

GWMA Regulatory Meeting Summary – September 9, 2015

Lower Yakima Valley Groundwater Management Area Advisory
Committee

September
9, 2015

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), Charlie McKinney (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: September 9, 2015 5:00 PM – 8:00 PM

Call Number: 509-574-2353 PIN #2353

Participants

Present: Jean Mendoza (Chair), Virginia "Ginny" Prest, Ryan Ibach, Ted Silvestri, Jim Dyjak, Dan DeGroot, Steve George, Peter Severtson, Jon Jennings, Bill Moore, Mary Shaleen-Hansen*, Stuart Crane, Patricia Newhouse, Jessica Newhouse, Larry Fendell, Sue Wedam, Vern Redifer, Jim Davenport, and Erica Naasz (Yakima County Staff)

*via phone

Key Discussion Points

Composting in Washington; the role of state and local rules and regulations - Peter Severtson, Department of Ecology, Waste to Resources Program, Central Region and Ryan Ibach, Environmental Health Director, Yakima Health District

Peter handed out a questionnaire that he had completed based on questions presented to him from the Regulatory Framework Group.

Waste Water Treatment Plants – There are 380 Waste Water Treatment plants in Washington State. A Waste Water Treatment plant removes solid materials and treats it before releasing it back into the environment. If domestic sewage falls under the purview the program is set up to land apply the solids for beneficial use; these go to agricultural lands. The Department of Ecology sets specific sampling rates, purposes for applying, and permitting of properties for which soils

these are land applied. They are then tested and shipped around the state. Roughly 100,000 to 120,000 dry tons are shipped to Yakima County.

Beneficial Use Facility – A Beneficial Use Facility is a receiving-only facility consisting of a site or sites where bio-solids from other treatment works treating domestic sewage are applied to the land for beneficial use, which has been permitted as a treatment works treating domestic sewage and has been designated through the permitting process. There are three in the Central Region in which a couple thousand permitted acres receive bio-solids. Natural Selection Farms is the largest acreage permit holder in the state.

Regarding question number 29 which states, *"Is the regulation current? Is it adequate to address the problem it was designed to solve? If not, do you have any ideas on how it could be changed to be more effective or to improve compliance, e.g. modification of standard, modification of penalty, etc.?"* Peter stated the program works effectively, when growers and permit holder work cooperatively. However, there can sometimes be a disconnect with a permit holder and grower. The Department of Ecology is working with growers to better understand their objectives.

There is a program where bio-solids are tested for nutrient content and soil sample the fields in advance of land application to match nutrients that are being applied with crops to be grown at expected yields. Questions were raised regarding testing, heavy metals, and trash. There was a new screening regulation implemented in 2012 with a minimum of three eights inch screen for filtering solids. Bio-solids cleaned up one percent by volume. Soils are tested at three to five feet deep.

Regarding question number 14 which states, *"Were existing practices or facilities "grandfathered" when the regulation was adopted? If so, do the grandfathered facilities or practices represent a significant potential source of nitrates?"* Discussion followed regarding the Seepage lagoons at the Cheyne Landfill that were not double lined. When they were redone they had to meet standards.

Composting – There are processes where facilities are exempt from a permit. There is one permitted facility in Yakima County which consists of engineered soil; it is unknown how many composting sites exist. Questions followed regarding runoff and facility monitoring. The group was informed that monitoring information is available in the National Resource Conservation Service (NRCS) manure waste handbook. Regarding waste, Yakima County generates twelve thousand tons of green yard waste a year. The County has a contract with Natural Farms to remove the waste after it is screened.

Underground Injection Control Program (UIC) – Mary Shaleen-Hansen, Hydrogeologist, Department of Ecology, Water Quality Program, Lacey (via phone)

The goal of Washington's UIC Program is to protect ground water quality by regulating discharges from UIC Wells. In 1984 the Department of Ecology received authorization from EPA to regulate UIC Wells.

