FOTC Comment II re a proposed Nitrate Reduction Plan for the Lower Yakima Valley

November 5, 2026

Friends of Toppenish Creek is pleased to present this second installment of our comments regarding the Lower Yakima Valley Groundwater Management Area Implementation Committee's *Nitrate Reduction Plan for the Lower Yakima Valley*. We have studied the plan closely and believe it contains some errors and misleading statements. We list our concerns below.

Incorrect Statements in the Nitrate Reduction Plan[1]

Page 12: Figure 1 shows a boundary line around Buena. This area is not a city or town but rather an unincorporated community. Buena is totally under Yakima County jurisdiction.

Pages 12 & 13: *"The Yakama Nation elected not to include part of its reservation as part of the GWMA boundary when finalized, choosing to address nitrate levels independently. However, they were represented as members of the GWAC and actively participated in meetings and workgroups, prior to withdrawing from the committee."*

We are unaware of any withdrawal from the Groundwater Area Committee by the Yakama Nation. In fact, the Yakama Nation was present for the final vote on the LYV GWMA Plan. The Yakama Nation abstained from voting as did the U.S. Geological Survey.

[1] If the LYV GWMA IC that has excluded FOTC from their meetings, chooses to make corrections in future iterations of this Nitrate Reduction Plan based on our comments here, we believe that FOTC should be compensated for our work. Well paid bureaucrats should not treat us as free labor.

Page 33: *"Extend a water main from one of the four incorporated cities' existing water system, making necessary improvements to allow additional connections in each service area."*

There are five (not four) incorporated cities in the LYV GWMA area – Zillah, Granger,

Page 33: *"This study assumes that any new groundwater source would be finished in the shallow aquifer (Saddle Mtn Basalt Aquifer)."*

The Saddle Mountain Aquifer is not part of the shallow aquifer. It is the uppermost basalt aquifer. The shallow aquifer is composed of basin fill deposits that are over 200 ft deep in most of the LYV GWMA area and often greater than 400 ft deep.[2] Most wells in the GWMA area are drilled into the basin fill.[3]

Page 51: "The LYV is home to about 47 licensed dairy farms that operate an estimated total of 97 Waste Storage Ponds (WSPs), also referred to as "Lagoons", used to store liquid manure for later use as fertilizer."

According to the WSDA[4] there are currently 36 active milk cow dairies in Yakima County and 35 in South Yakima County and 33 in the LYV GWMA target area.

Page 65: "The Lower Yakima Valley GWMA comprises an area of 175,000 acres (275 square miles), and there are identified wells which exceed the drinking water standard of 10 mg N/L to as deep as 250 feet below land surface."

In fact, Mabton Well No. 3 has a depth of 1,004 ft and draws from the Ellensburg formation. In 2011, nitrate - n levels in well No. 3 were as high as 24.6 mg/L.[5]

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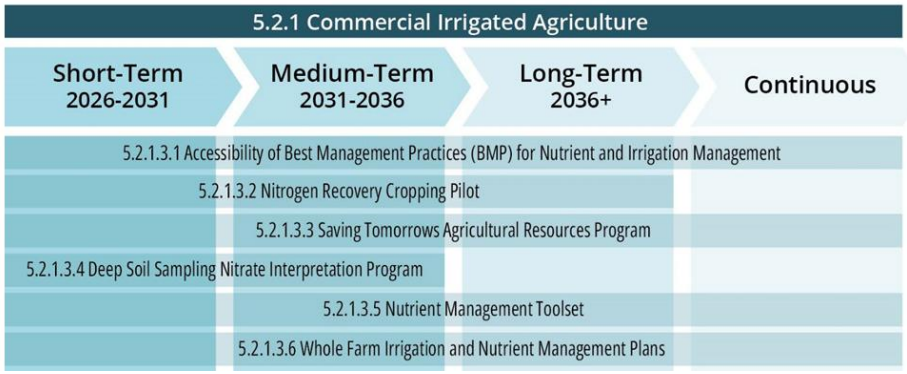
[2] LYV GWMA Final Report Volume II, Appendix D, page 47/231. Available at GWMA Volume II - Appendices

