

6161-S

Sponsor(s): Senate Committee on Agriculture & Environment
(originally sponsored by Senators Swecker, Newhouse, Rasmussen and Anderson)

Brief Title: Creating a dairy nutrient management program.

SB 6161-S - DIGEST

(DIGEST AS ENACTED)

Declares an intent to establish an inspection and technical assistance program for dairy farms to address the discharge of pollution to surface and ground waters of the state that will lead to water quality compliance by the industry. A further purpose is to create a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by a committee composed of industry, agency, and other representatives. Furthermore, it is the objective of this chapter to maintain the administration of the water quality program as it relates to dairy operations at the state level.

Requires every dairy producer licensed under chapter 15.36 RCW to register with the department by September 1, 1998, and shall reregister with the department by September 1st of every even-numbered year.

Requires, before October 1, 1998, the department and conservation commission to jointly sponsor and hold an educational workshop for conservation districts from around the state. The purpose of the workshop is to inform local conservation districts about the requirements of this chapter, and for local conservation districts, the conservation commission, and the department to clearly understand their respective roles and responsibilities in carrying out these requirements.

Provides that, by October 1, 1998, the department shall initiate an inspection program of all dairy farms in the state.

Declares that, except for those producers who already have a certified dairy nutrient management plan as required under the terms and conditions of an individual or general national pollutant discharge elimination system permit, all dairy producers licensed under chapter 15.36 RCW, regardless of size, shall prepare a dairy nutrient management plan. If at any time a dairy nutrient management plan fails to prevent the discharge of pollutants to waters of the state, it shall be required to be updated.

Directs the conservation commission to establish four dairy nutrient management technical assistance teams by June 1, 1998. The teams shall be geographically located throughout the state. Each team shall consist of one or more professional engineers, local conservation district employees, and dairy nutrient management experts from Washington State University.

Directs the department, in conjunction with the conservation commission and advisory and oversight committee, to report to the legislature by December 1st of each year until 2003, on progress made in implementing this act.

Repeals RCW 90.64.005 and 90.64.090.

Provides that the act shall be null and void if appropriations are not approved.

VETO MESSAGE ON SB 6161-S

April 1, 1998

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Substitute Senate Bill No. 6161 entitled:

"AN ACT Relating to dairy nutrient management;"

SSB 6161 makes significant changes in the operation and regulation of dairies in the state of Washington. This bill will be of great benefit to our water quality and the public's health. I commend the dairy industry for its strong support of this bill.

Section 8 of SSB 6161 would create a Dairy Nutrient Management Program Advisory and Oversight Committee, consisting of governmental and non-governmental members. That committee would provide "direction to and oversight of" the dairy nutrient management program. Clearly, the state can benefit from the advice and counsel of those who will be most affected by this bill. However, the dairy inspection program is a governmental program and must be carried out by the Department of Ecology, the responsible governmental entity. It is inappropriate to give directive and oversight responsibilities to a non-governmental body. In addition, the portion of section 8 that provides for compensation of committee members contains drafting errors and is defective.

Very clearly, the advisory functions spelled out in section 8 are beneficial to the effective operation of the program. With this message, I am directing the Department of Ecology to establish such a committee to perform the advisory functions provided for in section 8(5).

For these reasons, I have vetoed section 8 of Substitute Senate Bill No. 6161.

With the exception of section 8, Substitute Senate Bill No. 6161 is approved.

Respectfully submitted,
Gary Locke
Governor