



Friends of Toppenish Creek

September 27, 2025

Air Quality Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Dear EPA:

The Friends of Toppenish Creek respectfully bring the following concerns about the Yakima Regional Clean Air Agency to your attention:

1. Inadequate Reporting
2. Improper management of funds
3. Chronic understaffing
4. Ineffective air permits
5. Too many after-the-fact permits
6. Not responsive to complaints
7. Non-compliance with YRCAA Codes and the State Implementation Plan
8. Failure to Inspect
9. Inaccurate Information
10. Ignoring emissions from concentrated animal feeding operation (CAFO) dairies

1. Inadequate Reporting

Since January of 2025 the YRCAA staff have not reported to the YRCAA Board the number of inspections, notices of violation, permits issued, etc. Packets for Monthly Meetings of the YRCAA Board of Directors frequently lack reporting of vouchers and payrolls. How can the YRCAA Board of Directors exercise adequate oversight without basic data?

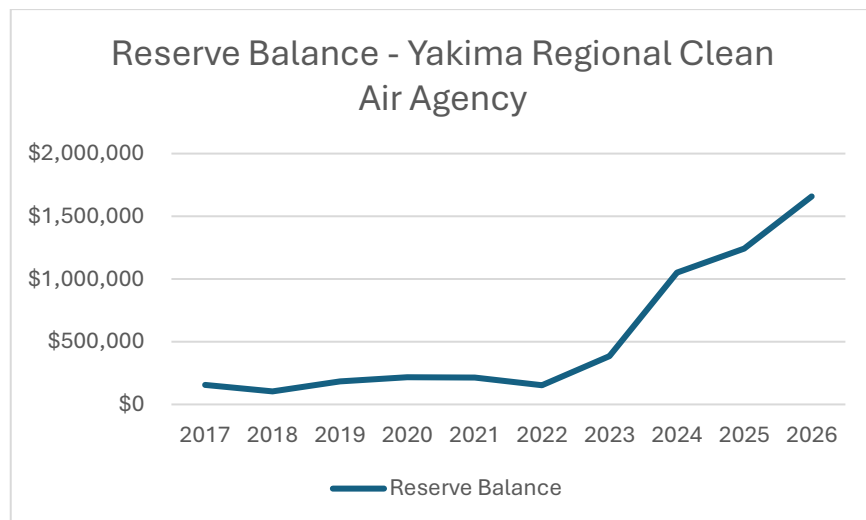
Components of 2025 YRCAA Board Meetings	Jan	Feb	Mar	Apr	May	Jun	Jul
Clerk of the Board	X	X	Missing	Missing	Missing	Missing	Missing
Board Position 2	X	X	X	Missing	Missing	X	X
Written Executive Director Report	X	X	Missing	Missing	Missing	X	X
Monthly Activity Report – complaints, NOV’s, burn bans, permits, etc	X	Missing	Missing	Missing	Missing	Missing	Missing
Air Quality Data	X	Missing	Missing	Missing	Missing	Missing	Missing
Vouchers	Missing	X	X	X	Missing	Missing	Missing
Payroll Authorizations	Missing	X	X	X	Missing	Missing	Missing

2. Improper Management of Agency Funds

FOTC believes that funds allocated for wages and benefits have been diverted to bolster YRCAA reserve funds in recent years. FOTC questions whether this is legal in light of RCW 70A.15.2270 that states that fees collected shall cover but not exceed costs for program implementation.

YRCAA collects about \$38,000 per year from eight synthetic minor sources but inspects those sources at most once every five years. It is highly likely that YRCAA collects more in fees from these facilities than it spends on monitoring and compliance. See the graph below. See Attachment A *Concerns re Budget Reserves*.

