

# Washington State Pollution Control Hearings Board

PCHB 19-060

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Friends of Toppenish Creek versus Washington State Department of  
Ecology and the Lower Yakima Valley Groundwater Management Area  
Advisory Committee

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Friends of Toppenish Creek Closing Statement

## Closing Statement Friends of Toppenish Creek: PCHB No. 19-060

Thank you for the opportunity to appeal certification of the Lower Yakima Valley Groundwater Management Area Program. Few issues are more important. Water is life.

### **Relevant Preliminary Issues**

1. FOTC named both the WA State Dept. of Ecology and the Lower Yakima Valley Groundwater Area Advisory Committee under lead agency Yakima County in this appeal. Yakima County did not respond.
2. On July 10, 2020 FOTC filed a *Motion to Accept into Evidence* all Lower Yakima Valley Groundwater Management Area documents posted on the LYV GWMA website. The PCHB did not rule on that motion.
3. On August 6, 2020 Judge Francks signed subpoenas for Laurie Crowe, Chairwoman for the LYV GWMA Implementation Committee and Director of the South Yakima Conservation District; Lisa Freund, Director of Public Works for Yakima County; and Ryan Ibach, Chief Operating Officer for the Yakima Health District. FOTC hired professional legal couriers to serve these subpoenas and the servers were unable to locate these three witnesses.
4. Ecology erred by stating that the LYV GWMA Program was approved by consensus of the advisory committee. (Ecology Hearing Brief; page 1, line 21; page 2, line 23; page 3, line 5)

In fact, the LYV GWMA Program was approved on December 13, 2018 by a vote of 17 in favor, 2 against (FOTC and the Yakima Farm Bureau), 2 abstaining (The Yakama Nation and the U.S. Geological Survey) and one absent (Heritage University). If the Program had been approved by consensus there would be no Minority Report and no appeal.

### **Specific Conditions of the Area – Compliance with WAC 173-100-100**

The first line in WAC 173-100-100 states,

*The program for each groundwater management area will be tailored to the specific conditions of the area.*

Specific conditions in the Lower Yakima Valley (LYV) target area are:

1. In 2012 a Nitrogen Loading Screening Analysis by the U.S. Environmental Protection

Agency<sup>1</sup> estimated nitrogen loading in the LYV at

- a. Irrigated Crops – 30%
- b. Livestock – 65% (Dairy 58%)
- c. Septics and Biosolids – 3%
- d. Precipitation – 2%

2. EPA research<sup>2</sup> on a cluster of five LYV dairies found:

- a. 61% of domestic wells one-mile downgradient had nitrate levels above the safe drinking water standard of 10 mg/L nitrate N

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<sup>1</sup> & <sup>2</sup> These documents were cited in the FOTC Minority Report, Exhibit R-9 Vol IV. The attachments were not included in the Minority Report published by Yakima County

- b. Monitoring wells on the dairy cluster had readings as high as 234 mg/L nitrate N
- c. Soils on the dairy cluster showed major overapplication of manure to crops

3. LYV litigation, CARE versus Cow Palace<sup>3</sup>, found:

*In conclusion, this Court finds no genuine issue of material fact that Defendants' application, storage, and management of manure at Cow Palace Dairy violated RCRA's substantial and imminent endangerment and open dumping provisions and that all Defendants are responsible parties under the Resource Conservation and Recovery Act*

The LYV GWMA Program ignores these facts, these specific conditions.

### **Washington Water Policy Past, Present & Future**

**Uppermost Priority** RCW 90.54.140 states:

*The legislature hereby declares that the protection of groundwater aquifers which are the sole drinking water source for a given jurisdiction shall be of the uppermost priority of the state department of ecology, department of social and health services, and all local government agencies with jurisdiction over such areas. In administration of programs related to the disposal of wastes and other practices which may impact such water quality, the department of ecology, department of social and health services, and such affected local agencies shall explore all possible measures for the protection of the aquifer, including any appropriate incentives, penalties, or other measures designed to bring about practices which provide for the least impact on the quality of the groundwater.*

This is a high standard that means LYV groundwater is more important than smog, Orca whales, oil spills or nuclear waste. Yet LYV water quality is declining. (Bowen testimony, 3:29 Day 2)

**Intent of the Law** WAC 173-100-010 Purpose states

*The intent of this chapter is to forge a partnership between a diversity of local, state, tribal and federal interests in cooperatively protecting the state's groundwater resources.*

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<sup>3</sup> CARE, INC. v. Cow Palace, LLC, 80 F. Supp. 3d 1180 (E.D. Wash. 2015).

