YAKIMA VALLEY GROUNDWATER MANAGEMENT AREA ADVISORY COMMITTEE (GWAC)

MEETING SUMMARY

Thursday, December 13, 2018 – 5:00 p.m. – 7:00 p.m.

Denny Blaine Boardroom
Sunnyside School District No. 201
810 E. Custer Ave
Sunnyside, WA 98944

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

I. Call to Order: This meeting was called to order at 5:02 PM by Facilitator Jim Davenport.

Member	Seat	Present	Absent
Stuart Turner	Agronomist, Turner and Co.,	✓	
Chelsea Durfey	(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)	✓	
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	✓	
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 Sanchey	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		✓
Alexander V. Alexiades	Heritage University (alternate)		✓
Robert Black	USGS	✓	

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Welcome, Meeting Overview and Introductions: Jim Davenport welcomed the group and called for a moment of silence. Those in attendance then introduced themselves, and Jim reviewed the agenda.

II. Introduction of the New Environmental Services Director:
Commissioner Rand Elliott introduced David Haws, Yakima County's new Environmental Services Director (replacing Don Gatchalian).

Monitoring Well Update. David reported that 24 monitoring wells have been drilled to date and it is likely a few more will be added.

Jim noted that David's division will cover implementation after program adoption.

Lisa Freund, in response to a question, affirmed that a quorum was present.

A member inquired if the Hispanic representative was in attendance (yes).

Jim briefly described the adoption process moving forward: SEPA review, Department of Ecology's hearing, and program certification.

David Bowen elaborated on Jim's description of the process, describing that the next step is for the lead agency (Yakima County) to conduct SEPA review. After SEPA, the Department of Ecology will hold a public hearing, as will Yakima County – they may possibly hold a joint hearing. In addition, following SEPA, there will be another comment period, and then a public notice for Ecology's hearing.

After Ecology's public hearing, the Department (Ecology) and affected government agencies (South Yakima Conservation District, irrigation districts, Yakima Health District and Yakima County) have 90 days to review the program for concurrency. Ecology will work with the

agencies to issue consolidated findings. Yakima County then brings the consolidated findings back to the GWAC.

The GWAC then formally submits the program to the Department of Ecology which certifies its consistency with the intent of WAC 173-100-100. The Board of County Commissioners then adopts the Program.

David Bowen added that the current funding appropriation expires in June 2019. Accordingly, a contract extension has been forwarded to Yakima County for its consideration.

Jim Davenport then reviewed WAC 173-100-110 (SEPA review) and 173-100-120 (hearings and implementation) handout.

Program review (how we got here). Jim described the discussion and actions at the last meeting (see August 9, 2018 meeting summary). He observed that Yakima County had made the changes requested at the August 9 meeting. There were a few exceptions, which were forwarded to Ecology and EPA for response. Nine weeks later Ecology tendered a document that was considerably different than the GWAC's August 9 version. Accordingly, he and staff worked with Rand to determine how to move forward. The decision was to bring both Program drafts back to the GWAC. Those drafts are before you now: Yakima County's version and Ecology's version.

Lisa Freund then described the list of changes requested at the August 9 meeting and how the County responded (see handout).

A member observed that there are still errors in both versions—is the group being asked to adopt a program with errors in it?

Jim asked to table that consideration – the group needs to come to a decision regarding which version to adopt before identifying changes.

David Bowen then reviewed the meeting he had on August 15 with County staff, at which time the County asked for assistance with the technical review.

To that end, the GWAC's draft program was forwarded to Ecology's Environmental Assessment Program (EAP) team, headquartered in Lacey. This is an independent review team tasked with editing technically demanding documents. The EAP's work product is before you in four volumes: volume 1 (the succinct narrative, targeted to funders and legislators); volume 2 (appendices); volume 3 (showcase of the work the GWAC conducted

– e.g., Deep Soil Sampling, Education and Outreach, Nitrogen Availability Assessment); and Volume 4 (Catch-all for Minority Reports, *et al*).

Jim Davenport then asked the group if they had had enough time to review the document and understand what's there. (No one spoke).

III. Consideration and possible action approving final GWMA Program:

Jim then stated that the group needed to determine how to proceed–that is, try to reach agreement on a single course of action. He asked, "Do we have consensus to move forward on Ecology's draft?" [Hands were raised; but not counted]. Jim stated that if a single course of action could not be agreed to, he would revert to parliamentary procedure.

