

# Environmental Justice Council

## October 27, 2022 Meeting Materials

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# Consejo de Justicia Ambiental

Jueves 27 de octubre de 2022

de 3:00 p. m. a 7:30 p. m.

Para unirse al seminario web, haga clic en el siguiente enlace:

<https://us02web.zoom.us/j/88001431297>

o llame por teléfono al +1 253 215 8782 (EE. UU.)

Id. del seminario web: 880 0143 1297

## Propuesta de orden del día

De 3:00 p. m. a 3:20 p. m.	I. Bienvenida y presentaciones	Tevin Medley, facilitador Miembros del Consejo
De 3:20 p. m. a 3:25 p. m.	II. Aprobación del orden del día - Posibles medidas del Consejo	Tevin Medley Miembros del Consejo
De 3:25 p. m. a 3:30 p. m.	III. Aprobación de las notas de la reunión del 22 de septiembre de 2022	Tevin Medley Miembro del Consejo
De 3:30 p. m. a 4:20 p. m.	IV. Establecimiento de prioridades del Consejo y unidad del Consejo Meta: Entendernos mejor unos a otros y nuestras aspiraciones, metas y prioridades como Consejo. - Posibles medidas del Consejo	Tevin Medley Miembros del Consejo
Receso de 15 minutos		
De 4:35 p. m. a 4:55 p. m.	V. Comentarios públicos	
De 4:55 p. m. a 5:55 p. m.	VI. Adopción de el artículo II del Proyecto de reglamento (estructura del comité ejecutivo, proceso de nominación y elección) con la posible nominación y elección de la dirección del Consejo	Tevin Medley Miembros del Consejo

- Posibles medidas del Consejo		
Receso de 15 minutos		
De 6:10 p. m. a 7:00 p. m.	VII. Adopción de las prioridades de financiación para la Ley de Compromiso Ambiental  - Posibles medidas del Consejo	Tevin Medley Allison Camden, Departamento de Transporte del Estado de Washington Miembros del Consejo
De 7:00 p. m. a 7:30 p. m.	VIII. Cierre y saludos	Tevin Medley Miembros del Consejo

Información importante:

- El Consejo puede cambiar los asuntos del orden del día el mismo día de la reunión.
- El número de contacto de emergencia durante la reunión es 360-584-4398.
- Si desea solicitar este documento en un idioma o formato alternativos, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) o llame al 360-584-4398.

# Environmental Justice Council

Thursday October 27, 2022

3:00pm – 7:30pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88001431297>

Or Telephone: US: +1 253 215 8782

Webinar ID: 880 0143 1297

## Draft Agenda

3:00 PM – 3:20 PM	I. Welcome and Introductions	Tevin Medley, Facilitator Council Members
3:20 PM – 3:25 PM	II. Approval of Agenda -Possible Council Action	Tevin Medley Council Members
3:25 PM – 3:30 PM	III. Approval of September 22, 2022 Meeting Notes	Tevin Medley Council Member
3:30 PM – 4:20 PM	IV. Council Priority Setting and Council Unity Goal: To better understand each other and our aspirations, goals, and priorities as a Council. -Possible Council Action	Tevin Medley Council Members
15 Minute Break		
4:35 PM – 4:55 PM	V. Public Comment	
4:55 PM – 5:55 PM	VI. Adoption of Article II of Draft Bylaws (Executive Committee Structure, Nomination and Election Process) with Possible	Tevin Medley Council Members

Nomination and Possible Election of Council Leadership -Possible Council Action		
15 Minute Break		
6:10 PM – 7:00 PM	VII. Adoption of Climate Commitment Act Funding Priorities  -Possible Council Action	Tevin Medley  Allison Camden, Washington State Department of Transportation Council Members
7:00 PM – 7:30 PM	VIII. Check-out and Farewell	Tevin Medley Council Members

Important Information:

- The Council may move agenda items around on the day of the meeting.
- Emergency contact number during the meeting is 360-584-4398.
- To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or 360-584-4398.

# Draft Minutes of the Environmental Justice Council

September 22, 2022 Meeting

2:00pm-5:00pm

Virtual meeting via ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes now include only very high-level points and the final decisions made along with voting records. The full meeting recordings can be found on the Council's website: [Environmental Justice Council Meetings | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncilMeetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or by calling 360-584-4398.

## Council Members Present:

- Council Member Nichole Banegas
- Council Member Maria Batayola
- Council Member Maria Blancas
- The Honorable Patrick DePoe
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Dawn Vyvyan on behalf of the Honorable Sylvia Miller
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell
- Council Member Raeshawna Ware

## Council Members Absent:

- The Honorable Jarred-Michael Erickson
- The Honorable Sylvia Miller
- The Honorable Misty Napeahi

### Agency Liaisons Present:

- Melissa Schutten representing Laura Blackmore and Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources
- Allison Dane Camden, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology

### Agency Liaisons Absent:

- Department of Health

### Council Staff Present:

- Sierra Rotakhina
- Theo Cielos
- Rowena Pineda

Theo Cielos, Council Staff, gave instructions on how to enter the language interpretation channels and see the closed captions.

Rowena Pineda, Council Staff, called the public meeting to order at 2:09.

## I. Welcome and Introduction

Rowena Pineda, Council Staff, opened the meeting and facilitated Council Member and staff introductions.

## II. Approval of Agenda

The Council came to full consensus with members present and adopted the agenda as posted in advance of the meeting without changes. The following Council Members were absent for this agenda item:

- The Honorable Patrick DePoe

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- The Honorable Jarred-Michael Erickson
- Council Member David Mendoza
- The Honorable Sylvia Miller
- The Honorable Misty Napeahi

### III. Approval of Past Council Meeting Notes

The Council came to full consensus with members present and adopted the June 22, 2022 and July 28, 2022 as posted in advance of the meeting without changes. The following Council Members were absent for this agenda item:

- The Honorable Patrick DePoe
- The Honorable Jarred-Michael Erickson
- Council Member David Mendoza
- The Honorable Sylvia Miller
- The Honorable Misty Napeahi

### IV. Discussion/Decision on Governance: Role of Co-Chairs and Process for Electing Co-Chairs

- The Council discussed and shared concerns and proposed edits on Article II of the draft bylaws.
- They discussed the urgency of getting Council leadership in place and discussed the idea of nominating and/or electing Co-Chairs at today's meeting. The group did not come to consensus on the language of Article II of the bylaws or on nominating and/or electing leadership today. These actions were tabled for future Council meetings.
- Staff will work for Council Members to edit Article II of the bylaws to address concerns expressed at today's meeting. Council Members Batayola and Vice Chairman DePoe volunteered to support.

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- Vice Chairman DePoe would like to work with staff on the Centennial Accord as well as work with staff on talking points with Legislators.

## V. Public Comment

Theo Cielos, opened the public comment period. Nobody signed up to provide public comment at the meeting. Council Member Min referred Council Members to the written public comments included in their meeting packets.

## VI. Council Workplans and Prioritization of Work

The Council did not address this agenda item at the meeting.

## VII. Discussion of Community Engagement and What the Council Would Like Agencies to Include in the Annual HEAL Updates to the Council

The Council came to consensus and adopted the following questions that they are recommending the HEAL Agencies answer in their annual updates to the Council:

1. What HEAL obligations have been implemented or are in process?
2. What budget amount was requested and fulfilled to implement HEAL during the 2021-2023 biennium?
3. How much was funded, and was it enough?
4. How are funds being used?
5. Have you requested increased funding for next biennium?
6. What barriers are you encountering in your implementation, how are you planning on overcoming those barriers in the next year, and what are your resource needs to overcome those barriers?

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7. Who identified those barriers (Community comment/complaint? Was there an incident that showed this as a barrier? Etc.).
8. How are you planning to implement HEAL in the next fiscal year?
9. Information on community engagement by region/information through an equitable lens.

**Council Members Present for this Vote:**

Council Member Nichole Banegas: A: Yes, I approve  
Council Member Maria Batayola: A: Yes, I approve  
Council Member Maria Blancas: A: Yes, I approve  
The Honorable Patrick Depoe: A: Yes, I approve  
Council Member Running-Grass: A: Yes, I approve  
Council Member Rosalinda Guillen: A: Yes, I approve  
Council Member Aurora Martin: A: Yes, I approve  
Council Member David Mendoza: A: Yes, I approve  
Council Member Esther Min: A: Yes, I approve  
Council Member Nirae Petty: A: Yes, I approve  
Council Member Todd Mitchell: A: Yes, I approve  
Council Member Nichole Banegas: A: Yes, I approve  
Council Member Raeshawna Ware: F: I stand aside, recuse myself

**Council Members Absent for this Vote:**

The Honorable Jarred-Michael Erickson  
The Honorable Misty Napeahi  
The Honorable Sylvia Miller

Vice Chairman DePoe voted yes, but noted that would like to ask for something supplemental later on, because there were no Tribal questions included. So he we could like the group to circle back to

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that later. He noted that he didn't want to stop this being adopted, that this is great work, and these questions are important.

Melissa Schutten, Puget Sound Partnership, noted in chat she would provide guidance to the HEAL Interagency Workgroup members to respond to Tribal HEAL mandates and will engage with the Tribal Liaison Workgroup as well.

#### VIII. Updates on Conversations with the Governor's Office

The Council did not address this agenda item at the meeting.

#### IX. Check-out and Farewell

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# Environmental Justice Council

**Date:** October 27, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Environmental Justice Council Manager

**Subject:** Council Priority Setting and Council Unity

## Background and Summary:

As the Environmental Justice Council (Council) is newly forming Council Members have asked for opportunities to establish norms, values, principles, and priorities that build unity among the Council. The Council will have an opportunity at the October 27<sup>th</sup> Council meeting to revisit and potentially amend the meetings norms the Council adopted at its April 4, 2022 meeting; learn who each other are to build unity; discuss Members' aspirations, goals, and priorities for the Council; and establish values and principles for how the Council wants to work together.

Additionally, the Council will have time to debrief the September 22<sup>nd</sup> Council meeting and the September 20<sup>th</sup> memo to Council staff. The following materials are included in the meeting packet for reference to support this discussion:

- 1) Council norms adopted at its April 4, 2022 meeting
- 2) Council adopted decision-making process
- 3) September 20<sup>th</sup> memo to Council staff from Council Members Rosalinda Guillen, Maria Batayola, Maria Blancas, and Lua Pritchard

The Council may choose to just discuss these topics or take actions such as making updates to the norms, adopting values and principles, adopting priorities, etc.

## Staff Contact

Sierra Rotakhina, Council Manager, [sierra.rotakhina@doh.wa.gov](mailto:sierra.rotakhina@doh.wa.gov), 360-584-4398

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# Environmental Justice Council Meeting Norms

Adopted April 4, 2022

- Embrace and use wonder and curiosity
- Suspend judgment of self and others
- Honor your lived experiences and those of others, speaking your truth and allowing others to do the same
- Lean into bravery, courage, vulnerability, and discomfort
- Try it on
- Remember we may not reach resolution or closure
- Share space and time
- Seek clarification, resist assumptions
- Participate as fully as you feel comfortable/are able
- Listen deeply
- Keep our purpose at the forefront of our minds
- None of us are perfect, we come from different schooling of life, people make mistakes, receive and understand that we are not perfect (we are beautifully imperfect)
- Move toward action, even if action is exploratory
- Keep it simple
- To seek clarification
- Assume positive and good intent
- Don't always have to reinvent the wheel, lean on other EJ groups and examples of actions as needed
- Keep our eyes on systemic change to be our best possible ancestors

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# Environmental Justice Council Decision-Making Process

Adopted by the Council on June 22, 2022

The Council will use a consensus-based decision-making process similar to Fist of Five. Ex officio liaisons will be engaged in the discussion and proposal formation, but will not be a part of roll-call for final consensus.

- The Council will check for consensus (using a “straw poll”) after thoughtful dialogue where all members have a chance to voice their concerns, ideas, and perspectives.
- Council members can choose one of the following with an opportunity to share why they are taking this position:

- a. Yes, I approve.
- b. Yes, with reservations.
- c. Not voting until we have further discussions.
- d. I don’t approve, but I won’t block.
- e. I block. Serious concerns.
- f. Stand aside. Recuse myself.

