**To:** Thomas Eaton/R10/USEPA/US@EPA
**Subject:** Re: WSDF Proposed Cooperative Audit
**From:** agforensic@aol.com
**Cc:** wsdf@msn.com Karma Anderson/R10/USEPA/US@EPA
**Submit Time:** 11/2/2012 01:04:57

Tom,
Thanks for the link, I will download and read anything I have not already obtained...we are looking for more and would like to speak to the reviews identified as well. I think it cruicial that we have the kind of dialog an extended formal comment period, response to comments and publication provide. Look forward to your response.

On the muni violations, take a little time next GWMA meeting and come early. Have DOE go with to the City of Sunnyside and match up all their data with ALL facets of the CWA and you will find a number of violations EACH and EVERY year. Total N is low, but with the muni's discharging 24 million gallons a day that's 8.76 BILLION gallons in a year, so even a little cumulatively has significance. Take a look in particular at Fe, P, DO, TSS and Temperature parameters. Toppenish has had some real issues with their plant( I Think that one is on the Res and subject only to EPA jurisdiction), and the Mabton muni has discharged hundreds of thousands of gallons direct to the river untreated in recent years. IF somebody had a POSIS sampler and did a little analytical work, a basis for a citizen suit might emerge shortly. My point is simple, EPA gives DOE authority under the CWA to do your work for you. I am OK with that as long as they are going to get the same treatment the dairies and other ag segments are currently facing. I am all for enforcement, but I want a level playing field and not two sets of rules; one for govt. entities like munis and another for family farmers. Be sure and look back to at least 2000 to see the pattern there. The munis are directly impacting surface water quality, and if USGS is right about groundwater, there is an argument to be made the river may contribute to GW degredation.

Best Regards,

Stuart Turner, CPAg

-----Original Message-----
From: Eaton.Thomas <Eaton.Thomas@epamail.epa.gov>
To: agforensic <agforensic@aol.com>
Cc: Anderson.Karma <Anderson.Karma@epamail.epa.gov>; wsdf <wsdf@msn.com>; macdonald.jennifer <macdonald.jennifer@epa.gov>
Sent: Thu, Nov 1, 2012 3:48 pm
Subject: Re: WSDF Proposed Cooperative Audit

I will have to consult with others on a response to your request for a cooperative audit, but in the meantime please make sure you have looked at all the material available on line at :

ftp://ftp.epa.gov/reg10ftp/sites/yakima/groundwater_data/

This site covers more background on data and quality assurance information than is typically provided in a study such as this.

I am also checking with the Dept of Ecology on your allegation that we are ignoring a significant source of nitrate pollution to groundwater coming from the discharge of treated wastewater to the Yakima River (and associated numerous violations of the Clean Water Act). I do have to correct your reference to "our numerous discussions" of the subject - you mentioned this to me one time during a break at the GWMA meeting. In subsequent conversations with people about this being a potential significant source or nitrates to the groundwater, their reactions are as puzzled as mine was when you mentioned it. But again, I am checking with Ecology on both the permit violations and the possibility that these discharges

are significant contributors to the groundwater contamination problem

I will reply to your request sometime next week.

Best regards,

Tom Eaton
Director
Washington Operations Office
USEPA, Region 10
360-753-8086

agforensic---10/31/2012 05:36:55 PM---Tom, It would be very safe to say that Jay Gordon, on behalf of the Dairy Federation, does not keep

From: agforensic@aol.com
To: Thomas Eaton/R10/USEPA/US@EPA
Cc: wsdf@msn.com, Karma Anderson/R10/USEPA/US@EPA
Date: 10/31/2012 05:36 PM
Subject: Re: WSDF Proposed Cooperative Audit

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Tom,
It would be very safe to say that Jay Gordon, on behalf of the Dairy Federation, does not keep you or other officials at your agency or other agencies or businesses informed of the status of his consultatants, or the nature and extent to which they work for or with the Dairy Federation as a group or individual members. While there was a brief period of confusion for Jay, please be assured that with time to consult with board members and individual producers, there is a clear and united position between myself, the Dairy Federation and a number of individual producers. Please consider my comments and requests as a private consultant working for a number of producers who at this point value their privacy. If EPA is actively considering the offer I extended in September, please advise me. In order for the offer to have any value to either party, two more things have to happen at EPA:
1. Since five weeks have passed (with no response from you), we will need additional time for the independent audit; thie requires an extension for public comment;
2. Considering the very substantial resources required to assemble the audit team, even with full cooperation from EPA and the contract labs, we must have a clear understanding that the investment by producers will be fully considered by EPA; in other words we want a written, detailed response to the comments (critical and otherwise) within a reasonable time period, and of course both comments and responses should be posted to the web for full public access.

