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HOUSE BILL 2023

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State of Washington

58th Legislature

2003 Regular Session

By Representative Linville

Read first time 02/19/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the dairy nutrient management program; amending  
2 RCW 90.64.005, 90.64.010, 90.64.017, 90.64.023, 90.64.026, 90.64.028,  
3 90.64.050, 90.64.080, 90.64.130, 90.64.140, 90.64.800, 90.64.810, and  
4 90.64.811; and providing an expiration date.

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

6 **Sec. 1.** RCW 90.64.005 and 1998 c 262 s 1 are each amended to read  
7 as follows:

8 (1) The legislature finds that there is a need to establish a clear  
9 and understandable process that provides for the proper and effective  
10 management of dairy nutrients that affect the quality of surface or  
11 ground waters in the state of Washington. The legislature finds that  
12 there is a need for a program that will provide a stable and  
13 predictable business climate upon which dairy farms may base future  
14 investment decisions.

15 (2) The legislature also finds that federal regulations require a  
16 permit program for dairies with over seven hundred head of mature cows  
17 and(7) other specified dairy farms that directly discharge into  
18 waters or are otherwise significant contributors of pollution. The

1 legislature finds that significant work has been ongoing over a period  
2 of time ~~((and that the intent of))~~.

3 (3) The legislature intends by enacting this chapter ((is)) to take  
4 the consensus that has been developed and place it into statutory form.  
5 ~~((It is also the intent of this chapter))~~ The legislature also intends  
6 to establish and maintain an inspection and technical assistance  
7 program for dairy farms to address the discharge of pollution to  
8 surface and ground waters of the state that will lead to water quality  
9 compliance by the industry. ~~((A further purpose is))~~ The legislature  
10 further intends to create a balanced program involving technical  
11 assistance, regulation, and enforcement ~~((with coordination and~~  
12 ~~oversight of the program by a committee composed of industry, agency,~~  
13 ~~and other representatives))~~. Furthermore, ~~((it is))~~ the legislature  
14 declares that the objective of this chapter to maintain the  
15 administration of the water quality program as it relates to dairy  
16 operations at the state level.

17 ~~((It is also the intent of))~~ (4) The legislature also intends in  
18 enacting this chapter to recognize the existing working relationships  
19 between and among conservation districts, the conservation commission,  
20 and the department of ecology in protecting water quality of the state.  
21 A further purpose of this chapter is to provide statutory recognition  
22 of the coordination of the functions of conservation districts, the  
23 conservation commission, and the department of ecology pertaining to  
24 development of dairy waste management plans for the protection of water  
25 quality.

26 **Sec. 2.** RCW 90.64.010 and 1998 c 262 s 2 are each amended to read  
27 as follows:

28 Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout this chapter.

30 ~~(1) ("Advisory and oversight committee" means a balanced committee~~  
31 ~~of agency, dairy farm, and interest group representatives convened to~~  
32 ~~provide oversight and direction to the dairy nutrient management~~  
33 ~~program.~~

34 ~~(2))~~ "Bypass" means the intentional diversion of waste streams  
35 from any portion of a treatment facility.

36 ~~((3))~~ (2) "Catastrophic" means a tornado, hurricane, earthquake,

1 flood, or other extreme condition that causes an overflow from a  
2 required waste retention structure.

3 ~~((4))~~ (3) "Certification" means:

4 (a) The acknowledgment by a local conservation district that a  
5 dairy producer has constructed or otherwise put in place the elements  
6 necessary to implement his or her dairy nutrient management plan; and

7 (b) The acknowledgment by a dairy producer that he or she is  
8 managing dairy nutrients as specified in his or her approved dairy  
9 nutrient management plan.

10 ~~((5))~~ (4) "Chronic" means a series of wet weather events that  
11 precludes the proper operation of a dairy nutrient management system  
12 that is designed for the current herd size.

13 ~~((6))~~ (5) "Conservation commission" or "commission" means the  
14 conservation commission under chapter 89.08 RCW.

15 ~~((7))~~ (6) "Conservation districts" or "district" means a  
16 subdivision of state government organized under chapter 89.08 RCW.

