



Legislative Building
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Washington State Senate

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August 17, 2022

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

Dear Chelsea,

We, the undersigned, are writing with concerns after speaking with our constituents about the draft Concentrated Animal Feeding Operation Permit. There is quite a bit of concern that the draft has significantly changed who will be implicated by the permit. Many small livestock owners are concerned that they will now be held responsible to have a manure management plan and comply with other aspects of this permit.

First, we are concerned that the draft General Permit is too vague. It potentially implicates animal owners who are not operating a commercial or industrial animal feeding operation. There is a major difference between a commercial animal feeding operation and a personal scale farm or homestead. It is critical to clarify who is responsible to comply with this permit in order to prevent subjective enforcement actions.

It is unclear under the draft permit language what the definitions of significant contributor and waters of the state are. Perhaps a reiteration of the federal definitions of essential terms like commercial or industrial processors and vegetative space would help as well as a floor of how many animals in what size of space equal the meaning of "confined."

We have also heard concern that the Manure Management Plan must be included with the permit instead of 6 months afterwards as the current permit requires.

We understand that you have drafted this permit language to be responsive to the federal NPDES requirements; however, the permit language is vague and unclear for landowners. Please persist in providing easily searchable, clear explanations of who is required to meet the permit requirements. Additionally, small, medium, and large CAFO's should be clearly delineated to ensure that there is sufficient notice to operators to understand how to comply.

Citation to specific federal and state statutes would help provide clarity and certainty. Our constituents like to do their own research to better advocate for themselves against potential subjective agency action. Understanding that these requirements come from the Clean Water Act, or the state Water

Pollution Control Act will help them understand Ecology's authority to regulate discharges into surface waters of the state.

Finally, our understanding is that Ecology does not anticipate heavily enforcing this permit. We understand that when Ecology is informed of a potential violation, the first response will be to provide technical assistance. It would be useful to see in writing the potential workload for staff because of the permit, what has changed in this draft versus the previous permit, and any potential cost to the agency. This will help our constituents be better informed about what the agency's intent is regarding the scope of the new permit.

Thank you for your consideration of our comments.

Sincerely,



Senator Judy Warnick
13th Legislative District



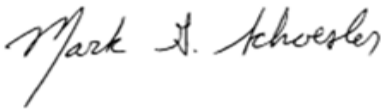
Senator Jim Honeyford
15th Legislative District



Senator Shelly Short
7th Legislative District



Senator Perry Dozier
16th Legislative District



Senator Mark Schoesler
9th Legislative District

CC:
Denise Clifford, Ecology Government Relations Director
Ken Camp, Ecology Legislative Coordinator