The Implementation Committee no longer includes federal or tribal interests or community representation. Nothing in WAC 173-100-010 says that the Program should forge a partnership between state interests, local interests, and polluters.

The Implementation Committee has only met twice (behind closed doors) since the Program was certified in 2019. When Yakima County stepped back from their commitment to lead, the Implementation Committee selected the South Yakima Conservation District as lead agency. Rand Elliott (1:15 Day 1 Afternoon) and David Bowen (2:55 Day 2) testified that they do not know how many people work for the SYCD and do not know the agency's annual budget. They have no idea whether the SYCD has the resources to perform this function. To date the committee has only achieved part of the first of three conditions imposed by Ecology's Certification Letter. (Bowen testimony 2:07 Day 2)

**Public safety:** Of particular interest to the community is the requirement to provide safe drinking water for people who live in the LYV. This objective was not met by the GWMA, or even addressed between 2012 and 2019. (Exhibit R-9, page 230/1803) After a year, the Implementation Committee apparently has delegated this responsibility to David Bowen, Water Quality Section Manager for Central Washington. (Bowen testimony, 2:15:50 Day 2) It is unreasonable to expect a man with so many other duties to give this task the attention it deserves. How long must the people of the LYV wait for safe drinking water?

In *Hillis v. Ecology*<sup>4</sup> Justice Robert Sanders stated in dissent:

*As a basic legal tenet when the law imposes a duty to act without providing a specific time frame the actor must perform without delay. See Larsen v. Lilly Estate, 34 Wash.2d 39, 45, 208 P.2d 150, 10 A.L.R. 2d 580 (1949) (when the law allows or requires someone to act "and no time is fixed for its exercise he must do so within a reasonable time."). Accord State ex rel. Huntington Ins. Agency, Inc. v. Duryee, 73 Ohio St. 3d 530, 653 N.E.2d 349 (1995) (where the law requires the superintendent of insurance to process applications for licensure, the superintendent must act "promptly"; a two year delay was unreasonable and, accordingly, a writ directing immediate processing was proper). If any delay is unreasonable, certainly an eight year delay is neither reasonable, "prompt," excusable, nor is it lawful. "Scandalous" would be a better word.*

**Importance of History:** We disagree in the strongest terms with Judge Francks' decision that "studies in the 1990's are not relevant to the five issues" (4:41 on Day 2).

What happened thirty years ago has a direct causal relationship to the serious LYV pollution problems that Washington State faces today. Ecology's decision to certify the LYV GWMA Program will have a profound effect on the state of the LYV aquifer(s) thirty years from now, when today's children are raising their own families, but there will be no accountability.

Our environmental laws are filled with requirements for long-term planning and long-term resource management to protect the rights of future generations. RCW 90.44.410 alone uses the term long-term four times and the word future four times. These laws were in place in the 1990's when policy makers chose voluntary measures over enforcement of laws against pollution. The LYV GWMA has opted for the same failed strategy of using the future as a dumping ground for

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<sup>4</sup> *Hillis v. State, Dept. of Ecology*, 932 P.2d 139, 131 Wash. 2d 373 (1997).

problems we are unwilling to face. (Exhibit R-9, Vol. IV, page 28)

Just thirty years ago, in 1990, one of Ecology's rare studies of nitrate pollution in the LYV found detectable nitrates in only eight out of twenty-seven wells (Ecology's Agricultural Chemicals Pilot Study, 1990). Today, thirty years later, another part of the LYV has nitrate readings that are most likely the highest in the Pacific Northwest, if not in the nation.

### **Advisory Committee Oversight WAC 173-100-090**

WAC 173-100-090 states that the groundwater advisory committee shall be responsible for assuring that the program is technically and functionally sound. What does this mean?

**Technically sound** – Is the research on a solid foundation?

I. The Program provides a WSDA estimate of how much nitrogen is produced by milk cows on page 25. This formula calculates that 80,000 milk cows in the LYV produce 14,512 tons of nitrogen annually. WSDA estimates that 35% of this nitrogen, or 5,079 tons, is emitted into the atmosphere. This leaves 9,433 tons of nitrogen available for crops, just from the milk cows.

