

Friends of Toppenish Creek 2026 Annual Meeting Packet

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Agenda

Friends of Toppenish Creek 2026 Annual Meeting

8 AM to 12 Noon on Friday, April 24, 2026

At the Filipino Community Hall, 211 West Second St., Wapato, WA 98954 or via ZOOM

Opening Prayer

Election of Board Members and Officers

Review of Minutes for 2025 Annual Meeting

Review of Bylaws

February Minutes

Budget

Report on Mabton Research – Jean Mendoza & Maria Fernandez

Report on Well Water Testing in the Lower Yakima Valley – Ron Sell

Report on Social Behavior Modification in White Swan – Joshua Tsavatewa

Review of 2025 FOTC Activities – Jean Mendoza

Plans for 2026

1. Sunnyside Renewable Natural Gas (SS RNG) project
2. Yakima Regional Clean Air Agency (YRCAA) deficiencies
 3. Mabton water quality and quantity
 4. Complaint against Fryslan Calf Ranch
 5. Public Engagement
 6. NPDES permits for CAFOs
 7. WA Policy and Legislation
 - a. WAC 173-424
 - b. WAC 173-448
 - c. Ecology WSDA MOU
 - d. 1945 Stock Watering Law
 8. Other ?

Election of Board Members and Officers

Friends of Toppenish Creek Board Members - 2025

Name	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Larry Fendell	X											
Wendel Hannigan	X			X			X			X		
Sandy Braden		X			X			X			X	
Marlen Spencer-Simla		X			X			X				
Joshua Tsavatewa			X			X			X			
Dean Effler			X			X			X			
Eric Anderson			X									
Micaela Araguz-Razo				X			X					
Ron Sell					X			X			X	
Maria Fernandez										X		
Felicitas Rodriquez										X		

Dean Effler and Joshua Tsavatewa are up for reappointment. Dean is available to serve another three year term, but Joshua is not.

Ballot for FOTC Board Members

Candidate	Vote
Dean Effler	
Other	
Other	

Ballot for FOTC Officers

Office	Vote
Chairperson	
Maria Fernandez	
Other	
Vice Chair	
Ron Sell	
Other	
Secretary/Treasurer	
Dean Effler	
Other	

Minutes from 2025 Annual Meeting

FRIENDS OF TOPPENISH CREEK

ANNUAL BOARD MEETING

3/21/2025

Attendees: Dean Effler, Maricela Santana-Walla, Jean Mendoza, Maria Fernandez, Sandy Braden, Ron Sell

Meeting was opened with prayer

The minutes from February 2025 were reviewed and approved

Environmental Justice: The Yakima County Commissioners are unwilling to have Jean give a presentation about EJ. It was suggested that if we make this request as a coalition of environmental/community groups we might get their attention. The Alliance for Common Good has already brought these different groups together. If we formed a Yakima County Coalition out of ACG it might be effective. The recent correspondence from SRAP about regulations that other US counties have put in place to regulate CAFOs and biosolids should be shared with this coalition. This information will be shared with Commissioner Curtis since he asked to see it. The organization, 350 Seattle, is looking into the Oregon legislation that is limiting CAFO expansion. Jean is encouraged to share our information with Dan from the Seattle Times.

Appointment of officers: Ron and Sandy's terms are up. The board unanimously reappointed Ron and Sandy to their board positions.

Election of officers: Joshua was elected as chairperson, Maria was elected as vice-chairperson, Ron was elected as science officer, and Dean was elected as secretary/treasurer.

By-laws: No recommendation for change was proposed.

Bank statement: The only change since last month was a deposit for \$90.

Fryslan Calf Ranch: The county's investigation of the unlawful expansion of the herd resulted in a plan "to do everything necessary to comply with the original permit." We do not know what that means. We are still waiting for the minutes of the meeting. We agree

that we should continue to put pressure on especially with the groundwater levels dropping near Mabton.

Falling groundwater aquifers: Larry Mason is the new Director in the Ecology's office for the Columbia Basin. He is interested in the falling groundwater aquifers. Grant and Adams county are facing the same falling levels as Yakima County. We encouraged Jean to set up a meeting with Larry Mason.

Earth Justice: EJ is a national group. They are working on proposed new rule making with the westside of Washington. The state has declared that there are three environmentally overburdened communities in Yakima County. Under the Climate Commitment Act 40% of the funds are to go to overburdened communities. They are supposed to work with Yakima Regional Air Agency but it appears the YRCAA does not have time to do this.

EPA grant proposal for groundwater testing in the Mabton region: Asking for funds to do isotopic testing to determine movement of groundwater/surface water. Agencies are considering moving surface waters during the spring into groundwater reservoirs for use later in the summer.

- Plans for 2025:
1. Continue to try to influence the Renewable Natural Gas project in Sunnyside.
 2. Continue to encourage Ecology to take over YRCAA's function since it is ineffectual.
 3. Continue to put pressure on the Fryslan Ranch violation of their permit.
 4. Continue to bring the problems with the Stock Water Rule to the attention of government agencies, other environmental organizations, the public and possibly attorneys.
 5. Continue to await the response from the EPA for our civil rights complaint.

Proposed Yakima County Environmental Justice coalition: The board voted to join if it is formed.

ELLA: They are putting together a video documentary of the effects of water and air pollution in the Yakima Valley. They are involving community members, FOTC, CDWP, scientists and regulators. One of the goals is to have a public discussion about why the agricultural industry has the permission to pollute air and water for private citizens and households.

Friends of Toppenish Creek By Laws

Membership

1. The Friends of Toppenish Creek is ultimately accountable to the members and the community.
2. Every member of The Friends of Toppenish Creek shall be entitled to attend any general meeting of the organization and, if of legal age (18), to hold any office.
3. Membership shall consist of those who support the environmental objectives of The Friends of Toppenish Creek
4. The entry in the Register of Members by the Secretary/Treasurer of the name and member's contact information and payment of membership fee of \$1.00 by any individual shall constitute admission to membership.

Fiscal Year

5. The fiscal year of FOTC shall be the period from January 1 to December 31.

Annual Meeting

6. At the annual/general meeting of The Friends of Toppenish Creek the following items of business shall be addressed. The annual/general meeting shall be held in March of each year.
 - a) Minutes of the previous annual or the most recent general meeting
 - b) Consideration of the annual report of the directors
 - c) Consideration of the annual financial report of The Friends of Toppenish Creek and, if required, the appointment of auditor(s) for the ensuing year.
 - d) Election of directors shall be staggered. Board members shall be elected by the general membership
 - e) Election of the Chair, Vice Chair and Secretary/Treasurer shall be by the board of directors
 - f) Resolutions about changes in by-laws (if any)
7. The Chair, or in his/her absence, the Vice-Chair, or in the absence of both of them, any ranking board member appointed from among those members present, shall preside as Chair at members meetings, provided there is a quorum.
8. If a vote is called on a motion it shall be held by show of hands or by secret ballot as the Chair may prescribe and the result of such vote shall be deemed to be the resolution of the Friends of Toppenish Creek.

Board Members

9. Unless otherwise determined by special resolution, the number of directors shall not be less than five (5) or more than nine (9).

