

**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	✓	



Groundwater Management Area (GWMA):

The purpose of the GWMA is to reduce nitrate contamination concentrations in groundwater below state drinking water standards

	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	✓	

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

19

20 **II. Introduction of the New Environmental Services Director:**

21 Commissioner Rand Elliott introduced David Haws, Yakima County's new Environmental
22 Services Director (replacing Don Gatchalian).

23

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

26

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

28

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

30

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

32

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

35

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

41

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

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

47
48 The GWAC then formally submits the program to the Department of Ecology which certifies
49 its consistency with the intent of WAC 173-100-100. The Board of County Commissioners
50 then adopts the Program.

51
52 David Bowen added that the current funding appropriation expires in June 2019.
53 Accordingly, a contract extension has been forwarded to Yakima County for its
54 consideration.

55
56 Jim Davenport then reviewed WAC 173-100-110 (SEPA review) and 173-100-120 (hearings
57 and implementation) handout.

58
59 **Program review (how we got here).** Jim described the discussion and actions at the last
60 meeting (see August 9, 2018 meeting summary). He observed that Yakima County had
61 made the changes requested at the August 9 meeting. There were a few exceptions, which
62 were forwarded to Ecology and EPA for response. Nine weeks later Ecology tendered a
63 document that was considerably different than the GWAC's August 9 version. Accordingly,
64 he and staff worked with Rand to determine how to move forward. The decision was to
65 bring both Program drafts back to the GWAC. Those drafts are before you now: Yakima
66 County's version and Ecology's version.

67
68 Lisa Freund then described the list of changes requested at the August 9 meeting and how
69 the County responded (see handout).

70
71 A member observed that there are still errors in both versions—is the group being asked to
72 adopt a program with errors in it?

73
74 Jim asked to table that consideration – the group needs to come to a decision regarding
75 which version to adopt before identifying changes.

76
77 David Bowen then reviewed the meeting he had on August 15 with County staff, at which
78 time the County asked for assistance with the technical review.

79
80 To that end, the GWAC's draft program was forwarded to Ecology's Environmental
81 Assessment Program (EAP) team, headquartered in Lacey. This is an independent review
82 team tasked with editing technically demanding documents. The EAP's work product is
83 before you in four volumes: volume 1 (the succinct narrative, targeted to funders and
84 legislators); volume 2 (appendices); volume 3 (showcase of the work the GWAC conducted

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

87

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

90

91 **III. Consideration and possible action approving final GWMA Program:**

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

96

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

99

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

102

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

107

108 **Motion**

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

111

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

116

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

119

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

121

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

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

129

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

133

134 **Vote to accept Ecology's version of the Program**

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

143

144 **Program Dedication**

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

148

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

151

152 **IV. Submission of Minority Reports:**

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

156

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

160

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

165

166 **V. Public Comments:**

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

172

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

177

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

180

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

182

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

187

188 The meeting was adjourned at 6:22 PM.

189

190 **VIII. Meeting Summary** approved by the GWAC on June 20, 2019.

191