

From: [Steve Vander Haak](#)
To: [Jennings, Jonathan \(ECY\)](#)
Subject: Comments on CAFO
Date: Friday, October 02, 2015 7:24:59 PM

I am writing to express my deep concern over the language in the preliminary draft rules for CAFOs.

Our farm has invested a great deal of resources (financial and otherwise) to continually improve our environmental performance. In fact, we were recently recognized with a national award for our efforts.

We have a methane digester to convert livestock nutrients to renewable energy. We comply with the detailed provisions of the Dairy Nutrient Management Program. We are inspected by several agencies for compliance with multiple laws.

None of this seems to be acknowledged in the draft permit rules.

The setbacks (35 feet and 100 feet) are not based on sound science and current practices. They will be costly and put a number of dairies out of business, without making any improvements to the environment.

The soil testing requirements are excessive and expensive, and will not add to the knowledge base or improve environmental practices.

The prohibition of vegetation on lagoon surfaces is not based on sound science or practices and, in some cases, might be detrimental to proper lagoon management.

The requirements for disclosure of public records would cause farmers to be agents of public agencies and also jeopardize the security of private information.

The review of engineering information by Ecology is a vague concept in this proposed rule. It is unclear what, if any, aspect of professionally-engineered projects could be changed as a result of that review.

The deference given to synthetically-lined lagoons is not based on sound science. Synthetic liners can fail and do not seal up after disturbances. Properly engineered and constructed clay lagoons will re-seal. This one-design-fits-all approach by Ecology is not good for the environment or the operation of a farm.

There appears to be a major gap in referencing wetlands, as Ecology makes no mention of “prior converted” wetlands. The prior-converted lands and crops are recognized under federal law.

Finally, the “determination” by Ecology that lagoons discharge pollutants is not a scientifically sound position. Not all lagoons seep moisture. Those that do seep do not transport pollutants to groundwater. Comments submitted by WSDF and others provide references to studies and data that show the determination of a discharge to be a false assumption.

I encourage Department of Ecology to review the language in the preliminary draft, review the studies and data on lagoons, and consult with experienced agencies like the conservation districts, Conservation Commission, state Department of Agriculture and federal Natural Resources Conservation Service. These agencies have scientifically-informed process and standards on the subjects matter.

Please keep in mind that a lot of producers are looking for a scientifically-sound permit that is affordable. Most producers will, I believe, embrace a well-designed permit if it makes sense from both a scientific and economic perspective.

Thank you for consideration of these comments.

Steve Vander Haak

Vander Haak dairy

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