LOWER YAKIMA VALLEY GROUNDWATER MANAGEMENT AREA ADVISORY COMMITTEE (GWAC)

MEETING SUMMARY

Thursday, October 16, 2014

Radio KDNA
121 Sunnyside Ave, Granger, WA 98932

Note: This document is only a summary of issues and actions in this meeting. It is not intended to be a transcription of the meeting, but an overview of points raised and responses from Yakima County and Groundwater Advisory Committee members. It may not fully represent the ideas discussed or opinions given. Examination of this document cannot equal or replace attendance.

I. Call to Order

Roll Call: The meeting was called to order at 5:02 pm by Penny Mabie, Facilitator.

<table>
<thead>
<tr>
<th>Member</th>
<th>Seat</th>
<th>Present</th>
<th>Absent</th>
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</thead>
<tbody>
<tr>
<td>Stuart Turner</td>
<td>Agronomist, Turner and Co.</td>
<td>✓</td>
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<tr>
<td>Chelsea Durfey</td>
<td>Agronomist, Turner and Co. (alternate)</td>
<td>✓</td>
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<tr>
<td>Bud Rogers</td>
<td>Lower Valley Community Representative Position 1</td>
<td>✓</td>
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<td>Kathleen Rogers</td>
<td>Lower Valley Community Representative Position 1 (alternate)</td>
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<tr>
<td>Patricia Newhouse</td>
<td>Lower Valley Community Representative Position 2</td>
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<tr>
<td>Sue Wedam</td>
<td>Lower Valley Community Representative Position 2 (alternate)</td>
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<tr>
<td>Doug Simpson</td>
<td>Irrigated Crop Producer</td>
<td>✓</td>
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<tr>
<td>Jean Mendoza</td>
<td>Friends of Toppenish Creek</td>
<td>✓</td>
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<tr>
<td>Eric Anderson</td>
<td>Friends of Toppenish Creek (alternate)</td>
<td>✓</td>
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<tr>
<td>Jan Whitefoot</td>
<td>Concerned Citizens of the Yakama Reservation</td>
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<tr>
<td>Jim Dyjak</td>
<td>Concerned Citizens of the Yakama Reservation (alternate)</td>
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<tr>
<td>Steve George</td>
<td>Yakima County Farm Bureau</td>
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<tr>
<td>Frank Lyall</td>
<td>Yakima County Farm Bureau (alternate)</td>
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<tr>
<td>Jason Sheehan</td>
<td>Yakima Dairy Federation</td>
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<tr>
<td>Dan DeGroot</td>
<td>Yakima Dairy Federation (alternate)</td>
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<tr>
<td>Jim Trull</td>
<td>Roza-Sunnyside Joint Board of Control</td>
<td>✓</td>
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</table>
Groundwater Management Area (GWMA):
The purpose of the GWMA is to reduce nitrate contamination concentrations in groundwater below state drinking water standards

