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**SUBSTITUTE SENATE BILL 5803**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Agriculture & Rural Economic Development  
(originally sponsored by Senators Rasmussen and Swecker)

Read first time 02/23/1999.

1 AN ACT Relating to dairy nutrients; creating new sections; and  
2 providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

4        (a) Two members of the house of representatives, one from each  
5 major caucus, appointed by the co-speakers of the house of  
6 representatives;

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

9        (c) A representative of the department of ecology, appointed by the  
10 director of ecology;

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

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

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

18       (g) A representative of an environmental interest organization with  
19 familiarity and expertise in water quality issues, appointed by the co-  
20 speakers of the house of representatives.

21       (2) The task force shall conduct a review of the dairy nutrient  
22 management program administered by the department of ecology, the  
23 conservation commission, and local conservation districts. The task  
24 force shall include but not be limited to examination of the following  
25 topics:

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

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

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

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

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

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

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

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

11 (i) The adequacy of funding to implement the dairy nutrient  
12 management program.

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

14 (a) Provide recommendations to the department of ecology, to the  
15 conservation commission, and to local conservation districts for  
16 improvements in the implementation of the dairy nutrient management  
17 program; and

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

20 (4) The task force shall convene as soon as possible upon  
21 appointment of its members. The task force shall elect a chair and  
22 adopt rules for conducting the business of the task force. The house  
23 of representatives office of program research and senate committee  
24 services shall provide staff support for the task force.

25 (5) This section expires December 31, 1999.

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