You do not apparently understand my comments about GWMA at all. In my comments (see below), made as a private citizen, I make no direct or indirect references to my role as an appointee to the GWMA advisory board; any inference you drew implying I was speaking on behalf of GWMA is incorrect and not supported by a full and fair reading. Any formal comments I have as a member of the Advisory Committee will be made through the regular channels, and will not be dedicated to three people in an email, but will be broadcast to the media and public. I stand by my personal observation and opinions that the EPA report as drafted, and the position of the agency in singling out a handful of producers in one segment of the agriculture (and excluding septic, muni plants, etc) creates a hostile environment between both EPA and the general agricultural community. Without a trusting, close working relationship between these two parties, in my personal opinion the chief mission of the GWMA to reduce nitrates in the groundwater will fail. This, I think is a terrible tragedy, and as I said below, would be the bitter fruit of the crop EPA has selected, sown and cultured in the many decisions you and your agency made in designing, executing and publishing the report. Your response to points #1 AND #2 above represent the last clear chance for EPA to reconsider their position. We are very close to a point of no return; once litigtion ensues, the die will be cast; all of the agricultural community will be then forced into

a defensive, legal posture. Despite their deep desire to work with all citizens and parties to improve water quality, their time, energy and resouces will be spend in a less productive forum. You hold both the power and responsibility here; the willingness of the agricultural community to engage in active and substantial improvements to the environment are well documented and known to both the agency and the public.

I have faith that you and your fellow agency employees will carefully consider my thoughts and comments, and provide an answer to the points raised. If you decide there is some basis for compromise along the lines suggested, please advise.

Best Regards,

Stuart Turner, CPAg

-----Original Message-----
From: Eaton.Thomas <Eaton.Thomas@epamail.epa.gov>
To: agforensic <agforensic@aol.com>
Cc: Anderson.Karma <Anderson.Karma@epamail.epa.gov>; wsdf <wsdf@msn.com>; Cox.Michael <Cox.Michael@epamail.epa.gov>; Fleming.Sheila <Fleming.Sheila@epamail.epa.gov>
Sent: Wed, Oct 31, 2012 11:28 am
Subject: Re: WSDF Proposed Cooperative Audit

Stu,

Jay has not informed me that your role, as a private consultant, has changed relative to the Dairy Federation. Before I respond in any detail to your allegations, accusations and opinions, I would ask you to clarify your role in this matter. Is your e-mail sent on behalf of any client? If it is the Dairy Federation, I would ask Jay to confirm this.

If I understand your comments correctly, you are also making general statements on behalf of the GWMA. Has the GWMA Advisory Committee or Yakima County authorized you to make these statements?

Best Regards,

Tom Eaton
Director
Washington Operations Office
USEPA, Region 10
360-753-8086

agforensic---10/31/2012 09:52:08 AM---Tom, Jay has since modified his views on this issue. Whether or not the DF is a co-sponsor a reply

From: agforensic@aol.com
To: Thomas Eaton/R10/USEPA/US@EPA
Cc: wsdf@msn.com, Karma Anderson/R10/USEPA/US@EPA
Date: 10/31/2012 09:52 AM
Subject: Re: WSDF Proposed Cooperative Audit

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Tom,
Jay has since modified his views on this issue. Whether or not the DF is a co-sponsor a reply is measure of professional respect, common sense and good manners. I am hopeful that EPA will be more

forthcoming and provide public access to the large number of documents not posted to the web to allow a more thorough review if not a formal, outside audit. To fail to do so leads one to several unpleasant conclusions; First, EPA has something to hide; it seems obscene to me that with 100% taxpayer funding for this "study" we at this time do not have automatic FULL access; Second, EPA was not interested in a fair and balanced study dedicated to minimum standard of scientific reliability, but instead was on a politically driven task to target a specific industry, While ignoring thier own statutory responsibility for water quality on the Reservation (total control) or balance of lower Yakima basin where you delegate and pay for DOE as a surrogate on your behalf. As you know from our many discussions, it seems illogical to ignore documented, annual, repetitive violations of the CWA by the municipal plants which are dumping on average about 24 Million Gallons a day into the Yakima river, while targeting the most highly regulated industry in agriculture, with the named dairies inspected annually by WSDA and DOE and found to be in compliance with those regulations, and by extension all applicable NRCS Practice and Standards. In producing and publishing the limited data and summary report, you and EPA have taken a public stand based on the most questionable "science" I have reviewed in over 30 years. You and EPA have now by your actions created a situation where you must now take the public input as FORMAL COMMENT; I fully expect the agency to respond in writing to each written comment submitted within 90 days of the close of the comment period. Anything less than this would be proof of the agency's illegitamacy and would not only further erode any public consideration of the report, but essentially create an environment hostile to actually doing something constructive to resolve the historic nitrate problem in the lower Yakima Valley. This report, and the manner in which it was created represents the single greatest threat to the ultimate success of the newly formed GWMA. EPA is going to have to choose either it's radical environmental non science based agenda, or the recongnized and funded GWMA; the two are inherently incompatible. All parties associated with the GWMA agree; all stakeholders must be present and participate to move forward. Urban and suburban mini and septic must work with the production agricultural community have both legal and moral obligations with respect to the all important groundwater resource. After release and review of your report, any rational person in the production ag community considering the agency's motivations fully expressed in the design and execution of the "research" in this document cannot logically consider working with EPA for fear of economic ruin based on the positions and actions the agency has taken. In plain farming language, Mr. Eaton, you and EPA are going to harvest the bitter fruits, from this is indeed the crop you have sown. How you respond to the comments thoughful scientists and engineers and the public at large will determine whether this is set in stone or not. I cannot emphasize strongly enough the damage done, intentional or not, and I remind you again any redemption potential lies in how the agency responds to the comments submitted.

