

From: [Lee First](#)
To: [Jennings, Jonathan \(ECY\)](#)
Subject: Comments from Wendy Steffensen
Date: Thursday, October 01, 2015 1:58:11 PM
Attachments: [CAFO preliminary draft permit comments.pdf](#)

Here you go, Jonathan.

Thanks for all your work on this!

Bill Moore

Jon Jennings

Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

October 1, 2015

RE: Comments on preliminary draft of WA CAFO permit

Dear Mr. Moore and Mr. Jennings:

Thank you in advance for considering these comments to the preliminary draft of the WA CAFO permit. Please note that we have also signed onto a joint comment letter with Puget Soundkeeper Alliance, Community Association for Restoration of the Environment, Friends of Toppenish Creek, Center for Environmental Law and Policy, Spokane Riverkeeper, and Socially Responsible Agriculture Project. We appreciate the effort that you've put into the preliminary draft permit. Our comments are as follows:

1. Definitions. In the next draft of the permit, please include definitions of these terms: *agricultural stormwater* (page 5), *wastewater control facilities* (page 9), *saturated field* (page 17), *conduits to surface waters* (page 15), *T-SUM 200* (page 18), *digestate* (page 22), and *refusal* (page 24). Please also include a consistent definition of manure, as the definition on page 41 is different than that on page 8. The definition of manure should include bedding material. Please specify *trackout* (page 12) and include a definition of trackout that prevents accumulation of both sediment and manure on roads.
2. S2 Permit Administration: (S2A): Please include language that requires coverage for all farms who apply manure, including those without lagoons. Can we say that there is presumptive discharge given distance to water or groundwater, level of manure application? To be exempt from the permit, tests should say there is no discharge, not the other way around (industrial facilities with a certain SIC code all need to be covered by ISGP, unless they qualify for a certificate of non-exposure). Let's do the same with this permit.
3. Discharge limits (S3A 1): How will we determine compliance with standards? The statement is meaningless, in and of itself. Please add clarifying language.
AKART (S3A 2): What is AKART for CAFOs? There is no discussion of what AKART is. We suggest that the permit include or reference methodology that prevents or controls pollution. In Whatcom and Skagit Counties, we have observed V-ditches are frequently constructed on fields to facilitate drainage. This section should include language that construction of V-ditches on fields where manure has been or will be applied could result in an illegal discharge to waters of the state.

Compliance with TMDL (S3B 1,2): The two statements here seem circular. It is likely that #2 is unnecessary.

Compliance with TMDL (S3B 3): It is unclear whether implementation of TMDL related permit requirements must wait for a permit modification, or a new permit. Implementation of TMDL related permit requirements should begin immediately.

4. Manure Pollution Prevention Plan (S4A1): Please add the goal of human health, and a goal that emphasizes the importance of keeping shellfish harvest areas open.
 - (S4B2f): what is meant by “other designed structures?” Is it synonymous with “wastewater control facilities?” Include a list that explains what is included by “other designed structures.”
 - (S4C.1a): the MPPP mapping should also require complete written descriptions of all pumps and valves, as well as a description of manure application equipment (brand, size, pumping gallon per minute capacity).
 - (S4C1): Please require that location of drinking water wells that are adjacent or within a quarter mile of application areas be included in the mapping requirement.
 - (S4C2): Please require that the volume of lagoons be sized with the number and type of animals housed to contain predicted manure output over 8-12 months. (We have heard that Skagit County Conservation District has designed lagoon size based on a 4-month rainy season, which is not adequate. We have heard that Whatcom County Conservation District designs lagoon size based on an 8-month rainy season).
 - (S4C.2): Please add language explaining that manure and sediment must be prevented from being tracked out onto public roadways. Please use descriptive language such as *trackout onto public roadways will be prevented using best management practices*. In Whatcom County, we have noticed that many field and farm entrances have manure and sediment on the roadways. Please include language that matches what is required of construction site entrances – if construction site operators can prevent trackout, so can farmers.
 - (S4C26): It seems that we jump right from normal maintenance to emergency procedures, and these emergency procedures are fairly certain to end up with over-application of manure and pollution of water bodies. Why is there no interim storage option? What about using septic haulers in emergency situations?
 - (S4 C3 b,c,d): Many of these statements explain that if the storage area is covered, then you can divert the clean water away from the site. Shouldn't coverage and diversion of clean water be included as a standard BMP? BMPs that result in reduced nutrient content of liquid manure should also be required.
 - (S4C.4): Please require that written records be kept of inspections of pipes, valves, pumps, whether above or below ground.
 - (S4C.6): Please include additional language requiring livestock to be kept out of wetlands and ditches.
 - (S4C.6): Consider requiring a written chemical management and spills response plan, similar to that required by the ISGP.

- (S4C.11a): Saturation and water holding capacity should be based on a measurement or calculation. Moisture sensors or consultation with Whatcom CD's APPLICATION RISK MANAGEMENT (ARM) WORKSHEET should be used, as a minimum. In addition, we request that manure should not be applied until seasonal water level is at least 2 feet below the root zone. Ideally, manure should only be applied when soil and groundwater conditions are appropriate.
 - It may be more useful to provide a list of conditions when/where manure *can* be applied, instead of when it *can't*. We suggest that winter application of manure be not allowed, period.
5. S5 Monitoring: The template proposed by Ecology is a good idea. Routine visual inspections should be recorded by the person doing the inspections.
- S5A: An inspection template would be useful; guidance explaining each inspection component should be included.
6. S6 Recordkeeping (S6.A): the list of manure export record requirements should include the reasons, including soil testing data, as to why application fields require fertilization.
- We are concerned that the nitrate benchmark levels are too high. What if 15ppm of nitrate comes into contact with seasonally high groundwater table?
 - NRCS agronomic rates are too high. They haven't been revised, ever. If there is a reason to keep these rates, please provide the reason. Rates should be specific to type of crop, season, and location.
 - S6B: Ecology should develop a reporting template; it should be modeled on usual DMRs and these should be sent to Ecology on a monthly basis, until such time as an electronic form is developed.
 - In S6.B, the list of required land application records does not include volume applied. Also include a complete description of the manure (solid, liquid, mass, volume, etc).
 - S7B: The facility report should be updated on an annual basis, because information may change, especially nutrient budget for "current" crop year.

We appreciate all the work that Ecology has put into this permit. It is our hope that Ecology is able to issue a permit that complies with all applicable state and federal legal requirements, and works to protect the people and waters of Washington from CAFO pollution.

Sincerely,

Wendy Steffensen

Wendy Steffensen

North Sound Baykeeper