

1                   **YAKIMA VALLEY GROUNDWATER MANAGEMENT AREA ADVISORY COMMITTEE**  
 2                   **(GWAC)**

3                   **MEETING SUMMARY**

4                   **Thursday, August 9, 2018 – 5:00 p.m. – 7:00 p.m.**

5                   Denny Blaine Boardroom  
 6                   Sunnyside School District No. 201  
 7                   810 E. Custer Ave  
 8                   Sunnyside, WA 98944  
 9

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

14                  I.    **Call to Order:** This meeting was called to order at 5:02 PM by Chairman Rand Elliott.

<b>Member</b>	<b>Seat</b>	<b>Present</b>	<b>Absent</b>
Stuart Turner	Agronomist, Turner and Co.,	✓	
Chelsea Durfey			✓
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)	✓	
Ron Cowin	Roza-Sunnyside Joint Board of Control	✓	

	Roza-Sunnyside Joint Board of Control (alternate)		
Laurie Crowe	South Yakima Conservation District	✓	
Rodney Heit	South Yakima Conservation District (alternate)		✓
John Van Wingerden III	Port of Sunnyside	✓	
Rand Elliott	Yakima County Board of Commissioners	✓	
Vern Redifer	Yakima County Board of Commissioners (alternate)		✓
Myers, Holly	Yakima Health District		✓
Ryan Ibach	Yakima Health District (alternate)	✓	
Dr. Troy Peters	WSU Irrigated Agriculture Research and Extension Center	✓	
Lucy Edmondson	U.S. Environmental Protection Agency	✓	
Nick Peak	U.S. Environmental Protection Agency (alternate)		✓
Elizabeth Sanchez	Yakama Nation		✓
Stuart Crane	Yakama Nation (alternate)	✓	
Gary Bahr	WA Department of Agriculture	✓	
Perry Beale	WA Department of Agriculture (alternate)		✓
Andy Cervantes	WA Department of Health	✓	
Sheryl Howe	WA Department of Health (alternate)		✓
David Bowen	WA Department of Ecology	✓	
Sage Park	WA Department of Ecology (alternate)	✓	
Lino Guerra	Hispanic Community Representative	✓	
Rick Perez	Hispanic Community Representative (alternate)		✓
Jessica Black	Heritage University	✓	
Matt Bachmann	USGS		✓
Robert Black	USGS	✓	

15      **Welcome, Meeting Overview and Introductions:** Chairman Rand Elliott welcomed the  
 16      group. After the customary introductions, Rand reviewed the agenda.  
 17

18      **II. Committee Business:** The May 17, 2018 and the June 21, 2018 meeting summaries were  
 19      approved as presented.

20  
 21      **III. Consideration of Approval of the GWMA Program:** Rand thanked everyone for their work  
 22      and noted that he would like to see the Program adopted before he leaves office in  
 23      December. He asked for a motion to approve the Program "as is." Ryan Ibach made a  
 24      motion to approve the program "as is." Lucy Edmondson seconded the motion. A member  
 25      asked which version they were being asked to approve: the online version distributed

26        August 2, or the hard copy at table. Jim Davenport confirmed that they were considering  
27        the copy on the table.

28

29        Jean Mendoza requested to add an agenda item: to reject WSDA's Nitrogen Availability  
30        Assessment (NAA). The item was added to the agenda.

31

32        Lucy stated that the most recent Program version had technical errors and that some of the  
33        edits EPA had already provided were not reflected in the current draft. More review time  
34        was also needed. Accordingly, she could not approve the Program as written.

35

36        David Bowen noted that Ecology had reviewed it and had found technical issues that  
37        needed to be addressed. He added that subjectivity in the text should be removed. The  
38        program is required to be grounded in objectivity.

39

40        Jean Mendoza stated that the Friends of Toppenish Creek (FOTC) had technical concerns to  
41        be addressed.

42

43        At this point the group turned to Volume I dated August 9, 2018 before them and began to  
44        make specific edits and comments as described below.

45

46        Jean Mendoza:

- 47        • Page viii Executive Summary. The GWAC did not meet monthly.
- 48        • Page x Executive Summary. There are erroneous statements regarding 1) the GIS  
49        tool and 2) consensus. 1) *"GIS tool that combines surface and subsurface physical*  
50        *conditions, nitrogen sources in land use within the LYVGWMA,"* is incorrect. 2) *"the*  
51        *GWAC discussed each strategy and reached consensus on a set of 66 strategies..."*.  
52        Consensus was not reached;
- 53        • Jean cannot go on record as agreeing to the 66 recommendations.

