

## Regulatory Framework Working Group

### Charge from Groundwater Management Area Advisory Committee

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[Insert Charge]

### Working Group Members

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Jean Mendoza, Chair (Friends of Toppenish Creek), Andres Cervantes (Department of Health), David Bowen (Department of Ecology), Chelsea Durfey (Turner and Co.), Dan DeGroot (Yakima Dairy Federation), David Newhouse (interested party), Ginny Prest (WSDA), Jason Sheehan (Yakima Dairy Federation), Jim Dyjak (Concerned Citizen of Yakama Reservation), Larry Fendell (interested party), Laurie Crowe (South Yakima Conservation District), Nick Peak (EPA), Patricia Newhouse (Lower Valley Community Representative), Steve George (Yakima County Farm Bureau), Stuart Crane (Yakama Nation), Sue Wedam (Lower Valley Community Representative), Vern Redifer (Yakima County Public Services), Jim Davenport (Yakima County Public Services)

### Meetings/Calls Dates

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Meeting: August 10, 5:00-7:30 PM

Call Number: 360 407-3780 PIN Code: 306589#

### Participants

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Present: Jean Mendoza (Chair), Jim Davenport, David Bowen, Larry Fendell, Dan DeGroot, Stuart Crane, Steve George, Sandy Braden, Andres Cervantes, Ginny Prest\*, Vern Redifer, Marlene Carpenter, Bobbie Brady (Yakima County Public Services). \*via phone

### Key Discussion Points

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Jean welcomed the group at 5:07 PM. Everyone introduced themselves. Jean passed around three handouts including an outline for the Regulatory Framework Discussion.

Presentation to the Livestock/CAFO Work Group: Six members of the group had been at the Livestock/CAFO presentation on August 4. Jean gave those members a survey to complete and asked each to share their thoughts. Several members felt the presentation went well although the group got side-tracked at times on hot topics. One member pointed out that because there was an overlap in membership many people were already aware of much of the information presented. Jim Davenport had reservations as the case law had been omitted, he believed that RCRA should have been a part of the briefing and observed that the discussion/conclusions/strategies didn't go far. Jean believed the meeting went fairly well – her concern is more the end product.

Jean referred to her handout - Work Plan for GWMA Regulatory Framework Group and noted that under Section 3.2 the group had covered items a-h although, in her opinion, inadequately. Further Jean didn't think item c: cost - had been covered at all. David said that he had not seen this work plan but believed some of the items would be dealt with in the Livestock/CAFO group.

Jim said the plan had come from the GWAC and characterized it as a “suggested fabric.” Another member agreed. David thought each of the three working groups would take the information from the Regulatory group and disseminate it in written format for the GWAC’s consideration. Other members agreed. David said he believed Livestock/CAFO had enough information from the Regulatory group. Vern pointed out that he thought Jim’s written synopsis met the goals of the work plan to provide a framework of the regulations that apply. He envisioned the Regulatory group would take this framework and write the first chapter stating “here’s what we know about the regulations.” Subsequent chapters would be written by the other three groups with their recommendations. When done all chapters would be blended together into a uniform, concise report. Steve asked if the CAFO portion would have a “stand alone” regulatory component or be incorporated with the remainder of the CAFO materials like a list of recommended best management practices (bmp’s). Vern advised that they would be done together.

A member wanted to know if Jean had included in her presentation the changes in the laws over the years and if she advised that Natural Resources Conservation Service (NRCS) had indicated desire to be a resource for the GWMA. Jean acknowledged she had not. Jim said he thought Jean’s presentation was objective. Ginny wanted to verify exactly what had been handed out (she will call Jean) and felt that the NRCS has management practices that should be considered. She also inquired as to whether it would be possible for her to attend the next Livestock/CAFO meeting to speak to the Dairy Management Nutrient Program (DMNP) and how they rely on the Conservation Districts. Vern felt it would be hard to relay all of the details the Regulatory group had gathered. He felt a quick summary was sufficient as long as additional reading materials were provided due to meeting time constraints. A member pointed out the Regulatory group could provide additional information if needed.

