

PRELIMINARY DRAFT**Concentrated Animal Feeding Operation General Permit****COMMENTS**

S1.A land application fields – **loop hole** does not cover 3rd party, example manure is spread on neighbors fields **(this is known as exporting)** CAFO contracts for the crop does not lease or control of property this is a **BIG loop hole**. **Property Owner not required to do soil sampling. Need to work with Dept. of Ag. and close this big loop hole.**

S2.A **all lagoons leak** – how do you get local government to enforce when issuing a building permit or an expansion permit – **should require a full EIS (environmental impact statement) and a CAFO permit must be applied for and/or approved before issuing any permits** please read copies of 2 permit requests to Yakima County Planning for Public Comment.

All lagoons leak - permit needs to include mandatory groundwater monitoring in and around all lagoons.

S2.B along with a published public notice CAFO should be required to **notify ALL adjacent landowners in writing**

S2.E once permit is transferred **new permittee must accept in writing all past and present conditions of the land by the former permittee e.g. any polluted water or soil**

A transfer fee **must** be charged when transferring the permit to the new permittee example 1. I give a vehicle to my kids they must pay a transfer

fee to get the title put in their name example 2. I buy a piece of land with the property taxes already paid I must pay a transfer fee to have the title put in my name.

S2.F before issuing a Notice of Termination **permittee must turn in soil samples of all emptied lagoons and lands under control of the permittee as described in S5. Of this permit**

S3.B 1.ecology *shall develop* record keeping templates **of what records are needed to be kept and should not leave it up to the permittee to guess what records are required to be kept, this way there is no question as to what records are required, all permittees will have the same records in the same format for ease of clarity and inspection**

S3.C review of engineering documents for constructing or modifying any waste water control facilities must be submitted at least 180 days prior to plan start of construction **this must be coordinated with the county's planning department who are tasked with issuing building permits in their jurisdictions** please read copies of 2 permit requests to Yakima County Planning for Public Comment. Note there is no uniformity in these public notices one has proposed mitigations and the other does not

S4 Manure Pollution Prevention Plan (MPPP) **this plan must not be controlled or administered by the Department of Agriculture or the Conservation Districts. History has shown us that the Department of Agriculture unwillingness to do any lawful enforcement on CAFOs. History has also shown us that Conservation Districts cannot, are unwilling and refuse to enforce any NMPs, even the ones they write; this would take legislative action to have them do any kind of enforcement.**

Bad idea to have Department of Agriculture or the Conservation Districts to have any jurisdiction or control over the Manure Pollution Prevention Plan (MPPP) The Department of Agriculture and the Conservation Districts number 1 goal is to protect agriculture at all cost. This would then put all the foxes in charge of the chickens. Dept of Ecology shall not give Dept of agriculture any enforcement capabilities of this permit

S4 B general requirements

if the permittee uses NRCS BMPs please note that in Subpart B – Conservation Practice Standards (copy attached) that there is conservation practices Lifespan for each NRCS see paragraph 401.1 5 E and paragraph F for explanation of lifespan and examples please read subpart B enclosed

S4.C Minimum Components of a MPPP

2.Facility Run-off Controls

Give example of how to keep track out off public roadways. Give examples. Use truck wash station before entering public road way.

8. D Natural Decomposition

add and neighboring wells

11. Land Application

Ecology must make it clear to the permittee that the application of liquid or solid manure to frozen ground, ground saturated, or ground otherwise unable to uptake the nutrients is strictly prohibited and enforced.

13. A 35-foot Perennial Vegetative Buffer

add and neighboring wellheads

S6.A Operations and Maintenance Record Keeping

all records must be kept On-site and available for inspection. Record-keeping must not be left up to the permittee. Ecology shall provide record-keeping templates all record-keeping must be uniform for ease of understanding of what's required and ease of inspection there are

S7.C One-time Lagoon Report

Giving Permittees two (2) years to provide this information is outrageous. WSDA has already collected this data and the Yakima GWMA workgroup is looking at and using it already. CAFOS have this information use it now do not wait two (2) years.

