

## The YRCAA Board of Directors Does Not Respond To The Public

Some occasions when the YRCAA Board ignored requests/comments from the public

**Dec. 9, 2021:** Request to have someone from the Lower Yakima Valley participate in selection of a new Executive Director/APCO for the YRCAA

**May 12, 2022:** Request for budget clarifications.

**June 9, 2022:** Statement that the budget did not provide sufficient information.

**September 8, 2022:** Nomination for Position 5 on the YRCAA Board of Directors.

**December 8, 2022:** Nomination for Position 5 on the YRCAA Board of Directors.

**July 13, 2023:** Cancellation of community forums. No public information on a proposed manure methane bio-digester.

**October 10, 2024:** Board Member 4 incorrectly implied that the YRCAA had discussed litigation in executive session. None of the board members attended a public hearing regarding YRCAA permitting of a limited purpose landfill.

**November 14, 2024:** Citizen complaint about air pollution near a limited purpose landfill.

**December 12, 2024:** Request for more education and outreach in the Lower Yakima Valley.

**January 9, 2025:** No YRCAA inspections of permitted sources of air emissions.

**March 13, 2025:** Concerns re suspension of portions of YRCAA Administrative Code Part A. YRCAA failure to apply for funds under the WA Climate Commitment Act. Suggested formation of an Advisory Group to assist the YRCAA in decision-making.

**April 1, 2025:** Who oversees legal counsel for the YRCAA?

In More Detail:

**Dec. 9, 2021:**

*Ms. Jean Mendoza, Friends of Toppenish Creek, from White Swan requested an allowance of a citizen from the lower valley to participate as a representative in the process with the selection of the agency's new APCO.*

Request ignored

**May 12, 2022:**

*Jean Mendoza, White Swan, made comments regarding the budget. Ms. Mendoza inquired on the amount of FTE's are included in the budget, number of the employees based on the proposed budget, how many employee hours will be spent on collecting data, how many hours will be sent on responding to complaints, and how many employee hours will be spent educating the public?*

No reply

**June 9, 2022 Budget Hearing:**

*Jean Mendoza, White Swan, stated the public was not provided enough information to provide any comments.*

No reply

**September 8, 2022:**

*Jean Mendoza, Executive Director for the Friends of Toppenish Creek. Jean nominated herself for the position of Chairman of Yakima Clean Air Agency Board of Directors.*

This is incorrect. Jean Mendoza nominated herself for Board Position 5. Her nomination was ignored.

## December 8, 2022:

### 8. Member-at-Large Appointment

DeVaney noted his appointment as the member-at-large expires at the end of the year and inquired as to whether a change in the appointment process was to be considered.

Yakima Regional Clean Air Agency

Board Meeting Minutes

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Thornsbury explained time did not permit a more thorough assessment and evaluation of potential alternate processes. He added the work of reviewing similar processes used by others and then developing one appropriate for the Agency would require a period of time well beyond the immediate demands of the January meeting.

DeVaney invited nominations. Jones moved to nominate Jon DeVaney to serve as the board member-at-large. McKinney seconded. Motion passed 2-0.

## July 13, 2023:

*Jean Mendoza (provided in Spanish—translated to English by Agency staff) Good morning. My name is Jean Mendoza. I live in White Swan. The topic entitled “Update on Overburdened Communities” will be discussed. In the past, the YRCAA board has expressed its concern about public declarations of frustration in board meetings. The solution that has been in effect for almost five years was to convene community forums four times per year. At these meetings, members of the public were able to discuss their concerns and issues with YRCAA staff. According to YRCAA policy, there would have been a community forum on June 12th of this year. The forum was canceled without prior notice. Consequently, there was no opportunity for the public to discuss important issues with the YRCAA. The end result is the community did not have the opportunity to learn about the high levels of methane in the ambient air in South County. They were not able to understand the causes before the issuance of permits for a manure bio-digester at the Port of Sunnyside. Thank you.*

## June 13, 2024:

Jean Mendoza stated the YRCAA canceled the Community Forum for June and noted it was the third straight quarter the Forum had been canceled. Mendoza added she had contacted Thornsbury to inform him she had important information to share with the Agency and was told the Forum is not a platform for sharing information. Mendoza stated she disagreed, adding she had been present when the forum was established, adding at that time the Forum was intended to provide citizens with an opportunity to discuss important issues with Agency staff and avoid contentious meetings of the Board. Mendoza argued canceling the Forum is a mistake and reiterated her conviction she possesses important information to share with the Agency. She noted while board members are dedicated to their jobs and have valuable opinions, other citizens have valuable opinions as well and they need to be shared with the Agency and the Board.

Nancy Lust, Friends of Rocky Top, stated the Community Forum is important and argued they should not be canceled altogether. She added the Forum helps people understand what the Agency can and cannot do and having an opportunity to have an informal question and answer period is important.

Lust questioned why the performance evaluation form for the position of Executive Director did not include any items concerning effectiveness in protecting air quality while acknowledging many of the air quality issues in the County are beyond the control of the Agency such as wildfires. She urged the Board to consider including an item pertaining to air quality.

Comments ignored

#### **October 10, 2024:**

Jean Mendoza of White Swan stated she attended a public hearing held by the Yakima Regional Clean Air Agency (YRCAA) a week prior and expressed disappointment no members of the board attended the meeting. Mendoza stated her opinion Director Thornsby and Dr. Tahat had no power to make any decisions, adding they repeatedly stated there was nothing they could do. She suggested had board members been present, they might have gained additional perspective and looked at the issues from a broader angle.

