

FOR IMMEDIATE RELEASE

June 16, 2016

Contacts:

Andrea Rodgers, Western Environmental Law Center, 206-696-2851, rodgers@westernlaw.org

Chris Wilke, Puget Soundkeeper, 206-297-7002, chris@pugetsoundkeeper.org

Helen Reddout, Community Association for Restoration of the Environment, 509-840-0335, hred1936@gmail.com

Jean Mendoza, Friends of Toppenish Creek, 509-874-2798, jeanmendoza@icloud.com

Charlie Tebbutt, Law Offices of Charles M. Tebbutt, 541-285-3717, charlie@tebbuttlaw.com

Ecology's Draft CAFO Water Quality Permit Sacrifices Public Health, Drinking Water, Shellfish Beds

SEATTLE – Yesterday, the Washington State Department of Ecology (Ecology) issued a draft concentrated animal feeding operation (CAFO) general discharge [permit](#), replacing one that expired in 2011. Faced with the opportunity to protect Washingtonians from industrial agriculture pollution, Ecology instead chose to ignore the recommendations of its own scientists and bowed to "big ag," writing a convoluted, two-tiered draft permit that fails to protect our most fundamental natural resource—clean water.

The 200,000 adult dairy cows in Washington state produce up to 20 million pounds of manure each day collectively. Too much of this manure enters Washington's surface and groundwater, causing significant public health and pollution problems. For example, the Sumas-Blaine Aquifer in north Whatcom County, home to numerous industrial dairy farms, is the major drinking water source for up to 27,000 residents. Ecology and the U.S. Geological Survey [report](#) 29 percent of sampled wells in the aquifer exceed the nitrate maximum contaminant level (MCL), with 14 percent more than double the MCL. Over-application of manure to fields as fertilizer is common practice and is estimated to contribute 66 percent of nitrate inputs to these residents' water supply, and 58 percent of nitrate contamination in the Lower Yakima Valley, which hosts the largest concentration of CAFOs in the state. Just last month Ecology issued a [report](#) confirming nitrate loading due to over-application of manure from CAFOs "contributes significantly to groundwater nitrate contamination."

After being held hostage by the political influence of big ag during a five-year renewal process, the agency's proposed permitting scheme does little to address this major source of water pollution. First, instead of issuing one permit that prevents discharges of pollution to surface and groundwater, Ecology adopted big ag's unsuccessful legislative attempt to require a state-only permit for groundwater discharges. This regulatory regime does not require transparency and prevents enforcement.

Second, Ecology disregarded the recommendations of its own scientific experts and did not require groundwater monitoring as part of the permit, even though that monitoring is routine for industrial operations that discharge to groundwater. Ecology has previously characterized groundwater monitoring as "the best indicator of risk."

Third, Ecology caved to big ag's desire to avoid numeric manure application limits and limited soil sampling to two feet instead of three feet, thereby inhibiting the agency's ability to ensure CAFOs apply manure in a manner that protects surface and groundwater.

Finally, Ecology illegally deferred to the Washington State Department of Agriculture, an agency with a proven track record of failing to protect public health and prevent pollution from CAFOs, to determine which facilities should be covered by a permit.

"It is truly unfortunate that Ecology has decided to disregard the science and develop a permitting scheme that fails to protect the environment and public health," said Andrea Rodgers of the Western Environmental Law Center. "This approach is yet another step backward and once again puts the burden on citizens to protect themselves from CAFO pollution. We have readily available technological solutions to prevent the pollution and Ecology should be facilitating those solutions, not standing in the way."

"Every citizen has a right to clean water. Pollution from industrial agriculture is choking our rivers, imperiling shellfish and endangering salmon", said Chris Wilke of Puget Soundkeeper. "By removing citizen oversight, enforcement and accountability, Ecology has done the ag lobby's bidding, which does not bode well for our salmon or our waterways."

"After all these years, Ecology still doesn't care about the people who suffer from CAFO pollution," said Helen Reddout, president of the Community Association for Restoration of the Environment. "CARE has led the fight on behalf of the public and the agencies have ignored the truth."

