

Concerns Regarding Yakima Regional Clean Air Agency Inability or Unwillingness to Comply with Agency Administrative Codes

July 4, 2025

YRCAA Administrative Code Part A

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Purpose

This Administrative Code contains policies, procedures and guidelines which support the pursuit of the Agency vision and mission. No part of this code should be construed as a promise of specific action in a specific situation. Agency policies and procedures are subject to change and exception without prior notice at the discretion of the Board of Directors.

The YRCAA has made exceptions and acted contrary to Code A without resolution or action by the board. This occurred when the board held a special meeting in Granger in 2021 to introduce candidates for the position of YRCAA executive director, and again in 2025 when the board added an agenda item and recommended a man for board position 3 without adequate notice.

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1.1.2 As authorized by RCW 70.94.141, the Board, in addition to any other powers vested in them by law, shall have the power to:

- i. Adopt and amend its rules and regulations;
- ii. Hold hearings relating to any aspect of or matter in the administration;
- iii. Issue orders and take administrative actions to enforce the Washington Clean Air Act (Act);
- iv. Require access to information specific to the emission and control of air contaminants;
- v. Secure necessary scientific and technical services;
- vi. Prepare and develop comprehensive plans to prevent and control air pollution;
- vii. Encourage voluntary cooperation to achieve the purposes of the Act;
- viii. Encourage and conduct studies, investigation and research relating to air pollution causes, effects, prevention, abatement and control;
- ix. Collect and disseminate information and conduct educational and training programs;
- x. Advise, consult and cooperate with agencies, departments, educational institutions, political subdivisions, industries, other states, inter-local agencies, the United States government, and with interested persons or groups
- xi. Consult, upon request, with any person proposing to construct, install or otherwise acquire an air contaminant source; and
- xii. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out the Act.

The YRCAA has held hearings without the board present. The hearings were presided over by the YRCAA ED and APCO who is not authorized to do this by any YRCAA Codes. No members of the board attended recent public hearings where citizens voiced significant concerns regarding air emissions from a land fill and a model toxics control clean up site.

The YRCAA has not adopted comprehensive plans to prevent and control air pollution and has not discussed plans in an open public meeting since 2015 when the board rejected a proposed Five Year Plan.

The YRCAA has not conducted studies or investigative research related to air pollution causes, effects, prevention, abatement and control.

The YRCAA has not collected and disseminated information and has not conducted educational and training programs.

The YRCAA has not cooperated with the WA State Dept of Ecology regarding air quality for overburdened and underserved communities.

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1.3.2 City Selection Committee Position No. 2

This position is appointed by the city selection committee, according to the process required in RCW 70.94.120, and may be either a member of the governing body of one of the cities and towns, or a private citizen. Detailed procedures for selection of this position are available from the Clerk of the Board. Generally, this position represents the smaller cities and is filled by a member of the governing body of one of the smaller cities.

In 2020/2021 and again in 2024/2025 the YRCAA delayed appointment of a small citizens representative for 4-5 months.

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1.3.4 Member-At-Large

This position is required when the above seated positions result in an even number and can be either a member of the governing body of one of the cities and towns, or a private citizen.

In 2023 the YRCAA re-appointed a man to position 5, Member at Large, without advertising the position.

Section 2 Board Meetings

This section declares Board policy for, describes the requirements of, and provides guidance for the conduct of, meetings of the Board. Agency Board meetings are subject to the requirements of RCW 42.30, the Open Public Meetings Act. It is the policy of the Board that their actions shall be taken openly and that their deliberations shall be conducted openly.

Any Board Member or person who suspects the Board has violated the Open Public Meeting Law is requested to advise the Chair in writing within thirty (30) days of the time that the alleged violation occurred. The Chair, upon receiving such notice, will direct the Executive Director to review the issue and provide recommendations as may be appropriate to the Board at the next available meeting of the Board which will assure the Agency maintains substantial compliance with the Open Public Meeting Law.

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 LYV to present candidates so the people could meet them and provide input. On July 14, 2022, the YRCAA held a special 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. In accordance with guidance from the YRCAA Administrative Code A, Friends of Toppenish Creek 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 Administrative Code. There was no follow-up.

See also Administrative Code Part B, Page 29/192

- announcing the new date, time and location,
- b. When a Special Board Meeting is scheduled, at least 24-hours prior to the meeting, notice of such meeting will be served on our website and the two largest newspapers in the County; and

2.4 Limitations on Public Comments

The Board may make reasonable rules limiting the time allocated for public comments and may limit the time for individual speakers to allow for the reasonable and timely conduct of Agency business.

YRCAA only allows citizens three minutes to present at the beginning of meetings. This is insufficient time to present important information. There is no opportunity to rebut

incorrect information at the end of YRCAA board meetings. Board members have interrupted and reprimanded citizens while they were making comments.

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2.9 Agendas and Board Materials

All reports, communications, resolutions, contracts or other matters to be submitted to the Board shall be delivered to the Executive Director at least ten (10) days prior to the Board meeting.

