

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, March 2, 2017, 5:00 – 7:00 PM

Participants

David Bowen, Jean Mendoza, Larry Fendell, Sue Wedam, Stuart Crane, Dan McCarty, Kathleen Rogers, Bud Rogers, Steve George, Jim Davenport, Vern Redifer and Bobbie Brady (Yakima County Support Services).

Key Discussion Points

David Bowen opened the meeting at 5:04 PM and made one revision to the agenda - the group's discussion/completion of the EPO questionnaire would be moved up to follow updates from previous agenda items and both David and Dan McCarty had items for the group that would be shared immediately.

David Bowen referred to the notes he had written on the whiteboard and reminded the group of their focus - pens/barns, corals, lagoons/ponds, composting, feed structure and animal mortality. He pointed out that the Safe Drinking Water Act (SDWA), Section 1431 includes a three part test: 1) does an issue exist; 2) is human health in jeopardy; and, 3) has local government not acted to protect human health. In this case local government chose the GWMA process because the potential existed that 12 to 15 percent of domestic wells were impacted with +10.0 mg/l (PGG estimate) within the GWMA boundaries. 459 of these wells were high risk. The GWAC then decided they were not going to mask the problem.

It was David's suggestion that the group could propose a short term solution while it addresses nitrates as follows: There are 5,800 wells in the GWMA and 15 percent or 870 wells are potentially impacted. If the group purchased a three stage whole house filter system for each of the 870 homes at \$1,800 to \$2,500 each the cost would be about \$2 million. The annual maintenance for each would be \$200-250 or \$200,000 per year. The approximate cost for this over five years would be \$3 million. Over the short-term this would address the human health issue associated with water quality,

however, over the long-term this solution doesn't address the environmental issue. One member added that another option the group could consider was to drill deeper wells. Jim Davenport asked David if he envisioned a write up of this short-term recommendation and thought it would be good for people to see as they might think it better to look at a short-term solution to a long-term problem. A member asked if the proper venue for this discussion was in the GWAC not the Livestock/CAFO Working Group. Vern mentioned several other options: a water purifier on one faucet in the house (\$600) with a yearly maintenance plan with Culligan which they had negotiated down to \$100 annually. He indicated that they couldn't give them away when offered, but thought that might be because the homeowner would have to pick up the yearly maintenance cost. Vern also said that in Fairway Estates near the Black Rock Golf Course every house has an osmosis system which the County owns because of high nitrates in the groundwater. The discussion concluded and David said he would figure out where to send this information. He asked the group to be respectful to each other as the discussions would include sensitive topics.

Dan McCarty explained that he wanted to respond to two committee members' complaints made during the meeting in January – one member had stated that he called in 10,000 complaints, while the other said 100's of complaints. Dan handed out a copy of an email to/from the Department of Ecology (Ecology) and several pages of their Environmental Report Tracking System (ERTS). When asked, Ecology could only find one complaint from August 1, 2010 (when Dan began his employment) to February 1, 2017 reported by these individuals. The complaint was received the afternoon of 12/21/2011 and entered by Ecology staff and referred to Dan on 12/22/2011. The record reflected that on 12/23/2011 at 9:00 AM Dan contacted the dairyman. Dan explained he was the only WSDA-DNMP investigator on the east side of the Cascades and went on to outline the WSDA response procedures and timeline. Dan provided additional information on other entities to be called. He was concerned that the members had made false accusations, felt they were disruptive and destructive to the GWMA process and shouldn't be tolerated. One member responded and said some calls were made prior to Dan's employment and other calls weren't made to Ecology's ERTS system, but to Dan directly. David was concerned that Ecology was losing something. He encouraged people to call in to Ecology's ERTS system so that a record could be kept. Several other members indicated that they had not had problems.

David updated the group on the CAFO General Permit which will go into effect Friday, March 3 even though several lawsuits have been filed and litigation is expected to last 18 to 24 months. David outlined both parties' disputes. David added that he would feel comfortable including excerpts of the CAFO General Permit in this group's report to the legislature since the permit was now in effect.