10. Any member of FOTC of legal age (18) shall be eligible to be elected a board member of FOTC.

11. Directors shall be elected by members at the annual general meetings of The Friends of Toppenish Creek.

12. Directors will serve a term of three years

13. In the event that a board member resigns his/her office or ceases to be a member of The Friends of Toppenish Creek, whereupon his/her office as a board member shall be vacated, the vacancy thereby created may be filled for the unexpired portion of the term by the Board of Directors from among the membership.

14. The Board of Friends of Toppenish Creek may, by special resolution, remove any board member before the expiration of the period of office and appoint another person in his/her stead. The person so appointed shall hold office during such time only as the board member in whose place he/she is appointed would have held office if he/she had not been removed.

15. Members of the board who have, or could reasonably be perceived to have, a conflict of interest with respect to the affairs of The Friends of Toppenish Creek, have a duty to declare this interest. Such a declaration is to be made to the members upon nomination or, if serving as a director, when the possibility of a conflict is realized.

A conflict of interest does not preclude a member from serving as a director provided that he/she withdraws from decision making on matters pertaining to that interest and that such withdrawal is duly recorded.

16. Members of the board are not entitled to remuneration for service but may be reimbursed for reasonable expenses incurred in the conduct of their duties. Such expenses may be specified in advance by the Board of Directors unless unforeseen circumstances arise.

17. The responsibility for the management of the activities of The Friends of Toppenish Creek shall be vested in the board of directors who, in addition to the powers and responsibilities outlined by these by-laws or otherwise expressly conferred upon them, may exercise, within the limits of the law, all powers as may be required by The Friends of Toppenish Creek to achieve its purposes.

Board Meetings

18. Meetings of the Board of Directors shall be held monthly and as often as business may require. Special meetings may be called by the directors as deemed necessary. A calendar of monthly board meetings will be set in March of each year. Monthly meetings are open to the general membership. Executive session for board members only is permitted.

19. No business shall be transacted at any meeting of the Board of Directors unless a majority of the directors are present at the commencement of such business.
20. Attendance at board meetings via telephone or ZOOM is permitted and such attendance shall meet requirements for a quorum.
21. The Chair or, in his/her absence, the Vice-Chair or, in the absence of both of them, any director appointed from among those directors present shall preside as Chair at meetings of the Board.
22. At a Board of Directors meeting the Chair shall not have a vote. In the case of an equality of votes the Chair will break the tie.
23. The By-laws may be amended at any regular meeting by a majority of the Board of Directors.
24. Any FOTC board member may designate in writing a person to take his/her place at a monthly board meeting and to vote by proxy on specifically designated issue(s) before the board for that meeting.

Officers

25. The officers of the Friends of Toppenish Creek shall be a Chair, a Vice Chair and a Secretary/Treasurer.
26. The Vice-Chair shall perform the duties of the Chair during the absence, illness or incapacity of the Chair
27. There shall be a Secretary/Treasurer who shall be responsible for the minutes of the meetings of members and Board of Directors, and shall perform such other duties as may be assigned to him/her by the members and/or board of directors.
28. There may be a Science Officer whose responsibility is to educate and inform the membership regarding the scientific accuracy, validity, and reliability of any research utilized by the organization and to review grant applications regarding research protocols.
29. Two appointed officers and the Executive Director shall be signors on the FOTC general bank account. Two officers and the Executive Director shall be signors on the FOTC grant accounts. Checks on the grant accounts shall require two signatures. All non-grant checks over \$100 require two signatures.

Executive Director

30. The Board shall approve a job description for the Executive Director.

Audit of Accounts

31. The board is responsible for insuring that members receive annually a written report on the financial position of the organization. This statement shall be in the form of a balance sheet showing the particulars of its liabilities and assets, and a statement of its income and expenditures for the past year.

32. An auditor for The Friends of Toppenish Creek may be appointed annually by the members of the organization at the annual general meeting and, on the failure of the members to appoint an auditor, the Board of Directors may do so.

Roberts Rules of Order

33. Meetings shall be conducted according to Robert's Rules of Order

Revised: May 22, 2017

Approved June 26, 2017

Revised April 23, 2018

Revised September 7, 2020

Revised April 25, 2022

Revised April 24, 2023

Revised May 3, 2024

Revised May 21, 2025

Suggested Revisions to FOTC Bylaws

Change:

29. Two appointed officers and the Executive Director shall be signors on the FOTC general bank account. ~~Two officers~~ One officer and the Executive Director shall be signors on the FOTC grant accounts. ~~Checks on the grant accounts shall require two signatures.~~ All non-grant checks over \$100 require two signatures.

Addition

Amendments

33. These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by the vote of a majority of Directors in office.

Suggested Amendments

Amendment I

Friends of Toppenish Creek is an equal opportunity organization and will not allow discrimination based upon age, ethnicity, ancestry, gender, national origin, disability, race, size, religion, sexual orientation, socioeconomic background, or any other status prohibited by applicable law.

Amendment II

Concerns regarding improper actions by Friends of Toppenish Creek will be reported to either the Executive Director or the Chairman/woman of the Board of Directors. The ED or Chair will convey the complaint to the board at the next monthly meeting and the board will determine a course of action to address the complaint.

FOTC Board Minutes from February 2026

FRIENDS OF TOPPENISH CREEK

BOARD MEETING

2/27/2026

Attendees: Jean Mendoza, Sandy Braden, Ron Sell, Maria Fernandez, Dean Effler

The meeting was opened with prayer

The minutes from the January meeting were reviewed and approved

There was no financial statement to be reviewed but the treasurer reported there were no deposits or payments made since last meeting.

Law students: Ron suggested that these students might investigate whether there is any evidence that the dairy industry had an influence on the legislative decision to move the monitoring and inspection of CAFOs from Ecology to Agriculture.

Fryslan Calf Ranch: Their application for expanded calf raising has not been submitted. It was still suggested that a meeting needs to be initiated between FOTC and ELLA to expose to the Mabton government the likely impacts of this calf raising endeavor and Mabton groundwater resources for drinking water. Maria is still trying to get a response from the mayor. It will be important to know which aquifers Mabton municipal waters are in and what aquifers Fryslan Calf ranch are in.

Sunnyside RNG and the Air Permit: We had a meeting with Center for Food Safety lawyers. Nothing can be done until the air permit is approved. It has been encouraged that we get as many people to attend the public meeting about the RNG air permit. Submitting written comments will be also acceptable. Dean will send copies of the FOTC ammonia study to

Kingsley. The meeting with YRCAA is scheduled on March 25. Jean hopes to provide an education session for community members who might be attending the meeting.

Water research with FOTC, ELLA and CWU: The community meeting in Mabton was well attended. CWU wants to meet with us next Tuesday or Wednesday but the details are not determined. Dean sent the results of our water study with Richard Honour to the CWU group. Alexander Banks, reporter, was at the meeting and there was a front page story about the meeting on 2/2/2026.

High nitrates in the Outlook area: There was a spike in monitoring well nitrate levels in 2025. The levels were between 50 and 60 ppm. The result was in a shallow well of 37 ft. Local dairies were excavating manure lagoons at the time. As far as we know there has been no community notification for homes with domestic wells down current of the contamination. Jean will contact GWMA personnel to determine if there has been any warning to community members. Dean will contact a health district physician to ask the same question.

Maria: Asked Jean to resend the email to Ryan Maxwell and cc the email to Sandra and Rachel.

