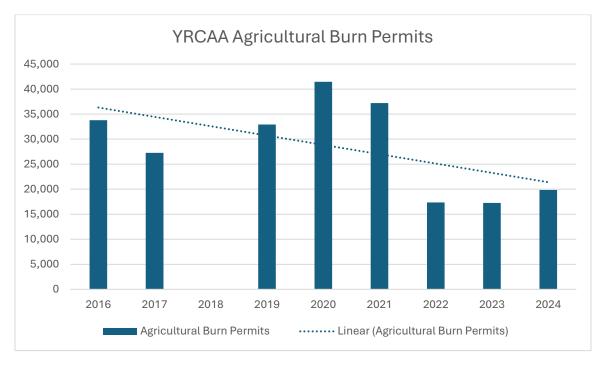
Stationary Source Permits (Minor Sources, Synthetic Minor Sources, Complex Sources, Title V Sources, and New Source Review) – Revenue in Dollars

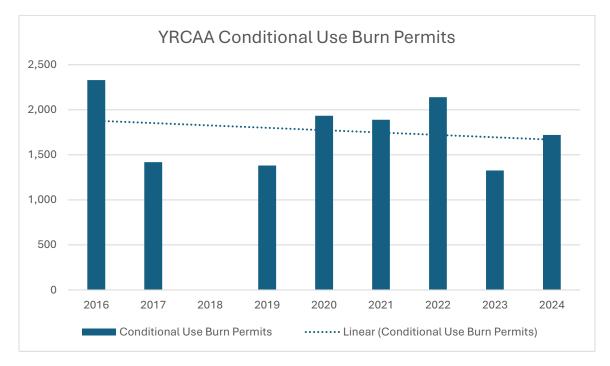




Residential Burn Permits – Revenue in Dollars

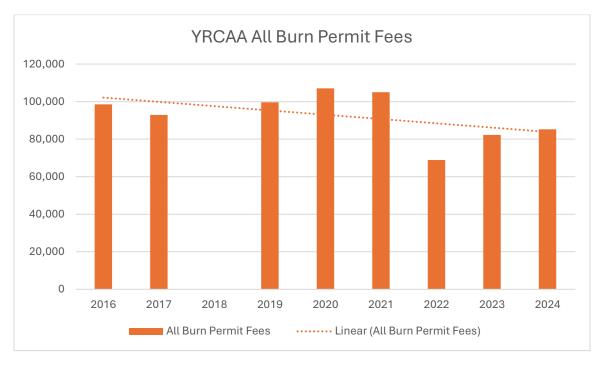
Agricultural Burn Permits – Revenue in Dollars

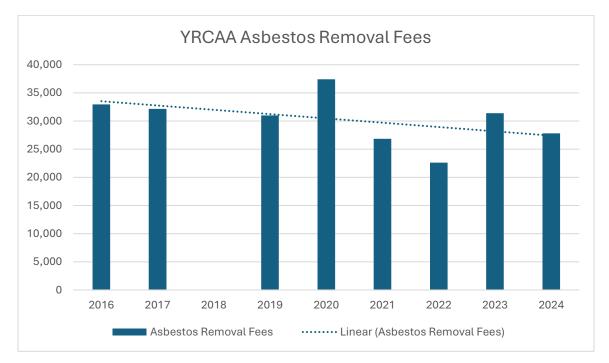




Conditional Use Burn Permits – Revenue in Dollars

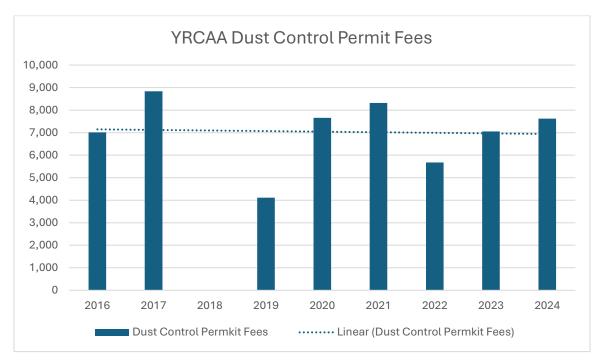
All Burn Permit Fees – Revenue in Dollars

