

Legislative Proposal Request Form

Title

CAFO Permits in Washington State

Sponsor(s)

As Environmental and Sustainability Programs, Students for Sustainable Food, Students for Sustainable Water

Describe the issue

Washington dairy farms alone produce 20 million pounds of waste each day. This massive amount of waste is currently not regulated by any outside agencies, and every day it seeps into our groundwater or enters streams directly through runoff. The disposal and storage methods used by the dairy and meat industries are incredibly destructive to our environment, dangerous to human health, and damaging to domestic and wild animals.

All unlined manure storage lagoons leak at least 1,000 gallons per day per acre. There are approximately 415 unlined manure storage lagoons in close proximity to the waters that feed Puget Sound, all of which are contributing nitrates, fecal coliform, and other pollutants to the waters of the state.

Only 1% of CAFOs in the state are currently covered by a waste discharge permit, even though they are defined as point sources under federal and state law and are actively discharging into the waters of the state.

It is imperative that the Department of Ecology issue a permit that contains the following requirements: (1) universal coverage for all medium and large CAFOs; (2) mandatory surface and groundwater monitoring; and (3) implementation of best waste management practices.\

Issuing a new General CAFO permit will not only bring us in compliance with the law, but in addition it will:

- / Be a small step toward improved conditions for farmed animals who currently spend their entire lives in their own waste.
- / Be a significant step toward improvements in our groundwater and freshwater streams.
- / Be a significant step toward mitigating human health hazards created by the situation as it now stands.

Washington Concentrated Animal Feeding Operations (CAFOs / Factory Farms) dispose of animal waste in ways that have devastating effects on our ground water, streams and oceans. The Department of Ecology regulates this practice through a permit system REQUIRED by the federal Clean Water Act and the Washington Water Pollution Control Act. However, the current permit system expired in 2011 and it has serious flaws, including covering only 12 of the 1183 CAFOs in Washington.

Why should Western work on it?

It is imperative that Western is involved in advocating for strict permits for CAFO's, as it is not only a danger to the environmental through groundwater pollution, but to our communities' own health, safety, and culture. Native tribes to whom fishing is a major point in their culture and food source have had their safety and way of life threatened as polluted water runs into their streams.

Western must advocate for Department of Ecology CAFO permits so that our community's health and safety is not compromised.

What is the solution?

The Department of Ecology needs to issue a new CAFO permit that contains:

1. Required coverage for 100% of medium and large CAFOs/Factory Farms.
2. Mandatory surface and groundwater monitoring.
3. Implementation of the best waste management practices such as synthetically lined storage lagoons and salmon riparian buffer requirements.

What are you advocating for?

We are advocating that an effective Washington State CAFO general permit be passed and include: Universal coverage for all medium and large CAFOs, mandatory surface and groundwater monitoring, and implementation of best management practices such as synthetically lined storage lagoons and salmon riparian buffer requirements.

We will ask legislators to support the Department of Ecology rulemaking and write the the Department of Ecology asking them to maintain a strong rule.

Who do you have as support so far?

Washington State Board of Health, Kitsap Public Health District, Washington State Department of Health, The Tulalip Tribes. Urban democrats are likely to support the regulation.

Who needs to be moved/potential opposition?

Currently we foresee the primary opposition being from large dairy farms and other farming operations, such as Country Cousins, Inc., Box 4 Ranch, Inc., Western Organic Dairy, and Northwest Chicken Council. Rural republicans and some democrats will oppose the CAFO permits.

Provide any legislative background and context for the issue.

Manure from facilities that confine large numbers of animals, such as cows, beef, poultry, horses, and others, can pose a threat to water quality. Under Ecology's state and federal water quality responsibilities, the Department of Ecology administered a general permit to protect water from manure discharge pollution from animal facilities. This permit is a combined National Pollutant Discharge Eliminations System (NPDES) and State Waste Discharge permit.

Generally, a CAFO is a facility that confines animals for 45 days or more during any 12 month period in an area that does not contain forage or crops and that has or had a discharge*. CAFOs that discharge to waters of the state are required to apply for permit coverage.

Incorporating the 2003 federal CAFO rules, the Second Circuit Court "Waterkeeper" decision, and two public comment periods, Department of Ecology issued the Concentrated Animal Feeding Operation

(CAFO) National Pollution Discharge Elimination System and State Waste Discharge General Permit on June 21, 2006. This permit became effective July 7, 2006 and expired July 21, 2011.

Washington's CAFO permit expired in July 2011. Washington's Department of Ecology began the public process to update and improve the protections this permit provides to our water. As part of the process, the Department of Ecology held listening sessions with stakeholders such as the livestock industry and environmental groups to gather input and hear concerns about an updated CAFO permit.

* *What is a Concentrated Animal Feeding Operation (CAFO)?* A CAFO is an AFO (Animal Feeding Operation) that is large in size, an AFO that is medium in size with a discharge to surface or ground water, or an AFO that is designated to be a CAFO. Two or more CAFO/AFOs under common ownership are considered to be a single CAFO/AFO for the purposes of determining the numbers of animals at an operation, if they adjoin each other or if they use a common area (production or land application) or system for the disposal of wastes.

Sources used:

http://www.ecv.wa.gov/programs/WQ/permits/cafo/index.html?utm_source=CAFO+and+SEA+STAR+ALERT&utm_campaign=Jan+2015+NSB+eNews&utm_medium=email

http://www.ecv.wa.gov/programs/wq/permits/cafo/commentsOct2Q15.html?utm_source=Copy+of+Clean+Water+eNews+-+November+2015&utm_campaign=October+2Q15+Clean+Water+eNews&utm_medium=email

<http://agr.wa.gov/foodanimal/livestock-nutrient/npdescafopermit.aspx>

<http://westernlaw.org/sites/default/files/WA%20CAFQ%20General%20Permit%20Fact%20Sheet.pdf>