"In Yakima County, large dairies draw pure water from the deep aquifers for their cows and they pollute the shallow aquifers that people use for domestic wells," said Jean Mendoza of Friends of Toppenish Creek. "Poor people can spend over 5 percent of a family budget just for safe drinking water. The evidence is indisputable. Groundwater pollution comes from the dairies. The groundwater feeds the Lower Yakima River, the second most polluted river in the state. This permit must be stronger and enforceable."

Charlie Tebbutt, an attorney who successfully prosecuted a drinking water contamination case against three large dairy CAFOs in the lower Yakima Valley, said "This proposed permit is nothing more than the stuff it is supposed to regulate. Director Bellon has chosen to continue to put the health of tens of thousands of Washingtonians at risk, just like her predecessors. It is shameful."

To protect Washington families, friends, and neighbors from being exposed to dangerous levels of nitrates, fecal coliform, and other pollutants in their drinking water, Ecology must incorporate the following provisions in its final permit:

- Mandatory groundwater monitoring
- Science-based manure application requirements and restrictions
- Science-based riparian buffers for salmon-bearing streams
- Implementation of best technology for CAFO operations such as synthetically-lined manure lagoons and other known and reasonably available technologies to eliminate discharges to surface and groundwater

Ecology is accepting public [comments](#) on the permit through 5:00 pm on August 17, 2016. Public hearings will be held on Tuesday July 26, 2016 at 6:00 pm at Whatcom Community College and Thursday July 28, 2016 at 6:00 pm at the Yakima Convention Center. Ecology will also be holding a webinar on the draft permit on Wednesday July 27 at 2:00 pm.

Background:

Washington is home to over 400 dairies, with an average herd size of 500 cows. Dairies with more than 500 cows represent more than three fourths of the state's production. The vast majority of these operations are CAFOs, in which animals are not kept in grazing pastures, but packed together in barns and feedlots, standing in their own waste every day of the year. An adult dairy cow generates 120 pounds of manure per day. The 200,000 adult dairy cows in Washington produce up to 20 million pounds of manure each day, collectively. Much of this manure is getting into Washington's surface and groundwater, causing significant public health and pollution problems.

Agencies have found that all unlined manure storage lagoons leak at least 1,000 gallons per day per acre. There are approximately 415 unlined manure storage lagoons in close proximity to the waters that feed Puget Sound, all of which are contributing nitrates, fecal coliform, and other pollutants to the waters of the state.

Groundwater is the drinking water supply for approximately 60% of people who reside in Washington state. Several areas of the state with high concentrations of CAFOs, including the Sumas-Blaine Aquifer and the Lower Yakima Valley, have been found to have high levels of nitrates in drinking water. Nitrates are toxins. High doses particularly threaten pregnant mothers, babies, and seniors, causing methemoglobinemia, or "blue baby syndrome," which can be fatal.

The Washington Department of Health, other agencies and tribal governments have confirmed that manure from dairy CAFOs is largely responsible for the shellfish bed closures that have plagued Puget Sound.

In January 2015, federal district judge Thomas Rice found that Cow Palace Dairy, a large CAFO in the Lower Yakima Valley, was creating a public health risk by over-application of manure and leaking manure lagoons. The [judge found](#) that the dairy's lagoons leaked a minimum of three million gallons per year, contributing to the contamination of nearby

drinking water wells. Local citizens and the Dairy agreed to [strict operational changes](#) to remedy the problems, and Ecology has ignored these basic technological fixes.

Report:

[*Agricultural Pollution in Puget Sound: Inspiration to Change Washington's Reliance on Voluntary Incentive Programs to Save Salmon*](#)

Maps:

Puget Sound lagoon distance from nearest water body map: <http://bit.ly/1MZnLzz>

Whatcom and Skagit Counties distance from nearest water body map: <http://bit.ly/1SkvfzX>

Whatcom and Skagit County lagoon excavation depth map: <http://bit.ly/1feWygS>

###