The position that each Council Member takes and their reasoning (if they want to share it) will be captured in the meeting notes.

The meeting facilitator can bring a motion to the table on behalf of a Council Committee or any Council Member in the meeting can bring forward a motion for discussion.

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ENVIRONMENTAL JUSTICE COUNCIL

COMMUNITY REPRESENTATIVE MEMORANDUM

DATE: September 20, 2022

TO: Sierra Rotakhina, Rowena Pineda, Theo Cielos  
Staff - WA Environmental Justice Council

Cc: Environmental Justice Council, State Agency Representatives and Liaisons

FROM: Rosalinda Guillen, Maria Batayola, Maria Blancas, Lua Pritchard,  
Nirae Petty, Aurora Martin

RE: Next Steps for EJ Council Leadership, Administration, Staff Support of Council  
Priorities and Community Policy Review

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As we head into the last quarter of the year, we find it important and necessary for environmental justice community members of the Council to give feedback and reset priorities for the Environmental Justice Council (EJC). The Council is in its formative stage, and it has already faced significant challenges in getting appointed on time, a packed agenda that has been dominated by the requirements of the new cap and trade program, all while trying to fulfill its core obligations of the HEAL Act.

As environmental justice community representatives on the EJC, we want to bring our collective thoughts regarding the EJC to re-anchor us to the HEAL Act. We are also mindful of Tribal sovereignty and tribal interests. We look forward to learning from and working together with EJC tribal representatives to understand what might be the areas of shared interests and specific collaboration between community and tribal efforts, and also to identify the areas which prompt a pathway for government-to-government consent and consultation.

The creation of the HEAL Act and Council was a community-led effort to advance environmental justice with a particular goal of "**[meaningfully involving] all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies.**" Its unique role is to provide the voice of community to guide and complement the much more robust capacity and influence of agencies and the governmental interagency work group with the aim to reduce the health disparities of our most overburdened communities and enshrine environmental justice practices that are responsive to overburdened community demands.

As a community-led effort, it requires community leadership in the form of Council co-chairs to be immediately selected. See item 1 on requested EJC staff actions.

As community representatives serving on the EJC, it is critical to recognize and appreciate the collective expertise which is as broad and deep as the diversity of the many communities we each represent and serve. The thousands of people we represent across the state are some of the most at-risk frontline communities who not only endure the environmental health disparities, but also have some of the most forward-thinking ideas and solutions aimed to address the root problems of the climate crisis we face. We draw upon not only our lived experiences and knowledge from rural and urban regions, but also from the interdisciplinary collective expertise touching on many areas from community practices, law, policy, health sciences, social sciences, and many other interests and skills. Conversely, it is critical to support the development of advisory networks of impacted groups to not fall in the trap of falsely expecting singular EJC community members to know all EJ community issues.

**We want the EJC to operate as authorized under the HEAL Act with these principles:**

- The Promise and Power of HEAL centers on **Equitable Governance**. The Council serves as a critical partner with governmental and nongovernmental stakeholders to ensure Washington State fulfills the spirit and substance of the HEAL Act. To this end, we understand that our work as Council members is to ensure that the environmental justice principles and goals laid out in the HEAL Act are effectively addressing the systemic environmental health disparities so many communities have endured over generations. As we engage with many HEAL state agencies, our Council members are uniquely positioned to examine the influential drivers and potential solutions to the intersectional issues which include environmental racism, economic opportunity, local pollution, energy justice, mobility and transportation, food systems, climate resilience and more.
- **Equitable Participation and Process**. Our Council's ability and effectiveness to examine, analyze and advise the Executive Office and state agencies, necessarily depends on a meaningfully robust process of Council review and deliberation. The unprecedented nature of this moment and what HEAL calls for, are significant. We understand the enormity of what is at stake – the institutional changes and implications for agency resource allocations outlined by HEAL, together with the projected revenue and expenditure goals of the Climate Commitment Act. We imagine and are rising to the occasion of what we believe is the uncharted nature of this ambitious set of processes and plans.
- Our Council represents the possibilities of **Participatory** Governance and that our insight and input will inform the rebalancing of laws, policies, practices, and resources of state agencies so that they may enshrine the environmental justice values to which the



HEAL Act aspires. We need support to rebalance the resource disparity with departments so we can do our part in assessing and advising on the community engagement and strategic plans, environmental justice assessments, and other issues brought before the Council. We aim to also engage in thoughtful deliberation of proposed rules and investments stemming from the new Climate Commitment Act (CCA), whose key provisions also refer to HEAL and the importance and role of the EJC and overburdened communities. Case in point, our EJC should have its own EJ consultants to ensure a balanced approach and discussion of issues.

- Therefore, **the HEAL Act should serve as EJC’s policy guidance and framework** for our Council, CCA and other Policy Review. To the extent that the HEAL Act and CCA are intended to address the issues of environmental justice and climate change, the HEAL Act guides our Council role. In our equitable governance and advisory role, we will examine the related rules and implementation of changes in HEAL agencies *and* the CCA as a complex mechanism for revenue generation, community investments, as well as climate change solutions through the lens of a cohesive approach to environmental justice, and thus with deference to HEAL where there may be an appearance of ambiguity or contradiction.

It is within this context that we request the immediate next steps to ensure the effective and efficient organization and administration of the EJ Council and its work assignments.

1. **Nominations and election of council co-chairs**: Nominations and elections for community co-chairs and executive leadership must take place and selections made no later than September 2022 EJC meeting. Upon the election of a chair, EJC staff should take direction from the chairs in determining the agenda, formats, timing etc. of meetings and all other aspects related to Council.
2. **Agenda items that move the council towards obligations of HEAL**: All upcoming meetings of the EJC should focus on understanding the current health disparities in Washington and tools that the council can use to remedy and prevent further harm to overburdened communities.
3. **Consulting with EJC on any new staff funding requests**: As the Department of Health and the EJC staff put together their decision packages for the upcoming legislative session, the EJC should be consulted on new funding requests and programs related to the HEAL Act. While the HEAL Act doesn’t call for agencies until next July, the Department of Health and the EJC staff should get ahead and actively work with the EJC now until the end of session on agency request legislation.
4. **Staff support for Council Members**: The HEAL Act describes the Council staff roles as being in support of the Council. Therefore, EJC staff should first seek to understand the priorities of Council and respond to inquiries and issues driven by Council concerns rather, and prior to considering the Interagency Work Group or other agency driven priorities in EJ Council use of time. Council staff should be in regular conversation with Councilmembers within meetings and outside meetings as appropriate to understand

direction and use of staff capacity desired by the Council. In particular the members designated to represent communities should be given leeway to more deeply involve communities and community resources to ensure there is not a bottleneck in ability to participate, including invited participants to select meetings or ensure access to information.

5. **Agenda and scheduling of EJC meetings**: Meetings for the EJC have been scheduled for 4 hours or longer, with often very little time for EJC members to discuss agenda items among themselves. The length of these meetings is not conducive to the goals and productivity of the EJC. Moving forward, meetings should not be longer than 3 hours with a built-in break. If there is a need for the council to meet for more than 3 hours the EJC staff should consider breaking up meetings longer into 2 days. Furthermore, EJC meetings and subcommittee meetings should not be announced with less than a seven days' notice. EJC members currently all volunteer their time and have other obligations outside of the EJC. It is not fair and counter to the HEAL Act to schedule meetings with little notice.
6. **List of Contact information**, especially Emails for EJ Council Members and agency staff liaisons or point people with whom EJ Council will regularly engage.

We look forward to dialogue and a positive response.

# Environmental Justice Council

**Date:** October 27, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Environmental Justice Council Manager

**Subject:** Adoption of Article II of Draft Bylaws

## Background and Summary:

The Governance Committee has drafted bylaws for the Council's consideration. Today the Council will discuss Article II of the bylaws which outlines the structure of an Executive Committee and the process for nominating and electing leadership.

The full Council discussed Article II of the bylaws at its September 22, 2022 meeting. Since that meeting the Governance Committee has made edits to the draft bylaws to reflect the ideas and concerns Council Members shared at the September meeting. The Council will have time to discuss Article II of the bylaws today, make amendments as needed, and potentially adopt this article. If time allows, the Council may choose to begin nominations today as well.

The full draft bylaws are included in today's meeting packet. While the Council will focus on Article II today, if Council or community members have feedback on any aspects of the draft bylaws, please send your feedback to Council staff.

## Governance Committee Recommended Action:

The Governance Committee recommends that the Council review, amend if needed, and adopt the following motion:

The Environmental Justice Council adopts Article II of the bylaws outlining the Council Executive Committee with amendments agreed upon at today's meeting.

## Staff Contact

Sierra Rotakhina, Council Manager, [sierra.rotakhina@doh.wa.gov](mailto:sierra.rotakhina@doh.wa.gov), 360-584-4398

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## Article I: Council Membership

### Council Appointments

The Governor appoints 16 Members of the Environmental Justice Council (Council) as described in [RCW 70A.02.110](#). Covered agencies shall serve as nonvoting, ex officio liaisons to the Council as described in [RCW 70A.02.110](#).

### Council Member Terms

Council Member term lengths are outlined in RCW 70A.02.110. The statute does not indicate how many terms a Member can serve which means that the Governor determines term limits.

### Delegates/Alternates

Still being drafted.

### Council Member Stipends and Reimbursement

Council Members may be eligible to receive stipends and reimbursement for travel, lodging, and child and adult care, as funding allows, as members of a class one group in compliance with [RCW 43.03.220](#), [RCW 43.03.050](#), and [RCW 43.03.060](#) and in alignment with the Office of Equity guidance required under [RCW 43.03.270](#).

## Article II: Council Executive Committee

### Council Executive Committee Duties

The full Council elects three to five voting members of an Executive Committee from which two Members will serve as Co-Chairs of the Council. The Executive Committee shall include at least one Tribal Representative and at least one Community Representative. The Executive Committee may meet when at least three members are present, including one Tribal Representative and one Community Representative.

The Executive Committee is responsive and accountable to the full Council. The Executive Committee works to implement the full Council's decisions made by consensus and has a responsibility to report back to the full Council, keep the Council informed, and seek guidance and feedback from the Council to improve Executive Committee processes and ensure it is fulfilling the Council's vision.

The Executive Committee helps organize the work of the Council and works with staff by supporting the Council in at least the following ways:

1. Determines the issues that have the potential to impact Tribes and Tribal communities and notifies potentially impacted Tribal Governments.
2. Organizes the agenda with input from the Council Committees and Council Members.
3. Works with staff between meetings as needed to develop proposals for full Council review.
4. Regularly communicates and coordinates with the Council's Committees and receives regular reports from the Committees.
5. Works with Council staff to communicate with the full Council to identify the best Council Members to serve as spokespeople for the Council on a case-by-case basis.
6. Signs Council letters, memos, and other correspondence that have been adopted by the full Council. The Executive Committee may ask the Council Manager to sign Council-adopted correspondence as appropriate.
7. Facilitates and administers the Council's work and workflow by managing the Council staff in their efforts to implement Council decisions, follow-up, and respond to other Council business as directed by the Council, its Committees, and Members.
8. Ensures accountability of the Council to equitable governance with communities highly impacted by environmental health disparities and their needs and solutions.

In addition to the duties of the Executive Committee outlined above, the Co-Chairs duties include:

- Facilitate at Council meetings or delegate meeting facilitation to staff, other Council Members, or an outside facilitator as appropriate.
- Guide staff in communicating with Council Members as needed between meetings to support engagement with the Council.
- Call special meetings as needed in accordance with [RCW 42.30.080](#). The Co-Chairs will be responsive to requests from any Council Member to call a special meeting.

In addition to the duties of the Executive Committee outlined in above, the duties of the Executive Committee Tribal Representative include:

- In collaboration with the other Tribal Representatives on the Council, direct staff on the Council's Tribal engagement.
- Facilitate discussions with the Tribal Representatives to determine when an issue before the Council impacts Tribes (including but not limited to issues that impact treaty rights).
- Lead discussion on agenda items concerning issues that impact Tribes.

