



Welcome,

During the workshop and hearing please silence your cellphones.

Thank you!

Draft CAFO Permit

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Permits 101

Permit: conditional authorization to discharge

Federal (CWA):

- Discharge of pollutants to surface water from a point source
- Allows for citizen enforcement of permits

State (RCW 90.48):

- Discharge of waste materials to waters of the state
- Does not provide citizen enforcement of permits



Permits 101: Point Source

Usually the end of a pipe where a discharge may be observed.

CAFOs are included
in the definition

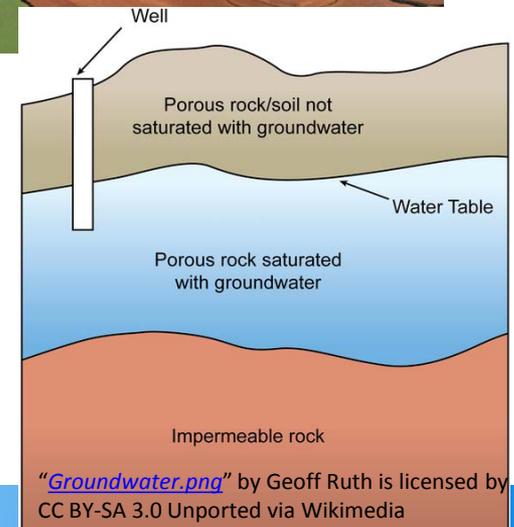
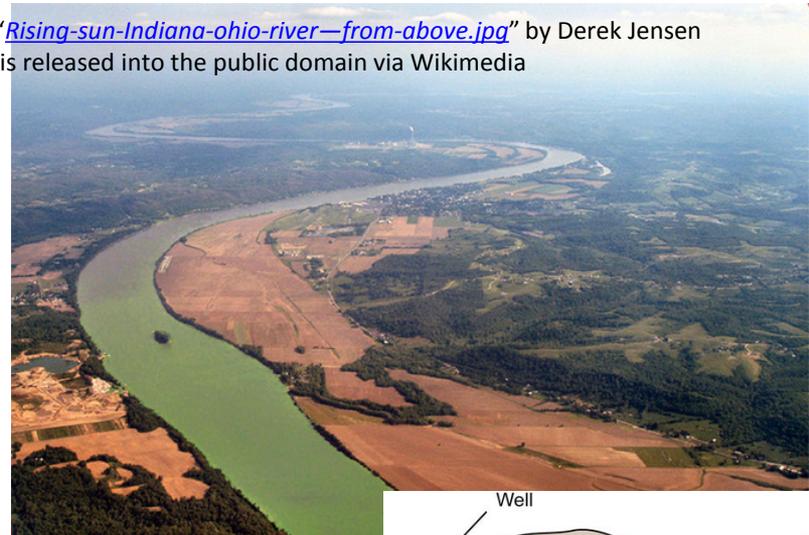


Permits 101: Waters of The State

Includes:

- Lakes
- Rivers
- Ponds
- Streams
- Inland waters
- Underground waters
- Salt waters

["Rising-sun-Indiana-ohio-river—from-above.jpg"](#) by Derek Jensen is released into the public domain via Wikimedia



Permits 101

Conditionally authorized discharges do not impair other water uses

Ecology has issued 6,000+ discharge permits



Development Process

2014: Meetings with interested parties

Three main objectives:

- NMP process
- Groundwater protection,
- Reactive vs. proactive permit.



Preliminary draft



Development Process

2015: Continued meeting with interested parties

Reviewed and considered comments on preliminary draft

Based on what we heard:

- Accounting for East/West side differences
- Build-in flexibility
- Permit doesn't require lining lagoons
- Permit doesn't require groundwater monitoring



Existing Frameworks

Build-in compatibility with existing regulatory framework (RCW 90.64)

Ongoing partnership and coordination with WSDA



Agency Coordination

Working with WSDA to make permit implementation as seamless as we can for Permittees.

Expect that WSDA will still be the primary field presence

Details being worked out as permit development progresses



Two Permits

State and Combined permits are almost identical

Main difference:

- **State permit:** groundwater discharge only (and ag stormwater)
- **Combined permit:** surface and groundwater discharges



Permitting Threshold

Combined permit required for discharge to surface water

- Groundwater discharges may be covered
- Except agriculture stormwater discharges