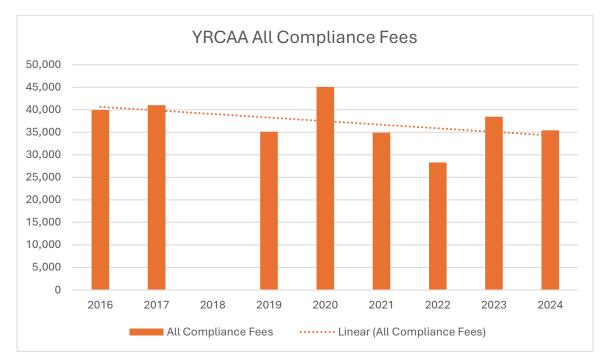




Asbestos Removal Fees – Revenue in Dollars

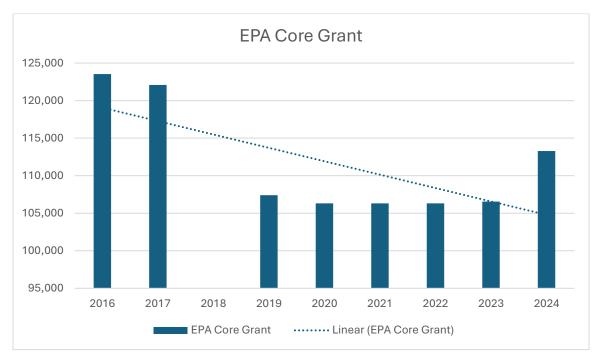
Dust Control Permit Fees – Revenue in Dollars



