

ANALYSIS OF ESSB 5803

***House Agriculture & Ecology Committee
April 2, 1999***

Changing dairy nutrient management provisions

Background:

The federal clean water act prohibits the discharge of pollutants into waters of the United States without a permit. The state water pollution control act also requires any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state ... [to] procure a permit ... before disposing of such waste material.– (RCW 90.48.160) Large dairy operations and any dairies whose operations result in waste discharges are required to obtain a wastewater discharge permit.

In addition, the dairy nutrient management act of 1998 established several requirements intended to result in compliance by the dairy industry with the state's water pollution control law. Every licensed dairy farm must register with the department of ecology. The department of ecology must inspect every dairy farm within two years. Dairy producers must have an approved dairy nutrient management plan by July 1, 2002, and a certified plan by December 31, 2003. The conservation commission, in conjunction with an advisory committee, defines the elements that must be contained in a dairy nutrient management plan. If any plan fails to prevent the discharge of pollutants to waters of the state, the plan must be updated.

An advisory committee is created to monitor and advise the overall dairy nutrient management program. Technical assistance teams are created to serve four geographic areas of the state. Penalties are established for non-compliance with planning deadlines. An annual report to the legislature is required until 2002 on progress made to implement the provisions of the dairy nutrient management act.

To date, about a third of Washington's dairy farms (about 280) have been inspected.

Summary of Bill:

An 11-member dairy nutrient task force is created. Members include members of the House and Senate; one representative each from the department of ecology, the Washington conservation commission and local conservation districts; three active dairy farmers, and a representative of an environmental organization.

The task force is directed to review a list of enumerated items to provide more clarification in the program. The task force must issue a report by December 10, 1999, that consists of recommendations for administrative improvements and statutory changes. The task force is directed to elect a chair and adopt rules to conduct the business of the task force. The task force expires on December 31, 1999.

The department of ecology is required to send a guide to all registered dairy farms by January 30, 2000, entitled how to survive a dairy nutrient inspection.–

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.