

Livestock/CAFO Working Group

Charge from Groundwater Management Area Advisory Committee

Discussion of data sources and remaining Work Plan Items

Working Group Members

David Bowen, Chair (Department of Ecology), Gary Bahr (Department of Agriculture), Elizabeth Sanchez (Yakama Nation), Jason Sheehan (Dairy Federation), Jim Newhouse (South Yakima Conservation District), Laurie Crowe (South Yakima Conservation District), Sue Wedam (LV Community Rep.), Patricia Newhouse (Community Rep Position #2), Steve George (Yakima County Farm Bureau), Stuart Turner (Turner & Co., Inc.), Jean Mendoza (Friends of Toppenish Creek), Jim Dyjak (Concerned Citizens of the Yakama reservation)

Meetings/Calls Dates

Meeting: Thursday, July 7, 2016 5:00 – 7:00 PM

Participants

David Bowen, Dan McCarty, Anthony Dorsett, Jim Dyjak, Jean Mendoza, Laurie Crowe*, Sue Wedam*, Steve George, Jason Sheehan, Rebecca J. Wolfe, PhD*, Vern Redifer, Bobbie Brady and Marlene Carpenter (Yakima County).

*via phone

Key Discussion Points

Chair David Bowen opened the meeting at 5:03 PM and asked everyone to introduce themselves. He then addressed the agenda and summarized items 1(a) thru (d) as follows: David felt that the group should focus on items 2.1.3 through 5 from the group's work group plan. He felt that .2 was the goal of the GWMA, .6 and .7 were details that the County would be putting together and that .8 through .10 were GWMA/GWAC oriented. Additionally, a literature review of manure and groundwater done by Melanie Redding could be found on the Ecology website, publication #16-03-026. David also reminded the group that the Ecology CAFO permit was out for comment until August 17. The permit can be found on the Ecology website, search "CAFO permit." Jon Jennings and Bill Moore are the lead people taking comments. In addition there are two public hearings (Bellingham July 26 and the Yakima Convention Center July 28). There is also a webinar on July 27. Lastly, the Nitrogen Loading Assessment is with the Department of Ag – four staff are working towards its completion. Vern noted that the RCIM piece was finished and to the Department of Ag.

2. EPA Consent Order Progress Report: David noted that he observed signs of progress when he read the report. It was his goal to allow the group to review the report and discuss it if they desired. A member felt that the report revealed that a certain amount of regulation was working and wanted to discern what aspects were working best and what could be improved. She voiced concern that while 20 of the fields had seen improvement nine fields still had problems.

Another member said it was his belief that the real issue at hand was the timing of applications of fertilizers to fields and how much water was then applied. He believed monitoring these two things could be enough to reduce nitrogen loading to groundwater. He also pointed out that the proposed CAFO permit did not require the lining of ponds. He felt that the group would find most people had already made a number of changes and that dairies represented just one component – there were many other sources that would need to be addressed. Another member pointed out that while the compliance threshold for dairies is 45 ppm three out of five years the goal of the WSDA is still 30 ppm. One member said it was important to also recognize that many changes had been made because of efficiencies and economics. A member voiced a concern that the requirement for dairies to line lagoons was omitted from the CAFO report for political reasons. David noted that the previous permit had expired and there was a need to get one back in place. He felt that the proposed permit was a compromise between wants and needs but felt it was a good start.

The group talked about the presentation made early on by the Umatilla GWMA recollecting that they had been told it took a significant amount of time before Umatilla saw an improvement in the nitrate levels – perhaps as much as 21 years before it peaked and it was their experience that the slope of the graph line continued to go up despite the group's best efforts. It then came down slowly and took a long time for the group to see a consistent decline. Vern stated that while it could take 21 years to see the nitrate levels go down the group could find ways to measure progress along the way. He believed the EPA report was evidence that you can measure progress with confidence.

Vern added that a representative of the dairies (in the Consent Order Update) had approached the County to gain access to County rights-of-way in order to install additional sample wells. The County has agreed with the caveat that the County could have access to all data so that the GWMA/PGG could make use of the data as well. Vern agreed to provide the group with information on the request. He pointed out that these wells were court settlement based and therefore the two monitoring plans would not be coordinated so that the groups wouldn't intermingle.

A member said that from an environmental point of view a variety of Livestock/CAFO BMP's would be required and that it would be important to have a form of measurement for the impact of their use. David agreed and noted that having a monitoring plan for the BMP's in place was part of the work the GWAC was required to do.

3. Livestock/CAFO BMP's – Review Current Info and Next Steps: Vern said the list had been compiled by HDR (PGG was its sub-consultant). The intent was to prepare a laundry list of BMP's from every source so that the group could sit down and evaluate each one. However, the group at that time desired to wait on this work as they wanted to gather more information on what's going on before it was evaluated. David noted that it was his goal to go through them and determine whether or not to keep the BMP, delete it and note what was missing ultimately determining whether the list should be winnowed down or if it was comprehensive enough. A member asked how the BMP's would be monitored. His example was 2.1.2.8 – identify and properly seal all abandoned and improperly constructed wells. David and Vern explained that it was also part of the group's goal to determine who implements the BMP and who monitors it. Each of the three groups Livestock, Irrigated Ag and RCIM will identify possible strategies, pick out the best and then determine who will implement and who will monitor each. The group will structure the strategies from there melding monitoring plans into one. The group discussed setting a definite check-in time and determined that it may be appropriate to shorten the time frame to two years to see

participation level. However, several members felt that it would take longer to see responses making the three to five year time frame more applicable. One member pointed out that there will be barriers of expertise and funding slowing down the implementation process, i.e., the complexity and costs to go from one irrigation type to another or engineering issues on lagoons. Another member stated that it takes approximately two years to implement a project from the time it is started and a six month wait on equipment is not unheard of.