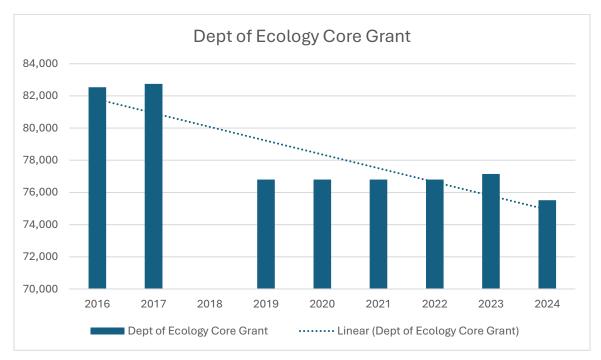


All Compliance Fees (Asbestos Removal and Dust Control) – Revenue in Dollars

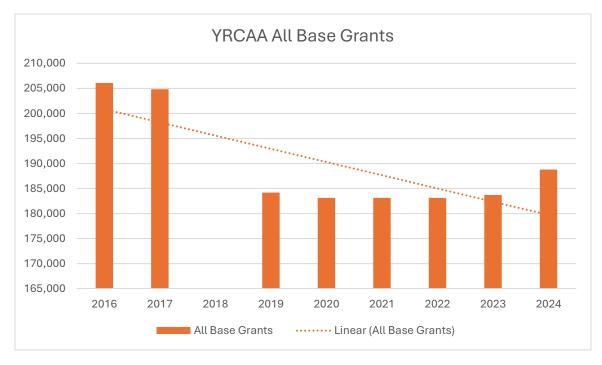
EPA Core Grant – Revenue in Dollars



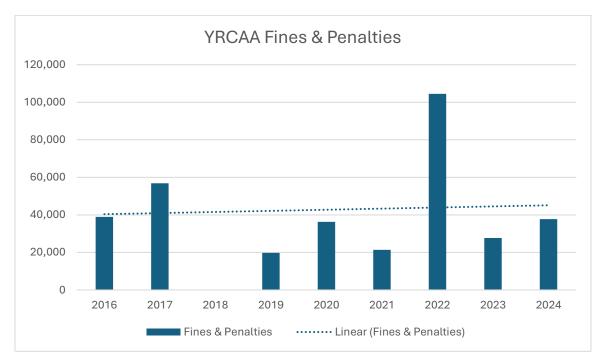
Dept of Ecology Core Grant



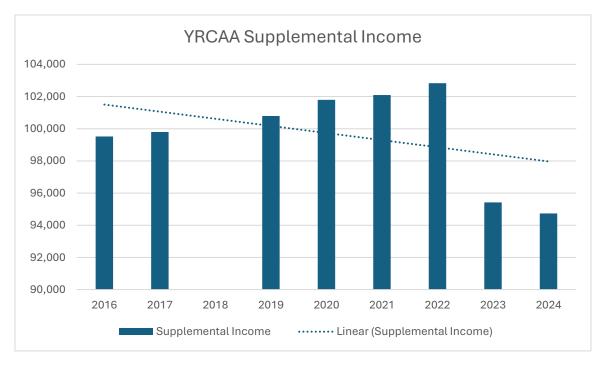
All Base Grants – Revenue in Dollars

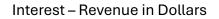


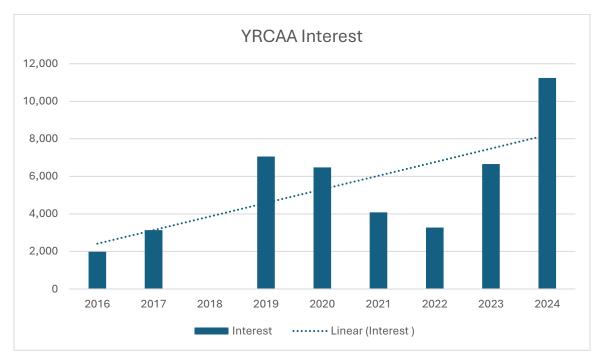
Fines & Penalties



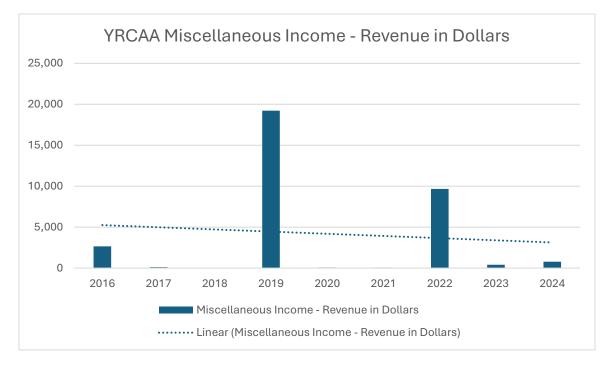
Supplemental Income – Revenue in Dollars

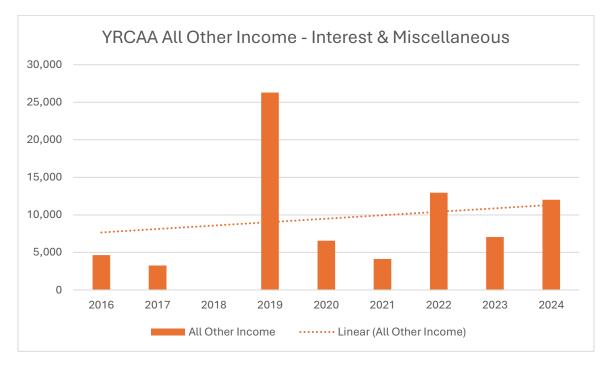


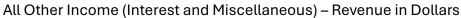




Miscellaneous Income – Revenue in Dollars

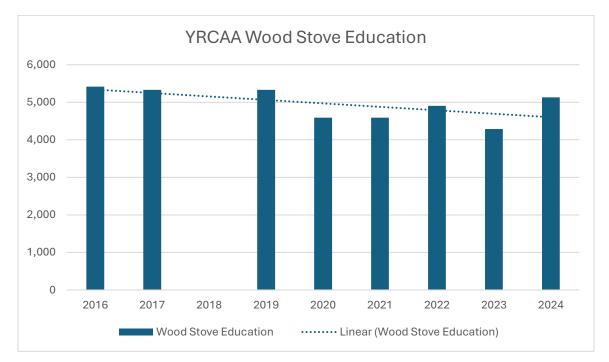






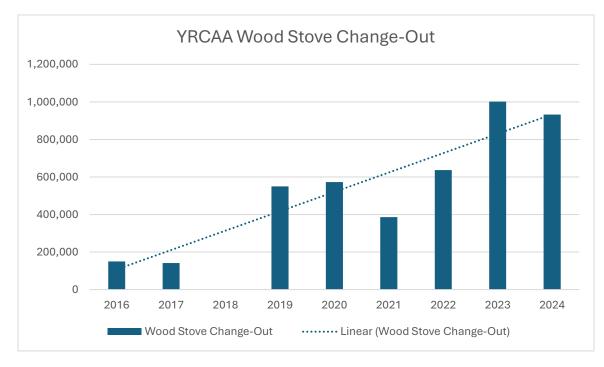
Total Base Operations (Stationary Sources, Burn Permits, Compliance, Core Grants, Fines & Penalties, Supplemental, Interest, and Miscellaneous) – Revenue in Dollars