Add under include information on: Lagoon depth gauge installed

Yes ___ No ___

S7.E 2 Noncompliance Notification

in the event the Permittee is unable to comply with any part of this permit, which may threaten **human health** or the environment, the Permittee Must: add phone number for the State Department of Health

S7.F Spills Reporting

Add phone number for the State Department of Health

G13. Transfer of Permit Coverage

A transfer fee must be charged when transferring the permit to the new permittee. Example one, I give a vehicle to my kids they must pay a transfer fee to get the title put in their name. Example two, I buy a piece of land with the property taxes already paid I must pay a transfer fee to have the title put in my name.

Appendix A: Acronyms and Definitions

The definition of **Lagoon** needs to be expanded to make sure there is **NO** mistake as to its meaning. Give NRCS examples such as NRCS 350 Sediment Basin, 351 Sediment Lagoon, 359 Waste Treatment Lagoon, 360 Waste Facility Closure, 313 Waste Storage Facility and 632 Waste Separation Facility.

These lagoons are also commonly referred to as Retention Ponds, Settling Ponds and Settling Basins. It must be made clear that no matter what industry calls them they are still **Lagoons** by definition under this permit.

General Comments

Replace or eliminate the Nutrient Management Plan (NMP) and replace with Ecologies Manure Pollution Prevention Plan (MPPP) and also do away with Dept of Agriculture's MOU jurisdiction with Dept. of Ecology.

If training is given to the CAFO's about the Concentrated Animal Feeding Operations General Permit the public must be included in this same training. Public and industry must be on the same page with regard to understanding this permit.



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OCT 08 2015

WATER QUALITY PROGRAM

8/4/15

Yakima County Public Services Planning Division

**Determination of Significance
and
Request for Comments on Scope of EIS**

File No.: CUP2015-00036 / SEP 2015-00015 Wind Mill Estates /
Tim Bardell B7 Engineering

Description of Proposal: The Yakima County Planning Division has received a request for a Type 2 land use application with an SEPA review for the development of a new concentrated animal feeding operation (CAFO) within the Agriculture (AG) zoning district. The applicant proposes 6,000 calf hutches, 160 elementary corrals, 120 middle corrals, and 9 finishing corrals. The project is to be served by two wells, as shown on the submitted site plan. A one million gallon lined lagoon is proposed to capture stormwater and wastewater generated on site. Solid waste is proposed to be composted on a nine acre portion of the project area.

Location: The property is located about 1 1/2 miles east of Glade Road, about 1 mile southwest of State Route 22, approximately 1 1/2 miles southeast of the City of Mabton. The CAFO is proposed on Parcel Nos. 230817-21001, 230808-33001 and 230818-11002.

Determination: This proposal is subject to environmental review. The Yakima County Planning Division is lead agency for this proposal under the State Environmental Policy Act (SEPA). It has been determined that this proposal is likely to have a significance adverse impact on the environment. The environmental impact statement (EIS) is required under RCW 43.21C.030 (2)(C) and will be prepared. To view the application materials and SEPA checklist online go to: www.yakimap.com/permits/ or you can view a copy of the materials at the Planning Division on the 4th floor of the Courthouse.

The lead agency has identified the following areas of discussion in the EIS: (1) Impacts associated with the proposed ground water withdrawals, including: aquifer drawdown affecting neighboring residential wells, municipal water supplies, impacts to irrigation water right holders and impacts to instream flows of the Yakima River; (2) The potential impacts to ground water quality and potable water sources as a result of the activities of this proposed CAFO operation.

Comment and Appeal Information: Your views on the proposal are welcome and any person may provide written comments on issues related to the proposal. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts and licenses or other approvals that may be required. The method and deadline for giving us your comments is: written comments are due by **4:00 pm on August 31, 2015**. Mail your comments on this project to Yakima County Planning Division, 128 N. 2nd St., 4th Floor Courthouse, Yakima, WA 98901. Be sure to reference the above file number in your correspondence. State law prohibits SEPA appeals for permits that do not have an appeal option, consequently no administrative appeal is allowed (WAC 197-11-680(3)(v)). A judicial appeal that is heard by superior court can be pursued. If you have any questions on this proposal, please call Byron Gumz, Environmental/Natural Resources Senior Project Planner, at (509) 574-2300 or 1-800-572-7354 ext. 2300.

