
HOUSE BILL 2343

State of Washington

69th Legislature

2026 Regular Session

By Representatives Abbarno, Orcutt, Jacobsen, and Graham

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1 AN ACT Relating to protecting the public from water quality
2 impacts of publicly owned or operated game farms; adding a new
3 section to chapter 77.12 RCW; adding a new section to chapter 90.48
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1)(a) The legislature finds that
7 protecting public health and the safety of drinking water supplies is
8 a fundamental responsibility of the state. In 2024 and 2025,
9 groundwater monitoring conducted by Lewis county, the city of
10 Centralia, and the department of fish and wildlife identified nitrate
11 concentrations in multiple private drinking water wells in the Fords
12 Prairie area that exceeded the federal maximum contaminant level for
13 nitrates. Subsequent investigations, including the Bob Oke game farm
14 groundwater investigation completed in November 2025, determined that
15 multiple sources contribute nitrates to the aquifer, and confirmed
16 that manure generated by pheasants at the Bob Oke game farm is a
17 contributing source of nitrate loading to groundwater.

18 (b) The legislature further finds that, although the department
19 of ecology administers a concentrated animal feeding operation permit
20 program to prevent manure and nutrient pollution from animal feeding
21 operations, the current rule-based thresholds do not expressly

1 include state-operated game farms or other facilities raising
2 pheasants or similar game birds. As a result, these facilities are
3 not required to obtain concentrated animal feeding operation permits,
4 even when the number of birds, site characteristics, or manure
5 management practices present risks to groundwater quality that are
6 comparable to operations currently regulated under the concentrated
7 animal feeding operation program.

8 (c) It is the intent of the legislature to ensure that all
9 publicly operated game farms engage in manure and nutrient management
10 practices sufficient to protect groundwater and drinking water
11 supplies, and to align public operations with the same environmental
12 protections expected of private agricultural producers.

13 (2) The legislature, therefore, intends to:

14 (a) Require publicly owned facilities, including each game farm
15 operated by the department of fish and wildlife, to obtain a general
16 permit for concentrated animal feeding operations as it applies to
17 large concentrated animal feeding operations or an individual permit
18 from the department of ecology where the number of animals at such
19 facilities exceed the thresholds for concentrated animal feeding
20 operation permit coverage applicable to privately owned or operated
21 facilities;

22 (b) Direct the department of ecology to include, in its next
23 update its concentrated animal feeding operation permit, to
24 explicitly include pheasants and similar game birds within the scope
25 of concentrated animal feeding operations;

26 (c) Ensure that manure management, groundwater monitoring, and
27 nutrient pollution prevention measures at publicly owned facilities
28 meet standards that safeguard public health, maintain compliance with
29 federal and state water quality laws, and prevent further nitrate
30 loading to aquifers serving residential drinking water wells; and

31 (d) Affirm that state agencies and local governments must model
32 best practices for environmental stewardship and the protection of
33 public drinking water.

34 (3) The legislature further intends that these actions will
35 reduce nitrate contributions from public facilities, prevent future
36 impacts to private wells, promote transparency and accountability in
37 manure management practices, and ensure that publicly owned
38 facilities are regulated under the same water quality protection
39 framework as comparable privately owned concentrated animal feeding
40 operations across Washington.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12
2 RCW to read as follows:

3 (1) The department, in operating any publicly owned facility at
4 which wildlife or other animals are held, confined, propagated,
5 hatched, fed, or otherwise raised in numbers and circumstances that
6 would otherwise qualify the facility as a concentrated animal feeding
7 operation under chapter 90.48 RCW, must either:

8 (a) Follow the requirements under the concentrated animal feeding
9 operation general permit issued under chapter 90.48 RCW that are
10 applicable to the owner or operator of any commercial or industrial
11 operation; or

12 (b) Obtain an individual discharge permit from the department of
13 ecology under chapter 90.48 RCW.

