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VIA EMAIL

April 7, 2026

Heather Patt
WA Department of Ecology
P.O. Box 47696
Olympia, WA 98504-7696

Re: Concentrated Animal Feeding Operation General Permit - Early Feedback

Dear Ms. Patt:

The following comments are provided on behalf of the Washington Cattle Feeders Association (WCFA) in response to the Washington Department of Ecology's (Ecology) call for early feedback as it begins work on revisions to the general permit for Concentrated Animal Feeding Operations (CAFOs).

WCFA represents 25 feed yard operators throughout Central and Eastern Washington growing and finishing approximately 500,000 head annually. WCFA and its members have a profound interest in how Ecology regulates cattle feeding operations.

Ecology needs to fundamentally rethink its approach, and not in the ways outlined in its March 5 notice. The existing general permit is unreasonably burdensome, as amply demonstrated by the fact that only four cattle feeding operations have voluntarily obtained coverage under CAFO general permits, and two of those seek to terminate permit coverage. Several of the changes Ecology is considering will make the permit more difficult and expensive to implement and will do little, if anything, to improve groundwater quality.

Failed Policy Approach

For more than a decade, Ecology's approach to regulating groundwater discharges from CAFOs has suffered from two major flaws: (1) drawing assumptions about the diverse range of operations that have been lumped together as "CAFOs" based on limited data regarding dairies, which are just one type of CAFO; and (2) drawing conclusions about contributions of CAFOs to groundwater nitrate concentrations based on narrow data sets from unrepresentative parts of the state.

The underpinnings for Ecology's regulation of CAFO discharges to groundwater are: (a) the widely criticized Environmental Protection Agency report, *Relation Between Nitrate in Water Wells and Potential Sources in the Lower Yakima Valley, Washington* (March 2013 (amended), which focused on a single area with a concentration of dairies, which are just one type of CAFO; (b) Ecology's *Sumas-Blaine Aquifer Long-Term Groundwater Quality Monitoring*, 2009-2016 (Oct. 2017), where the depth to groundwater was less than 10 feet (and often 1 foot) across the studied aquifer; and (c) Ecology's *Washington Nitrate Prioritization Project* (2016), which may charitably be described as a coarse-grained evaluation of Washington Hydrogeology that set priorities based on assumptions about how fast water would move through soils and provides no data on the sources of nitrates affecting groundwater.

Ecology regulates CAFOs because EPA treats them as point sources of surface discharges. The fact that EPA regulates CAFOs does not make them the most significant source of nitrates affecting groundwater. It also does not mean that all types of CAFOs have the same potential to impact groundwater.

Outside of two small regions, Ecology does not have sufficient data to draw any conclusions about how much of the nitrates found in groundwater were released from dairies, which are just one segment of what are considered CAFOs, and has no reliable data on the contributions from other types of CAFOs, including cattle feeding operations. Moreover, the two regions where Ecology has some data are demonstrably not representative of the rest of the state, where other sources of nitrates dominate and the distances to groundwater are much greater.

Many cattle feeding operations are located near crop circles and other irrigated agriculture that applies nitrogen to the soil. Those non-regulated activities are likely to be the primary source of nitrates where most cattle feeding operations are located. To improve groundwater conditions where that is needed, Ecology should start by identifying the significant sources in the relevant watersheds and then tailor its program to those sources.

Ecology needs to fundamentally change, and not expand, its current approach to groundwater monitoring

Groundwater monitoring networks are expensive and the resulting data is difficult to interpret. Typically it is quite hard to differentiate the contribution of one facility from that of surrounding irrigated agriculture and other nitrate-generating activities. While additional monitoring wells may generate data that allows distinctions to be drawn, the cost of collecting that additional data does not put a single dollar toward improving water quality.

In addition, in many parts of the State it takes a significant amount of time for water to migrate from the surface to the water table. As a result, groundwater data also is not representative of what is actually happening on a day-to-day basis at a facility, including

any discharges that are occurring to the ground. Due to the lag between when a discharge occurs and when water reaches the water table, groundwater data cannot tell Ecology the day on which a discharge occurred, which puts that data out of synch with the enforcement mechanisms of the Washington Clean Water Act.

These are just some of the reasons that Ecology should consider adapting the "benchmark" approach of its industrial stormwater permit to its CAFO program. Rather than trying to parse out the contributions of individual facilities to nitrate levels in groundwater, it would be a better use of resources to use groundwater data from any available source, as an indicator as to whether management practices should be reevaluated to determine whether improvements are economically and technologically feasible.

Cattle feeders are not opposed to getting better and improving their operations; they are opposed to costly and senseless requirements that do not result in any benefit. Monitoring is expensive and uncertain and does not actually increase groundwater protection. No additional CAFO operators will voluntarily participate in a groundwater permitting program that imposes even more monitoring costs. Rather than pursuing even more expensive monitoring regimes, Ecology's CAFO Program should assist with developing and evaluating best practices and designs of facilities.

Conclusion

WCFA urges Ecology to step back, consider what it is trying to accomplish through its regulation of groundwater discharges from CAFOs, and rethink its permitting program to advance its objectives in a more cost- effective fashion.

Sincerely,

Svend Brandt-Erichsen
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