

## Regulatory Framework Working Group

### Charge from Groundwater Management Area Advisory Committee

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[Insert Charge]

### Working Group Members

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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

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Meeting: May 10, 2017, 5:00-7:30 PM

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

### Participants

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Present: Jim Davenport (Acting Chair), David Bowen, Larry Fendell, Steve George, Pat Newhouse, Kathleen Rogers, Bud Rogers, Sandy Braden, Stuart Crane, Ginny Prest and Bobbie Brady (Yakima County Public Services). No one was on the phone.

### Key Discussion Points

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Jim Davenport opened the meeting at 5:08 PM and welcomed everyone. He explained that Jean Mendoza had called him ten days prior explaining she had another commitment for this evening and asking him to chair the meeting. She sent him a number of documents that he had originally written for discussion at the meeting. Subsequently, Jean suggested Jim create a second version toning down the language to a 5<sup>th</sup> or 6<sup>th</sup> grade reading level so it was better understood by the average reader. Jim explained he had done his best and those revised documents had been sent to the group earlier in the week for review and approval at this meeting. Jim reviewed the five documents: 1) Groundwater Quality Regulation in Washington, 2) Yakima County's Role in Groundwater Quality Protection, 3) Irrigated Agriculture and Groundwater Quality Regulation, 4) Livestock/CAFOs and Groundwater Quality Regulation, and, 5) Residential, Commercial, Industrial and Municipal Groundwater Quality Regulation and explained the group would discuss them in that order. Jim reminded the group that they were scheduled to meet tonight and again in June and their last task as he perceived it was to provide to the GWAC in essence a pertinent inventory of the regulations the group had reviewed for inclusion in the program. Jim also indicated that he thought the readers of this document would be the general public, irrigated

agriculture, livestock, and residential, commercial, industrial and municipal entities. Ginny asked if this information would be presented to the GWAC as part of the proposed plan. Jim verified this and reminded everyone it would give them another chance to review the information and provide input.

Response to EPO: Jim asked the group if any of the six responses the group provided in response to EPO Questionnaire No. 6 would be appropriate for presentation to the public. A member thought No. 1 was probably true but didn't think the public would care. Another member added that she thought it should state that the current regulatory structure doesn't work and then list the things that need to be done. Another member thought it should state what agencies are under-resourced, explain why they needed additional funding and what for. Jim thought this would be appropriate for program recommendations.

A member also thought that No. 5 should be reworded because the words "paradigm/perception of enforcement" were awkward. A member was concerned about chronic violators. After some discussion it was agreed Ginny would provide Jim with a paragraph of additional detail about technical assistance as a first step and what regulatory backstop is available should volunteer action be unsuccessful. The member added they also needed the manpower to follow up.

David reminded everyone that EPO was looking for short term messages; he didn't believe this working group had a message to get out and Jim agreed. The group also agreed that it had no short-term message for EPO.

Groundwater Quality Regulation in Washington: After a review of the document and brief discussion about the portion written on RCRA it was the consensus of the group to accept the document as written move the document on to the GWAC.

Yakima County's Role in Groundwater Quality Protection: After a review of the document and brief discussion about the Growth Management Act it was the unanimous consensus of the group to accept the document as written and move the document on to the GWAC.

Irrigated Agriculture and Groundwater Quality Regulation: There was concern about the statement "there are no federal, state or local regulations that specifically address the application of irrigation water to agricultural crops," but after some discussion the group agreed that the word "specifically" took care of any issue. The group also discussed the phrase "State water law prohibits wasting water." Jim said his thinking had been that since water could only be used for beneficial use it was implied the use must be efficient and not wasteful. Ginny asked if Jim was referring to the "use it or lose it" concept. Jim said yes. He added that he wasn't aware of any regulation that relates to irrigation practices. A member asked Jim if he had asked Ron Cowin from SVID this question. Jim said yes and that Ron had stated that SVID doesn't tell farmers how to use irrigation water once it's on their property. Jim agreed to rewrite the sentence and include the term "beneficial use." A member added that there was a County "Right to Farm" ordinance too. Jim agreed to check and add it.

Residential, Commercial, Industrial and Municipal Groundwater Quality Regulation. There was a discussion about the words "sewer," "septic" or "sewage." Dan DeGroot, chair of the RCIM working group said that onsite sewage system is correct (as it is referred to by the Department of Health that way). Jim will confirm and add an explanation that sewage and septic are the same.

Jim also noted that some of this was duplicative of the RCIM report. Ginny asked where Table X came from; Jim responded it was from the WAC. It was also noted that Table V should appear on the same page. The group agreed to the document with the revisions as noted and to move this document on to the GWAC.

Livestock/CAFOs and Groundwater Quality Regulation: A member asked what soft enforcement was. Ginny responded: technical assistance first with enforcement tools available only if people don't cooperate. Ginny will prepare a paragraph for Jim clarifying this and take out the term "soft enforcement." Ginny agreed there were plenty of chances to adapt. There were no other comments and the group agreed to the document with the revisions as noted and to move this document on to the GWAC.

In summary, Jim confirmed that the group approved the five documents with the corrections noted above and to move all five revised documents on to the GWAC. He then asked the group if they saw a need for another meeting and if so, what else the group needed to accomplish at that meeting. The group reached a consensus that there was no need for another meeting and therefore nothing more for the group to do. The meeting was adjourned at 6:00 PM.

**Resources Requested:** None.

**Recommendations for GWAC:** None.

**Deliverables/Products Status:** None.

**Proposed Next Steps**

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-Documents corrected per discussion and moved on to the GWAC for their consideration.