

2 **ESSB 5803** - H COMM AMD **ADOPTED 04/08/99**
3 By Committee on Agriculture & Ecology

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5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that a number of
8 issues have arisen in regard to the dairy nutrient management program
9 that have not been settled without direct legislative involvement. The
10 legislature finds that continued cooperation is needed to resolve
11 issues relating to the dairy nutrient management program.

12 The legislature intends to further the goal of establishing a
13 reasonable and effective program that provides clear and consistent
14 expectations. The legislature finds that retention of productive dairy
15 farms and maintaining the quality of state waters are of utmost
16 importance to the state.

17 NEW SECTION. **Sec. 2.** By January 30, 2000, the department of
18 ecology shall publish and send an informational guide to all registered
19 dairy farms in the state that explains the expectations of the
20 department when conducting an inspection. The guide shall be titled
21 "How to Survive a Dairy Nutrient Inspection."

22 NEW SECTION. **Sec. 3.** (1) A dairy nutrient management task force
23 is created. The task force shall be comprised of eleven members, who
24 are appointed as follows:

25 (a) Two members of the house of representatives, one from each
26 major caucus, appointed by the co-speakers of the house of
27 representatives;

28 (b) Two members of the senate, one from each major caucus,
29 appointed by the president of the senate;

30 (c) A representative of the department of ecology, appointed by the
31 director of ecology;

32 (d) A representative of the state conservation commission,
33 appointed by its executive secretary;

1 (e) A representative of local conservation districts, appointed by
2 the president of a state-wide association of conservation districts;

3 (f) Three active dairy farmers, appointed by a state-wide
4 organization representing dairy farmers in the state, who shall be from
5 different regions and different sizes of dairy operations; and

6 (g) A representative of an environmental interest organization with
7 familiarity and expertise in water quality issues, appointed by
8 agreement of the co-speakers of the house of representatives and the
9 president of the senate.

10 (2) The task force shall conduct a review of the dairy nutrient
11 management program administered by the department of ecology, the
12 conservation commission, and local conservation districts. The task
13 force shall include but not be limited to examination of the following
14 topics:

15 (a) Compliance with the deadlines established in chapter 262, Laws
16 of 1998, for the development, implementation, and approval of dairy
17 nutrient management plans, or deadlines established under other state
18 water quality laws;

19 (b) Better assurance of consistency in interpretations between
20 staff that conduct inspections, and between inspectors and staff that
21 design and approve dairy nutrient management plans;

22 (c) What constitutes waters of the state for purposes of the dairy
23 nutrient management program;

24 (d) Clarification of what constitutes a violation, including a
25 review of the federal environmental protection agency guidance manual,
26 and whether there must be an actual discharge and/or exceedance of
27 state water quality standards;

28 (e) Clarification as to the circumstances under which dairy
29 operations are responsible to control flood waters arising from outside
30 of the dairy operation to prevent mixing with dairy nutrients including
31 flood waters that arise during major flood events;

32 (f) Clarification of the criteria applicable to dairy operations as
33 to what constitutes a potential to pollute under RCW 90.48.120;

34 (g) A review of materials provided by state agencies to dairy
35 farmers regarding dairy nutrient management inspections;

36 (h) Review changes in any standards utilized in the development and
37 approval of dairy nutrient management plans; and

38 (i) The adequacy of funding to implement the dairy nutrient
39 management program.

1 (3) By December 10, 1999, the task force shall:

2 (a) Provide recommendations to the department of ecology, to the
3 conservation commission, and to local conservation districts for
4 improvements in the implementation of the dairy nutrient management
5 program; and

6 (b) Provide recommendations to the legislature on statutory changes
7 to clarify and improve the operation of various facets of the program.

8 (4) The task force shall convene as soon as possible upon
9 appointment of its members. The task force shall elect a chair and
10 adopt rules for conducting the business of the task force. Staff
11 support for the task force shall be provided by the department of
12 ecology.

13 (5) This section expires December 31, 1999."

14 Correct the title.

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