

Clean Water Advocates Petition for Better Controls on Virginia Factory Farm Pollution

Virginia has more than 100 large chicken and hog factory farm operations, but not one has a required federal Clean Water Act water pollution control permit that would reduce runoff into the Chesapeake Bay.

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The Environmental Integrity Project, the Assateague Coastal Trust, Virginia Eastern Shorekeeper, Potomac Riverkeeper, Shenandoah Riverkeeper, and Waterkeepers Chesapeake petitioned the U.S. Environmental Protection Agency (EPA) yesterday to assume control over Virginia's water pollution control program because of the Commonwealth's failure to develop and implement a Clean Water Act permitting program for factory farms.

These large livestock enterprises often have thousands of chickens and hogs packed into what are called Confined Animal Feeding Operations (CAFOs). CAFOs produce hundreds of millions of pounds of manure that contribute significant amounts of nutrient runoff to the Chesapeake Bay and its tributaries. In turn, the manure runoff causes dangerous algae blooms and creates dead zones in which aquatic life cannot survive.

"To restore the health of the Bay, EPA needs to enforce Clean Water Act requirements – on the books since 1972 – that require permits and pollution controls for big animal feeding operations," said Eric V. Schaeffer, Executive Director of the Environmental Integrity Project.

Agriculture is the single largest source of nitrogen, phosphorus, and sediment pollution in the Chesapeake Bay, according to EPA. In Virginia, farms contribute 15 million pounds per year of nitrogen pollution in the Bay, and 2 million pounds of phosphorus – with much of this problem coming from poultry operations on the Eastern Shore and in the Shenandoah Valley. As of 2010, Virginia had approximately 898 animal feeding operations in the Chesapeake Bay watershed, 116 of which were large CAFOs, according to EPA.

The federal Clean Water Act requires that states issue water pollution control permits to all CAFOs that discharge pollution, but Virginia has not met this requirement. Unlike Maryland, which has issued CAFO permits to most of its factory farms, Virginia has yet to issue a single federal permit. Additionally, the permitting program that Virginia has proposed would allow the state to issue CAFO permits without state regulators or the public being able to review the full federally required nutrient management plans.

“Why would Virginia even permit the operations if they don’t even require the most important element for protecting the rivers and Bay—the nutrient management plan?” asks Jeff Kelble, Shenandoah Riverkeeper. “Furthermore, by not requiring the (full) nutrient management plans to be part of the permits, Virginia is depriving citizens of their basic right given to them by Congress under the Clean Water Act to know and comment on pollution that could affect their water.”

Kathy Phillips, Executive Director of the Assateague Coastal Trust, said: “From 2008 -2013 Accomack County, VA, on the Eastern Shore, approved a total of seven new poultry houses. However in just the first 7 months of 2014, a total of 32 new industrial sized poultry houses are planned, many of them sited in flood plains and close to waterways that drain to the Chesapeake Bay. It is unsettling to see such a massive expansion of industrial factory poultry operations with discharges that are not adequately monitored through a proper Clean Water Act permitting program.”

Betsy Nicholas, Executive Director of Waterkeepers Chesapeake, said: “Agriculture remains the single largest pollution source in the Chesapeake Bay. And we need to have our state agencies requiring controls on this sector if we are ever to achieve our goals of having drinkable, swimmable, fishable waterways.”

The CAFO permitting program, and nutrient management plans required pursuant to it, is essential to Chesapeake Bay restoration goals because these permits reduce manure runoff. The nutrient management plans require, among other things, that farms implement precise on-site controls to keep manure and other pollutants out of waterways. Because Virginia has failed to meet this obligation under the federal Clean Water Act, EIP and the Waterkeeper organizations petitioned EPA to withdraw its approval of Virginia’s water pollution control program and assume control over administration and enforcement.

Under the federal Clean Water Act, permits issued to CAFOs that discharge pollution must include practices to reduce the runoff of manure into Chesapeake Bay tributaries. These practices include:

- 1) Adequate storage of manure, litter, and wastewater so that it won’t pollute nearby waterways;
- 2) Proper management of dead animals;
- 3) Preventing cows, pigs, and other animals from standing in streams, so they won’t defecate into the waterways.
- 4) Proper disposal of chemicals and other contaminants;
- 5) Appropriate site-specific conservation practices to control pollutant runoff, including vegetated buffer strips along streams;

- 6) Proper testing of manure, litter, process wastewater, and soil;
- 7) Protocols for land application of manure in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure; and
- 8) Recordkeeping to document the implementation and management of these pollution control practices.

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