

# HOUSE BILL REPORT

## SSB 6781

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to dairy nutrients.

**Brief Description:** Modifying provisions concerning the management of dairy nutrients.

**Sponsors:** Senators Rasmussen and Morton.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/24/00, 2/25/00 [DPA].

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b> <b>(As Amended by House Committee)</b></p> <ul style="list-style-type: none"><li>· Reestablishes the Dairy Nutrient Management Task Force until June 30, 2004.</li></ul>
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## 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:** Bill Lynch (786-7092).

### Background:

In 1998 the Legislature enacted the Dairy Nutrient Management Act, which requires each dairy farm in the state to develop and have an approved dairy nutrient management plan by July 1, 2002. A management plan must be fully implemented by December 31, 2003. If a dairy farm does not meet the deadlines, a fine not to exceed \$100 per month per violation is assessed.

The Legislature created a Dairy Nutrient Management Task Force during the 1999 legislative session to make recommendations for improving the implementation of the dairy nutrient management program and to make recommendations on statutory changes to clarify and improve the operation of the program.

The task force consisted of two members of the House of Representatives, one from each major caucus appointed by the co-Speakers; two members of the Senate, one from each major caucus appointed by the President of the Senate; a representative of the Department of Ecology, appointed by the director; a representative of the Conservation Commission, appointed by the executive secretary; a representative of conservation districts, appointed by the president of its state-wide organization; three representatives of dairy farmers, each of who must represent different regions of the state and different size dairy operations, appointed by a state-wide organization representing dairy farmers; and a representative of an environmental organization, appointed by the co-Speakers of the House and the President of the Senate.

The task force submitted its report to the Legislature and included a number of recommended statutory changes. The task force expired on December 31, 1999.

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#### **Summary of Amended Bill:**

The Dairy Nutrient Management Task Force is reestablished until June 30, 2004. Staff support for the task force is provided by the Conservation Commission. In addition to the previous membership of the task force, representatives of the following entities are added as members of the task force: the federal Natural Resources and Conservation Service, appointed by the state conservationist; the federal Environmental Protection Agency, appointed by the regional director of the agency; local health departments, appointed by the president of a state-wide association of local public health officials; and a representative of commercial shellfish growers, appointed by a statewide organization representing oyster growers.

By September 1, 2000, the Department of Ecology must report to the task force on the disposition of penalties assessed on dairy producers for violations of the dairy nutrient management laws and the water pollution laws since January 1, 1998.

By September 1, 2000, the Office of Financial Management (OFM) must provide recommendations to the task force on how adequate funding can be provided for the dairy nutrient management program. The OFM recommendations must address the amount of funding that is required each fiscal year through June 30, 2004 in order to meet the deadlines established in the dairy nutrient management laws. The recommendations developed for moneys needed for implementation of the plans must be based upon a cost-share of 50 percent being provided from public sources.

By December 31, 2000, the task force must provide recommendations to the Department of Ecology and to the Legislature on the following: clarification of key terms used to administer dairy nutrient management laws and water quality laws; frequency of dairy nutrient management plan updates; disposition of penalties collected from dairy producers; sources of funds to assist in meeting compliance requirements; extent to which engineering expertise is required to implement the dairy nutrient management laws; responsibility for contamination originating from neighboring farms; and clarification of agency duties regarding initial inspections of farms.

**Amended Bill Compared to Substitute Bill:** The amendment strikes the Senate bill and replaces it with the provisions of the Substitute House Bill.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The task force should be continued in order to study issues related to implementation of the dairy nutrient management program.

**Testimony Against:** The Senate bill addresses issues that should be left for the task force. Removing engineers from the process can result in substandard designs and put the public at risk. A list of engineers who can do this type of work is being compiled. Shifting penalties from the coastal protection fund to the dairy nutrient management account on a permanent basis should not occur without more analysis. Phasing-in compliance with new federal standards does not make sense for maintenance and operation provisions. The 50 percent public cost share requirement may not be the appropriate percentage. The process established for adopting new federal standards is unclear.

**Testified:** (Opposed) Ron Torrence and George Twiss, Board of Registration for Professional Engineers, Department of Licensing; Bruce Wishart, People for Puget Sound; and Josh Baldi, Washington Environmental Council.

(In support) Chris Cheney, Washington State Dairy Federation.

(In support with concerns) Dick Wallace, Department of Ecology; and Steve Meyer, Conservation Commission.