Comparison of Combined CAFO Permit and State-only CAFO Permit January 2017

Element	Combined Permit	State Groundwater Permit
CAFO Definition	200 mature dairy cows (milked or dry)	
Small CAFO Definition	<200 mature dairy cows (milked or dry) and designated a significant contributor of pollutants by Ecology.	
	This permit does not apply to Indian Country and trust or unrestricted lands	
Who Must Apply	**CAFOs** must apply for a permit if the CAFO has a discharge to surface water or groundwater (p. 7) **Small CAFOs** must apply for a permit if the small CAFO has been designated a significant contributor of pollutants by Ecology. (p. 7)	**CAFOs** must apply for a permit if the CAFO only has a discharge to groundwater (p. 7) **Small CAFOs** must apply for a permit if the small CAFO has been designated by Ecology as a significant contributor of pollutants only to groundwater. (p. 7)
Public Notice & Hearings	Public notice and hearings on the combined permit are required for each permit. Notice is published twice in a newspaper of general circulation in the county, followed by a 30-day comment period. "Ecology will consider any received comments about the applicability of this permit to the operation…" (p 8)	**Existing Operations** Facilities that began operating prior to the issuance date of this general permit are **not** required to publish a public notice. (p 8) **New Operations** Facilities that begin operating after issuance of this general permit must use notice and hearing provisions similar to the combined permit.
Effective Date	Permit is effective 31 days after comment period ends. (note that Ecology may take additional time to issue the permit under certain circumstances)	Permit is effective 31 days following receipt by Ecology of a completed application.
Manure Pollution Prevention Program	Must prevent discharge to surface and groundwater. Provisions relate to roadways, lagoons, field testing and more. (P 13-31)	Similar to MPPP provisions in the combined permit. (p 12-27)
New/Refurbished Lagoons	Lagoons and other liquid storage structures built, expanded or having major refurbishment done after the issuance of the permit must achieve a permeability of 1x10(-6) cm/s without consideration for manure sealing, and there must be a minimum of two feet of separation between the bottom of the lagoon and the water table, including seasonable high water table. (P 13)	Same Provisions
Visual Inspections	Pipes, valves, tile lines, etc. must be regularly inspected. (p 16). Schedule for daily, weekly, or monthly inspections in on p. 31. Inspections must be documented.	Same Provisions
Clean Water Diversion	Clean water may be diverted, instead of being stored in a lagoon (p 16)	Same Provisions
No Direct Animal Contact with Water	"Livestock must not be allowed to come into contact with surface waters or conduits to surface waters." (p 16)	Same Provisions

Chemical handling	Follow product labels (p 16)	Same Provisions
Livestock Mortality Management	"Mortalities must be handled such that they do not pose a threat to surface or groundwater quality." (p 17)	Same Provisions
Manure Sampling & Nutrient Analysis	"Annually prior to beginning land application after T-SUM 200, the Permitee must have all sources of manure, litter, process wastewater and other organic byproducts that will be land applied sampled and analyzed for nutrient content." (p 18) "The Permittee must have all sources…sampled and analyzed at least twice more, spaced evenly throughout the land application season…" (p 18) WSU or University of Idaho guidance is referenced (p 18)	Same Provisions

Soil Sampling & Nutrient Analysis	<u>Spring Soil Sampling</u>: "Each year prior to land application after T-SUM 200, the Permittee must have all land application fields to which they plan to apply manure…sampled and analyzed for nutrient content."
	<u>Fall Soil Sampling:</u> "Fall soil samples must be taken by October 1st, after harvest of annual crops, and before heavy rain begins in the fall or before any irrigation water is used on the field after harvest." (p 18)
	DEPTH of SAMPLES:
	• Areas with 25 Inches or Less of Precipitation
	  ○ Sampling before Oct. 1 requires separate composite samples (0-12 inches & 13-24 inches)
	  ○ Sampling after Oct. 1 requires an additional sample of 25-36 inches (if soil is that deep)
	• Areas with More than 25 Inches of Precipitation
	  ○ Before Oct. 1 requires a composite soil sample of 0-12 inches
	  ○ After Oct. 1 or if the field is at a high or very high risk level requires an additional composite sample at 13-24 inches (p 19)
		<u>Same Provisions</u>

Nutrient Budget	Permittee must use a nutrient budget, using soil and manure sampling data. (p 19) Nutrient budget required contents are on page 20.	Same Provisions

Adaptive Management	Adaptive management is based on soil sampling. Low risk is nitrates less than 15 ppm; Medium is 15-30 ppm; High risk is 31-45 ppm; Very High risk is more than 45 ppm. The adaptive management charts and required actions are on page 24.	Same Provisions
Fall Sample before Double Cropping	"Before land application may take place for a double crop, winter cover crop, or perennial crop the Permittee must have had the soil samples analyzed…" (p 22)	Same Provisions
Emergency Winter Land Application	"Any land application outside of the permit requirements must be due to the need to protect public health and safety (e.g. to prevent lagoon over-topping)." (p 22)	Same Provisions
Groundwater Monitoring	(from the adaptive management chart on page 24): "If fall soil nitrate values are Very High for 3 consecutive years for a land application field stop land application of nutrients to the field and continue the (soil testing and management requirements) until either: • The fall soil nitrate analysis results for the field reach a Medium risk level, or • Groundwater monitoring in the field demonstrates that land application of nutrients is not impacting groundwater quality…" *Note that the groundwater monitoring on this adaptive management chart appears to be an option.*	Same Provisions
100-foot Buffers & Alternatives	"Unless the Permittee exercises one of the compliance alternatives provided for in special conditions S4.M.1 through S4.M.3, manure, litter, process wastewater, or other organic by-products may not be applied closer than **100 feet to any down-gradient** (*emphasis added)* surface waters, open tile line intake structures, sinkholes, agricultural or drinking water well heads, or other conduits to surface or groundwaters." Alternative to the 100-foot buffer are: • 35-foot vegetated buffer • Berm Additional proposed alternatives must go through the notice and hearing provisions that apply to the permit application. (p 25-27)	The provision of the 100-foot buffer and alternatives ***DOES NOT*** appear in the state groundwater permit.
Manure Exports	Export of excess manure must be recorded and include the analysis of the nutrients, amount exported, where it was exported, and when it was exported (p 27)	Same Provisions

Accredited Lab	"All samples must be analyzed by a laboratory registered and accredited for the samples being analyzed under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC." (page 33)	Same Provisions
Record Keeping	Requirements for records of land applications are on page 34	Same Provisions
Existing Lagoon Assessment	"The Permittee must use Washington NRCS Engineering Technical Note 23 (NRCS Assessment Procedure for Existing Waste Storage Ponds) to assess each of their lagoons." "If the assessment results in a risk category of 3A, 3B, 3C, or 4, the Permittee has 6 months to develop a plan to address the deficiencies noted by the assessment and 18 months to begin implementing the plan. The plan must bring the risk category of the lagoon to category 1…" (p 36)	Same Provision
Right of Entry	"The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law: A. To enter upon the premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit; B. To have access to and copy at reasonable times any records that shall be kept under the terms of this permit; C. To inspect at reasonable times any monitoring equipment or method of monitoring required in this permit; D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and E. To sample at reasonable times any discharge of pollutants."	Same Provision
Penalties for Violations	Willful violations of the permit could result in up to $10,000 per day penalties and costs of persecution.	Same Provision