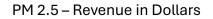


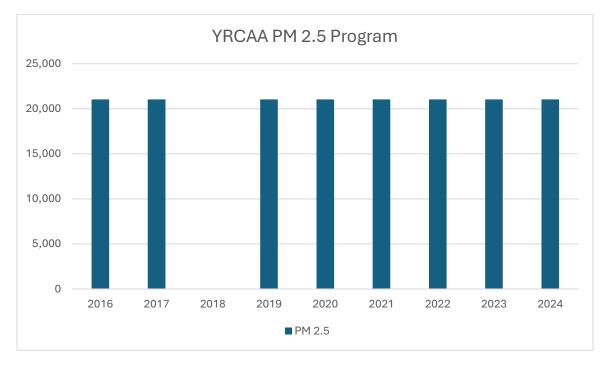


Wood Stove Education – Revenue in Dollars

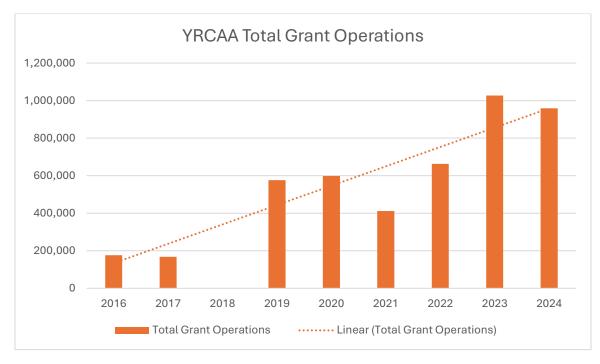
Wood Stove Change-Out – Revenue in Dollars

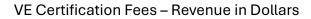


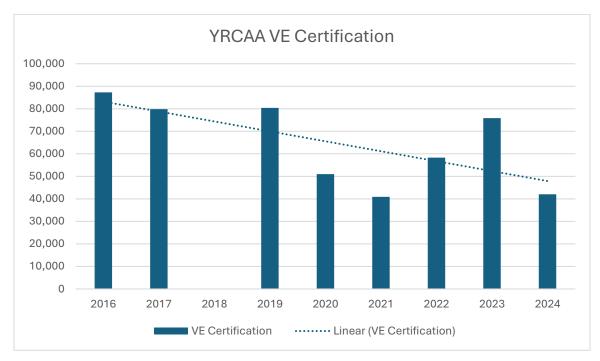




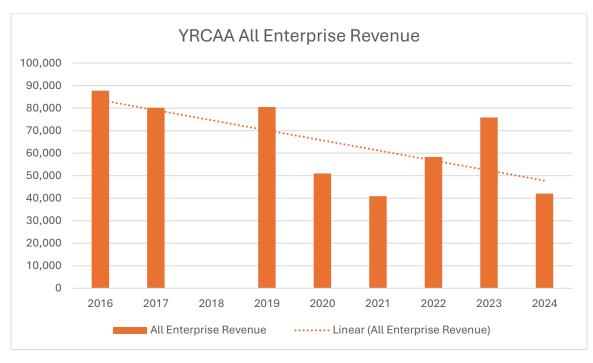
Total Grant Operation - Revenue in Dollars



