



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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ORDER- THE LOWER YAKIMA VALLEY  
GROUNDWATER MANAGEMENT AREA  
DOCKET #8861-A

June 7, 2013

Benton County Board of Commissioners  
PO Box 190  
Prosser, WA 99350

RE: Benton County Request to Withdraw from the Lower Yakima Valley Groundwater  
Management Area

Dear Commissioners Small, Delvin, and Beaver:

I have carefully considered your letter received on April 10, 2013, by Ecology's Central Regional Office requesting that Benton County be allowed to formally withdraw from the Lower Yakima Valley Groundwater Management Area (LYV-GWMA). Ecology is disappointed with Benton County's proposal to withdraw from this critically important work. As such, I spoke to Commissioner Delvin on Friday, May 17, 2013, to better understand the county's concerns with continued participation. During our conversation, Commissioner Delvin suggested that Benton County might reconsider its request to withdraw if all of Benton County was included in the LYV-GWMA.

After consulting with our staff and Yakima County, the "lead agency" appointed to undertake the activities necessary for the development of a groundwater management area, we have decided that we cannot agree to include the entire Benton County jurisdiction under the LYV-GWMA. To achieve progress in addressing high nitrates in groundwater in the Lower Yakima Valley, we must continue to focus our efforts and resources to the task at hand and support Yakima County's efforts in the Lower Yakima Valley.

It is our utmost desire to achieve meaningful outcomes toward addressing groundwater pollution affecting a large community of people in the Lower Yakima watershed, including as you point out, 45 percent of the existing LYV-GMWA area lying in Benton County. We strongly believe that groundwater nitrate contamination issues can be solved most efficiently and effectively by addressing the Lower Yakima Valley as a whole irrespective of political boundaries.



We respect the reasons and rationale provided in the referenced letter and subsequent conversations between Ecology and Benton County. In light of other known high nitrate groundwater contamination in Benton County, we appreciate the county's desire to petition for a county-wide Groundwater Management Area to address those areas outside of the Yakima Valley.

Already, Ecology is evaluating other areas in the state where high nitrate or other contaminants are affecting drinking water as we set priorities on our limited staff and budget resources. We must be prudent and note that funding is not assured for any new GWMA in the state and generally comes through the legislative process subject to other competing demands.

Nevertheless, your request to withdrawal from the LYV-GWMA is hereby granted.

Accordingly, the LYV-GWMA Advisory Board position(s) that represent Benton County, (Benton County Commission, Benton Conservation District, and Benton-Franklin County Health District) shall be withdrawn from active membership of the Advisory Board. In addition, the LYV-GWMA boundary designation shall be modified to remove Benton County in accordance with WAC 173-100-070 and in consultation with Yakima County as lead agency.

In the meantime, I recommend that Benton County remain engaged and communicate regularly with the LYV-GWMA and Yakima County as they continue to address nitrate contamination in the Lower Yakima Valley that exist in both Yakima and Benton Counties.

If you have any questions or concerns, please feel free to contact me or Tom Tebb, Ecology's Central Regional Director, at (509) 574-3989.

Sincerely,



Maia D. Bellon  
Director

cc: Yakima County Commissioner Rand Elliott, LYV-GWMA Chair  
Senator Jim Honeyford – 15<sup>th</sup> District  
Senator Mike Hewitt – 16<sup>th</sup> District  
Representative Terry Nealy – 16<sup>th</sup> District  
Representative Maureen Walsh – 16<sup>th</sup> District  
Senator Sharon Brown – 8<sup>th</sup> District  
Representative Larry Haler – 8<sup>th</sup> District  
Representative Brad Klippert – 8<sup>th</sup> District  
Tom Tebb, Ecology – CRO  
Vern Redifer, Director, Yakima County Public Services  
Rick Dawson-Franklin Health District  
Mark Nielson, Benton Conservation District

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>