54

55        Rand noted that the group had reached consensus on the recommendations.

56

57        Lucy Edmondson

- 58        • "EPA 2012" report is still referenced in the Program. Please reflect the most current  
59        program, "EPA 2013," where appropriate.

60

61       • **Health Effects to People**, pages 103-104. This contains an inaccurate “WebMD”  
62       description. Please Use EPA or DOH language.  
63  
64       • **Appendix G-NAA Chart** entitled “Scott’s Opinion.” Who is Scott and what does this  
65       mean. Please clarify.  
66

67       Jim Davenport clarified that it refers to Scott Stephens, who participated in the Irrigated Ag  
68       working group meetings and provided his professional opinion.  
69

70       **Figures 25 (Total Nitrogen Availability) and 26 (Nitrogen Availability and USGS Wells)**,  
71       pages 134 and 135. There was discussion regarding the figures’ legends, specifically the  
72       units (tons). **It was agreed that Jim would correct the figures’ legends.**  
73

74       **Table 14 (Total Available N from All Sources Studied in WSDA 2018) and Table 15 (Total  
75       Acreage for N Availability Computations)**, page 130.

76       • Acreage is wrong; correct the title. Following discussion, **it was agreed that Jim  
77       Davenport would work on a better title for the table.**  
78       • Atmospheric deposition is missing from Table 14. A member made a request for  
79       correction. Note: It was pointed out that Figure 23-Nitrogen Available by Specific  
80       Source (Page 131) addressed atmospheric deposition.  
81

82       David Bowen

83       • **Septic Tanks and lagoons** (page 142). Source locations- volume of septic tanks  
84       versus volume of lagoons-David observed this was never discussed nor agreed to by  
85       the GWAC. He cautioned to avoid subjective information and use objectivity and the  
86       data of the group. **Recommendation: delete language on page 142.**  
87

88       **Recommendation for Recharge Study** (Page 134). David did not recall this being discussed  
89       by the GWAC. Jim Davenport explained that it was discussed by the GWAC which generally  
90       agreed that if the subject were remodeled, different, more current information would be  
91       considered. David couldn’t recall consensus and noted that Ecology would like it deleted.  
92

### 93       **Executive Summary**

94       There was discussion regarding the executive summary: its purpose, content, who would  
95       read it, and finding a balance between brevity (2-3 pages) and the risk of submitting a  
96       longer, detailed summary (3-5 pages) that a legislator or funder might not read.

97  
98 Melanie Redding observed that the summary should highlight the GWAC's work: PGG's  
99 QAPP, Request for Identification, Long-Term Monitoring Plan, and USGS's Report. The group  
100 discussed whether to cut and paste the Recommended Actions (Page 146) into the  
101 executive summary. Rand suggested moving the recommendations to the front of the  
102 document before the Table of Contents. **The group agreed to Rand's suggestion.**  
103  
104 Sue Wedam added that the document needed clear statements on why specific issues are  
105 significant. Stu Turner added the importance of acknowledging legacy nitrates, which may  
106 comprise 85 percent of the current loading. Jim Davenport replied that legacy nitrates are  
107 noted in the history section.  
108  
109 **Monitoring System for Evaluation of Effectiveness of Recommended Action**, page 164.  
110 Jean stated that this section is incomplete. It does not meet the criteria as defined under  
111 WAC 173-100 for evaluation of effectiveness.  
112  
113 **Ambient Monitoring Wells.** Jean expressed concern about the number of monitoring wells,  
114 stating that the original number had been more than 35. She reluctantly agreed when the  
115 number was lowered to 30. The current number – 20 – is unacceptably low. Nor does the  
116 group know where the wells will be placed.  
117  
118 Biosolids language. David Bowen requested that proposed language be consistent with  
119 Ecology's biosolids expert.  
120  
121 Rand asked Lisa to read all the changes the group had discussed thus far. She read the list  
122 aloud; several corrections were made.  
123  
124 Lucy Edmondson requested a disclaimer be added to the front of the document, along the  
125 lines of "... This program reflects the collective effort of the GWAC and does not reflect  
126 individual opinions of the members." She offered to send specific language to Jim  
127 Davenport to insert in the program. Other GWAC members nodded in support of this  
128 suggestion.  
129  
130 Jessica Black stated she believed the EPA experts should have time to review the document,  
131 fact check and respond.  
132

133        David Bowen explained the public process under the WAC, should the group vote to  
134        approve the program. After SEPA review, the WAC calls for the Department of Ecology to  
135        hold a public hearing on the program. Affected jurisdictions (Ecology, Yakima County,  
136        Yakima Health District, etc.) then prepare findings. The lead agency consolidates the  
137        findings and presents them back to the advisory committee. Assuming concurrence of the  
138        program, the GWAC would submit the Program to Ecology, which certifies consistency with  
139        the intent of the chapter. The Board of County Commissioners then considers adopting the  
140        program.

