

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, December 1, 2016, 5:00 – 7:00 PM

Participants

David Bowen, Jim Dyjak, Jean Mendoza, Laurie Crowe, Larry Fendell, Sandy Braden, Steve George, Bud Rogers, Kathleen Rogers*, Jeff Steele, Jim Davenport and Bobbie Brady (Yakima County Support Services). *via phone

Key Discussion Points

David Bowen began the meeting at 5:08 PM and asked everyone to introduce themselves. David noted that the group's work on BMPs was 95 percent done – he is looking at the RCW's and some Washington State University (WSU) guidelines. In addition David began a draft of the Livestock/CAFO report to the GWAC which will include information on the composition of the working group and the approach taken, an overview of existing management strategies and programs, alternative management strategies, recommended management strategies, and an implementation plan and recommended methodology to monitor progress. In addition he had reviewed the notes from the group's previous meetings and created a list of possible solutions the group had identified to close the potential gaps for pens and barns, corrals, lagoons and ponds, composting, feed storage and animal mortality. David explained his goal was to review each item and add or delete as the group desired. Discussion ensued and the group made additions to the list and categorized potential solutions as follows. (PLEASE NOTE: the items highlighted in yellow are still under consideration and the items highlighted in green the group agreed should be included, most requiring more details). All will require further discussion.

Dairy Nutrient Management Plan

Potential to disclose some information to the extent possible where it could help problems.
Remove the mystery and assumptions.
How do we know they work?

Laurie pointed out that the DNMP had been developed for guidance and was never meant to be a regulatory tool but has become more regulatory in nature.

BMP Implementation

What does that look like? Must be GWMA specific.
Encourage use, best impact, effectiveness.

Increase Funding to SYCD

Outreach, education, technical assistance.

A member agreed in principle as long as the funding remained within the boundaries of the GWMA.

County CAFO Ordinance – GWMA Specific? A member wanted to know if the Department of Ecology agreed with this idea. David indicated that if the County ordinance was more stringent it would prevail over Ecology's. The group also discussed that it could up to three years before Ecology's permit would go into effect as it would most likely be appealed by several groups. Jim Davenport suggested that the group postpone any discussion on this until Vern Redifer was present.

Who will monitor? Agency, County, organization (public oversight)

Lead entity: money dedicated, tbd, specific skill sets

A member believed the County should be the lead entity. Jim Davenport said that the only entity within the County with the institutional confidence is the County. A member pointed out that the County is not staffed to do the monitoring – Jim agreed. The group also discussed the viability of getting funding for the proposed GWAC plan.

Adaptive Management DNMP, CAFO GP (Learn as you go). A member wanted to define what this meant. David said that he thought it meant that an entity would have a plan in place then implement and monitor it to see if it met expectations then adapt to what works best. Another member indicated that he thought an entity would exhaust the most palatable efforts before moving on to the others on the list. A member asked if the group needed to include adaptive management ideas as part of its recommendations; others thought this might be difficult as they felt operators would “adapt as they go.” Jim Davenport said that the group could simply recommend that an adaptive management plan be created. The group agreed that it should be included but didn't know what it should look like yet. Another member wondered if adaptive management recommendations could be found in either the DNMP or CAFO permits.

Bad Actors – how to bring them in without penalizing the rest (cost or customer). A member suggested that the group needed a metric to determine how to identify which operators were bad. A discussion ensued. Some members felt that good actors could identify bad actors. Others thought the Department of Agriculture could provide input by looking at historical data. However, concerns were expressed that a complaint driven system was not a good way to gather data as it would reflect neighborhood disputes. A member suggested that a structure of recommendations establishing clear expectations be put in place first. He felt it was important for the group to encourage voluntary compliance first before moving to alternatives that might be more stringent requiring compliance. He did not recommend a regulatory component but a way to address those

who were not complying with the outlined expectations. Jim Davenport added that he thought it would be good to define good and bad practices. He said that “bad” was in the eye of the beholder and it must be defined or the group can’t implement a plan to deal with the problem. He also suggested that the group might come up with a definition for worst management practices. A member thought “bad” could be defined as someone who isn’t doing what was suggested. A member thought the CAFO permit covered this. The group also thought the term “bad actors” should be changed. David will try to come up with a different name.

