2014 Proposed Resolution No. Habitat – 2
Submitted by: Arkansas Wildlife Federation

Large Concentrated Animal Feeding Operations in Special Resource Waters

WHEREAS, large concentrated animal feeding operations ("CAFOs") confine large numbers of livestock (e.g., 1,000 or more cattle, 2,500 or more hogs weighing over 55 pounds, 55,000 or more turkeys) along with their feed, manure, and urine, on a much smaller land area than traditional pasture operations; and

WHEREAS, manure production from CAFOs can range between 2,800 tons and 1.6 million tons a year and large farms can produce more waste than some U.S. cities —a feeding operation with 800,000 pigs could produce over 1.6 million tons of waste a year. That amount is one and a half times more than the annual sanitary waste produced by the city of Philadelphia, Pennsylvania; and

WHEREAS, manure and wastewater from CAFOs can contribute excess nitrogen, phosphorous, sediment, and pathogens to nearby waters, contributing to low dissolved oxygen, fish kills, toxic algal blooms, and contaminated drinking water supplies; and

WHEREAS, the increased clustering and growth of CAFOs has led to the excess production of manure and problems with storage or manure management that can affect ground and surface water quality; and

WHEREAS, nationwide, approximately 17,300 CAFOs operate, with an estimated 6,861 of these located in the Mississippi River Basin states. About 45% of these have been permitted by state water quality agencies or by the Environmental Protection Agency through Clean Water Act "NPDES" permits; and

WHEREAS, an estimated 37% of the phosphorus load delivered to the Gulf of Mexico originates from non-recoverable manure in the Mississippi Basin, including manure lost during the collection, storage, and treatment of wastes from concentrated animal feeding operations; and

WHEREAS, manure is the source of about half of the nutrient loading from agriculture to the Chesapeake Bay Watershed, and agriculture is the single largest contributor of nitrogen, phosphorus, and sediment pollution to the watershed; and

WHEREAS, groundwater can be contaminated by CAFOs through runoff from land application of manure, leaching from manure that has been improperly spread on land, or through leaks or breaks in storage or containment units. The EPA's 2000 National Water Quality Inventory found that 29 states specifically identified animal feeding operations, not just concentrated animal feeding operations, as contributing to water quality impairment; and

WHEREAS, states with high concentrations of CAFOs experience on average 20 to 30 serious water quality problems per year as a result of manure management problems; and

WHEREAS, states are permitting large CAFOs even in high risk and special resource waters, such as: 1) near a major tributary to the Buffalo River in Arkansas, the country's first national river, a "water-based national park unit" listed on the National Park Service's Nationwide Rivers Inventory, and a state blue ribbon ~~trout~~ SMALLMOUTH BASS stream located in the Ozarks' karst terrain that is prone to groundwater contamination; and 2) near trout streams in northeast Iowa's "driftless area," with its limestone geology prone to groundwater contamination; and

WHEREAS, states are issuing water quality permits for some CAFOs without careful scrutiny and binding conditions that ensure they will not: 1) harm rivers listed on the National

Park Service's Nationwide Rivers Inventory for their potential as wild, scenic, or recreational river areas; or 2) contribute to the degradation of their highest quality "outstanding national resource waters;" and

WHEREAS, the U.S. Department of Agriculture's Farm Service Agency and the U.S. Small Business Administration are subsidizing these new and expanding CAFOs with federal taxpayer funds by granting million dollar loan guarantees for their construction and operation without careful scrutiny and binding conditions that ensure these CAFOs will not: 1) harm rivers listed on the National Park Service's Nationwide Rivers Inventory for their potential as wild, scenic, or recreational river areas; or 2) contribute to the degradation of their highest quality "outstanding national resource waters;"

NOW, THEREFORE, BE IT RESOLVED that the National Wildlife Federation, at its annual meeting convened May 1-3, 2014 in Baltimore, Maryland, declares that it is the policy of the National Wildlife Federation that large CAFOs, as defined by federal regulations, should not be permitted, or subsidized through federal loan guarantee assistance, in the watershed of any river listed in the National Park Service's Nationwide Rivers Inventory *unless* the National Park Service, after public notice and comment, determines in writing that the Large CAFO, with specific and binding measures avoiding and mitigating potential adverse effects on the river and its tributaries, WILL NOT have an adverse effect on a river segment included in the Nationwide Rivers Inventory; and

BE IT FURTHER RESOLVED that National Wildlife Federation declares that it is the policy of the National Wildlife Federation that large CAFOs, as defined by federal regulations, should not be permitted, or subsidized through federal loan guarantee assistance, in the

63 watershed of any river designated by any state as an outstanding national resource water (or
64 similar exceptional water designation) subject to the state's anti-degradation policy, *unless* the
65 state's water quality permitting agency, after public notice and comment, determines in writing
66 that the Large CAFO, with specific and binding measures avoiding and mitigating potential
67 adverse effects on the river and its tributaries, WILL NOT contribute to impairment of a water
68 quality standard or a failure to meet the state's anti-degradation requirements for that river.