141  
142        Rand asked if there were any more member comments. Hearing none, he requested the  
143        original motion be changed to “approve the plan with changes incorporated that have been  
144        discussed tonight.”

145  
146        Bob Black, USGS  
147        **Surface Water Quality**, page 106. USGS has reports other than USGS 2009a that have  
148        stronger suggestions regarding the “...hydrologic connection between the surface water  
149        within the Yakima River and the groundwater beneath lands adjacent to the river.”

- 150        • The suggestion was made to revise the following sentence as follows:  
151            *The USGS report did not establish study any direct correlation between nitrogen in*  
152            *groundwater and nitrogen in the Yakima River. The group agreed to this revision.*
- 153        • Bob offered to provide a suggested change to this section following the meeting.

154  
155        Jean objected that there’s no mention of the dairy cluster in the Program adding, “dairies  
156        are the leading cause in my opinion.” Members responded that the program should rely on  
157        data, not personal opinions. The objecting member later clarified she meant the dairy  
158        cluster research (not her opinion) should be included in the Program. The group did not  
159        respond to this request.

160  
161        **Motion One.** Rand called for a motion to amend Ryan Ibach’s earlier primary motion to  
162        approve the GWMA Program “as is,” so that the primary motion would approve the GWMA  
163        Program with the suggestions made, documented, and read aloud this evening added to the  
164        Program. Ryan Ibach restated the amendment to the motion. David Bowen seconded it.  
165        The group voted with 17 “yes” votes and 5 “no” votes. **Motion carried.**

166  
167        Jason Sheehan asked how members would know what changes were made after this  
168        meeting unless they reviewed the document again before approving it. Many of the

169 comments expressed tonight were opinions, not fact. Will the 11<sup>th</sup> hour opinions be added  
170 to the Program? Steve George agreed, stating that was why he had voted “no” to the  
171 motion to approve the program [without a final review by the GWAC].

172  
173 **Motion Two.** Rand returned to consideration of Ryan Ibach’s primary motion. Jason  
174 Sheehan moved to table the primary motion to a time when this group meets again. Ryan  
175 Ibach seconded the motion to table. A vote was taken and **approved unanimously**.  
176

177 **Minority Reports:** Jim observed that this agenda subject was moot given this evening’s  
178 discussion. Accordingly, it was not discussed.  
179

180 **Rejection of WSDA’s 2018 NAA:** New agenda item (Jean Mendoza). Jean stated that this  
181 committee’s charge is to ensure the NAA is technically sound. Members provided  
182 comments in 2017; however, she believes her (and others’) comments were ignored.

183 **Motion.** Jean made a motion for the group to consider rejecting the 2018 NAA. There was  
184 no second. Accordingly, no discussion followed.  
185

186 Jean asked Rand Elliott a question regarding the 2015 ILA Scope of Work between WSDA  
187 and Yakima County for the Nitrogen Loading Assessment (later renamed NAA). The member  
188 felt that Yakima County agreed to pay itself \$12,000 for the RCIM study, and that Yakima  
189 County had failed to deliver on parts of the study. She wanted to know if, under the  
190 Administrative Procedures Act, Yakima County would investigate itself for noncompliance.  
191

192 Rand said he was not prepared tonight to reply to her allegations; however, he would  
193 research it and provide her an answer.  
194

195 **IV. Public Comment:** Frank Lyall stated that he agreed with Jean Mendoza’s contention that  
196 the NAA is flawed. He believes this group is incapable of creating an accurate NAA. Kathleen  
197 Rogers asked the group how many people present were born in the lower Valley. She  
198 wanted to know the [historic] application of nitrate. She wants the Program developed,  
199 observing that the “bad” player should be kept in line.  
200

201 A member of the audience requested that the members use their microphones so the  
202 audience can hear them.  
203

204      **Next Meeting:** To Be Determined. Jim Davenport stated he cannot schedule a date for the  
205      next meeting until he's had a chance to talk to Ecology, EPA and others who had requested  
206      technical review and/or changes.

207

208      **V. Next Steps:** Lucy Edmondson will submit disclaimer language to Jim Davenport. Andy  
209      Cervantes will send corrected summary of health effects. Scott's opinion-Gary Bahr will  
210      change wording. Robert Black will submit clarifying language to the Surface Water Quality  
211      section (page 106). Jim Davenport will reach out to Ecology, EPA and others who requested  
212      edits to obtain clarity on their requests.

213

214      The meeting was adjourned at approximately 6:50 PM.

215

216      **VI. Meeting Summary** approved by the GWAC on December 13, 2018.