

Does the Yakima Regional Clean Air Agency comply with the agency's State Implementation Plan or SIP agreement?

August 2025

The Friends of Toppenish Creek believe the Yakima Regional Clean Air Agency (YRCAA) comes up short regarding SIP compliance. We share our reasoning here in blue as we go through section 1.03 of the Washington State Implementation Plan (SIP) for Yakima County.

Thank you for reading.

Friends of Toppenish Creek

Washington State SIP for Yakima County

1.03 POLICY. This section implements the Washington Clean Air Act (WCAA) by doing the following:

A. PUBLIC POLICY. Securing and maintaining levels of air quality that will:

1. Protect human health and safety;

a. The YRCAA has inadequately addressed complaints from people who live next to the DTG Limited Purpose Landfill. See postings at [Public Notices - Yakima Regional Clean Air Agency](#) The YRCAA failed to require air quality permits for this facility going back to the 1990's. The YRCAA did not take neighbors' complaints about dust, odor, and health impacts seriously. Certain areas of the facility finally became a cleanup site under the WA State Model Toxics Control Act (MTCA). The Friends of Rocky Top (FORT) appealed to the WA State Pollution Control Hearings Board (PCHB) for relief. FORT currently awaits a decision by the board regarding YRCAA compliance with the WA State Environmental Policy Act (SEPA). See Attachments 13, & 52 through 57.

b. The YRCAA has inadequately addressed complaints from people living next to the Caton Limited Purpose Landfill where three people in the same family have been diagnosed with cancer. There are no postings on the YRCAA website permits page regarding the Caton Landfill despite the fact that the YRCAA testified at hearings before the WA State Pollution Control Hearings Board that Caton Landfill was out of compliance and needed to apply for a New Source Review (NSR) permit. See Attachment 51.

c. The YRCAA has ignored University of Washington research that found decreased lung function for asthmatic children when ammonia levels increased near LYV CAFO dairies.

Loftus, C., Yost, M., Sampson, P., Arias, G., Torres, E., Vasquez, V. B., ... & Karr, C. (2015). Regional PM_{2.5} and asthma morbidity in an agricultural community: a panel study. *Environmental research*, 136, 505-512. Available at [nihms645729.pdf](#)

Loftus, C. T., Ni, Y., Szpiro, A. A., Hazlehurst, M. F., Tylavsky, F. A., Bush, N. R., ... & LeWinn, K. Z. (2020). Exposure to ambient air pollution and early childhood behavior: a longitudinal cohort study. *Environmental research*, 183, 109075. Available at [Exposure to ambient air pollution and early childhood behavior: A longitudinal cohort study](#)

Loftus, C., Yost, M., Sampson, P., Torres, E., Arias, G., Vasquez, V. B., ... & Karr, C. (2015). Ambient ammonia exposures in an agricultural community and pediatric asthma morbidity. *Epidemiology*, 26(6), 794-801. Available at [nihms708366.pdf](#)

Loftus, C. (2014). *Industrial Animal Agriculture in the Yakima Valley, Air Pollution, and Pediatric Asthma Morbidity* (Doctoral dissertation). Available at [296679_pdf_52647594-FE65-11E3-B730-490AEF8616FA](#)

Benka-Coker, W. O., Loftus, C., Karr, C., & Magzamen, S. (2019). Characterizing the joint effects of pesticide exposure and criteria ambient air pollutants on pediatric asthma morbidity in an agricultural community. *Environmental Epidemiology*, 3(3), e046. Available at [Characterizing the joint effects of pesticide exposure and criteria ambient air pollutants on pediatric asthma morbidity in an agricultural community : Environmental Epidemiology](#)

d. The YRCAA delays response to air quality complaints, especially when those complaints come from the Lower Yakima Valley and even when people describe difficulty breathing. See Attachment 2. This makes evidence gathering difficult or impossible because air pollution is episodic.

2. Prevent injury to plant and animal life and property;

Elevated ozone in the ambient air leads to lower crop yields. See Attachment 3. The LYV is one of the most productive agricultural areas in the nation. We are almost totally dependent on agriculture for economic survival.

