



Washington State Dairy Federation

January 30, 2017

Dear Dairy Producers and Associates,

On January 18, Department of Ecology released the final rule on the CAFO Permits.

We have read and re-read both permits and the Small Business Economic Impact Statement.

The main question we are getting from producers is this:

“Am I required to get one of these permits?”

A CAFO is defined as having 200 or more mature dairy cows (milking or not). A Small CAFO is an operation that has fewer than 200 mature dairy cows and has been designated a significant contributor of pollutants to surface or groundwater by Ecology.

**If you are a CAFO or Small CAFO and have a surface water discharge,
you must apply for the combined permit.**

**If you are a CAFO or Small CAFO and have a groundwater discharge,
you must apply for the state groundwater permit.**

**If you have neither a surface water discharge nor a groundwater discharge,
permit application is not mandated.**

The combined permit has a requirement of a 100-foot no-touch buffer *if manure is applied up-gradient* from a watercourse. There is a provision for a 35-foot vegetated buffer or a berm as an alternative to that 100-foot buffer. Other alternatives could be proposed, but would require a public notice and comment period.

Please note that the 100-foot buffer (and alternatives) are triggered by having the combined CAFO permit AND being up-gradient from a watercourse.

The state permit does not contain the requirement for the 100-foot buffers.

There are other differences and similarities between the combined and state-only permits.

Lagoon liners are **not** mandated by the permits.

Groundwater monitoring is **not** mandated by the permits, although groundwater monitoring is one of the adaptive management options if there are three or more consecutive years of more than 45 ppm nitrates from soil testing.

There are some soil testing requirements under both permits, and that testing varies depending on whether there is greater than or less than 25 inches of precipitation per year.

By the time we have the producer meetings, we hope to have a clear comparison between current requirements under the Dairy Nutrient Management Act, the state-only groundwater permit, and the combined federal/state groundwater and surface water permit.

The permit is effective March 4, 2017. Applications may be started at any time.

We will discuss at the producer meetings such topics as:

- Who must apply for a permit?
- What are the reasons to apply and NOT apply for a permit?
- What happens if I don't apply for a permit and Ecology says I must?
- What happens if I don't apply for a permit and someone files a lawsuit?
- What are the differences between the DNMA, state permit, and combined permit?
- More questions and answers as may arise.

While we are preparing to work with the permits as approved, the Washington State Dairy Federation is also considering appealing the permits. A decision by the Board will be made before February 17, the deadline for an appeal. The environmental activists have also indicated that they will appeal the permits.

Legal counsel tells us the permits will be effective during an appeal, so we must continue with both the implementation and appeal pathways at the same time.

Enclosed with this letter is a comparison of the two permits.

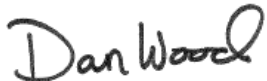
Producer meetings should last no longer than 2 hours. The producer meetings are as follows:

Feb. 13 11:30 am	Sunnyside	Snipes Mountain Brewery Restaurant	(Lunch provided)
Feb. 14 11:30 am	Enumclaw	VFW Hall, 44426 244th Ave SE	(Lunch provided)
Feb. 15 11:30 am	Lynden	Dutch Mother's Restaurant	(Lunch provided)
Feb. 15 6:00 pm	Monroe	Qualco, 18117 203rd St SE	(Pizza Dinner provided)
Feb. 22 1:00 pm	Chehalis	Livestock Market 328 N Hamilton Rd	(Snacks & drinks provided)
Feb. 23 11:30 am	Deer Park	Dunrenton Ranch (Littrell), 8524 W. Dahl Rd.	(Lunch provided)
Feb. 23 6:00 pm	Othello	City Hall, 500 E. Main St.	(Pizza Dinner provided)

It is not required to RSVP for these producer meetings, but it helps us to plan if we have an idea of how many will attend. Please email Dan@wastatedairy.com to let her know which producer meeting(s) you will attend. Feel free to bring as many people from your dairy, and any industry associates, as you want; we only ask that you help us anticipate numbers so we can have enough handouts and food.

Meantime, please also feel free to call Dan Wood or Jay Gordon at the Dairy Federation office if you have any questions.

Thanks,



Dan Wood, Executive Director
Washington State Dairy Federation
PO Box 1768, Elma, WA 98541
360-482-3485
Dan@wastatedairy.com