Reserve Balance per Proposed Budgets
 2017: \$155,113
 2018: \$104,067
 2019: \$184,316
 2020: \$216,705
 2021: \$213,487
 2022: \$152,174
 2023: \$384,943
 2024: \$1,049,903
 2025: \$1,243,655
 2026: \$1,658,345



3. Chronic Understaffing

When the Environmental Protection Agency evaluated the YRCAA Title V program in September of 2024, the EPA observed:

1. YRCAA has a very knowledgeable and experienced permit writer but needs to prepare for succession planning.

2. YRCAA has experienced regular staff turnover, likely as a result of uncompetitive salaries.

The very knowledgeable and experienced permit writer left the agency in January of 2025. He was the only person on staff with both the training and institutional knowledge to provide guidance. The current Air Pollution Control Officer (APCO) came on board in 2022 with no prior training in or knowledge of air science. He was only able to function effectively with backup from the more experienced man.

The Permitting and Planning Division is supposed to have three staff members. For most of 2024 this division functioned with two since one engineer became a whistle blower and left. From January to July the division has limped along with only one staff member. Currently YRCAA finds it necessary to hire an outside contractor to help keep up with permitting.

The current Executive Director/APCO is trying to perform many jobs including the duties of public records officer, clerk of the board, human resources, education and outreach, information technology manager, and hearings officer. Instead of performing the duties of his position he is doing clerical work for which he receives executive pay. FOTC does not believe he is qualified to serve as a hearings officer – See Item 9 below.

Three accountants have left the agency in the past two years. A fourth was recently hired. At times the YRCAA has had to contract out accounting work.

Five female YRCAA employees have left the agency in the past two years. Remember that the previous Executive Director was dismissed due to complaints of sexual harassment.

There are currently two vacant staff positions at the YRCAA with no advertisement to fill those positions. When people try to do too many things at once mistakes happen as the reader will see in section 9 of this document.

4. Ineffective air permits

Most YRCAA permits only look at machinery and do not address emissions from feedstocks. For example, there is an anaerobic manure biodigester with an air permit that

does not address emissions from the manure or the digestate. There is a mushroom growing facility with a permit that does not address emissions from the chicken manure and compost used to grow mushrooms.

YRCAA has a Dust Control Policy for Confined Heifer Feeding Operations. On paper, that policy requires plans that include a complete description of the operation with mapping and water availability for dust management, a description of the Best Management Practices to be used under the plan, and a detailed operation plan for 1. hay chopping 2. grain processing 3. feed mixing, and 4. feed handling.

In fact, these features are almost entirely missing from the Dust Control Plans that YRCAA approves for LYV confined heifer feeding operations. The YRCAA approved plans do nothing to protect air quality. YRCAA never inspects these facilities. The only purpose is to check a box and gather an annual fee. See Attachments: *B Dust Control Policy for Heifers* and *C SIP Analysis*

5. Too many after-the-fact permits

The YRCAA has a bad habit of allowing facilities that emit pollutants to set up operations before obtaining required permits, a violation of conditional use permits and State Environmental Policy (SEPA) requirements.

DTG Landfill: The Anderson Gravel Pit and Landfill has been in operation since the 1990's. When Anderson sold the operation to DTG Inc. in 2019 and DTG attempted to transfer permits the new owners discovered that the landfill had never acquired an air permit. In March of 2024 YRCAA issued a New Source Review Approval "after the fact".

TTC Construction: This company has operated an asphalt and concrete recycling operations since 2003 without an air permit. In 2025 the YRCAA plans to issue a New Source Review Approval "after the fact".