(Mendoza testimony, 5:27 Day 2)

The LYV GWMA's NAA Mass Balance Table estimates that 1,473 tons of manure nitrogen are applied to LYV crops every year. The Program does not explain what happens to the remaining 7,960 tons of nitrogen from manure, nor does it explain what happens to emissions.

II. The Nitrogen Availability Assessment produced by WSDA and Yakima County was never approved by the GWAC. The Yakima Farm Bureau, the Environmental Protection Agency, an independent hydrogeologist, and the Friends of Toppenish Creek all submitted comments that were mostly ignored. (Exhibit R-9, page 657/1803)<sup>5</sup> WSDA simply published the study without GWAC approval and the GWMA moved forward. The NAA did not comply with the agreed upon Scope of Work. (Exhibit R-9, Vol IV, page 657/1803). There is no Quality Assessment Project Plan (QAPP) (Redding testimony, 4:22:23 Day 2)

III. To be technically sound the Program must be based on scientific research. This involves more than collecting data. Data must be analyzed and interpreted. WAC 173-100-080 recognizes this fact stating,

*Data collection, data analysis and other elements of the program development may be delegated by the lead agency to other advisory committee members.*

The LYV GWMA did not analyze data from:

1. A 2013 baseline community survey
2. A high risk well assessment
3. The 2017 USGS sampling of domestic wells and drains

FOTC analyzed the community survey but that analysis was never shared with the GWAC.

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<sup>5</sup> Comments on the NAA were attached to the FOTC Minority Report but those attachments were not published by Yakima County



(Exhibit R-9, page 228/1803). FOTC analyzed the 2017 USGS study, but the GWAC never looked at this work. (Exhibit R-9, page 684/1803). An advisory committee cannot ensure that a Program is technically sound when it is based on unanalyzed data.

**Functionally sound:** As already demonstrated by events over the past year, the Program cannot be implemented because there is no funding. The Program authors were aware of this situation when they included the caveat that *Implementation of recommendations is subject to future funding* on page 3 of the Program, Volume I. (Exhibit R-9, page 12/132).

The LYV GWMA Work Plan called for a Funding Work Group whose job was to explore and secure funding for the Program. That work group did not meet until 2017 and only met either three or four times.

Funding for the Implementation Committee was vetoed last spring. Unlike the community members who volunteered thousands of hours, the bureaucracy does not work for free.

### **Applicability of RCW 90.44.410 to Groundwater Management**

We are appalled and astounded that our own Attorney General's Office would state:

*At the outset, Ecology contends that RCW 90.44.410(1)(d) and 1(e) do not apply to the current Program* (Ecology Hearing Brief, page 4, line 24)

It is the Attorney General's sworn duty to uphold the law and not to dismantle it. WAC

90.44.400 and 90.40.410 are clear and unequivocal. There is simply no room for more than one

interpretation.

*A statute is construed so that no portion of it is rendered meaningless or superfluous. Ecology v. Theodoratus, 135 Wn.2d 582, 957 P.2d 1241 (1998); Troutlodge, Inc. v Ecology, PCHB No. 02-056 (2003) citing City of Bellevue v. Lorang, 140 Wn.2d 19, 25, 992 P.2d 496 (2000); High Dunes Vineyard v. Ecology, PCHB No. 01-189 (2002).*

*The PCHB is charged with deciding legislative intent and when the statute is plain on its face, the PCHB should give effect to that plain meaning as an expression of the Legislature's intent. High Dunes Vineyard v. Ecology, PCHB No. 01-189 (2002).*

*Where the language of a statute is not ambiguous, the PCHB will not evaluate the legislative history to ascertain the legislative intent. High Dunes Vineyard v. Ecology, PCHB No. 01-189 (2002).*

## **Issue 2**

*The Plan speaks for itself. Whether it's in there or not can be ascertained by reading the plan. (Thomas Young, 5:05 Day 2)*

1. The Program does not identify user groups
2. The Program does not identify beneficial uses specific to the LYV GWMA
3. The Program makes no projections of groundwater supply needs
4. The Program makes no projections of rates of withdrawal
5. The Program makes no population projections
6. The Program makes no land use projections

Ecology says that this does not matter because the Program only addresses water quality. FOTC adequately addressed this issue in our Opening Brief on pages 6 & 7.

