

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, January 5, 2017, 5:00 – 7:00 PM

Participants

David Bowen, Jim Dyjak, Jean Mendoza, Larry Fendell, Sandy Braden, Sue Wedam, Jason Sheehan, Stuart Crane, Jeff Steele, Chelsi Riordan, Dan McCarty, Stuart Turner, Kathleen Rogers, Bud Rogers, Steve George Vern Redifer and Bobbie Brady (Yakima County Support Services).

Key Discussion Points

David Bowen opened the meeting at 5:03 PM and asked everyone to introduce themselves. He explained that the goal of the evening's meeting was to review the four discussion points still under consideration from the group's December meeting. A discussion ensued on each topic.

County CAFO Ordinance – Alternative Strategy?: David asked Vern to comment on the possibility of the County enacting its own CAFO ordinance. Vern thought the request would carry weight if the GWAC asked the County to do this. A member commented that CAFO/AFO's are authorized under a conditional use permitting process and were subject to a SEPA review. The member's concern was that the County had a limited budget and expertise in this field; others agreed. Vern also agreed and pointed out that under SEPA the County relies on other agencies' (e.g., the Department of Agriculture and the Department of Ecology) expertise to provide input and public comments in order to make decisions. A member added the County's process did not include a review of the DNMP as it would include the CAFO's confidential business plan.

A member reminded the group that the idea of the County CAFO ordinance had been promoted by one or two people and had included a recommendation to limit the number of cows on dairies. The idea had not been the consensus of the group and he was adamantly opposed. Vern suggested that the group could consider a subset of agricultural zoning (as only one currently exists) limiting the intensity of cows in certain geographical areas that may be more susceptible to leaching for a variety of reasons. Vern added that Matt Bachmann in his USGS "Particle Tracking for Selected

Groundwater Wells in the Lower Yakima River Basin” said that there are areas in the GWMA where everything moves faster noting that these areas may be good to consider for limitations as well.

David added that the Department of Ecology is increasing their communication efforts in the wake of the Livestock/CAFO permit. A member asked if she could weigh in on the problems with the permit interface. David reminded her that these comments were not applicable to the Livestock/CAFO group and it needed to finish its assignment before moving on to other issues.

Renaming the category Bad Actors (Poorly Managed Facilities, PMF's?) – how to bring them in without penalizing the rest (cost of customer): David reminded the group that it had not been pleased with the term “bad actors” and wanted to consider an alternative without penalizing the majority in the process. Several members said that the term must be generic and not focus in on a single industry. There was concern expressed that the term “poorly managed facility” was subjective and after a great deal of discussion a member suggested the term “facilities not following management practices.” The group agreed it would function well as a term applicable to all industries. The group also discussed the legitimacy of data collected from a compliant driven system and other comments from the handout. David then summarized the discussion: perhaps there needed to be additional Department of Agriculture staffing in the GWMA and some changes in processes and protocols that would require personnel to visit the person who filed the complaint should be considered as well.

A member asked how the industry and associations representing the industry felt about policing their own to improve compliance and reduce potential damage to water supplies. A visitor responded that he is hearing many of the concerns members had expressed in forums throughout the area. Producers following guidelines and trying to do the right thing are expressing their frustration with and discussing various options available to persuade others into compliance.

Tracking Manure and Commercial Fertilizer – volume and location: The group discussed tracking where manure is exported. One member felt there were gaps in the process; others felt everything was tracked not necessarily as a regulation, but as a business practice. The group also discussed the percentage of nutrients that are exported. Stu Turner agreed to provide: 1) the average and range data for Yakima Valley dairies; 2) a separate delineation of liquid numbers and solid numbers; 3) a summarization of the data; and, 4) the number of samples used to compile the data supplied

Vern wondered if the Department of Agriculture could summarize the DNMP reporting and provide information that would disclose the amount of manure the CAFO's in the GWMA created and where it was distributed. A member was concerned that this kind of reporting would only reveal a small piece of the whole picture which could be taken out of context as it wouldn't contain the amount of use for example. Vern felt it was important to come up with some way to talk from the same set of facts. David mentioned that there had been no discussion about tracking commercial fertilizer. A member reminded everyone that land application was not within the committee's purview but belonged to the Irrigated Ag Working Group.

AKART (All Known, Available and Reasonable Technology – Methods of Prevention, Control and Treatment): David asked the members who supported AKART to explain their support and those opposed to explain their opposition in order to facilitate discussion.

A member in support explained that AKART was required by law and deserved discussion. Another member had found AKART (from personal experience) to be site specific and dependent on the size of the facility. A member said that if a business had 30 cows per acre they should be required to conduct business using modern technology and if they couldn't afford modern technology they shouldn't have 30 cows.

Members in opposition were concerned about the technology dairies would be required to buy because AKART required known and available technology. There was also concern as to who would define known and reasonable. A member added that not everyone's business model can afford a \$300,000 piece of equipment. Vern read the definition of AKART found in WAC 173-218-030 (Department of Ecology, Underground Injection Control Program, Definitions) and related that the County is required to follow AKART for its NPDES permit for stormwater discharges. AKART requires the County to agree to do things as it pertains to stormwater without knowing what they are and requires them to use the most up-to-date equipment. His concern was flexibility and the definition of reasonable. Another member felt that AKART was ridiculous to apply to businesses and wondered where a cost benefit analysis would come into play. Vern added that having found technology that works for controlling storm water pollution there is still an expectation that if new technology comes along the County has to make the change even though existing technology was already working. He emphasized that he was not saying there shouldn't be an expectation for good technology, but that he had a concern that there was a premise requiring the purchase of the latest thing even if the technology that was already in place was working. Another member felt it would help if the group could define the goal and its measurement so an enterprise would not need to replace their current technology if they were meeting their goals. She added that the group would need to consider that the ultimate goal of a drinking water standard was years out and therefore an interim goal would need to be established. Vern agreed that performance should be the driver. Another member noted said this would require a good monitoring program.

A member (who had not been at the December meeting) voiced a concern about "Technology Investment" found on the Key Discussion Points 12/1/2016 David handed out with the agenda as the member wasn't sure what it meant. Vern provided an illustration from a recent County transaction where Yakima County invested \$1.5 million (less than 10 percent) and industry (an energy company) will pick up \$20 million. The technology will convert methane from dairies into natural gas that will feed the Williams Pipeline. Vern noted that the project will create a new industry in the County and provide a solution for some manure as the back hand of the plan recovers nutrients out of the water into a more concentrated form.

David concluded the discussion and informed the group that it was his goal to get a draft of the Livestock/CAFO report for the GWAC to the group by January 20th for the group's review and adjourned the meeting at 7:06 PM.

Resources Requested

Recommendations for GWAC

Deliverables/Products Status

Proposed Next Steps

- Stu Turner agreed to provide: 1) the average and range data for Yakima Valley dairies; 2) a separate delineation of liquid numbers and solid numbers; 3) a summarization of the data; and, 4) the number of samples used to compile the data supplied.
- David's goal to get a draft of the Livestock/CAFO report for the GWAC to the group by January 20th for the group's review.