## Nomination and Election of Executive Committee

### Nominations

Any Member of the Council can nominate themselves or another Governor-appointed Council Member to one of the specific Executive Committee seats at a Council meeting or by communicating the nomination to Council staff prior to the meeting. Each Council Member will be notified of their nomination. Each Council Member who accepts their nomination will review the duties of the Executive Committee as outlined in the bylaws and consider their time, capacity, and ability to follow-through on these duties and then will then have an opportunity to share with the full Council how they would approach this role. After each nominee has had the opportunity to address the Council, the Council will hold a public vote.

## Election of the Executive Committee

Each Executive Committee seat is elected by a majority vote of the Council. If no one nominee receives a majority of the votes, the Council will hold a run-off election between the two nominees who received the largest number of votes.

The full Council will elect the Executive Committee Members in the following order: 1) Executive Committee Tribal Representative 2) Executive Committee Community Representative and 3) Executive Committee open seat(s).

## Election of the Co-Chairs

Following the election of the Executive Committee Members, the Council will elect, through majority vote, two Co-Chairs from among the Executive Committee Members. Any Member of the Council can nominate Co-Chairs from among the Executive Committee Members by communicating the nomination to Council staff. A Council Member who accepts their nomination will review the duties of the Co-Chairs as outlined in the bylaws and consider their time, capacity, and ability to follow-through on these duties and will then have an opportunity to share with the full Council how they would approach this role.

The Council will vote for two Co-Chairs from a ballot that includes tickets with each possible combination of Co-Chairs who have been nominated. If no Co-Chair ticket receives a majority of the votes, the Council will hold a run-off election between the two tickets that received the largest number of votes.

## Executive Committee Terms

The Executive Committee Members are each elected to two-year terms as required by [RCW 70A.02.110\(2\)](#). Their term starts upon election and continues until one of the following occurs:

1. Their two-year term as an Executive Committee member ends;
2. The end of their appointment to the Council;
3. They resign; or



4. Upon the request for replacement by the majority of the Governor-appointed Council members.

## Article III: Meetings of the Council

### Quorum

A quorum is nine Governor-appointed members of the Council. The Council may discuss issues and deal with administrative matters in the absence of a quorum, but it may not take any significant action (including but not limited to adopting any resolution, letter, guidance, recommendations, or other position) during a meeting if a quorum is not present. The Council may entertain a motion to adjourn without a quorum.

Because the Council uses a consensus-based decision-making process, the Council members present at a meeting may choose to delay significant decisions even if the present members determine that, while a quorum is present, a larger proportion of the Council should be present for the decision under discussion.

Anyone participating in the meeting, including a member of the public in the audience, may call for a roll call at any time after a quorum has been established. If a quorum is not present at the time of the roll call, no further actions can be taken by the Council unless additional members enter the room and re-establish a quorum.

### Decision-Making Process

Council decisions are potentially complex with far-reaching implications and impacts. The goal of the Council's decision-making tool is to bring about consensus with rigorous and candid discussions towards shared understanding and appreciation where interests, agreements and disagreements exist.

Topics of discussion can be brought up by any Council Member or staff. When it appears that the discussion on the topic is exhausted, and the group is ready to decide on an action, the next steps are dependent on if the action is A) a routine decision or B) a substantive decision:

A) For routine decisions (e.g., approving the agenda, approving the previous meeting minutes):

1. Proposing an action to be taken
  - a. The facilitator asks the Council what action to take if any, given the previous discussion.
  - b. A Council member suggests a course of action to take using the language “I move that ....”
  - c. The facilitator asks, “Is there any objection?”
  - d. If none, the facilitator calls a verbal vote by asking for all members who support the motion to say “yes,” then for all who oppose the motion to say “no,” and for any abstentions. If no Council member vocalizes a “no” or abstains, the motion is adopted.
  - e. If any Council members says no or abstains the facilitator re-opens the discussion.
  - f. If concerns are easily resolved this can go to back to a quick verbal vote. If concerns are not easily resolved this requires more substantive discussion and should shift to process B below.

B) For substantive (non-routine) decisions such as adopting recommendations or guidance, taking a position, directing significant staff work, or any issue that has potential to impact

Tribes:

1. Note: Insert process for determining at the outset of this is a decision that will impact Tribes. The Governance Committee is recommending a consensus-development process for issues that impact Tribes referenced in Article II. (If a decision tree process is adopted, then we would look toward a different consensus-based model for tribal issues).
2. Proposing an action to be taken

- a. The facilitator asks the Council what action to take if any, given the previous discussion.
  - b. A Council member suggests a course of action to take using the language “I move that ....”
  - c. The facilitator asks, “Is there any objection?”
  - d. If none, the Council proceeds with the discussion of the proposed action.
3. Discussion occurs
  4. Testing for consensus: Where it appears that discussion is exhausted, the facilitator calls for a “straw vote” on the proposed motion. Council members will vote using one of the following six options:
    - A. Yes, I approve.
    - B. Yes, with reservations.
    - C. Not voting until we have further discussions.
    - D. I don’t approve but won’t block.
    - E. I block. Serious concerns.
    - F. Stand aside. Recuse myself.
  5. Identifying areas of additional discussion: The facilitator recaps the vote and asks the respective participants with the following votes to share their thoughts:
    - B - Their reservations
    - C - Areas needing additional discussion
    - D - Reason for disapproval
    - E - Serious concerns
    - F - Reason for recusal
  6. The facilitator asks Council members to ask said voters for clarification on what was shared. Group discussion might follow, and suggested amendments might be offered.

7. Voting on the proposed action (with or without amendments): When it appears that the discussion is exhausted, the facilitator checks with the Council members to see if they are ready to vote. If they are, the facilitator moves forward with the vote.
8. When the voting is done, the facilitator announces the results of the vote. There is only consensus if all votes are A, B, D, or F.
9. If consensus was not reached, the Council hold a second round of discussion by returning to step two and following the subsequent steps.
10. For issues that do not impact Tribes, if after two rounds of discussion and consensus testing the Council does not reach full consensus, the Council may move away from adopting a motion and either 1) table the discussion for a future meeting or 2) decline to adopt a motion and instead develop a summary of the nuances in the discussion, Council member concerns, and a description of why consensus was not reached. For issues that do impact Tribes (as determined in step 1 above), if the Council does not reach consensus then the statement from the Council will be restricted to “the Council did not reach consensus.”

Notes: This Article on meetings will need to comply with the Open Public Meetings Act.

Addition topic areas are still be drafted and could include: regular Council meetings; special Council meetings; requirements for in-person, virtual, and hybrid meetings; language justice/access requirements; adjournment; meeting minutes and agendas; meeting procedures such as public hearing protocols, protocol for meetings interrupted by a person or group of people, meeting attendance requirements, process for modifications to the agenda

## Article IV: Committees of the Council

The Council can convene or dissolve any Committees of the Council (other than the Executive Committee) through a consensus-based decision. Committees shall draft charters outlining their goals, scope, and governance structure to bring to the full Council for approval.

The Committees shall provide regular reports to the Executive Committee and provide input as the Executive Committee drafts Council meeting agendas.

## Article V: Council Ethics

Council Members, Ex Officio Liaisons, and Council staff must comply with [chapter 42.52 RCW](#), Ethics in Public Service. If a Council Member, Ex Officio Liaison, or Council staff has a conflict of interest, as described in chapter 42.52 RCW, on an issue before the Council that individual must recuse themselves from participating in Council discussions, making recommendations, giving advice, considering findings, or in any other way assuming responsibility for or participating in any aspect of the work or decision-making relating to the matter where there are potential conflicts of interest.

Even when the conflict of interest does not rise to the level of a required recusal, a Council Member, Ex Officio Liaison, or Council staff may decide to recuse themselves from participating in a matter when participation would likely have the appearance of being inappropriate under the circumstances.

The Council strives to have full transparency with each other and the public and will create opportunities for Council Members, Ex Officio Liaisons, and Council staff to share with the Council and public the volunteer and paid work they are engaged in and how that work impacts their interest in any issue in front of the Council.

## Article VI: Amendments to the Bylaws

Amendments to the Bylaws are permitted. Any voting Council Member may at any point propose a change to any article of the bylaws. Proposals to change bylaw(s) must be discussed with at least  $\frac{3}{4}$  of Council Members in a public meeting prior to any vote of consensus. Any change adopted by the full Council will be effective immediately or by the agreed upon date in the consensus vote.

# Environmental Justice Council

**Date:** October 27, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Council Manager

**Subject:** Climate Commitment Act Funding Priorities

## Background and Summary:

[RCW 70A.65.040](#) gives the Council authority to provide recommendations to the Legislature, agencies, and the Governor on spending Climate Commitment Act (CCA) revenues. There are currently three primary mechanisms through which the Council can engage in decisions around spending CCA revenues:

- a) The development of the Governor's budget,
- b) the House and Senate Budgets, and
- c) a series of grant programs being administered by the Washington State Department of Transportation.

### a) Governor's Budget

A Legislature already allocated a significant portion of the revenue expected to be generated by the cap and invest auctions to transportation projects last legislative session. The Governor's budget that will be released this December will allocate the rest of the projected revenues to be spent from July 2023 – June 2025. The Governor's Office is seeking Council guidance on these decisions. To provide guidance to the Governor's Office and the Office of Financial Management (OFM) early in the budgeting process, the Council will need to adopt priorities or criteria for allocating CCA funds for the Governor's budget at their October 27, 2022 Council meeting. A small group of Council Members have shared CCA-funding priority ideas with staff in the two weeks leading up to the Council meeting with the goal of having something down on paper by the October 27<sup>th</sup> meeting for the Council to amend and build-on at the meeting.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or 360-584-4398. TTY users can dial 711.

## b) House and Senate Budgets

After the Governor's Budget is released the House and Senate will each introduce their own budgets during the 2023 legislative session. The Council has authority under [RCW 70A.65.040](#) to provide guidance to the Legislature on their budgets as well.

## c.) Grant programs being administered by the Washington State Department of Transportation (WSDOT)

As mentioned above, in the 2022 session the Legislature allocated a significant portion of the CCA fund to walking, biking, and transit projects. WSDOT is now tasked with administering those funds, many of which will be allocated through competitive grants. WSDOT has to develop a proposed list of programs to fund by this November and then must submit the list to the Legislature. WSDOT is seeking Council guidance on these decisions and has begun engaging with the CCA Committee. Once the project list is submitted to the Legislature than the Council could continue to provide guidance on that list to the Legislature. Allison Camden, WSDOT Ex Officio Liaison to the Council, will provide a brief background and overview on this topic at the October 27<sup>th</sup> meeting.

### Staff Recommended Actions:

Staff recommend that the Council discuss and come to consensus on CCA-funding priorities at the October 27, 2022 Council Meeting and submit those priorities to the Governor and OFM to inform the development of the Governor's Budget.

### Staff Contact

Sierra Rotakhina, Council Manager, [sierra.rotakhina@ejc.wa.gov](mailto:sierra.rotakhina@ejc.wa.gov), 360-584-4398

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October 10, 2022

Dear WA Environmental Justice Council:

Please consider this message from Friends of Toppenish Creek (FOTC) a non-profit organization that incorporated in the state of Washington in April of 2009.

*Friends of Toppenish Creek is dedicated to protecting the rights of rural communities and improving oversight of industrial agriculture. FOTC operates under the simple principle that all people deserve clean air, clean water, and protection from abuse that results when profit is favored over people. FOTC works through public education, citizen investigations, research, legislation, special events, and direct action.*

Because air pollution is a major component of climate change, because Washington is a local control state, and because recent legislation does not apply to regional clean air agencies, the Climate Commitment Act (RCW 70A.65) and the Healthy Environment for All Act (RCW 70A.02) may not benefit counties such as Yakima where many communities are likely to be classified as overburdened. Community engagement may be a myth in Yakima County.

For example, there is a good chance that investors will build digesters to produce renewable natural gas from the large quantities of cow manure that is produced in Yakima County. With approximately 90,000 milk cows and 16,000 beef animals in the Lower Yakima Valley (LYV), methane emissions from animal agriculture here are over 29,000 metric tons per year or about 0.737 million metric tons (MMT) of CO<sub>2</sub> equivalents per year.