Meeting with Representative Manjarrez and a representative from Senator King's office: Rep. Manjarrez was very engaged with the water quality topic. Manjarrez asked multiple times, "What can be done?" Dean sent an email to the group with 5 suggestions that would improve water quality. Jean said that she would add clarifying detail to this list and submit it to Rep. Manjarrez and Senator King.

WAC 173-424 Clean Fuel Standard: A group of environmental organizations is drafting a response to this law. They want to ask for a change in the financial incentives to turn manure into natural gas. It encourages enlarging dairy herds which will only make the nitrate and air pollution worse.

Meeting with Toni Ball from Senator Murray's office: They want to establish monthly meetings with people and organizations on the east side of Washington. The meeting dates are not established yet.

Listening session for NPDES permits for CAFOs: The organizer is Heather Patt. There will be Zoom meetings scheduled with dairy representatives, environmental organizations and the general public. Jean will ask how they will choose who will attend to represent the general public.

Letter to Push Pum: The letter is not written yet. This is about the tribal resistance to flooding traditional tribal lands for water storage.

Jesuit volunteers: The Jesuits have a program to place some of their members in a community for a year to help with new or ongoing projects. They want to interact with the community rather than doing work that just involves paperwork. Jean will send information to Maria from their website.

FOTC annual meeting: This will be scheduled during the last part of April.

FOTC Budget Report for 2025

FOTC General Account					
FOTC					
Date	check#	Description	amount	Cleared	balance
1/2/2018		balance		\$2,748.38	\$2,748.38
1/30/2018		Pay Pal from WA State Unclaimed Accounts		\$96.80	\$2,845.18
1/30/2018		contribution toward board liability insur.		\$150.00	\$2,995.18
1/10/2018		Harland Checks		-\$22.40	\$2,972.78
1/30/2018		Board Insurance		\$1,008.00	\$1,964.78
2/28/2018		Bank Fee		-\$5.00	\$1,959.78
3/31/2018		Bank Fee		-\$5.00	\$1,954.78
5/1/2018		Directors Insurance		\$150.00	\$2,104.78
5/1/2018		Directors Insurance		\$150.00	\$2,254.78
5/1/2018		membership fees		\$2.00	\$2,256.78
		Deposits Lewis and Clark College		\$2,450.00	\$4,706.78
6/25/2018	1204	Wendell Hannigan	-\$350.00	-\$350.00	\$4,356.78
6/25/2018	1205	Marlene Simla	-\$350.00	-\$350.00	\$4,006.78
6/25/2018	1206	JoAnna Meninick	-\$350.00	-\$350.00	\$3,656.78
6/25/2018	1207	Wilbur Slockish Jr.	-\$350.00	-\$350.00	\$3,306.78
6/25/2018	1208	Don Takheal	-\$350.00	-\$350.00	\$2,956.78
6/25/2018	1209	Sandy Braden	-\$350.00	-\$350.00	\$2,606.78
6/25/2018	1210	Jean Mendoza	-\$350.00	-\$350.00	\$2,256.78
7/26/2018		admin funds from Rose Foundation		\$3,000.00	\$5,256.78
1/18/2019	1214	invisible ink/website	-\$90.00	-\$90.00	\$5,166.78
1/18/2019	1215	ministry pacific/insurance	-\$1,008.00	\$1,008.00	\$4,158.78
2/16/2019		transfer to Legends analytic costs	-\$290.00	-\$290.00	\$3,868.78
4/26/2019		transfer from CRK admin costs		\$2,508.92	\$6,377.70
5/17/2019	1236	Intermountain Labs	-\$30.00	-\$30.00	\$6,347.70
6/1/2019	1216	printing supplies	-\$95.82	-\$95.82	\$6,251.88
4/1/2019		transfer from legends account	\$60.46	\$60.46	\$6,312.34
9/17/2019		membership fees	\$1.00	\$1.00	\$6,313.34
10/15/2019	1219	YRCAA FOIA costs	-\$7.30	-\$7.30	\$6,306.04
11/13/2019	1252	YRCAA FOIA costs	-\$13.60	-\$13.60	\$6,292.44
2/11/2020	1253	invisible ink/website	-\$90.00	-\$90.00	\$6,202.44
2/11/2020	1254	ministry pacific/insurance	-\$887.00	-\$887.00	\$5,315.44
2/13/2020	1255	Jean Mendoza reimburse ammonia lab	-\$600.00	-\$600.00	\$4,715.44
1/30/2020	1256	Radio KDNA	-\$25.00	-\$25.00	\$4,690.44
3/12/2020	1257	Radio KDNA	-\$25.00	-\$25.00	\$4,665.44

6/26/2020		transfer from NW Fund for the Environment	\$1,554.74	\$1,554.74	\$6,220.18
	1258	All Nations Church	-\$20.00	-\$20.00	\$6,200.18
	1260	All Nations Church	-\$20.00	-\$20.00	\$6,180.18
7/16/2020	1259	invisible ink/website	-\$180.00	-\$180.00	\$6,000.18
	1261	Richard Honour testimony	-\$100.00	-\$100.00	\$5,900.18
	1262	cancelled			\$5,900.18
11/3/2020	1263	Dean Effler reimbursement printing	-\$58.48	-\$58.48	\$5,841.70
12/2/2020		membership fees	\$2.00	\$2.00	\$5,843.70
12/5/2020	1264	CAFO permit litigation	-\$300.00	-\$300.00	\$5,543.70
1/26/2021	1265	ministry pacific/insurance	-\$983.00	-\$983.00	\$4,560.70
1/22/2021		membership fees	\$1.00	\$1.00	\$4,561.70
2/1/2021		donation	\$300.00	\$300.00	\$4,861.70
2/1/2021		Front and Center	\$50.00	\$50.00	\$4,911.70
3/12/2021		membership fees	\$5.00	\$5.00	\$4,916.70
3/31/2021		service charge	-\$5.00	-\$5.00	\$4,911.70
2/27/2021		service charge	-\$5.00	-\$5.00	\$4,906.70
4/9/2021	1266	Office Depot	-\$67.16	-\$67.16	\$4,839.54
4/9/2021		membership fees	\$1.00	\$1.00	\$4,840.54
4/27/2021		membership fees	\$2.00	\$2.00	\$4,842.54
4/27/2021		deposit Center Food Safety advertising	\$349.50	\$349.50	\$5,192.04
5/11/2021		invisible ink/website	-\$57.00	-\$57.00	\$5,135.04
5/3/2021	1235	Sunnyside sun advertising to Jean	-\$240.00	-\$240.00	\$4,895.04
4/30/2021		service charge	-\$10.00	-\$10.00	\$4,885.04
7/31/2021		service charge	-\$10.00	-\$10.00	\$4,875.04
7/23/2021		donation	\$100.00	\$100.00	\$4,975.04
6/30/2021		service charge	-\$10.00	-\$10.00	\$4,965.04
8/11/2021	1268	YRCAA FOIA costs	-\$26.19	-\$26.19	\$4,938.85
8/31/2021		service charge	-\$10.00	-\$10.00	\$4,928.85
9/28/2021		donation	\$50.00	\$50.00	\$4,978.85
		transfer of account to US Bank			\$4,978.85
7/28/2021		donation	\$100.00	\$100.00	\$5,078.85
8/2/2021		checks	-\$35.90	-\$35.90	\$5,042.95
12/22/2021		ministry pacific/insurance	\$1,035.29	\$1,035.29	\$4,007.66
4/22/2022	1001	invisible ink/website	-\$20.00	-\$20.00	\$3,987.66
8/10/2022	1002	invisible ink/website	-\$216.00	-\$216.00	\$3,771.66
12/5/2022	1003	ministry pacific/insurance	-\$1,036.32	\$1,036.32	\$2,735.34
1/10/2023		deposit gift	\$5,300.00	\$5,300.00	\$8,035.34
3/15/2023		membership fees	\$5.00	\$5.00	\$8,040.34
7/18/2023		donation	\$200.00	\$200.00	\$8,240.34

