



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

OFFICE OF THE REGIONAL
ADMINISTRATOR

AUG - 8 2019

Ms. Jean Mendoza
Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, Washington 98952

Dear Ms. Mendoza:

This letter is in response to your correspondence to Administrator Wheeler dated July 12, 2019. Your letter expresses concern regarding a letter EPA received from Congressman Dan Newhouse that criticizes the 2013 EPA report that presents data on sources of nitrates in the Yakima Valley. Administrator Wheeler asked me to respond to your letter on his behalf.

The Lower Yakima Valley Dairy Facilities have gathered a significant amount of data since they and the EPA signed the Administrative Order on Consent in 2013. I believe you know the Dairies submit annual reports to the EPA that include the data collected and the work they completed during the previous year. We have posted that information at:

[ftp://ftp.epa.ov/reg10ftp/sites/yakimaIConsent Order Deliverables/01 Annual Progress Reports/](ftp://ftp.epa.ov/reg10ftp/sites/yakimaIConsent%20Order%20Deliverables/01AnnualProgressReports/).

The data in the annual reports are consistent with the conclusions in the EPA's 2013 report, "Relation Between Nitrate in Water Wells and Potential Sources in the Lower Yakima Valley, Washington," regarding the Dairies' manure handling practices and associated impacts to groundwater, including drinking water wells. The EPA also concluded that crop fields and residential septic systems are likely sources of nitrate.

As you are aware, some have requested that the EPA conduct additional peer review of the EPA's 2013 report. When the EPA developed the report in 2012, we conducted both internal and external peer reviews and accepted public comment on the draft report. Based on the comments the EPA received, we revised the report where appropriate and shortly after finalizing it in 2013, we reached agreement with the Dairies on the Consent Order.

The EPA has received a lot of data over the past seven years from the Dairies, and careful consideration of that data has confirmed the study's conclusions. As noted above, data generated by the Dairies under the Consent Order are consistent with the 2013 EPA report. While we remain open to reviewing any new information offered by critics of the study, we do not think it would be useful to conduct another peer review of a now seven-year-old study, the conclusions of which have been confirmed by subsequent data generated by the Dairies themselves.

The goal of the Consent Order is to "achieve drinking water quality that meets the EPA maximum contaminant level ("MCL") for nitrate of 10 mg/L in the drinking water aquifer beneath and downgradient of the Dairy Facilities." The objectives of the Consent Order are to:

- A. Expediently provide a permanent, safe alternative drinking water supply to residents using private drinking water wells that exceed the MCL for nitrate (nitrate as nitrogen or "NO₃-N") and are on, or within one mile downgradient of the Dairy Facilities.
- B. Take specific actions to further control potential sources of nitrogen at the Dairy Facilities.
- C. Establish a network of monitoring wells to measure the effectiveness of the nitrogen source reduction actions on water quality in the shallow, alluvial aquifer which serves as an underground source of drinking water.
- D. Ensure effective nutrient management at the Dairy Facilities to reduce the introduction of nitrate to an underground source of drinking water.

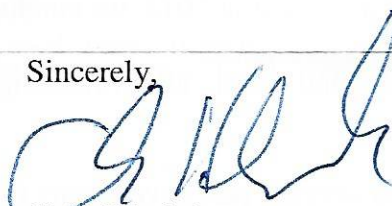
Objectives A and C have been largely accomplished, although I acknowledge it's likely that not all residents in the area of concern whose drinking water exceeds the MCL have treatment systems. The Dairies offered to sample all the wells and provide reverse osmosis units to residents whose water exceeded the MCL, but not all residents responded to efforts to contact them, and people likely move in and out of the area and it's difficult to ascertain what information they were given about the elevated risk of drinking water contamination.

Additional monitoring wells were installed under the Consent Order in 2013 and the Dairies have been conducting quarterly groundwater sampling. The Dairies are in the process of lining their animal waste lagoons and are working to reduce excess nitrogen in those remaining crop fields where levels are still above the goal of the Consent Order due to over-application of manure.

I was unaware of the Washington State Department of Agriculture's 2015 report which found that 11.9% of the dairy-managed cropland in Yakima County suffered from over-application of manure. It is important that nitrogen (manure and fertilizer) is applied to cropland at agronomic rates; otherwise, excess nitrate can leach out of the soil profile and contaminate the drinking water aquifer.

These are complicated and difficult issues that we need to address, and it's important that we hear all perspectives. If you would like to meet to share your concerns in person, please contact my office at (206) 553-1234 to arrange a time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Hladick", written over a horizontal line.

Chris Hladick
Regional Administrator