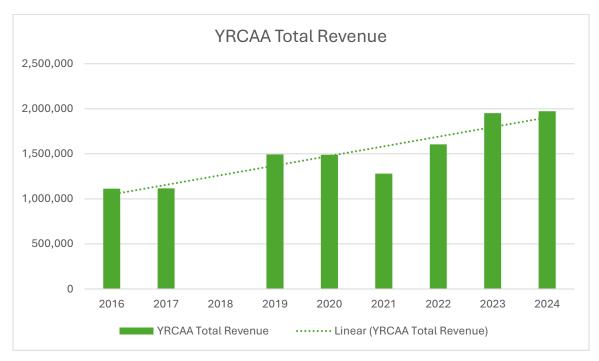




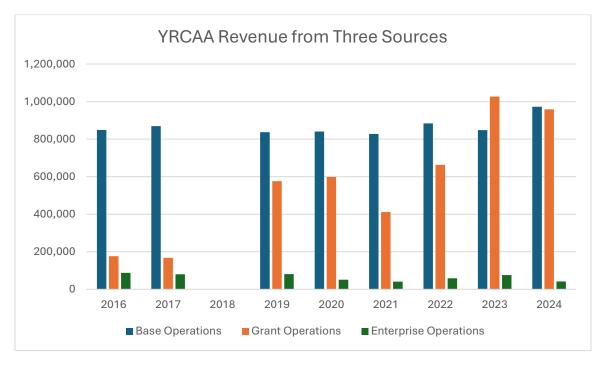
All Enterprise Revenue – In Dollars



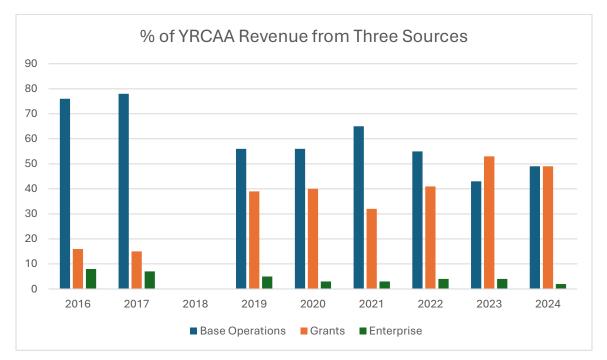




Sources of YRCAA Revenue from Three Sources







YRCAA Projected F	inal Actual Bu	dgets from YI	RCAA Budg	gets					
Public Notices - Ya	kima Regiona	l Clean Air Ag	ency						
	2016	2017	2018*	2019	2020	2021	2022	2023	2024
Stationary Source	Permit Fees								
Minor Sources	156,353	167,012		142,068	158,097	151,393	160,789	231,742	350,161
Synthetic Minor Sources	24,257	21,280		18,620	18,620	18,620	22,576	32,814	34,643
Complex Sources	22,437	18,105		23,130	30,840	29,555	30,074	47,997	0
Title V Sources	122,891	124,949		150,292	106,898	119,056	131,510	71,093	98,460
New Source Review	35,837	39,571		37,019	46,213	58,554	38,588	29,765	35,052
Subtotal Stationary Source Permit Fees	361,775	370,917		371,129	360,668	377,178	383,537	413,411	518,316
Burn Permit Fees									

Desidential Dum				[
Residential Burn Permits	62,836	64,208	65,344	63,660	65,933	49,407	63,639	63,639
Agricultural Burn	02,000	04,200	00,044	00,000	00,000	40,407	00,000	00,000
Permits	33,791	27,259	32,926	41,469	37,197	17,357	17,273	19,860
Conditional Use								
Burn Permits	2,329	1,418	1,381	1,933	1,890	2,139	1,326	1,720
Subtotal Burn	00 500	00.005	00.051	407.000	105 000	00.000	00.000	05 010
Permit Fees	98,506	92,885	99,651	107,062	105,020	68,903	82,238	85,219
Compliance Foos								
Compliance Fees Asbestos								
Removal Fees	32,952	32,172	30,999	37,415	26,859	22,610	31,399	27,803
Dust Control	- ,					,	. ,	,
Permit Fees	7,014	8,840	4,115	7,656	8,321	5,679	7,053	7,625
Subtotal								
Compliance Fees	39,966	41,012	35,114	45,071	34,910	28,289	38,452	35,428
Subtotal All								
Permit Fee								
Revenue	500,247	504,814	505,894	512,801	517,108	480,729	534,101	638,963
	,	, .		- /			, .	,
Base Grants								
EPA Core Grant	123,531	122,079	107,395	106,322	106,322	106,322	106,545	113,275
DOE Core Grant	82,541	82,752	76,800	76,800	76,800	76,800	77,153	75,516
Subtotal Base								
Grants	206,072	204,831	184,195	183,122	183,122	183,122	183,698	188,791
Fines & Penalties								
Civil Penalty	38,920	56,817	19,745	36,268	21,386	104,522	27,699	37,767
Other Fines								
Subtotal Fines &								
Penalties	38,920	56,817	19,745	36,268	21,386	104,522	27,699	37,767
Supplemental Inco	ome							
Supplemental Income	99,520	99,792	100,789	101,800	102.000	102 020	95,421	04 725
	33, 320	33,732	100,789	101,000	102,090	102,830	33,4∠1	94,735
Subtotal								
Supplemental								
Income	99,520	99,792	100,789	101,800	102,090	102,830	95,421	94,735
Other Income								

Interest	1,983	3,139	7,058	6,478	4,084	3,275	6,655	11,241
Miscellaneous	1,303	3,133	7,000	0,478	4,004	3,275	0,000	11,241
Income	2,659	113	19,231	75	49	9,673	398	781
liicollie	2,039	115	19,201	/3	49	9,073	390	701
Subtotal Other								
Income	4,642	3,252	26,289	6,553	4,133	12,948	7,053	12,023
Total Base								
Operations								
Revenue	849,401	869,506	836,912	840,544	827,839	884,151	847,942	972,278
YRCAA Grant Oper								
Wood Stove Ed	5,418	5,331	5,331	4,588	4,588	4,906	4,287	5,129
PM 2.5	21,050	21,050	21,050	21,050	21,050	21,050	21,050	21,050
Woodstove								
Change-out	150,000	141,212	550,000	572,666	385,899	636,974	1,001,944	932,778
Total Grant								
Operations								
Revenue	176,468	167,593	576,381	598,304	411,537	662,930	1,027,281	958,957
nevenue	170,400	107,595	570,381	596,304	411,557	002,930	1,027,201	906,907
Enterprise Operat	ions							
VE Certification								
Fees	87,300	79,800	80,425	50,985	40,893	58,337	75,830	42,040
Other Enterprise								
Revenue	450	413	75	0				
Total Enterprise								
Revenue	87,750	80,213	80,500	50,985	40,893	58,337	75,830	42,040
Total Base, Grant								
and Enterprise								
Revenue	1,113,619	1,117,312	1,493,793	1,489,833	1,280,359	1,605,418	1,951,053	1,973,275
Total Base								
Operations								
Revenue	849,401	869,506	836,912	840,544	827,839	884,151	847,942	972,278
	76%	78%	56%	56%	65%	55%	43%	49%
Total Grant								
Operations								
Revenue	176,468	167,593	576,381	598,304	411,537	662,930	1,027,281	958,957
	16%	15%	39%	40%	32%	41%	53%	49%