## **Issue 3**

The Program does not list water resource management policies and/or practices that may impact recharge, except in the most general terms. The Program does not

1. Describe the impact of the Yakima Voluntary Stewardship Program
2. Acknowledge that the entire GWMA is a moderate to high critical access recharge area
3. Recognize RCW 90.82 and the Yakima Basin Detailed Implementation Plan

Just because a witness works for Ecology does not mean that the witness tells the whole truth.

David Bowen testified (1:53 Day 2) that there are twelve different pages in the Program that cover the topic of how water moves. Mr. Young asked Mr. Bowen for the page numbers *So the board can go through those pages.*

Mostly these excerpts contain definitions from the literature and descriptions of irrigation practices in the GWMA target area. But page 40 of the Program addresses Groundwater Flow.

- There is an error in the first sentence. This sentence describes the boundaries for the Wapato Irrigation District on the Yakama Reservation and not the LYV GWMA.
- As Melanie Redding testified (5:02:30 Day 2) the LYV is not “pancake geology”. There is not simply one surficial aquifer and one deeper basalt aquifer.
- Groundwater flow for the deeper aquifer is different from flow for the surficial aquifer. A reader who chases the references will learn this. Others are misled.

- The Program states, *Time of travel through the vadose zone is dependent on depth to water, the vadose zone material, the amount of recharge, and other factors*, but does not describe the material in the vadose zones of the LYV GWMA.
- The Program states, *Earthen materials within the vadose zone have different degrees of permeability* but does not describe permeabilities in the LYV vadose zones.
- The section concludes with a paragraph on hydraulic conductivity for the Yakima Basin as a whole. The LYV GWMA is but a small part of the large and diverse Yakima Basin. These averages are not relevant for the Program's purposes.

Ecology gambled that the PCHB would not check out Ecology's evasion. FOTC protests.

### **Issue 8**

Does the LYV GWMA program violate WAC 173-200-030, Anti Degradation Policy by allowing continued pollution of the LYV ground water?

*Existing and future beneficial uses shall be maintained and protected and degradation of groundwater quality that would interfere with or become injurious to beneficial uses shall not be allowed. (WAC 173-200-030)*

The State of Washington has been knowingly out of compliance with WAC 173-200-030 in the LYV since at least 2002 when the VIRE study was published. The only Washington State Agency with the power and authority to enforce the WA State anti-degradation policy is the WA

State Dept. of Ecology (RCWs and WACs) except that Ecology must coordinate with WSDA regarding dairies, an extra burden.

**Expert Testimony:** Ecology's expert witness Melanie Redding testified that she has not seen nitrate levels anywhere in Washington State higher than the levels recorded on the LYV dairy cluster (4:40 Day 2).

FOTC Comments: Ecology has been unable to enforce the state's anti-degradation policy using voluntary measures such as education and outreach, incentives, and permitting.

Ms. Redding stated (4:14 Day 2)

*And the thing with the GWMA plan is we already have anti-degradation implemented through the goal of what we are trying to accomplish by reducing nitrate levels below drinking water standards.*

FOTC Comments: Setting a goal is not the same thing as achieving a goal.

Previous PCHB findings are instructive. In 2006 the PCHB stated:

*The Board agrees with PSA, however, that simply stating AKART is required is not enough to meet the requirements of the law. The real issue is whether the requirements of the permit are sufficient to ensure that AKART is followed. Associated General Contractors of Washington, Building Industry Association of Washington, Snohomish County and Puget Sound Keeper Alliance versus State of Washington Department of Ecology Order of Partial Summary Judgement PCHB Nos. 05-157, 05-158 & 05-159, page 21.*

**Deduction:** The LYV GWMA Program allows continued pollution of the LYV groundwater in violation of WAC 173-200-030 because the Program shields from corrective action the most

significant sources of nitrate pollution namely: 1. Over application of manure to cropland, and 2. Leakage from aging and poorly maintained manure lagoons. The NAA does not acknowledge over application of manure to crops. The NAA assumes that all LYV manure lagoons comply with 2004 permeability standards. The Program ignores EPA data from the LYV dairy cluster and findings from the 9<sup>th</sup> Circuit Court. The Program does not list *waste disposal, including liquid, solid, and hazardous waste* as guided by WAC 173-100-100 (2) in the discussion of nitrate sources. Neither does it acknowledge contributions from accidental spills, stormwater management, or industrial and municipal spray fields

RCW 90.44.410 states *(1) The groundwater area or sub-area management programs shall include: (f) Identification of land use and other activities that may impact the quality and efficient use of the groundwater, including domestic, industrial, solid, and other waste disposal, underground storage facilities, or stormwater management practices;*

Nothing in the law says that a GWMA may screen sources of pollution and exclude sources based on perceived (not statistical) significance. If the technical team chose to eliminate permitted activities, they should have eliminated Concentrated Animal Feeding Operations with non-point source pollution discharge elimination system (NPDES) permits and stated this intention in the NAA. They did not.

