

YRCAA Implementation of the WA State Environmental Policy Act (SEPA)

The Yakima Regional Clean Air Agency (YRCAA) is the “agency with expertise” for air issues in Yakima County when there are SEPA reviews. FOTC believes that the YRCAA does not adequately perform this function during certain important SEPA reviews.

- In June of 2017 the Fryslan Calf Ranch received a mitigated determination of non-significance, a SEPA approval, to set up a calf feeding operation south of Mabton. One of the conditions for that MDNS was:

Mitigation Measure B1: The applicant shall submit a Dust Control Plan to the Yakima Regional Clean Air Agency prior to the start of construction. During both construction and normal operations, the applicant must comply with the provisions of the submitted Dust Control Plan and all permitting and regulatory requirements set forth by the Yakima Regional Clean Air Agency.

Fryslan never received YRCAA approval of a dust control plan and the YRCAA never notified regulators of this failure.

- In 2019 Ostrom Mushrooms applied for an air quality permit when Ostrom relocated to the Port of Sunnyside from Thurston County. The YRCAA issued a permit without a SEPA review despite the fact that Ostrom relocated due to air pollution problems in Thurston County. The YRCAA simply incorporated a SEPA review for the Port of Sunnyside that did not anticipate a mushroom factory. The air quality permit only looked at emissions from machinery, and not from compost and fertilizers used to grow mushrooms. See attached emails below.
- In 2022 Pacific AG began permitting applications for the purpose of constructing a manure methane bio-digester at the Port of Sunnyside. One step in the process was a SEPA review with the City of Sunnyside as the lead agency. Sunnyside posted a Notice of Environmental Review in May of 2023 and requested comments from agencies with expertise. This included the YRCAA, the agency with expertise for air issues. The YRCAA did not comment.¹

In November of 2023 Sunnyside posted a Notice of Addendum. The YRCAA submitted comments that simply advised that the project would need to apply for a New Source Review and submit a dust control plan. Sunnyside issued a Revised MDNS in January of 2024 and a second Revised MDNS in March of 2024. Throughout the process there was no analysis of air impacts from the operation of a bio-digester. ² FOTC believes that an

¹ City of Sunnyside. Mitigated Determination of Non-Significance 2023. [Preliminary Mitigated Determination of Non-significance](#)

² City of Sunnyside. Mitigated Determination of Non-Significance 2024. [Preliminary Mitigated Determination of Non-significance](#)

agency with expertise must do more during a SEPA review than simply rubber stamp project approval

- The DTG Limited Purpose Landfill, formerly Anderson Rock Quarry and Landfill, has operated without an air quality permit for decades. A 2015 SEPA review said that Anderson must acquire an air quality permit, but the facility never did. And YRCAA never issued a notice of violation.

Recently neighbors became so stressed over DTG air emissions that they complained to WA Ecology and to the YRCAA. The YRCAA subsequently issued an “after the fact” air permit to DTG that has been challenged before the WA State Pollution Control Hearings Board. Issues to be decided include: ³

- Whether YRCAA complied with the procedural requirements for environmental review under SEPA?
- Did YRCAA comply with lead agency rules for designating lead agency including but not limited to WAC 197-11-050 and WAC 197-11-922; WAC 197 11-924, and WAC 197-11-930?
- Whether YRCAA was obligated to assume lead agency status under the SEPA rules?
- Whether on March 8, 2024, YRCAA failed to comply with SEPA in issuing the New Source Review Order of Approval on Permit # NSRP-03-DTGEI-22 for the Limited Purpose Landfill (LPL) located at 41 Rocky Top Rd, Yakima, WA 98909?
- Whether Yakima Regional Clean Air Agency (YRCAA) complied with procedures for use of existing documents, including WAC 197-11-600, - 630, - 635 and/or – 640?

These instances of problems with SEPA lead FOTC to conclude that the YRCAA does not understand and implement SEPA properly and/or in the best interests of the citizenry.

³ WA State Pollution Control Hearings Board. [PCHB No. 24-021 Friends of Rocky Top \(FORT\), Nancy Lust, and Carole Degrave v. Yakima Regional Clean Air Agency, and DTG Enterprises Inc. dba DTG Recycle – Yakima](#)

Attachment 1: Emails re YRCAA permitting of Ostrom Mushrooms

From: Jean Mendoza [mailto:jeanrmendoza@icloud.com]

Sent: Sunday, July 16, 2023 9:48 PM

To: Pamela Herman

Subject: Re: 2023-008 Mendoza

Hello Pam,

I did not find an air quality permit for Ostrom's Mushrooms on the disc we received. I did not find a completed New Source Review application on this disc.

On page 7/209 the material says, "Wade – See attached. The SEPA certification is signed by the City of Sunnyside. Please let me know if there is anything else that you need. Have a great day. Best, David" But there is no SEPA certification for Ostrom's in the material you sent.

On page 13/209 the material says, "Hi Keith and Hasan, I have attached information about the mushroom growing operation and am expecting detailed information on the composting today. I'll forward that along when I get it. I have also attached a file that shows the location of where they are planning to locate the new operations. The section marked "Lot B" in the Midvale Road Industrial Park PDF is the location. Thanks again for your help with this project. Jonathan Smith, CECD" but I don't find this information or the attached file on the disc.

There is an NSR Application from 4/18/19 on pages 22 to 33, but it is incomplete. There is no quantification of expected emissions.

The SEPA File 03-008 on page 34 is for the Port of Sunnyside, not Ostrom's.

The Air Dispersion Modeling Report on page 47 has emissions from boilers only and not for the compost needed to grow mushrooms.

On page 103: This item is page 10 of 15. Would you send the other 14 pages and identify this document?

Pages 177, 178, & 179 contain unfilled pages that look like part of a SEPA document. Are these related to Ostrom's NSR application?

Pages 181 to 186 appear to contain part of an NSR application. There are missing pages and missing information.

The MDNS SEPA 03-008 on page 206 is for the Port of Sunnyside, not for Ostrom's. Thanks for your help in finding the information we requested. Please don't close our request yet.

Jean Mendoza

From: Wade Porter
Sent: Monday, July 17, 2023 2:40 PM
To: Pamela Herman
Subject: RE: 2023-008 Mendoza

Pam,

I have attached a complete NSR application, and the NSRP (the Permit).

The Port of Sunnyside MDNS is what Ostrom used to satisfy the SEPA, The city of Sunnyside signed off on this.

The only modeling that was done was for the boilers. Composting was not part of the application. We did not permit any type of composting.

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