

Regulatory Framework Working Group

Charge from Groundwater Management Area Advisory Committee

[Insert Charge]

Working Group Members

Jean Mendoza, Chair (Friends of Toppenish Creek), Andres Cervantes (Department of Health), David Bowen (Department of Ecology), Chelsea Durfey (Turner and Co.), Dan DeGroot (Yakima Dairy Federation), David Newhouse (interested party), Ginny Prest (WSDA), Jason Sheehan (Yakima Dairy Federation), Jim Dyjak (Concerned Citizen of Yakama Reservation), Larry Fendell (interested party), Laurie Crowe (South Yakima Conservation District), Nick Peak (EPA), Patricia Newhouse (Lower Valley Community Representative), Steve George (Yakima County Farm Bureau), Stuart Crane (Yakama Nation), Sue Wedam (Lower Valley Community Representative), Vern Redifer (Yakima County Public Services), Jim Davenport (Yakima County Public Services)

Meetings/Calls Dates

Meeting: February 23, 2017, 5:00-7:30 PM

Call Number: 360 407-3780 PIN Code: 306589#

Participants

Present: Jean Mendoza (Chair), David Bowen, Larry Fendell, Steve George, Pat Newhouse, Dan DeGroot, Carolyn DeGroot, David Cole, Jason Sheehan, Laurie Crowe, Sandy Braden, Jim Davenport, Stuart Crane, and Bobbie Brady (Yakima County Public Services). James Rivard from the Department of Ecology was present for the discussion on composting regulations. No one was on the phone.

Key Discussion Points

Jean opened the meeting at 5:05 PM and welcomed everyone.

Composting Regulations: Jean provided the group with WAC 173-350-220 Composting facilities and a copy of the Department of Ecology's proposed revisions to this WAC. Jean read portions of the WAC aloud to the group and introduced James Rivard, Waste 2 Resources Section Manager, Department of Ecology. Jean was concerned because she had learned only one Yakima dairy was registered with the Department of Ecology (Ecology) and the Yakima Health District (YHD) as a composting business which meant that dairies were not following the law. A great deal of discussion ensued. The group read portions of WAC 173-350-220 and 173-350-100 and finally determined that a dairy does not have to notify YHD or Ecology if the waste is not transported from the dairy. James agreed. A member asked if his dairy was on either list. Both James and Dave Cole (YHD) responded no. The member indicated that when he decided to add a composting operation to his dairy 15 years ago he invited Peter Severtson from Ecology to his farm

and Peter brought a representative from YHD so that they could see the proposed operation and tell him what requirements needed to be met. He was directed to create a berm, install a system to pump water away from the compost and to compact the soil with a roller. The member then sent in reports for three or four years to Mr. Severtson at Ecology and then to the Central Division of Ecology when Mr. Severtson was no longer employed there. Both Mr. Severtson and Ecology said the reports were unnecessary; Ecology didn't know what to do with the reports. The member continues to provide them every year and wondered why dairies are held accountable when the agency fails to do their job. James said a person in Lacey does accept the annual reports and enters them into the data system.

The group continued their discussion. A member stated that most dairies compost through a third party and it was assumed that they had to report but didn't know who to. James said that if entities were taking compost off the farm they would report under solid waste. A member asked Jean if her request for information was for dairies or composting operations and noted that perhaps that would have been a better question. A member stated that in his experience the ground gets packed down under the manure and because of this he didn't believe nitrogen is pushed down farther than 1 to 3 feet. Another member believed that when looking at the nitrate levels in the soil at a composting operation it would be important to know the history of the yard prior to composting and that it would depend on the type of soils the composting operation had been built upon. Jean agreed that it would be important to look at all possible sources.

Costs Related to Elevated Nitrates in Groundwater: Jean asked the group to look at the document "Costs Related to Elevated Nitrates in Groundwater" (which the group had worked on at its last meeting) to determine if they had any corrections and/or suggested changes. She pointed out several changes she had made to the document. Several other members had some concerns about incorrect math, inaccurate estimates, not all costs related to nitrates in the groundwater, precision of language, the purpose of putting together the information and who it was intended for. Jean believed that the information should be part of the GWAC's final document which would be presented to the legislature and wanted to speak to the public at large so that they understood the "cost of doing nothing."

Since there was disagreement about the document Jean asked each member of the group to weigh in. A member read aloud the mission statement of the Regulatory Working Group. Some members were not opposed to creating a list of costs, but did not believe it was a regulatory task assigned to the Regulatory Working Group. A member thought the document should add disclaimers and notes in order to be more accurate. Another member said that hiring someone to do a cost/benefit analysis had already been voted down and felt the document Jean had prepared picked on specific groups. Several members felt it was the task of the Data Collection Working Group and believed it should be tackled with the help of a professional as accuracy is crucial. A member stated that quantifying the cost of doing nothing was futile and that the group should spend their time addressing lowering the nitrates in the groundwater. Another member appreciated the thought behind it. Several members saw a benefit and thought that more information causes people to think and costs catch people's attention. Another member thought it would be useful to show the legislature the cost of doing nothing. Jean indicated that she thought the project belonged in the Regulatory Working Group because it fit within the group's purpose in broad terms. She added that she had tried to get it on the agenda for the GWAC as an individual for four years but was unsuccessful. Jean desired to table the matter until the next

meeting but a member felt that since the group had already been involved in an extensive discussion the group should vote now. Steve George made a motion that this economic effort be stopped tonight in the Regulatory Working Group so that the group could focus on its regulatory duties. Laurie Crowe seconded the motion. The motion was voted on by a show of hands: seven voted in favor of the motion; three abstained and three voted no (13 were present); the motion was passed.

Next Meeting: Jean explained that she would like to move the next working group meeting to Wednesday, March 22 and the group agreed. Jean's idea was to cancel the March 8 meeting since that meeting date was so close and to cancel the April 12 meeting as there would be a joint working group meeting on April 13 (the Nitrogen Loading Assessment will be presented that day).

EPO Questionnaire: Jean pointed out that the group had already agreed to most of the information found on the Questionnaire. However, a member pointed out that the second bullet in Number 4 "An overview of costs related to elevated nitrates in the groundwater" should be deleted in light of the group's vote that evening. Jean explained that she had not completed Number 6 "What are your key messages or top take-away messages/recommendations?" The group listed the following items but agreed to discuss them at the next meeting.

- Agencies are understaffed.
- It is difficult to keep up with the laws by the regulated and the regulators.
- Some laws are not implemented.
- Coordination/communication between agencies is important.
- There are too many unenforceable suggestions.
- Different paradigm of enforcement between agencies and the public
- There are too many laws/duplication of laws.

Jim Davenport felt that "simplification" was the overarching word. The group agreed that the Questionnaire could be passed on as a draft to EPO with the understanding that Number 6 still required some refinement. The meeting concluded at 7:20 PM.

Resources Requested: None.

Recommendations for GWAC: None.

Deliverables/Products Status: None.

Proposed Next Steps

Jean will pass on the completed Questionnaire to EPO as outlined above noting that No. 6 was still in draft format.