Total Enterprise								
Revenue	87,750	80,213	80,500	50,985	40,893	58,337	75,830	42,040
	8%	7%	5%	3%	3%	4%	4%	2%
Total Base, Grant and Enterprise								
Revenue	1,113,619	1,117,312	1,493,793	1,489,833	1,280,359	1,605,418	1,951,053	1,973,275
* No Data								

Attachment 2: Statement from Dr. Steven Jones to the Yakima Regional Clean Air Agency

From:	Steven R. Jones, Ph.D. <sjones@nwresearch.net></sjones@nwresearch.net>
Sent time:	01/04/2015 03:45:32 PM
To:	Gary Pruitt <gary@yrcaa.org></gary@yrcaa.org>
Cc:	Mike Leita <mike.leita@co.yakima.wa.us>; Rand Elliott <rand elliott@co.yakima.wa.us="">; Kevin Bouchey@co.yakima.wa.us></rand></mike.leita@co.yakima.wa.us>
Subject:	RE: Draft Strategic Plan
Attachments:	Draft Strategic Plan wo photos (Jones).docx

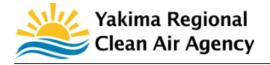
At your request I have enclosed some changes to the Strategic Plan document that was sent on the 18th of December. I have been out of town for most of that time and just completed this review. I see by the mailing I received on Friday that some of the issues I raise have been changed. The new document I received Friday simply reiterates most of the same material I have objections to. Objective 5 on page 15 is right out of the Environmental Justice rule book. It identifies a special class of people that require special treatment above and beyond the general public. Furthermore, these "highly impacted communities" are being designated by unelected agency bureaucrats. Don't get me wrong. We need bureaucrats that are sensitive to the public. Notwithstanding, we do not need to give those same dedicated public servants the right to choose which "highly impacted communities" need more air quality than others or special treatment under existing rules.

As I have commented in the redacted document enclosed, there should be no mention of "Environmental Justice" in this document. When you review the literature on the "Environmental Justice" movement, you find two advocacy groups. The first and most logical is the true environmentalists that believe if you damage the environment that you should have to correct the damage. This advocacy is logical but has been taken to a level that is in some cases punitive and restrictive to progress. The second advocacy group that supports "Environmental Justice" is far more dangerous. This advocacy group believes that the whole of the environment is a "collective" and anyone that used the environment for gain has disproportionately disadvantage someone or something else. This advocacy believes that anyone that has achieved gains should redistribute those gains to everyone or everything that has less or has been damaged. They use the terms "fair", "fairness", or "equity" to describe the reasons for "Environmental Justice". You can see these terms used throughout the agency Strategic Plan document. This advocacy group believes that the advances produced by Westem civilization have been to the detriment of the environment and they want to be the group that tells us all how the environmental Justice" without being an advocate for one or both of these groups. I am opposed to the use of "Environmental Justice" in any form in this Strategic Plan document.

Thanks for the opportunity to comment on the plan. As it is currently written, I would have to vote no on approval. I think this document needs far more discussion than we have previously been exposed to. I do want to commend the work that you and the YRCAA staff performs for the community. I am very pleased to be a small part of what you do. I know that you must have worked diligently on this plan and I do not want to take away from the majority of it. I will apologize in advance if I offended you by my comments. That was not my intension. I simply do not believe in the "Environmental Justice" movement. At this time you, at least, know my opinion.