**Regulatory Inaction:** The LYV GWMA had the opportunity to endorse enforcement of the laws prohibiting pollution and the GWAC chose not to do so. This happened because representatives

from industrial agriculture demanded an “all voluntary” Program with no regulatory measures.

(Davenport testimony, 2:00 Day 1 Afternoon).

In *Hillis v. Ecology* Justice Richard B. Sanders stated in dissent:

*Professor Andersen explains: “Because inaction can be a powerful form of agency action in some circumstances, judicial review of inaction serves the conventional purposes of protecting citizens and keeping agencies within legislatively prescribed bounds.” William R. Andersen, The 1988 Washington Administrative Procedure Act—An Introduction, 64 Wash. L.Rev. 781, 844 (1989).*

Justice Sanders goes on to say:

*Requiring an agency, otherwise unaccountable, to fulfill its statutory duty is the proper role of the court. See RCW 34.05.570, .574. Governmental agencies are not above the law but under it—like everyone else. Moreover, refusal to protect the statutory legal rights of any citizen is a dereliction of judicial duty which, in effect, allows lawless government to vanquish innocent citizens.*

## **Issue 9**

Ecology states,

*Implementation of these tools and actions will begin addressing the reduction of nitrate in groundwater within the Lower Yakima Valley Groundwater Management Area.*  
(Exhibit R-6 Letter of Certification)

Please look at this certification from the perspective of the people whose only source of drinking water is groundwater or bottled water. The people and Ecology have known about this problem since at least 2002 when the VIRE study was published. Now Ecology approves a plan to BEGIN addressing the reduction of nitrate in groundwater.

## Intent and Purpose

*The purpose of this chapter is to establish guidelines, criteria, and procedures for the designation of groundwater management areas, subareas or zones and to set forth a process for the development of groundwater management programs for such areas, subareas, or zones, in order to protect groundwater quality, to assure groundwater quantity, and to provide for efficient management of water resources for meeting future needs while recognizing existing water rights. The intent of this chapter is to forge a partnership between a diversity of local, state, tribal and federal interests in cooperatively protecting the state's groundwater resources. (WAC 173-100-010)*

The resulting implementation phase is the responsibility of an Implementation Committee that no longer includes representatives from federal agencies, from the Yakama Nation, or from community and environmental groups but does include dairy representation.

1. The Implementation Committee includes a man who has publicly disputed the GWMA findings regarding the sources of nitrate pollution. (Testimony of David Bowen. 2:53 Day 2)
2. The Implementation Committee has only met twice since certification.
3. Meetings of the Implementation Committee are not open to the public.
4. Three members of the Implementation Committee are so hard to find that professional subpoena servers could not locate them prior to the PCHB No. 19-060 hearings.
5. Addressing *water supply alternatives, consistent with recommendations 33 and 44, to provide immediate assistance to residents within the Groundwater Management Area boundary*, has been delegated to Ecology. Yakima County is no longer accountable.



6. Community members who contributed hundreds, if not thousands, of dollars and time to the LYV GWMA Program have been shut out

Purpose: Does the Program

*protect groundwater quality . . . and provide for efficient management of water resources for meeting future needs while recognizing existing water rights?*

Management means regulation and the LYV GWMA Program is intentionally all voluntary.

Future needs are never described in the Program. Existing water rights are never addressed

**The Program:** We suggest that the LYV GWMA proponents believe they can make a dent in the nitrate pollution of groundwater in the target area by carrying out some of the 64

Recommended Actions whenever funding is available.

This does not constitute a program. A program has measurable goals and objectives; a timeline; a plan for ongoing evaluation, and accountability. With all due respect for the PCHB's decision in Summary Judgement on other issues, these elements are still missing. This mis-named Program is only a plan for a plan.

