

U.S. EPA: Ohio Factory Farm Permits Are Illegal

Citizens win two-decades fight, call on Governor DeWine to terminate illegal CAFO permits, issue moratorium on new ones

TOLEDO, OHIO, UNITED STATES,
November 28, 2022 /
EINPresswire.com/ -- Contact: Vickie
and Larry Askins 419-344-9188

After 18 years of citizen complaints, appeals and lawsuits, a rural Wood County couple has finally won their fight to prove Ohio's system of permitting factory "farms" is unlawful and are hopeful the decision will put a stop to Confined Animal Feeding Operations (CAFOs), recognized as hazardous to Lake Erie because of the amount of their manure applied untreated on fields.



Lake Erie Advocates logo

Vickie and Larry Askins, of Cygnet, Ohio received the news November 15 in a [letter sent by the U.S. EPA Region 5 Administrator](#) to the Director of the Ohio Department of Agriculture (ODA), stating there "is no reasonable expectation" that the state's transfer of authority over CAFO permits from the Ohio EPA to the ODA, ongoing for the last two decades, will come into compliance with federal regulations.

“

After we started investigating the Ohio Dept. of Ag permits, we smelled something rotten. ODA's job is to promote agribusiness, where the EPA supposedly protects the environment.”

Larry Askins

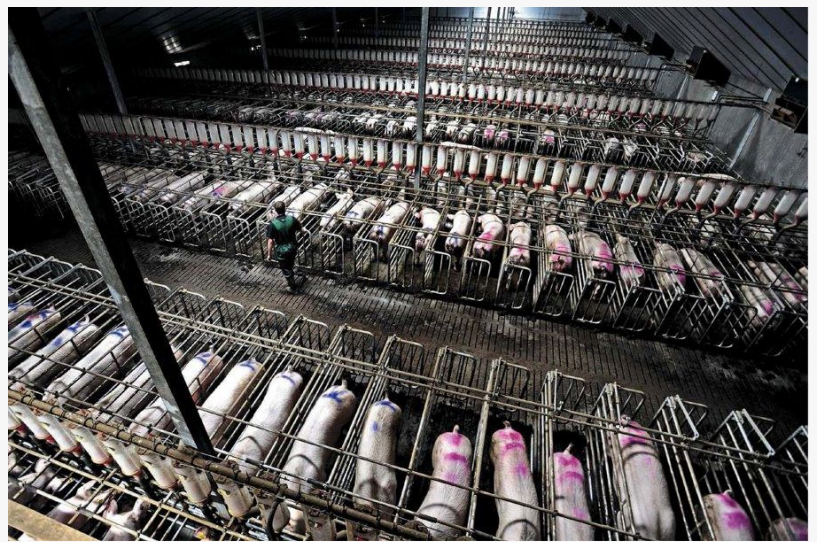
Legally, Ohio needed the U.S. EPA to approve its request, but ODA went ahead without it, assuming control of permits to build, operate and expand CAFOs, now numbering over 200 in Ohio, including 60 in Ohio's portion of the Western Lake Erie watershed. As the numbers increased, the lake has suffered massive toxic algal blooms

<https://abcnews.go.com/US/caused-toledos-water-contamination/story?id=24825275> each

summer fueled by Phosphorus in animal feces and urine.

In 2000, the Ohio legislature approved Sub. SB 141, <https://www.lsc.ohio.gov/documents/gaDocuments/123ga/sb0141sp.htm> telling then-Governor Taft to ask the U.S. EPA to transfer CAFO permits and inspections from the Ohio EPA to the ODA.

Vickie Askins explained, "The scheme was to have Ohio avoid EPA oversight by issuing ODA permits to CAFO owners claiming they would not discharge waste into the waters of the state, whereas U.S. EPA's National Pollution Discharge Elimination System (NPDES) permits regulate CAFOs like all other 'point sources' of pollution such as factories, where claiming not to discharge doesn't exist."



Pigs in factory farm gestation crates



Veal calves on a factory farm

As an Ohio Farm Bureau lobbyist told the [Dayton Daily News at the time \(pg. 4\)](#), the switch in authority was "...one of the most important bills we've worked on. We spent a tremendous amount of time trying to massage the bill and have it drafted the way it should be..."

In 2004, the ODA issued a draft permit for a factory farm with 1,765 cows and a 24-million-gallon manure pit less than one mile from the Askins' home.

"After we started investigating the Ohio Dept. of Ag permits, we smelled something rotten," Larry said. Their job was to promote agribusiness, whereas the Ohio EPA's job was supposedly to protect the environment.

Meanwhile, the Askins, in conjunction with Wood County Citizens Opposed to Factory Farms, fought a series of ODA-permitted CAFOs in their county with appeals to Ohio's Environmental Review Appeals Commission. They also submitted a 200-page petition to Region 5 seeking to withdraw Ohio's permitting authority https://ordspub.epa.gov/ords/wps/f?p=144:5:2434425577574::NO::P5_PETITION_ID:75, and filed a federal court lawsuit against the U.S. EPA, OEPA and ODA in August 2014, ironically, during the very time when a toxic algal bloom forced the City of Toledo to shut off water to 400,000 people for three days.

In a 2015 "Statement of Legal Authority," former A.G. (now Governor) DeWine stated "...the rules adopted...by the ODA provide adequate legal authority...to...enforce a partial permit program for a major category of discharges in Ohio now covered under...the Ohio EPA."

In 2018, Vickie filed a complaint alerting the U.S. EPA Inspector General about what she calls "Ohio's invalid split permitting scheme." The following year, the IG ordered Region 5 to either approve or deny the ODA's transfer request because "the region's longstanding delay on these issues has impacted federal and state oversight and has created regulatory uncertainty with respect to CAFOs in the state of Ohio." https://www.epa.gov/sites/default/files/2019-05/documents/epa_oig_20190515-19-n-0154.pdf

Despite DeWine's 2015 certification that the ODA program met all requirements, the [U.S. EPA told Ohio in 2019 and 2020](#) it would have to make at least 81 revisions. ODA did not respond to either notice. On November 15, 2022, Region 5 finally informed the ODA Director there was "no reasonable expectation" that ODA would ever fix its program and declined Ohio's transfer request.

After 18 years battling governors, legislators and courts, the Askins urge people to "call Governor DeWine at 614-995-0534 and demand the termination of all illegal permits and a moratorium on all new ones. We believe this grave matter of public health, affecting literally millions of people, has been caused by Ohio's purposeful obstructions, resulting in damage to waterways and public health, costing the public hundreds of millions of dollars to upgrade water treatment systems and roads."

-end-

Mike Ferner
Lake Erie Advocates
+1 419-729-7273
mikeferner419@gmail.com
Visit us on social media:
[Facebook](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/603247217>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.