

**From:** [greg lynn](#)  
**To:** [Jennings, Jonathan \(ECY\)](#)  
**Subject:** King-Pierce FB Comments on Ecology's Preliminary CAFO NPDES Permit Draft  
**Date:** Saturday, October 03, 2015 9:27:00 AM

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Washington Department of Ecology

Director Maia Bellon

c/o Jon Jennings

PO. Box 47600

Olympia, WA 98504-47600

1 October 2015

**Re: King-Pierce FB Comments on Ecology's Preliminary CAFO NPDES Permit Draft**

Dear Director Bellon:

King-Pierce Farm Bureau appreciates this opportunity to comment on Ecology's preliminary draft CAFO permit proposal. We understand Ecology is requesting comments to make the proposed permit more workable for producers.

We are committed to supporting our dairy and livestock businesses and maintaining a competitive business climate for them. Our primary objective is simply to advocate for our producers so they have the resources needed to remain economically viable, support their families, and continue to contribute to the state economy and the rural way of life.

As you are well aware, designing appropriate permit conditions is a complex matter that involves many disciplines, including science, regulatory policy, and economics. While we support Ecology's primary objective of protecting the quality of Washington's waters, we believe the department must take the time necessary to develop a permit that is based on credible science, technically and legally defensible, and not overly burdensome for producers. Ecology's permit proposal has a long way to go to meet those objectives.

We are very concerned that the proposed permit, as currently drafted, will create unnecessary

duplication of existing WSDA nutrient management efforts and put a large number of dairy farms out of business. We can and must work together to do better.

The proposal also creates far too much uncertainty. For instance, it is not clear who the permit will actually affect, what compliance will cost for operations that need federal CAFO permits, and who can be sued for what under federal Clean Water Act citizen suit provisions. We are also concerned about producer viability impacts related to proposed standards, buffers, soil testing requirements, and paperwork burdens in the preliminary permit proposal. Please refer to Washington Farm Bureau comments for our collective thoughts on these concerns.

Further, it is not at all clear how the department intends to ensure that dairies and other affected livestock operations will be protected from over-regulation, consistent with the legislature's intent for RCW 90.48.450?

*"The legislature finds that agricultural land is essential to providing citizens with food and fiber and to insuring aesthetic values through the preservation of open spaces in our state. The legislature further finds that government regulations can cause agricultural land to be converted to nonagricultural uses. The legislature intends that agricultural activity consistent with good practices be protected from government over-regulation."*

Based on the best information available to us at this time, we are deeply concerned that the department's proposal will impose new permits on hundreds of dairies statewide. We are concerned that this will compel unreasonably expensive investments in lagoon liners and other engineered projects without demonstrable environmental benefits.

For the reasons expressed above, we request an additional 60-day extension of time for more detailed discussion of the current preliminary draft proposal. We also request a 60-day public comment period, and a hearing, on a revised draft once it is released. Before a permit is adopted, we also ask that Ecology first complete an economic analysis to ensure that permit benefits will exceed permit costs, a least burdensome alternative assessment, and a small business impact analysis.

This will provide affected producers with the information they need, as well as public notice and a fair opportunity to comment. Affected operations need to be able to participate meaningfully in the development of policies that affect their livelihoods.

Thank you for this opportunity to comment on Ecology's proposed preliminary CAFO permit.

Sincerely,

*Dennis West*

Dennis West, President

King-Pierce Farm Bureau