Agendas and materials for the Board meeting will be prepared and mailed to Board members seven (7) days prior to the regular Board meeting to provide time to review action items and reports. Agendas, and other materials upon request, will be provided to media and other interested persons seven (7) days prior to the Board meeting. The proposed Board meeting agenda shall be posted on the agency website for public viewing at least two weeks prior to the next meeting. The agenda will be subject to change up to 24 hours prior to the regularly scheduled meeting. For public members wishing to add an item to the meeting agenda, the request should be submitted in writing to the Executive Director for consideration no later than the Friday immediately preceding the next scheduled board meeting. The Director will email all Board members the list of public requested topics for inclusion on the agenda no later than the Monday preceding the regularly scheduled meeting. Board members will then provide to the Executive Director their list of public requested items/topics to be placed on the agenda no later than close of business the Tuesday preceding the meeting, ensuring that any changes to the agenda can be implemented expeditiously.

The YRCAA board violated this section in early 2025 when the board added an agenda item and voted on a recommendation to Yakima County regarding appointment of a man to position 3.

See also page 9/15 that says

2.11.2 Additions or Deletions to the Agenda

The Chair will ask the Director if there are any additions or deletions to the agenda. The Director may add or delete any item from the agenda. However, added items may only be for discussion and may not be acted upon by the Board.

See also page 13/16 that says

Section 5 Voting

This section provides guidance to Board members for voting on an issue which requires Board action. The Board shall not vote to approve any action or to adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public, and then only at a meeting for which notice has been given according to the provisions of this policy. Any Board action failing to comply with the provisions of this policy shall be null and void. The Board shall not vote by secret ballot. Any vote taken in violation of this subsection shall be null and void.

2.11.5 Director's Report

The purpose of the Director's report generally is to brief the board on issues, programs, projects and other activities of importance and interest to the board. The report may prompt some discussion with the Board to provide information beyond that contained in the report.

Recent Director's Reports have failed to provide sufficient information for the board to consider:

- An appeal to the WA State Pollution Control Hearings Board regarding SEPA review for a limited purpose landfill
- A whistleblower complaint
- Application for a controversial air quality permit for an anaerobic manure methane bio-digester
- A civil rights complaint regarding YRCAA engagement of the Non-Spanish speaking Community

The YRCAA has not discussed these important issues in an open public meeting.

2.13 Communication to the Board

All written communications to the Board which bear on a meeting of the Board shall be provided to the Clerk of the Board for distribution to the Board. The Clerk of the Board shall furnish a copy of all written communications to the members of the Board, the Executive Director, and staff members attending the Board meeting, seven (7) days prior to the time scheduled for the meeting.

There has been no clerk of the board for some time. Those duties are performed by the Executive Director who receives executive pay for performing clerical work.

See also page 11/15 that says:

3.3 Clerk of the Board

The Executive Director appoints the Clerk of the Board who shall be the custodian of the official records of the Board and shall perform such duties as may be required by the Executive Director and the Board in carrying out the Board's objectives.

YRCAA Administrative Code Part B

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SECTION 1: Administrative Code and Organizational Structure

1.1 Introduction

This Administrative Code contains policies, procedures and guidelines which support the pursuit of the Agency vision and mission. No part of this code should be construed as a promise of specific action in a specific situation. Our policies and procedures are subject to change and exception without prior notice at our discretion. The following statements describe our vision and mission:

It is possible, even likely, that the YRCAA has abused discretion by not following the guidance in this document. Discretion is not unlimited and should not be arbitrary. When policies and procedures change, there should be official approval of the changes.

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1.2.2 It is not possible to prepare policy which can fully address all circumstances. When policy is not available and when action is in doubt, staff must:

- a. **Use Common Sense**
Act within your job description and address all issues with reasonable and prudent action(s) considering all circumstances;
- b. **Communicate**
Make every effort to assure that your supervisor and management are fully apprised, in writing, of all potentially significant issues. When in doubt, discuss the issue with your supervisor. In addition, be certain you possess the authority to take the action contemplated;
- c. **Document**
Provide the Director, or your Division Supervisor, with written documentation of action so as to allow for a reasonable verification of the appropriateness of the action; and
- d. **Minimize Liability**
Be sensitive to minimizing Agency liability. Applying common sense, increased communication and documentation will substantially minimize Agency liability.

In 2024 a whistle blower followed this directive. We do not know how his concerns were addressed, but he lost his job. The issues addressed in his complaint are now before the WA State Pollution Control Hearings Board.

1.3.1 The policies and procedures in this Code apply to all employees. They supersede and replace any and all previous policies and procedures including any existing or prior oral or written agreements or representations on the subjects covered. No Agency employee, except for the Executive Director, has authority to grant exceptions to these policies. Further, all amendments must be reviewed and approved by the Board of Directors.

The YRCAA Board of Directors has not amended YRCAA Administrative Code B since it was last revised in 2011.