17 ~~((8))~~ (7) "Concentrated dairy animal feeding operation" means a  
18 dairy animal feeding operation subject to regulation under this chapter  
19 which the director designates under RCW 90.64.020 or meets the  
20 following criteria:

21 (a) Has more than seven hundred mature dairy cows, whether milked  
22 or dry cows, that are confined; or

23 (b) Has more than two hundred head of mature dairy cattle, whether  
24 milked or dry cows, that are confined and either:

25 (i) From which pollutants are discharged into navigable waters  
26 through a manmade ditch, flushing system, or other similar manmade  
27 device; or

28 (ii) From which pollutants are discharged directly into surface or  
29 ground waters of the state that originate outside of and pass over,  
30 across, or through the facility or otherwise come into direct contact  
31 with the animals confined in the operation.

32 ~~((9))~~ (8) "Dairy animal feeding operation" means a lot or  
33 facility where the following conditions are met:

34 (a) Dairy animals that have been, are, or will be stabled or  
35 confined and fed for a total of forty-five days or more in any twelve-  
36 month period; and

37 (b) Crops, vegetation forage growth, or postharvest residues are  
38 not sustained in the normal growing season over any portion of the lot

1 or facility. Two or more dairy animal feeding operations under common  
2 ownership are considered, for the purposes of this chapter, to be a  
3 single dairy animal feeding operation if they adjoin each other or if  
4 they use a common area for land application of wastes.

5 ~~((+10+))~~ (9) "Dairy farm" means any farm that is licensed to  
6 produce milk under chapter 15.36 RCW.

7 ~~((+11+))~~ (10) "Dairy nutrient" means any organic waste produced by  
8 dairy cows or a dairy farm operation.

9 ~~((+12+))~~ (11) "Dairy nutrient management plan" means a plan meeting  
10 the requirements established under RCW 90.64.026.

11 ~~((+13+))~~ (12) "Dairy nutrient management technical assistance team"  
12 means one or more professional engineers and local conservation  
13 district employees convened to serve one of four distinct geographic  
14 areas in the state.

15 ~~((+14+))~~ (13) "Dairy producer" means a person who owns or operates  
16 a dairy farm.

17 ~~((+15+))~~ (14) "Department" means the department of ecology under  
18 chapter 43.21A RCW.

19 ~~((+16+))~~ (15) "Director" means the director of the department of  
20 ecology, or his or her designee.

21 ~~((+17+))~~ (16) "Upset" means an exceptional incident in which there  
22 is an unintentional and temporary noncompliance with technology-based  
23 permit effluent limitations because of factors beyond the reasonable  
24 control of the dairy. An upset does not include noncompliance to the  
25 extent caused by operational error, improperly designed treatment  
26 facilities, inadequate treatment facilities, lack of preventive  
27 maintenance, or careless or improper operation.

28 ~~((+18+))~~ (17) "Violation" means the following acts or omissions:

29 (a) A discharge of pollutants into the waters of the state, except  
30 those discharges that are due to a chronic or catastrophic event, or to  
31 an upset as provided in 40 C.F.R. Sec. 122.41, or to a bypass as  
32 provided in 40 C.F.R. Sec. 122.41, and that occur when:

33 (i) A dairy producer has a current national pollutant discharge  
34 elimination system permit with a wastewater system designed, operated,  
35 and maintained for the current herd size and that contains all process-  
36 generated wastewater plus average annual precipitation minus  
37 evaporation plus contaminated storm water runoff from a twenty-five  
38 year, twenty-four hour rainfall event for that specific location, and

1 the dairy producer has complied with all permit conditions, including  
2 dairy nutrient management plan conditions for appropriate land  
3 application practices; or

4 (ii) A dairy producer does not have a national pollutant discharge  
5 elimination system permit, but has complied with all of the elements of  
6 a dairy nutrient management plan that: Prevents the discharge of  
7 pollutants to waters of the state, is commensurate with the dairy  
8 producer's current herd size, and is approved and certified under RCW  
9 90.64.026;

10 (b) Failure to register as required under RCW 90.64.017; or

11 (c) The lack of an approved dairy nutrient management plan by July  
12 1, 2002; or

13 (d) The lack of a certified dairy nutrient management plan for a  
14 dairy farm after December 31, 2003.

