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To: jean.mendoza@zimbracloud.com
Subject: Environmental Justice in Washington
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External Email

Environmental Justice In Washington State: Is it Real, Or Does Washington EJ Just Look Good On Paper?

A Statement from Friends of Toppenish Creek, December 15, 2023

Environmental justice (EJ)

is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Fair treatment

means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Meaningful involvement

means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Community concerns will be considered in the decision making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected. [1]

* * * * *

Certain elements of Environmental Justice have been incorporated into WA State law by the Climate Commitment Act and the Healthy Environment for All (HEAL) Act. Environmental Justice has been codified in Washington under RCW 70A.02.

The Washington State Dept. of Ecology [2] and the Washington State Dept. of

Commerce [3] have developed agency policies that proclaim adherence to the principles of Environmental Justice.

And yet In Sunnyside WA one of the largest manure methane bio-digesters in the U.S. [4] has been planned for over two years and the people of Sunnyside are largely unaware. South Yakima County is classified as an underserved community with a population that is over 80% Latino [5] and a median household income of \$49,134. [6]

The Friends of Toppenish Creek have asked the Yakima County Commissioners, the Yakima Regional Clean Air Agency, and the WA State Dept. of Ecology to hold informational meetings regarding the proposed digester. The agencies have so far ignored the request.

On November 30, 2023, at considerable expense, FOTC partnered with Empowering Latinas in Leadership and Action (ELLA) and convened a meeting to inform the public. Prior to the meeting ELLA canvassed Sunnyside neighborhoods near the site and contacted nearly 250 households. Only five of the households had even heard of the digester.

Meanwhile permits are in process and contracts are being signed. The Port of Sunnyside sold property for the digester to project sponsors, Pacific Ag, in 2022. The City of Sunnyside has agreed to make million dollar improvements to nearby roads to accommodate the 140 truck trips per day that would bring manure from outlying farms to the city and the digester. The WA State Department of Commerce has allocated \$500,000 for the project.

Already, in June of 2023, the City of Sunnyside has issued a mitigated determination of non-significance (MDNS) for the proposal under the WA State Environmental Policy Act (SEPA). The City of Sunnyside is the Lead Agency for SEPA evaluation of the project. Environmental and EJ advocates believe that the City of Sunnyside should have completed an Environmental Impact Statement (EIS) before issuing the MDNS. An Environmental Impact Statement means looking at all aspects of the project in depth rather than basing a decision on short answers to an Environmental Checklist completed by the proponents.

FOTC asks, “How can anyone construct a bio-digester that produces 850,000 MMBTU’s of natural gas per year that does not have an impact on the environment?” [7] and “How can the WA State Department of Commerce and the WA State Department of Ecology endorse and support a project that tramples the principles of Environmental Justice, by excluding this underserved community from decision making?”

Here are a few of the questions that require answers before breaking ground:

- What are the emergency plans in case of a tank explosion at this project?
- What is the expected life of a digester tank? Of pipes that transport methane, manure, and digestate?
- Will SS RNG truck drivers possess Commercial Drivers Licenses (CDLs) or will the SS RNG use the agricultural exemption for drivers who transport agriculture goods?
- Which air emissions will be monitored and where? Ammonia? Hydrogen sulfide? Methane? Carbon dioxide? Particulate matter? Other?
- How much will dairies be paid per ton of manure?
- How long will the digesters operate in the mesophilic range? How long will the digesters operate in the thermophilic range? This makes a difference in how many pathogens are destroyed by digestion. [8]
- Are there any requirements in place to ensure that digestate, the material left over after harvesting methane, will be applied to fields at agronomic rates?
- Will the proposed RNG facility digest the carcasses of unwanted farm animals?
- Who opposes completion of an EIS and why?

Sincerely,

Friends of Toppenish Creek

[1] U.S. Environmental Protection Agency. Learn About Environmental Justice.
<https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

[2] WA State Dept. of Ecology. Environmental Justice.
<https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice>

[3] WA State Dept. of Commerce. Environmental Justice.
<https://www.commerce.wa.gov/program-index/environmentaljustice/>

[4] Renewable Natural Gas Project Introduction to the Port of Sunnyside
September 6, 2022

[5] About 70% of the Latino families in South Yakima County speak Spanish at home. About 25% of the population does not speak English well according to the U.S. Census for 2022

[6] The median household income in Yakima County is \$64,910. The median household income in Washington State is \$90,325, according to the U.S. Census for 2022.

[7] Risks include increased emissions of hazardous air pollutants and greenhouse gasses, increased traffic, potential leaching to the underlying aquifer that is already contaminated, fires, and explosions.

[8] Mesophilic means digestion at 86 to 115 degrees Fahrenheit. Thermophilic means digestion at 115 to 140 degrees Fahrenheit. Water boils at 212 degrees Fahrenheit.



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⁴ Renewable Natural Gas Project Introduction to the Port of Sunnyside September 6, 2022

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White Swan, WA 98952

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