



May 2, 2022

Robin Schoen-Nessa
Assistant Manager Pesticide Division
WA State Dept. of Agriculture
NRB 2nd Floor
1111 Washington St. SE
Olympia, WA 98504-2560

Dear Ms. Schoen-Nessa,

I don't think we are communicating well. It appears to me that WSDA will only interact with the public on the agency's terms. I was trying to understand these terms and how WSDA operates, but I am not getting anywhere. This letter, with one very specific complaint, is another attempt. (I also sent a public records request for WSDA guidelines on dairy inspections.)

Background:

On February 18, 2022, I took pictures of manure spilled onto Vance Road between the Mabton Cemetery and Riverside Dairy in Mabton WA. Based on knowledge of prior investigations of manure tracking (See Attachment 2), knowing that manure tracking violates assumed best management practices, and based on recommendations from officials at other agencies, I sent the pictures to Eastern WA Dairy inspector Kristina Nina Gibson. I received a reply that said she would be out of the office until February 22.

I then forwarded the complaint to Gwen Clear at Ecology who entered the information into the ERTS system. On March 7, 2022, I asked Ms. Clear how to learn about the follow up on my complaint. She told me to file a public records request which I did. On March 10, I received the documents in Attachment 1 – ERTS 712851.

According to the material I received, Inspector Kristina Nina Gibson visited the site on February 22, 2022. According to her documentation she inspected a different road than the one with the manure tracking. (See google map below)

Easement Road that Ms. Gibson says she inspected on Feb. 22



Vance Road where pictures were taken of manure on the roadway

Ms. Gibson also told Gwen Clear that she forwarded a copy of her report to me. I never received one.

On March 7, 2022, seventeen days after the spill, Ecology made a referral of this manure tracking to Yakima County. Ms. Gibson opined that citizens should request pavement of the road. Do you understand how much work is involved in attempting to get a road paved? All I ask is for the dairy to stop tracking manure onto a public roadway. Now WSDA tells me that I should get signatures, study the Yakima County budget, and spend endless hours talking to officials with the vague hope that manure tracking will somehow cease because the road might be paved.

According to RCW 90.64.030 (2)

The department shall investigate a written complaint filed with the department within three working days and shall make a written report of its findings including the results of

any water quality measurements, photographs, or other pertinent information. Within twenty days of receiving a written complaint, a copy of the findings shall be provided to the dairy producer subject to the complaint, and to the complainant if the person gave his or her name and address to the department at the time the complaint was filed.

Complaint:

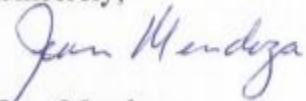
To be clear, I complain that, in February 2022, the ERTS system and the WSDA DNMP delayed investigation of manure tracking until such time as the evidence had been ground into the roadway, that the agencies ignored citizen pictures of the tracking, that the WSDA incorrectly assumes that manure spills on a roadway do not threaten waters of the state, and that Inspector Gibson did not inform the complainant (me) as required by RCW 90.64.030(2).

Please tell me how you will investigate this complaint and keep me informed of that investigation.

Please know that citizens should not have to go to this amount of trouble to receive services from people who are paid to protect our health and the natural environment. I have spent hours pursuing this complaint and my time has value, although not to WSDA.

Ecology ERTS says, “We respond to incidents that pollute and damage land, air, and water.” For this incident and probably for many others the ERTS system and the WSDA DNMP fell far short of that goal.

Sincerely,



Jean Mendoza

Jean Mendoza