Best regards,

Steven R. Jones, Ph.D. Colossal Orchards, Inc. Attachment 3: Notices of "Public Hearings"



186 Iron Horse Court, Suite 101 Yakima, WA 98901-1468 509-834-2050 www.yakimacleanair.org

PUBLIC NOTICE

YAKIMA REGIONAL CLEAN AIR AGENCY NEW SOURCE REVIEW APPLICATION TO PERMIT AND OPERATE A LIMITED PURPOSE LANDFILL DRAFT NEW SOURCE REVIEW ORDER OF APPROVAL (Order/Permit)

Permit Applicant:

DTG Enterprises, Inc. Dba; DTG Recycle 41 Rocky Top Road Yakima, WA 98908

Yakima Regional Clean Air Agency (YRCAA) has received a New Source Review (NSR) application from the above applicant to permit and operate a Limited Purpose Landfill (LPL) at the above location. The LPL facility includes a Material Recycle Facility (MRF), a wood chipper/grinder, and is just holding existing piles of Petroleum Contaminated Soil (PCS) for bioremediation purposes. Currently, the facility is not accepting PCS materials and is not part of this permitting process. Part of the facility (portion of Cell #1) is under the Model Toxics Control Act (MTCA), which is subject to the Department of Ecology Agreed Order (AO). This Permit does not include air emissions from the MTCA's area. Air emissions from the LPL operation are in the form of small Particulate Matters (PM₁₀ and PM_{2.5}) and Volatile Organic Compounds (VOCs) some of which are known to be Hazardous Air Pollutants (HAPs) and/or Toxic Air Pollutants (TAPs) pursuant to the Federal Clean Air Act (FCAA) and the Washington Administrative Code (WAC) 173-460-150, respectively.

The YRCAA has made a preliminary determination and recommendation to issue a permit for the facility with the exception of any area(s) subject to the AO under MTCA. YRCAA is seeking public comments on a draft New Source Review (NSR) Order of Approval (Order/Permit) for the operations described above. YRCAA will conduct a public hearing at 6:00 PM on September 26, 2023, at the Agency's office located at 186 Iron Horse Court. Yakima, WA 98901 to hear any testimony regarding air quality concerns pertaining to this modification/expansion.

The public may submit comments on the proposed action described above to YRCAA through September 25, 2023. Public comments must be submitted to the YRCAA in writing via a letter to the agency's address shown above, or electronically to <u>permits@yrcaa.org</u> and must be received by the end of the business day of September 25, 2023.

The draft Order compiles the air quality requirements into one document and establishes monitoring and recordkeeping, reporting requirements to ensure compliance.

Copies of the draft Order and supporting material are available for review on the Agency website or the office at the above address. You may also call our office (509) 834-2050 for an appointment to review the documents.

This Notice is published pursuant to the Revised Code of Washington (RCW) 70A.15.2210 and the Washington Administrative Code (WAC) 173-400-171



PUBLIC COMMENT PERIOD AND PUBLIC HEARING NOTICE

August 26, 2024

YAKIMA REGIONAL CLEAN AIR AGENCY RECEIVED A NEW SOURCE REVIEW APPLICATION TO OPERATE A CRUSHER TO CRUSH RECLAIMED ASPHALT, CONCRETE AND BRICK AT DTG RECYCLE - YAKIMA.

Permit Applicant: DTG Enterprises Inc. Dba DTG Recycle - Yakima 41 Rocky Top Road Yakima, WA 98908

Yakima Regional Clean Air Agency (YRCAA) received a New Source Review (NSR) application from DTG to permit and operate a crusher to crush reclaimed asphalt, concrete and brick at the above location. Air emissions from this operation are in form of small Particulate Matter (PM_{10} and $PM_{2.5}$), as well as Hazardous Air Pollutants (HAPs) or Toxic Air Pollutants (TAPs) in form of small particulates, in accordance with the Federal Clean Air Act (FCAA) and the Washington Administrative Code (WAC) 173-460-150, respectively.

The YRCAA has made a preliminary determination and recommendation to issue a permit for the reclaimed crushing operation. The draft NSR Order of Approval (Order/Permit) consolidates the air quality requirements into one document and stablishes monitoring, recordkeeping, and reporting requirements to ensure compliance.

A public notice for the operation described above was published on the Agency's website on June 12, 2024 through June 28, 2024 and a public comment period was requested by the public.

The public may submit comments on the draft NSR Order for the operation described above to YRCAA from August 28, 2024 through October 3, 2024. Public comments must be submitted to the YRCAA in writing to the agency's address listed on the letterhead above or electronically at <u>permits@yrcaa.org</u> and must be received by the end of the business day of October 3, 2024.

