

# Friends of Toppenish Creek

Dear WA State Dept. of Ecology,  
Please consider these additional comments from the Friends of Toppenish Creek.  
Thank you.  
Jean Mendoza

August 15, 2022

Dear WA Dept. of Ecology,

Please accept these additional comments on the proposed NPDES permits for CAFOs.

*Friends of Toppenish Creek is dedicated to protecting the rights of rural communities and improving oversight of industrial agriculture. FOTC operates under the simple principle that all people deserve clean air, clean water and protection from abuse that results when profit is favored over people. FOTC works through public education, citizen investigations, research, legislation, special events, and direct action.*

FOTC is not unsympathetic to the concerns expressed by small farmers in comment letters to Ecology. We send this additional information, with the hope that small farmers will agree with us when we say:

*Washington needs to stop large scale pollution of ground and surface waters by CAFOs that house thousands of animals on a few hundred acres. How can you not pollute under these conditions?*

FOTC believes it is increasingly difficult for small operations to survive due in large part to government programs that favor corporate agriculture.<sup>1</sup> This is not the place to elaborate, but we hope you understand this perspective.

In the Yakima Valley the number of dairies has gone from 140 in the 1980s to around 40 today. These are no longer family farms. The surviving dairies are limited liability corporations that have absorbed the smaller operations. One Yakima LLC has acquired about eight family dairies. More recently, a conglomerate of east coast investors headed by notorious polluter, and convicted felon Jack DeCoster<sup>2,3</sup> has purchased two LYV dairy farms.

The EPA has documented that CAFO dairies are polluting groundwater in private wells in the LYV. Over 200 residents there are now being provided purified water by the dairies and their number increases yearly. It is now apparently legal to poison your neighbors drinking water! Large CAFOs in Yakima County pollute the shallow aquifers that people access for drinking water while taking as much pure water from the deeper aquifers as they like to water their cows. People in this area spend about \$1 million per year on bottled water because their well water is unsafe.<sup>4</sup>

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<sup>1</sup> Gurian-Sherman, D. (2008). *CAFOs uncovered: The untold costs of confined animal feeding operations*. Chapter 2 Direct and Indirect Subsidies to CAFOs. Cambridge, MA: Union of Concerned Scientists. Available at <https://www.jstor.org/stable/pdf/resrep00054.8.pdf>

<sup>2</sup> Fassler, J. (2010) *Timeline of Shame: Decades of DeCoster Egg Factory Violations*. The Atlantic. Available at <https://www.theatlantic.com/health/archive/2010/09/timeline-of-shame-decades-of-decocker-egg-factory-violations/63059/>

<sup>3</sup> Findlaw (2016) United States of America, Plaintiff-Appellee v. Austin DeCoster, also known as Jack, Defendant-Appellant. Available at <https://caselaw.findlaw.com/us-8th-circuit/1741165.html>

<sup>4</sup> Friends of Toppenish Creek (2019) Costs Related to Elevated Nitrates in Groundwater. Lower Yakima Valley Groundwater Management. Available at <https://www.yakimacounty.us/DocumentCenter/View/18726/GWMA-MR-Attachment-26-Costs-Related-to-Elevated-Nitrates-in-Groundwater>

If you raise farm animals in the LYV, ask yourself whether your animals suffer from higher than normal reproductive problems. If so, the cause may be excessive nitrates in the water your animals drink.<sup>4,5</sup> Polluted water affects animals as well as people. No one provides bottled water for cattle and horses.

As an example of how Washington government favors large operations over small farmers, we again reference Section GII of the proposed permits – Payment of Fees. Reduced permit fees give large CAFO dairies an unfair advantage in the marketplace.

WAC 173-224 states that fees for Concentrated Animal Feeding Operations are:

Industrial Facility Categories	Number of Animal Units	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee and Beyond
<b>Nondairy CAFOs</b>			
1.	< 200 AU	\$308.00	\$308.00
2.	200 - < 400 AU	\$772.00	\$772.00
3.	400 - < 600 AU	\$1,546.00	\$1,546.00
4.	600 - < 800 AU	\$2,317.00	\$2,317.00
5.	800 AU and greater	\$3,094.00	\$3,094.00
<b>Dairy CAFOs</b>			
		\$.50 per AU	\$.50 per AU
		Not to exceed \$2,076.00	Not to exceed \$2,076.00

According to this schedule a non-dairy CAFO with 800 animal units will pay \$3,094.00 for a permit while a dairy with 800 animal units will pay \$400.00. A dairy with 20,000 animal units will pay \$2,076.00 and so will a dairy with 4,132 animal units. This is wrong.

FOTC believes that one of Ecology’s roles is to gather and analyze accurate data on the quality of Washington waters. We believe that stakeholders, including small farmers and environmentalists (the groups are not mutually exclusive), can best provide input based on accurate information.

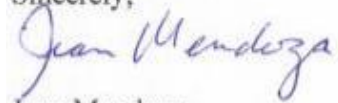
FOTC believes that Ecology has not provided accurate data to the public regarding the amount of pollution from large CAFOs and mega dairies. Consequently, small farmers and the public are vulnerable to fear mongering and assertions that may or may not be true. A well done Environmental Impact Statement that quantifies the impact of CAFOs would go a long way towards making discussions more reality based.

The ultimate bottom line is protection of Washington waters. There is no planet B.

<sup>4</sup> Berg., B. (2019) More than 200 cows in Missouri have died due to nitrate poisoning in the past month. KY3 The Place to Be. Available at <https://www.ky3.com/content/news/Over-200-cows-in-MIssouri-have-died-due-to-nitrate-poisoning-in-the-past-month-506917351.html>

<sup>5</sup> Undersander, D., Combs, D., Shaver, R, Schaefer, D., & Thomas, D. (n.d.) Nitrate Poisoning in Cattle Sheep and Goats. University of Wisconsin. Available at <https://fyi.extension.wisc.edu/forage/files/2016/09/NITRATE-revised.pdf>

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style with a large initial "J" and "M".

Jean Mendoza

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