
WA CAFO Permit Fact Sheet

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CAFO Fact Sheet 21: WA Dept. of Ecology again ordered to rewrite industrial dairy permits to better safeguard public health, waterways, aquifers, ecosystems

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[WA Dept. of Ecology again ordered to rewrite industrial dairy permits to better safeguard public health, waterways, aquifers, ecosystems - Western Environmental Law Center](#)

Yesterday, in response to a [challenge](#) from community and conservation groups, the Washington State Pollution Control Hearings Board [ordered](#) the Department of Ecology to rewrite pollution discharge permits for concentrated animal feeding operations (CAFOs) to better protect water resources and public health. Earlier, a unanimous 2021 Washington Court of Appeals [decision](#) required the Department of Ecology to rewrite these permits because they violated state and federal law. Despite that court order detailing ways to bring these permits into compliance with the law, the department carried forward permit provisions that failed to control the discharge of excess nutrients, bacteria, and other pollutants from these factory farms. Ecology is now, once again, ordered to fix these deficiencies. Practices and technologies to control this pollution are available and affordable, and Ecology should require their use to protect Washington residents' health and the environment.

“The law is clear: Ecology’s permits must protect Washington’s waters, wildlife, and communities,” **said Andrew Hawley, senior attorney with the Western Environmental Law Center.** “Despite winning our previous case unanimously, Ecology forced us to return to the courtroom to defend our communities from an

agency that continues to shirk its legal duty to protect public health and the environment. We hope the third time will be the charm with the department.”

Lawful and protective permits are necessary to safeguard drinking water from nitrate pollution, to protect shellfish beds from pathogenic bacteria, and to ensure public health in the context of a changing climate. In its 2021 ruling, the Washington Court of Appeals made clear that Ecology must issue concentrated animal feeding operation (CAFO) permits that prevent further contamination of Washington’s waters and address the realities of the climate crisis. The agency had failed to do so with its new permits.

The Board ordered Ecology to:

- Require that the public be allowed to review and comment on each CAFO’s individual pollution control plan, to ensure it meets the requirements under the permit,
- Ensure that each such plan is based on a site-specific study of how pollutants may escape from each field where manure will be applied,
- Require groundwater monitoring for every facility covered under the permits, and
- Set a standard that will ensure the areas in a CAFO where manure is stored will not leach pollution into groundwater.
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“We are pleased that the agency and Board recognize the failure of the last permit to ensure that mega-sized factory dairies do not pollute our water,,” **said Amy van Saun, senior attorney, Center for Food Safety.** “Especially given the federal situation, we now look to our state regulators to protect the most vulnerable communities and we will continue to hold Ecology accountable to preserve all peoples’ right to clean water.”

“The people of the Lower Yakima Valley have been suffering for decades, with 60% of their water wells within a mile of a main cluster of Yakima County CAFO dairies,” **said Margie Van Cleve, of the Sierra Club.** “It is long past time for Ecology to stand up to the state’s factory farming industry and take responsibility for protecting the people from this rampant pollution.”

“From industrial facilities and cities, to construction sites, sewage treatment plants, and military bases, state and federal laws govern how water pollution is mitigated, monitored, and managed; CAFOs are no different,” **said Sean Dixon, executive director of Puget Soundkeeper.** “In a host of vital areas, these permits failed to meet baseline legal requirements. Now is well past time for Ecology to make the

improvements needed to address the public health and environmental crises burdening watersheds and families across the state.”

“Federal and state law mandate that a CAFO demonstrate how the facility will meet legal requirements designed to protect water quality before it can obtain a permit,” said **Kelly Hunter Foster, Waterkeeper Alliance senior attorney**. “Ecology must end their continued practice of allowing CAFOs to obtain permits without demonstrating that the facilities can, and will, meet all mandatory legal requirements.”

“The Friends of Toppenish Creek are encouraged by the PCHB ruling because unregulated CAFOs have done so much environmental damage in the Lower Yakima Valley. We hope that this decision will make a difference. We recall statements by many great lawmakers that enforcement is what really matters,” said **Jean Mendoza of Friends of Toppenish Creek**.

“Once again, a court concludes CAFO oversight and permitting in Washington is woefully lacking, leaving these hazardous operations unmonitored and unaccountable,” said **Food & Water Watch Staff Attorney Tyler Lobdell**. “Ecology must do its job to protect the people of Washington from this industry by issuing rigorous and effective permits.”

“Communities have long been at the mercy of permits that failed to protect them against bacteria and other pollutants being discharged from factory farms,” said **Dan Snyder, director, Environmental Enforcement Project at Public Justice**. “It’s high time that public health be prioritized so that both the community and the surrounding environment no longer have to suffer the consequences of permits that never intended to protect them, let alone meet legal requirements.”

The groups are represented by attorneys at the Western Environmental Law Center and Public Justice. The Center for Food Safety represented itself.

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We hope this information is enlightening and explains why environmental groups continue to pressure Ecology to protect the environment more aggressively from CAFO harms.

Thank you for reading.

Friends of Toppenish Creek

You have received this Fact Sheet because you are on a list of potentially interested parties. If you do not want to receive further information, please contact Jean Mendoza at jeanrmendoza@icloud.com