1/9/2024	1004	Board Insurance	-\$1,122.08	\$1,122.08	\$7,118.26
2/7/2024	1077	Jean Mendoza reimburse ads	-\$450.00	-\$450.00	\$6,668.26
2/7/2024		Sandy Braden advertisement	\$200.00	\$200.00	\$6,868.26
2/7/2024		Dean Effler advertisement	\$250.00	\$250.00	\$7,118.26
3/15/2024		deposit	\$300.00	\$300.00	\$7,418.26
10/29/2024		deposit		\$360.00	\$7,778.26
12/31/2024		deposit	\$500.00	\$500.00	\$8,278.26
1/16/2025		deposit	\$660.00	\$660.00	\$8,938.26
1/15/2025		service charge	-\$35.00	-\$35.00	\$8,903.26
3/13/2025		deposit	\$90.00	\$90.00	\$8,993.26
6/12/2025		gift book purchase	\$200.00	-\$200.00	\$8,793.26
6/27/2025		deposit	\$684.00	\$684.00	\$9,477.26
8/18/2025		invisible ink/website	-\$300.00	-\$300.00	\$9,177.26
10/1/2025		deposit	\$270.75	\$270.75	\$9,448.01
12/2/2025		Withdrawal	-\$100.00	-\$100.00	\$9,348.01
12/3/2025		deposit	\$50.00	\$50.00	\$9,398.01
3/13/2026		deposit	\$150.00	\$150.00	\$9,548.01
4/17/2026		deposit	\$114.00	\$114.00	\$9,662.01

FOTC 2026 Annual Meeting – Activities in 2025

January: Engaged in efforts to get Yakima County to accept nominations to Position 3 on the Yakima Regional Clean Air Agency Board of Directors. We succeeded in getting the Yakima County BOCC to accept nominations, but they ultimately selected their first choice, Dr. Steven Jones.

January: Meeting with ELLA and Tebbutt Law to discuss LYV groundwater

January: Began participation in Ecology Advisory Group meetings that analyze Environmental Justice and Offsets

January: Sent Letter to the Office of the Columbia River regarding groundwater withdrawals by LYV dairies. See Doc A1

January: Letter to YRCAA regarding potential violations of YRCAA Administrative Code Part A. See Doc B 1

January: Request to make a presentation to the Yakima County BOCC regarding the YRCAA. Request denied.

January: Sent a White Paper regarding LYV groundwater pollution “Who Pays?” to WA Legislators. See Docs C1 & C2

February: Began talking with Philanthropy Northwest and Central WA University about a grant for research in water issues in the Mabton Area

February: Began meeting with Earth Justice and other non-governmental organizations (NGOs) regarding WA Ecology rulemaking, especially WAC 173-448

February: Spoke to Yakima County Democrats on Environmental Issues

February: Formal complaint of permit violations by Fryslan Calf Ranch to Yakima County Code Enforcement. See Doc D1

February: Letter to Kathy Taylor, Program Manager for Ecology Air Programs re YRCAA. See Doc F1

February: Letter to WA Dept. of Health, Health Tracking Network regarding absence of data regarding the impact of agriculture on public health. See Doc G

February: Meeting with Commissioner Kyle Curtis

March: FOTC Annual Meeting for 2025

March: Began meeting with Friends of the Earth and others regarding concentrated animal feeding operations (CAFOs)

March: Posted and shared document regarding gallons of water per day per milk cow. See Doc H

March: The WA Pollution Control Hearings Board (PCHB) ordered Ecology to rewrite major portions of the NPDES permits for CAFOs. See Doc I

March: Request to YRCAA to discuss WAC 173-448. Ignored. See Doc B2

March: Letter Response from Kathy Taylor at Ecology re YRCAA. Ecology will not take action but will talk with YRCAA. Recommend talking to an Ombudsman at the Attorney General's Office. See Doc F2

March: Meeting with the Health Disparities Mapping team from DOH

April: Letter to WA AG Ombudsman re YRCAA. See Doc F3

April: Presentation to the Sierra Club Water & Salmon Committee with an update on CAFOs in the Lower Yakima Valley

April: Meeting with people from the Dept of Health to discuss Washington's Health Disparities Map

April: Sent a new grant application to Philanthropy Northwest for Mabton groundwater research

April: Note to WA State Auditor re YRCAA. See Doc B3

April: Reply from Auditor. See Doc B4

April: Letter to Yakima County Code Enforcement – we should be included in meetings with Fryslan. See Doc D2

April: Informed key policy makers about violations by Fryslan Calf Ranch

April: Introductory meeting with ELLA and Raul Almeida from the Governor's office.

April: Reply from Yakima County re Fryslan Calf Ranch. See Doc D3

April: Sent analysis - YRCAA Revenue and Expenditures Trends to YRCAA Board. See Doc B4

April: Letter to YRCAA Board of Directors regarding 2025-26 Budget. See Doc B5

April: Letter to Dept of Health, Yakima Health District and Ecology regarding cumulative risk assessments. See Doc J

May: Participated in May Day event in Sunnyside

May: Met with EPA Region X Regulators – Ed Kowalsky and Ricardi Duvil

May: Poop tour for people from the WA Environmental Justice Council

May: Public Records Request for employee complaints against YRCAA

May: Informational letter from Ecology re YRCAA. See Doc F4

May: Sent more information to Ecology re YRCAA. See Doc F5

May: Letter to YRCAA re 2025-26 Budget. See Doc B6

May: Letter of Concern re YRCAA to Yakima County BOCC. See Doc B7

May: Response Letter from Ecology re air quality. See Doc F6

May: Request to present information on YRCAA to Yakima County BOCC. See Doc B8. Request rejected.

May 9: Sent comments on the 2025-26 Budget to the YRCAA. See Doc B9 & B10

June: Meeting with Yakima County Planning, Tommy Carroll and Jason Earles, re Frysland Calf Ranch

June: Update from Food & Water Watch – EPA is not moving on our petition under Section 1431 of the Safe Drinking Water Act

July: Sent a statement of permit violations by Frysland Calf Ranch to the Yakima County BOCC. See Doc D4

July: Meeting with EPA Region X Air people

July: Meeting with Larry Matson from Ecology's Office of the Columbia River regarding LYV water quantity. See Doc A2

July: Yakima CAFO planning group begins meeting

July: Meeting with WA Ecology & ELLA regarding permitting and pollution at Nutrien and Windmill Mushrooms. See Doc F7

July: Testified at hearings regarding Washington's Clean Fuel Standard

July: Comments at Ecology's Listening Session regarding Overburdened Communities

July: Comments during Dept. of Commerce Listening Sessions for the HEAL Act

July: Participated in filming for ELLA documentary

July: Asked YRCAA to add an agenda item related to compliance with YRCAA Administrative Codes A & B. See Doc B11. The Board said they would look into revisions to the code but they did not follow through. See Doc B12

July: Sent the YRCAA documentation of the inadequacies in dust permits for heifer feeding operations. See Doc B13

July: Informed the YRCAA regarding required “consultation between clean air agencies and the WA State Dept. of Ecology regarding implementation of RCW 70A.65.020 – Environmental Justice Review” No response from the agency or the board.