In theory, the CCA, HEAL and SEPA require input from people who live near projected sites. Because the Yakima Regional Clean Air Agency avoids community engagement (FOTC opinion based on experience), impacted people may not know about these projects until after they are approved.

Sincerely,

Executive Director, Friends of Toppenish Creek  
3142 Signal Peak Road  
White Swan, WA 98952



## Air Quality Regulation

Washington air quality is regulated by local air agencies in some counties and by the WA State Dept. of Ecology in other counties. See RCW 70A.15.1500 to 70A.15.2060 for authority and mandates.



Map showing jurisdiction of clean air agencies in Washington by county. Or visit [Washington clean air agencies](https://www.wa.gov/air-quality). From The Environmental Protection Agency: Delegations of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) in Washington, at <https://www.epa.gov/caa-permitting/delegations-new-source-performance-standards-nsps-and-national-emission-standards-3>

## Climate Control Act – RCW 70A.65

*RCW 70A.65.005 Findings—Intent.*

*(1) The legislature finds that climate change is one of the greatest challenges facing our state and the world today, an existential crisis with major negative impacts on environmental and human health. Washington is experiencing environmental and community impacts due to climate change through increasingly devastating wildfires, flooding, droughts, rising temperatures and sea levels, and ocean acidification. Greenhouse gas emissions already in the atmosphere will increase impacts for some period of time. Actions to increase resilience of our communities, natural resource lands, and ecosystems can prevent and reduce impacts to communities and our environment and improve their ability to recover.*

*(7) Under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities. The legislature further intends for the department of ecology to conduct environmental justice assessments to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities. Additionally, the legislature intends to prevent job loss and provide protective measures if workers are adversely impacted by the transition to a clean energy economy through transition and assistance programs, worker-support projects, and workforce development and other activities designed to grow and expand the clean manufacturing sector in communities across Washington state.*

### **Yakima Regional Clean Air Agency Perception of the CCA**

From the YRCAA Complete Board Packet for October 2022, page 52/58. Available at [https://www.yakimacleanair.org/site/files/file\\_manager/page/shared/October\\_2022\\_Complete\\_Board\\_Packet.pdf](https://www.yakimacleanair.org/site/files/file_manager/page/shared/October_2022_Complete_Board_Packet.pdf)

*Is the Agency subject to the Climate Commitment Act?*

*No. The Climate Commitment Act, codified in Chapter 70A.65 RCW, establishes a statewide “cap and invest” program to be managed by the Wash. Dept. of Ecology. In RCW 70A.65.005(7) the Legislature makes clear that “under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities” and adds “the legislature further intends for the department of ecology to conduct environmental justice assessments to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities [emphasis supplied].”*

*While this is likely to bring additional state funds into the Yakima region through Wash. Dept. of Ecology projects and programs to improve air quality, the Chapter does not make reference to local clean air agencies (such as the YRCAA) and does not apply to them. Furthermore, local clean air agencies neither receive and disburse funds collected as a result of, nor control the programs created by, this statute.*

### **Healthy Environment for All Act – RCW 70A.02**

*RCW 70A.02.005 Purpose.*

*(1) The purpose of this chapter is to reduce environmental and health disparities in Washington state and improve the health of all Washington state residents. This chapter implements the recommendations of the environmental justice task force established in section 221(48), chapter 415, Laws of 2019 entitled "Report to the Washington state governor and*

*legislature, Environmental Justice Task Force: Recommendations for Prioritizing EJ in Washington State Government (October 2020)."*

### **Yakima Regional Clean Air Agency Perception of the HEAL Act**

From the YRCAA Complete Board Packet for October 2022, page 52/58. Available at [https://www.yakimacleanair.org/site/files/file\\_manager/page/shared/October\\_2022\\_Complete\\_Board\\_Packet.pdf](https://www.yakimacleanair.org/site/files/file_manager/page/shared/October_2022_Complete_Board_Packet.pdf)

*Is the Agency subject to the HEAL Act?*

*No. The Healthy Environment for All (HEAL) Act, codified in Chapter 70A.02 RCW, states “Covered agencies are required to comply with all provisions of this chapter” (RCW 70A.02.020) and a “Covered agency” means the [state] departments of ecology, health, natural resources, commerce, agriculture, and transportation, the Puget Sound partnership, and any agency that opts to assume all of the obligations [of this chapter]” (RCW 70A.02.010[2]). However, RCW 70A.02.030(1) limits the other agencies that may “opt in” to those state agencies “defined in RCW 34.05.010” and explicitly “exclud[es] local governmental entities.” As such, the HEAL Act is not applicable to the YRCAA and the latter is statutorily prohibited from voluntarily adopting its requirements.*

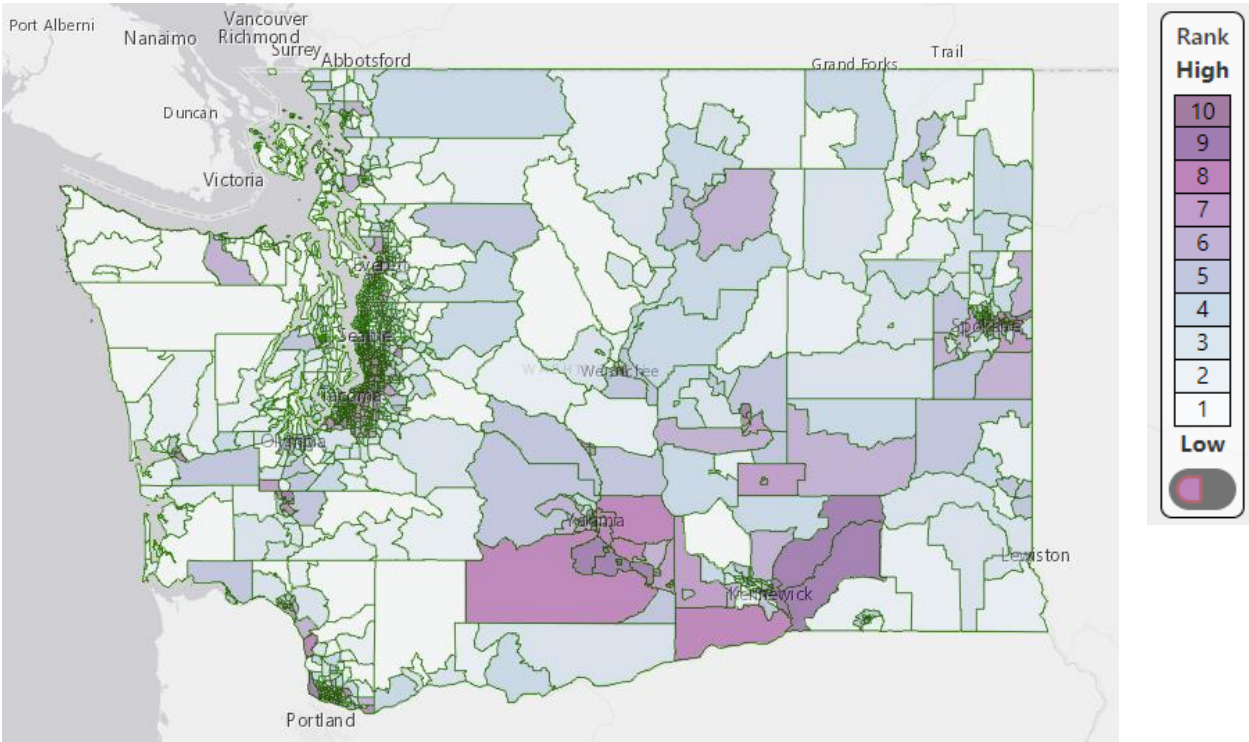
FOTC disagrees with the last sentence. The YRCAA has the authority to adopt, amend, and repeals its own rules and regulations pursuant to RCW 70A.15.2040(1) and can certainly incorporate HEAL guidelines.

### **About Yakima County - Demographics**

Yakima County Demographics from the U.S. Census at <https://www.census.gov/quickfacts/fact/table/yakimacountywashington/INC110220>

- Median household income = \$54,917 (WA = \$77,006)
- Per capita income = \$24,305 (WA = \$40,837)
- Persons in poverty = 14.8% (WA = 9.9%)
- Median rent is \$868 per month (WA = \$1,337 per month)
- Language other than English spoken at home = 41.2% (WA = 20%)
- High school graduates = 74.3% (WA = 91.7%)
- Bachelor’s degree or higher = 17.6% (WA = 36.7%)
- Without health insurance = 14.8% (WA = 7.5%)
- Analysis of Yakima County demographics by zip code reveals significantly lower levels for income and education, and higher percentages of people of color, and people with limited English proficiency in the Lower Yakima Valley (LYV) when compared to the Upper Yakima Valley (UYV).

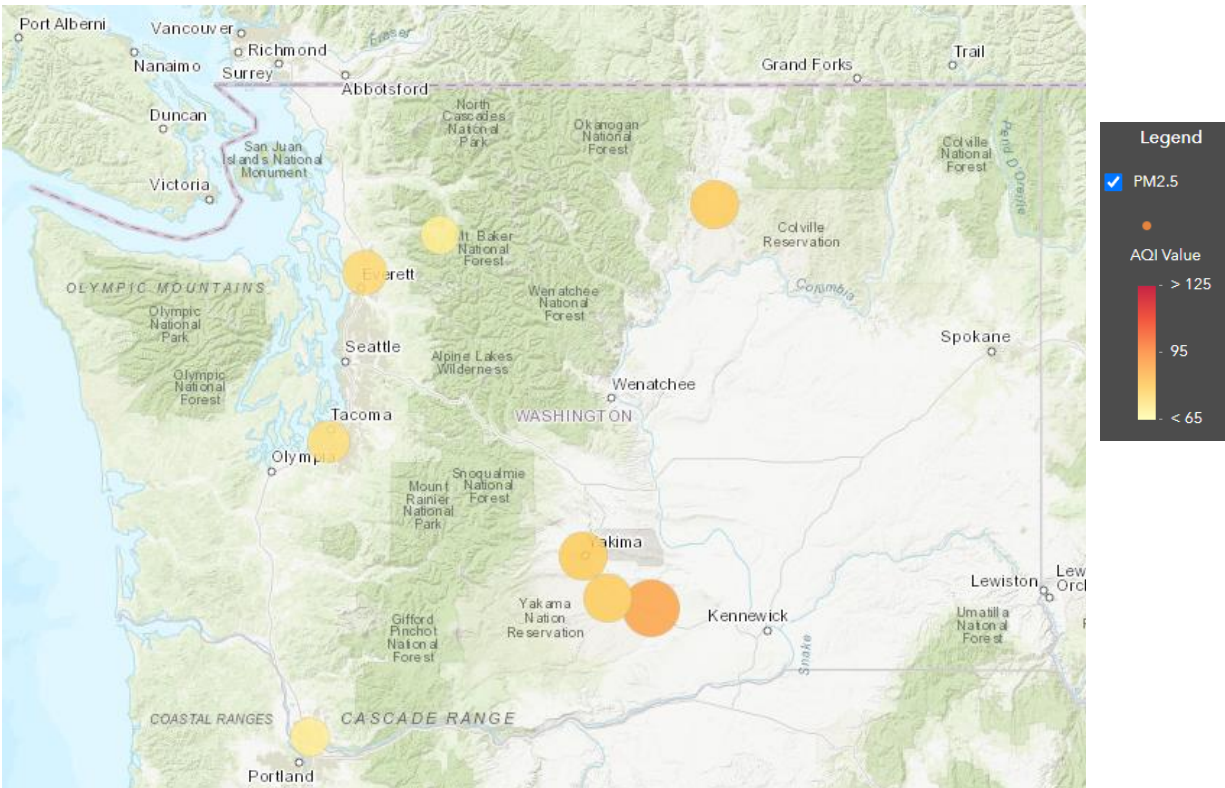
The Washington Environmental Health Disparities Map is an interactive mapping tool that compares communities across our state for environmental health disparities. Available at <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>



## About Yakima County – Air Quality

### Fine Particulate Matter

*Particulate matter contains microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems. Some particles less than 10 micrometers in diameter can get deep into your lungs and some may even get into your bloodstream. Of these, particles less than 2.5 micrometers in diameter, also known as fine particles or PM<sub>2.5</sub>, pose the greatest risk to health. EPA 2022*



From Particle Pollution in Washington’s Air – Areas of Concern for Particle Pollution, Available at <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Air-quality-standards/Particle-pollution>

## About Yakima County – Air Quality

### Greenhouse Gasses – Methane from Cows

With approximately 90,000 milk cows and 16,000 beef animals in the LYV, methane emissions from animal agriculture in the LYV are over 29,000 metric tons per year or about 0.737 million metric tons (MMT) of CO<sub>2</sub> equivalents per year.