15 **Sec. 3.** RCW 90.64.017 and 1998 c 262 s 3 are each amended to read  
16 as follows:

17 (1) Every dairy producer licensed under chapter 15.36 RCW shall  
18 register with the department (~~((by September 1, 1998, and shall~~  
19 ~~reregister with the department))~~) by September 1st of every even-  
20 numbered year. Every dairy producer licensed after September 1,  
21 ~~((1998))~~ 2002, shall register with the department within sixty days of  
22 licensing. The purpose of registration is to provide and update  
23 baseline information for the dairy nutrient management program.

24 (2) To facilitate registration, the department shall obtain from  
25 the food safety and animal health division of the department of  
26 agriculture a current list of all licensed dairy producers in the state  
27 and mail a registration form to each licensed dairy producer no later  
28 than July ~~((15, 1998))~~ 15th of each even-numbered year.

29 (3) At a minimum, the form shall require the following information  
30 as of the date the form is completed:

- 31 (a) The name and address of the operator of the dairy farm;
- 32 (b) The name and address of the dairy farm;
- 33 (c) The telephone number of the dairy farm;
- 34 (d) The number of cows in the dairy farm;
- 35 (e) The number of young stock in the dairy farm;
- 36 (f) The number of acres owned and rented in the dairy farm;

1 (g) Whether the dairy producer, to the best of his or her  
2 knowledge, has a plan for managing dairy nutrient discharges that is  
3 commensurate with the size of his or her herd, and whether the plan is  
4 being fully implemented; and

5 (h) If the fields where dairy nutrients are being applied belong to  
6 someone other than the dairy producer whose farm operation generated  
7 the nutrients, the name, address, and telephone number of the owners of  
8 the property accepting the dairy nutrients.

9 (4) In the mailing to dairy producers containing the registration  
10 form, the department shall also provide clear and comprehensive  
11 information regarding the requirements of this chapter.

12 (5) The department shall require the registrant to provide only  
13 information that is not already available from other sources accessible  
14 to the department, such as dairy licensing information.

15 **Sec. 4.** RCW 90.64.023 and 1998 c 262 s 5 are each amended to read  
16 as follows:

17 (1) (~~By October 1, 1998,~~) The department shall ((initiate))  
18 manage an inspection program of all dairy farms in the state. The  
19 purpose of the inspections is to:

20 (a) Survey for evidence of violations based upon complaints  
21 submitted according to RCW 90.64.050;

22 (b) Identify corrective actions for actual or imminent discharges  
23 that violate or could violate the state's water quality standards;

24 (c) (~~Monitor the development and implementation of~~) Review  
25 changes in dairy nutrient management plans; and

26 (d) (~~Identify~~) Provide technical assistance upon request of dairy  
27 producers (~~who would benefit from technical assistance programs~~).

28 (2) Local conservation district employees may, at their discretion,  
29 accompany department inspectors on any scheduled inspection of dairy  
30 farms (~~except random, unannounced inspections~~) conducted according to  
31 subsection (1) of this section.

32 (3) Follow-up inspections shall be conducted by the department to  
33 ensure that corrective and other actions as identified in the course of  
34 initial inspections are being carried out. The department shall also  
35 conduct such additional inspections as are necessary to ensure  
36 compliance with state and federal water quality requirements(~~7~~  
37 ~~provided that all licensed dairy farms shall be inspected once within~~

1 ~~two years of the start of this program)).~~ The department(~~, in~~  
2 ~~consultation with the advisory and oversight committee established in~~  
3 ~~section 8 of this act,~~) shall develop and periodically review its  
4 performance-based criteria to determine the frequency of inspections.

