



Friends of Toppenish Creek

May 2, 2022

Washington State Board of Health
PO Box 47990
Olympia, WA 98504-7990

Dear WA State BOH,

We are the Friends of Toppenish Creek from Yakima County.

Friends of Toppenish Creek is dedicated to protecting the rights of rural communities and improving oversight of industrial agriculture. FOTC operates under the simple principle that all people deserve clean air, clean water and protection from abuse that results when profit is favored over people. FOTC works through public education, citizen investigations, research, legislation, special events, and direct action.

Regarding the draft rule WAC 246-203-130, please consider this strong objection. As written WAC 246-203-130 allows a CAFO dairy in Washington state to build a million gallon manure lagoon right next to a neighbor's home or well without consequences. Here is an explanation of how the draft rule condones such an assault on human health:

Draft WAC 246-203-130, section 3 says:

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(d) Handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

- (A) One hundred feet or more from a drinking water well;
- (B) Two hundred feet or more from a public drinking water spring;
- (C) Outside the sanitary control area of a public drinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;
- (D) One hundred feet or more from a surface water body unless:
 - (I) The surface water body is upgradient or is protected by a levee or other physical barrier; or
 - (II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and
- (E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

This appears to create strong protections for public health.

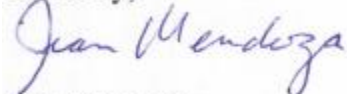
But look closer – **there is a huge loophole in the proposed rule.**

WAC 246-203-130, section 2 (j) says: "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. Stockpiling does not include active composting or lagoon storage of domestic animal waste from livestock.

This more than wrong. This is a gift to the powerful interests that inflict morbidity and mortality on WA citizens by managing manure in ways that place profit above human health.

Unless the BOH can prove that a million gallon manure lagoon next to a family home does not damage the family's health, unless the BOH can prove that tossing manure into the ambient air to compost it does not damage the health of entire neighborhoods, then this loophole must, in all good conscience, be closed.

Sincerely,



Jean Mendoza

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