



June 16, 2021

Sage Park
Ecology Central WA Regional Director
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Chery Sullivan
Director WSDA Dairy Nutrient Management Program
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Dear Ms. Park and Ms. Sullivan,

This letter is a response to your letters from April 5, 2021, and March 31, 2021 (attachments C & D) and a request that Ecology require the Riverview Dairy to obtain a National Pollutant Discharge Elimination System permit and line two manure lagoons.

Regarding Air Quality:

1. Ms. Sullivan states that Ms. Gibson advised the Riverview Dairy to follow Natural Resources Conservation Service (NRCS) Practice Standard Code 375: Dust Control from Animal Activity on Open Lot Surfaces. (Attachment F). Riverview Dairy has ignored her advice and does not use sprinklers on pens and corrals as that document recommends.
2. Ms. Park states that Ecology has communicated with the Yakima Regional Clean Air Agency (YRCAA) regarding air emissions. FOTC now reminds Ecology that the YRCAA has never issued a notice of violation for dust or odor to a Lower Yakima Valley dairy. For this reason and others, FOTC is in the process of requesting that the Yakima County Commissioners dissolve the YRCAA. (Attachment E).

Regarding Water Quality:

1. Ecology requires proof of discharge to waters of the state before requiring a CAFO to apply for an NPDES permit. Ecology knows that a federal judge has ruled that clay lined

manure lagoons leak. The Riverview Dairy lies within the hyporheic zone of the Yakima River and discharges nutrients to the river. Domestic wells near the Riverview dairy have nitrate levels that exceed background levels.

FOTC has offered to perform surface water sampling to document discharge to the Yakima River, but Ecology says the agency will not accept citizen provided data. Ecology has the authority to perform ground and surface water sampling but has not done so. Ecology seemingly says there is no proof of discharge (because Ecology has not done the work), so the agency does not require an NPDES permit.

2. Ecology's 2017 NPDES general permit for CAFO's cited Tech Note 23 inspections of CAFO manure lagoons as AKART. Since then, Ecology and WSDA have promised to perform Tech Note 23 inspections on all Washington manure lagoons. Through a March 2021 public records request FOTC has obtained the Tech Note 23 inspections for manure lagoons at Riverview Dairy. According to our reading of the inspections, these two lagoons do not meet current standards and most likely leak large quantities of nutrients into the groundwater. (See Attachments G & H)
3. Regarding Riverview waste storage pond (WSP) 1:
 - a. The Tech Note 23 evaluation classifies the underlying soil as umpaine silt loam. In fact, nearly half of the soil underlying pond 1 is quincy loamy fine sand, a soil with different physical properties. Umpaine silt loam is somewhat poorly drained, while quincy loamy fine sand is excessively drained, with a high to very high Ksat of 140 $\mu\text{m}/\text{sec}$. (See attachment J, NRCS maps for the site)
 - b. The distance from nearest toe of WSP to nearest surface water flow or body is about 1,250 feet, not 2,640 as stated in the tech note.
 - c. FOTC believes that the aquifer susceptibility rating for this site is not medium, but high as depicted in the WSDA Aquifer Susceptibility Map on page 34/43 of the Tech Note 23 guidance document (Attachment I).
 - d. The depth to groundwater at this site is 10 to 25 feet, not 138 feet as stated in the tech note. (See LYV GWMA Program, Vol I, page 43, available at <https://www.yakimacounty.us/DocumentCenter/View/22177/GWMA-VolumeI->

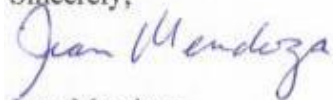
[July2019](#) FOTC suggests that 138 feet is the well depth, and not the depth to groundwater.

- e. The tech note does not say whether there is a maximum operating level marker in place.
 - f. The tech note states that the liner thickness is unknown. It is impossible to calculate leakage from a pond or lagoon if the liner thickness is unknown.
 - g. The distance to the nearest home is approximately 500 feet, not 1,320 as stated in the tech note.
 - h. On page 5/14 of the tech note inspection, the date of original WSP design and the name of the designer are blank, as well as evaluation of modifications to the WSP.
 - i. On page 6/14 there is no year of construction.
 - j. On page 6/14 there is no estimate of the distance between the bottom of the WSP and the seasonal high groundwater table.
 - k. On page 7/14 there is no response to the question, “Does the WSP appear to comply with NRCS practice standards at the time of construction or modification?”
 - l. On page 7/14, there is no signature from the person who completed the evaluation.
 - m. On the WSP Site Assessment form, page 9/14, saturated hydraulic conductivity or Ksat, should receive 3 points because half of the pond overlies quincy loamy fine sand. This would put the site in the high risk category.
 - n. On the Structural Assessment form, page 10/14, there is no score for the first item that asks whether the WSP complies with NRCS PS criteria. A score of 6 would put Riverview into the high risk category for Structural Assessment.
 - o. On the Structural Assessment form, page 10/14, there is no score for the last item, regarding structural modifications. A score of 3 or 6 would put Riverview into the high risk category for Structural Assessment.
4. Concerns regarding Tech Note 23 for WSP 2 are the same, except that the underlying soil is entirely umpaine silt loam, according to the NRCS soil survey.

FOTC has serious concerns about WSDA's ability to perform accurate, science based Tech Note 23 evaluations. Based on the results from WSDA's Tech Note 23 assessment at Riverview Dairy, we suggest that a thorough review of all Washington Tech Note 23 studies is in order.

FOTC has shown that the Riverview waste storage ponds fall into the high risk categories for both site risk and structure risk. Ecology should require synthetic liners at the bare minimum and should require Riverview Dairy to obtain an NPDES permit.

Sincerely,



Jean Mendoza

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Cc

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