

From: [Maggard, Steve](#)
To: [Jennings, Jonathan \(ECY\)](#)
Subject: CAFO Comment
Date: Friday, September 18, 2015 4:40:40 PM
Attachments: [Simplot Comments Sept 2015.docx](#)

Jon,

Thanks to you and Bill Moore to take your time to meet with the group from the Washington Cattle Feeders. I have attached some comments on the preliminary draft of the Washington CAFO.

Steve Maggard
Environmental Manager
Simplot Land & Livestock
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September 18, 2015

SENT VIA E-MAIL TO: joje461@ECY.WA.GOV

Jon Jennings, Permit Writer
Washington State Department of Ecology
Water Quality Program

Jon,

The J.R. Simplot Company (Simplot) would like to thank you and Bill Moore for meeting with the Washington Cattle Feeders on September 10. It was a very informative meeting, with good information about the preliminary draft of the proposed CAFO Permit for Washington.

Simplot submits these comments in response to the preliminary draft of the proposed Washington State CAFO Permit.

COMMENTS:

S2.A Ecology has determined that if the CAFO has a lagoon that does not have a double geomembrane liner with a leak detection system between the liner layers that it is discharging to groundwater. Therefore the CAFO requires a permit.

1. Assumption is being made that any lagoon without double liners is leaking. As was discussed in the meeting this is not always the case, there are exceptions. There should be exemptions from permitting made for these exceptions depth to ground water, soil type and composition, storm water retention pond, construction methods and materials.
2. Need a clearer definition of lagoon to make a distinction between a manure lagoon and a storm water retention pond.
3. Storm water retention pond often contain very little or no water, some are used to hold stock water overflow water which is tight lined in and has had no contact or very little with manure. The overflow water is considered process water by Ecology, which is referred to as manure, yet is typically very clean.

S4. The Permittee must prepare, keep up-to-date, and properly implement an adequate Manure Pollution Prevention Plan for their CAFO in accordance with the requirements of the permit.

1. Most CAFO's already have a Nutrient Waste Management Plan over seen by the WSDA, maintaining two similar plans could be time consuming for Permittee. Ecology and the WSDA need to agree on one plan to simplify this process for the permittee.

S4.B The Permittee must modify the MPPP whenever there is a change in design, construction, operation, or maintenance of the CAFO.

2. Modifying the plan when there are changes in design, construction, operation or maintenance could be burdensome and costly for the Permittee. Time given for compliance to these modifications and implementation of them is too short, should be a minimum of 30 days.

S4.C The permittee must include each of the minimum components in the narrative of the MPPP and implement them unless site conditions render the component unnecessary and the exemption from that component is clearly justified in the MPPP.

1. Difficult to find and map underground structures and provide documentation of engineering of manure handling structures on older facilities.
2. Manure and soil nutrient testing currently done for WSDA, will protocols be the same?
3. Permittee should be allowed to develop their own nutrient budget.
4. Dry manure application should be allowed on frozen or snow covered ground in the eastern region of the state as long as runoff does not reach a waterway. Prohibiting application could limit time to complete application for the season.
5. Need for clarification of rain event. Much different on the East side vs the West side.

S5.A Operations and Maintenance Monitoring

1. Daily inspection of clean water lines is time consuming and burdensome, weekly would be sufficient.
2. Monthly inspection of field buffers is too often, once annually prior to application would be adequate.

S6.A Export record requirements

1. Permittee should supply name and address of party receiving export, amount and date of export. Permittee cannot control where it gets applied, type of crops applied to, rate of application or whether there could be run off.

S6.B Land Application Record Keeping

1. Permittee should use their own record keeping system.

S7.A Public Access to MPPP

1. Like NWMP much of the information contained in MPPP is considered confidential by Permittee and should not be available to the public.

S7.C One-Time Lagoon Report

1. Many older lagoons do not have engineering details available and could be cost prohibitive for some permittees to have them certified and have groundwater testing performed.

S7.D Annual Reporting

1. Currently NWMP reviewed by WSDA, will Ecology consolidate with them for one inspection or report?

Sincerely,

Steve Maggard

Environmental Manager, Simplot Land and Livestock