Jim then asked, "Is there consensus on moving this document forward for SEPA consideration?" He asked for feedback from the group.

Steve George stated that if Jim was asking the group to agree on a document, he could not agree on either.

Jim then asked Rand Elliott to lead the group. Rand explained that a motion was made on August 9 to approve the County draft, provided that changes agreed to that night were made. He stated, "before you now is the new County version, with changes agreed to on August 9."

Motion

Ryan Ibach then made a motion to accept Ecology's version; Pat Newhouse seconded the motion.

Rand opened the floor for comments. Members recognized the work that Jim Davenport and the County had undertaken to prepare the County's version of the Program. It was generally agreed that in reading Ecology's draft, however, it was more compact, easier to read and worked better than Yakima County's version.

Perry Beale observed that the Department of Agriculture (WSDA) would approve either; however, Ecology's version was more accurate relative to the tables and data.

Others commended the County for its work, especially Jim Davenport's efforts.

Lucy Edmondson [reading from a script] stated that EPA had previously gone on record stating that the draft report would be improved by including a more thorough accounting of the amount of nitrogen coming from dairy operations. Data from robust scientific studies was not included in the current draft…it's time to move the technically edited version of the

report from Ecology's EAP program out to the larger forum. Additional data, policies, and input from the public can lead to a final strategy to address nitrate contamination in the drinking water aquifer in the Lower Yakima Valley.

A member expressed concern with two of the recommended alternatives. Rand responded that the group had already agreed to the alternatives. The member can raise her concerns during the upcoming public process.

Vote to accept Ecology's version of the Program

Rand then asked if there were further comments. Hearing none, a vote was taken on Ryan's motion to accept Ecology's version of the program. 17 members voted *aye; two were opposed and two abstained. **Motion carried; Ecology's version of the program will be forwarded to Yakima County for SEPA review.** (*ayes: Perry Beale, Laurie Crowe, Stu Turner, Dr. Troy Peters, Lucy Edmondson, Jim Dyjak, Lino Guerra, Ryan Ibach, Jason Sheehan, Pat Newhouse, Andy Cervantes, David Bowen, Bud Rogers, Ron Cowin, John Van Wingerden III, Doug Simpson and Rand Elliott. Opposed: Jean Mendoza and Steve George. Abstaining: Stuart Crane and Robert Black).

Program Dedication

A member asked if the final Program could be dedicated to former member Jim Trull, who died several years ago, in acknowledgment of his "leadership and participation." **The group agreed**.

A member asked who would facilitate the group after December, when Rand Elliott is no longer in office. Jim replied that the group can make a decision at its next meeting.

IV. Submission of Minority Reports:

A discussion ensued regarding when minority reports should be submitted. A member questioned how could a minority report be accepted now – the Program has not been finaled. Members cannot make a minority report until the final document is approved.

Following discussion, the group agreed that there should be two opportunities to issue a minority report: 1) within the next seven days (before SEPA review); and 2) after the program is consolidated.

David Bowen suggested that no typos or other errors be corrected before this approved draft is submitted for SEPA, noting, "let's keep it clean." There will be an opportunity at the next juncture during the public hearing process to make these corrections. **The group agreed by consensus.**

V. Public Comments:

Frank Lyall stated that $2.4 million has been spent on this inefficient process. Meanwhile, no one has died [in the Lower Yakima Valley] from consuming nitrates. He added the program lacked credibility. It was a bifurcated process: only people who will agree with the document are those who trust Ecology – now It's an Ecology Document. There's no local trust for government or what comes out of Olympia.

Kathleen Rogers followed up on Frank's comment, agreeing that no one has come forward who has become ill [because of nitrate consumption]. However, she has a neighbor who lives near the dairy cluster and they have recently recorded higher nitrate readings [than previously]. It's time to move on [in addressing the problem].

David Newhouse commented that nitrate supplements are being heavily advertised for its health benefits.

VI. Committee Business: The August 9, 2018 meeting summary was approved as presented.

VII. Next Steps: Members have seven days in which to issue a minority report before the Program is submitted to Yakima County Planning for SEPA review. The next opportunity to issue a minority report will be after the program is consolidated. The program will come back before the GWAC after consolidated findings have been prepared.

The meeting was adjourned at 6:22 PM.

VIII. Meeting Summary approved by the GWAC on _____.