

## Regulatory Framework Working Group

### Charge from Groundwater Management Area Advisory Committee

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Develop proposal and budget for working group task items and submit by Wednesday, August 13, 2014

### Working Group Members

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Tom Eaton – Chair (Environmental Protection Agency), Andres Cervantes (Department of Health), Charlie McKinney (Department of Ecology), Chelsea Durfey (Turner and Co.), Dan Degroot (Yakima Dairy Federation), Jason Sheehan (Yakima Dairy Federation), Jean Mendoza (Friends of Toppenish Creek), Laurie Crowe (South Yakima Conservation District) Nick Peak (Environmental Protection Agency), Vern Redifer (Yakima County Public Services)

### Meetings/Calls Dates

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Conference Call: 3:00p.m. to 4:40p.m., Monday, August 11, 2014

Call Number: 866.299.3188 CODE #3607539437

### Participants

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Present: Tom Eaton (Chair), Andy Cervantes, Charlie McKinney, Jason Sheehan, Jean Mendoza, Ginny Prest, Jim Davenport, Larry Fendell, Vern Redifer

Absent: Chelsea Durfey, Dan DeGroot, Laurie Crowe and Nick Peak

Other Attendees: Troy Ross-Havens, Kelly Rae (Yakima County support staff)

### Key Discussion Points

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#### Welcome & Meeting Overview

Tom Eaton welcomed the working group. **He invited the group to comment on the two proposals presented by Jean Mendoza.**

Jean contacted Tom regarding the budget proposals. She volunteered to prepare and submit two proposals.

- **Proposals for Regulatory Review for the Lower Yakima Valley Groundwater Management (Comprehensive and CAFO/Livestock)** Jean briefly summarized the two proposals and their differences to be considered for budget by August 13, 2014 and then be presented to the County (copies of proposals are attached):

Jean believes that the regulatory analysis presents too much workload for the County and suggested that the group look at what California and the other five western states have done as they've accomplished a lot and that the GWAC should contract this proposed task out. There are a lot of regulations that impact nitrates (e.g. required groundwater monitoring wells) and this should apply to the AG as well so she included that in the proposal. Jean also suggested that the group look at pesticide program as it's highly regulated and perhaps GWAC could use it as a model.

Vern stated the important task of the proposal was the evaluation of effectiveness of alternative approaches in reducing nitrates. He also felt the proposed budget amount was way too high. Vern also has some concern that the group may be jumping ahead and we don't want to spend a lot of time and money where we don't need to. We need to educate ourselves (timing of application, overwatering, etc) about current programs first. We need more data to see what regulations are effective. Jim agreed and also suggested that we need some straightforward legal research to see if regulations are having the effect desired of nitrate reduction.

The group agreed that the more focused proposal (CAFO/LIVESTOCK) would cause a lot of angst.

Vern said it would not be a huge conflict as we can balance it whether we do it now or later. He suggests that we 1) do legal research as Jim said (same effort we did for State Regulations); 2) set money aside for future after we get the data, match it up to the problem and find out what we'd need to flesh out. He added that with the proposals he's received from the working groups so far, we are \$1m over budget.

Vern has scoped out a budget in talking with consultants, put it together for RCIM at \$75k. He suggested that the County could do the GIS work and we should be able to get the budget down for the nutrient budget work that could be used to set priorities for our workgroup. The framework would be built as other data are received and then we can update with local data. For instance, implement the nitrate loading assessment by using published crop values and then look at specific hot spots.

July 2015 is the current target for having the Groundwater Management program completed but this target can be modified between both Ecology and the County, if necessary and must take the time not to rush. The group feels that a quality program is important.

Jean stated that increased funding can address minor sources of nitrate contamination and the budget could be on the low side however she suggested \$500k would be more acceptable as the analysis needs to be precise. The analysis should be a step-wise process so that whoever accomplishes this would need to compile a list of the major sources: Irrigation practices, fertilization practices and CAFO management and look at the current regulations to see how it impacts government regulations.

Vern pointed out that no contract has been executed for the \$1.6m yet. Charlie explained that “it is not Ecology money. It is legislator proviso passing through Ecology however the initial \$300k was from Ecology.”

Tom suggested pacing it out. Charlie estimated that the proposed legal review would cost roughly \$64k (two solid months) for cataloging ideas from other states for groundwater and questions around the source categories. Jim stated that it’s not a big budget question. He estimates \$10-20k for the evaluation for effectiveness and \$50-80k for the analysis. He recommended \$40k for 2015 and 40k for 2016. Ginny suggested that the group puts a placeholder for \$30-40k.

Vern added that in just adding this up, if we put this at \$250k, it’s still over budget. We paid \$81k to contractor. He’s thinking \$25k for compilation and another \$75k later. He believes that Jean overestimated the cost of work but not the scope. Jean argued that the County Zoning Ordinances have a big impact on groundwater. Vern told her that the Planning Division is rewriting the Land Use Code and that someone from the County could come and explain. This rewrite will go before the Commissioners tomorrow (August 12) to include comments about how the BMPs and regulation compiled by the consultant haven’t been fully explored and the suggestion that exploring these Washington regulations can be done by RFWG while consultant explores other states. We need to know what’s wrong with ours before looking at other states.

**ACTION:** Ginny Prest volunteered to assist reframing Jean’s proposals to incorporate group comments by cataloging what other areas have done and seeing what the costs were. She also suggested that we hire someone to catalog the regulations and regulations in other states. Jean and Ginny would then send it to Tom and who will share with the group and send it to the county for consideration at the next GWAC Meeting. Jean agreed.

### **Resources Requested**

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None at this time

### **Recommendations for GWAC**

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Consider regulatory framework tasks and budget

### **Deliverables/Products Status**

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Budget and scope for 2014/2015 tasks near completion

### **Proposed Next Steps**

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Complete proposals and submit to County by August 13