Ostrom (Windmill) Mushrooms: Until recently FOTC believed that Ostrom Mushrooms had obtained an air quality permit when this business moved from Thurston County to Yakima County in 2019. We believed this because we remembered a YRCAA Board Meeting at which Ostrom Mushrooms sent an official to personally thank the YRCAA for making the permitting process easy. Because in 2020 the Yakima Development Association posted a press release announcing: "YCDA organized a meeting with the Yakima Regional Clean Air Agency and local utility providers to discuss the project and address any concerns. Within a month, Ostrom's Mushroom Farm purchased a 43-acre site in the Port of Sunnyside for their new state of the art facility and headquarters." See press release at [WEDA-Economic-](#)

[Development-Project-of-the-Year-submission-Ostroms-YAKIMA-COUNTY-reduced-file-size.pdf](#)

Now we learn that an air permit was not issued until 2023. YRCAA Executive Director Thornsbury provided this explanation in an email:

“It is unusual for an order of approval for a notice of construction to take four years. However, from what we know, that appears to be the case. The project was clearly a complicated one as discussions appear to have started in 2017 (according to several of the documents provided). Again, we can find only the 2023 permit posted which shares the same identifier as the 2019 application.”

Fryslan Calf Ranch: in 2017 Fryslan Calf Ranch received a SEPA Determination of Non-Significance and a Conditional Use Permit to build a calf feeding facility in south Yakima County with the provision that the operation must obtain an air quality permit and submit a dust control plan. To date Fryslan still has done neither despite expansion, despite neighbors’ complaints about dust.

6. Not responsive to complaints

Lower Yakima Valley Dust and Odor

On July 23, 2025 FOTC requested all complaints and complaint responses regarding dust and odor in Yakima County from January 1, 2020, to the present in LYV zip code areas 98936, 98933, 98935, 98938, 98930, and 98944. The response to that request is in Attachment D and is summarized in the table below.

Facility	Date	Disposition	Ag or Construction	Notes
FRH Enterprises Mabton (Fryslan)	3/6/2020		Ag	Referral from Yakima County. YRCAA should have realized that FRH had no air permits.
Jose Nunez	4/14/2020	Letter sent	Construction	
Fowler Construction	4/15/2020	Contacted Fowler	Construction	Sent videos
Fowler Construction	4/15/2020	Contacted Fowler	Construction	Sent videos
Veldhuis Enterprises	7/20/2020		Ag	No investigation
Listed complainant as responsible party	7/28/2020		Ag	No investigation
Klompe Dairy	8/3/2020		Ag	No investigation
TTC Construction	8/20/2020	Required TTC to submit a dust control plan. NOV	Construction	Other neighbors do not know who to call

TTC Construction	8/25/2020	Contacted TTC	Construction	
Veldhuis Enterprises	8/5/2020		Ag	YRCAA states, "Fryslan is in compliance with their AQMP and is utilizing 'good agricultural practices' on 'agricultural land' according to RCW 70A.15.4530"
?	8/4/2020		Ag	Insufficient information
Fryslan Ranches	9/2/2020		Ag	Went by property and did not see any fugitive dust
Tri City Remodel	9/23/2020	Required to submit a dust control plan	Construction	Did not see any fugitive dust on inspection
Tri City Remodel	10/16/2020	Contact Tri City	Construction	High winds. Has a Dust Control Plan
River View Ranch	10/29/2020		Ag	YRCAA states "RP is an agricultural entity and is exempt from dust and odor complaints."
Horse Heaven Cattle Feeders	5/17/2021	Contact Horse Heaven	Ag	Observed for 20 minutes. Saw no dust
J&K Dairy	5/21/2021	Contacted WSDA	Ag	
BMB Development	5/28/2021	Talked with workers	Construction	
Horse Heaven Cattle Feeders	6/28/2021	Talked with a foreman	Ag	Cross fencing opened due to heat
Ostrom Mushroom	7/21/2021		Ag	Observed for 10 minutes. No odor. Ostrom is an agricultural entity and is exempt from dust and odor complaints.
Klompe Enterprises	7/22/2021		Ag	No dust or odors observed. YRCAA states, "Fryslan is in compliance with their AQMP and is utilizing 'good agricultural practices' on 'agricultural land'"