Central Depository of Information Online public information (EPO)

Website – upgrade (One member would only agree to this depending on the legalities).

Tracking Manure – volume and location. A member pointed out that this was being addressed in the new Ecology permit (which will most likely be delayed because of appeals). Another member asked if the group could insert the portion of the CAFO permit regarding manure into its recommendations to the GWMA. Another member said this could be discussed. The member also added that growers are responsible to apply the manure at a correct rate. Jim Davenport said that the Irrigated Ag Working group was not addressing this and it was dropping through the cracks. The group discussed whether it should ask for a statute enacting a county by county tracking system on commercial fertilizers which would require sellers to report gross sales of nitrogen fertilizers. A member said he would support this for the GWMA only. Jim Davenport wanted it done statewide.

Education/Outreach – to prevent leaching of nitrates. This would be focused on operators in order to help them to buy into the BMPs or other practices. A member wondered if this would be carried out by the current EPO working group or the Conservation District and wanted the entity to be trusted by the local community. A member pointed out that the Conservation District is an independent body and this proposal for additional funding and the associated responsibilities would require agreement by the board. Other members explained that the EPO working group wouldn’t exist after 2017 when the GWAC work was done and that the Irrigation District could help with educational work as well.

Testing/Monitoring/Sampling – Performance Objectives: The group wanted to define what would be tested: soil, water or both. Another member indicated that they wanted pens/corrals and lagoons tested. Some members responded and said that those locations would be tested under the new Ecology permit. Jim Davenport added that the GWMA could put in a request for the Legislature to approve the CAFO permit in the GWMA.

The group also discussed who should monitor. One member thought the designated lead entity will determine this as it would need to either go out to contract or be done by the lead agency. Another member wanted to know the cost, but others agreed that was impossible to ascertain now. David recommended that the group leave who would monitor up to the lead agency, but create a list of applicable monitoring skill sets. A member wanted to ensure that there was public oversight.

Jim Davenport suggested that whatever monitoring plan was agreed upon there must be performance objectives, e.g., a 10 percent reduction in nitrates and that a baseline must be established, e.g., results of the 459 wells already tested and the first measurements from the ambient monitoring system. It was also suggested that at-risk wells be part of a performance

objective standard. Jim went on to say that there could be a broad set of performance objectives as well like: the amount of BMPs implemented, funding successes, and reduction in the number of bad actors. A member indicated that they would like to see a BMP implementation structure developed similar to the one used by the Clean Air Agency. David will develop this topic further. A member indicated that he would not support soil tests in corrals.

A member wanted to monitor pens, corrals, barns and composting structures and address leaching. David did not envision monitoring all of these as the designs are addressed in the DNMP and they will be monitored with the BMPs.

The group also discussed the following items which were not on David's original list:

Silage/Feed Storage – Impervious surface engineering citation and industry/public support. A member asked if a BMP on silage had been found. Laurie said it was part of the waste management system. David is checking with WSU on this as noted above. The member said that there are recommendations and an engineering plan which require installation on an impervious surface. Another member said that the recommendation should say that.

AKART (All Known, Available and Reasonable Technology - Methods of Prevention, Control and Treatment): A member desired to discuss the inclusion of AKART again. Another member didn't believe AKART was scientifically proven and therefore would not support this endeavor.

Checklist – what are we monitoring: groundwater (first water), nitrates, BMP implementation, ambient (baseline) testing to date, Inp –lab, A & R, existing monitoring, commercial fertilizer tracking in the GWMA.

Technology Investment (waste i.e., energy) (more general) (research and development). A member desired to recommend that the public invest in specific technology with specific benefits. Another member didn't disagree but was concerned about the cost-effectiveness and how long developing technology would be up-to-date. He liked the concept and suggested instead recommending an investment in technology because it was for the public good without too many specifics. He also suggested: Funding Research Institutions

Any requirements must be economically feasible for industry, private and public.

Resources Requested

Recommendations for GWAC

Deliverables/Products Status

Proposed Next Steps

- David will consider use of another term for “bad actors.”
- David will develop the topic of performance objectives further.