5.1 Purpose of Compliance Evaluations

The single purpose of compliance evaluations is to assure compliance. The following are objectives pursuant to the purpose of compliance assurance:

- 5.1.1 Educate and assist sources in understanding and complying with YRCAA, State and Federal air quality regulations, orders, policies and permits;
- 5.1.2 Determine compliance with applicable YRCAA, State and Federal air quality regulations, policies and permits;
- 5.1.3 For sources not in compliance, identify and collect all evidence necessary to initiate corrective or enforcement actions to assure compliance; and
- 5.1.4 Respond to complaints of violations of YRCAA, State and Federal air quality regulations, policies, orders and permits.

Detecting, documenting and reporting violations are important duties of YRCAA employees. Through these actions they educate the regulated community about air quality regulations and provide uniform enforcement of the air pollution control laws.

It is our understanding that the YRCAA no longer conducts regular compliance investigations. In fact, at a public hearing the YRCAA Executive Director stated that YRCAA staff might inspect a permitted facility once a year if staff has time.

In the past FOTC has documented a lag time in response to complaints from the Lower Yakima Valley that has been days to even weeks.

5.2 Planning

Prior to the beginning of each fiscal year Compliance Division staff will participate in a planning process which includes:

- 5.2.1 Evaluating the effectiveness of the last year=s compliance assurance effort;
- 5.2.2 Defining objectives and initiatives;
- 5.2.3 Prioritizing and scheduling sources for compliance evaluation;
- 5.2.4 Establishing criteria for substituting compliance evaluations of low or medium priority sources for high priority sources; and
- 5.2.5 Estimating resources required to accomplish the plan.

See also page 43/192 that says

5.5.1 Compliance Monitoring Plan

Prior to the beginning of each fiscal year the compliance evaluator and the operations manager will develop a compliance monitoring plan. The plan will include:

- a. An evaluation of the program for the last fiscal year;
- b. A definition of the most significant problems;
- c. A plan to address the problems; and
- d. Assignment of a priority for conducting compliance evaluations for each source.

In 2025 FOTC submitted a public records request for the results of staff planning by the compliance division in preparation for the upcoming fiscal year, 2025/2026. The YRCAA informed us there was no planning pursuant to this section of the code.

FOTC believes this is a serious violation of Administrative Code B as well as the budgeting process.

5.5.2 Stationary Sources (including portable sources, located temporarily)

- a. Compliance staff will schedule and devote enough time to compliance evaluations of stationary sources in order to assure that all high priority sources are evaluated by the end of the fiscal year, based on the following:
 - i. High Priority
All Title V Permit sources, Synthetic Minor sources and any source not in compliance;
 - ii. Medium Priority
Minor sources which are in compliance but pose a significant risk to public health or the environment if compliance problems develop; and
 - iii. Low Priority - Minor sources which are in compliance and pose minor risk to public health or the environment if compliance problems develop.
- b. Exception
Low priority or medium priority sources may be evaluated prior to evaluating all high priority sources under the following conditions:
 - i. If a Level 1 or 2 complaint is received of the source; and/or
 - ii. If the source can be done on the same day, in the same area, as a high priority source.

It is our understanding that YRCAA now relies on citizen complaints to identify source violations, that regular inspection and evaluation is no longer performed. In addition, the YRCAA no longer provides the board and the public with monthly reports on compliance activities.

5.6 Complaint Response

The agency receives complaints about alleged air pollution violations routinely via voice mail, phone, e-mail, mail and in person. These complaint response guidelines are used to promote uniform complaint response and to help maximize complaint response efforts. The flow chart is used to channel generic types of complaints to pre-selected response levels. The general nature of the policy may cause some complaints to be assigned at an inappropriate response level. In these cases, professional judgment and initiative should be used to reassign the complaint to the appropriate level. Complaints involving other governmental agencies should be referred to the appropriate agency. Complaints involving imminent danger to life or health will be responded to immediately, regardless of the following guidance.

5.6.3 Response Levels

The complaint will be immediately forwarded to the Complaint Manager to determine the appropriate response level. The Complaint Manager will assign the complaint to appropriate staff for response. The following response levels will be used in conjunction with the complaint response flow chart.

a. Level 1

Attempt same day site inspection. Request backup if not available for same day response.

b. Level 2

Attempt inspection within 48 hours. Request backup if not available for 48 hour response.