July: Philanthropy Northwest notifies us that funds have been unfrozen and grant planning can move forward.

July: PRR to YRCAA for air permits and inspection reports for Nutrien Solutions, Greenwood Mushrooms, Sage Brush Ranch, Fryslan Calf Ranch. In September the YRCAA replied “No records of orders of approval for Nutrien Ag Solutions, Sagebrush Ranch, or Fryslan Calf Ranch for the period specified were found” for the period between Jan1, 2020 and July 2025.

July: Signed on to a Columbia Riverkeeper complaint against Darigold Sunnyside for violating their permit under the Clean Water Act. See Doc K

July: FOTC signs on to a letter from Earth Justice and other NGOs regarding WAC 173-448 with emphasis on “avoided methane” See Doc L

July: Message to Yakima County re Fryslan Calf Ranch. See Doc D5

August: Met with EPA Region X leadership in Seattle

August: Met with EPA Region X Air people

August: met with ELLA and attorneys to discuss a possible Writ of Mandamus for Fryslan Calf Ranch

August: Sent Concerns re Fryslan Calf Ranch to Governor Ferguson and Director Sixkiller. See Doc D1

August: Submitted comments re rulemaking under WAC 173-424. See Doc F8

August: Request for YRCAA to discuss Title V permits at the next community forum. Forum was cancelled.

August: Notification of grant award for Mabton research from Philanthropy Northwest

August: Sent a white paper, "Under Reporting of Hazardous Pollutants" to Ecology and Commerce. See Doc F9

September: Met with Ricardi Duvil from EPA Region X re water issues

September: Met with Ecology Water Resources Division, Heather Simmons and Ryan Murphy, re Mabton water

September: Began meetings with Kingsly McConnell from Center for Food Safety

September: Met with Environmental Justice Community Engagement Rep, Courtney Cecale, from Ecology

September: Met with Ricardi Duvil from EPA Region X

September: Letter to Heather Patt at Ecology re Compliance with NPDES permits for CAFOs. See Doc E1, Doc E2 & Doc E3

September: Filed an ERTS complaint against Fryslan Calf Ranch for withdrawing too much groundwater. See Doc D6

September: Helped present a Community Forum at Sunnyside. See Doc M

September: WSDA Response to FOTC Questions. See Doc N

September: Sent a list of YRCAA Concerns to Ecology and the Governor. See Doc B14

October: Presentation to Wesley Methodist Group on LYV Groundwater

October: Conversation with UW law students Environmental Law Society

October: Conversation with Public Justice regarding discharges from the Washington Beef facility in Toppenish

October: Informed Ecology that YRCAA does not investigate ERTS complaints.

October: Signed on to additional comments on WAC 173-448 along with Earth Justice and other NGOs. See Doc F14

October: Meeting with Center for Food Safety, Food and Water Watch, & Farmstand regarding rulemaking under WAC 173-424 – the Clean Fuel Standard.

November: Screening for ELLA documentary "The Price of Plenty" in Sunnyside

November: Met with Tebbutt Law regarding enforcement of Consent Decree with DBD/SMD

November: Poop Tour with Jon Kenning Program Manager for Ecology Water Quality

November: Met with Sunnyside community members re discharges from Klompe Dairy

November: Asked Yakima County Code Enforcement for updates on Fryslan Calf Ranch

November: Comments on rulemaking for WAC 173-424 the Clean Fuel Standard. See Docs F10 & F11

November: Note to YRCAA Board of Directors regarding complaints of a hostile work environment and loss of two employees. See Docs B15 & B 16

November: Note to Jon Kenning, Water Quality Manager for Ecology re LYV CAFOs. See Doc F12

December: Comments at Ecology Listening Session re Overburdened Communities

December: Met with Northwest Animal Rights Network and other groups re CAFOs

December: Began attending meetings with Climate Solutions re WA legislation

December: FOTC's appeal of WAC 173-424 provisions was rejected by Ecology

December: Fryslan Calf Ranch received a 60 day extension to allow them to complete paperwork for new CUP application

January: Sent LYV GWMA Groundwater Data Analysis to legislators, agencies and policy makers. This document shows that groundwater nitrate levels are worsening in the LYV. See Doc O

January: Appeal to Governor Ferguson of Ecology's rejection of appeal of WAC 173-424.

February: Comments at Ecology Listening Session re Overburdened Communities

February: Meeting with ELLA and Tebbutt Law re groundwater pollution in the LYV

February: Meeting with Toni Ball from Senator Murray's office and other groups from the Alliance for the Common Good

February: Community Meeting in Mabton re CWU research on groundwater

February: Meeting with people from Earth Justice re LYV groundwater

February: Participated in screening of "The Price of Plenty" in Richland

February: Meeting with Front and Centered re the Clean Fuel Standard and CAFO pollution

February: Meeting with Rep. Manjarrez and staff from Senator King's office

February: Met with Cristina Gonzalez Torres and Tatiana Brown from the WA Environmental Justice Council

February: Signed a Columbia Riverkeeper Letter requesting a public process and meeting regarding the demolition process for the 324 building at Hanford.

February: Letter to Outlook Elementary School and others regarding high nitrate levels in a monitoring well near the school. See Doc P & Doc Q

February: Yakima Regional Clean Air Agency posted a Draft Notice of Approval for the Sunnyside biodigester. A public hearing was scheduled

February: Presentation to the Sierra Club Water and Salmon Committee re LYV CAFOs

February: Note to YRCAA regarding obligations under WAC 173-448. See Doc B17

February: Talked with Sara Gersen and Cheryl Laskowski from Earth Justice about the Clean Fuel Standard

March: Governor Ferguson rejects our appeal of WAC 173-424 revision

March: Fryslan Calf Ranch receives a pause on their application for a new Conditional Use Permit

March: Comments at a Listening Session on the HEAL Act

March: Met with Mabton Mayor Martha Gonzalez

March: Comments at Ecology Listening Session regarding the NPDES permit for CAFOs

March: Comments at YRCAA public hearing regarding the Sunnyside manure methane biodigester

March: Submitted comments regarding the YRCAA Order of Approval for the SS RNG biodigester. See Doc R

March: Interviewed by Humberto Rodriguez for a podcast on LYV water

March: Met with Friends of the Earth community engagement person for Washington

April: Presentation on LYV Water at a PoderLatinX forum at YVCC

April: Presentation to the Mabton City Council re water issues

April: Darigold agrees to a \$2 million settlement for violations of the Clean Water Act. See Doc S

Color Code

YRCAA

Fryslan Calf Ranch

WAC 173-424

WAC 173-448

Supporting Documents are available on the FOTC website at
www.friendsoftoppenishcreek.org

FOTC 2026 Annual Meeting – Sunnyside Renewable Natural Gas Biodigester

Pacific AG, the largest crop residuals group in the nation¹, proposes to construct one of the largest, if not the largest, manure methane biodigesters in the nation at the Port of Sunnyside. This operation would digest crop waste such as wheat straw and corn stover, along with manure from 25 to 30 concentrated animal feeding operation (CAFO) dairies in the Sunnyside area to produce pipeline quality natural gas. The Sunnyside Renewable Natural Gas (SS RNG) project would produce as much as 1.8 MMBTUs² of natural gas and deliver the gas into the nearby Williams pipeline.

