

# Washington State Legislator

Please see uploaded letter.

State of  
Washington  
House of  
Representatives



August 16, 2022

Chelsea Morris  
Washington State Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

Chelsea:

I was recently contacted by a constituent who was alarmed and upset by the *draft* Concentrated Animal Feeding Operation permit. The source of concern was that a person keeping as little as one livestock animal such as a cow, horse, goat, chicken, or duck, could be charged \$308 for a yearly permit to manage the animal in a manner that the Department of Ecology finds acceptable. With that background in mind, I would like to submit the following comments to support improvement in the *final* permit.

1. This draft General Permit is too vague particularly those who own animals for recreation, hobby, or self-sustenance rather than for a commercial scale livestock operation.
2. This state, with its exceptional agricultural heritage, has a very strong interest in increasing, if not simply maintaining, the number of its residents who participate in the care and keeping of livestock, and increasing their knowledge, enjoyment, and experience with all agricultural activity. The state should not deter folks from learning about that sector of our economy by burdening small farms and hobbyists with regulations. The lack of clarity around these regulations risks having a chilling effect on the future growth and development of industry and the training of the next generation of its workforce.
3. Those who keep livestock on a scale that is far removed from a “concentrated” animal feeding “operation”, i.e., not at commercial scale, should be provided specific, easy-to-follow information about what is expected of them under this General Permit, if anything.
4. Those who qualify as “small CAFOs” should also receive detailed information on the range of circumstances and scenarios that would trigger an evaluation of the significance of their pollution to surface water, and what standards in that evaluation

would trigger the threshold for being subject to a permit requirement. It is important for Ecology to describe transparently in the permit what federal law requires and distinguish that from what state law requires. For example, the federal Clean Water Act may require a permit for a discharge from a “point source” to “waters of the United States”, while state laws such as the Safe Drinking Water Act or Water Pollution Control Act may authorize Ecology to regulate discharges more broadly to any “surface waters” of the state. Wherever possible, citation to specific statutes in the permit and explanation of how those statutes relate to the scope of permit coverage would be helpful because it will inform the public and assuage concerns that Ecology may be attempting to regulate beyond what has been authorized legislatively.

5. Ecology should put in writing what the agency anticipates in terms of additional workload for staff because of this permit, and whether it will need any additional staff resources based on the coverage of permit/expected number of permit applicants. I think this step also would inform the public about whether the agency is intending to sweep more people into the scope of the permit than was previously the case.

Thank you for your consideration of my request.

Representative Andrew Barkis  
Legislative District 2



CC: Denise Clifford, Ecology Government Relations Director (denise.clifford@ecy.wa.gov)  
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