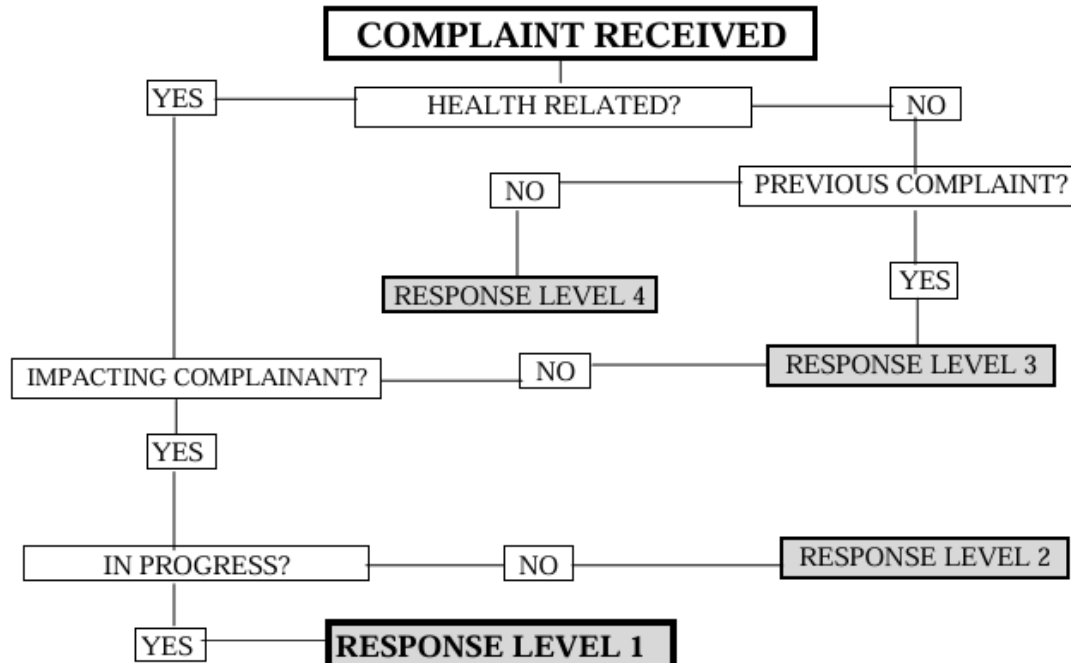
c. Level 3

Attempt site inspection within 7 days. Request backup if not available for 7 day response.

d. Level 4

Site inspection not required. Correspond with the source to advise of the complaint, to inform of the applicable rules and to discuss the potential for enforcement action. A phone call or a fax may be helpful but, it should be followed up in writing.

GENERAL COMPLAINT RESPONSE FLOW CHART



The YRCAA does not follow this guide. At times complaints with serious health implications are addressed with a level 4 response.

5.7 Site Inspections

The site inspection is potentially the most important of the partial compliance evaluations for stationary sources. It is necessary in order to assure that the source is in compliance with:

- a. Emission standards;
- b. Operation and maintenance requirements; and
- c. Monitoring and record keeping requirements.

It is our understanding that YRCAA no longer conducts routine site inspections. This rose to a high level of importance when the public learned that YRCAA does not regularly inspect limited purpose landfills.

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5.8 Evidence

Evidence is the data used by the Agency to support or establish the truth of an allegation. It can be any information or proof which clarifies or helps establish the truth. During the course of an inspection, compliance staff may make observations, conduct interviews, obtain statements, obtain or copy documents, take photographs and collect samples. All of these may become evidence. There are five different types of evidence:

a. Testimonial

Observations made from personal knowledge, derived from a person's sense of smell, touch, sight, taste or hearing;

b. Direct

The object, item or thing itself (e. g., physical material samples);

c. Documentary

A document having significance due to its content (e. g., reports, logs, notifications, manuals);

d. Demonstrative

Something other than the above which is prepared or selected to support, illustrate or otherwise make some fact clearer or easier to understand (e. g., photographs, diagrams, maps, summaries, video tapes); and

e. Judicially Noticed

Matters about which there could be no dispute and become evidence by virtue of their being officially noticed by an administrative or court judge (e. g., YRCAA regulations, scientifically accepted facts, geographic locations, matters of common knowledge).

YRCAA fails to collect much of this data and consequently lacks evidence needed to enforce corrective action. For example, when an inspector recently responded to a

complaint of excessive odor at a mushroom plant, she sat in her car for 20 minutes, stated no adverse odors and closed the case.

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5.10 Notices of Violation

A Notice of Violation (NOV) is an official notification that a violation has occurred. The Notice shall require that a specific corrective action be taken within a specified time.

The YRCAA no longer reports the number of NOVs issued or the results of NOVs.

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5.11 Enforcement

Notices of Violation are generally followed by an enforcement action on the part of the Agency. The enforcement actions available to the Agency include: civil penalties, injunctive relief, or criminal penalties.

The Control Officer is responsible for authorizing the option chosen, after consultation with the employees involved in the case. Enforcement actions shall be taken within 5 days following the expiration of the 30 days following the issuance of the Notice of Violation. Except for High Priority violations, as defined by the EPA Compliance Monitoring Strategy, the Control Officer may choose not to take enforcement action. This decision is in the nature of the enforcement discretion exercised by the Agency.

The YRCAA almost never takes enforcement action, even when human health is involved. For example, there are Model Toxics Control Act (MTCA) sites west of Yakima but the YRCAA takes no compliance action. For example, research from the University of Washington documents decreased respiratory function for children with asthma when ammonia levels are high, but the YRCAA takes no compliance action regarding sources of ammonia emissions.

6.1 New Source Review

The YRCAA requires an Order of Approval (OA) be issued prior to the establishment of any new or modified process, facility, machine, equipment, or other device which may emit any criteria contaminants (particulate, organic gases, sulfur dioxide, nitrogen dioxide, or carbon monoxide), any odorous or hazardous pollutants (such as asbestos, beryllium, mercury, sulfuric acid, hydrogen sulfide, hydrogen fluoride and lead), or any toxic or carcinogenic pollutants. Also, any control apparatus, which may reduce or eliminate air contaminants, must have an OA.

