



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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June 13, 2016

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Dear Senators and Representatives:

I am writing in light of your engagement with the Department of Ecology (Ecology) regarding water quality permitting of concentrated animal feeding operations (CAFO). I want you to know that the formal draft CAFO permits will be available for public review and comment on June 15, 2016. Ecology will be accepting comments through August 17, 2016.

As you know, the 2016 Legislature considered bills that would have directed Ecology to adopt a water quality permit based on state authorities only, as an alternative to a permit issued under both federal and state water quality laws. Those bills did not pass.

Objections to a state-only discharge permit focus on concerns that such a permit would be less transparent and would lack the accountability of a combined federal-state permit. Those promoting a state-only discharge permit are concerned about potential third party liability under a permit issued under combined federal and state authorities.

After careful consideration, I have directed my staff to develop two CAFO permits available to producers. A permit issued under state authorities only, and a second permit issued under combined federal and state authorities. CAFO operators with a documented discharge to surface waters will be required to obtain the combined federal-state permit. Operators with only a discharge to groundwater may choose either the state-only permit or the combined federal-state permit.

Substantively, the two permits are virtually identical – including the public's access to relevant permit related data. The primary difference between the combined federal-state permit and the state-only permit is the ability of third parties to independently take action to enforce permit compliance if Ecology fails to take action. I am committed to fully and fairly administering both CAFO permits, including enforcement when necessary, to ensure compliance. We are also working closely with the Department of Agriculture to effectively coordinate the implementation of the CAFO permits and the state Dairy Nutrient Management Act.

If you would like additional information and/or a briefing on the draft CAFO permits, please contact: Denise Clifford at (360) 407-7003 or by e-mail at: denise.clifford@ecy.wa.gov.

Thank you very much for your interest in water quality and Ecology's CAFO permitting work.

Sincerely,

A handwritten signature in black ink that reads "Maia D. Bellon". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Maia D. Bellon
Director

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