<table>
<thead>
<tr>
<th>Ron Cowin</th>
<th>Roza-Sunnyside Joint Board of Control (alternate)</th>
<th>✓</th>
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</thead>
<tbody>
<tr>
<td>Laurie Crowe</td>
<td>South Yakima Conservation District</td>
<td>✓</td>
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<tr>
<td>Jim Newhouse</td>
<td>South Yakima Conservation District (alternate)</td>
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<tr>
<td>Robert Farrell</td>
<td>Port of Sunnyside</td>
<td>✓</td>
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<tr>
<td>John Van Wingerden</td>
<td>Port of Sunnyside (alternate)</td>
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<tr>
<td>Rand Elliott</td>
<td>Yakima County Board of Commissioners</td>
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<tr>
<td>Vern Redifer</td>
<td>Yakima County Board of Commissioners (alternate)</td>
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<tr>
<td>Gordon Kelly</td>
<td>Yakima County Health District</td>
<td>✓</td>
</tr>
<tr>
<td>Dr. Troy Peters</td>
<td>WSU Irrigated Agriculture Research and Extension Center</td>
<td>✓</td>
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<tr>
<td>Tom Eaton</td>
<td>U.S. EPA</td>
<td>✓</td>
</tr>
<tr>
<td>Marie Jennings</td>
<td>U.S. EPA (alternate)</td>
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</tr>
<tr>
<td>Elizabeth Sanchey</td>
<td>Yakama Nation</td>
<td>✓</td>
</tr>
<tr>
<td>Tom Ring</td>
<td>Yakama Nation (alternate)</td>
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</tr>
<tr>
<td>Kirk Cook</td>
<td>WA Department of Agriculture</td>
<td>✓</td>
</tr>
<tr>
<td>Virginia &quot;Ginny&quot; Prest</td>
<td>WA Department of Agriculture (alternate)</td>
<td>✓</td>
</tr>
<tr>
<td>Andy Cervantes</td>
<td>WA Department of Health</td>
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<tr>
<td>Ginny Stern</td>
<td>WA Department of Health (alternate)</td>
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<tr>
<td>Charlie McKinney</td>
<td>WA Department of Ecology</td>
<td>✓</td>
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<tr>
<td>Tom Tebb</td>
<td>WA Department of Ecology (alternate)</td>
<td>✓</td>
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<tr>
<td>Lino Guerra</td>
<td>Hispanic Community Representative</td>
<td>✓</td>
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<tr>
<td>Rick Perez</td>
<td>Hispanic Community Representative (alternate)</td>
<td>✓</td>
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</tbody>
</table>

II. Welcome & Meeting Overview

Moment of silence

Introductions

III. Committee Business: Penny Mabie

The August 21, 2014 meeting summary was approved as presented.

The September 18, 2014 meeting summary was approved with proviso. Charlie McKinney sent in comments but they were not included in the draft. Penny will add his edits.

Membership Updates:
Charlie McKinney announced several membership changes. Kathleen Rogers, Lower Valley Community Representative Position 1, is now an alternate; Bud Rogers will serve as the primary. Justin Waddington, Yakima County Farm Bureau alternate, has withdrawn and been replaced by Frank Lyall. Dr. Kefy Desta, WSU Irrigated Ag Research and Extension Center has withdrawn. Dr. Troy Peters is now primary and searching for an alternate.

**Working Group Membership:**

Recently a member was inadvertently omitted from a working group distribution list and missed a meeting. Consequently Penny reached out to the Chairs to update their working group membership lists. She requested that the group let her know if any names are missing from any of the working group lists. Distribution lists will be updated accordingly.

**IV. GWMA Budget: Vern Redifer**

**Consider and Approve Priority Budget Requests:**

Vern reviewed the budget progress with the group. In August the group reviewed and ranked each budget proposal as high, medium, or low. Working groups were given time to revise their proposals before the September meeting. Vern then calculated the GWAC’s August rankings in a percentage format, which is in the spreadsheet provided for discussion. He further noted the status of each proposal, reflected in the budget spreadsheet as either: No Change (NC), Revised, or Withdrawn. He noted the intent was for the committee to review each proposal and be asked to approve or reject it.

**Deep Soil Sampling (Under Existing SYCD Contract – 200 Samples) $395,000:**

Approved with one member abstaining and one objecting

*Discussion:* Two members questioned the amount of the DSS contract as it was significantly higher than the original estimate. Vern explained that as with a County project (e.g. road construction) staff tries to accurately estimate the cost of the work, but the county has no control over the bid amounts that are submitted. Under contracting law the county accepts the lowest responsible bid.

When asked what had changed in the contract, Vern replied that the scope of work was exactly the same; it is the cost to do the work that came in higher than expected. When a member stated that this body had no say in the contract, Penny stated that it was never the expectation that the committee would review contracts. The committee defines projects and their scopes of work. The fiduciary responsibility lies with the lead agency. Charlie concurred, emphasizing that Yakima County is the lead agency and has the experience and responsibility to execute the program contracts—it’s not the GWAC’s job. He added that the DSS project will provide some field data to validate the Nitrogen Loading Study.
In response to a request to delay the contract, Vern replied that the committee has had two months to review the contract and scope of work. If the contract was delayed, the project would be set back another year. He also noted, in response to contract availability that the contract is posted on the website.