The New Source Review (NSR) OA is the certification that an evaluation of the emissions from the source has been conducted and demonstrates that the emissions will not interfere with air quality standards when constructed. The OA is issued prior to construction. Compliance with the OA is determined after the construction is completed and operation of equipment has begun. The application for an OA is called the "NSR application" and the instructions for information required in the following sections refer to this NSR application.

When alterations are planned which may affect the emissions from a piece of existing equipment, a new NSR application must be submitted. This application should include the number of the existing OA, which will be modified. The installation of a control device on existing equipment, even though it results in a reduction in emissions, requires a new OA.

The YRCAA has failed to follow this policy with respect to limited purpose landfills in Yakima County.

The YRCAA maintains that concentrated animal feeding operations (CAFOs) are exempt from this policy. FOTC maintains that if CAFOs were treated like factories there would be over 20 Title V sources in Yakima County. By ignoring CAFOs the YRCAA fails to address the major source of air pollution in the Lower Yakima Valley.

6.2 Air Operating Permits

Title V of the Federal Clean Air Act (FCAA) requires states to establish and maintain an Air

Operating Permit Program, pursuant to 40 CFR 70, for major stationary sources of air pollution (Title V Sources). YRCAA implements an Air Operating Permit Program, in accordance with WAC 173-401, for the purpose of preventing and controlling emissions from Title V sources.

6.2.1 Applicability

The Air Operating Permit Program applies to all major stationary sources, defined as any source which emits:

- a. 100 tons or more per year of a single criteria air pollutant;
- b. 10 tons or more per year of a single hazardous air pollutant; or
- c. 25 tons of any combination of hazardous air pollutants.

6.2.2 Requirements

All requirements of the FCAA, the Washington Clean Air Act (WCAA), the Code of Federal Regulations (CFR), the Washington Administrative Code (WAC), and YRCAA Regulation 1 apply to Title V sources.

Yakima CAFOs emit these quantities of air pollutants, but YRCAA does not regulate them.

6.3 Area Source Registration

In order to maintain an accurate record of air contaminant sources, YRCAA requires that certain sources of air pollution register annually. The registration consists of reporting air emission units, air pollutants emitted, quantities of pollutants emitted and air pollution controls utilized.

6.3.1 Applicability

The requirements of the registration program apply to all sources listed in WAC 173-400-100(1), except as exempted below.

6.3.2 Exemptions

The following sources are exempt from registration requirements, as specified:

- a. Sources which maintain an active Air Operating Permit;
- b. Sources which have actual emissions less than the rates shown in WAC 173-400-102(5);
- c. Sources which emit less the rates in (b) above and do not emit a measurable amounts of any toxic air pollutant shown in WAC 17-460-150 and 160; and
- d. Any gasoline dispensing facility which either dispenses less than 360,000 gallons of gasoline annually or has a storage capacity of less than 10,000 gallons.

WAC 173-400-100

Source classifications.

(1) **Source classification list.** In counties without a local air pollution control authority, or for sources under the jurisdiction of ecology, the owner or operator of each source within the following source categories must register the source with ecology:

(a) Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;

(b) Agricultural drying and dehydrating operations;

(c) Any category of stationary source that includes an emissions unit subject to a new source performance standard (NSPS) under 40 C.F.R. Part 60 (in effect on the date in WAC [173-400-025](#)), other than subpart AAA (Standards of Performance for New Residential Wood Heaters);

(d) Any stationary source that includes an emissions unit subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 C.F.R. Part 61 (in effect on the date in WAC [173-400-025](#)), other than:

(i) Subpart M (National Emission Standard for Asbestos); or

(ii) Sources or emission units emitting only radionuclides, which are required to obtain a license under WAC [246-247-060](#), and are subject to 40 C.F.R. Part 61, subparts H and/or I, and that are not subject to any other part of 40 C.F.R. Parts 61, 62, or 63, or any other parts of this section.

(e) Any source, or emissions unit subject to a National Emission Standard for Hazardous Air Pollutants for Source Categories under 40 C.F.R. Part 63 (in effect on the date in WAC [173-400-025](#)) that is not subject to chapter [173-401](#) WAC;

(f) Any source, stationary source or emission unit with an emission rate of one or more pollutants equal to or greater than an "emission threshold" defined in WAC 173-400-030;

(g) Asphalt and asphalt products production facilities;

(h) Brick and clay manufacturing plants, including tiles and ceramics;

(i) Casting facilities and foundries, ferrous and nonferrous;

(j) Cattle feedlots with operational facilities which have an inventory of one thousand or more cattle in operation between June 1st and October 1st, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;

(k) Chemical manufacturing plants;

(l) Composting operations, including commercial, industrial and municipal, but exempting residential composting activities;

(m) Concrete product manufacturers and ready mix and premix concrete plants;

(n) Crematoria or animal carcass incinerators;

(o) Dry cleaning plants;

(p) Materials handling and transfer facilities that generate fine particulate, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;

(q) Flexible vinyl and urethane coating and printing operations;

(r) Grain, seed, animal feed, legume, and flour processing operations, and handling facilities;