In 2025 the City of Sunnyside conducted a State Environmental Policy Act (SEPA) review for the project and issued a mitigated determination of non-significance (MDNS) for the project. Friends of Toppenish Creek appealed that determination³ but we were told an appeal could only take place alongside a permit application such as a building permit or an air permit.

In February of 2026 the Yakima Regional Clean Air Agency (YRCAA) published a Notice of Construction for the SS RNG⁴. The YRCAA held a public hearing for the project on March 25 that was attended by over 40 people, most of whom spoke out against the project.

FOTC submitted a comment letter regarding the project in which we assert that:

- The SEPA review assumed the SS RNG would produce 850,000 to 950,000 MMBTUs of natural gas energy while the YRCAA draft air permit approval allows for 1.8 million MMBTUs
- The draft air permit does not account for 1,500 miles per day of heavy duty trucking to deliver manure to the digester
- The draft air permit does not account for emissions from machinery that removes water from the RNG and compresses the RNG prior to pipeline insertion and this is required by federal laws.
- The draft permit does not address environmental justice or public health issues

FOTC will follow this project closely and collaborate with other interested parties.

FOTC 2026 Annual Meeting – Yakima Regional Clean Air Agency Deficiencies

¹ Pacific Ag [Pacific Ag - Pacific Ag is the nation's largest crop residue harvest and supply company.](#)

² A British Thermal Unit (BTU) is the amount of energy needed to raise the temperature of one pound of water by one degree Fahrenheit. A MMBTU is a million BTUs.

³ See FOTC Questions SEPA Review for an Anaerobic Manure Bio-Digester on the home page of the FOTC website – www.friendsoftoppenishcreek.org

⁴ See YRCAA Public Notices [Public Notices - Yakima Regional Clean Air Agency](#)

For many years Friends of Toppenish Creek has complained that the Yakima Regional Clean Air Agency does a very poor job of protecting air quality in Yakima County. Our air quality is arguably the poorest in the state.

Our primary focus is on emissions from concentrated animal feeding operation (CAFO) dairies. A third of all Washington milk cows are housed in the Lower Yakima Valley (LYV) and these cows emit so much methane that investors are prepared to put up millions of dollars to build what would probably be the largest manure methane biodigester in the nation in Sunnyside.

The YRCAA does not address, measure, evaluate or regulate dairy emissions.

Here is a list of FOTC concerns regarding the Yakima Regional Clean Air Agency

1. Does not comply with YRCAA Administrative Codes A & B
2. Does not comply with the laws regarding air permitting
 - a. Does not issue permits in a timely manner
 - b. Does not charge appropriate fees for permits – enough to cover the costs of issuing and administering permits, but not more than that cost
3. Fails to properly investigate employee complaints
4. Does not respond to public concerns
5. Obfuscates/Does not follow through on commitments
6. Fails to provide information necessary for proper budgeting
7. Fails to protect public health
 - a. Does not work with the WA State Dept. of Ecology to implement the HEAL Act
 - b. Does not properly investigate complaints
 - c. Ignores emissions from dairies
8. Inadequate staffing - Takes monies designated for salaries and puts those monies into reserves
9. Improper selection of board members
10. No guidelines for public hearings
11. Ex post facto permits – YRCAA issues permits after projects have already been completed
12. Violates the Open Public Meetings Act

These concerns are described in more depth on the FOTC website at www.friendsoftoppenishcreek.org

FOTC 2026 Annual Meeting – Mabton Water Quality and Quantity

The Friends of Toppenish Creek have a mission to address water and air pollution in the Lower Yakima Valley. We are worried about the impact of large dairies in the area on local wells and Mabton municipal wells. But we know the problem is more than dairies.

FOTC began applying for an EPA grant to conduct research in the Mabton area in 2024. It has been a rocky road, but we received grant approval last fall and funding at \$150,000. We are fortunate to collaborate with excellent scientists from the Central WA University Geology Department.

This is an environmental justice grant. There is a requirement for consultation with people who live in the impacted community – Mabton and the surrounding area. The grant requires us to have three community meetings. The first meeting took place in February when staff from CWU told people what the grant might accomplish and asked for input concerning what people would like to learn from the research.

Central WA University is now drafting a research plan that will be shared with the community in April for approval. Central will begin well water and river water testing in May or June and continue this work through the summer. Students will analyze the data in the fall and deliver a report at a third community meeting in November of 2026. Some of the hoped for results are:

- Mapping of groundwater flow in the area
- Testing for major contaminants in different parts of the target area so people can see where pollution is greatest and where water is cleaner.
- A description of the different aquifers in the Mabton area that indicates where the water table is falling, which aquifers receive the most pollution, which aquifers are more protected.
- Analysis of the interaction between groundwater and surface water. Does groundwater feed the Yakima River, or does river water seep into the ground.
- Area there plants and micro-organisms next to the river that keep pollutants from reaching the river.
- How fast is the water table dropping in the Mabton area.

Data gathering will be completed by the fall of 2026. CWU will analyze the data and create a report that will be shared with people who live in the Mabton area, as well as regulators, policy makers and other stakeholders.

In 2015 Windmill Estates (also known as Veldhuis Enterprises, Fryslan Calf Ranch and later Sage Brush Ranch) applied for a conditional use permit (CUP 2016-00019) to build a calf feeding operation south of the City of Mabton that would include 6,000 calf hutches and withdraw 50,000 gallons of groundwater per day.

Yakima County issued a Determination of Significance (DS) under the WA State Environmental Policy Act (SEPA) because an operation of this size would withdraw so much groundwater that it would impact the Yakima River and City of Mabton municipal wells.

Windmill withdrew the application. In 2016 Windmill submitted another reduced application for 1,500 calf hutches that would supposedly require 25,000 gallons of groundwater per day. Yakima County issued a mitigated determination of non-significance which meant the project could go forward under certain conditions.

Since then the Fryslan Calf Ranch has grown to 10,000 calf hutches plus pens and corrals for older animals. Fryslan failed to comply with most of the conditions in the permit.

In February of 2025 the Friends of Toppenish Creek filed a complaint with Yakima County over permit violations. At that point Yakima County began working with Fryslan to develop a revised permit application that would supposedly bring the ranch into compliance.

On December 29, 2025 Fryslan applied for a 60 day extension to allow them to complete the application. On March 31, 2026 Fryslan received another 45 day extension. The calf ranch has until May 15, 2026 to submit a completed application to cover an operation with 10,000 calf hutches.

FOTC anticipates that a completed application will trigger another SEPA review. In our opinion that review should result in a Determination of Significance (DS) because an operation this large will need so much groundwater that it will impact the Yakima River and City of Mabton municipal wells.

FOTC is prepared to comment on any SEPA reviews and to request a downsizing of the Fryslan Calf Ranch to prevent depletion of the aquifers and contamination of the groundwater that people in the area rely upon for drinking water. More information on our work to date is available under *Friends of Toppenish Creek has asked Yakima County Planning to review whether a Lower Yakima Valley Calf Ranch violates terms of a Conditional Use permit* on the FOTC website home page at [Friends of Toppenish Creek - Protecting the rights of rural communities and improving oversight of industrial agriculture](#)

Over the past year Friends of Toppenish Creek has received a fair amount of publicity for our efforts to protect the environment in the Lower Yakima Valley.