Best Regards,

Stuart Turner, CPAg
-----Original Message-----
From: Eaton.Thomas <Eaton.Thomas@epamail.epa.gov>
To: Stuart Turner <agforensic@aol.com>
Cc: Washington State Dairy Federation -- <wsdf@msn.com>; Anderson.Karma <Anderson.Karma@epamail.epa.gov>
Sent: Wed, Oct 31, 2012 8:43 am
Subject: RE: WSDF Proposed Cooperative Audit

Hello Stu,

I understand from Karma that you were expecting a reply to your September 28th e-mail. When Jay clarified that your proposal was not sent on behalf of the Washington State Dairy Federation, I felt that no response was necessary.

Tom Eaton
Director
Washington Operations Office
USEPA, Region 10
360-753-8086

Washington State Dairy Federation -- ---09/28/2012 12:07:19 PM---Stu, I should have listened a little closer last night when you were talking about your discussion

From: Washington State Dairy Federation -- <wsdf@msn.com>
To: Stuart Turner <agforensic@aol.com>
Cc: Ex. 6 Personal Privacy
Date: 09/28/2012 12:07 PM
Subject: RE: WSDF Proposed Cooperative Audit

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Stu,
I should have listened a little closer last night when you were talking about your discussion with Tom. I did not hear you ask and it never crossed my mind that you would offer anything in writing to EPA **on our behalf!?**
This creates several a rather large problems.
1. This is not your offer to make on our behalf, I did not approve it and
2. in fact I do not even have the authority to make this offer because...

I have not talked to our partners about their outline, concerns and objectives on IF and then HOW and TO WHAT EXTENT we do a science review during the 60 day public comment.
Your proposal is significantly outside our current budget and I need board approval for that.

I ask you to please convey this to Mr. Eaton.

*Jay Gordon*

Washington State Dairy Federation
Elma, Washington
360-482-3485

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To: Eaton.Thomas@epamail.epa.gov
Subject: WSDF Proposed Cooperative Audit
From: agforensic@aol.com
CC: wsdf@msn.com
Date: Fri, 28 Sep 2012 14:37:36 -0400

Dear Tom,
I imagine you are back to a slightly less stressful and more enjoyable work day today, I know you faced some challenges yesterday from the industry at large, to be expected as you were the selected/volunteered EPA representative.

This is a followup to our several discussions, formalizing the request of the WSDF to form a small (4-5) group of highly qualified and independent experts to much more closely examine the actual raw data, and talk with the EPA and contract lab workers involved in the just published Lower Yakima Groundwater

Study. We also would like to speak to the specific, As you and I agreed, small, peer to peer meetings on technical issues tend to be far more productive than public meetings; this is magnified by several orders when we have the actual data to examine and discuss rather than selected summaries. With the very tight timeline imposed by the formal public comment deadline of November 30, I would like a response from your group at EPA as soon as possible on this issue. If we have to take the alternate and less desireable route of FOIA, not only will it be more difficult and expensive for both parties, the lack of an opportunity to discuss matters face to face makes this a distinctly unloved option.
I anticipate that if all the data is available, the external audit/review can be completed in it's initial phase in just a few months; prior to generation of formal comments and public detailed comments, we would like to have a second meeting to exchange our views with EPA staff and scientists in hopes of finding the maximum amount of consensus on specific issues. Following that would be formal submission of comments and any attendant public statements; if you agree to the audit our end of the bargain is to refer all specic comments to a general statement that they are being witheld, pending a cooperative review of the raw data.
If there is some other specific terms you would like to impose, I am open to a discussion, but would like to get this process well underway as soon as possible. I look forward to the favor of your prompt response,

Best Regards,

Stuart Turner, CPAg
Turner & Co., Inc.