(s) Hay cubers and pelletizers;

(t) Hazardous waste treatment and disposal facilities;

(u) Ink manufacturers;

(v) Insulation fiber manufacturers;

(w) Landfills, active and inactive, including covers, gas collections systems or flares;

(x) Metal plating and anodizing operations;

(y) Metallic and nonmetallic mineral processing plants, including rock crushing plants;

(z) Mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;

(aa) Mineralogical processing plants;

(bb) Other metallurgical processing plants;

(cc) Paper manufacturers;

(dd) Petroleum refineries;

(ee) Petroleum product blending operations;

(ff) Plastics and fiberglass product fabrication facilities;

(gg) Rendering plants;

(hh) Soil and groundwater remediation projects;

(ii) Surface coating manufacturers;

(jj) Surface coating operations including: Automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;

(kk) Synthetic fiber production facilities;

(ll) Synthetic organic chemical manufacturing industries;

(mm) Tire recapping facilities;

(nn) Wastewater treatment plants;

(oo) Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of Federal Clean Air Act.

(2) Equipment classification list. In counties without a local authority, the owner or operator of the following equipment must register the source with ecology:

(a) Boilers, all solid and liquid fuel burning boilers with the exception of those utilized for residential heating;

(b) Boilers, all gas fired boilers above 10 million British thermal units per hour input;

(c) Chemical concentration evaporators;

- (d) Degreasers of the cold or vapor type in which more than five percent of the solvent is comprised of halogens or such aromatic hydrocarbons as benzene, ethylbenzene, toluene or xylene;
- (e) Ethylene oxide (ETO) sterilizers;
- (f) Flares utilized to combust any gaseous material;
- (g) Fuel burning equipment with a heat input of more than 1 million Btu per hour; except heating, air conditioning systems, or ventilating systems not designed to remove contaminants generated by or released from equipment;
- (h) Incinerators designed for a capacity of one hundred pounds per hour or more;
- (i) Ovens, burn-out and heat-treat;
- (j) Stationary internal combustion engines and turbines rated at five hundred horsepower or more;
- (k) Storage tanks for organic liquids associated with commercial or industrial facilities with capacities equal to or greater than 40,000 gallons;
- (l) Vapor collection systems within commercial or industrial facilities;
- (m) Waste oil burners above 0.5 mm Btu heat output;
- (n) Woodwaste incinerators;
- (o) Commercial and industrial solid waste incineration units subject to WAC [173-400-050\(4\)](#);
- (p) Small municipal waste combustion units subject to WAC [173-400-050\(5\)](#).

The YRCAA does not require registration of most of the facilities highlighted above. There are many CAFOs in Yakima County that are not required to register.

6.6 Dust Control Plans

6.6.1 Purpose

In efforts to minimize airborne dust emissions, YRCAA requires dust control plans to be submitted from several sources which will be discussed in this subsection. The purpose of this subsection is to provide guidance for requiring, reviewing and approving dust control plans.

6.6.3 Dust from Cattle Feeding Operations

To prevent and reduce dust emissions from cattle feeding operations, YRCAA requires and enforces the provisions of dust control plans from such operations.

a. Applicability

The requirement to submit and implement a dust control plan applies to beef cattle and dairy replacement operation which maintains and average of 1,000 head or more confined during the months of April through October.

b. Submittal

Plans must be submitted annually, no later than April 15th of each year.

FOTC is aware of at least two heifer feeding operations that are required to have dust control plans and do not. There are others. It seems that YRCAA makes no effort to bring them into compliance.

7.16 Why Is The 100% Goal Important?

When a system operates at a 0.1% failure rate, management's tendency is to say that's good enough. Combine all of these "good enoughs" together, and you have an unacceptable level of failure. Some examples where 99.9% performance isn't good enough include:

- X One hour of unsafe drinking water every month;
- X Two unsafe plane landings per day at O'Hare International Airport in Chicago;
- X 16,000 pieces of mail lost by the U. S. Postal Service every hour;
- X 20,000 incorrect drug prescriptions every year;
- X 500 incorrect surgical operations each week;
- X 50 newborn babies dropped at birth by doctors every day; and
- X 22,000 checks deducted from the wrong bank accounts each year

Source: American Society for Quality Control

SECTION 8: Planning

8.2 The Policy

The Office of the Executive Director shall use the Policy as directed by the Board of Directors or when, in his or her judgment, there exist actual or potential air quality related issues which have potentially significant impacts to the YRCAA air quality program.

The Policy establishes the following five (5) procedural stages for considering YRCAA responses to actual or potentially significant air quality issues:

8.2.1 Preliminary Planning

During the preliminary stage the Board of Directors, or the Office of the YRCAA Director identifies an actual or potential air quality issue and initiates basic information gathering. This includes:

- a. Defining the issue;
- b. Identifying;
 - i. Related statutory requirements;
 - ii. Related local and regional issues;
 - iii. Stakeholders, including potentially affected sources; and,
 - iv. Preventative mitigation strategies.
- c. Preparing a planning schedule, including dates for;
 - i. Public Workshop(s);
 - ii. Advisory Committee Meeting(s); and
 - iii. Board of Director Action(s).
- d. Holding initial discussions with the Washington State Department of Ecology and EPA to identify;
 - i. Potential coordination issues, merits and process, and
 - ii. Potential State Implementation Plan (SIP) revisions.
- e. This stage concludes with preparation of a "Preliminary Planning Report" summarizing the preliminary planning actions.