Calculations below are based on reported emissions for cows in the LYV using EPA’s State Inventory and Projection Tool. Available at <https://www.epa.gov/statelocalenergy/state-inventory-and-projection-tool>

<b>Enteric Fermentation</b>					
Emissions per Milk Cow	# Milk Cows in WA State	Total Emissions in WA State	# Milk Cows in the LYV	Total Emissions in the LYV	% Emissions from the LYV
150.9 kg/head	275,000	41,497,500	90,000	13,581,000	33%
<b>Emissions per Beef Cow</b>					
Emissions per Beef Cow	# Beef Cows in WA State	Total Emissions in WA State	# Beef Cows in the LYV	Total Emissions in the LYV	
100.5 kg/head	225,000	22,612,500	16,000	1,608,000	7%
<b>Manure Management</b>					
Emissions per Milk Cow	# Milk Cows in WA State	Total Emissions in WA State	# Milk Cows in the LYV	Total Emissions in the LYV	% Emissions from the LYV
156.5 kg/head	275,000	43,037,500	90,000	14,085,000	33%
<b>Emissions per Beef Cow</b>					
Emissions per Beef Cow	# Beef Cows in WA State	Total Emissions in WA State	# Beef Cows in the LYV	Total Emissions in the LYV	
2 kg/head	225,000	450,000	16,000	32,000	7%

## **Yakima Regional Clean Air Agency Actions**

FOTC attends monthly board meetings of the Yakima Regional Clean Air Agency and attempts to speak on behalf of people who live in the Lower Yakima Valley (LYV). The YRCAA allows us three minutes per meeting to share our concerns.

### **Regulation of air emissions from concentrated animal feeding operations (CAFOs)**

RCW 70A.15.1005, the WA Clean Air Act, Declaration of public policies and purpose states:

*Paragraph 6: It is the policy of the state that the costs of protecting the air resource and operating state and local air pollution control programs shall be shared as equitably as possible among all sources whose emissions cause air pollution.*

Yakima County dairies are a major, probably the largest, emitter of air pollutants in Yakima County. The Yakima Regional Clean Air Agency has the authority and the mandate to monitor and regulate air emissions from CAFO dairies.

YRCAA does not identify, measure, or even estimate emissions from CAFO dairies. YRCAA does not register dairies and does not collect fees to address dairy discharges to the air. YRCAA does not investigate citizen complaints about odor, dust, and other air emissions from CAFO dairies. See documentation at [www.friendsoftoppenishcreek.org](http://www.friendsoftoppenishcreek.org)

### **Environmental Justice**

In the Fall of 2021, the YRCAA began the process of seeking a new Air Pollution Control Officer/Executive Director (APCO/ED). FOTC asked the YRCAA board to add a citizen from the LYV to the search team so the interviews would have input from the most polluted part of the county. The YRCAA board declined but said they would hold meetings in the LYV to introduce candidates for the position to the public.

In June of 2022, after the YRCAA screening committee had narrowed the applicants to two finalists, the YRCAA scheduled a special meeting in the town of Granger for the purpose of allowing LYV residents to ask questions and contribute. The meeting was scheduled for 2 PM on a Thursday when most people are working. The meeting was scheduled with 24 hours' notice and was not advertised. The YRCAA considered it sufficient to inform six LYV residents by email. See documentation at [www.friendsoftoppenishcreek.org](http://www.friendsoftoppenishcreek.org)

This is an example of environmental justice and community engagement by the Yakima Regional Clean Air Agency, the agency in charge of air regulation in Yakima County.

### **Summary**

People who live in the Lower Yakima Valley do not receive the same protection from air pollution as people who live in other parts of Washington State because the Yakima Regional Clean Air agency fails to acknowledge principles of Environmental Justice.



## Air Pollution from CAFOs in Yakima County – Potential Impact of Digesters that Produce Natural Gas from Cow Manure

### Abstract:

Investment groups see an opportunity to capitalize on Washington’s recently adopted Climate Commitment Act (CCA) Cap and Invest Program by building Renewable Natural Gas (RNG) facilities in the Lower Yakima Valley (LYV) that would refine methane from cow manure into natural gas that could be pumped into the nearby Northwest Pipeline.

Friends of Toppenish Creek (FOTC) has studied reporting protocols to learn how much methane is emitted in the LYV from concentrated animal feeding operation (CAFO) dairies, how much can be captured, and how much will still be emitted into the atmosphere if RNG projects are approved. According to FOTC calculations methane emissions from animal agriculture in the LYV are over 29,000 metric tons per year or about 0.737 million metric tons (MMT) of CO<sub>2</sub> equivalents per year. Manure digestion converts nitrogen in the manure to ammonia, an undesirable byproduct.

Methane is created when manure is stored under anaerobic conditions in large manure lagoons. An alternative solution to the methane problem is not to create it in the first place by moving dairies toward dry manure management systems that do not involve lagoon storage.

Recent legislation requires WA agencies to engage overburdened communities such as the LYV when the agencies address sources of pollution. This is a challenge because people in overburdened communities such as the LYV often have limited education and limited English proficiency. The WA State Environmental Policy Act (SEPA) also requires community participation in regulatory decision making. FOTC submits that early discussion of the potential impacts at the local level, along with careful implementation of the SEPA are the best ways to ensure thoughtful permitting and policy making with respect to RNG.



## Air Pollution from CAFOs in Yakima County – Potential Impact of Digesters that Produce Natural Gas from Cow Manure

Friends of Toppenish Creek has learned that concentrated animal feeding operations (CAFOs) in the Lower Yakima Valley (LYV) produce so much methane gas that investment groups plan to build multi-million dollar anaerobic digesters to capture methane from cow manure, refine it, and sell it on the natural gas market.

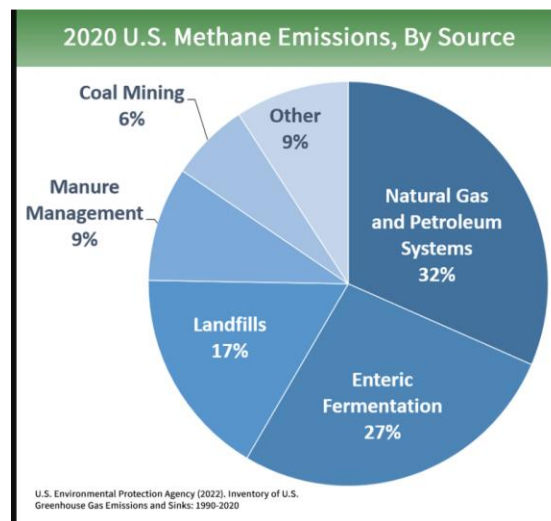
We are told that three different companies are vying for permits to set up operations. One company says they will produce 700,000 to 800,000 million British Thermal Units (MMBTUs) of renewable natural gas (RNG) per year. A million BTUs is approximately equal to the energy in 8 gallons of gasoline, so this company expects to produce the equivalent of 6 million gallons of gasoline per year.

This apparent abundance of methane prompts us to ask how much methane has been going up into the air that people in the LYV breathe in recent years.

With approximately 90,000 milk cows and 16,000 beef animals in the LYV, methane emissions from animal agriculture in the LYV are over 29,000 metric tons per year or about 0.737 million metric tons (MMT) of CO<sub>2</sub> equivalents per year. This is about 18% of all greenhouse gas emissions from animal agriculture in the entire state. The 500 square mile LYV covers 0.7% of Washington.

### How much of this methane is available for capture and refining?

There are two main sources of methane emissions from animal feeding operations – enteric fermentation and manure management. Enteric fermentation is belching and farting. This methane cannot be captured and is lost to the air. It is also the largest agricultural source – three times the amount from manure management.



From EPA "Overview of Greenhouse Gasses" at <https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane>

In other words, for each metric ton of methane that might be captured, about three tons escape into the ambient air.

### **How dangerous is methane to public health?**

Methane is a precursor to ozone, a known hazard to public health. Methane is usually emitted with other hazardous air pollutants such as benzene, formaldehyde, and ethyl benzene that are associated with serious health problems including cancer.

People die from methane in coal mines. People die due to methane and hazardous gas emissions from manure storage pits.

During the Aliso Canyon leak, the largest methane leak in U.S. history which sent 109,000 metric tons of methane into the ambient air, authorities evacuated 6,800 households due to dizziness, headaches, nausea, eye, nose and throat irritation, and nose bleeds.

### **What happens within anaerobic manure lagoons?**

Methane is produced when bacteria convert volatile organic compounds (VOCs) in manure to methane and carbon dioxide under anaerobic conditions. The gas produced is typically 40% carbon dioxide and 60% methane with traces of other gasses. The justification for capturing and/or producing this methane is to replace natural gas from fossil sources.

### **Are there better options for managing methane from manure?**

There are experts within the agricultural community who recommend changing manure management from wet to dry systems rather than encouraging and prolonging use of manure lagoons by subsidizing biogas production. Approximately a quarter of methane emissions from dairies could be eliminated by moving to dry manure management or pasture based dairies. There are major problems with manure digesters and the amount of energy delivered is small when compared to the effort.

- For every metric ton of methane that is captured in a digester, approximately three metric tons of methane from enteric fermentation go up into the ambient air.
- Producing manure for bio-digesters involves emissions of hydrogen sulfide, ammonia, and volatile organic compounds which ultimately results in higher levels of criteria air pollutants - particulate matter, ozone, and sulfur dioxide in the ambient air.
- Digesters convert nitrogen in manure into ammonia gas and nitrous oxide
- Manure lagoons without double synthetic liners leak and this results in contamination of aquifers that people rely on for drinking water, an unintended adverse side effect.
- Cow manure has the lowest value as a feedstuff for bio-digesters of all the feedstocks evaluated by Washington State University
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The Olympia Physicians Climate Task Force summarized problems with manure lagoons very well in their 2022 comments on Ecology’s National Pollutant Discharge Elimination System (NPDES) permits for concentrated animal feeding operations (CAFO’s)

*Science evolves and policy must evolve with the science. The administration has made its methane pledge, and Washington needs to do its part. DOE has failed to consider the impacts of climate change in authorizing CAFO discharge into our waterways. Manure lagoons contribute to global warming. Storing manure in lagoons produces methane, a GHG far more potent than CO2. Washington State sends over a million metric tons of GHG CO2 equivalent into the atmosphere every year from manure lagoons. When cows are kept on pasture, this does not happen. We sympathize with farmers who followed the best available advice when they built lagoons years ago. They were told, and they believed, that lagoons would protect the environment. Now, we know that the side effects are huge, and we wish to see farmers assisted in transitioning away from this practice.*

### **Are there cumulative impacts when manure bio-digesters are set up in communities?**

Yes. Bio-digesters as currently promoted mostly benefit large, concentrated animal feeding operations (CAFOs). The adverse impacts of CAFOs as a method of raising farm animals are well documented. Children who live near CAFOs are more likely to suffer from asthma and CAFO emissions worsen asthma symptoms. Adults who live near CAFOs are more likely to suffer from tension, depression, anger, and anxiety. Property values and quality of life decline in CAFO communities. CAFOs drive small farmers out of business.

While producing the manure that feeds bio-digesters dairies emit large amounts of ammonia, hydrogen sulfide, volatile organic compounds, and particulate matter. Bio-digesters increase production of ammonia.