Presentation to the Irrigated Ag Work Group (IAWG): Jim Davenport said that the list of existing laws for IAWG would be short. Jean was concerned that the DNMP had been exclusively addressed by the Livestock/CAFO group. She believed the manure/fertilization portion should be addressed more appropriately by IAWG. A discussion ensued. Jim agreed with Jean’s judgment call but pointed out that it had not been his decision and that IAWG had entertained the topic minimally to date. Jim went on to say that when Perry Beale prepared the IAWG piece for the nitrogen loading assessment it included information on lands fertilized by manure and/or chemicals, however, no conversations had been held as to the common practices, recommended new practices or an analysis of old practices in that group. Perry Beale did look at several sources to determine the recommended application rates of nitrogen for all crops grown in the GWMA. In addition, Perry spoke with several crop consultants in the IAWG and they reviewed the draft of his report and made adjustments. Within this context the IAWG did discuss the application of manures and fertilizers.

Presentation to the RCIM Work Group: Dan DeGroot said the RCIM agenda was full for September. It was suggested that the group present to RCIM and IAWG in October which would give the group more time to put the presentations together and allow the members to review and make suggestions. Dan requested the proposed presentation with a list of sources be given to Regulatory members prior to the next meeting. Jean said source information could be found on her website.

Atmospheric Deposition and Other Miscellaneous Sources: The group discussed the limited laws applicable to atmospheric deposition and whether due to the low loading rate (4 lbs. per acre across the GWMA per the RCIM piece) the group should consider this item after looking at larger contributors. RCIM Chair, Dan DeGroot did not want to talk about atmospheric deposition in his group as he believed its sources were more appropriate to the Irrigated Ag working group.

The group also discussed non-point source pollution. A member pointed out it is difficult to measure and regulate as it is hard to determine culpability. Typically bmp's are the solution. A member thought non-point source pollution might be easier to deal with in the GWMA because irrigation moves much of the water and irrigation districts are already in place to deal with the issue. Others disagreed. The group also discussed point source pollution which is easier to measure and has good success when addressing the issue. Jim also brought up amending the use it or lose it law to prevent people from using it just so you don't lose it.

Potential Research Projects/Cost Benefit Analysis: Jean believes it is the GWMA's job to do a cost benefit analysis and even though the topic had been discussed at last month's meeting without a lot of agreement she wanted the group to consider it again as she believes the GWMA has an obligation to tell the public the costs. Jean stated that if the GWAC didn't do a cost benefit analysis her organization, Friends of Toppenish Creek, would. Further, she stated that if Friends of Toppenish Creek did the analysis it would be biased.

Several members asked Jean to clarify what she desired and expressed confusion because there were no specific ideas, proposals or options on the table as of yet to analyze. Vern explained that the cost of an action is more easily determined than the benefits because they can be difficult to quantify as they are subjective. Jim pointed out that he had been involved with about ten groups that had done cost benefit analyses and in every instance the numbers were skewed to justify a politically chosen action. After some discussion the group agreed that until there were some specific ideas, proposals or options ready for presentation to the GWAC they saw no need to revisit this topic for general discussion again. Next meeting Wednesday, September 14, 2016, 5:00-7:30 PM.

**Resources Requested:** None.

**Recommendations for GWAC:** None.

**Deliverables/Products Status:** None.

### **Proposed Next Steps**

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- Ginny Prest will contact Jean to get the Regulatory information that had been presented to the Livestock/CAFO Group.
- David Bowen will consider Ginny Prest' request to attend the next Livestock/CAFO meeting to speak to the dairy management nutrient program on how they rely on the Conservation Districts.
- Jean will prepare proposed presentations for the RCIM and Irrigated Ag working groups for the Regulatory group's consideration. She will get these to the members prior to the next meeting for review and suggestions. She will provide sources.
- Jean will contact the group's chairs to get on their agenda for October.