

Regulatory Framework Working Group

Charge from Groundwater Management Area Advisory Committee

[Insert Charge]

Working Group Members

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

Meeting: July 13, 2016, 5:00-7:30 PM

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

Participants

Present: Jean Mendoza (Chair), Jim Davenport, David Bowen, Larry Fendell, Dan DeGroot, Stuart Crane, Steve George, Sue Wedam, David and Patricia Newhouse, Anthony Dorsett, Laurie Crowe, Jason Sheehan, Vern Redifer, Lynn Deitrick, Marlene Carpenter Bobbie Brady (Yakima County Public Services). *via phone

Key Discussion Points

Yakima County Voluntary Stewardship Program Overview: The meeting began with introductions. Chair Jean Mendoza introduced Lynn Deitrick, Yakima County Public Services Planning Division Manager and explained he had been invited to provide information about the Yakima County Voluntary Stewardship Program (VSP) – an optional, incentive-based approach to protecting critical areas while promoting agriculture. Lynn gave the group a brief overview of the purpose of the VSP program, the County's involvement, when the group began meeting, their goals and important deadlines. He explained that the group was in the organizational process now and developing a working plan. The State funding was for the development of a working plan only. Lynn passed out a copy of the group's July, 2016 bulletin which provided additional details. The brochure included a list of work group members and contact information. Lynn noted that he was very pleased by the number of groups involved. More information can be found at: <http://www.yakimacounty.us/1657Voluntary-Stewardship-Program-VSP>.

The working group asked questions of Lynn in order to discern the relevance between the VSP program and the work of the GWMA. They also discussed how this would impact applicable County codes. Lynn explained that the program was voluntary not regulatory in nature and does not supersede state and federal regulations on storm water, etc. He also noted that the VSP is a voluntary initiative on a state level. He believed there would be an outreach educational component, but they were just in planning stages. Lynn concluded by telling the group that the VSP work group would next meet on August 5, 10:00 AM-Noon at the North Conservation District office and invited anyone interested to attend.

Livestock/CAFO Regulatory Presentation: The group moved on to a discussion about their upcoming presentation to the Livestock/CAFO Working Group. Jean noted that the meeting was scheduled for Thursday, August 4, 5:00-7:00 PM, at the Department of Ecology. The Regulatory Working Group had been given an hour – 30 minutes for a presentation of the laws and 30 minutes to answer questions.

The group discussed how best to approach its presentation and finally decided to proceed with the summary chart initially prepared by Jim Davenport. The chart included federal and state laws pertinent to each area with a brief explanation. The group did, however, realize that many changes were coming, i.e., the CAFO permit, which would invalidate some of this information if the permit is approved. Vern suggested that the group focus on the existing regulatory framework, what's in it and what's not. The group agreed that any changes could be incorporated later. He also reminded everyone that the goal of the Regulatory group had been to research the laws and educate the other groups. It will be the goal of those groups (Livestock/CAFO, Irrigated Ag, and RCIM) to look at the laws and to develop solutions. Vern added that the Regulatory Working Group had also asked presenters to relate how a law is monitored, enforced, measured, its effectiveness and any potential changes they believed needed to be made. Jean volunteered to go back and compile a list of this information from each presentation. Vern suggested that the chart be re-sorted by laws as many were repetitive. Jean will provide her summary to the group for their review and comment prior to the Livestock/CAFO presentation on August 4. The group discussed other items that could be included (i.e., other State's regulations as they pertained to Livestock), but agreed to stick with the presentation as outlined in this paragraph.

A discussion about the specific laws ensued as follows:

Dairy

1. Safe Drinking Water law. The group found the subsequent explanation suitable as is.
2. Dairy Nutrient Management Act. The group found the subsequent explanation suitable as is.
3. South Yakima Conservation District. Laurie Crowe believed that some of the record-keeping requirements may have changed because of the Department of Agriculture. She will research this and let the group know. Otherwise the subsequent explanation was suitable as is.
4. Yakima County, Washington State Growth Management Act, Zoning, Critical Areas, NEPA and SEPA. The group found the majority of the subsequent explanations suitable except it was noted that the "Right to Farm Law" does not address groundwater. They also believed that the VSP handout could be copied and given to the Livestock/CAFO working group.

Lagoons, Dairy

5. Department of Health. The group desired that the first part of the sentence in the description be left out and sections (a) and (b) remain in place.
6. South Yakima Conservation District. Laurie Crowe noted that the FOTG was just one guide directing their actions. The subsequent explanation was suitable as is.
7. Natural Resources Conservation Service. This provides nutrient, irrigation and air quality management. The subsequent explanation was suitable as is.
8. Resource Conservation and Recovery Act. A member pointed out that there had been a presentation on RCRA to the GWAC and the GWAC had agreed to leave it out. He suggested that this could be talked about as a tool later. The group agreed.

Settling Ponds, Dairy

The laws contained in this section are identical to Items 5, 7 and 8 above.

Pens and Corrals

9. Washington Department of Health. The group found the subsequent explanation suitable as is.
10. Washington State Department of Ag. The group found the subsequent explanation suitable as is. Jean pointed out that WAC 246-203-130, a rule that guides the Department of Health, is an old rule and that she believed there was currently an effort to update that law this fall.
11. Yakima County Critical areas. The group found the subsequent explanation suitable as is.

Livestock/CAFO's

12. Clean Water Act. The group found the subsequent explanation suitable as is.
13. Washington Department of Health. The group desired that the first part of the sentence in the description be left out and sections (a) and (b) remain in place.
14. NEPA/SEPA. The group found the subsequent explanation suitable as is.

Compost/Biosolids

Jean asked the group to review the section on composting in the handout she had provided to the group prior to the meeting. The group had a chance to review the applicable laws and subsequent comments made by Jean on the handout and agreed that the explanation she had written was suitable as is.

Cost/Benefit Analysis: Jean had prepared a power point presentation on the topic. Part way through a member asked the point of the presentation and wondered if the group was supposed to include a Cost/Benefit Analysis in their presentation of the regulatory findings to the other groups. Jean suggested that the group hire an academic group with the \$25,000 currently in the group's budget. A discussion about Jean's proposal ensued. Most of the group eventually decided that this was not for the Regulatory Working Group to do, but as the other groups develop alternatives it would be their job to evaluate the alternatives and look at costs and benefits from a

variety of perspectives. Ultimately those groups will decide what they believe is feasible and effective and forward their recommendations on to the GWAC for their consideration.

Resources Requested

Recommendations for GWAC

Deliverables/Products Status

Proposed Next Steps

- Jean volunteered to go back and compile from the various presentations how each law is monitored, enforced, measured, its effectiveness and any potential changes the presenter believed needed to be made. She will forward the compilation to the group for review and comment prior to the Livestock/CAFO presentation on August 4.
- In addition, Jean will put together the remainder of the presentation (as outlined in the presentation section above) and provide it to the group ASAP for comments as well.
- Laurie Crowe believed that some of the record-keeping requirements for the South Yakima Conservation District may have changed because of the Department of Agriculture. She will research this and let the group know if there were changes and their nature.