				according to RCW 70A.15.4530”
Den Boer Dairy	6/8/2021		Ag	Cattle only temporarily housed at the dairy
Klompe Enterprises	7/26/2021	Contacted dairy	Ag	
Klompe Enterprises	7/27/2021	Contacted dairy	Ag	
Castenada et al	4/4/2022	Warning Letter	Construction	
Oswalt Farms	4/19/2023	Dismissed. Refer to WSDA	Ag	
Star Transport	4/28/2023	Dismissed. Verbal warning	Other	
Post 5 Cattle Feeders	7/26/2023	Dismissed. Verbal Warning	Ag	Looking into Dust Control Plan
Post 5 Cattle Feeders	7/22/2023	Dismissed. Verbal Warning	Ag	Talked with responsible party
Alba Construction	6/6/2024	Dismissed. Verbal Warning	Construction	Noted by YRCAA staff
Post 5 Cattle Feeders	6/18/2024	Dismissed. Verbal Warning	Ag	Spoke with owner and manager
Post 5 Cattle Feeders	6/26/2024	Dismissed. Verbal Warning	Ag	No Dust Control Plan on file
Post 5 Cattle Feeders	6/26/2024	Dismissed. Verbal Warning	Ag	
Post 5 Cattle feeders	9/23/2024	Dismissed. No violation found	Ag	“No action at this time”
Post 5 Cattle Feeders	10/8/2024	Dismissed. No violation found	Ag	Complainant says dust is so thick it is difficult to see oncoming traffic
Northwest Horticulture	1/29/2025	Dismissed. No violation found	Ag	No evidence of burning
Goeckner Cattle Co	4/25/2025	Dismissed. No violation found	Ag	
Den Boer Enterprises	6/5/2025	Dismissed. Verbal Warning	Ag	
N = 38 Veldhuis/Klompe = 10 Post 5 = 7		Referral = 2 Verbal Warning = 7 Warning Letter = 2 Dust Control Plan requested = 4 NOV = 1	Ag = 27 Construction = 10 Other = 1	Ag Exempt = 3 No evidence upon investigation = 6 No violation found = 3

In the Lower Yakima Valley (LYV) there were 38 complaints - 27 were agriculture related, 10 were construction related, and 1 related to sand blasting.

10 complaints involved one single agriculture corporation, and 7 involved another single agricultural operation. The agricultural complaints were all dismissed after a call to the owners because the YRCAA believes that agriculture is exempt from complaints related to dust and odor. That assumption is not exactly true, but YRCAA acts on this premise. YRCAA did not bother to investigate three of the ag complaints.

YRCAA frequently used Response Level 4 for ag complaints. RL4 says, " 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." No written follow-ups were documented.

Four of the complaints targeted operations that lacked dust control plans and the inspectors instructed responsible parties to obtain dust control plans with one Notice of Violation (NOV). It appears that one ag operation, Post 5 Cattle Feeders, did not heed YRCAA advice.

Episodes of heavy dust and odor wax and wane. However, the YRCAA does not take people at their word when citizens submit complaints. The YRCAA does not consider a complaint valid unless agency inspectors actually see and smell a problem. If an inspector arrives 24 to 72 hours after the fact and does not witness a problem after observing for 10 to 20 minutes, the YRCAA treats the complaint as unfounded. There were at least eight cases in which the inspector did not witness a problem and closed the case. Three cases were closed due to no evidence.

Environmental Report Tracking System (ERTS) complaints.

On July 13, 2025 FOTC submitted a public records request for all ERTS complaints that were forwarded to YRCAA by the WA State Dept. of Ecology from January 1, 2022 to July of 2025. YRCAA responded with about 500 ERTS complaints, although some may be duplicates.

The YRCAA reminded us, " Please note the term "referrals" may be used by Ecology, but the ERTS is internal to Ecology and the YRCAA is not a party to it or any such "referral", does not process ERTS reports, and does not investigate complaints filed using ERTS (all of which has been known to Ecology for several years).

