S-3563.1

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**SENATE BILL 6551**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Warnick, Becker, Pearson, Angel, Brown, and Schoesler

AN ACT Relating to a notice of violation for discharges from agricultural activity on agricultural land based on information provided to the department of ecology by a third party; and amending RCW 90.48.450.

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

**Sec.**  RCW 90.48.450 and 1981 c 297 s 31 are each amended to read as follows:

(1) Prior to issuing a notice of violation related to discharges from agricultural activity on agricultural land, the department shall consider whether an enforcement action would contribute to the conversion of agricultural land to nonagricultural uses. Any enforcement action shall attempt to minimize the possibility of such conversion.

(2) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay and dairy products.

(b) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

(3) If the department issues a notice of violation related to discharges from agricultural activity on agricultural land, based on information provided to the department by a third party, the department shall, upon request, provide the name of the third party to the person receiving the notice of violation. A notice of violation related to discharges from agricultural activity on agricultural land is based on information provided to the department by a third party if the department determines to investigate a suspected discharge after receiving a phone call, email, letter, report, complaint, or other information, from a third party who claims that a discharge is or may be occurring, or will soon occur, from agricultural activity on agricultural land. The department may not investigate a suspected discharge from agricultural activity on agricultural land based on information provided by an anonymous third party. This subsection does not create any civil liability on the part of the state or any state agency, officer, employee, or agent.

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