[3] Vaccaro, J.J., Jones, M.A., Ely, D.M., Keys, M.E., Olsen, T.D., Welch, W.B., and Cox, S.E., 2009, Hydrogeologic framework of the Yakima River basin aquifer system, Washington: U.S. Geological Survey Scientific Investigations Report 2009–5152, page 38/120. Available at sir20095152.pdf

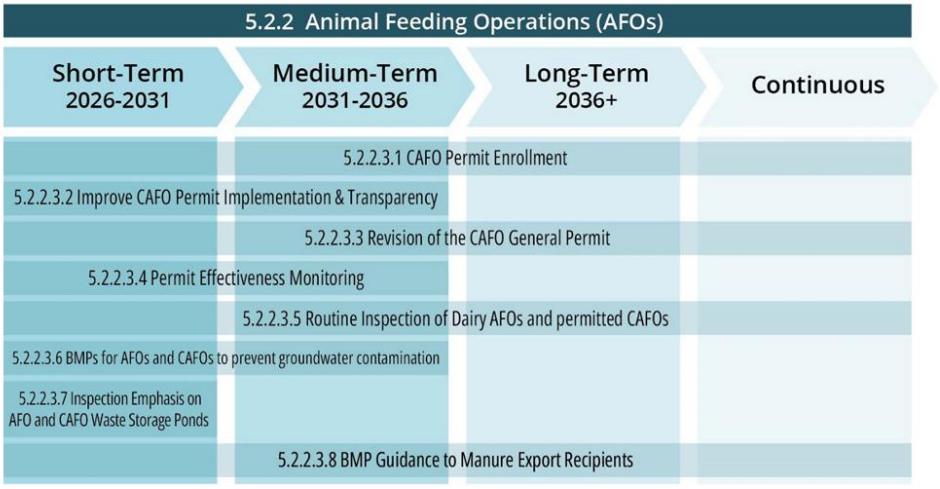
[4] WA State Dept of Agriculture. WA Licensed Milk Cow Dairies. Arc GIS. Available at Washington Licensed Cow Milk Dairy Farms | Washington State Geospatial Open Data Portal

[5] Gray & Osborn (2013) Mabton Water System Plan. Available at Microsoft Word - COVER.DOC

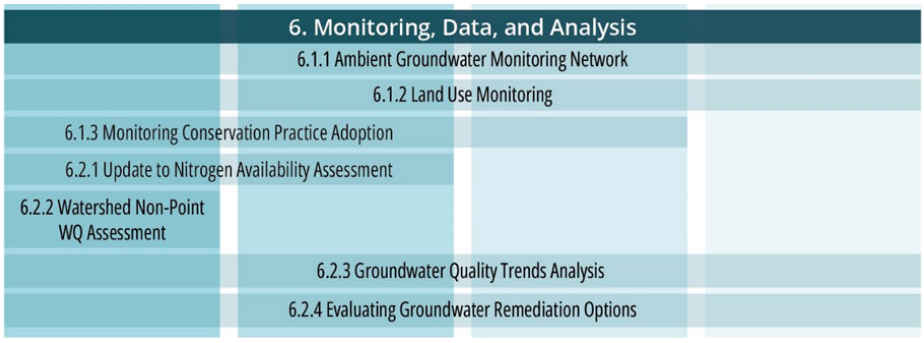
Pages 7 and 44: The numbers for actions in the timelines do not correlate with the numbers for actions in the narrative.



Pages 7 and 52: The numbers for actions in the timelines do not correlate with the numbers for actions in the narrative.



Pages 7, 64, and 66: The numbers for actions in the timelines do not correlate with the numbers for actions in the narrative.



Page 43: Section 5.1.1.8 Whole Farm Irrigation and Nutrient Management Plans states:

> *Short-term (2026 – 2031): Require dairy and CAFO producers to obtain and maintain updated nutrient management plans that include foundational groundwater protection BMPs (see also 9.2.2.3.3).*

There is no section 9.2.2.3.3 in the document.

Questionable Statements in the Nitrate Reduction Plan

Page 4: *"The membership of the GWAC reflected the diverse interests in groundwater protection and the cooperative nature of the effort."*

The membership of the GWAC fluctuated between 21 and 23 people. Six members were there to protect the dairy industry. This number was enough to stop any measures the dairy industry disliked.

