



CAFO Draft Permit Comments Due by Aug. 17

Comment Online or Mail in Comments

Some have participated in online Webinars with comments or submitted written comments already.

The deadline to comment is [Midnight August 17](#). Sooner is better.

Main Concerns:

- 1) October 1 Conundrum. The permit requires "post-harvest" soil tests BY October 1.
- 2) Changes in Testing
- 3) T-SUM 200 Inappropriate for Eastern Washington
- 4) Large No-Farm Buffers Not Sound Science
- 5) Use of "Nutrient" Too Broad & Unclear

Here are the points the Dairy Federation has identified as problematic in the draft CAFO permit. We will be submitting comments and suggestions on these points. You are welcome to use any or all these points if you wish to comment.

The various forms of the CAFO draft can be found at this link. The drafts are about half-way down the page. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Concentrated-animal-feeding-operation>

Comments on this CAFO permit are due by midnight August 17th. Comments should be submitted via this web portal. After filling out the form, you can paste or attach your comments farther down the page.

<https://wq.ecology.commentinput.com/comment/index?id=5gTtQ>

Quick Background

There are two CAFO permits – a “State only” permit only covers a farm for any discharges or potential discharges to Groundwater and the “Combined Permit” which is a State and Federal combined permit that covers a farm that chooses to have coverage or when a farm has a discharge to either surface and/or Groundwater.

Virtually all farms in the state do not need this permit and are not required to get it, unless there is discharge (for small farms they must have a “significant” discharge). A few farms have chosen to get this permit and coverage to further reduce legal risk, above and beyond following the WSDA Dairy Nutrient Management program requirements. Dissimilar from the DNM program laws and rules, this permit requires more record keeping and testing and all permit conditions in the permit are enforceable if not followed!

The Areas of Greatest Concern:

1. October 1 Conundrum.

On page 22. Section S.4.J Sub 3. -Ecology has continued same arbitrary and rather ridiculous language requiring fall “post-harvest” testing must be done by October 1 and after harvest...most if not all farmers are not done with harvest by October 1. We will be suggesting that this language should change to fall testing should occur after harvest and before application of nutrients and any significant applications of water (irrigation or rainfall) and on the westside of the state not later than October 31st.

2. Changes in Testing

On pages 33-34. Section S5.B.(2) - (and a few other places) Ecology reverted back to requiring Total Kjeldahl Nitrogen (TKN). This is not a useful test for farmers. We are asking Ecology to please leave soil and manure testing the same as in the last permit. (Testing for Organic Matter, Ammonia/Ammonium)

3. T-SUM 200 Inappropriate for Eastern WA

On page 25. S4.K (3.f) Ecology again continues to use T-Sum 200 on the Eastern side of the state. This is wrong for several reasons. The science supporting the use of T-Sum 200 was done for wet conditions such as western Oregon/Washington, SW British Columbia, and England. We will be recommending T-Sum 100 on the east side of the state. The science for that is more appropriate for Eastern Washington. Farmers report this parameter better matches the conditions when they can and should be applying manure nutrients to crop land.

4. Large No-Farm Buffers Not Sound Science

On page 29. S4.N, (3.a) Ecology added permittees a fourth option for “riparian protection” in addition to the standard options and language that there should be no manure applications within 100’ of water body on bare dirt OR a 35’ vegetative buffer OR no buffer if there is a berm or dike between field and water.

In this current draft, Ecology added what we call a “big dumb buffer” option. This option, for any farm in a floodplain, would require the farm to stop farming in the floodplain plus a “site potential tree height” (SPTH) added to the outer edge of the flood plain.

(A typical SPTH is 230’ in western WA and 100’ in eastern WA.) The basis for this addition is from the recent Department of Fish and Wildlife (DFW) document, Riparian Ecosystems, Volume 2 (RE, Vol. 2) (<https://wdfw.wa.gov/publications/01988>).

No farm in a flood plain can or would choose this option since they would not be allowed to farm and cease to be a farm! However, we are very concerned with this addition.

This is a violation of some principles and “rules” associated with developing a CAFO permit.

Some of these rules are permit conditions and requirements must be based on quality science. Provisions and practices in the permit are designed to prevent water quality problems and discharges on a CAFO. This condition does neither.

Specifically,

A. It's not science – The statement at the bottom of page 5 of the DFW RE, Vol. 2 manual states

“The information presented in this management recommendation document is not, in and of itself, science. Rather, it consists of policy recommendations which are informed by the best available science...”

We submit that if this is the new standard for allowing permit conditions, then anyone can ask to have their opinion included in the permit if they claim their suggestions and opinions are informed by science.

B. Even if it was science - it is wildlife buffer science and opinions from DFW staff ... and NOT water quality protection practices based on appropriate water quality science. Why is it being included in a Water Quality permit?

C. RE, Vol. 2 dictates that the riparian buffer shall include all of the active flood plain (See page 8 of RE, Vol. 2) PLUS, the distance of a 200-year-old site potential tree height. So, for example, every farm in a flood plain (i.e., Nooksack, Chehalis or Snohomish valleys) - if they choose this option would have to stop farming all their land in flood plain plus around another 230' and replant it back to native vegetation. Now the farm doesn't have land to spread nutrients and grow crops on. If the farm is out of business, then it's not a CAFO anymore.

It's a suicide pill for any dairy in a flood plain.

5. Use of "Nutrient" Too Broad & Unclear

On pages 22 - 24. S4.K. (1)- the Draft uses word “nutrient” too loosely- from S4.K. Sub. 1- *“the permittee shall ensure plant available nutrients do not exceed nutrients required to reach crop estimated yield.”* We will ask Ecology to clarify, better define and improve consistency in language in the permit around what “nutrients” are they referring to. For example, does the above language mean all known Macronutrients and Micronutrients or just nitrogen.

Balancing for every nutrient on every crop, every year, for expected yield is impossible.