

HOUSE BILL REPORT

ESSB 5803

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to dairy nutrients.

Brief Description: Changing dairy nutrient management provisions.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Swecker).

Brief History:

Committee Activity:

Agriculture & Ecology: 4/1/99, 4/2/99 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Changing dairy nutrient management provisions.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Carole Richmond (786-7114).

Background:

The federal and state clean water acts prohibit the discharge of pollutants into waters of the United States without a permit. Large dairy operations and any dairies whose operations result in waste discharges are required to obtain a wastewater discharge permit.

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 Amended 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" and is required to provide staff support for the task force.

Amended Bill compared to Original Bill: Department of Ecology is assigned to provide staff support rather than legislative staff.

Appropriation: None.

Fiscal Note: Not requested.

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

Testified for: We don't have major concerns with the Dairy Nutrient Management Act, or complaints with the Department of Ecology. We do have other concerns, however. One of them is about timelines. The act requires that all dairies have a certified dairy nutrient management plan, but conservation districts do not have the resources to get us there by the deadlines in the act. It is important to have legislators involved in a review process so that mid-course corrections can be made. Another concern is about field office technical guides. These are in flux and being updated because of the Endangered Species Act. We're concerned about dairies having to make substantial investments in one method, then having to make more investments because of changing guidelines.

Testified Against: None.

Testified: Chris Cheney, Washington Dairy Federation; and Dick Wallace, Washington Department of Ecology.