

**From:** [Frank Lyall](#)  
**To:** [Jennings, Jonathan \(ECY\)](#)  
**Cc:** [Dan Newhouse](#); [Bruce Chandler](#); [Dent, Tom](#); [Jim Honeyford](#); [Norm Johnson](#); [Curtis King](#); [Manweller, Matt](#); [McCabe, Gina](#); [Dave Taylor](#); [Judy Warnick](#); [Kevin Bouchey](#); [Rand Elliott](#); [Mike Leita](#)  
**Subject:** Comments On Draft CAFO Permit.docx  
**Date:** Thursday, October 01, 2015 12:09:58 PM  
**Attachments:** [Comments On Draft CAFO Permit.docx](#)

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Mr. Jennings,

These comments were authored by our YCFB Secretary, Steve George. They have my full approval. Thank you for your consideration,

Frank Lyall  
President  
Yakima County Farm Bureau  
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# **YAKIMA COUNTY FARM BUREAU**

[www.yakimacountyfarmbureau.com](http://www.yakimacountyfarmbureau.com)

**P.O. Box 429  
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September 21, 2015

Jon Jennings  
Washington State Dept. of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

RE: Concentrated Animal Feeding Operation General Permit Draft

Dear Mr. Jennings,

The Yakima County Farm Bureau (YCFB) represents over 3,000 Yakima County members on agricultural related issues in Yakima County, and is the largest agricultural organization in Yakima County. It is a voluntary, grassroots advocacy organization, representing the social and economic interests of our farm and ranch families at the local, state and national levels. Yakima County produces approximately \$5 billion in agricultural products annually and is one the most diversified agricultural producing counties in the country.

Yakima Basin agricultural producers have invested heavily in the basin with land, equipment, livestock, perennial crops and processing facilities. Markets, both domestic and foreign have come to rely on and demand our high quality agricultural products. Dairy and livestock producers are a very important component of our agricultural production being second only to fruit production in farm gate returns in Yakima County. Dairy and Livestock operations pay a significant portion of our local infrastructure and provide mostly year round jobs to approximately 5,000 people.

We have reviewed your draft permit and find many of the requirements troubling and without merit. Many of your requirements lack jurisdiction, justification and the document lacks an economic impact assessment for those who it will affect.

First, and foremost is the rationale that would force a producer to comply with the permit is your assumption that any and all water holding facilities (lagoons) leak nitrogen to ground water. You base this on NRCS standards that allow for seepage.

However, you do not provide documentation of any lagoon in Yakima County that is currently leaking anything to ground water and you have not demonstrated that the NRCS standards are inadequate. Your assumption of the amount of water coming from a lagoon on an annual basis is a fraction of the legal amount of water available for irrigation purposes. (6.75 inches from lagoons vs 36 inches of irrigation water to meet crop needs). Even if lagoons were seeping at that rate, scientifically, it does not make sense that 6.75 inches of water on an annual basis could reach groundwater several feet deep, in most circumstances.

We are also concerned about who may have to comply with having this permit. It appears that the requirement to get a permit could apply to very small livestock producers who feed animals in the winter in a confined area (there is not pasture in eastern Washington for approximately six months out of the year as the growing season is seasonal). This could apply to as little as five or six cattle, horses or goats. If this is not the intent of the permit, then the language needs to be clarified as to exactly how many animals would trigger the permit requirement.

S4 Manure Pollution Prevention Plan – This requirement appears to be a duplication of the Dairy Nutrient Management Act requirements that dairies have been complying with since 1998. There is no mention whether the Washington State Department of Agriculture has reviewed this document for duplication or conflicting requirements. In addition, Yakima County dairy producers are subject to an air emission reduction program administered by the Yakima Regional Clean Air Agency (YRCAA). We do not see where the YRCAA has reviewed the document for any conflicting requirements.

A question has arisen as to whether there should be BMPs for solid manure storage. All dairies in Yakima County are engineered for water runoff with catch basins, so there is very little, if any, standing water. Since there is no head pressure and Yakima County only gets about 8 inches of annual precipitation, there would be little moisture and no head pressure to force surface contamination downward.

6. Prevent Direct Animal Contact with Water – A 35 foot buffer makes no sense in Yakima County were there is little annual precipitation to move contaminants. Where in Yakima County has there been a surface water contamination related to a CAFO? Run off is already regulated by WSDA and DOE. With the current DNMA requirements, a buffer of 35 feet makes no sense. A common sense requirement would be to “keep contaminants out of the water”, but don’t take away a producer’s land with arbitrary buffers.

7. Chemical Handling – Delete this section as the Washington State Department of Agriculture administers pesticide applications and has the enforcement authority.

11. Land application of Manure –

“May not apply to dormant crops or bare fields”. What about dry land farming where the crop is grown every other year? Apparently, bio solids are allowed on this type of farming. Why not livestock manure?

“Manure must be incorporated within 24 hours.” No-till farming is a recognized best management practice to conserve water, nutrients and reduce air pollution. No-till farming would not allow for manure to be mechanically incorporated into the soil. This requirement should be deleted. Land cannot be worked if there are permanent crops growing.

“May not be applied within 3 days of a forecasted rain event of ½ inch or greater”. Delete this section as it does not make sense for eastern Washington where from 1 to 3 inches of irrigation water are applied per application, and there is an average of 8 inches of natural precipitation.

13 a&b Buffers – These make no sense because they do not deal with other aspects of contamination that could just as easily move off site as manure. It limits the use of manure for no reason. Contaminants move because of other forces such as amount of irrigation water, not whether they are present within a certain distance of a water source. The requirement should read “keep material out of the water.”

In general, it appears the requirements of this permit will put an undue burden on many livestock producers, possibly putting some out of business. At a minimum, a producer will likely have to hire a consultant to comply with these requirements. Some will have to hire a full time person to comply. Adding staff and implementing compliance strategies will likely be more than some operations can sustain.

The permit needs to be rewritten entirely, for the most part. Duplication with other agencies needs to be deleted. Other requirements such as buffers and the time when manure or compost can be applied needs to be completely rethought and redone.

Thank you for this opportunity to provide input.

Sincerely,

Frank Lyall  
President

c. 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> District State Legislators  
Congressman Dan Newhouse  
Yakima County Commissioners