A member brought up 2.3.1.2 – use mechanical methods. One member pointed out that if for instance a separation system doesn't work well the soil test and application of manure and commercial fertilizer will reveal this. Another member brought up 2.3.2.3 – use anaerobic digestion. He said that there was only one of these in the valley as their use was cost prohibitive. So many mechanical methods have evolved over the last five to seven years – needs are always being brought to the manufacturing community all the time and needs are constantly evolving. There is an inherent driving force to get solids out of the liquid as it reduces the amount of product to get out on the field. There are good separation systems in place now but balance remains an important factor as the value of manure in the tank is lower because of a declining amount of nitrates – you can go overboard. The ultimate goal is where does manure go – pens and lagoons are not a significant source. A great deal of this is being addressed through the permitting system.

There was a discussion about AKART (all known and reasonable technologies). Some pointed out that this was reasonable. Others stated that the industry can't keep up with the technology and stressed that there must be a need to do it. One member stated that if the soil tests are below 30-45 ppm why should a dairy be required to take further action. The solution in this case could also be foregoing application of manure to the field. If a dairy is following the rules shouldn't it be up to them to decide how to run their business. Vern noted that this illustrates importance of having both method based measurement and performance based measurements in place. Staying within thresholds is the priority.

Steve George stated that he had discussions with David and Ginny Prest. If the group was in agreement they (with the help of Laurie Crowe) would narrow down a list of relevant practices and present them to the group for consideration before the next meeting. This would allow those from the industry to start on the list first and the entire group would then have a chance to brainstorm. A member noted that they wanted composting on the list. Another member pointed out that it was listed on 2.4.3.1 already. Another member desired to see documentation substantiating the benefits of the relevant practices. The group agreed to go forward with Steve's suggestion and to put this on the agenda for the next meeting.

4. Regulatory Framework Report Out – How do we want to receive their work? David asked Jean (as chair of the Regulatory group) how she saw the presentation unfolding. Jean stated that preliminarily she envisioned bringing the written summary of applicable laws to the group (which has been completed) and a list of questions the Regulatory group had for Livestock/CAFO (this has not been completed). Jean's example of a question was "are there laws that should be written or rewritten?" Vern's thought from his remembrance of the initial plan was for the group to research existing laws, compile them, disseminate them to the applicable groups and then have interaction. Jean also expressed that she doesn't feel like the compost laws are adequate and wants to bring this to the Livestock/CAFO group. Another member asked if Regulatory was to bring their opinions or just information. Vern clarified and said that Regulatory shouldn't say this is what we found and

here's what we think you should do. David asked how much time Jean felt the group needed. Jean indicated she thought 90 minutes as they would need to present information on dairy production, pens and corrals and lagoons and ponds. David suggested (and the group agreed) 30 minutes to present and 30 minutes for discussion which would allow the Livestock/CAFO group to spend the second hour on the BMP discussion. He pointed out that if an hour wasn't sufficient Regulatory could come back to another meeting. It was also noted that the group would need to consider if the suggested items were cost effective to implement.

5. Legislative Funding Requests – Capital Budget and/or Operating Budget: David spoke with his supervisor who was already participating in their second budget discussion this week. He reminded the group that a one time "ask" would go to the legislators and that a multiple "ask" would go into a budget request from a State agency. A member noted that they felt it was important to get requests put together for oversight and follow-up monitoring specific to practices asap since the current funding will end December, 2017 and that any funding for January, 2018 would need to be in to the legislature by January, 2017.

A member asked if a placeholder could be put in the budget for \$100,000 to \$500,000 for the whole GWMA. David indicated that he was required to provide line items to his manager. A member noted that someone at the last Irrigated Ag working group had reported receiving 1.5 million for education. He was concerned that various groups not replicate efforts. Another member stated that they felt it wasn't the responsibility of the GWMA to make requests for other agencies (i.e., Yakima Health District or South Yakima Conservation District) as this was not in the GWMA's purview. The member also voiced that it was their desire to see funding for all groups especially those that are suffering the consequences of the nitrate issues.

It was suggested that Vern and David work on the line items as soon as possible in order to accommodate applicable deadlines and determine the best routes to take.

6. Other Topics . . . Next Steps: David passed out two documents associated with BMP's - Natural Resources Conservation Service: Practice Standard 590 (Nutrient Management). There were no other items for discussion.

Resources Requested

Recommendations for GWAC

Deliverables/Products Status

Proposed Next Steps

- Vern to provide information to the group about the request from the representative of the dairies (in the Consent Order Update) to gain access to County rights-of-way in order to install additional sample wells.
- Steve, Ginny P., Laurie and David to compile a list of relevant BMP's and present them to the group prior to the next meeting for the group's consideration.
- Vern and David to work together on line items and best routes to take for budgetary and legislative "asks."