

## **Regulatory Framework Working Group**

### **Charge from Groundwater Management Area Advisory Committee**

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[Insert Charge]

### **Working Group Members**

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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**

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Meeting: November 9, 2016 5:00-7:30 PM

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

### **Participants**

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Present: Jean Mendoza (Chair), David Bowen, Larry Fendell, Steve George, Sue Wedam, Kathleen Rogers, Bud Rogers, Sandy Braden, Jim Davenport, Stuart Crane, Ginny Prest and Bobbie Brady (Yakima County Public Services). No one was on the phone.

### **Key Discussion Points**

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Jean opened the meeting at 5:05 PM and welcomed everyone. Jean asked the group if they felt a need to hold a December meeting. The group agreed to cancel it and convene again on January 11, 2016, 5:00-7:30 PM.

Costs for Certain Populations: Jean advised it was her goal was to discuss the financial impact of nitrate pollution in groundwater for communities in the Lower Yakima Valley. To aid in the discussion Jean provided an updated version of the analysis she had prepared entitled "Costs Related to Elevated Nitrates in the Groundwater" which examined the impact on families, the direct and indirect costs to tax payers for education, monitoring and improvements, the unpaid costs for volunteers to participate in the GWAC and its various working groups, costs incurred by growers and producers and the costs of health risks directly attributable to increased nitrates in the groundwater. Jim Davenport asked the context Jean intended to use these numbers in. Jean said she desired to compile the data for informational purposes in an effort to elicit the cost of doing nothing. Jim pointed out that the costs of proposed alternatives (the cost of doing something) will be analyzed once those alternatives are presented by the various working groups.

Another member added that he was not in favor of hiring someone to do this. However, he saw Jean's estimates and the group's discussion as helpful as it would provide a simple baseline of comparison which would be important in the future.

The group then reviewed and discussed each category and agreed to make the following changes:

1. Families: In the first scenario a member noted that the cost of bottled water was not five percent of the budget, but four percent. The group felt Jean should also look at other cost options besides purchasing bottled water, i.e., a reverse osmosis system, deepening an existing well or drilling a new one. One member suggested that in order to obtain this information Jean might contact Apple Valley Well Drilling and ask the per foot cost to drill a well.
2. Tax Payers: Costs for the Washington State Dairy Nutrient Management Program (DNMP) should be changed from \$1.2 million (as this number was a state-wide cost for two years) to \$100,000 annually per Ginny Prest as it more accurately reflected the WSDA cost to deal with nitrates in the GWMA. Ginny Prest will obtain information that would reflect a more accurate estimate of the cost to train dairies on how to safely apply manures to crops in the GWMA as the amount estimated by Jean of \$575,000 in 2015-16 was a statewide figure. (*NOTE Ginny Prest provided the following update: the DNMP annual statewide budget is \$561,000. DNMP annual expenditures in Yakima are \$72,543 which includes 0.25 Program Manager; 0.50 Inspector salary, benefits, goods & services, and travel. This estimate is based on the last three years' direct expenditure. This does not include expenditures from the NRAS or other agency activities. If the working group is interested in those figures as well, Ginny can work with other WSDA programs to get an estimated cost.*)

The group discussed the cost to connect public sewage from Sunnyside to Outlook; Jim Davenport noted that this could be a proposed alternative.

3. GWAC Participation: A member preferred that citizens' and local advocacy group members' "costs" for attending GWAC and working group meetings be termed "in-kind contributions" since they don't and won't get paid for their time.
4. Growers and Producers: The group discussed the amount of irrigated acres in the Lower Yakima Valley and agreed 94,000 was a more accurate number than 90,000. Jean also explained that she included estimates for both one and two soil samples on 40 and 80 acres because she was unsure of the accuracy of both of these numbers. Jim Davenport said that the recommendation that came out of the Irrigated Ag Working Group was one time per year on 80 acres. The group agreed. The group also discussed what other costs growers/producers incur due to elevated nitrates. One member said that they would have to grow crops that will help them mine the nitrogen that perhaps would not be as profitable as the crop of their choice. Another member noted the expense of transitioning irrigation techniques. Another member suggested hiring an agronomist, but others pointed out that most growers/producers already have at least one.
5. Health: It was suggested that Jean contact Ginny Stern at the Department of Health to find out if she could help with concrete estimates of the health care costs of blue baby syndrome. Jean said that it had been suggested that some cancers result from nitrates but this can't be proven. Another member responded and said that she would not consider including in this category health costs for diseases which were not scientifically linked to nitrates in the groundwater.

**Composting Law:** Jean referred the group to the “Summary of Washington Rules and Regulations Regarding Composting in Animal Agriculture” she had prepared and noted that the applicable composting laws were found under solid waste and that the Washington State Department of Ecology and the Department of Health monitor the laws. In addition, Jean explained that she had spoken with Ted Silvestri of the Yakima Health District who explained that only one Yakima County dairy reports to them under this law, and that although the law is in place, they haven’t been enforced. Ginny added that she didn’t believe there was a lot of composting going on in the GWMA as most were dry solids, which is not true composting. Another member didn’t believe that most dairies were aware of Department of Health reporting and that composting for dairies is covered under their DNMP. Ginny also point out that composting would be covered in the new CAFO permit which had been directed to be out by the end of the year. Jean also informed the group that Ted Silvestri had been complimentary of Natural Selections Farm, Inc., and explained that they had a leachate pond made of compacted concrete with a device underneath to monitor for leakage. Ginny mentioned that WSU was testing a resistive array. Another member said that it was being tested in Yakima Valley and that WSU was still in the research phase.

**Abandoned and Decommissioned Wells:** Jean had provided the group with a handout, “Summary of Washington Rules & Regulations Regarding Abandoned and Decommissioned Wells.” Her desire was for the group to review the information and agree to present this regulatory information to the Joint Working Group on Abandoned and Decommissioned Wells. The group reviewed and discussed the regulatory information and agreed it could be presented to the Joint Working Group for their meeting on December 5.

The meeting concluded shortly after 6:16 PM. The next meeting will be held Wednesday, January 11, 2017, 5:00-7:30 PM.

**Resources Requested:** None.

**Recommendations for GWAC:** None.

**Deliverables/Products Status:** None.

#### **Proposed Next Steps**

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- Ginny Prest will obtain information that would reflect a more accurate estimate of the cost to train dairies on how to safely apply manures to crops in the GWMA.
- Jean will pass on the “Summary of Washington Rules & Regulations Regarding Abandoned and Decommissioned Wells” along with the attachments to the Joint Working Group on Abandoned and Decommissioned Wells.