Part of the digestion process involves scrubbing the bio-gasses for hydrogen sulfide and other contaminants. These gasses must be managed. After methane is removed, manure solids remain. Typically, the solids are composted which leads to further air pollution and generates PM 10.

Proper evaluation requires measurement of upstream and downstream air pollution, as well as chemical reactions within the system – evaluate the entire system of natural gas production.

### **Should Environmental Impact Statements (EIS) be required before permitting manure bio-digesters in Yakima County?**

The purposes of the WA State Environmental Policy Act are:

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The SEPA Rules state that significant "means a reasonable likelihood of more than a moderate adverse impact on environmental quality." If officials determine a likelihood of significant impact, then an EIS is required. There is no doubt that manure lagoons without synthetic liners leach to groundwater and that CAFO dairies emit major air pollutants. If generation of natural gas from manure increases profits, there is a high risk of increasing cow numbers and increasing these adverse effects.

According to Hoard's Dairyman:

*The profit generated by manure and energy is a new dynamic for dairy farms. A common arrangement is for a third party to invest in the digester and form an agreement with one or more dairy farms for a supply of manure. These contracts can be for 10 to 15 years or longer and pay \$80 to \$100 per cow per year or more. For a 3,500-cow dairy, that means \$350,000 per year or 40 cents per hundredweight based on an 80 pound per day tank average. Some farms own the digesters, taking on the risk, but reaping potentially larger rewards. If the profits are \$2 to \$3 per hundredweight, they could likely exceed the profit from milk. At that point, milk has become the by-product of manure production.*

Environmental Impact Statements should be mandated as a condition for permitting manure biogas digesters to:

- measure the amounts of air and water pollution generated upstream and downstream from the digesters
- assess increased traffic in rural neighborhoods
- predict impact of flaring excess gas
- evaluate risk from leaks
- evaluate economic and environmental impact on smaller neighboring farms
- characterize the environmental impact if cow numbers increase
- compare the benefits of spending public monies on conversion to dry manure management versus subsidizing liquid manure systems.

### **At what point does the law require planners to inform the public?**

Conditional Use and Building Permits require notice to the public and an opportunity for public comment after all the paperwork has been submitted.

SEPA requires agencies to involve the public during:

*1. The "scoping" period, where agencies, tribes, and the public are invited to comment on the range of alternatives, areas of impact, and possible mitigation measures that should be evaluated within the EIS; and*

*2. The draft EIS review period, where comments are requested on the merits of the alternatives and the adequacy of the environmental analysis.*

RCW 70A.02.050 requires affected agencies to strive for equitable community engagement and public participation. This includes facilitating and supporting the inclusion of members of communities affected by agency decision making, and reaching out and communicating with those who face barriers, language or otherwise, to participation

In Yakima County public knowledge of potential changes such as building manure bio-digesters frequently reaches people through the grapevine. Officials only inform the public after permits are in place and a project is ready for approval. Frequently there is only a minimal nod to legal requirements for public involvement.

A more collaborative approach, in touch with the times, would be sharing information early in the process, as recommended by SEPA guidelines. Adverse impacts could be addressed in a thoughtful manner, rather than waiting until after they occur.

In the case of manure bio-digesters, FOTC submits that the information in this statement should be shared with the public. FOTC also submits the following questions regarding Biogas Digesters in the Lower Yakima Valley:

1. How dangerous is the estimated 29,000 metric tons (0.755 MMT CO<sub>2</sub>e) of methane emitted every year from LYV animal agriculture to public health?
2. How dangerous is the estimated 29,000 metric tons (0.755 MMT CO<sub>2</sub>e) of methane emitted every year from LYV animal agriculture to the local environment?
3. What are the quantities of hazardous air pollutants emitted along with the methane, and how dangerous are they to public health?
4. How much of the 29,000 metric tons of methane emitted every year from LYV animal agriculture converts to ozone?
5. Are the proposed digesters at sites distant from dairies?
6. If so, how will the manure be transported to the digesters?
7. Will this be liquid manure or solid manure?
8. Is the methane already in the manure that is transported to the digesters, or will it be created under anaerobic conditions at the digester site?
9. How can the public be sure the facilities are not creating methane and then charging the taxpayers for cleaning it and selling it to natural gas companies?
10. How many trips from dairies to digesters do you anticipate?
11. Will this increase wear and tear on public roadways?
12. Will the digesters be covered?

13. If so, does this increase the risk of asphyxiation for workers at the digester sites?
14. Is flare-off required when methane levels under the cover are too high?
15. Would flare off be allowed during winter inversions?
16. Does Washington have laws that require workers at digesters to wear monitors so they can tell when odorless and poisonous gases are present?
17. How can we access this information?
18. How can workers and families ensure that the facilities comply with worker safety laws?
19. How often will the sites be inspected for compliance with safety standards?
20. How can workers and their families access affordable health and safety insurance to cover potential injury and death?
21. Which hazardous gasses will be monitored, and which will not?
22. Are there plans to sample LYV air for methane and compare to the estimates now in use?
23. Are there plans to sample LYV air for ammonia, hydrogen sulfide, and ozone?
24. Are there plans to follow up on the Yakima Air Winter Nitrate Study?
25. Is the WA State Dept. of Agriculture air quality specialist working on renewable natural gas in the LYV?

## Air Pollution from CAFOs in Yakima County – Potential Impact of Digesters that Produce Natural Gas from Cow Manure – With Citations

Friends of Toppenish Creek has learned that concentrated animal feeding operations (CAFOs) in the Lower Yakima Valley (LYV) produce so much methane gas that investment groups plan to build multi-million dollar anaerobic digesters to capture methane from cow manure, refine it, and sell it on the natural gas market.

We are told that three different companies are vying for permits to set up operations. One company says they will produce 700,000 to 800,000 million British Thermal Units (MMBTUs) of renewable natural gas (RNG) per year.<sup>1, 2, 3</sup> A million BTUs is approximately equal to the energy in 8 gallons of gasoline, so this company expects to produce the equivalent of 6 million gallons of gasoline per year.<sup>4</sup>

This apparent abundance of methane prompts us to ask how much methane has been going up into the air that people in the LYV breathe in recent years.<sup>5</sup>

With approximately 90,000 milk cows and 16,000 beef animals in the LYV<sup>6</sup>, methane emissions from animal agriculture in the LYV are over 29,000 metric tons per year or about 0.737 million metric tons (MMT) of CO<sub>2</sub> equivalents per year.<sup>7</sup> This is about 18% of all greenhouse gas emissions from animal agriculture in the entire state.<sup>8</sup> The 500 square mile LYV covers 0.7% of Washington.<sup>9</sup>

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<sup>1</sup> Notice of Construction Application Supporting Information Report, Sunnyside RNG LLC Proposed Renewable Natural Gas Facility, Yakima County, Washington

<sup>2</sup> Smeenk Properties LLC Anaerobic Digester File Number: CUP2021-00059/SEP2021-00044

<sup>3</sup> 1 cubic foot of natural gas equals 1,000 BTUs. Natural gas typically weighs between 0.6 and 0.7 lbs per cubic foot.

<sup>4</sup> The British thermal unit (BTU or Btu) is a unit of heat. One BTU is defined as the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit

<sup>5</sup> FOTC asked the WA State Dept. of Ecology (Ecology) and the Yakima Regional Clean Air Agency (YRCAA). Neither one gave us much of an answer. We then looked at estimates from the U.S. Environmental Protection Agency (EPA). See Attachment 1 for these guidelines.

<sup>6</sup> We do not have good data for the number of cows on feedlots due to WA laws that require reporting only in ranges. We calculated 16,000 head of beef cattle at the Horse Heaven Feedlot based on calculations from EPA reporting guidelines and reported GHG emissions from WA Ecology at <https://data.wa.gov/Natural-Resources-Environment/GHG-Reporting-Program-Publication/idhm-59de/data>

<sup>7</sup> Emissions for 90,000 milk cows from EPA Formulas & Reporting – Attachment 1

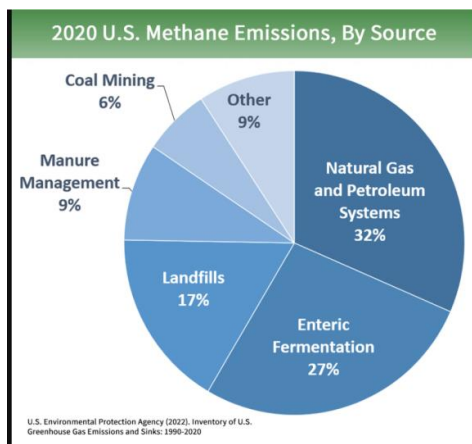
- Methane Enteric Fermentation (150.9 kg/year/milk cow) = 13,581 metric tons per year
- Methane Manure Management (156.5 kg/year/milk cow) = 14,985 metric tons per year

Emissions for 16,000 beef cattle from EPA Formulas & Reporting – Attachment 1

- Methane Enteric Fermentation (100.5 kg/yr/head) = 1,608 metric tons per year
- Methane Manure Management (2 kg/year/head) = 32 metric tons per year

## How much of this methane is available for capture and refining?

There are two main sources of methane emissions from animal feeding operations – enteric fermentation and manure management. Enteric fermentation is belching and excretion. This methane cannot be captured and is lost to the air. It is also the largest agricultural source – three times the amount from manure management.



From EPA “Overview of Greenhouse Gasses” at <https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane>

In other words, for each metric ton of methane that might be captured, about three tons escape into the ambient air.

## How dangerous is methane in the ambient air to public health?

Methane is a precursor to ozone, a known hazard to public health.<sup>10</sup> Methane is usually emitted with other hazardous air pollutants such as benzene, formaldehyde, and ethyl benzene that are associated with serious health problems including cancer.<sup>11, 12, 13</sup>

<sup>8</sup> Washington State Greenhouse Gas Emissions Inventory: 1990 - 2018. Available at <https://apps.ecology.wa.gov/publications/documents/2002020.pdf>

<sup>9</sup> Farmland in the Lower Yakima Valley, including land on the Yakama Reservation, covers approximately 500 square miles. Most LYV dairies are located in the 273 square mile LYV Groundwater Management Area (GWMA)

<sup>10</sup> West, J. Jason, et al. "Global health benefits of mitigating ozone pollution with methane emission controls." *Proceedings of the National Academy of Sciences* 103.11 (2006): 3988-3993. Available at <https://www.pnas.org/doi/full/10.1073/pnas.0600201103>

<sup>11</sup> Earth Justice (2021) Methane: A dangerous problem, an easy solution. Available at <https://earthjustice.org/features/methane-everything-you-need-to-know>

<sup>12</sup> Ramirez-Dorransoro, J.C., H.S. Joo, P. Ndegwa, and A.J. Heber. 2010. National Air Emissions Monitoring Study: Data from Two Dairy Freestall Barns in Washington WA5B, Final Report. Purdue University, West Lafayette, IN, July 30. <https://archive.epa.gov/airquality/afo2012/web/pdf/wa5bsummaryreport.pdf>

<sup>13</sup> Elser, Holly, et al. "Air pollution, methane super-emitters, and oil and gas wells in Northern California: the relationship with migraine headache prevalence and exacerbation." *Environmental Health* 20.1 (2021): 1-14. Available at <https://link.springer.com/article/10.1186/s12940-021-00727-w>



People die from methane in coal mines.<sup>14, 15, 16, 17</sup> People die due to methane and hazardous gas emissions from manure storage pits.<sup>18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29</sup>

During the Aliso Canyon leak, the largest leak in U.S. history which sent 109,000 metric tons of methane into the ambient air, authorities evacuated 6,800 households due to dizziness, headaches, nausea, eye, nose and throat irritation, and nose bleeds.<sup>30</sup>

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<sup>14</sup> Radio Free Europe. 2021. We had it coming with methane: How 51 people died in a Siberian coal-mine tragedy. Available at <https://www.rferl.org/a/russia-coal-mine-disaster/31585477.html>

<sup>15</sup> Reuters. 2022. Polish coal mine blast kills five, others trapped in shafts. Available at <https://www.reuters.com/world/europe/four-dead-after-probable-methane-explosion-polish-coal-mine-2022-04-20/>