Penny asked the two members if there was any way they could come to agreement to approve the DSS budget. The response was “no.” Penny reminded the group that in accordance with their Operating Guidelines, in instances where consensus could not be reached, a vote would be taken and the majority decision would rule. A vote was taken, and a clear majority was in favor, with one member opposing and one abstaining. The project was approved.

Vern noted that any criticism of the contract being let for the larger budget can be directed at him. The GWAC had been enthusiastic about the project and he believed from their comments that they did not want to lose another year. He believed it was the best way to move the GWAC forward and therefore moved the contract forward to the County commissioners for execution.

Penny noted that it may be appropriate for the committee to have a further discussion about adopting a policy requiring additional committee discussion if a cost for a committee-approved scope of work far exceeds the estimated cost. Vern noted that had it not been for the timeliness issue with the DSS scope of work, he would have come back to the committee for a budget discussion, and said he would do that if the same type of situation occurs in the future.

**Groundwater Monitoring Plan – Planning, Analysis, Reporting $380,000:**

Approved

A discussion took place regarding a contingency budget (for cost overrides, or other reasons). Vern noted that contingencies are built into the current budget.

Penny stated that the group is setting the budget for the program so when a scope of work is developed there will be a budget allocated for it. She asked the group if they were okay with this approach and they responded “yes.”

**Nutrient Loading All Sources – Database, Analysis, Reporting $57,000:**

Approved

*Discussion:* A member stated they were not informed of the working group meeting where this item was discussed. The member expressed concern about the scope of work and budget (too small). Penny asked the member if they were concerned about the budget amount and they responded “no.” Penny asked if the scope of work concerns were addressed would they approve the budget. The member replied “yes.” Penny asked Kirk if he would dedicate time to review the member’s concerns. He agreed.
Groundwater Management Area (GWMA):
The purpose of the GWMA is to reduce nitrate contamination concentrations in groundwater below state drinking water standards

Database Maintenance, Analysis and GIS (Monitoring, Wellhead, Etc.) $30,000:
Approved

Irrigation Water Management Workshops $7,000:
Approved

Deep Soil Sampling (Proposed Additional 100 Samples) $150,000:
Budget item was placed in Reserve. The committee will evaluate the results of DSS Phase 1 before making a decision on additional samples.

A member asked if the $150,000 reserve (DSS Phase II) could be moved into either the groundwater monitoring or well sampling projects. Vern responded that there has been no decision regarding where reserve funds will be allocated yet. Placing this $150,000 in reserve does not mean it is being committed to DSS.

Dairy Pens and Manure Storage Sampling $60,000:
Approved

Abandoned Wells and Septic System Maintenance Education and Outreach $76,000:
Approved

Abandoned and/or Improperly Constructed Wells (Decommission Wells) $50,000:
The budget item was placed in Reserve. Vern explained that the project seemed more appropriate to come after the Groundwater Management Area (GWMA) program is developed, as part of program implementation. More importantly, he expressed concern about whether the GWAC could legally use GWMA funds for this purpose. He noted that it could be considered gifting of public funds (an illegal action) if program funds are used to decommission private wells and suggested that legal interpretation should be sought before expending budget on this item.

