UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF THE
REGIONAL ADMINISTRATOR

Ted Sturdevant
Director
Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98503

Dan Newhouse
Director
Department of Agriculture
1111 Washington St SE
Olympia, WA 98504

RE: Animal Feeding Operations and Nitrate

Dear Mr. Sturdevant and Mr. Newhouse:

I understand that your agencies are working on proposals to modify the requirements for livestock operations and would like EPA's perspectives regarding protection of groundwater which is used as a source of drinking water. Our primary goal in this regard is to reduce risk to human health from nitrate contamination in underground sources of drinking water. We believe there are three main areas that the current requirements, as we understand them, could be significantly improved

First, the state should prohibit in most instances the construction of large manure lagoons over aquifers that serve as a source of drinking water. Where there are no feasible alternatives to the construction of such lagoons, the state should prescribe requirements for liner design, construction, review and certification that will prevent groundwater contamination. Existing NRCS practice standards provide a good general starting point, but more specificity is needed to assure that drinking water is protected. Existing large manure lagoons that are located over drinking water aquifers should be assessed to determine if they are discharging to groundwater and brought up to new standards if needed. My staff can provide more detail on programs from other states that could be looked to as a model.

Second, the state should require that large livestock operations take additional steps to ensure that manure application fields are not a source of nitrate to the groundwater. It is our understanding that the application of manure that has been transferred to a third party is currently not regulated. All parties applying manure, including third parties, should implement annual nutrient management plans based on current, annual soil tests, and application rates should be limited to agronomic rates. Irrigation water management practices should also be prescribed that will prevent downward migration of nitrates.

Third, the state should impose groundwater monitoring requirements on large livestock operations that are potential significant sources of nitrates to a drinking water aquifer. The specific monitoring system should be designed by a licensed hydrogeologist and include both upgradient and downgradient monitoring. Where nitrate contamination is detected by the monitoring system, the state should require the facility to take additional steps to address the sources.

As stated above, my technical staff can provide more details if needed. Please contact Tom Eaton of my staff for next steps and if you have questions. He can be reached at (360) 753-8086. Additionally, EPA believes that safe drinking water and a healthy agricultural economy are complementary goals that can both be achieved. If you have any questions or concerns regarding this letter, please call me at (206) 553-1234.

Sincerely,

DRAFT

Dennis J. McLerran
Regional Administrator

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