

## Promises Broken: CAFOs in Indiana

### A Special Report by the Hoosier Chapter of Sierra Club

In May 2005, Indiana Governor Daniels announced a strategy to double pork production in the state by “adopting breakthrough technologies in environmental and animal welfare management.”<sup>1</sup> One year later, Indiana took a major step towards achieving that goal.

But it was hardly a breakthrough technology. It was good, old-fashioned politics. The breakthrough technology was a three-year suspension of key water pollution permitting requirement for the largest of the factory farms – factory farms known as concentrated animal feeding operations (CAFOs). On May 10, 2006, the Indiana Water Pollution Control Board decided to modify the wastewater discharge permitting rules designed to protect waters of Indiana from manure runoff.<sup>2</sup> The suspension lasts three years.

The Board and the Indiana Department of Environmental Management (IDEM) decided to extend the compliance deadlines because the U.S. Environmental Protection Agency (EPA) lost a case at the federal level that called into question EPA rules for CAFOs. IDEM saw EPA’s setback as an excuse to keep Indiana farms “competitive” by lowering the standards for environmental protection to levels unacceptable to any seasoned farmer who cares about the land.

Indiana adopted its rules in response to an order by the Federal District Court for Southern Indiana. On September 17, 2002, Judge Sarah Evans Barker ruled that Indiana’s Confined Feeding Operations rules did not comply with the Clean Water Act.<sup>3</sup> The judge ordered EPA to withdraw Indiana’s authority to issue wastewater discharge permits if Indiana did not adopt a rule consistent with the Clean Water Act. After 15 months of intense negotiations among stakeholders that resulted in a consensus rule, Indiana adopted a CAFO rule that was effective in March 2004. The rules address large animal feeding operations. Smaller operations were regulated – and continue to be regulated – by the existing, less stringent Confined Feeding Operations rule. There are no Indiana rules regarding odor emissions from animal feeding operations. Legislation to require odor control has been rebuffed by the Indiana General Assembly in recent years.

The Water Pollution Control Board’s suspension of the permit compliance deadlines comes at a critical stage. CAFOs were beginning to implement Soil Conservation Practice Plans (SCPP). 299 CAFOs with a National Pollutant Discharge Elimination System Permit were required to complete the SCPPs by December 31, 2005 and implement the plan by December 31, 2006. The SCPPs are grounded on sound agricultural practices generally recognized as prudent and practical. An SCPP consists of five mandatory and three optional elements that include a map of the soil where manure would be applied, a description of the soil, the slope of land at application sites, identification of practices to reduce erosion and control runoff, and identification of methods to minimize nutrient leaching. Certainly not breakthrough technology but apparently too much for a state seeking to double pork production without regard for the quality of our waters or rural areas.

---

<sup>1</sup> Indiana State Department of Agriculture, 2005 Annual Report, [www.in.gov/isda/pdf/05annual%20report042506final.pdf](http://www.in.gov/isda/pdf/05annual%20report042506final.pdf)

<sup>2</sup> See [www.in.gov/idem/rules/packets/water/may/index.html](http://www.in.gov/idem/rules/packets/water/may/index.html). The permits are called National Pollutant Discharge Elimination System (NPDES) permits.

<sup>3</sup> *Save the Valley, Inc. v. United States Environmental Protection Agency*, S.D. Ind., Cause No. IP 99-0058-C-B/G.

## Promises Broken: CAFOs in Indiana A Special Report by the Hoosier Chapter of Sierra Club

Fifty-eight CAFOs took advantage of Indiana Department of Environmental Management's last minute waiver of the deadlines. In a two-page annual report due February 15, 2006, they made it clear that they would take advantage of IDEM waiver. **In contrast, 119 CAFOs said that they had completed the SSCP by the deadline.** 67 CAFOs acknowledged that they were late on the plans but were working to complete it as soon as possible. Thanks to Indiana's leadership, the soil conservation gains promised by these plans will be lost as sediment and pollution in our streams.

Adding insult to injury, new CAFOs play it both ways. Corporations seeking to locate new CAFOs in rural communities across the state are claiming that they can be trusted in the community because they must comply with stringent wastewater permitting requirements – fully aware that the state was preparing to suspend the compliance requirements. These CAFOs are being duplicitous and IDEM is complicit in misleading the public.

The Hoosier Chapter of the Sierra Club believes that Indiana's suspension of the deadline was wrong. The CAFO operators signed a permit in 2004. They made a promise to the people of Indiana. They are now renegeing on that promise. It is not wrong for Indiana to be more stringent than the federal government. In this situation, it is only fair.

Beyond the Soil Conservation Practice Plans, the Hoosier Chapter of the Sierra Club evaluated the Annual Reports for 2005 that the CAFO operators were required to submit by February 15, 2006. The Chapter found the following:

- 3 CAFOs failed to submit any report. They are:
  - Hoosier Park in Madison County
  - Dirks Farm in Orange County
  - Buening Family Hog Farm in Rush County
- 16 CAFOs submitted their annual report more than five days late.
- Of the 296 facilities that submitted a required report.
  - 201 reports had some form of error
  - 368 distinct errors were identified
- Their errors included the following:
  - 95 did not identify the hauler of manure they transferred offsite
  - 63 did not identify the waterbody that would be impacted by a discharge
  - 23 reported a discharge to waters of the state in 2005
  - 14 of the 23 with a discharge did not fully explain discharge as required by law
  - 9 failed to report the amount of manure generated
  - 8 reported applying manure to more acres than they owned

Promises Broken: CAFOs in Indiana  
A Special Report by the Hoosier Chapter of Sierra Club

Most farmers were not alone. Seven consultants were mentioned in 119 of the 299 reports. The Sierra Club analyzed the reports for the CAFOs supported by the consultants. Here is what it found.

Consultant / Organization Mentioned in 2000 Annual Report	Clients Mentioning Them	SCPPs Reported Complete	Percentage of Reports without Errors
Keller-Steele	46	35	86%
Livestock Engineering Solutions	19	0	0%
Holzgreffe	10	0	10%
Daggy	8	2	13%
Pumphrey	8	0	0%
Precision Partners	7	5	86%
Zeider	7	6	43%

For more information or for a copy of the annual report for a facility, contact Shondra Zaborowski at [azaborowski@netzero.net](mailto:azaborowski@netzero.net).