

**Ecology CAFO Permits Insufficient to Protect**

**Drinking Water, Shellfish Beds, Puget Sound**

Washington is home to about 500 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 concentrated animal feeding operations (CAFOs), in which animals are not kept in grazing pastures, but packed together in barns and feedlots, standing in their own waste 365 days per year. These operations are best described as factory farms.

Typically manure is stored in large lagoons and then, over time, spread on adjoining fields. Much of this manure is getting into Washington’s surface and groundwater, causing significant public health and pollution problems.

Despite this growing problem, little has been done to regulate this industry. In October 2015, the Department of Ecology released a proposed draft Clean Water Act permit to regulate this activity. After months of debate in which the dairy industry complained that the permit was too heavy handed, the Department released a new version of the permit, now substantially weakened. They also provided farmers with a choice to be covered by a state version of the permit or a federal Clean Water Act permit. The state permit does not allow for Clean Water Act citizen lawsuit enforcement.

**Problems with the Draft Permits**

* The permits do not require adequate monitoring and reporting of groundwater contamination. Without adequate monitoring and reporting, it will be extremely difficult or impossible to show that these factory farms are being properly managed to reduce or eliminate pollution.
* The permits do not require farmers to utilize cost-effective technology that could dramatically reduce pollution, such as double lined lagoons. Under terms of the permit, factory farms would be allowed to use dirt pits to dump tons of manure.
* The permits lack credible enforcement mechanisms. The state discharge permit, which will govern most farmers, cannot be enforced through citizen lawsuits and the Department of Ecology has few inspectors in the field.
* Only farmers with proven discharges to surface or groundwater will be required to be covered by the permits. Many factory farms that contribute significantly to water quality problems will be able to avoid compliance with the requirements of the permits because there is no data to prove that they are discharging.

**Industrial Dairy Pollution Puts Lives and Livelihoods at Risk**

* The Washington Department of Health and other state agencies have confirmed that manure from industrial dairies contributes to shellfish bed closures plaguing Puget Sound.
* Manure lagoons can leak at rates higher than three million gallons per year.
* Ecology reports 29% of sampled wells in the Sumas Blaine Aquifer in Whatcom County exceed the nitrate maximum contaminant level (MCL) of 10 mg/L, with 4% more than double the MCL. This aquifer serves as the major drinking water source for up to 27,000 Washingtonians.
* More than 20% of wells used for drinking water in the Lower Yakima Valley exceed EPA’s maximum contaminant level of 10 mg/L for nitrates.
* Over-application of manure to fields as fertilizer is estimated to contribute 66% of the nitrogen inputs to the Sumas-Blaine Aquifer, and 58% of nitrate contamination in the Lower Yakima Valley.