

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, August 4, 2016, 5:00 – 7:00 PM

Participants

David Bowen, Dan McCarty, Jim Dyjak, Jean Mendoza, Laurie Crowe, Steve George, Jason Sheehan, Stuart Turner, Stuart Crane, Larry Fendell, Jim Davenport, Bobbie Brady and Marlene Carpenter (Yakima County).

Key Discussion Points

Chair David Bowen opened the meeting at 5:05 PM.

Updates from Previous Agenda: David updated the group on the Department of Ecology's proposed CAFO General Permit. Two hearings had been held - there were about 140 people in attendance in Bellingham (about 60 percent represented dairies and the remainder other interests) and 120-140 in Yakima (about 50 percent represented dairies). Frequent comments from the dairy perspective were the cost analysis and setbacks and for other interests it was not lining the lagoons and no requirement to monitor the groundwater. The Department also held a webinar which was attended mostly by agency personnel. Jon Jennings will continue to receive comments until August 17. The Department expects the finalized permit to be in place by the end of the year.

Regulatory Framework Work Group Presentation: David apologized for the confusion surrounding the supporting documentation Jean had provided to the group via her website for the meeting. He pointed out that the majority of the documents were past Regulatory meeting summaries which were available on the County website and that most other documents can be provided to the group by the County as well if desired.

David then invited Jean to make her presentation. Jean passed out a document she had prepared entitled "An Analysis of Regulatory Statutes, Voluntary Incentives and Regulatory Assistance Programs" and stated that the analysis was her interpretation of the Regulatory meeting summaries.

After reading the purpose statement of the Regulatory Framework Working Group Jean proceeded to provide information on each applicable regulation including how they were monitored, enforced, measured, their effectiveness and the need for any potential changes. Specific comments made in addition to the handout are as follows:

1. *EPA under the Safe Drinking Water Act (groundwater)*. Jean noted that private citizens can go to the EPA if they have a concern. There were no additional comments.
2. *EPA under the Clean Water Act (surface water)*. There were no additional comments.
3. *Ecology under RCW 90.48 Water Pollution Control and WAC 173-200. WA Department of Health under RCW 43.20*. There were no additional comments.
4. *Ecology discharge permitting under WAC 173-216*. Jean commented that this permit was for businesses. There were no additional comments.
5. *Ecology Non-Point Source Pollution*. Jean advised that this plan was just recently written making it difficult to determine how effective it is and to provide additional monitoring information. There were no additional comments.
6. *Natural Resources Conservation Service (NRCS)*. Jean pointed out that this was a voluntary program through the USDA. A member stated that he believed efforts were underway to ensure additional compliance and to require the whole farm to come under the plan even if the contract was just for a portion of the farm. Jean asked what the impact of the program had been. Laurie indicated that the funding had dropped dramatically. Jim Davenport asked if farmers would change their practices if the funding went away. A member said that change would slow down because of reduced funding pointing out change is encouraged by a reduction in labor costs and/or an increase in cropping but can also be driven by an outside funding source.
7. *South Yakima Conservation District (SYCD)*. The group discussed the disparity in funding between the North Yakima and South Yakima Conservation Districts. Several members pointed out that they believed the disparity was due to the wildlife habitat related projects (which were funded by grants) necessary in the northern district and not applicable to the southern district. Another member spoke of the need to potentially hire an additional two to three people full-time to get the GWMA work done.
8. *Washington State Department of Agriculture Dairy Nutrient Management Program (WSDA DNMP)*. The group discussed at great length both Jean's characterization of this regulation and her portrayal of the enforceability and monitoring of this program as several members disagreed with Jean's interpretation of both the presentation and actual practices of the WSDA.
9. *Composting of Agricultural Wastes*. The group disagreed with Jean's characterization of this regulation as it pertained to dairies. David noted that from the dairy side there are already rules in place. Some members felt that many farmers were doing this already, others disagreed. Jim Davenport suggested that there could be a standardization of positive practices through some sort of County writing with no additional impositions on those who

are doing well in order to take care of the 2-5 percent who are not handling composting appropriately. A member suggested that the County adopt the NRCS as a guidepost.

10. *National Pollution Discharge Elimination System (NPDES) Permitting Under Ecology.* There were no additional comments.
11. *Biosolids Under Ecology and Yakima Health District.* There were no additional comments.
12. *Yakima County.* Jean offered that she would like to see more County regulations regarding the CAFO permit and setbacks for dairies. She provided the group with a handout (Examples of Water Protection Requirements from County CAFO Ordinances across the United States) which outlined how other counties made and enforced ordinances pertaining to water protection. Although debate on this issue ensued, David interjected that it was his intention to postpone this discussion until the group's next meeting.
13. *Atmospheric Deposition.* There were no additional comments.
14. *Irrigation Districts.* There were no additional comments.
15. *Yakama Nation.* Stuart Crane pointed out that contrary to what Jean had written the Yakama Nation is not accountable to the Department of Ecology. There were no additional comments.
16. *WSDA – Chemigation & Fertigation.* Jean heard these regulations are written well and were imitated by others when writing regulations. There were no additional comments.

This concluded Jean's report. David advised that the group would continue their discussions at the next meeting. David then drew the group's attention to the handout (CAFO's Water Quality Protection Requirements) provided by Steve George which had been a compilation of work done by Ginny Prest, Laurie Crowe and Steve. Jean wanted to know where the group had obtained the information on the Compost Areas (No. 7). The response was that they had surveyed each operator. David will get the survey information from Ginny Prest.

BMP Discussion: David explained that after last month's meeting he had filtered the list of BMP's assembled by HDR removing duplicated items and reassembling the list in a more logical manner. David asked if the group wanted to present the list as is to the GWAC or if they felt further efforts were necessary. After some discussion it was agreed that further refinement was necessary - Laurie Crowe and Stu Turner volunteered to spearhead this effort which would include the addition of the applicable NRCS code to each BMP. David encouraged all of the members to make note if they felt something was missing that needed to be added or, if a BMP didn't make sense, to note it and write down why.

Next Meeting and Next Steps: David encourage everyone to get any changes to the BMP list to him quickly so that he could disseminate the information and get it to the group prior to the next meeting which would be held Thursday, September 1, 5:00-7:00 PM.

Resources Requested

Recommendations for GWAC

Deliverables/Products Status

Proposed Next Steps

- David will get the survey information on compost areas from Ginny Prest from the group's handout (CAFO's Water Quality Protection Requirements).
- Laurie Crowe and Stu Turner volunteered to spearhead the effort to refine the list of BMP's including adding the applicable NRCS code to each. Each member will note if they felt something was missing from the BMP list that needed to be added or if a BMP didn't make sense – note it and write down why. All will forward their comments to David in the next few weeks so that he can disseminate the information and provide it to the group before the next meeting.