

# Washington Ecology moves to raise air-quality fees

## Public hearings set for plan based on emissions volume

By **DON JENKINS**  
Capital Press

Cattle feedlots, fertilizer plants, food processors and mint distilleries are among the 530 businesses in 17 counties in Central and Eastern Washington affected by a Department of Ecology plan to collect more money to monitor air pollution.

Ecology says the new flat fees — initially ranging from \$200 to \$7,000 a year and based on the volume of emissions — would be fairer and simpler than current rates.

A minority of businesses would pay less for Ecology to check pollution-control plans. Most businesses would pay



Matthew Weaver/Capital Press File

Cattle at a feedlot in Pasco, Wash. The Washington Department of Ecology proposes to restructure air-quality fees that some businesses, including feedlots, in 17 counties pay.

more, including 148 small emitters that are currently exempt from fees. The small emitters include nine distillers of mint oil in Adams and Grant counties that operate a few weeks a year.

“There are going to be some businesses, not just in ag, that will see substantial increases, and some that get lucky and see fee decreases,” said Jack Field, Washington Cattle Feeders Association

executive director. “Hopefully, it’s going to be something simple and self-supporting.”

Ecology collects the fees in counties that don’t have a local air-pollution control agency. The fees apply in

counties east of the Cascades, except for Benton, Spokane and Yakima counties.

Ecology says the current fees raised \$285,000 in 2017, while the department spent \$518,000. Ecology proposes to phase-in the new fees to make the program nearly self-supporting in three years.

Businesses would fall into one of six tiers based on their releases of particulate matter, volatile organic compounds, carbon monoxide, sulfur oxides and nitrogen oxides.

Under the current fees, the largest emitters pay a registration fee, plus fees for each ton of pollutants released and the complexity of their emissions-control plans.

Ecology also proposes to make future rate hikes easier so that fees don’t lag behind rising government costs. Ecology currently must go through formal rule-writing to

raise fees. In the future, Ecology would be able to raise fees across-the-board every two years to keep up with department expenses. The fees were last raised six years ago.

Other businesses that must register emissions include landfills, data centers, sewer plants and rock crushers.

Ecology will have two public hearings on the proposal. The hearings will be:

- 10 a.m. Wednesday, July 25, Red Lion Hotel, 1225 N. Wenatchee Ave., Wenatchee.
- 10 a.m. Thursday, July 26, Best Western Plus Lake Front Hotel, 3000 W. Marina Drive, Moses Lake.

Written comments will be accepted through Aug. 3. Comments may be submitted by online at [ac.ecology.com/submitinput](http://ac.ecology.com/submitinput) or by mail to Jean-Paul Huys, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.



## Chicken buy raises antitrust concerns

By **MATEUSZ PERKOWSKI**  
Capital Press

The recent purchase of an organic chicken producer by a major meat company has prompted an organic industry watchdog to complain of unlawfully reduced competition.

The Cornucopia Institute, an organic nonprofit, has asked the U.S. Department of Justice to investigate Tyson Foods’ acquisition of Tecumseh Poultry of Waverly, Neb., which owns the Smart Chicken organic brand.

Tyson, based in Springdale, Ark., already owns the organic chicken brands Nature-Raised Farms and Aidells.

Buying Smart Chicken stamps out a major competitor and makes Tyson one of only three firms that dominate the organic chicken market along with Pilgrim’s Pride and Perdue Farms, according to Cornucopia’s complaint.

Organic poultry is a distinct and rapidly growing sector but the supremacy of major producers may “push out” smaller, independent companies from the market, the complaint said.

“There’s no law against being big, but there are laws against using your economic prowess to eliminate your competitors and dominate the market,” said Mark Kastel, Cornucopia’s senior farm policy analyst.

Worth Sparkman, senior public relations manager for Tyson, said the purchase closed after a review by major regulatory agencies and would not comment on the anti-competitive concerns.

Due to delayed USDA regulations for organic meat, the poultry sector was initially a “laggard” in the organic industry but is quickly going from “zero to 60,” Kastel said.

However, investment in organics by major meat producers has mostly centered on exchanging organic feed for conventional feed and not using synthetic drugs, rather than providing chickens with “meaningful” outdoor access, he said.

Smaller poultry producers will have difficulty competing with the “economy of scale” of the largery companies, such as their ability to buy massive quantities of feed and shelf space in grocery stores, Kastel said.

The control of major firms over organic meat is having spillover effects on organic grains, which are often imported from dubious sources in foreign countries, he said.

# Farms eyed as fast-growing cities seek water

## High court ruling spawns task force

By **DON JENKINS**  
Capital Press

OLYMPIA — Farms figure prominently as Washington policymakers talk about how to create new water rights in basins deemed to have too little water for fish.

A legislative task force met June 22 to begin talks on the state Supreme Court’s 2015 Foster decision, The ruling barred new permanent water rights that impair fish flows. The ban includes withdrawals that the Department of Ecology determines would be in the public interest and could be done in a way that doesn’t harm fish.

The ruling stymied plans by fast-growing cities to create fish habitat to compensate for drawing more water. It also hindered Whatcom



Don Jenkins/Capital Press

Sen. Judy Warnick, R-Moses Lake, and Rep. Steve Tharinger, D-Sequim, listen June 22 in Olympia during a meeting of a task force on water rights. Policies could increase pressure to convert farmland into fish habitat. Warnick and Tharinger lead the task force.

County farmers from getting new groundwater rights in exchange for pumping water into a low-running creek in the fall.

The task force’s co-chairwoman, Moses Lake Sen. Judy Warnick, said after the meeting that she wants to find

a way for cities to get more water, but without soaking up agricultural water rights or converting farmland into fish habitat.

“We need to help cities find water, while protecting agriculture at the same time,” said Warnick, the top-ranking

Republican on the Senate agriculture committee.

The Foster decision is one of several Supreme Court decisions over the past two decades protective of state-set minimum flows for fish. The court rejected the idea that more fish habitat was a substitute for less water.

The court’s 2016 Hirst decision prohibiting rural wells was in line with those precedents. Lawmakers this year nullified Hirst in exchange for setting up new layers of government and pledging to spend \$300 million over 15 years on fish projects.

Legislators have not acted on Foster, aside from appointing the task force and authorizing five “pilot projects,” including one by Yelm, whose original plan led to the Foster decision. The other projects include the one by Whatcom County farmers to increase flows in Bertrand Creek. The other projects will

be in the Washington cities of Port Orchard, Spanaway and Sumner.

Ecology will supervise the projects. Daryl Williams, the natural resources liaison of the Tulalip Tribes based in Snohomish County, told the task force the projects will need tribal approval.

“We want to maintain agricultural production in our areas as well, but in a lot of areas we’re not using the most efficient irrigation systems. And if cities can help cover the cost of improving the efficiencies of irrigation, the farmers could relinquish a portion of their water right to the city,” Williams said.

The task force is made up of lawmakers, state agency officials, tribes and representatives of interest groups, including agricultural and environmental organizations. It’s expected to come up with policy recommendations to the Legislature.



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