The YRCAA will conduct a public hearing if requested, at 6:00 PM on October 2, 2024, at the Agency's office located at 186 Iron Horse Court, Yakima, WA 9801 to hear any testimony regarding air quality concerns pertaining to this reclaimed crushing operation.

Copies of the draft Order and supporting material are available for review on the Agency's website or the Agency's office at the above address. You may also call our office (509) 834-2050 for an appointment to review the documents.

This notice is published pursuant to the Revised Code of Washington (RCW) 70A.15.2210 and WAC 173-400-171.



September 17, 2024

Notice of Public Hearing

for

Proposed Order of Approval Operation of a Crusher for Reclaimed Asphalt, Concrete, and Brick Located at DTG Recycle – Yakima

Permit Applicant

DTG Enterprises Inc. Dba DTG Recycle - Yakima 41 Rocky Top Road; Yakima, WA 98908

Yakima Regional Clean Air Agency (YRCAA) will conduct a public hearing on October 2, 2024 at 6:00 PM. The hearing will be conducted at the Yakima Regional Clean Air Agency office located at 186 Iron Horse Court; Suite 101; Yakima, Washington. Access is also available via Zoom (meeting ID no. 605 800 7569) at https://us06web.zoom.us/j/6058007569 or by calling 253-215-8782 or 253-205-0468.

The YRCAA received a Notice of Construction from DTG Enterprises to permit and operate a crusher for reclaimed asphalt, concrete, and brick at the above location. A notice inviting public comment on the proposed Order of Approval was posted to the Agency website on August 28, 2024, and the comment period is open until October 3, 2024.

As a result of a request pursuant to WAC 173-400-171, the YRCAA will hold a public hearing on October 2, 2024, starting at 6:00 PM, in accordance with the public comment notice posted to the Agency website on August 28, 2024. The public is invited to attend the hearing and may submit comments either in writing or during the hearing. The public comment period will close at the end of the business day on October 3, 2024.

The Yakima Regional Clean Air Agency (YRCAA) accommodates persons with disabilities and provides free interpretation of public hearings and translation of documents for persons with limited English proficiency. To receive accommodation due to a disability, to request interpretation of this hearing, to obtain a translation of the documents provided, or to offer public comment at this hearing in a language other than English, please call 509-834-2050 extension 100, or send electronic mail to admin@yrcaa.org, at least 72 hours in advance of the hearing.

Attachment 4: Estimates of Emissions from Dairy Cows

From Environmental Protection Agency Models for Washington State available at <u>State</u> <u>Inventory and Projection Tool | US EPA</u>

Methane

Manure Management 43,041,000,000 g/year for 275,000 cows = 428.80 g/day/cow

Enteric Fermentation 150.9 kg/cow per year = 410.96 g/day/cow

Total Methane 839.76 g/cow/day

From *Emissions Data from Two Dairy Freestall Barns in Washington* – National Air Emissions Monitoring Study available at <u>ASAE_Journal | US EPA ARCHIVE DOCUMENT</u>

Ammonia

Barn 2: 56.5 g/day/cow

Barn 4: 56.5 g/day/cow

56.5 g/day/cow average

Hydrogen Sulfide

Barn 2: 1.08 g/day/cow

Barn 4: 1.15 g/d/cow

1.12 g/day/cow average

Volatile Organic Compounds

Barn 2: 86.67 g/day/cow

Barn 4: 145.71 g/day/cow

116.19 g/day/cow average

PM 2.5

Barn 2: 5.25 g/day/cow

Barn 4: 1.90 g/day/cow

3.58 g/day/cow average

PM 10

Barn 2: 6.94 g/day/cow

Barn 4: 10.0 g/day/cow

8.47 g/day/cow average

Estimated emissions from dairy cows in grams/cow/day

Pollutant	Grams/cow/day
Methane (Manure Management + Enteric)	839.76
Ammonia	56.5
Hydrogen Sulfide	1.12
Volatile Organic Compounds	116.19
PM 2.5 (Fine Particulate)	3.58
PM 10 (Coarse Particulate)	8.47

Estimated Emissions from 100,000 milk cows in Yakima County in Metric Tons and Tons Per Year based on NAEMS data and EPA models.

Pollutants	Metric tons	Tons
Methane	30,651	33,716
Ammonia	2,062	2,270
Hydrogen Sulfide	41	45
VOCs	4,241	4,665
PM 2.5	131	144
PM 10	309	340

Estimates of Emissions from Dairy Cows

Friends of Toppenish Creek, February 28, 2025

From Environmental Protection Agency Models for Washington State available at <u>State</u> <u>Inventory and Projection Tool | US EPA</u>

Methane

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