Empowering Latinas in Leadership and Action (ELLA) featured Jean Mendoza and Ron Sell from FOTC in their well-received documentary *The Price of Plenty* that has been shown at screenings in Sunnyside, Richland and Seattle. Soon to be featured in Yakima.

The New Lede and the Circle of Blue published an article entitled *Regulators battle Oregon and Washington farmers over limits to farm pollution* that featured interviews with FOTC and pictures from the Yakima Valley. This article is available at [Regulators battle Oregon and Washington farmers over limits to farm pollution - The New Lede](#)

Sentient Climate published an article entitled *Massive Manure-to-Energy Project Raises Environmental Justice Concerns in Washington State* that described the proposed Sunnyside Renewable Natural Gas biodigester and featured comments from FOTC and others. This article is available at [Massive Manure-to-Energy Project Raises Environmental Justice Concerns in Washington State](#)

The New Lede published an article entitled *Mega manure digester project in Washington state meets community resistance* that described the proposed Sunnyside Renewable Natural Gas biodigester and featured comments from FOTC and others. This article is available at [Mega manure digester project in Washington state meets community resistance - The New Lede](#)

Most recently FOTC was interviewed for a Yakima Herald Republic article on air quality: [Report: Yakima Valley air quality sees improvements, but health concerns remain | Local | yakimaherald.com](#)

FOTC has produced two important environmental documents and distributed those documents to all WA legislators. The documents are:

“Air and Water Pollution in the Lower Yakima Valley- Who Pays?” – Describes the costs of poorly regulated industrial agriculture in the Lower Yakima Valley. Available at [FOTC Annual Meeting C1 White Paper Who Pays V.pdf](#)

“A summary of Lower Yakima Valley Groundwater Management Area baseline data regarding nitrate pollution 2021 to the present” – Presents data that shows groundwater quality in the LYV is worsening. Available at [FOTC LYV GWMA FOTC Data Analysis X.pdf](#)

FOTC 2026 Annual Meeting – NPDES permits for Concentrated Animal Feeding Operations

1998 – 2000: Close to 100 dairies had documented discharges and were under permits.

2003 – Dairy Inspections moved from Ecology to WSDA. Number of permitted dairies dropped significantly

2006 – Second NPDES permit for CAFOs issued. Community Association for Restoration of the Environment sued Ecology unsuccessfully over the permit.

2011 – The NPDES permit for dairies expired but Ecology delayed writing a new one. For six years there were no mechanisms in place to require CAFOs to obtain permits.

2017 – Third NPDES permit for dairies issued. Ecology reneged on promises to write strong permits. A coalition of environmentalists sued Ecology - the permits did not protect water.

2019 – The WA State Pollution Control Hearings Board ruled against environmentalists and we appealed.

2021 – The WA State Court of Appeals ruled that Ecology had not complied with state and federal laws regarding NPDES permits for CAFOS. The Court of Appeals ordered Ecology to rewrite the permits which the agency did. See [2021.06.29-CAFO-Appeal-Win.pdf](#)

2022 – Fourth NPDES permit for dairies issued. Environmentalist sued Ecology again.

2025 – The PCHB ruled in favor of environmentalists on four points in summary judgement. See [POLLUTION CONTROL HEARINGS BOARD](#) The Board ordered Ecology to:

- Require that the public be allowed to review and comment on each CAFO's individual pollution control plan, to ensure it meets the requirements under the permit,
- Ensure that each such plan is based on a site-specific study of how pollutants may escape from each field where manure will be applied,
- Require groundwater monitoring for every facility covered under the permits, and
- Set a standard that will ensure the areas in a CAFO where manure is stored will not leach pollution into groundwater.

Today – Environmentalists are still waiting for Ecology to write appropriate changes. It appears that Ecology is trying to combine the required changes with the next re-write of permits that is due in 2027. See [Concentrated animal feeding operation - Washington State Department of Ecology](#)

FOTC 2026 Annual Meeting – WAC 173-424, Clean Fuel Standard

Avoided methane is gas produced by and emitted from anaerobic manure lagoons and by landfills that would usually go up into the atmosphere but is instead captured and refined.

Under rules as updated in 2025, if a farmer captures lagoon methane to serve as feedstock for a manure bio-digester, then the farmer or his partners can claim a negative carbon intensity (CI) score for the resulting fuel grade natural gas. “Carbon intensity” or “CI” means the amount of lifecycle greenhouse gas emissions per unit of energy of fuel.⁵

Fuel providers with CI scores less than a prescribed level that decreases every year can obtain credits for this fuel and sell those credits to fuel providers with higher CI scores. In 2026 the cutoff score is 93.1. (Units are gCO₂e per MJ) Fuel producers whose products have CI scores greater than 93.1 purchase credits from those with CI scores below 93.1.

Due to the way scores are calculated, biomethane is the only fuel that receives negative CI scores and those scores can be quite low.⁶ In California some dairies obtain CI scores of -700. The lower the score the greater the profit from selling credits.⁷

Friends of Toppenish Creek has appealed Section 610 (16) of WAC 173-424 that codifies credits for avoided methane in the WA Clean Fuel Standard. FOTC submitted comments when this rule was revised. We appealed the rule to Ecology and to Governor Ferguson with no success.

FOTC will continue objecting to avoided methane because:

- This concept rewards dairies for poor manure management and encourages increased production of cow manure.
- This approach takes money away from projects that actually reduce greenhouse gases in our state.