Educational Outreach Campaigns $54,000:
Approved

Wellhead Risk Assessment Surveys – Phase II $100,000:
Approved

A member asked if any of the participating wells would be used as long-term monitoring wells. Vern replied that the information collected will be available for consideration of wells when the monitoring network is developed. He also noted there are multiple uses for the surveying: ongoing well testing, identification, data collection, educational outreach. The surveying will build on the initial surveys done by the Yakima Health District and will include cross referencing with the Department of Ecology’s well logs. A member asked if the County’s database is cross referenced now into Ecology’s well log. Vern replied not yet, but will be.
Groundwater Management Area (GWMA):
The purpose of the GWMA is to reduce nitrate contamination concentrations in groundwater below state drinking water standards

Redesign and Maintain GWMA Website $12,000:
Approved

Lagoon Assessment Based on EPA Data $10,000:
Approved

Concerns were expressed that the data may be cherry picked. Tom Eaton replied that the data has not yet been collected but when it is, the data will be processed as it has always been and will be posted on the web site.

Mobile Lab-On Farm Evaluation of Irrigation Water Management:
Yakima County recommended a delay until plan implementation.

Community Outreach Surveys $25,000:
Approved

Regulatory Review $25,000:
Approved with one objection

Yakima County proposed $25,000 to identify how effective government agency regulations are in relation to addressing nitrates. Facilitated workshops will be conducted with agencies around structured questions. A member asked if the GWAC is essentially paying for the same information twice – all the agency information is already publicly available.

Interim Final Groundwater Monitoring Plan:
Kirk stated that the plan has been reviewed three times by the data committee. Comments have been addressed and the working group feels confident about the document. It is requesting the GWAC’s approval. He noted that the Groundwater Monitoring Plan establishes the Standard Operating Procedures, providing the quality assurance and quality control on how the samples will be collected and analyzed. This plan is not a scope of work (that’s the next phase) it’s just the quality assurance and quality control parameters that will be followed.

A member objected to the plan because it does not provide a sampling schedule, a sampling network, or a reporting schedule. Kirk repeated that the Interim Plan addresses the quality assurance and quality control for how the samples will be collected and how lab analysis will be performed. The member’s concerns will be addressed in the forthcoming comprehensive well monitoring network document.

Following this discussion, the GWAC approved the Interim Final Groundwater Monitoring Plan Version 7 as presented. Jean Mendoza submitted a minority opinion and asked it to be included with the meeting summary (attached).
VI. Public Comment:

Robert Jackson of Wapato stated that the committee has not followed General Accounting Principles (i.e., no scope of work, no identified best practices from other areas, etc.). There has been no formal consultation with the Yakama Nation.

Jim Davenport, speaking as a citizen, urged the committee to continue its work and complete the plan. He noted that he lives in the valley and cares about the health of its people. He commended the committee for the work they have done and their level of commitment to the project.

VII. Next Steps:

Penny asked the group if they wanted to hold a November meeting. The group declined. She asked if they wanted to hold their placeholder December meeting and they assented.

December presentation:

- EPA will present the data collected pursuant to the Dairy Cluster Consent Order (December 18, 3:00 – 5:00 pm, prior to the GWAC meeting)
- Additional data may be presented by Stuart Turner at this meeting.

GWAC Meeting Agenda

- Review the Nutrient Loading Scope of Work
- Review the progress timeline, currently under development by Yakima County.

VIII. 2014 Meeting Calendar:

- January 16, 2014
- February 20, 2014
- April 17, 2014
- June 19, 2014
- August 21, 2014
- September 18, 2014
- October 16, 2014
- December 18, 2014

The meeting was adjourned at 7:05 pm.

Meeting summary approved by the GWAC on December 18, 2014.
Second Opinion re the INTERIM FINAL GROUNDWATER MONITORING PLAN  
LOWER YAKIMA VALLEY GWMA INITIAL CHARACTERIZATION  

August, 2013

This document, as currently written, is a blank check. There is no mechanism for accountability to the GWAC or the tax paying public. The document is not an area characterization. Valid recommendations from the Data Work Group were ignored.

Accountability

Section 1.0 of the document states,

This interim final Groundwater Monitoring Plan addresses:
• Sampling Procedures
• Sampling Schedule (developed following identification of the sampling network)
• Sampling Network (sampling network has not been established as of the date of issue for the interim final Groundwater Monitoring Plan)
• Quality Assurance/Quality Control
• Reporting (frequency developed following identification of the sampling network and schedule)

While this Monitoring Plan is intended to be comprehensive, revisions and/or amendments may be required as the project evolves.