For years FOTC has argued that the YRCAA should monitor for ozone, a criteria air pollutant, in the LYV. The YRCAA has responded that Ecology and the EPA believe ozone levels are acceptable in this area. We disagree.

In 2017 Ecology published the Tri-Cities Ozone Precursor Study. See Attachment 4. In 2025 Ecology published the 2025 Ambient Air Monitoring Network Assessment that documented ozone levels in the City of Yakima that mimic levels in the Tri-COPS. See Attachments 46 & 47. Due to the large quantities of VOCs emitted by LYV CAFOs and the results of these studies FOTC maintains that ozone levels in the LYV have negative impacts on crop growth in the area.

3. Foster comfort and convenience;

People in the Mabton area and other parts of the LYV testify in public meetings that they do not take walks and do not enjoy outdoor activities when the outdoor air is putrid. There are times when poor air quality restricts sports activities for young people. People no longer enjoy barbecues and picnics due to poor air quality.

4. Promote economic and social development;

By failing to address poor air quality in the county, the YRCAA makes the area unwelcoming to potential new businesses and enterprises.

5. Facilitate the enjoyment of natural attractions;

People traveling the interstate notice haze as they approach the Sunnyside area. This haze is due to emissions from CAFO dairies and likely increased ozone levels.

6. Prevent or minimize the transfer of air pollution to other resources;

A map on page 76 of the Tri-COP study shows that large numbers of CAFOs in the Sunnyside area contribute to elevated ozone levels in the Tri-Cities area.

