

## Washington State gives the dairy industry special favors.

It appears that, in the eyes of WA State authorities, the dairy industry can do no wrong. In Yakima County the Yakima Dairy Federation is accorded equal status with government agencies on the Lower Yakima Valley Groundwater Management Area Implementation Team. When air pollution levels rise to “hazardous for everyone” dairies are still permitted to spray manure as fertilizer into the ambient air. Dairies are allowed to confine milk cows in pens and barns where they eat and sleep in their own feces.

1. WA Ecology did not increase fees for NPDES permits for dairies between 1998 and 2024 despite a legal requirement to do so. Consequently fees from dairies do not cover the cost of implementing NPDES permits as required by law. (WAC 173-224)
2. WA Dairies get their own version of the WA Clean Water Act – RCW 90.64. Dairies have their own set of regulations and do not have to abide by the same regulations that apply to everyone else.
3. After the legislature transferred implementation of the CWA for dairies to the WA State Dept. of Agriculture in 1998 the number of dairies with NPDES permits plummeted from over 100 to what we have today – 16, four of which are no longer in the dairy business. (WA Ecology Permitting and Reporting Information System (PARIS))
4. Over 90% of WA dairies do not have NPDES permits despite the fact that they discharge to waters of the state. (WA Ecology Permitting and Reporting Information System)
5. Even dairies with NPDES permits pollute WA waters and over apply phosphorous to cropland. They do not install groundwater monitoring wells as required by the permits. (WA Ecology Permitting and Reporting Information System (PARIS))
6. WA dairies are required to have Dairy Nutrient Management Plans but they are not required to follow them. (Washington State Department of Agriculture (2017) Implementation of Nutrient Management Training for Farmers and Nutrient Management Program Review: Report to the Governor and Legislature. Available at [GetPDF](#) )
7. Dairy Nutrient Management Plans are not subject to public records requests.
8. WA Ecology and WSDA promised to conduct inspections of all dairy lagoons in 2017 using NRCS Tech Note 23 guidelines. Then WSDA rejected Tech Note 23. WSDA said they would create an alternative assessment protocol but WSDA has not done so. ([Friends of Toppenish Creek - Issues - Research & Data](#))
9. In 2011 Ecology was supposed to publish a new version of their NPDES permit for dairies. Ecology delayed this action until 2017. Environmental groups challenged the permit before the WA State Pollution Control Hearings Board and then before the WA State Court of Appeals. In 2021 the Court of Appeals ordered changes to the permit. Ecology has made inadequate improvements and environmentalists appealed once

again to the PCHB. After fifteen years we are still waiting for an effective NPDES permit for dairies.

10. In 2021 Ecology designated 16 underserved and overburdened communities. Ecology gerrymandered the borders around the Lower Yakima Valley (LYV) to exclude some of the largest dairies and make it appear that there is less pollution in the LYV OBC than the actual level. ([Improving Air Quality in Overburdened Communities Highly Impacted by Air Pollution: 2023 Report](#))
11. Dairies in Washington State are not required to report emissions of criteria pollutants or greenhouse gasses. Consequently summaries of GHG emissions do not include dairy emissions, and overburdened communities appear relatively unpolluted.
12. Dairies maintain animals in conditions that would be considered animal abuse for other animals.



13. Ecology has known about groundwater pollution from dairies since the 1990's. Finally, in 2021 Ecology began well testing to establish a baseline for water quality in the LYV. (LYV GWMA Initial Monitoring Well Report [Slide 1](#))
14. In 2012 when Ecology organized the LYV Groundwater Management Area the agency invited 22 stakeholders. Dairy interests ended up with enough votes to stop any action contrary to dairy interests. The list of stakeholders included a representative from the Dairy Federation, a rep from the Farm Bureau who was employed by the Dairy

Federation, an agronomist who was employed by the dairies, a community rep who was the wife of a dairyman, a rep from the South Yakima Conservation District who wrote DNMPs for dairies, and a rep from the WSDA who directed GWMA research that favored dairies. Ecology refused requests to invite representatives from the Sierra Club or the Western Environmental Law Center.

15. The current LYV GWMA Implementation Team includes a rep from the Yakima Dairy Federation who is accorded the same status as a rep from a state or local agency. There are no reps from environmental groups or the cities. The public is not allowed to attend Implementation Team meetings.
16. WA Solid Waste Composting Regulations provide special exceptions for dairy composting operations. Inspections of dairy composting operations are rare or non-existent. (WAC 173-350-220)
17. Truck drivers on dairies are not required to have CDL licenses. (RCW 46.25.050)
18. Ecology and WSDA do not adequately follow up on complaints against dairies under the Environmental Report Tracking System (ERTS). ([Friends of Toppenish Creek - Issues - Research & Data](#))
19. Ecology has submitted and approved a revision to WAC 173-424 that creates a new revenue stream for dairies through which they can sell the greenhouse gasses they generate. (WAC 173-424-610(16))
20. There is no regulation of air emissions from dairies in Washington State despite the fact that dairies are the major sources in some communities.
21. Dairies in Yakima County are allowed to spray manure onto cropland during burn bans and inversions, even when the air is hazardous to breathe. (Yakima Regional Clean Air Agency, 2019)
22. Calf feeding operations in Yakima County have expanded beyond their conditional use permits and continue to do so, despite citizen complaints. ([Friends of Toppenish Creek - Protecting the rights of rural communities and improving oversight of industrial agriculture](#) Homepage, Fryslan Calf Ranch)
23. Even when fines are levied on WA dairies, the fine monies do not bring reparations to the people who are impacted. Instead those monies go to a fund for dairy education. (RCW 90.64.150)
24. “greenhouse gas emissions from the dairy sector are not currently subject to any regulatory limits or caps under state climate laws and programs” (WA Ecology Concise Explanatory Statement re WAC 173-424, Page 52)
25. RCW 70A.205.290 exempts manure bio-digesters from the regulations that apply to other anaerobic bio-digesters.