Dated this 31st day of July, 2015.

(567940) August 4, 2015

9/6/15

**Yakima County Public Service
Planning Division**

**Notice of Application, Notice of Completeness
Notice of Environmental Review**

File No.: CUP 2015-00099/SEP 2015-00032 Golob Dairy, LLC /
Chris Smeenk

Description of Proposal: The Yakima County Planning Division received an application for a modification with SEPA review to construct a 60,000 square foot lagoon on an existing dairy. **Location of Proposal:** 500 Nelson Road, Granger, WA. Property is located on the south side of Nelson Road and the north side of Hudson Road, about 1,560 feet east of Yakima Valley Highway, approximately 1 mile northeast of the City of Granger. (Parcel Nos: 211010-31001 and -42002)

Determination: This proposal is subject to environmental review. The Yakima County Planning Division is lead agency for this proposal under the State Environmental Policy Act (SEPA). Yakima County expects to issue a MDNS for this proposal. The optional process authorized by WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. After all comments have been received and considered a final threshold determination will be made without an additional comment period.

Proposed Mitigation: 1. Obtain a Construction Stormwater General Permit from Dept. of Ecology. 2. Line the proposed lagoon. 3. Submit a Dust Control Plan to the Yakima Regional Clean Air Agency.

Comment and Appeal Information: To view the application materials and SEPA documents online go to: www.yakimap.com/permits/ or you can view a copy of application materials at the Planning Division on the 4th Floor of the Courthouse. Your views on the proposal are welcome, and any person may provide written comments on issues related to the proposal. Mail your comments on this project to Yakima County Planning Division, 128 N. 2nd Street, 4th Floor Courthouse, Yakima, WA 98901. Be sure to reference the above file number in your correspondence. All written comments received by 4:00 pm, September 17, 2015 will be considered prior to making the final decision. Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information and may be appealed within 14 days of the date of issuance. If you have any questions on this proposal, please call Dinah Reed, Project Planner, or Rebecca Brown, Project Planner--Environmental, at (509) 574-2300 or 1-800-572-7354 ext. 2300
Dated this 4th day of September, 2015.

(578274) September 6, 2015

OCT 08 2015

Subpart B - Conservation Practice Standards

WATER QUALITY PROGRAM

401.10 Purpose

This subpart sets forth Natural Resources Conservation Service (NRCS) policy for conservation practice standards, including developing new or revising existing standards, obtaining variances to practice standards, establishing interim standards, adapting national conservation practice standards to State and local conditions, archiving outdated standards, and procedures for public review and comment. It also contains policy for establishing and maintaining the National Handbook of Conservation Practices (NHCP) and the online web based Conservation Practice Standards (CPS) data reference table and application.

401.11 Conservation Practice Standards (CPS)

- A. CPS' establish the minimum acceptable level of quality that is required to plan, design, install, operate, and maintain conservation practices.
- B. Each CPS has the following sections:
 - (1) The official name, practice code, and unit of measurement for the practice (required).
 - (2) Definition of the practice (required).
 - (3) Purpose(s) for applying the practice including the resource concern(s) to be addressed (required).
 - (4) Conditions where the practice applies (required).
 - (5) Criteria supporting each purpose (required).
 - (6) Considerations for practice planning, design, and installation (optional but recommended).
 - (7) Minimum requirements for plans and specifications (optional but recommended).
 - (8) Minimum requirements for the operation and maintenance of the practice (optional but recommended).
 - (9) References that are the basis for or support the technology in the practice (required).
- C. The official Practice Name, Practice Code, Unit of Measurement, and Definition are established nationally and are not to be changed.
- D. States may add a Purpose by requesting a variance as outlined in Section 401.16, Variances.
- E. States may delete any Purpose that addresses a resource concern that has not been identified in the State.
- F. The remaining sections of the Standard may be modified as needed (see Section 401.15, State Adoption and Modification of NHCP Standards and Practice Lifespans).