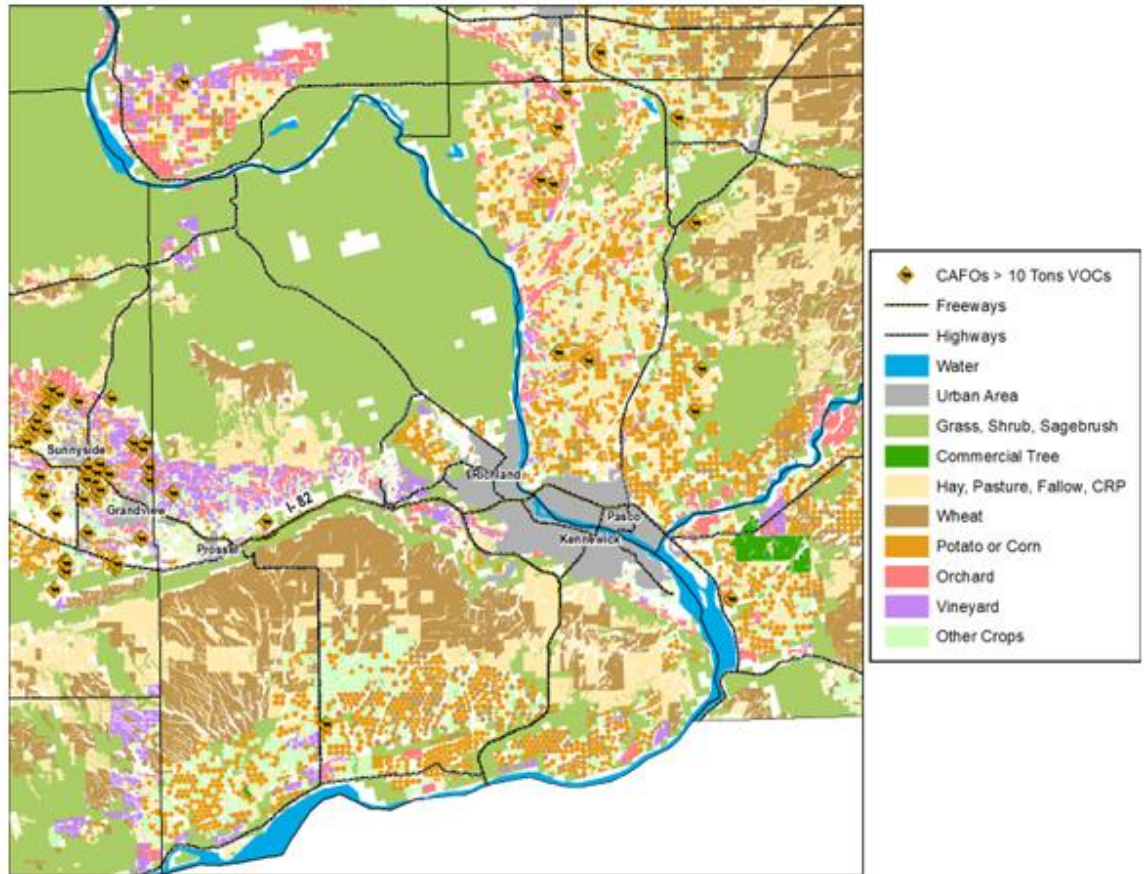


Figure 7.10. Land use map of the area surrounding the Tri-Cities showing crop type. Center pivot irrigation for potato and hay crops is extensive to the immediate north of Pasco. Vineyards and fruit crops are common to the west of Richland.

7. Ensure equity and consistency with the Federal Clean Air Act (FCAA) and WCAA;

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.

CAFO dairies are the largest contributors to air pollution in the LYV, yet they pay not a dime towards costs of protecting air resources.

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.

The YRCAA fails to use permit fees for the purpose of implementing air protection programs. See Attachments 12 & 14.

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 16 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.

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.

CAFO dairies in the LYV emit huge amounts of hazardous air pollutants. CAFO dairies in the LYV do not have air permits. This is a violation of the law, CERCLA and EPCRA exemptions notwithstanding.

See Attachments 1 & 19.

8. Educate and inform the citizens of Yakima County on air quality matters;

A number of years ago the YRCAA began holding quarterly Community Forums to avoid contentious discussions at YRCAA Board meetings. The current YRCAA ED has decreased the time for these meetings from two hours to one and has cancelled over half of the recent meetings due to lack of staff or because he does not have the expertise to address certain issues.

The YRCAA does almost nothing to educate the public. The YRCAA is so deficient when it comes to engaging the Spanish speaking community that FOTC has lodged a civil rights complaint for the second time. Part of that complaint concerns the fact that the YRCAA did not take actions they agreed to during settlement of the first complaint. See Attachment 59

9. Maintain accurate and current policies, regulations, and rules;

FOTC has complained on numerous occasions that the YRCAA does not comply with YRCAA Administrative Codes Parts A and B. See Attachments 5, 13, 15 & 16. YRCAA has not acted on our complaints.

10. Perform administrative actions in a timely and effective manner; and

The YRCAA may have violated the Washington State Open Public Meetings Act. See Attachments 5 & 11.

The YRCAA process for the agency's 2025-2026 budget fell short of acceptable practices for budget development. See Attachments 7, 8, 9, 11, 12, 14, 49 & 50.

The YRCAA has been inadequately staffed throughout 2024 and 2025 and is unable to perform mandated functions. See Attachments 8 & 22.

- Three accountants have left the agency in the past two years. A fourth was recently hired.
- The YRCAA's long time scientist left the agency at the beginning of 2025. This loss will greatly impact the ability of the YRCAA to function. See Attachment 21.
- The YRCAA Planning and Permitting Division should have a staff of three. Currently there is one civil engineer and a newly hired civil engineer. Neither has academic training in air science.
- Five female YRCAA employees have left the agency in the past two years.
- The WA Auditor's office found multiple deficiencies at the YRCAA that somehow must be addressed soon. See Attachments 23 through 26
- A 2023 Whistle Blower complaint has been swept under the rug without being addressed by the YRCAA Board of Directors in an Open Public Meeting. See Attachments 42 to 44.

11. Cooperate with the local governments, the Yakama Nation, organizations or citizens on air quality matters.

The YRCAA is not responsive to citizen concerns. See Attachments 27 & 28.

The YRCAA does not cooperate with the WA State Depts. of Ecology, Health, and Commerce on implementation of the WA State Climate Commitment Act in ways that could bring monies to the county to address poor air quality in three Yakima overburdened and underserved communities. See Attachments 19 & 58.

B. PROCEDURES AND STANDARDS. Controlling air pollution through procedures, standards, permits, and programs.

As noted above, the YRCAA frequently does not follow the agency's Administrative Code A and Administrative Code B. See Attachments 5, 13, 15 & 16.

