



Friends of Toppenish Creek

Sept. 30, 2022

Joshua Grice
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Dear Mr. Grice.

Yesterday we received notification that Ecology has adopted new rule, Chapter 173-446 WAC.

On July 15, 2022, Friends of Toppenish Creek (FOTC) submitted comments on a specific area of that rule - WAC 173-446-505, Compliance Requirements for Offset Protocols. Ecology's response to our comments is copied below.

C. Effectiveness of CARB protocols

Commenters: I-269 (Smith); I-192 (McKee); I-309 (Minton); I-255 (Silver); I-216 (Euler); I-275 (Nelson); I-51 (Chadd); I-128 (Morriss); I-136 (Sweeney); I-222 (Curtz); O-9 (350 Seattle); I-254 (Dziadek); O-41 (CarbonPlan); I-170 (Kulzer); I-171 (Registered Voter); I-258 (Johnston); I-262 (Sweeney); I-271 (Bergey); I-319 (Fruland); O-11 (Friends of Toppenish Creek); O-13 (American Forest Resource Council); O-34 (Washington Environmental Council); OTH-9 (Wildlife Forever Fund)

A commenter raised concerns about the Livestock Projects protocol encouraging manure management practices that result in high levels of methane emissions. Ecology does not believe this is a likely scenario, as the adopted protocols may only be used in the context of specific types of operations where emissions from manure management are typically significant in common practice. Livestock Project offset credits are only generated for emissions reductions that occurred beyond the established baseline emissions of the operation. For example, Section 3.1 of the adopted 2014 Livestock Projects protocol specifies that all offset projects listed under

the protocol must "capture methane that would otherwise be emitted to the atmosphere." This requirement also appears in Section 2.2 of the adopted 2011 Livestock Projects protocol.

Ecology is committed to continually evaluating the efficacy and utility of all adopted offset protocols, and will make revisions and updates to these protocols as needed, to ensure the integrity of offset credits used for compliance.

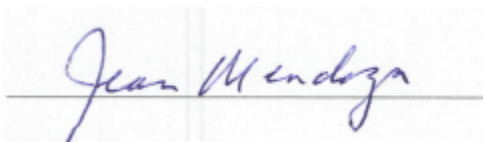
From our perspective this response is inadequate. In our letter, which is attached, we listed our cause for concern, which are copied below:

- Dry manure management techniques and other alternative practices can prevent the creation of methane in the first place.
- The studies that support RNG production do not account for the associated upstream and downstream pollutants – pollutants from dairy production areas and pollutants related to digestate from methane extraction.
- In addition to methane, CAFO manure management produces volatile organic compounds, ammonia, hydrogen sulfide, nitrous oxide, and other major air pollutants. These pollutants are all ignored in bio-digester analyses.
- Dairy bio-digesters do nothing to address enteric (intestinal) methane emissions from cows, or other GHG emissions from dairies. Dairies produce more methane via enteric fermentation than they do via manure management.
- Manure digesters provide increased profits for mega-dairies and push smaller dairies out of the marketplace. Smaller dairies cannot finance these million dollar projects.
- Manure has the lowest return per wet ton of input of any digester feedstock. Animal carcasses (think unwanted dairy calves) produce 13 times more biogas per wet ton than manure.
- CAFOs pollute ground and surface water. Producing more methane to feed bio-digesters will increase this pollution and exacerbate environmental and health risks in overburdened communities.
- The methane from renewable natural gas is the same as methane from fossil fuels. When it burns the amount of CO2 air pollution is the same.

Ecology simply did not address these concerns in your response letter.

This has happened before. On September 4, 2022, we sent a letter to Claire Boyte-White requesting guidance on how to follow up when our concerns are not adequately addressed in public comment responses and ruling-making. That letter is attached. We have not yet heard from Ms. Boyte-White.

Please note that inclusion of CARB protocols for animal agriculture could lead to high environmental and economic costs for Washington taxpayers. FOTC sincerely hopes that Ecology will address this problem as soon as possible.

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director, Friends of Toppenish Creek

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