Affiliate Commentary

The Buffalo River flows through the heart of the Ozarks in northwestern Arkansas, from the Boston Mountains in the west to the White River in the east. It is a special place with tall bluffs, numerous waterfalls, lazy pools and rushing rapids, and located in a remote unspoiled area. In fact, the entire river is such a special place that in 1972, Congress designated it as America's first national river. Across the nation there are more than 3,400 free-flowing river segments that are recognized as "outstandingly remarkable" because they have natural or cultural values of significance to our nation. Under the Wild and Scenic Rivers Act, the National Park Service maintains the Nationwide Rivers Inventory (NRI), a national listing of river segments that are free flowing and have one or more outstandingly remarkable values. [1] As magnets for tourism and outdoor recreation, rivers such as the Buffalo provide additional dollars to their area's economy and support many area jobs.

However, a large Confined Animal Feeding Operation (CAFO) has been built in the Buffalo River watershed where 6,500 pigs are housed generating more than 2 million gallons of waste each year. The waste is collected in shallow pits which drain to a settling basin and then to a holding pond with a capacity to hold almost 2 million gallons of waste. This waste is applied to 17 fields adjacent to or in close proximity to Big Creek, a major tributary to the Buffalo River. At full capacity, the 6,500 hogs could produce as much excrement as a town of 35,000 people. The waste management plan for this large CAFO has been compared to a town of 35,000 people without a sewage treatment plant. The effects of runoff to rivers from CAFO waste application sites are far reaching. The added nutrients from CAFOs can create harmful algal blooms, fish kills, smell, and potential health risks to humans and wildlife.

The capacity of businesses to circumvent existing environmental laws to install CAFOs in high risk areas should be stopped. Large CAFOs permitted, or subsidized through federal loan guarantee assistance in the watershed of any river listed in the National Park Service's Nationwide Rivers Inventory should be held to higher scrutiny and special conditions.

The Arkansas Wildlife Federation urges the adoption of the Large Concentrated Animal Feeding Operations in Special Resource Waters resolution. It may be too late to protect the Buffalo River from harmful runoff from a large CAFO but other "outstandingly remarkable" rivers will benefit. Hopefully, this resolution will create policy that will help enforce laws already in place - making it difficult to receive permits and federal funding (taxpayer dollars) to fund big business to

pollute our most precious streams. By the way, it usually takes taxpayer dollars to clean up the pollution too, not big business dollars.

NWF Staff Commentary

NWF supports passage of the resolution entitled "Large Concentrated Animal Feeding Operations in Special Resource Waters" submitted by the Arkansas Wildlife Federation. This resolution is consistent with and provides important reinforcement of existing resolutions and current NWF policy regarding the regulation of animal waste and to reduce nutrient pollution in order to reduce nutrient-induced hypoxia and harmful algal blooms and to otherwise maintain and restore the Gulf of Mexico, the Chesapeake Bay, and all of the nation's waters.

Large concentrated animal feeding operations ("CAFOs") confine large numbers of livestock (e.g., 1,000 or more cattle, 2,500 or more hogs weighing over 55 pounds, 55,000 or more turkeys) along with their feed, manure, and urine, on a much smaller land area than traditional pasture operations. Manure production from CAFOs can range between 2,800 tons and 1.6 million tons a year. Large CAFOs can produce more waste than some U.S. cities —a feeding operation with 800,000 pigs could produce over 1.6 million tons of waste a year. That amount is one and a half times more than the annual sanitary waste produced by the city of Philadelphia, Pennsylvania.

Manure and wastewater from CAFOs can contribute excess nitrogen, phosphorous, sediment, and pathogens to nearby waters, contributing to low dissolved oxygen, fish kills, toxic algal blooms, and contaminated drinking water supplies. The increased clustering and growth of CAFOs has led to the excess production of manure and problems with storage or manure management that can affect ground and surface water quality.

Nationwide, approximately 17,300 CAFOs operate, with an estimated 6,861 of these located in the Mississippi River Basin states. About 45% of these have been permitted by state water quality agencies or by the Environmental Protection Agency through Clean Water Act "NPDES" permits. An estimated 37% of the phosphorus load delivered to the Gulf of Mexico originates from non-recoverable manure in the Mississippi Basin, including manure lost during the collection, storage, and treatment of wastes from concentrated animal feeding operations. Manure is the source of about half of the nutrient loading from agriculture to the Chesapeake Bay Watershed, and agriculture is the single largest contributor of nitrogen, phosphorus, and sediment pollution to the watershed.

Groundwater, as well as surface water, can be contaminated by CAFOs through runoff from land application of manure, leaching from manure that has been improperly spread on land, or through leaks or breaks in storage or containment units. The EPA's 2000 National Water Quality Inventory found that 29 states specifically identified animal feeding operations, not just concentrated animal feeding operations, as contributing to water quality impairment. States with

high concentrations of CAFOs experience on average 20 to 30 serious water quality problems per year as a result of manure management problems.