8.2.2 Planning Stage

The planning stage incorporates the actual planning activities, including, but not limited to:

- a. Reviewing existing statutory requirements, such as, State, Federal and local laws;
- b. Reviewing and updating relevant data, such as air monitoring data, emission inventory, meteorological data, and related trends;
- c. Identifying potential control strategies;
- d. Meeting with stakeholders, special interest groups, and the public to solicit comments, concerns and recommendations; and
- e. Preparing a Draft Staff Report which includes proposed recommendations, supporting information and statutory references.

8.2.3 Public Review

During this stage, the "Draft Staff Report and Proposed Recommendations" prepared at the conclusion of the Planning Stage, are presented and discussed in Administrative Public Forums consisting of:

- a. Publicly Noticed Administrative Public Workshops held by Office of the Director

- in local newspapers and on the YRCAA website;
- b. Other public agency forums, e.g., Council of Governments, Municipalities, County, Yakama Nation; and
- c. Advisory Committee Meeting(s).

Based on the comments received, the "Draft Staff Report and Proposed Recommendations," will be refined and released as a "Final Staff Report and Recommendations," which will be publicly noticed in the two largest local newspapers and on the YRCAA website for consideration by the Board of Directors no less than thirty (30) days following release of the report.

8.2.4 Public Hearing

The public hearing stages exists as the formal forum for the Board of Directors to act on the recommendations following solicitations of public comments. The product resulting from the public hearing is a formal Board of Director's "Resolution" directing YRCAA staff action.

8.2.5 Implementation

The implementation stage is the foundation for continually improving the YRCAA Clean Air Programs. The program implementation includes, but is not necessarily limited to:

- a. Field Inspection;
- b. Opportunities for periodic meetings with interested stakeholders to evaluate strength and weaknesses of implemented action;
- c. Status reports to Board of Directors, Advisory Committees, and interested stakeholders; and,
- d. Recommendation for initial strategy refinements.

The YRCAA has not implemented this policy since 2012 to 2015 when the agency convened meetings to develop an Air Quality Management Plan for Dairies that the Board later rescinded.

8.6 Policy Flow Chart

**YRCAA PLANNING POLICY
for
ENHANCED CITY, PUBLIC AND OTHER STAKEHOLDER PARTICIPATION**

I. Preliminary Stage

PRODUCT: "PRELIMINARY PLANNING REPORT"

II. Planning Stage

PRODUCT: "DRAFT STAFF REPORT AND PROPOSED RECOMMENDATIONS"

III. Public Review Stage

PRODUCT: "FINAL STAFF REPORT AND RECOMMENDATIONS"

IV. Public Hearing Stage

PRODUCT: "BOARD RESOLUTION"

V. Implementation Stage

The YRCAA has not used this process for years.

SECTION 10: Budgeting, Accounting and Reporting

10.1 Purpose

It is the purpose of this section to establish an effective budgeting, accounting, and reporting system for all activities of the Yakima Regional Clean Air Agency (the Agency), including both capital and operating expenditures, per RCW 43.88.010.

10.2 Budget

The budget year shall be the fiscal year (FY) beginning July 1st and ending on the following June 30th, per RCW 70.94.092. Each year the YRCAA Governing Board of Directors shall adopt a budget for the coming fiscal year prior to the fourth Monday in June.

10.2.1 Development

RCW 43.88.090 discusses the development process for the Budget that will be submitted for approval. YRCAA Program Managers will submit work plans to the Executive Director which include resource estimates for their programs. Items to be included in the FY Budget follow:

- a. Mission statement and established measurable goals for staff with strategies to achieve the goals;
- b. Brief description of Programs and accomplishments and objectives;
- c. Grant information, identified separately per RCW 43.88.032(2); and
- d. Chart of accounts.

The YRCAA did not follow this protocol for the 2025/2026 budget.

10.11.7 Vendor Selection

When intergovernmental purchasing agreements are not available, vendor selection shall be based on price, reliability, product, and service quality. Purchase from the lowest price vendor is not required for special purpose or unique items that are available from a single source. To assure that funds are expended in a cost-effective manner, the following procedures refer to a single purchase of goods or services:

- a. Purchases of less than \$100 - No price quotes or bids required;
- b. Purchases of \$150 to \$499 - Two verbal price quotations required;
- c. Purchases of \$500 to \$6,999 - Three verbal price quotations required;
- d. Purchases of \$7,000 to \$24,999 - Three written price quotations; and
- e. Purchases exceeding \$25,000 - Formal bid procedures as provided in subsection 10.11.8 shall be followed. (Includes public notice of invitation to bid).

The YRCAA board of directors approved ignoring this section in 2025 when the YRCAA hired legal counsel to address an appeal to the WA State Pollution Control Hearings Board.