The Request for Identification called for an Environmental Justice Representative. There was none. The Request for Identification called for a representative for Group B Groundwater Users. There was none. The Request for Identification called for a representative for the LYV cities. There was none. The Request for Identification called for a representative from the U.S.D.A Natural Resources Conservation Service. There was none. The Request for Identification called for a representative from a crop or fertilizer group. Instead, Ecology selected a dairy agronomist. The Request for Identification called for a Hispanic Community Leader. Instead, Ecology selected a friend of the Sunnyside Dairy who attended no work group meetings, never spoke on behalf of the Hispanic community and missed all the GWAC meetings in 2017. There was a plan to include two community representatives. One of the people selected was the wife of a dairyman.

Page 13: The Nitrate Reduction Plan provides income data for Yakima County as a whole, knowing full well that income for people in the LYV is significantly lower than income for people in the Upper Yakima Valley (UYV). This give the impression that people impacted by CAFO dairies are more affluent than they really are. The LYV GWMA target area is part of one of 16 overburdened and underserved communities so designated by Ecology and the DOH pursuant to the HEAL Act.

Page 14: The Nitrate Reduction Plan states that nitrate in drinking water is an acute contaminant. The plan omits abundant evidence that nitrate in drinking water is also a chronic contaminant[6]. This omission reduces the estimated impact of elevated nitrates in LYV groundwater on community health and ignores implications for cancer and certain cardiovascular conditions.

Furthermore, the WA DOH was unable to determine the impact of nitrate in drinking water on growing children aged 6 months to 18 years, in their 2023 "Evaluation of Risk from Exposure to Nitrate Contamination in the Groundwater of the Lower Yakima Valley, Washington".[7] DOH said on page 18 of that document,

> *"There is limited evidence that children are a vulnerable population from elevated nitrate exposure from drinking water . . .. Given the uncertainty in these studies, the risk for children from the ingestion of nitrate in drinking water was not calculated in this health assessment."*

DOH avoids addressing impact on children simply because the agency believes there is inadequate research on the topic. This is a disservice to growing children in Yakima.

Pages 18 & 19: The Nitrate Reduction Plan lists eight members of the LYV GWMA IC. The plan omits the Yakima Dairy Federation from the list. We believe this act of omission is designed to shield the LYV GWMA IC from allegations of bias. In fact, the Dairy Federation has a permanent position on the IC with the opportunity to influence IC decisions and actions that is not available to the LYV cities or to environmental advocates.

Notes from the January 2025 IC meeting summary indicate that the Dairy Federation uses the IC connection to collaborate with agencies regarding upcoming legislation. At that meeting David Taylor from the Dairy Federation shared:

> "Getting ready for legislative session. Holly (DOH) and I had a great conversation regarding the same farm policy and how to move forward once again renewing our commitment to be part of the process and continue the implementation process."

Notes for the November of 2026 and May of 2027 IC meetings indicate that the Dairy Federation used those meetings to complain about videos created by the non-profit group Empowering Latinas in Leadership and Action (ELLA). Those videos share farmworker perspectives of life in the LYV. The dairy industry receives massive special treatment from the

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[6] Ward, M. H., Jones, R. R., Brender, J. D., De Kok, T. M., Weyer, P. J., Nolan, B. T., ... & Van Breda, S. G. (2018). Drinking water nitrate and human health: an updated review. *International journal of environmental research and public health*, *15*(7), 1557. Available at Drinking Water Nitrate and Human Health: An Updated Review

[7] Little, M. (2023) Nitrate Health Assessment. WA Dept. of Health. Available at Evaluation of Risk from Exposure to Nitrate Contamination in the Groundwater of the Lower Yakima Valley, Washington

State of Washington[8], yet the federation complained when ELLA used Healthy Environment for All (HEAL) monies to advocate for workers.

Page 19: Objective 3.1.3.1 is: *"Clear and up-to-date information about the GWMA program and IC activities available online in English and Spanish."*

Here is a screenshot of LYV GWMA IV Meeting Summaries for 2026 from October 30, 2026. There had been no postings since May.