Despite these public health and ecological risks, and despite state and federal water quality standards, states are permitting large CAFOs even in high risk and special resource waters, such as: 1) near a major tributary to the Buffalo River in Arkansas, the country's first national river, a "water-based national park unit" listed on the National Park Service's Nationwide Rivers Inventory, and a state blue ribbon trout stream located in the Ozarks' karst terrain that is prone to groundwater contamination; and 2) near trout streams in northeast Iowa's "driftless area," with its limestone geology prone to groundwater contamination. States are issuing water quality permits for some CAFOs without careful scrutiny and binding conditions that ensure they will not: 1) harm rivers listed on the National Park Service's Nationwide Rivers Inventory for their potential as wild, scenic, or recreational river areas; or 2) contribute to the degradation of their highest quality "outstanding national resource waters."

In the Buffalo River watershed, at least, the U.S. Department of Agriculture's Farm Service Agency and the U.S. Small Business Administration are subsidizing new and expanding CAFOs with federal taxpayer funds by granting million dollar loan guarantees for their construction and operation without careful scrutiny and binding conditions that ensure these CAFOs will not: 1) harm rivers listed on the National Park Service's Nationwide Rivers Inventory for their potential as wild, scenic, or recreational river areas; or 2) contribute to the degradation of our highest quality "outstanding national resource waters."

This resolution declares as NWF policy that Large CAFOs, as defined by federal regulations, should not be permitted, or subsidized through federal loan guarantee assistance, in the watershed of any river listed in the National Park Service's Nationwide Rivers Inventory *unless* the National Park Service, as the resource agency administering the National Rivers Inventory, *after public notice and comment, determines in writing* that the Large CAFO, with specific and binding measures avoiding and mitigating potential adverse effects on the river and its tributaries, *will not* have an adverse effect on a river segment included in the Nationwide Rivers Inventory.

This resolution also states as NWF policy that Large CAFOs should not be permitted, or subsidized through federal loan guarantee assistance, in the watershed of any river designated by any state as an outstanding national resource water (or similar exceptional water designation) subject to the state's antidegradation policy, *unless* the state's water quality permitting agency, *after public notice and comment, determines in writing* that the Large CAFO, with specific and binding measures avoiding and mitigating potential adverse effects on the river and its tributaries, *will not* contribute to impairment of a water quality standard or a failure to meet the state's antidegradation requirements for that river.

It is our view from the Buffalo River example, our brief literature review, and our consultation with advisors familiar with CAFO permitting in the Mississippi Basin that Large CAFOs almost invariably pollute streams and lakes via storm run-off and/or subsurface groundwater pollution. Consequently, it should be difficult to impossible to *prove* that any Large CAFO located in close proximity to a major tributary of an outstanding resource river will not harm that river when its potential impacts are fully considered, both individually and cumulatively. Therefore our policy, if fully implemented, should effectively prohibit Large CAFOs in these extraordinary waters.

However, state permitting agencies almost invariably issue permits for these Large CAFOs, often ignoring or discounting these potential individual and cumulative impacts. Given the apparent pressure to short cut environmental review, discount pollution risks, and issue permits that threaten outstanding waters, we have received some advice that an outright prohibition of Large CAFOs in close proximity to these special waters is probably warranted, appropriate, and would better protect these waters. We understand that Missouri has an outright prohibition on CAFOs in drinking water supply watersheds and that a similar prohibition for special resource waters might be appropriate.

This NWF statement of policy is intended to make it extremely difficult to site Large CAFOs in a National River or outstanding national water resource in order to ensure their protection from CAFO pollution. In light of the underlying pressures to permit Large CAFOs even in these special waters, we consider advocacy for the prohibition of Large CAFOs in such waters to be consistent with the policy set forth in this resolution.

NWF has numerous resolutions supporting nutrient pollution reduction, e.g., Agriculture Tile Drainage (2012), Gulf Coast Restoration (2011), National Farm Bill Legislation Initiative (2002-07), Farm Safety Net (2000-15). However, NWF has only one existing resolution addressing animal feeding operations: Federal Animal Waste Regulation (1997-09). This resolution calls for stronger Clean Water Act permitting standards and enforcement such that "siting, construction, and monitoring of systems protect wetlands, surface and ground water."

As this new resolution notes, while CWA NPDES permits are now required, they are not being conditioned, monitored, or enforced in a manner that effectively protects our waters. This resolution is fully consistent with our 1997 resolution, but takes a different tact, shining a light on the threat of CAFOs to our highest quality streams, and declaring a policy to prohibit Large CAFOs in the watersheds of our outstanding national resource rivers *unless and until* the responsible resource agencies can *prove* that the Large CAFO WILL NOT have an adverse effect on any part of one of these exceptional river systems.

NWF Staff Recommendation

NWF staff recommends this resolution be adopted as submitted.