State permit required for discharge to only groundwater

- Agriculture stormwater discharges allowed, all others are not



Permitting Threshold

Different threshold for small facilities

- Based on EPA animal number thresholds

Lagoons that discharge to groundwater require facility to get a permit



Permit Application Process

Streamlined application process

Submit a complete application

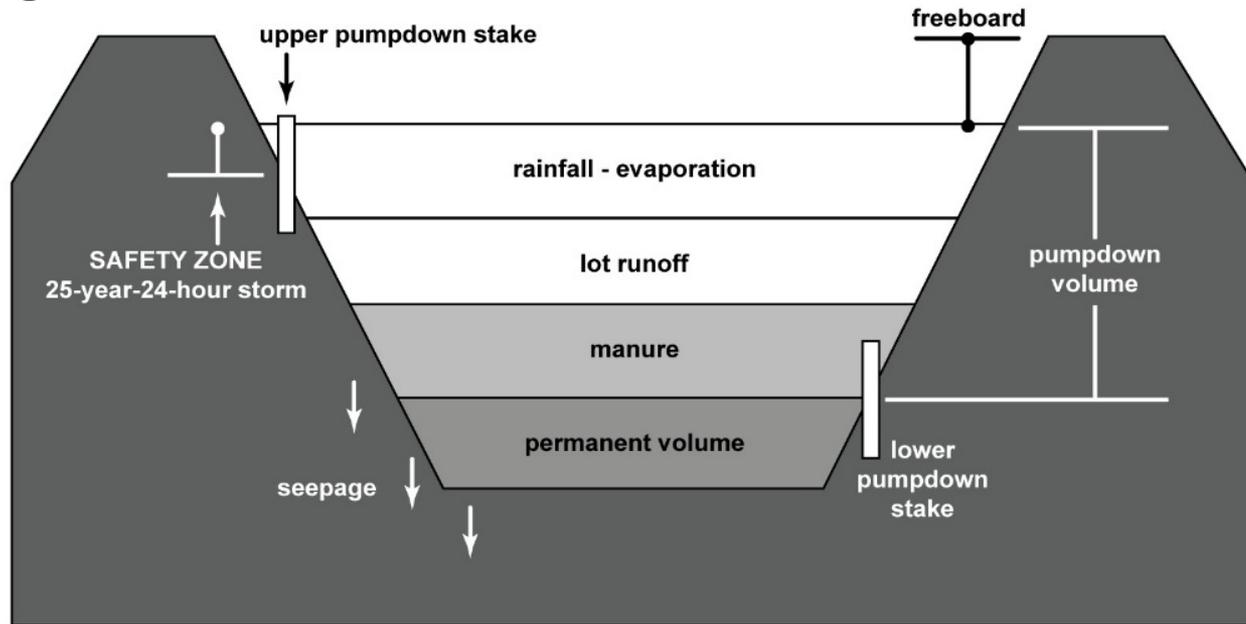
- NMP not submitted with application
- MPPP submitted 6 months after coverage



Lagoons

Science and current practice documentation point to the fact that lagoons seep

This can be a source of groundwater discharges



Lagoons

Permit requires a lagoon assessment

- Collecting information to better understand current conditions and risks
- Help producers understand the state of their lagoons if conditions are unknown