Summary Documents

2026

- May 14, 2026 - Implementation Notes
- April 9, 2026 - Implementation Notes
- April 9, 2026 - IC Field Staff Meeting Notes
- March 12, 2026 - Quarterly Implementation Committee Meeting Notes
- March 11, 2026 - IC Field Staff Meeting Notes
- February 12, 2026 - IC Field Staff Meeting Notes
- February 12, 2026 - IC Managers Meeting Notes
- January 8, 2026 - Implementation Notes
- January 8, 2026 - IC Field Staff Meeting Notes

The public is not allowed to attend LYV GWMA IC meetings and is forced to rely on website postings or public records requests. Delays for records requests are significant, sometimes over six months.

The LYV GWMA IC did not even record minutes for meetings in December of 2026, January and February of 2027, so the public has no idea what transpired during those meetings.

Page 55: In Section 5.1.4 Wastewater, the plan discusses discharges to groundwater and lists permit holders for land application of industrial wastewater.

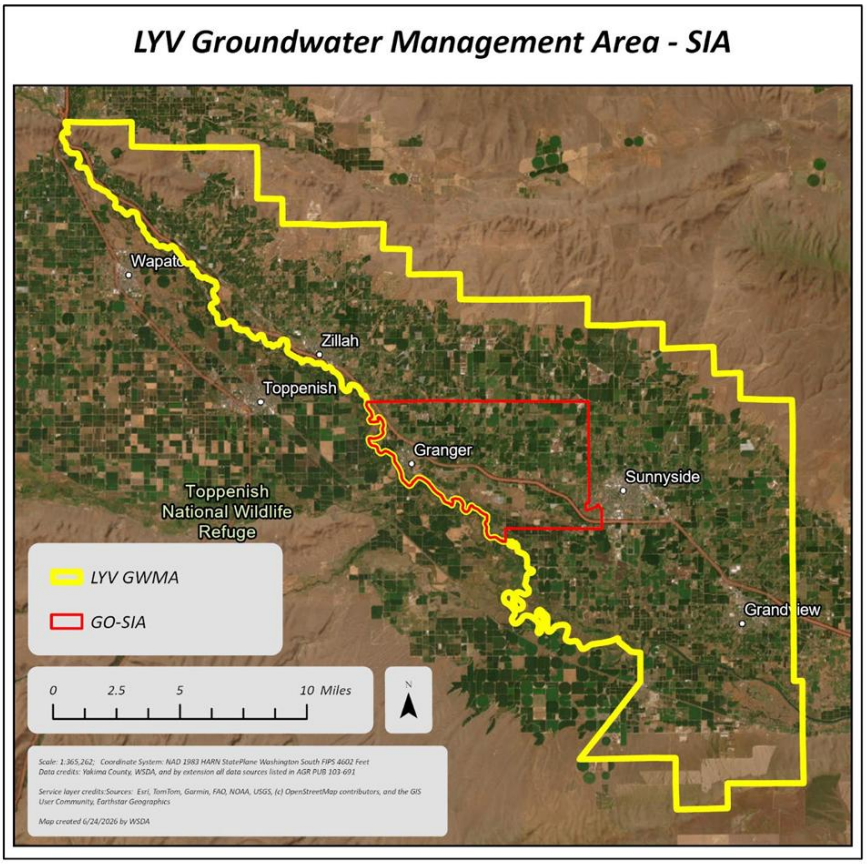
The plan does not list permit holders for land application of waste water who are fruit processing operations. Some of those permit holders are:

- Andrus and Roberts Produce
- Baker Produce Fruit Division
- Borton and Sons, Zillah

[8] Washington State gives the dairy industry special favors. Available at Dairy Washington State gives the dairy industry special favors.pdf

- Stadelman Fruit
- Windy Point Packing

Page 21: The figure on this page, presumably Figure 2, has erased the City of Mabton from the LYV GWMA map. This is symptomatic of the LYV GWMA's marginalization of Mabton.



Some of these points are minor, while others directly related to the credibility of the Nitrate Reduction Plan. Thank you for considering our concerns.

Sincerely,

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