The document does not provide a sampling schedule, a sampling network, or a reporting schedule. If the GWAC signs off on this document we have lost any control over where the monitoring wells will be located, when sampling will be done and how often reports are made.

The document does not talk about how many wells will be located in shallow aquifers, how many at middle levels and how many in deep aquifers. It does not guarantee that all areas in the GWMA will be monitored. It does not talk about groundwater flow. It does not address critical aquifers. It does not talk about soil characteristics. It does not talk about farming practices or cropping patterns.

Area Characterization

WAC 173 – 100 – 100 (1) requires:

The program for each groundwater management area will be tailored to the specific conditions of the area. The following guidelines on program content are intended to serve as a general framework for the program, to be adapted to the particular needs of each area. Each program shall include, as appropriate, the following:

1 “Characterization includes the measurement, description, and interpretation of the hydrogeologic setting that groundwater occurs in; monitoring is the point measurement of water quality or water-level conditions of the groundwater present in such a setting.” WA State Dept. of Ecology Strategic Recommendations for Groundwater Assessment Efforts of the Environmental Assessment Program. 2003
(1) An area characterization section comprised of:
   (a) A delineation of the groundwater area, subarea or depth zone boundaries and the rationale for those boundaries;
   (b) A map showing the jurisdictional boundaries of all state, local, tribal, and federal governments within the groundwater management area;
   (c) Land and water use management authorities, policies, goals and responsibilities of state, local, tribal, and federal governments that may affect the area’s groundwater quality and quantity;
   (d) A general description of the locale, including a brief description of the topography, geology, climate, population, land use, water use and water resources;
   (e) A description of the area's hydrogeology, including the delineation of aquifers, aquitards, hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates, direction and quantity of groundwater flow, water-table contour and potentiometric maps by aquifer, locations of wells, perennial streams and springs, the locations of aquifer recharge and discharge areas, and the distribution and quantity of natural and man-induced aquifer recharge and discharge;
   (f) Characterization of the historical and existing groundwater quality;
   (g) Estimates of the historical and current rates of groundwater use and purposes of such use within the area;
   (h) Projections of groundwater supply needs and rates of withdrawal based upon alternative population and land use projections;
   (i) References including sources of data, methods and accuracy of measurements, quality control used in data collection and measurement programs, and documentation for and construction details of any computer models used.

These are criteria for Area Characterization. We have contracted with PgG to do an area characterization and I do not see one. Just calling a monitoring plan a characterization does not make it so. The characterization should have been done prior to development of a monitoring plan.

The meeting summary for the May 8, 2014 meeting of the Data Work Group says, “As of now, the topic of who will be leading the characterization report is under discussion between the County and others. The scope and level of detail of the characterization report still needs to be decided.”

Data Work Group Input

The Data Work Group has only met once in 2014. It is inaccurate to say that the work group has approved any actions because there has been only one meeting this year. The chair appears to be acting independently from the work group.

There is evidence of consultation with some members of the group. An e-mail from Kirk Cook to Don Gatchalian on April 14, 2014 (obtained through the Freedom of Information Act) says “Document has been forwarded to key working group members for review, with a deadline of April 30th.” This does not constitute work group input and shows that information has been withheld from some members of the group.

A paid consultant and hydrogeologist from the Pacific Groundwater Group (PgG) suggested adding chloride to the list of contaminants tested. Chloride has been part of the sampling and analysis for nitrates in groundwater in most other studies. Chloride has been used as a marker for lagoon leakage and manure over application. The addition was not made. We do not know who made that decision.
However, Stuart Turner, a paid consultant for the dairy industry who has never participated in a Data Work group meeting, did review and critique comments that other work group members made and his recommendation was to not include chloride testing.

More supportive information is available on request.

Respectfully submitted.
Jean Mendoza