401.12 National Handbook of Conservation Practices (NHCP) Content

The NHCP contains:

- (1) An index of national standards. The index has the following information:
 - (i) The practice name and unit(s) of measure.
 - (ii) The NRCS national technical discipline leader responsible for each practice.
 - (iii) The date of issuance of the current standard.
 - (iv) The practice code number of the standard.
- (2) A national standard for each conservation practice listed on the index.
- (3) Exhibits that illustrate practice standard layout and content, explain the practice standard development and review process, and provide other information pertinent to preparing CPS'.
- (4) A glossary of relevant technical terms in the NHCP.

401.13 Practice Specifications

Conservation practice specifications are site-specific guides that establish the technical details and workmanship required to install the conservation practice in accordance with the requirements of the CPS. Information in the CPS guides the development of the specification.

- (1) Specifications are not part of the NHCP or CPS standards, but are separate documents.
- (2) Specifications include items that are necessary and appropriate when applying the practice to site-specific locations.

Examples include the details of site preparation and protection, instructions for use of materials described in the standard, or guidance for performing installation operations not directly addressed in the standard. Statements in the specifications are not to conflict with the requirements of the standard.

- (3) Specifications for practices are to be developed by the States in consideration of the wide variations in soils, climate, and topography present within and among the different States. The

State Conservationist (STC) will approve State-developed specifications in consultation with the State Technical Guide Committee (STGC). Specifications are to meet the requirements of Federal, State, or local ordinances or regulations.

401.14 Practice Standard Development and Maintenance

- A. Each national CPS is to be formally reviewed at least once every 5 years from its date of issuance or date of review.
- B. The National Conservation Practice Standard Subcommittee (NCPSS) will notify the responsible national technical discipline leader when a standard is due for review.
- C. The national technical discipline leader will determine if the practice is still needed and if it contains the most current technology. If no revisions are required, the date of the last review will be added to the date of issue, listed in the index. Example: (Sept. 7/00 – 6/05).
- D. The process and procedures for revising and developing practice standards will be conducted in the manner outlined in NHCP Exhibit 1-6. Review and approval of technical content of proposed changes is the responsibility of either the Director, Conservation Engineering Division (CED), or the Director, Ecological Sciences Division (ESD), as appropriate.
- E. The national technical discipline leader will maintain a case file for each CPS for which they have responsibility. At a minimum, the case file will contain:
 - (1) A history of the review and revision of the standard.
 - (2) Rationale for the criteria in the standard.
 - (3) Documentation or references that support the criteria.
 - (4) Documentation for the practice design life.
- F. The National Technical Guide Committee (NTGC) will consider and recommend proposed changes to the NHCP to the Deputy Chief for Science and Technology. Numbered handbook notices issued by the Director, CED, and the Director, ESD, will transmit changes to the NHCP.