Requiring maintenance for proper operation

Permit does not require lining of lagoons



Land Application

Soil sampling as a basis for yearly nutrient budget

- Adaptive management
- Should be similar to many current practices

Restrictions for protection of surface and groundwater



Yearly Nutrient Budget

Budget for each field

Based on spring soil and manure samples, estimated crop needs

Fall soil sample is report card



Adaptive Management

Soil test results are a benchmark

Benchmarks trigger adaptive management responses

Different adaptive management for East/West



Soil Sampling/Monitoring

Spring and fall soil sampling

Spring manure sampling

WSU/OSU sampling guidance

Field nutrient budgets based on spring soil samples and adaptive management

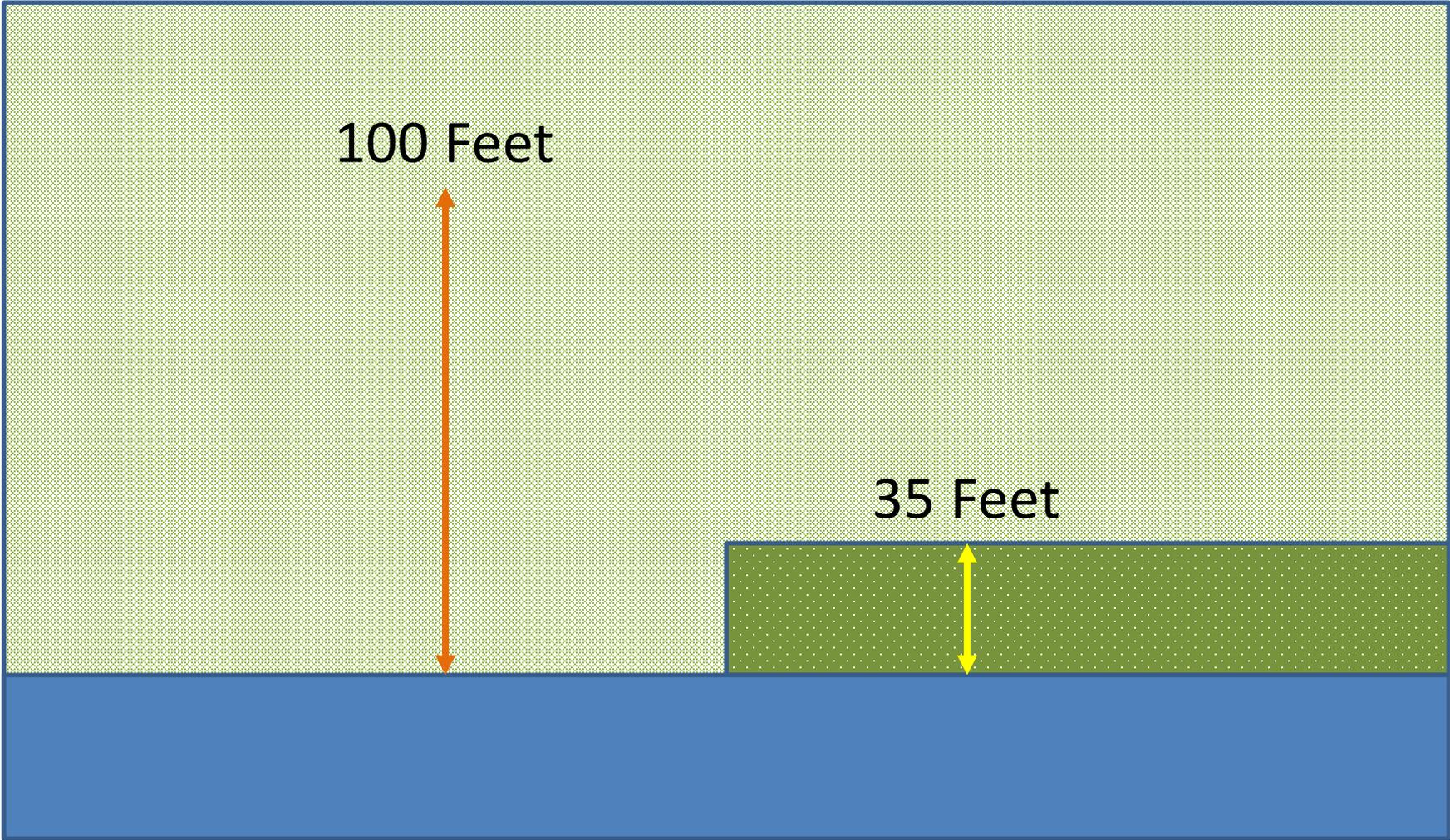


Field Run-off Prevention

Using requirements from 40 CFR
§412.4(c)(5)

- 100-foot manure application setback
- 35-foot vegetated buffer
- Alternatives that are as effective as the 100-foot setback may be considered.





Manure Pollution Prevention Plan

- Production area run-off controls
- Storage
- Diversion of clean water
- Preventing animal contact with water
- Chemical handling
- Mortalities
- Manure and soil sampling
- Land application
- Adaptive Management
- Irrigation water management
- Field Run-off Prevention
- Export
- Emergency Procedures
- Training



Record Keeping and Reporting

Started with record keeping and reporting requirements from 40 CFR §122.42(e)(1)(ix) and §412.37

Where permit fulfills the requirements, Ecology eliminated the need to keep records



Economic Analysis

DNMA compliance used as baseline in addition to Idaho CAFO permit/EPA Rules

Assumptions:

- Average 7.9 employees
- Average 12.7 fields sampled
- 12-62 soil additional soil samples/year beyond baseline
- Engineer at \$185/hr for 40 hours for 1 lagoon assessment
- Permit fees:
 - Non-dairy average 700 animal units (\$1,871/year)
 - Dairy average 1000 cows (~715 animal units) (\$358/year)



Economic Analysis

5 year cost:

- State Only: \$11,407-\$19,092
- Combined: \$18,010 – \$25,695

Includes one time costs and ongoing costs



Economic Analysis

Hearing some concerns

- Accuracy of assumptions used
- Costs

Lagoon assessment cost is for 1 lagoon

- Producers have multiple lagoons

Buffers

- Did not include assessment of buffers



Next Steps

Comment period closes August 17th

Ecology will review and respond to comments in a Response to Comments document

Estimate issuing final permit by end of 2016



CAFO Website

- All documents available on the CAFO permit website
- A copy of this presentation will be posted on the CAFO permit website
- Comments received on the CAFO permit and supporting documents will be posted on the CAFO permit website



Questions?

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To keep up-to-date on the CAFO permit, join our ListServ. A link is available on the CAFO permit website.

CAFO Website:

<http://www.ecy.wa.gov/programs/wq/permits/cafo/index.html>