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3 LOWER YAKIMA VALLEY GROUNDWATER MANAGEMENT AREA ADVISORY 4 COMMITTEE (GWAC)

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MEETING SUMMARY

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Thursday, October 16, 2014

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Radio KDNA
 121 Sunnyside Ave, Granger, WA 98932

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

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I. Call to Order

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22

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

Member	Seat	Present	Absent
Stuart Turner	Agronomist, Turner and Co.	✓	
Chelsea Durfey	Agronomist, Turner and Co. (alternate)		✓
Bud Rogers	Lower Valley Community Representative Position 1	✓	
Kathleen Rogers	Lower Valley Community Representative Position 1 (alternate)		✓
Patricia Newhouse	Lower Valley Community Representative Position 2		✓
Sue Wedam	Lower Valley Community Representative Position 2 (alternate)	✓	
Doug Simpson	Irrigated Crop Producer	✓	
Jean Mendoza	Friends of Toppenish Creek	✓	
Eric Anderson	Friends of Toppenish Creek (alternate)		✓
Jan Whitefoot	Concerned Citizens of the Yakama Reservation		✓
Jim Dyjak	Concerned Citizens of the Yakama Reservation (alternate)	✓	
Steve George	Yakima County Farm Bureau	✓	
Frank Lyall	Yakima County Farm Bureau (alternate)	✓	
Jason Sheehan	Yakima Dairy Federation	✓	
Dan DeGroot	Yakima Dairy Federation (alternate)	✓	
Jim Trull	Roza-Sunnyside Joint Board of Control		✓

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

23

24 **II. Welcome & Meeting Overview**

25

26 Moment of silence

27

28 Introductions

29

30 **III. Committee Business: Penny Mabie**

31

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

33

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

37

38 **Membership Updates:**

39

40 Charlie McKinney announced several membership changes. Kathleen Rogers, Lower
41 Valley Community Representative Position 1, is now an alternate; Bud Rogers will serve
42 as the primary. Justin Waddington, Yakima County Farm Bureau alternate, has
43 withdrawn and been replaced by Frank Lyall. Dr. Kefy Desta, WSU Irrigated Ag
44 Research and Extension Center has withdrawn. Dr. Troy Peters is now primary and
45 searching for an alternate.
46

47 **Working Group Membership:**
48

49 Recently a member was inadvertently omitted from a working group distribution list and
50 missed a meeting. Consequently Penny reached out to the Chairs to update their working
51 group membership lists. She requested that the group let her know if any names are
52 missing from any of the working group lists. Distribution lists will be updated
53 accordingly.
54

55 **IV. GWMA Budget: Vern Redifer**
56

57 **Consider and Approve Priority Budget Requests:**
58

59 Vern reviewed the budget progress with the group. In August the group reviewed and
60 ranked each budget proposal as high, medium, or low. Working groups were given time
61 to revise their proposals before the September meeting. Vern then calculated the
62 GWAC's August rankings in a percentage format, which is in the spreadsheet provided
63 for discussion. He further noted the status of each proposal, reflected in the budget
64 spreadsheet as either: No Change (NC), Revised, or Withdrawn. He noted the intent was
65 for the committee to review each proposal and be asked to approve or reject it.
66

67 **Deep Soil Sampling (Under Existing SYCD Contract – 200 Samples) \$395,000:**
68 Approved with one member abstaining and one objecting
69

70 *Discussion:* Two members questioned the amount of the DSS contract as it was
71 significantly higher than the original estimate. Vern explained that as with a County
72 project (e.g. road construction) staff tries to accurately estimate the cost of the work, but
73 the county has no control over the bid amounts that are submitted. Under contracting law
74 the county accepts the lowest responsible bid.
75

76 When asked what had changed in the contract, Vern replied that the scope of work was
77 exactly the same; it is the cost to do the work that came in higher than expected. When a
78 member stated that this body had no say in the contract, Penny stated that it was never the
79 expectation that the committee would review contracts. The committee defines projects
80 and their scopes of work. The fiduciary responsibility lies with the lead agency. Charlie
81 concurred, emphasizing that Yakima County is the lead agency and has the experience
82 and responsibility to execute the program contracts—it's not the GWAC's job. He added
83 that the DSS project will provide some field data to validate the Nitrogen Loading Study.
84

85 In response to a request to delay the contract, Vern replied that the committee has had
86 two months to review the contract and scope of work. If the contract was delayed, the
87 project would be set back another year. He also noted, in response to contract availability
88 that the contract is posted on the website.

89
90 Penny asked the two members if there was any way they could come to agreement to
91 approve the DSS budget. The response was “no.” Penny reminded the group that in
92 accordance with their Operating Guidelines, in instances where consensus could not be
93 reached, a vote would be taken and the majority decision would rule. A vote was taken,
94 and a clear majority was in favor, with one member opposing and one abstaining. The
95 project was approved.

