

Message to the YRCAA Board of Directors, November 2022

My name is Jean Mendoza. I live in White Swan, and I am the Executive Director for the Friends of Toppenish Creek. I wish to address four issues in the YRCAA Board Packet.

### **1. Addressing the YRCAA Staff Report in the October Board Packet on page 52/58.**

The report says “. . . the HEAL Act is not applicable to the YRCAA and the latter is statutorily prohibited from voluntarily adopting its requirements.”

This is incorrect. There is no prohibition against the YRCAA adopting the principles of the HEAL Act. The YRCAA is legally authorized to “Adopt, amend and repeal its own rules and regulations” pursuant to RCW 70A.15.2040. Someone has given the YRCAA inaccurate legal information.

An important part of the HEAL Act requires meaningful engagement with overburdened communities, such as the Lower Yakima Valley. Currently the YRCAA lacks meaningful engagement with the LYV.

### **2. Addressing the YRCAA Staff Report – Registration Fee Review, on page 19/34 of the November Board Packet.**

The report states: “Under Washington’s Clean Air Act, ‘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’”

FOTC brought this statute to the attention of the YRCAA months ago. So far, the YRCAA has ignored this law in that the agency does not regulate emissions from dairies. Why does the YRCAA feel privileged to ignore the WA Clean Air Laws? This is a serious question.

Yakima dairies are the largest source of air pollution in our county, except for sporadic wildfires. According to FOTC calculations, LYV dairy cows alone emit 29,000 tons of methane into the ambient air every year. In addition, dairies emit nitrous oxide, ammonia, hydrogen sulfide and volatile organic compounds (VOCs). Methane and VOCs are precursors for the criteria air pollutant ground level ozone. Yet the YRCAA does not measure or even estimate ozone levels in our county.

Based on the information in this staff report, the YRCAA could receive substantial income if Yakima dairies paid their fair share on a per ton basis for their contribution to local air pollution. FOTC strongly agrees with the statement “It is almost certainly fair to say under the current system, some registrants pay more than their share and some pay less.” We add that some pay nothing at all.

### **3. Addressing Item 6. Member at Large Appointment.**

FOTC respectfully asks the board to expand the discussion to include repeated absences of board members. When citizens complain that no one addresses our air quality concerns, the WA Attorney General’s office responds that the law requires a majority of board members for clean air agencies to represent the public. Elected officials are presumed to represent the public, and

there are three elected representatives on the YRCAA board. However, for several years the representative for the City of Yakima has been absent more often than not. The City of Yakima has not bothered to designate an alternate. This leaves the public with representation on paper, but not in fact. It would help for the small cities to designate an alternate as well.

We respectfully ask you to advertise for a representative at large with expertise in climate change, and public health, who will listen to the people of Yakima County. FOTC has twice asked the YRCAA board to address the impact of manure digesters on Yakima County air quality and the board has declined. This is not being responsive.

#### **4. Addressing the YRCAA Staff Report on page 33/34 of the November Board Packet.**

##### ***Compliance with YRCAA Rules & Regulations***

Section II, Subsection 11.1 of the YRCAA Code B says:

*This policy establishes classifications, positions and compensation for each classification and position. Each classification description defines required knowledge, skill and experience levels. Each position description defines roles, responsibilities and typical duties.*

There are no board approved job classifications or positions for four of the job titles in the Compensation Connections proposed General Classifications and Grade Assignments. (Administrative Division Supervisor, Compliance & Engineering Lead Field Agent, Compliance & Engineering Field Agent, and Records Administrator).

There are no “Proposed Grades” for fourteen of the positions listed in YRCAA Code B. What does this mean for future hiring? If there are no pay grades for a position, can the YRCAA fill those positions, or not? Are these fourteen positions essentially eliminated? If so, how will the work be re-distributed? These are serious questions that were not answered during the 2023 Budget discussions.

The material that the YRCAA Board used to evaluate and approve the 2023 budget did not include: 1. Proposed Priorities, 2. Resource Allocation Salaries by Work Program, or 3. Resource Allocation with Costs by Division & Operation. Without this information plus job descriptions:

- It is impossible to evaluate how well the YRCAA does the job of protecting air quality in Yakima County.
- It is impossible to evaluate what work is not being done, what work is being done, and by whom.
- It is impossible to accurately evaluate whether YRCAA employees are over or under paid.