<sup>16</sup> Los Angeles Times. 2018. 23 dead in methane blasts at two Pakistan coal mines. Available at <https://www.latimes.com/world/asia/la-fg-pakistan-mines-20180506-story.html>

<sup>17</sup> Center for Disease Control. 2012. Recent Developments in Coal Mining Safety in the United States. Available at <https://www.cdc.gov/niosh/mining/UserFiles/works/pdfs/rdicm.pdf>

<sup>18</sup> Center for Disease Control National Institute for Occupational Safety and Health. 1990. Preventing deaths of farm workers in manure pits. Available at <https://www.cdc.gov/niosh/docs/90-103/default.html>

<sup>19</sup> Live Science. 2021. 3 men die in manure pit: Here's why it's a 'death trap.' Available at <https://www.livescience.com/brothers-die-manure-pit-fumes-toxic.html>

<sup>20</sup> Farm and Dairy. 2021. Manure pit fatalities spur awareness. Available at <https://www.farmanddairy.com/news/manure-pit-fatalities-spur-awareness/679630.html>

<sup>21</sup> USA Today. 2015. Iowa father, son die from manure pit fumes. Available at <https://www.usatoday.com/story/news/nation/2015/07/28/iowa-father-son-die-manure-pit-fumes/30811157/>

<sup>22</sup> CBS News. 2007. Gas from manure pit kills 5 on dairy farm. Available at <https://www.cbsnews.com/news/gas-from-manure-pit-kills-5-on-dairy-farm/>

<sup>23</sup> WA State Dept. of Labor & Industries. 2016. Manure storage dangers at dairy farms. Available at <https://www.lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/ManurePitHazardAlertEnglish.pdf>

<sup>24</sup> Michigan State University. 2018. The dangers of manure gas and strategies for mitigation. Available at <https://www.canr.msu.edu/news/the-dangers-of-manure-gas-and-strategies-for-mitigation>

<sup>25</sup> Washington Post. 2017. Deaths of farmworkers in cow manure ponds put oversight of dairy farms into question. Available at [https://www.washingtonpost.com/national/deaths-of-farmworkers-in-cow-manure-ponds-put-oversight-of-dairy-farms-into-question/2017/09/24/da4f1bae-8813-11e7-961d-2f373b3977ee\\_story.html](https://www.washingtonpost.com/national/deaths-of-farmworkers-in-cow-manure-ponds-put-oversight-of-dairy-farms-into-question/2017/09/24/da4f1bae-8813-11e7-961d-2f373b3977ee_story.html)

<sup>26</sup> Cornell University. 2022. Five cattle dead in manure gas poisoning incident on Finger Lakes dairy farm. Available at <https://blogs.cornell.edu/ccfieldcropnews/2022/02/01/five-cattle-dead-in-manure-gas-poisoning-incident-on-finger-lakes-dairy-farm/>

<sup>27</sup> PA man, sons found dead in manure pond. 2012. Available at [https://www.cecildaily.com/pa-man-sons-found-dead-in-kent-manure-pond-updated/article\\_62f173de-a616-11e1-8480-0019bb2963f4.html](https://www.cecildaily.com/pa-man-sons-found-dead-in-kent-manure-pond-updated/article_62f173de-a616-11e1-8480-0019bb2963f4.html)

<sup>28</sup> Des Moines Register. 2021. Kossuth County man dies after being overcome by fumes at north Iowa hog facility. Available at <https://www.desmoinesregister.com/story/money/agriculture/2021/09/08/kossuth-county-iowa-farmer-dies-overcome-fumes-manure-pit-hog-facility/5768710001/>

## What happens within anaerobic manure lagoons?

Methane is produced when bacteria convert volatile organic compounds (VOCs) in manure to methane and carbon dioxide under anaerobic conditions. The gas produced is typically 40% carbon dioxide and 60% methane with traces of other gasses.<sup>30</sup> The justification for capturing and/or producing this methane is to replace natural gas from fossil sources.

## Are there better options for managing methane from manure?

There are experts within the agricultural community who recommend changing manure management from wet to dry systems rather than encouraging and prolonging use of manure lagoons by subsidizing biogas.<sup>31, 32, 33</sup> Approximately a quarter of methane emissions from dairies could be eliminated by moving to dry manure management or pasture based dairies. There are major problems with manure digesters and the amount of energy delivered is small when compared to the effort.<sup>30, 31, 32, 33</sup>

- For every metric ton of methane that is captured in a digester, approximately three metric tons of methane from enteric fermentation go up into the ambient air.<sup>34</sup>
  - Producing manure for bio-digesters involves emissions of hydrogen sulfide, ammonia, and volatile organic compounds which ultimately results in higher levels of criteria air pollutants - particulate matter, ozone, and sulfur dioxide in the ambient air.<sup>30, 33, 35</sup>
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  - Cow manure has the lowest value as a feedstuff for bio-digesters of all the feedstocks evaluated by Washington State University
  - The effluent from manure bio-digesters continues to pollute the air after digestion<sup>33</sup>
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<sup>29</sup> Yakima Herald Republic. 2015. February death of Mabton dairy worker could have lasting impact on industry. Available at [https://www.yakimaherald.com/news/local/february-death-of-mabton-dairy-worker-could-have-lasting-impact-on-industry/article\\_ef41ced8-9668-11e5-9538-a3bec8e94d4a.html](https://www.yakimaherald.com/news/local/february-death-of-mabton-dairy-worker-could-have-lasting-impact-on-industry/article_ef41ced8-9668-11e5-9538-a3bec8e94d4a.html)

<sup>30</sup> California Air Resources Board. 2016. Determination of Total Methane Emissions from the Aliso Canyon Natural Gas Leak Incident. Available at [https://ww2.arb.ca.gov/sites/default/files/2020-07/aliso\\_canyon\\_methane\\_emissions-arb\\_final.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-07/aliso_canyon_methane_emissions-arb_final.pdf)

<sup>31</sup> Fulhage, C.D., Sievers, D., & Fischer, J.R. 2018. Generating Methane Gas from Manure. University of Missouri Extension. Available at <https://extension.missouri.edu/publications/g1881>

<sup>32</sup> National Sustainable Agriculture Coalition. 2020. A Climate Friendly Approach to Managing Manure. Available at <https://sustainableagriculture.net/blog/a-climate-friendly-approach-to-managing-manure/>

<sup>33</sup> California Department of Food and Agriculture. 2020. Alternative Manure Management Program. Available at <https://www.cdffa.ca.gov/oefi/AMMP/>

<sup>34</sup> Public Justice et al, (2021) Petition for rulemaking to exclude all fuels derived from biomethane from dairy and swine manure from the low carbon fuel standard program. Available at <https://food.publicjustice.net/wp-content/uploads/sites/3/2021/10/Factory-Farm-Gas-Petition-FINAL.pdf>

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<sup>35</sup> EPA “Greenhouse Gasses” at <https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane>

<sup>36</sup> California Air Resources Board (ND) Hydrogen sulfide and health. Available at <https://ww2.arb.ca.gov/resources/hydrogen-sulfide-and-health>

<sup>37</sup> Environmental Protection Agency, Lower Yakima Valley Groundwater, Consent Order Plans and Reports. 2022. Available at <https://www.epa.gov/wa/lower-yakima-valley-groundwater>

<sup>38</sup> WA State University. 2017. Harnessing Renewable Natural Gas for Low-Carbon Fuel: A Roadmap for Washington State. Available at <http://www.commerce.wa.gov/wp-content/uploads/2018/02/Energy-RNG-Roadmap-for-Washington-Jan-2018.pdf>

<sup>39</sup> WA State Dept. of Ecology. 2022. Concentrated Animal Feeding Operation (CAFO) General Permits Public Comments. Available at <https://wq.ecology.commentinput.com/comment/extra?id=5gTtQ#>

<sup>40</sup> Sierra Club Guidance: Methane Digesters and Concentrated Animal Feeding Operation (CAFO) Waste. Available at [https://www.sierraclub.org/sites/www.sierraclub.org/files/methane\\_digesters.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/methane_digesters.pdf)

<sup>41</sup> FOTC Comments on Overburdened Communities and the Climate Commitment Act with Literature Review. 2022. Available at [https://scs-public.s3-us-gov-west-1.amazonaws.com/env\\_production/oid100/did1008/pid\\_203276/assets/merged/2605io1\\_document.pdf?v=WCRANM8PB](https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did1008/pid_203276/assets/merged/2605io1_document.pdf?v=WCRANM8PB)

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Part of the digestion process involves scrubbing the bio-gasses for hydrogen sulfide and other contaminants. These gasses must be managed. After methane is removed, manure solids remain.<sup>46</sup> Typically, the solids are composted which leads to further air pollution and generates coarse particulate matter, PM 10.

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<sup>42</sup>Loftus, C., Yost, M., Sampson, P., Arias, G., Torres, E., Vasquez, V. B., ... & Karr, C. (2015). Regional PM2. 5 and asthma morbidity in an agricultural community: a panel study. *Environmental Research*, 136, 505-512. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4425279/>

<sup>43</sup>Loftus, C., Afsharnejad, Z., Sampson, P., Vedal, S., Torres, E., Arias, G., ... & Karr, C. (2020). Estimated time-varying exposures to air emissions from animal feeding operations and childhood asthma. *International journal of hygiene and environmental health*, 223(1), 187-198. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7020853/>

<sup>44</sup>Loftus, C., Yost, M., Sampson, P., Torres, E., Arias, G., Vasquez, V. B., ... & Karr, C. (2015). Ambient ammonia exposures in an agricultural community and pediatric asthma morbidity. *Epidemiology (Cambridge, Mass.)*, 26(6), 794. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4587379/>

<sup>45</sup>Hribar, C., 2010. Understanding concentrated animal feeding operations and their impact on communities. Available at [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf)

<sup>46</sup>Fulhage, C.D., Sievers, D., & Fischer, J.R. 2018. Generating Methane Gas from Manure. University of Missouri Extension. Available at <https://extension.missouri.edu/publications/g1881>

<sup>47</sup>Koirala et al. 2013. Impact of anaerobic digestion of liquid dairy manure on ammonia volatilization process. Available at <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.719.5381&rep=rep1&type=pdf>

The SEPA Rules state that significant “means a reasonable likelihood of more than a moderate adverse impact on environmental quality.” If officials determine a likelihood of significant impact, then an EIS is required. There is no doubt that manure lagoons without synthetic liners leach to groundwater and that CAFO dairies emit major air pollutants. If generation of natural gas from manure increases profits, there is a high risk of increasing cow numbers and increasing these adverse effects.

According to Hoard’s Dairyman <sup>48</sup>:

*The profit generated by manure and energy is a new dynamic for dairy farms. A common arrangement is for a third party to invest in the digester and form an agreement with one or more dairy farms for a supply of manure. These contracts can be for 10 to 15 years or longer and pay \$80 to \$100 per cow per year or more. For a 3,500-cow dairy, that means \$350,000 per year or 40 cents per hundredweight based on an 80 pound per day tank average. Some farms own the digesters, taking on the risk, but reaping potentially larger rewards. If the profits are \$2 to \$3 per hundredweight, they could likely exceed the profit from milk. At that point, milk has become the by-product of manure production.*

Environmental Impact Statements should be mandated as a condition for permitting manure biogas digesters to:

- measure the amounts of air and water pollution generated upstream and downstream from the digesters
- assess increased traffic in rural neighborhoods
- predict impact of flaring excess gas
- evaluate risk from leaks
- evaluate economic and environmental impact on smaller neighboring farms
- characterize the environmental impact if cow numbers increase
- compare the benefits of spending public monies on conversion to dry manure management versus subsidizing liquid manure systems.