The YRCAA does nothing to control air pollution from CAFO dairies in Yakima County. See Attachments 1 & 29.

C. COMPLIANCE WITH ADOPTED STANDARDS. Ensuring compliance with all air quality rules and standards, permits and programs.

The YRCAA has a Dust Control Policy for Heifer Feeding Operations. The policy, with a statement of what belongs in a Heifer Feeding Operation permit, are found at [Microsoft Word - policy_Confined Heifer Replacement_2009.doc](#). The permits that YRCAA issues do not contain the required elements. It appears that the YRCAA simply collects a \$450 annual fee and rubber stamps whatever the applicants chose to provide. FOTC finds no evidence of inspections. See Attachments 18, and 30 through 41.

As noted above, many years passed during which the Anderson, now DTG, landfill operated without an air permit. As noted above, the Caton Landfill has operated in violation of the facility's air permit for some time.

It appears that the YRCAA does not routinely inspect Title V sources of air pollution in Yakima County. See Attachment 17. The YRCAA has told citizens in public meetings that the agency only inspects permitted facilities as able and may or may not inspect the DTG Landfill annually.

D. COOPERATION AND COORDINATION. Cooperating and coordinating with federal, state, county, local, and tribal governments; governmental agencies; organizations; businesses; and the public in all matters related to air pollution characterization, measurement and control.

The EPA reviewed the YRCAA Title V permitting program for the first time in September 2024. The EPA noted seventeen areas for improvement. See Attachment 21. Given the inadequate staffing at the agency, it may be difficult to make corrections.

The WA State Auditor's Office reviewed YRCAA record keeping early in 2025. See Attachments 23 through 26. The YRCAA must upgrade policies and procedures in the next two years. Can the YRCAA accomplish this given the frequent turnover in YRCAA accounting?

As noted above, the YRCAA has not worked with the WA State Dept. of Ecology to implement the WA Climate Commitment Act. See Attachments 19 & 58.

E. STRATEGIC PLANNING. Developing strategies to avoid, reduce, or prevent air pollution through:

1. Innovative solutions

2. Early planning

3. The integration of air pollution control in the work of other agencies and businesses.

In 2015 the Executive Director for the YRCAA introduced a Draft Five Year Plan for the agency. The YRCAA Board of Directors rejected that plan because it talked about Environmental Justice. See Attachment 20. No one has attempted to develop a planning document since then.

F. GUIDELINES. Preparing guidelines which interpret, implement, and enforce these regulations.

G. BUSINESS ASSISTANCE POLICY. Providing reasonable business and technical assistance to the community.

H. STATE ENVIRONMENTAL POLICY ACT (SEPA). Fully complying with all the requirements of the SEPA and holding other agencies, businesses, and individuals accountable for decisions within the jurisdiction of the agency.

FOTC believes that the YRCAA does not understand the intent of the WA State Environmental Policy Act and that the YRCAA does not take its role as agency with expertise on air quality seriously.

- 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. See Attachment 61.

- 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 outdated 2015 Mitigated Determination of Non-Significance from a 2015 SEPA review by Yakima County. See Attachment 60 beginning on page 27.

YRCAA accepted this MDNS and approved the air operating permit. Neighbors Have appealed this permit approval alleging improper interpretation of SEPA to the WA State Pollution Control Hearings Board and YRCAA has responded in defense of agency actions.

- A former YRCAA employee, a whistleblower, has alleged that the YRCAA misapplies SEPA when approving permits. See Attachments 42 through 44.

I. STATE IMPLEMENTATION PLAN (SIP). Fully complying with the SIP.

The Friends of Toppenish Creek recognize that there are limitations on what the U.S. Environmental Protection Agency can do to compel an agency such as the Yakima Regional Clean Air Agency to comply with the terms of an agreement such as the WA State Implementation Plan.

We respectfully ask the EPA to study the information presented here and state whether you agree with FOTC research and conclusions.

Sincerely,

A handwritten signature in blue ink that reads "Juan Mendoza". The signature is written in a cursive style with a large initial "J" and "M".

Executive Director, FOTC

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