96
97 Vern noted that any criticism of the contract being let for the larger budget can be
98 directed at him. The GWAC had been enthusiastic about the project and he believed from
99 their comments that they did not want to lose another year. He believed it was the best
100 way to move the GWAC forward and therefore moved the contract forward to the County
101 commissioners for execution.

102
103 Penny noted that it may be appropriate for the committee to have a further discussion
104 about adopting a policy requiring additional committee discussion if a cost for a
105 committee-approved scope of work far exceeds the estimated cost. Vern noted that had it
106 not been for the timeliness issue with the DSS scope of work, he would have come back
107 to the committee for a budget discussion, and said he would do that if the same type of
108 situation occurs in the future.

109
110 **Groundwater Monitoring Plan – Planning, Analysis, Reporting \$380,000:**
111 Approved

112
113 A discussion took place regarding a contingency budget (for cost overrides, or other
114 reasons). Vern noted that contingencies are built into the current budget.

115
116 Penny stated that the group is setting the budget for the program so when a scope of work
117 is developed there will be a budget allocated for it. She asked the group if they were okay
118 with this approach and they responded “yes.”

119
120 **Nutrient Loading All Sources – Database, Analysis, Reporting \$57,000:**
121 Approved

122
123 *Discussion:* A member stated they were not informed of the working group meeting
124 where this item was discussed. The member expressed concern about the scope of work
125 and budget (too small). Penny asked the member if they were concerned about the budget
126 amount and they responded “no.” Penny asked if the scope of work concerns were
127 addressed would they approve the budget. The member replied “yes.” Penny asked Kirk
128 if he would dedicate time to review the member’s concerns. He agreed.

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

132
133 **Irrigation Water Management Workshops \$7,000:**
134 Approved

135
136 **Deep Soil Sampling (Proposed Additional 100 Samples) \$150,000:**
137 Budget item was placed in Reserve. The committee will evaluate the results of DSS
138 Phase 1 before making a decision on additional samples.

139
140 A member asked if the \$150,000 reserve (DSS Phase II) could be moved into either the
141 groundwater monitoring or well sampling projects. Vern responded that there has been no
142 decision regarding where reserve funds will be allocated yet. Placing this \$150,000 in
143 reserve does not mean it is being committed to DSS.

144
145 **Dairy Pens and Manure Storage Sampling \$60,000:**
146 Approved

147
148 **Abandoned Wells and Septic System Maintenance Education and Outreach**
149 **\$76,000:**
150 Approved

151
152 **Abandoned and/or Improperly Constructed Wells (Decommission Wells) \$50,000:**
153 The budget item was placed in Reserve. Vern explained that the project seemed more
154 appropriate to come after the Groundwater Management Area (GWMA) program is
155 developed, as part of program implementation. More importantly, he expressed concern
156 about whether the GWAC could legally use GWMA funds for this purpose. He noted that
157 it could be considered gifting of public funds (an illegal action) if program funds are used
158 to decommission private wells and suggested that legal interpretation should be sought
159 before expending budget on this item.

160
161 **Educational Outreach Campaigns \$54,000:**
162 Approved

163
164 **Wellhead Risk Assessment Surveys – Phase II \$100,000:**
165 Approved

166
167 A member asked if any of the participating wells would be used as long-term monitoring
168 wells. Vern replied that the information collected will be available for consideration of
169 wells when the monitoring network is developed. He also noted there are multiple uses
170 for the surveying: ongoing well testing, identification, data collection, educational
171 outreach. The surveying will build on the initial surveys done by the Yakima Health
172 District and will include cross referencing with the Department of Ecology's well logs. A
173 member asked if the County's database is cross referenced now into Ecology's well log.
174 Vern replied not yet, but will be.

175

Redesign and Maintain GWMA Website \$12,000:

176 Approved

177

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

178 Approved

179

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

183

Mobile Lab-On Farm Evaluation of Irrigation Water Management:

184 Yakima County recommended a delay until plan implementation.

185

Community Outreach Surveys \$25,000:

186 Approved

187

Regulatory Review \$25,000:

188 Approved with one objection

189

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

195

V. Interim Final Groundwater Monitoring Plan:

196

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

204

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

210

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

220

221 **VI. Public Comment:**

222

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

226

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

231

232 **VII. Next Steps:**

233

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

236

December presentation:

237

- 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.

238

GWAC Meeting Agenda

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

240

241 **VIII. 2014 Meeting Calendar:**

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

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245 The meeting was adjourned at 7:05 pm.

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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 characterization¹. 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