A UIC Well is a manmade structure used to discharge fluids into the subsurface. It has to be deeper than wide at the land surface or a structure that contains perforated pipe or an improved sinkhole. Exemptions include storm drain components designed and intended to move water to surface water, infiltration ponds, and septic system drain fields receiving only sanitary waste and

serving less than twenty people per day. UIC Wells are used to manage storm water, dispose of waste, recharge aquifers, and dispose of commercial and industrial waste fluids. Prohibited discharges include vehicle maintenance, contaminated sites, and Storm water with high pollutant loads.

UIC Well owners must meet the rule requirements, including registering with Ecology or EPA and meeting the groundwater protection requirements, or have a permit to operate a well.

In summary, UIC Wells are shallow structures used to discharge fluid into the subsurface. The UIC Program registration reviews site characteristics to determine if treatment is needed or is prohibitive. There are seventy-five UIC Wells located in the Lower Yakima Valley, where low concentrations of nitrogen were associated with all land uses.

A member asked how often UIC Wells are tested. UIC Wells are not tested unless there is a problem. The UIC program does not require permitting unless there is a known problem or they want to do a well assessment for land use. Most all UIC Wells use the storm water manual to determine the treatment. When a UIC Well needs retrofitting there is no timeline for anything other than the assessment.

In Yakima County, the Roads Division is moving will away from UIC Wells by using or creating grassy settling areas or ponds.

Mary's Contact Information:

Email: Maha461@ecy.wa.gov Phone: 360-407-6143

UIC Website: www.ecy.wa.gov/programs/wq/grndwtr/uic/index.html

CAFO General Permit – Jon Jennings, Department of Ecology, Permit Development Section, Lacey and Bill Moore, Department of Ecology, Permit Development Section Manager, Lacey

The state is trying to find the best pathway to completing the National Pollutant Discharge Elimination System (NPDES) permit update. The Department of Ecology has approached farmers, agencies, and environmental groups to see what is happening with the lands. They presented a rough draft of the permit through a webinar and are looking for input.

Ideally, they would like to put expectations out which lay out a pollution prevention, nutrient management plan that can be put into a permit. Requirements and goals could be written into the permit.

A member questioned whether they could place required behaviors into the permit, or required behaviors that are unique to the soil or site conditions. Bill informed the group that behaviors are not in the preliminary draft; the draft focuses on goals. Because each farm is unique, standards would vary on a case-by-case basis. Jon added that the focus is on point source discharge. Federal rules are different than State rules. Under Federal rules, if you have seepage you are required to have a permit. It was mentioned that this method is reactive, no preventive. One area that will be

corrected is the inability of a CAFO to obtain a NPDES permit since 2011 when the old permit expired.

Jon encouraged the group to visit the CAFO permit website and email comments by September 18, 2015.

Ecology's Non-point Pollution Plan – Charlie McKinney, Department of Ecology, Water Quality Section Manager, Central Region

Charlie handed out portions of the Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution. This document outlines the Washington State's approach to addressing water quality impacts from nonpoint sources of pollution.

Nonpoint sources pollutant are introduced into water through runoff, direct deposition of pollutants into state waters, habitat alteration and hydro modification, and atmospheric deposition. Land Use is strongly correlated to nonpoint pollution. Therefore, the focus is on land use activities such as agriculture (livestock and crops), atmospheric deposition (emissions), forest practices (road construction), habitat alteration (filling of wetlands), recreation (marinas), and urban/suburban areas (storm water runoff).

Wrap up and Discussion

The group discussed meeting length and times. It was suggested to alternate between day and evening meetings for the next few months to determine which works best for the group.

Resources Requested

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Recommendations for GWAC

-

Deliverables/Products Status

-

Proposed Next Steps

- Next meeting: TBD, Possibly at the Department of Ecology, Union Gap at 1:00pm

Adjourned: 8:05pm