EPO Questionnaire: David will provide the group's mission purpose, and as for the group's accomplishments, David will make a list including the group's consensus on BMPs. As for discoveries or findings David pointed out that the group has had a philosophical disagreement on most issues – David will draft Nos. 3 and 4 (anticipated products or recommendations) as well. The group agreed that the dairy/animal industry were target audiences for BMP work along with third party applicators (where nutrients are going besides dairies). The group felt three take-away messages/recommendations could be: 1) use of nutrients need to be managed no matter who is using them; 2) there are operators of poorly managed facilities who are not necessarily following the BMPs; and 3) there is no one fix all BMP – you can't apply the same one and get the same result at every location. You must first look at the goal and choose BMPs to reach the goal. Vern explained

that it was the goal of the EPO to take these questionnaires from each group and develop a program to educate people on what the GWMA is doing. A member said this group may gather more insight once they see the Nitrogen Loading Assessment (if they agree with and how it was done). David will draft the questionnaire, give it to Bobbie and have her distribute it to the group for final approval.

Draft Livestock/CAFO Work Group Report: David had sent out his working group report for the group's review and several members had commented. Jim Davenport had written a report as well in an attempt to generate material for the group to consider and to facilitate completion of this important component. Jim will send his draft to Bobbie and suggested that his and David's drafts could be integrated as David saw fit.

The group began to review the draft and members' comments. Discussion ensued and the following is a brief summary: 1A) Steve said his comment about not including Jean's organization as a bona fide environmental organization was his opinion; 1B) Vern indicated that the nitrogen loading assessment (NLA) will evaluate contributions from CAFO's and it may be premature to answer this. David indicated that the CAFO permit addresses these comments; 2A) Concern was expressed about including the results of one study and not all of the studies on the topic which would allow the reader to evaluate and reach a conclusion. Members said that those that wrote reviews of the EPA study disagreed with its conclusions because the EPA didn't look at or take into account well construction techniques and presumed that all wells were in the same place in the aquifer. Another member was concerned about including a reference to studies by Tebbutt Law Firm. He felt it would alienate the group this report addresses and their review and cooperation was important to future success. Vern felt the problem definition was too general and should be more focused on the issues related specifically to this work group, e.g., lagoons leak too much. David thought this suggestion made sense; 2B) There was discussion as to whether five years meant from the time the plan was complete (12/2017) or earlier as it had been written in the Request for Identification. Vern pointed out that this language had not been used in the Department of Ecology request and thought the group had learned enough over the years to know that the original statement was naïve. Several members agreed that it would make sense to look at trends five years from the time the ambient monitoring network (AMN) and well monitoring were in place and then decide what, if anything else, can be done. 2c) Vern suggested that the group recommend regular check in periods and suggested the entity charged with oversight stay on top of this. He did not recommend setting a required level of nitrogen or required levels of reduction. Vern felt this recommendation was germane to the working group charge. An example he gave was "all farmers educated in proper nutrient management by "x" date." David agreed that the AMN would allow the group to see trends faster.

David added that he hoped to avoid a minority report and indicated the group would continue its discussion of the draft reports at the next meeting. Jim Davenport will send a Word version of his draft which Bobbie will send out to the group so that it could determine where it belongs or where it doesn't. A member asked that comments be made with the track changes/comments in Word as opposed to the comment feature Jean had used.

A copy of a letter Jean wrote to Commissioner Elliot on alternative solutions was furnished to the group. Jean suggested that the Regulatory group could provide an evaluation and summary of

possible alternative solutions. A member thought that the Regulatory group had already been through this process and there weren't any - he thought it would be inappropriate for the group to do this again. Vern pointed out that Jean has raised the issue of alternative solutions in numerous work groups and it didn't gain any traction - no group was ever interested. David added that this group had talked about alternatives - a County Ordinance and the idea of limiting the number of animals per acre were a few examples. These ideas hadn't gone anywhere because the group didn't buy into them. On the other hand, David said the group had reached a consensus about using the NRCS best management practices. David also thought analysis of testing results of the AMN and BMPs at five years would inform the community of the need for implementation of additional or alternative solutions.

David reiterated his desire was to do his best to get a document drafted that everyone could agree upon, but if he had to he would do a minority report. The meeting concluded at 7:10 PM.

Resources Requested

Recommendations for GWAC

Deliverables/Products Status

Proposed Next Steps

Jim Davenport will provide his draft report in Word format to Bobbie and she will forward it on to the group. All member edits should be done in track changes.