14 (2) At a minimum, a permit issued to the department under
15 subsection (1)(b) of this section, or the concentrated animal feeding
16 operation general permit applicable to the department under
17 subsection (1)(a) of this section, must include:

18 (a) A requirement that the permit holder prepare, maintain, and
19 implement:

20 (i) A manure pollution prevention plan that:

21 (A) Includes, at minimum, production area runoff controls, land
22 application limits, and protocols for management of dead animals; and

23 (B) Ensures that sources of pollution related to the operation of
24 the facility do not cause or contribute to a violation of water
25 quality standards established by the department under this chapter;
26 or

27 (ii) Alternative measures required by the department of ecology
28 under an updated concentrated animal feeding operation general permit
29 that achieve equal or better outcomes to the approach specified in
30 (a)(i) of this subsection;

31 (b) A prohibition on discharges that cause or contribute to
32 violations of water quality standards established by the department
33 of ecology under chapter 90.48 RCW;

34 (c) Protocols and procedures for the use of the enforcement
35 authority of the department of ecology under chapter 90.48 RCW for
36 violations of permit requirements; and

37 (d) The following logistical and compliance requirements, or else
38 alternative measures required by the department under an updated
39 concentrated animal feeding operation general permit that achieve
40 equal or better outcomes:

- 1 (i) Monitoring requirements, including operations and maintenance
2 monitoring and manure, litter, and wastewater monitoring;
3 (ii) Recordkeeping requirements; and
4 (iii) Reporting requirements.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48
6 RCW to read as follows:

7 (1) Upon determining that a publicly owned or publicly operated
8 facility at which animals are held, confined, propagated, hatched,
9 fed, or otherwise raised in numbers and circumstances that would
10 qualify the facility as a concentrated animal feeding operation under
11 this chapter, the department must:

12 (a) Begin applying and enforcing the requirements of the
13 concentrated animal feeding operation general permit issued under
14 this chapter with respect to the facility; or

15 (b) Issue, upon application, an individual permit under this
16 chapter to the facility.

17 (2) At a minimum, a permit issued to a publicly owned facility
18 under subsection (1)(b) of this section, or the concentrated animal
19 feeding operation general permit applicable to publicly owned
20 facilities under subsection (1)(a) of this section, must include:

21 (a) A requirement that the permit holder prepare, maintain, and
22 implement:

23 (i) A manure pollution prevention plan that:

24 (A) Includes, at minimum, production area runoff controls, land
25 application limits, and protocols for management of dead animals; and

26 (B) Ensures that sources of pollution related to the operation of
27 the facility do not cause or contribute to a violation of water
28 quality standards established by the department under this chapter;
29 or

30 (ii) Alternative measures required by the department under an
31 updated concentrated animal feeding operation general permit that
32 achieve equal or better outcomes to the approach specified in (a)(i)
33 of this subsection;

34 (b) A prohibition on discharges that cause or contribute to
35 violations of water quality standards established by the department
36 under this chapter;

37 (c) Protocols and procedures for the use of the enforcement
38 authority of the department under this chapter for violations of
39 permit requirements; and

1 (d) The following logistical and compliance requirements, or else
2 alternative measures required by the department under an updated
3 concentrated animal feeding operation general permit that achieve
4 equal or better outcomes:

5 (i) Monitoring requirements, including operations and maintenance
6 monitoring and manure, litter, and wastewater monitoring;

7 (ii) Recordkeeping requirements; and

8 (iii) Reporting requirements.

9 (3) For purposes of determining whether a publicly owned facility
10 has the number of animals that would qualify the facility as a
11 concentrated animal feeding operation under this chapter, the
12 department must treat a facility with more than 5,000 game birds
13 present at any point in time as a large concentrated animal feeding
14 operation subject to the most protective standards for water quality
15 that apply to any category of concentrated animal feeding operation.

16 (4) The powers and duties of the department, including the power
17 and duty to enforce permit requirements, the enforcement provisions
18 under this chapter, and any and all other remedies available apply to
19 publicly owned facilities specified in this section in the same
20 manner as they apply to privately owned facilities that qualify for
21 concentrated animal feeding operation general permit coverage.

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