

SENATE BILL REPORT

SB 5849

AS REPORTED BY COMMITTEE ON AGRICULTURE, MARCH 1, 1993

Brief Description: Revising dairy management.

SPONSORS: Senators M. Rasmussen, Erwin, McAuliffe, Roach, Anderson, Bauer, Barr, Amondson and Loveland

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Staff: Bob Lee (786-7404)

Hearing Dates: March 1, 1993

BACKGROUND:

Currently, there is little state statutory guidance establishing the procedures or criteria to be used in the formulation of a state dairy waste management program.

Federal water quality regulations call for specified dairy animal feeding operations that meet the federal criteria to be covered by a national pollution discharge elimination system permit. Those dairy farms that meet this criteria are designated as "concentrated animal feeding operations" and thus are subject to regulation.

Federal regulation require dairy farms having over 700 head of mature dairy cows to be covered by a permit. Dairy farms having between 200 and 700 head are to be covered by a permit if they are discharging directly into surface waters.

Federal regulations also provide that the administrator of the program may designate any dairy animal feeding operation as a concentrated animal feeding operation if it is found to be a significant contributor of pollution. Prior to making that designation, the federal regulations require that the agency to conduct an on-site inspection of the operation and determine that the operation should and could be regulated under the permit program.

The State Water Pollution Control Act regulates discharges to ground and to surface waters.

In 1988, the Department of Ecology entered into a memorandum of agreement with the Conservation Commission regarding processing of complaints relating to agricultural discharges into waters. Under this process, if a water quality violation

is confirmed and not corrected, the problem is to be referred to the local conservation district. A plan is required to be prepared within six months and implemented within 18 additional months.

The memorandum of agreement states that the Department of Ecology is to encourage the use of recommendations from the Soil Conservation Service.

SUMMARY:

Provisions of federal regulation that pertain to dairy farms are placed into state statute.

Upon receiving a complaint or upon the Department of Ecology's own determination that a dairy animal feeding operation is a likely source of water quality degradation, the department may investigate the operation to determine whether it is discharging directly or recently has directly discharged pollution into surface or ground waters of the state. The department is required to investigate a written complaint within ten days and is required to make written findings including the results of any water quality measurements, photographs or other pertinent information. A copy of the findings shall be provided upon request to the dairy animal feeding operation.

Those operations that are determined to be a significant contributor of pollution based on water quality tests, if immediate corrective actions are not possible, shall be designated as a concentrated animal feeding operation and shall be subject to the provisions of this chapter.

Any determinations made by the Department of Ecology as to whether the dairy animal feeding operation is directly discharging or is a significant contributor of pollution of state surface or ground waters is appealable to the State Pollution Control Hearings Board.

Conservation districts are to assist the owner or operator in the development of a dairy waste management plan within six months. Implementation of the plan is to be completed within 18 months.

Duties of the Department of Ecology, the Conservation Commission and local conservation districts are enumerated. These duties are derived from the memorandum of agreement.

EFFECT OF PROPOSED SUBSTITUTE:

Various references to "pollution" were replaced with references to "pollutants." Additional clarification was provided that this bill does not interfere with other authorities of the Department of Ecology available under the state Water Pollution Control Act. Enforcement actions are appealable to the Pollution Control Hearings Board.

Appropriation: none

Revenue: none

Fiscal Note: requested February 17, 1993

TESTIMONY FOR:

The Department of Ecology and the Dairy Federation have come to an agreement on how to proceed on implementing a dairy waste management plan. The process used to determine what dairy farms will be covered is to be based on a complaint driven process patterned after the memorandum of agreement. The bill takes the memorandum of agreement and places it into statute.

TESTIMONY AGAINST: None

TESTIFIED: Lois Lopez, Thurston County Citizens Planning Association; Delbert Cisco, dairy farmer; Judy Nix, dairy farmer; Ron Juris, Washington Association Conservation District (pro); Bob Bottman, Conservation Commission; Norman McMahan, dairy farmer (con); Dan Coyne, Dairy Federation (pro); Chris Cheney, Washington State Farm Bureau (pro)