FOTC 2026 Annual Meeting – WAC 173-428 and the HEAL Act

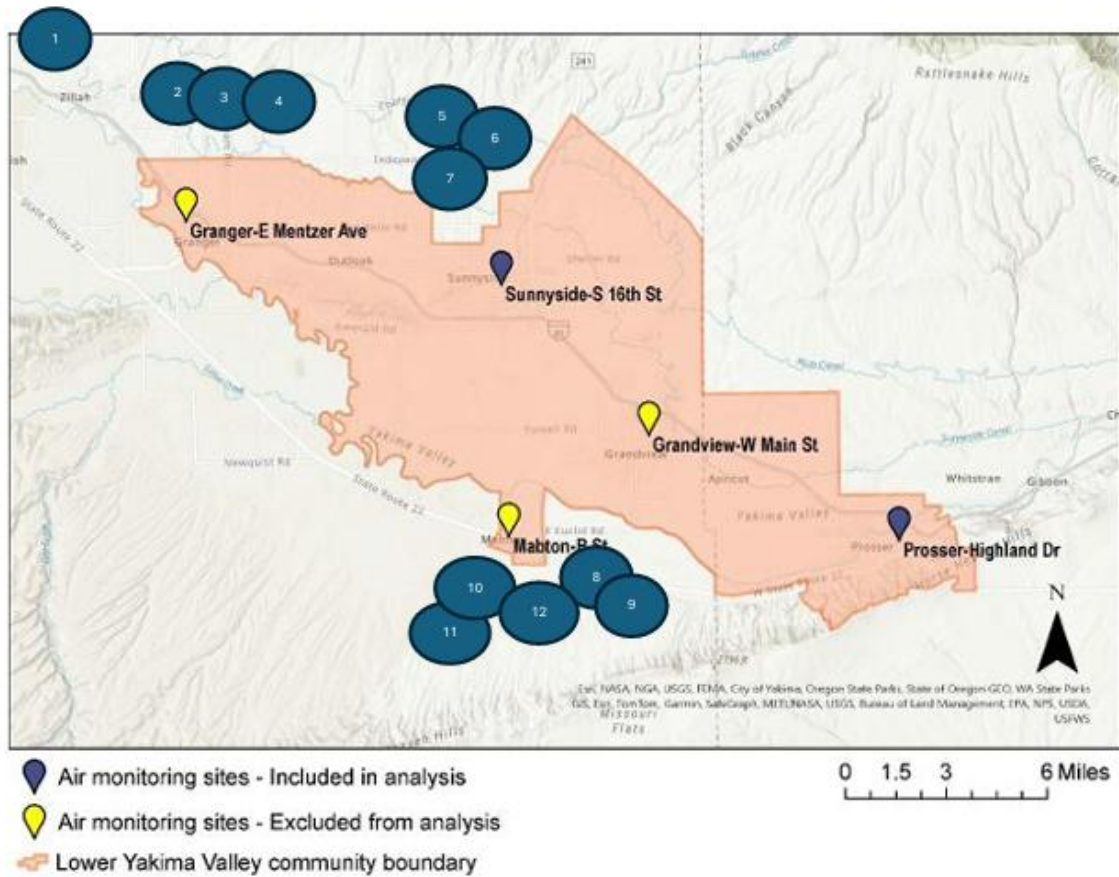
⁵ The term “life cycle” in this context is misleading because the GREET model does not account for the environmental costs of feeding and maintaining cows, of transporting manure to and from digesters, of managing digestate, etc.

⁶ WAC 173-424-900, Table 8: There are negative scores for

- biomethane CNG, LNG, L-CNG produced using dairy or swine manure as a feedstock (note the rule says dairy and not cattle, there is no provision for use of manure from beef cattle or poultry manure as feedstock)
- compressed or liquified hydrogen produced using biomethane from dairy or swine manure
- low CI electricity produced by fuel cell using biomethane from dairy or swine manure

⁷ WA Ecology Rejection Letter, Page 1. “The lower the score, the more credits a fuel producer can generate and sell for revenue.”

WA Ecology has gerrymandered the boundaries of the LYV Overburdened Community so that CAFO dairies in the area are not included in the evaluation of impacts.



1	Highview Dairy	1,700 to 2,699 Milk Cows	
2	Liberty/Bosma Dairy		Now Out of Business
3	Cow Palace		Now Out of Business
4	George DeRuyter/D&J	4,400 to 6,398 Milk Cows	
5	Sunnyside Dairy	5,700 to 6,839 Milk Cows	
6	Western Valley Farms	2,700 to 3,699 Milk Cows	
7	Smeenk Brothers #2	7,00 to 1,699 Milk Cows	
8	Veldhuis Dairy	3,700 to 4,699 Milk Cows	
9	Lash Legacy		Now Out of Business
10	Sunny Dene Dairy	2,700 to 3,699 Milk Cows	
11	Hidden Valley Dairy	1,700 to 2,699 Milk Cows	
12	Fryslan Calf Ranch	10,000 Hutches + Older Calves	

FOTC 2026 Annual Meeting – Memorandum of Understanding between WA Ecology and WA State Dept of Agriculture

In 1998 the WA legislature took enforcement of the Clean Water Act for dairies away from the WA State Dept. of Ecology (Ecology) and gave it to the WA State Dept. of Agriculture (WSDA). The legislature wrote a separate Clean Water Act law, RCW 90.64 just for dairies.

Prior to 1998 Ecology had written over 100 dairies NPDES permits for dairies. Afterwards most dairies let their permits expire. Today there are only 26 NPDES permits for concentrated animal feeding operations (CAFOs) and only 15 are for dairies.⁸ This means that most of the over 250 Washington dairies are discharging to waters of the state without permits.

In 2011 Ecology and WSDA signed a Memorandum of Understanding that delineated how each agency implements and enforces Chapter 90.48 RCW and Chapter 90.64 RCW.⁹

Among other things, according to this document:

- Ecology recognizes WSDA as the lead on all compliance actions against non-permitted dairies.
- Ecology will include WSDA as a stakeholder in TMDL and other watershed based activities whenever livestock issues are anticipated.
- WSDA is responsible for implementing Chapter 90.64 RCW
- WSDA is responsible for inspections and compliance actions for all dairies. WSDA is responsible for inspections and may initiate compliance action on permitted dairies.
- WSDA is responsible for inspections, complaint response and writing warning letters for all non-dairy permitted CAFOs.
- WSDA will coordinate with Ecology when compliance actions beyond warning letters are necessary for non-dairy AFOs and CAFOs or permitted CAFOs.
- WSDA and Ecology will communicate prior to Ecology designating a dairy as a CAFO or requiring a CAFO to apply for the CAFO permit.
- Ecology is responsible to EPA for Clean Water Act compliance for AFOs and CAFOs

As a result of this MOU very few CAFO dairies in Washington State are under NPDES permits. This means continued pollution of ground and surface water

⁸ WA Ecology. Permitting and Reporting Registration System (PARIS) at [Paris - Permit Search](#)

⁹ Memorandum of Understanding at [MOU Agriculture Ecology 2011 Final.pdf](#)

FOTC 2026 Annual Meeting – 1945 Stock Watering Law

WA Ecology's 1945 Stock Watering Law

In 1945, Washington's Legislature enacted the Groundwater Code (Chapter 90.44 RCW), which created the groundwater permit exemption. Under RCW 90.44.050, certain small withdrawals of groundwater are exempt from the state's water right permitting process.

This exemption covers:

- Domestic use up to 5,000 gallons/day
- Industrial use up to 5,000 gallons/day
- Irrigation of a lawn or garden up to ½ acre

2005 Attorney General Opinion

In 2005, the Washington Attorney General concluded that RCW 90.44.050 does not limit stockwatering withdrawals to 5,000 gallons/day. The exemption is not capped on quantity for stockwatering, meaning withdrawals could be “virtually unlimited” under the law. This has been upheld by the WA Supreme Court.

Ecology has no statutory authority to impose a categorical limit on stockwatering withdrawals under the exemption www.waterplanet.ws.

However, Ecology can still regulate stockwatering if other statutes apply (e.g., minimum instream flows, Streamflow Restoration Act) www.waterplanet.ws.

The exemption remains a beneficial use, so it can be challenged if it impairs senior rights or environmental flows [Center for Environmental Law & Policy](#).

Yakima Valley

One Yakima Valley dairy estimates that milk cows require on average 85 gallons of water per day. With 80,000 to 100,000 milk cows, this means that Yakima dairies pump 6.8 to 8.5 million gallons per day from falling aquifers.¹⁰

The Yakima Valley is facing a fourth year of drought. Orchardists are pulling out trees throughout the valley. Others are letting land go fallow. Meanwhile dairymen pump as much water as they like and do not even pay for the privilege.

¹⁰ WA State University. Variations in vulnerability across aquifer layers in a heterogeneous aquifer system. [WSU Aquifer Vulnerability in the Columbia Basin.pdf](#)