In summary, YRCAA was made aware of citizen complaints regarding two limited purpose landfills, Caton Landfill and DTG Landfill, during this time frame. We do not know whether the landfill neighbors who complained were told that YRCAA would not investigate.

ERTS Complaints sent to YRCAA by WA Ecology

	Caton Landfill	DTG Landfill	Other Upper Valley	Other Lower Valley	Total
2022	33	32	7	4	76
2023	30	56	7	14	107
2024	225	14	25	12	276
2025	44	12	17	9	82

7. Non-compliance with codes and State Implementation Plan (SIP) for Yakima County

See Attachment E: *Concerns Regarding Yakima Regional Clean Air Agency Inability or Unwillingness to Comply with Agency Administrative Codes*

See Attachment C: Concerns SIP Analysis

8. Failure to Inspect

The YRCAA has performed fewer inspections in recent years according to monthly reports to the YRCAA Board of Directors. The YRCAA recently told the public that they only inspect permitted facilities as they are able, and there is no guarantee that permitted facilities will be inspected annually or even every five years.

YRCAA Activities in Full	2020	2024
Minor Source Inspection	123	85
Complaints Received	221	189
Notice of Violation (NOV) Issued	60	35
Authorization of Destruction (AOD)	8	7
Warning Notices Issued	7	7
Notice of Penalty (NOP) Issued	45	12
State Environmental Policy Act Review	352	263
Air Operating Permit (AOP) Applications	1	1
AOPs Issued or Renewed	1	2
Deviations/Upsets Reported	21	18

Air Operating Permit Inspections	7	0
Sources Registered	234	240
New Source Review (NSR) Applications	20	12
NSR Issued – Temporary	0	0
NSR Issued - Permanent	28	10
Notice of Demolition/Renovation (NODR)	199	117
Agricultural Burn Permits Issued	122	41
Conditional Use Permits Issued	4	7
Residential Burn Permits Issued	1193	764
Burn Ban Days	24	16
Public Records Requests Fulfilled	45	21

For a more comprehensive report see Attachment F *YRCAA Activities 2020 to 2024*

Synthetic Minor Sources

On June 3, 2025 FOTC received a list of eight registered synthetic minor sources of air pollution in Yakima County from the YRCAA through a public records request. That list includes these facilities:

- SunSteel
- Alexandria Moulding
- Darigold Sunnyside
- CraftAg Processing
- Smucker Fruit Processing
- Westrock Longview Yakima
- Welch’s Grandview
- International Paper

On July 13, 2025 FOTC requested copies of all air permit approvals and all inspection reports for these facilities for the period from January 2020 to July 2025. YRCAA sent inspection data on September 3, 2025 and posted permits on the YRCAA website. See Attachment G. The table below describes that data.

Facility	Permit Approval	Inspection	Violations	Notes
Darigold	8/27/2018	2/14/2023	No	“Darigold should stay on an annual inspection schedule”

		July 1, 2, 3, 2025	Yes	Based on a complaint
	4/27/2016			
	09/09/2015			
	12/27/2007			
	02/23/1995			
Alexandria Moulding	07/06/2015	1/24/2023	No	
	10/01/2013			
Smucker Fruit Processing	1/28/2019	1/13/2023	No	No record keeping & OM Manual on site
	11/13/2018			
	12/30/1997			
International Paper aka Weyerhaeuser	9/30/2024	1/25/2023	No	
	6/02/2023	2/06/2020	No	
	11/10/2016			
	05/13/2014			
	09/02/1997			
	06/27/1994			
SunSteel fka Canam Steel	2/15/2018	9/17/2021	No	
	6/13/2014			
	08/24/2010			
	11/19/2009			
	11/30/2009			
	? 2002			
	01/23/2001			
	10/14/1999			
	02/20/1998			
Westrock Longview aka Smurfit Westrock	5/11/2021	10/13/2022	No	
		2/09/2021	No	
	11/29/2007			

	07/21/2000			
	10/17/1999			
CraftAg Processing aka Seneca Foods				
Welch's Grandview	08/09/2022			
	10/23/2017			
	07/27/2002			
	12/30/1997			

According to the PRR response there are eight synthetic minor sources in Yakima County and YRCAA inspected six of them during the past 5 ½ years. YRCAA only identified violations once when the agency investigated a complaint about Darigold. That complaint inspection was the only inspection performed after 2023. Two of the synthetic minor sources were not inspected during this time frame.