401.15 State Adoption and Modification of NHCP Standards and Practice Lifespans

- A. NHCP standards can be used within a State without modification, or they can be rewritten to include additional requirements to meet State or local needs. Because of wide variations in soils, climate, and topography, States may need to add special provisions or provide additional details in the CPS. State laws and local ordinances or regulations may dictate more stringent criteria. At a minimum, all practice standards adopted for use in a State will contain the name or abbreviation of the State in the footer of the standard.
- B. State modifications to national standards are to be incorporated into the main body of the standard. States must obtain a variance (see Section 401.16, Variances) for any change to a national CPS that results in less stringent criteria or requirements.
- C. When a revised or updated national CPS is released, States that currently include that standard in their Field Office Technical Guide (FOTG) shall adopt the updated version as soon as possible, but no later than one year after the issue date of the national standard, or request a variance from the appropriate National Headquarters (NHQ) Division Director.
- D. States will maintain a case file documenting State-level changes made to practice standards. At a minimum, the case file will contain the information listed in Section 401.14, Practice Standard Development and Maintenance (e) (1-3).
- E. Conservation practice lifespans are established by the appropriate CED or ESD discipline leader at the national level. A conservation practice lifespan is the minimum time (years) the implemented practice is expected to be fully functional for its intended purpose(s). The established conservation practice lifespans are based on following an operation and maintenance plan developed for the practice. For example, a grassed waterway with the appropriate operation and maintenance has a lifespan of 10 years.
- F. Lifespans for "structural" practices may vary from 3 years for small earthen structures to 20 years or longer for large earthen or concrete structures, buried pipelines, etc. The minimum lifespan for permanent "vegetative" establishment type practices is 5 years. A 1-year application lifespan is established for those "management" type conservation practices, where practices are reapplied (other than normal operation and maintenance) annually or more than one time on the same land to achieve its purpose(s). Examples of one (1) year lifespans include: Prescribed Grazing, Cover Crops, Nutrient Management, Irrigation Water Management, Residue and Tillage Management practices, etc. The minimum established conservation practice lifespans will be placed in the CPS reference table (see Section 401.20, CPS Data Reference Table and Application). The CPS reference table only allows a State to have one lifespan per conservation practice code. All States will use the national lifespans contained in the CPS reference table unless a variance is requested in writing.
- G. STCs may change the national established conservation practice lifespan by requesting a variance in writing, for use in their State, from the appropriate Director of CED or ESD. The request must

include a justification with supporting documentation as to why the lifespan should be different than the national established lifespan. Changing a practice lifespan is not only a technical decision but also a financial and legal decision. It has impacts on all programs, contracts, and significant accountability implications.

H. When an NHCP notice cancels standards, those standards will be immediately removed from the FOTG and archived as necessary, following the guidelines in Section 401.18, Archiving Standards.

401.16 Variances

A. Variances are approved when there is a documented need to establish additional purposes for an existing standard or less restrictive quality criterion than those required in the national practice standard. Only the Directors of the CED and/or ESD can approve variances from the requirements of a national CPS.

B. Any request for a variance is to be submitted in writing to the appropriate NHQ Division Director. The request will include the specifics of the purpose to be added or criteria to be changed, and supporting rationale for the change.

C. Variances, when granted, continue for a specified period or until the particular CPS is revised, whichever is shorter.

D. Variances have the same requirements for monitoring, evaluation, and reporting as an interim CPS standard (see Section 401.17, Interim Standards).

401.17 Interim Practice Standards

A. Interim CPS' serve as mechanisms for field testing new technology. Standards for interim conservation practices that prove successful will be developed into national CPS'; or the applicable material incorporated into existing practice standards as appropriate.

(1) Interim CPS' are to be prepared by the States to address resource concerns which are not addressed by an existing national standard. The process for developing, reviewing, and approving State interim standards is included in NHCP Exhibit 1-2.

(2) Interim standards, requested for use by a State, must first be approved by the STC, with consultation with the STGC and the National Discipline Leader. A written request is then made to the Chair of the NCPSS, who will then either:

(i) Issue a practice code for each interim standard.

(ii) Issue use of an existing interim standard and code already in use by other States, and encourage coordination among those States.

(iii) Deny an interim code in writing, providing reasons, after consultation with the responsible national discipline leader.

B. Interim practice standards are to be issued for a period not to exceed 3 years. Extensions to this time limit may be granted only when data are insufficient to make the required evaluations.

C. STCs shall assign responsibility to prepare and implement an evaluation plan using the guidelines for conducting conservation field trials (General Manual (GM), Title 450, Part 403, Conservation Field Trials, Section 403.6, Work Plans). This includes conducting and documenting annual evaluations of the performance and effectiveness of each interim practice authorized for use in that State. A summary of these evaluations will be addressed in the final report. Assigned State specialists shall prepare final reports at the end of the evaluation period and submit them to the NCPSS Chair. National discipline leaders shall utilize the National Technology Support Center (NTSC) specialists to facilitate communication among States using interim practice standards.