See also page 169/192

10.13 Sole Source or Proprietary Procurements

Occasions may arise when competition among potential vendors is not possible or practical for a particular procurement. Purchases may be made directly from a sole source vendor without soliciting other bids or quotes, per RCW 43.19.1906(1) and (3).

10.13.1 Criteria

The following criteria dictate situations when sole-source procurements may be made:

- a. When there are special facilities or market conditions that result in only one source;
- b. In the event of emergencies; and
- c. When there is only one source capable of supplying the subject matter in a timely fashion such that seeking competitive prices would be impractical.

In the event the material, equipment, vehicles, supplies, or services are available from only one supplier:

- a. Written documentation demonstrating the appropriateness of sole source procurement where the expected cost exceeds ten thousand dollars (\$10,000) will be submitted to and approved by the Executive Director;
- b. When the total expected cost exceeds twenty-five thousand (\$25,000), the Board of Directors will also approve sole source justifications;
- c. Except in the event of an emergency, the contract and the basis for the exception from competitive procurement must be recorded and open to public inspection immediately after its award;
- d. When circumstances or events are beyond the control of the Agency which present a real, immediate, and extreme threat to the proper functions or which may reasonably be expected to result in excessive loss or damage to property, an emergency purchase may be made, RCW 43.19.200(2);
- e. The Fiscal Programs Manager shall submit, on an annual basis, the written notifications required by subsection (2) of RCW 19.200, to the Governing Board of Directors, per RCW 19.200(4); and
- f. Written justification will be documented of forms entitled, "YAKIMA REGIONAL CLEAN AIR AGENCY REQUEST FOR SOLE SOURCE" and "SOLE SOURCE JUSTIFICATION," as shown on the subsequent pages of this subsection.

10.15 Cash Reserves

The purpose of this subsection is to establish policy for the establishment and maintenance of cash reserves to be appropriated toward, and expended from, only for their dedicated purpose. The funds shall be maintained in an investment account administered by the Yakima County Treasurer's Office or as otherwise directed by the Governing Board of Directors.

10.15.1 Operating Costs

To cover costs in the event of unexpected shortfall or absence of anticipated revenues, as a matter of prudence, YRCAA shall, when a fund balance is available, by Board approval of annual budget, appropriate funds toward cash reserves until such time as reserves have accumulated in the amount of 25% of the current budget operating costs for the following:

- a. Salaries and Benefits;
- b. Services; and
- c. Supplies

10.15.2 Capital Replacement

As a matter of prudence, YRCAA shall, when a fund balance is available, by Board approval of annual budget, appropriate funds annually toward cash reserves equal to 10% of the replacement costs of all capital assets which are scheduled for replacement as defined in Subsection 10.9 of this Section. Such appropriations shall continue until such time as the total funds in reserve equal the cost to replace all capital assets scheduled for replacement. To determine estimated replacement year and cost for any such equipment, YRCAA shall utilize a Capital Asset Equipment Inventory / Replacement Schedule as follows:

- a. Replacement cost shall be estimated by adding 5% per year to the purchase cost of the equipment;
- b. Current value and salvage value shall be estimated by depreciating the purchase cost by using a straight-line method of depreciation;
- c. Salvage value shall be estimated at 5% of the purchase cost;
- d. Scheduled replacement year shall be the latter of the year in which the equipment reaches the end of its useful life, the equipment has depreciated to its salvage value, and the equipment has ceased to serve its intended function; and
- e. No equipment shall be replaced, regardless of extending beyond its estimated useful life or scheduled replacement year, if the equipment continues to

FOTC maintains that the YRCAA inappropriately augmented the YRCAA fund with monies designated to pay staff in the 2025/2026 budget.

11.3 Positions

The following position summaries are consistent with other local air authorities and describe duties and responsibilities of staff positions at YRCAA. Each position falls within one of five classifications described in 11.2 above. A staff member may occupy, and fulfill the duties of, more than one position.

11.3.1 Supervisor Positions

a. Executive Director

The Director is responsible for overseeing the administration of the Agency and assuring compliance with the Federal Clean Air Act, the Washington Clean Air Act, and all regulations promulgated thereunder. The Director maintains the Agency in good operational status with municipalities, the regulated community, the Governing Board of Directors, the Department of Ecology, the US EPA, and

the Washington State Auditor. The Director provides guidance and leadership to staff for the lawful and effective management of the various activities performed and programs implemented by YRCAA.

The Director prepares and monitors the agency budget, oversees Board meeting preparation and presentations by Staff, and sets (and monitors attainment of) goals for each year. The Director acts as CEO for the agency enterprise, Northwest Opacity Certification, and any other Enterprise programs YRCAA may have. The Director represents the agency in any interaction with Federal, State or Local government and with the Washington Air Quality Managers Group, the National Association of Clean Air Agencies. The Director reports directly to the Governing Board of Directors.

Nowhere in this job description does it say that the Executive Director shall function as a Hearing Examiner, a Public Records Officer, Complaint Manager, Planner, Information Technology Manager, Programmer, Office Manager, or Clerk of the Board.

Respectfully submitted

Friends of Toppenish Creek

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