### **At what point does the law require planners to inform the public?**

Conditional Use and Building Permits require notice to the public and an opportunity for public comment. SEPA requires agencies to involve the public during:

1. *The “scoping” period, where agencies, tribes, and the public are invited to comment on the range of alternatives, areas of impact, and possible mitigation measures that should be evaluated within the EIS; and*

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<sup>47</sup> Leaking Manure Lagoons – Lower Yakima Valley. 2022. Available at <http://www.friendsoftopenishcreek.org/cabinet/data/Manure%20Lagoons%20Leak%20LYV.pdf>

<sup>48</sup> Energy Revenue Could Be a Game Change for Dairy Farms. 2021. Hoards Dairyman. Available at <https://hoards.com/article-30925-energy-revenue-could-be-a-game-changer-for-dairy-farms.html>

*2. The draft EIS review period, where comments are requested on the merits of the alternatives and the adequacy of the environmental analysis*

RCW 70A.02.050 requires affected agencies to strive for equitable community engagement and public participation. This includes facilitating and supporting the inclusion of members of communities affected by agency decision making, and reaching out and communicating with those who face barriers, language or otherwise, to participation

In Yakima County public knowledge of potential changes such as building manure bio-digesters frequently reaches people through the grapevine. Officials only inform the public after permits are in place and a project is ready for approval. Frequently there is only a minimal nod to legal requirements for public involvement.

A more collaborative approach, in touch with the times, would be sharing information early in the process, as recommended by SEPA guidelines. Adverse impacts could be addressed in a thoughtful manner, rather than waiting until after they occur.

In the case of manure bio-digesters, FOTC submits that the information in this statement should be shared with the public in a timely manner. FOTC also submits the following questions regarding Biogas Digesters in the Lower Yakima Valley:

1. How dangerous is the estimated 29,000 metric tons (0.755 MMT CO<sub>2</sub>e) of methane emitted every year from LYV animal agriculture to public health?
2. How dangerous is the estimated 29,000 metric tons (0.755 MMT CO<sub>2</sub>e) of methane emitted every year from LYV animal agriculture to the local environment?
3. What are the quantities of hazardous air pollutants emitted along with the methane, and how dangerous are they to public health?
4. How much of the 29,000 metric tons of methane emitted every year from LYV animal agriculture converts to ozone?
5. Are the proposed digesters at sites distant from dairies?
6. If so, how will the manure be transported to the digesters?
7. Will this be liquid manure or solid manure?
8. Is the methane already in the manure that is transported to the digesters, or will it be created under anaerobic conditions at the digester site?
9. How can the public be sure the facilities are not creating methane and then charging the taxpayers for cleaning it and selling it to natural gas companies?
10. How many trips from dairies to digesters do you anticipate?
11. Will this increase wear and tear on public roadways?
12. Will the digesters be covered?

13. If so, does this increase the risk of asphyxiation for workers at the digester sites?
14. Is flare-off required when methane levels under the cover are too high?
15. Would flare off be allowed during winter inversions?
16. Does Washington have laws that require workers at digesters wear monitors so they can tell when odorless and poisonous gases are present?
17. How can we access this information?
18. How can workers and families ensure that the facilities comply with worker safety laws?
19. How often will the sites be inspected for compliance with safety standards?
20. How can workers and their families access affordable health and safety insurance to cover potential injury and death?
21. Which hazardous gasses will be monitored, and which will not?
22. Are there plans to sample LYV air for methane and compare to the estimates now in use?
23. Are there plans to sample LYV air for ammonia, hydrogen sulfide, and ozone?
24. Are there plans to follow up on the Yakima Air Winter Nitrate Study?
25. Is the WA State Dept. of Agriculture air quality specialist working on renewable natural gas in the LYV?

Thank you for Reading

**From:** Save Fauntleroy Cove

**Sent:** Monday, September 26, 2022 11:55 PM

**To:** Cody, Eileen <[eileen.cody@leg.wa.gov](mailto:eileen.cody@leg.wa.gov)>; Nguyen, Joe <[Joe.Nguyen@leg.wa.gov](mailto:Joe.Nguyen@leg.wa.gov)>; Fitzgibbon, Joe <[joe.fitzgibbon@leg.wa.gov](mailto:joe.fitzgibbon@leg.wa.gov)>; Duffy, Megan (RCO) <[megan.duffy@rco.wa.gov](mailto:megan.duffy@rco.wa.gov)>; DOH EPH OEPHS Environmental Justice <[envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov)>; Reynolds, Kate (ATG) <[kate.reynolds@atg.wa.gov](mailto:kate.reynolds@atg.wa.gov)>; DOR King County Leg Authority 2 <[kexec@kingcounty.gov](mailto:kexec@kingcounty.gov)>; [oe.mcdermott@kingcounty.gov](mailto:oe.mcdermott@kingcounty.gov); Millar, Roger <[millarr@wsdot.wa.gov](mailto:millarr@wsdot.wa.gov)>; Scarton, Amy <[scartoa@wsdot.wa.gov](mailto:scartoa@wsdot.wa.gov)>; Rubstello, Patty <[RubsteP@wsdot.wa.gov](mailto:RubsteP@wsdot.wa.gov)>; [transc@wstc.wa.gov](mailto:transc@wstc.wa.gov); Randall, Emily <[Emily.Randall@leg.wa.gov](mailto:Emily.Randall@leg.wa.gov)>; [john.clauson@kitsaptransit.com](mailto:john.clauson@kitsaptransit.com); [Ralph.J.Rizzo@dot.gov](mailto:Ralph.J.Rizzo@dot.gov); [terry.white@kingcounty.gov](mailto:terry.white@kingcounty.gov); Watson, Laura (ECY) <[lawa461@ECY.WA.GOV](mailto:lawa461@ECY.WA.GOV)>; Bartlett, Heather (ECY) <[heba461@ECY.WA.GOV](mailto:heba461@ECY.WA.GOV)>; Oreiro, Tyson (ECY) <[tore461@ECY.WA.GOV](mailto:tore461@ECY.WA.GOV)>; Clifford, Denise (ECY) <[decl461@ECY.WA.GOV](mailto:decl461@ECY.WA.GOV)>; Susewind, Kelly (DFW) <[Kelly.Susewind@dfw.wa.gov](mailto:Kelly.Susewind@dfw.wa.gov)>; Commission (DFW) <[COMMISSION@dfw.wa.gov](mailto:COMMISSION@dfw.wa.gov)>

**Subject:** Fauntleroy Ferry Dock Solution / Park Saved

External Email



The efforts of our devoted team, and perhaps your support, created additional pressure which helped Washington State Ferries (WSF) decide to no longer pursue expansion over Cove Park. Thank you.

## **Now What...**

If you listen to the Advisory Board meeting (link attached below), WSF still plans on expanding into the Sound and "selective" expansion north, after Cove Park. **This will have very negative ramifications for the Salmon Stream, other marine life, the Fauntleroy community and all of West Seattle - and is unnecessary for capacity and efficiency.** WSF ended the Zoom call clarifying no one had additional



issues to be dealt with, except the *Good To Go* study and a request to look at a remote kiosk (*the kiosk idea supports part of the solution below*).

WSF referred to the *Good To Go* study to be performed, "before or during construction". Doesn't take much imagination to conclude WSF feels *Good To Go* will not be an acceptable solution to their operational issues and goals. **They are clearly pushing for expansion as the only solution. WSF has put the community in "Check" and WSF feels it is, "Checkmate."**

**Please remember 80% to 90% of the Fautleroy ferry cars are *Single Occupant Vehicles* - the highest in the ferry system! In every other transportation plan (City, State or National) there is always a strong element to reduce the number of *Single Occupant Vehicles*. Why not at the Fautleroy Ferry Terminal?**

## **Solution Not Yet Considered**

**The following two-prong solution offers the efficiency and capacity goals of WSF, without expansion.**

**First**, a very simple fare adjustment for non-peak commuter time will motivate commuters to change habits. Suggest the non-peak fare should be close to free or free. Non-peak ferries operate with very few cars on them now. This would not apply to weekends, of course.

**Second**, a limited raised curb holding lane would be created between the lower parking lot and upper parking lot. Within that limited holding area, there would be a scanner for *Good To Go* or whatever technology is selected (could even do it manually until then). There would also be a voice activated (or touch screen) device to enter the number of passengers in the vehicle. The Coast Guard requires WSF to have this information in case of an emergency. A second scanner would be located somewhere on the dock to verify.

To accommodate a raised curb lane, the holding area may need to be moved west a few feet. That would mean the sidewalk may also need to be moved in or it could remain as is but closer to the cars. (This area is actually owned by SDOT and not the Parks Department.) In this area, there is an overgrown drainage ditch which makes the park inaccessible. Suggest the drainage

ditch be filled with gravel like it was at the north end of the park. This will improve the park, provide extra area and make the park more accessible.

This holding lane plus the area in front of the residential driveways has a capacity of roughly 100 vehicles. Combined with the 80 vehicles on the dock, that equals 180 total vehicles. Of course, the queue lane can extend north as far as necessary according to demand.

## **Benefits**

1. Creates a smooth and efficient queue line to board the ferry, potentially just as efficient as an expanded dock
2. Eliminates aggression of people cutting in line
3. Accommodates *Good to Go* or other technology scanning
4. Satisfies Coast Guard requirements
5. Benefits the professional commuter by simplifying the process
6. WSF employees can be utilized for more important needs
7. Does not become an eyesore or detriment to Lincoln Park
8. Friends of Lincoln Park should not object

**Combined with fare adjustment for non-peak times, this is a viable and cost-effective solution with little or no downside. This plan could be implemented now instead of years in the future.**

***Please send us a support letter for this alternative to the expensive and unnecessary expansion of the ferry dock.***

Many thanks,

Tim Wulf

Organizer of Save Fautleroy Cove

Former board member Fautleroy Community Association

Former member of the Ferry Advisory Board

[savefauntleroycove.com](http://savefauntleroycove.com)



[Link to the meeting 9.21.22: \(1743\) Fauntleroy Ferry Terminal Trestle and Transfer Span Replacement Project - CAG Meeting #8 - YouTube](#)

**From:** David Jenkins  
**Sent:** Thursday, October 13, 2022 9:39 AM  
**To:** DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>  
**Subject:** Thurston County Airport

Honorable Environmental Justice Council,

The purpose of this letter is to convey strong opposition to the recently developing plans to position a new airport in rural Thurston County. This opposition is based on environmental factors, massive impacts on thousands of families living in the area, and the current availability of airports within a couple of hours' driving distance of Thurston County. These oppositions will be discussed in the paragraphs that follow.

The environmental impacts of putting an airport in rural Thurston County would be massive. This airport would wipe out necessary habitats for endangered species such as the pocket gophers in the area, in addition to thousands of other woodland creatures. Vegetation and forestation that supports these ecosystems would be destroyed, and the region would likely never recover. Have we fought long and hard for the protection of these species (some of which are endangered - [https://www.biologicaldiversity.org/news/press\\_releases/2012/mazama-pocket-gopher-12-10-2012.html](https://www.biologicaldiversity.org/news/press_releases/2012/mazama-pocket-gopher-12-10-2012.html)) from small-scale construction objectives of homeowners only to have all of our efforts be demolished by this atrocity to nature?

The massive impact that this project will have on families living in the area is unparalleled. Depression and suicide rates caused by the COVID-19 pandemic have skyrocketed amongst adults and children alike, but the impact of this pandemic will pale in comparison to the impact this airport will have on families living in the Thurston County area. Displacement from homes, displacement from school districts, loss of long-family established settlements and homesteads, substantially decreased quality of life through increased crime, noise and light pollution to our beautiful environments, and destruction of the places we love will commence with the adoption of this plan to construct an airport here in Thurston County.

Thurston County communities already have easy access to two major international airports which are less than two hours in either direction (north and south). Additionally, there is already an airport about 5-10 minutes from the proposed site of the new airport in the city of Tumwater. The placement of a third airport in the area would be redundant, especially given the catastrophic damage it would cause to the communities of people and wildlife.

To conclude, I am imploring, no I'm begging you, to please oppose the building of another airport here in Thurston County. The endangered and valued wildlife in addition to the beautiful habitat in the region will thank you for your opposition, as will the families who live in this county. It would be much more effective to increase capabilities at the three existing airports in the area than it would be to build a new one, I think almost everybody can agree with that. Haven't we been through enough in the past couple of years? Please do not add to the list by supporting this environmental and personal travesty of justice and peace. Please consider joining me in strong opposition to this measure, as I know your opposition would be meaningful.

Thank you for your consideration,  
David Jenkins