For example: There is no reference in the Compensation Connections proposal or in the YRCAA Administrative Code Part B to translation services. There is no reference to costs for translation in the 2023 YRCAA budget. How can the YRCAA demonstrate that the agency translates material and conversations into Spanish if no one is paid to do so? Highly skilled translators

spend years perfecting their skills. Translators deserve to be paid just as much as engineers deserve to be paid for theirs.

In 2019 the YRCAA reached an agreement with the Environmental Protection Agency External Civil Rights Compliance Office to ensure translation services for the 25% of the population in the LYV who speak little or no English. The YRCAA agreed to provide important documents in Spanish. Can the YRCAA prove with documentation that the agency complies with this agreement?

Perhaps unintentionally, perhaps out of necessity, staff at the YRCAA and Compensation Connections have apparently re-written YRCAA Administrative Code, Part B, Section II, Classifications and Positions. FOTC believes that only the YRCAA Board of Directors can approve new job classifications and job descriptions and that the law requires this be done in a transparent and formal manner.

### ***Equal Pay for Equal Work***

The proposed revision of YRCAA policy for staff reimbursement appears to ignore the legal mandate of equal pay for equal work. The contract with Compensation Connections asked them to determine the market rate for (all?) positions within the YRCAA. Market rates should not over-ride equal pay for equal work, in a public agency.

Administrator sounds like a position with lots of responsibility. Yet the position of Records Administrator has a proposed pay grade of 21. There are supervisor, manager, specialist, and assistant categories in the YRCAA Code B. There is no administrator category in Code B.

It appears that the person who is Records Administrator, with a pay grade of 21, fulfills the duties described under Office Manager in YRCAA Administrative Code Part B. There is no proposed pay classification for Office Manager in the Compensation Connections draft work. There is no job description for a Records Administrator. This raises the possibility of requiring an employee to perform high level duties for low level pay.

It appears that Administrative Specialist (AS) jobs are less valued than Air Quality Specialist (AQS) jobs because the proposed Grade MID is about \$10,000 per year higher for AQS than for AS. Nevertheless, there are no college requirements for AQS positions. Presumably all that is required is sufficient intelligence for on the job training. There are college requirements for AS positions. People who take on these jobs must invest in a certain amount of education to be considered at entry level. And these entry level positions pay less than entry level for AQS positions.

For six months in late 2021 and early 2022 the YRCAA functioned without Air Quality Specialists. Could the agency have functioned without the Administrative Specialists? I don't think so.

Based on years of attendance at YRCAA board meetings and interactions with the agency, I observe that the Fiscal Programs Manager invariably provides essential data accurately, in a

timely and professional manner. At the October 2022 board meeting the Fiscal Programs Manager was promoted from Alternate Auditing Officer to Primary Auditing Officer. Nevertheless, compensation for the Fiscal Programs Manager has gone from the fourth most highly paid position in the agency to next to the bottom.

Finally, the argument that the proposed pay scale does not discriminate against women because women were involved in developing the pay scale is hilarious. We women can be selfish, petty, hormonal, conniving, deceitful, and a few other things. Women have abused other women (and men) for centuries. Why would you think this particular group of women might be different?

Thank you for reading. Three minutes is not long enough to explain this complex and important material.

*Jean Mendoza*

Attachment: Job Classifications at the Yakima Regional Clean Air Agency

<b>Positions at the YRCAA per Code B</b>	<b>Positions at the YRCAA per Proposed Pay Scale</b>	<b>Proposed Classification</b>
Executive Director	Air Pollution Control Officer/Executive Director	26
Compliance/Air Monitoring Division Supervisor		
Engineering/Planning Division Supervisor	Engineering/Compliance and Planning Division Supervisor	25
Enterprise Program Manager		
Inspection Program Manager		
Complaint Program Manager		
Monitoring Program Manager		
Compliance Inspector		
Enterprise Specialist		
Monitoring Specialist		
Engineer	Engineer/Planner	24
Planner		
Fiscal Programs Manager	Fiscal Programs Manager	21
Public Information Program Manager		
Information Technology Manager	IT Manager	22
Office Manager		
Compliance/Air Monitoring Division Assistant		
Engineering and Planning Division Assistant		
Enterprise Program Assistant		
Office Assistant	Front Office Assistant/Administrative Assistant	20
	Administrative Division Supervisor	23
	Engineer Trainee	
	Compliance & Engineering Lead Field Agent	22
	Compliance & Engineering Field Agent	22
	Records Administrator	21