
**Agriculture & Natural
Resources Committee**

HB 2023

Brief Description: Regarding the dairy nutrient management program.

Sponsors: Representative Linville.

Brief Summary of Bill

- Amends dairy nutrient management program provisions to reflect the transition of the program from its establishment to implementation.
- Changes requirements regarding purposes and conduct of dairy farm inspections.
- Includes numerous technical revisions.

Hearing Date: 2/25/03

Staff: Caroleen Dineen (786-7156).

Background:

The federal Clean Water Act (CWA) and its implementing regulations specify requirements for managing surface water discharges from dairy farms. The Department of Ecology (DOE) has been delegated federal authority to implement CWA programs in Washington. State water quality laws also regulate certain discharges to surface and to ground water.

A dairy waste management program was established in the DOE in 1993. The Legislature substantially amended the state's dairy waste management law in 1998. *SSB 6161, enacted as Chapter 262, Laws of 1998.* As amended in 1998, the DOE's dairy management program is established to maintain water quality administration at the state level and to provide a balanced approach involving technical assistance, regulation, and enforcement.

All licensed dairy producers in Washington must register with the DOE. Statutory provisions govern the procedural requirements for the timing and information required to register. All licensed dairy producers were required to register with the DOE by September 1, 1998, and by September 1st of every even-numbered year. Producers licensed after September 1, 1998, are required to register within 60 days of licensure. The DOE was

required to obtain a list of all licensed dairy producers by July 15, 1998, to facilitate the registration process.

The 1998 legislation also required the DOE to inspect every dairy farm in the state within two years. The DOE was required by the 1998 legislation to initiate an inspection program for all dairy farms to:

- survey for evidence of violations;
- identify corrective actions for actual or imminent discharges that violate or could violate state water quality standards;
- monitor the development and implementation of dairy nutrient management plans; and
- identify dairy producers who would benefit from technical assistance programs.

Local conservation districts may accompany a DOE inspector on any scheduled dairy farm inspection except for random, unannounced inspections. The DOE must conduct follow-up inspections to ensure corrective actions are implemented and may conduct inspections to ensure compliance with state and federal water quality requirements. Statutory provisions specify timing and other requirements for conducting inspections and authorize penalties for violations of plan requirements.

Further, the 1998 legislation required every licensed dairy producer (other than those who have a plan required under the terms and conditions of a federal discharge permit) to develop a dairy nutrient management plan. All producers are required to have a plan approved by the local conservation district by July 1, 2002, and certified by the conservation district and the producer by December 31, 2003. The Conservation Commission defines elements that dairy nutrient management plans must contain.

The 1998 legislation included provisions for the establishment of an advisory and oversight committee to monitor and advise the overall dairy nutrient management program. These provisions were vetoed by the Governor when the legislation was enacted.

Finally, the 1998 legislation required the DOE to establish a data base to assist in implementing the dairy nutrient management program and to submit an annual report to the Legislature on progress made to implement the dairy nutrient management program provisions.

In 2000 the Legislature created the Dairy Nutrient Management Task Force (Task Force) to make recommendations to the DOE and the Legislature regarding the dairy nutrient management program. *SSB 6781, enacted as Chapter 147, Laws of 2000*. The Task Force was required to make recommendations by December 31, 2000, regarding several issues, including clarification of certain terms, updates of dairy nutrient management plans, disposition of penalties collected from dairy producers, and the DOE's inspection duties. The Task Force provisions expire June 30, 2004.

Summary of Bill:

Statutory provisions enacted in 1998 are amended to reflect the transition of the dairy nutrient management program from its establishment phase to the implementation phase.

Dates and other provisions related to registration, inspections, plan elements, plan submission, plan certification, data base development, the Dairy Nutrient Management Task Force, and reporting and other requirements are revised to reflect the continuation of the program.

Provisions regarding the purposes and conduct of inspections are amended. The Department of Ecology (DOE) is required to inspect dairy farms to:

- survey for evidence of violations based upon complaints submitted to the DOE;
- identify corrective actions for actual or imminent discharges that violate or could violate state water quality standards;
- review changes in dairy nutrient management plans; and
- provide technical assistance upon request of dairy producers.

The provision excluding local conservation district employees from accompanying the DOE on random, unannounced inspections is removed. The DOE is required to periodically review its performance-based criteria to determine inspection frequency.

The Conservation Commission is required to provide its list of required dairy nutrient management plan elements to dairy producers upon request.

Provisions referencing an advisory and oversight committee are removed to reflect the Governor's veto of the provisions establishing the committee in the 1998 legislation. Numerous technical revisions are included.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.