Mendoza expressed her opinion Chapter 173.400 Washington Administrative Code (WAC) served as the basis for the statements of Thornsby and Tahat, noting the Agency did not address Chapter 197.11 WAC also known as the State Environmental Protection Act (SEPA). She added the Agency should not be ignoring that portion of the law, reminded the board the Friends of Rocky Top (FoRT) had appealed the Agency decision to issue an order of approval for the DTG landfill operation, asserted the Agency would lose at the Pollution Control Hearings Board (PCHB) hearing, and suggested the latter would result in the loss of taxpayer funds that could have been used for other activities such as enforcement. Mendoza suggested the Board consider the pro and cons of proceeding with the appeal, the prospects for prevailing before the PCHB, and whether the Agency would be better served by negotiating with FoRT and avoiding litigation.

McKinney addressed Mendoza's comments, noting that while there is always a preference for transparency, common legal advice is to discuss matters concerning potential litigation in executive session as information disclosed in a public forum can be used in potential future

litigation. She added there is no desire to withhold information, it is done under the advice of counsel to protect and preserve whatever case the board or agency might have.

Commissioner McKinney implied that the Board has discussed the case. In fact, the YRCAA Board has not met in executive session to discuss litigation for years. Mendoza had no opportunity for rebuttal.

Nancy Lust, Friends of Rocky Top, thanked Thornsby for promptly providing the notice of violation records requested and concurred with Mendoza regarding board member attendance at the public hearing pertaining to the proposed order of approval for the DTG crushing operation. She thanked Hasan Tahat for making the effort to model various locations for the crusher. Lust added it appeared DTG had selected the location closest to the neighbors, likely to cause the most problems in terms of noise and dust, and resulting in the poorest air quality for the neighbors.

Lust stated DTG engineer Ian Sutton had explained the location was selected due to its proximity to the stockpiles of source material on the site and urged McKinney to suggest to DTG that it would have fewer problems in the future if the crusher were located elsewhere. She added there were a number of questions concerning the modeling done by the Agency including whether the modeling was done using data during the period the landfill has not been operating.

Lust expressed concern regarding the compliance efforts of the Agency and stated it seems the efforts of the Agency are focused on issuing a proper permit, yet once it has been granted there is insufficient effort to ensure its requirements are met. She stated when the Agency was asked how often facilities are subject to inspection, the answer was once per year under optimal circumstances. Lust remarked this answer was unsatisfactory and the Agency appears to expend more effort on permitting than on determining what the Agency will or can do if there is a violation, adding there is a need for better compliance measures.

Sandy Braden, Friends of Rocky Top and Friends of Toppenish Creek, expressed disappointment members of the board did not attend the recent DTG public hearing and questioned why DTG engineer Ian Sutton, who was present at the hearing, was not introduced and subjected to questioning by the attendees. She suggested Sutton might have been able to answer questions and that some of them might have been appropriately directed to him.

The YRCAA Board Members did not appear moved by suggestions that they are not properly performing their duties.

#### **November 14, 2024**

Carol DeGrave, a DTG Landfill neighbor, expressed disappointment that business is more important than health. She stated that over a four-year period she had given Thornsby facts, suggestions, and ideas and he is responsible for not taking action on them. DeGrave stated she has had two years of benzene, naphthalene, and smoke in the air and no one would listen. She added she wore double masks and owls nesting on her property did not have babies for two years. DeGrave remarked it is tragic no one listens to the citizens.

No response. No expression of concern.

**December 12, 2024:**

Maricela Santana, Empowering Latina Leadership and Action (ELLA), stated ELLA recently held listening sessions for community members in Mabton, Sunnyside, and Grandview. She added members had expressed concern regarding air contamination caused by dairies and the potential impact on asthma, allergies, and other respiratory issues. Santana suggested the Agency engage in more outreach and education in the Lower Yakima Valley regarding the Agency and any actionable steps to address air contamination.

No response.

**January 9, 2025:**

Nancy Lust, Friends of Rocky Top (FoRT), asked whether the actual cost of an air operating permit includes the cost of enforcement. Lust noted the Monthly Activity Report showed no air operating permit inspections in 2024 and suggested without inspections, enforcement is dependent upon the public who must alert them to problems.

**March 13, 2025:**

Jean Mendoza of White Swan stated it appeared the Board had suspended certain portions of the Administrative Code Part A in December [2024] and that her question as to whether the suspension was temporary or permanent had not been answered. She noted at the December [2024] meeting a public comment was made asking if a person seeking a translation of the meeting minutes would need to make such a request each month or whether a single blanket request could be made and had not received an answer.

Mendoza stated forty percent of the funding provided under the Washington Climate Commitment Act must be spent in overburdened communities and noted Yakima County has three out of the sixteen areas so designated. She added Ecology is engaged in rulemaking for a new Chapter 173-448 of the Washington Administrative Code and is required to consult with local clean air agencies. Mendoza stated Thornsby does not have time available to engage in such consultation and the matter is important as it could bring substantial monies for people who need help in Yakima County. She suggested members of the board could engage the Wash. Dept. of Ecology and advocate for Yakima County or appoint an advisory committee to do so on its behalf.

No response.

**April 1, 2025:**

FOTC asked the YRCAA Board Chair and the YRCAA Executive Director, “Specifically, we ask who has responsibility and authority for oversight of YRCAA General Counsel – the YRCAA Board of Directors, or the YRCAA Executive Director/APCO?”

We have not received an answer.

These are a few examples of how aloof and defensive the YRCAA Board Members are when asked about important air issues.