There is funding for Ecology to sample a network of monitoring wells for a few years. There is no way to relate the impacts of recommended actions to changes in the level of nitrates in the groundwater. Evaluation is impossible.

The LYV GWMA Program did not include these elements from WAC 173-100-100:

1. A delineation of the depth zone boundaries and rationale for those boundaries
2. Delineation of aquifers
3. Aquitards
4. Hydrogeological cross sections
5. Aquifer discharge areas
6. Distribution and quantity of natural and man-induced aquifer discharge
7. Estimates of historical and current rates of groundwater use and purposes within the area
8. Projections of groundwater supply needs and rates of withdrawal based upon alternative population and land use projections
9. A problem definition section that includes:
  - a. Commercial, industrial, and municipal discharges
  - b. Accidental spills
  - c. Waste disposal including liquid, solid and hazardous waste
  - d. Stormwater disposal
  - e. Artificial recharge by injection wells
10. Definition of the extent of problems caused by each activity
11. Analysis of historic trends in terms of their likely causes
12. Documentation of declining water tables and other water use conflicts
13. Likelihood of future problems and conflicts if no action is taken

14. Identification of water use management policies that affect groundwater quality and quantity
15. Areas where insufficient data exists to define the nature and extent of existing or potential groundwater problems, for example:
  - a. Amount of compost exported from the LYV
  - b. Legacy nitrates
  - c. Abandoned wells
  - d. Emissions from animal agriculture and fertilizer application
  - e. Amount of nitrogen imported into the LYV in the form of animal feed
16. A section identifying water quality goals and objectives which recognize existing and future uses of the aquifer
17. A section identifying water quality goals and objectives which recognize annual variations in aquifer recharge and other significant hydrogeological factors
18. Water conservation
19. Conflicts with existing water rights
20. Minimum instream flow requirements
21. Rationale for choosing these strategies as opposed to other alternatives (The only rationale is that these were actions with which no one would disagree)

22. Specifically worded statements such as model ordinances, recommended governmental policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans, or basin management programs
23. A monitoring system for evaluating the effectiveness of the program – the Program simply says that the Implementation Committee should do this.
24. A process for the periodic review and revision of the groundwater management program – the Program simply says that the Implementation Committee should do this.

### **Issue 10**

Does WSDA have the authority to “construct GWMA administrative program”

Ecology mischaracterizes FOTC’s concern. We can speak for ourselves.

We are cautious because we have lived with the GWMA Program for eight years and we know the GWMA leadership’s strategy of using “bait and switch” to achieve objectives they desire before consulting the citizenry. There is no better example than the history of the GWMA Nitrogen Availability Assessment that was used as a basis for the Program, in the face of stakeholder objections.

So, when the GWMA leadership added language to an action that had already been approved

FOTC took notice. The language that “someone” added to Recommended Action #41 says,

*WSDA construct GWMA administrative program*

David Bowen testified (1:56 Day 2) that this did not mean WSDA would construct a GWMA Implementation Program. We are not convinced.

**Clean Drinking Water**

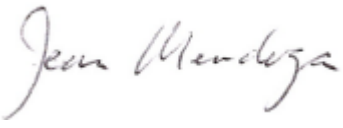
In 2017 FOTC performed some simple calculations to estimate the costs of elevated nitrates in LYV groundwater and shared this data with the Regulatory Work Group and the Data Work Group. (Exhibit R-9, pages 646 – 656). Among other impacts FOTC estimated that people in the LYV spend over \$1 million per year for bottled water.

Commissioner Elliott acknowledged costs but said he had not verified the amount. (Elliott testimony 1:06 Day 1 Afternoon) David Bowen testified that he had not analyzed the study (Bowen testimony, 2:59 Day 2). It is concerning to FOTC that two public servants and GWMA leaders did not consider this data important enough to study.

**Conclusion**

The PCHB should order Ecology to decertify the LYV GWMA and take effective actions to protect the groundwater in the Lower Yakima Valley.

Respectfully submitted this 25<sup>th</sup> day of September 2020

s/ 

Jean Mendoza

Executive Director Friends of Toppenish Creek  
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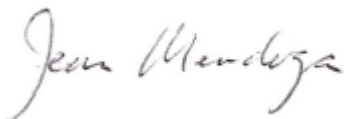
CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September 2020, I served one true and correct copy of the foregoing on the following individuals using e-mail, as stipulated by the parties in the above-captioned matter:

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