According to the 2025 – 26 YRCAA budget the YRCAA receives between \$37,000 and \$40,000 annually in fees for synthetic minor sources or \$4,500 to \$5,000 per source every year. This is supposed to cover but not exceed the cost of assuring compliance.

9. Inaccurate Information

A. Director Thornsburry assumed the role of Hearings Officer for a 2023 public meeting regarding the DTG Air Quality Permit. FOTC attended that meeting and we would not classify it as a hearing. There was no sworn testimony, no opportunity to cross examine witnesses, no introduction of evidence, and no opportunity to question the YRCAA APCO because he was running the meetings and making up rules of conduct as the meetings progressed. There was no official ruling with reasons for decision-making as would have been the case with a real Hearings Examiner.

B. The 2023 Air Permit for DTG available at [SKM_C30824030815380](#) says:

5.4 Methane concentration shall always be below 5% of the LEL by volume at the boundary property line of the facility and 25% of the Explosive Limit (EL) within any of the facility structure which is 1.25% by volume at any time.

6.6 Take weekly Methane ambient air readings at the property boundary in which the concentration shall not exceed 5% by volume and 25% of the EL within any of the facility structure which is 1.25% by volume at any time.

These two requirements are in disagreement

C. It is quite possible that YRCAA provided inaccurate testimony before the Pollution Control Hearings Board in 2025.

The PCHB was told that DTG Submitted a New Source Review application to YRCAA in 2020. It was deemed complete in June of 2023 and was approved in March of 2024. This was confirmed in the 2024 YRCAA Notice of Approval.

Now the YRCAA ED/APCO says that the 2020 application was abandoned. Another NSR was submitted in June of 2023 and was deemed complete in July of 2023.

See Attachment H *Emails re Confusing Testimony before the WA PCHB.*

How serious is the issue of providing incorrect information to a Pollution Control Hearings Board?

10. Ignoring emissions from concentrated animal feeding operation (CAFO) dairies

If CAFO dairies were treated like factories about 20 LYV dairies with over 3,000 animal units each would be classified as Type V major sources of air pollution. Since the dairies are considered exempt the YRCAA simply ignores the massive amounts of particulate matter, ammonia, hydrogen sulfide, and volatile organic compounds these operations produce. Consequently, there is no acknowledgement or documentation of associated environmental and public health impacts and policy makers assume that LYV air pollution is due to other sources.

Conclusion

People from EPA Air tell us it is frustrating to hear all our complaints with no clear request for EPA action. Let us try to frame a request for action as a conclusion to this letter.

The YRCAA made certain commitments in our State Implementation Plan, also known as YRCAA Regulation 1. See Attachment C. If YRCAA follows through on those commitments the agency will be stronger and more effective at protecting air. FOTC suggests that the EPA could remind the YRCAA in a letter to both the Executive Director and the Board of Directors that YRCAA has committed to:

- Work with the community when developing and implementing policy. (The YRCAA Board has the power to convene an advisory council to advise and consult with the board and the APCO in implementing Regulation 1.)

- Use the best available science when gathering and analyzing air quality data for Yakima County. (This includes acknowledging emissions from dairy and studying ways to minimize that pollution.)
- Spend allocated monies responsibly for intended purposes. (This means fully staffing the agency and assigning staff time in ways that best protect air quality.)

Respectfully submitted

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