D. Final reports shall contain a recommendation to either:

(1) Make the interim practice a national practice and add it to the NHCP;

(2) Incorporate the technology in the interim practice into an existing national CPS; or

(3) Discontinue the use of the interim practice and delete the interim standard from the FOTG.

E. The NTGC will act on the final report, based on a recommendation from NCPSS and the appropriate national discipline leader. If the interim practice is recommended as a national standard, the State interim standard may be used until the national standard is issued. If there is no evaluation report, or the interim technology is found to be unacceptable or unneeded as a national standard by NTGC, the interim standard will be removed from the FOTG.

F. The interim standards and evaluation reports will be posted to the NHCP Web site in accordance with the procedures outlined in NHCP Chapter 1. The reports shall also provide evaluation information about materials, site preparation or protection, and other pertinent information learned about installation of the interim practice.

401.18 Archiving Standards

A. A copy of all superseded standards shall be retained in the NRCS FOTG, until such standards are no

longer relevant to any active conservation plan or contract, or for 10 years, whichever is longer. In many instances, clients may prefer to have conservation practice designs based on a former standard; however, the clients should be encouraged to use the current standard unless there are specific reasons to utilize the former standard.

B. Each State must maintain certain files for future reference. Where formal contracts (e.g., long-term agreements) are involved, copies of outdated standards are to be retained for the period required by the pertinent NRCS policy governing that specific program. When an existing CPS is replaced with an updated standard, the practice standard in effect at the time the client makes a decision regarding a course of action may be used for practice implementation, unless public health, safety, or welfare is adversely affected.

C. The STGC and FOTG Content Managers in each State, basin, and area must be involved in this action. Files to be archived include: CPS', Highly Erodible Land (HEL) maps, documents used for program eligibility determinations, and other documents as needed. As content of the FOTG is updated and documents replaced, each STGC will instruct the State Content Manager to mark appropriate material for archiving; see GM-450, Part 401, Subpart A, Policy and Responsibilities, Section 401.8, Exhibit: Instructions for Archiving Materials in the FOTG, for processing details. This will place each document to be archived in the Archive Folder in each Section (I-V), and automatically change the title to begin with the word "Archived" and date archived at the end, i.e. "Archived-Access Road-560-06-11-30 (year-month-day)." The STGC must decide if documents are to be available to the public, users with e-authentication only, or not available to anyone except Content Managers.

401.19 Public Review and Comment

A. The NTGC shall publish a notice in the Federal Register of the availability for review and comment of all additions or revisions to NHCP CPS'. The comment period will be for a period of not less than 30 days from date of publication.

B. The STC, in consultation with the State Technical Committee, shall establish a policy and procedure to publish or otherwise distribute for public review and comment, at a minimum, those revisions to practice standards that pertain to HEL and wetland provisions of Title XII of the Food Security Act of 1985, as amended. "Revision" shall mean the addition of more restrictive criteria in the State-adapted version of a national CPS to address State-specific resource conditions.

401.20 CPS Data Reference Table and Application

A. Information associated with CPS' needed for Agency business applications will be obtained from the Conservation Practice Standard Reference Table (CPSRT), accessible from the "Field Tools" page on My.NRCS.

B. Access for maintenance of the data in the CPSRT will be through the CPS application. Responsibilities associated with maintaining conservation practice information through the CPS are as follows:

- (1) The Chair of the NCPSS of the NTGC will serve as the National Data Steward of the CPS. Responsibilities include:
 - (i) Posting new national and State interim practices;
 - (ii) Maintaining base information for each practice, such as measurement units;
 - (iii) Lifespan and practice narratives; and
 - (iv) Setting digitizing shape types.
- (2) The National Activity Data Steward will have responsibility to maintain the list of Conservation Security Program stewardship activities and enhancements, including authorizing States to use each activity and enhancement, managing narratives, and setting digitizing shape types.
- (3) The National Reporting Data Steward will have responsibility to maintain reporting practice codes.
- (4) State Data Stewards will have responsibility to maintain their State practice list and State practice narratives.
- (5) Local Data Stewards have responsibility for county practice lists and local practice narrative tables.