5 (4) Dairy farms shall be prioritized for inspection pursuant to  
6 subsection (1) of this section and based on the development of criteria  
7 that include, but are not limited to, the following factors:

8 (a) Existence or implementation of a dairy nutrient management  
9 plan;

10 (b) Proximity to impaired waters of the state; and

11 (c) Proximity to all other waters of the state. (~~The criteria~~  
12 ~~developed to implement this subsection (4) shall be reviewed by the~~  
13 ~~advisory and oversight committee.~~)

14 **Sec. 5.** RCW 90.64.026 and 1998 c 262 s 6 are each amended to read  
15 as follows:

16 (1) Except for those producers who already have a certified dairy  
17 nutrient management plan as required under the terms and conditions of  
18 an individual or general national pollutant discharge elimination  
19 system permit, all dairy producers licensed under chapter 15.36 RCW,  
20 regardless of size, shall prepare a dairy nutrient management plan. If  
21 at any time a dairy nutrient management plan fails to prevent the  
22 discharge of pollutants to waters of the state, it shall be (~~required~~  
23 ~~to be~~) updated.

24 (2) (~~By November 1, 1998,~~) The conservation commission(~~, in~~  
25 ~~conjunction with the advisory and oversight committee established under~~  
26 ~~section 8 of this act~~) shall develop and provide to dairy producers  
27 upon request a document clearly describing the elements that a dairy  
28 nutrient management plan must contain to gain local conservation  
29 district approval.

30 (3) In developing the elements that an approved dairy nutrient  
31 management plan must contain, the commission may authorize the use of  
32 other methods and technologies than those developed by the natural  
33 resources conservation service (~~when such alternatives have been~~  
34 ~~evaluated by the advisory and oversight committee~~). Alternative  
35 methods and technologies shall meet the standards and specifications  
36 of:

1 (a) The natural resources conservation service as modified by the  
2 geographically based standards developed under RCW 90.64.140; or

3 (b) A professional engineer with expertise in the area of dairy  
4 nutrient management.

5 (4) In evaluating alternative technologies and methods, the  
6 commission's principal objectives (~~(of the committee's evaluation)~~)  
7 shall be determining whether:

8 (a) (~~Whether~~) There is a substantial likelihood that, once  
9 implemented, the alternative technologies and methods would not violate  
10 water quality requirements;

11 (b) (~~Whether~~) More cost-effective methods can be successfully  
12 implemented in some or all categories of dairy operations; and

13 (c) (~~Whether~~) The technologies and methods approved or provided  
14 by the natural resources conservation service for use by confined  
15 animal feeding operations are necessarily required for other categories  
16 of dairy operations.

17 (~~In addition,~~) (5) The (~~committee shall encourage the~~  
18 ~~conservation~~) commission and the conservation districts are encouraged  
19 to apply in dairy nutrient management plans technologies and methods  
20 that are appropriate to the needs of the specific type of operation and  
21 the specific farm site and to avoid imposing requirements that are not  
22 necessary for the specific dairy producer to achieve compliance with  
23 water quality requirements.

24 (~~(+5) Such~~) (6) Dairy nutrient management plans shall be submitted  
25 for approval (~~(to)~~) of the local conservation district (~~(where)~~) in  
26 which the dairy farm is located, and shall be approved by conservation  
27 districts no later than by July 1, 2002. The conservation commission,  
28 in conjunction with conservation districts, shall develop a statewide  
29 schedule of plan development and approval to ensure adequate resources  
30 are available to have all plans approved by July 1, 2002.

31 (~~(+6)~~) (7) If a dairy producer leases land for dairy production  
32 from an owner who has prohibited the development of capital  
33 improvements, such as storage lagoons, on the leased property, the  
34 dairy producer shall indicate in his or her dairy nutrient management  
35 plan that such improvements are prohibited by the landowner and shall  
36 describe other methods, such as land application, that will be employed  
37 by the dairy producer to manage dairy nutrients.



1        ~~((7))~~ (8) Notwithstanding the timelines in this section, any  
2 dairy farm licensed after September 1, ~~((1998))~~ 2002, shall have six  
3 months from the date of licensing to develop a dairy nutrient  
4 management plan and another eighteen months to fully implement that  
5 plan. A dairy nutrient management plan for a dairy farm licensed after  
6 September 1, 2002, shall be submitted for approval of the local  
7 conservation district in which the dairy farm is located.

8        ~~((8))~~ (9) If a plan contains the elements identified in  
9 subsection (2) of this section, a conservation district shall approve  
10 the plan no later than ninety days after receiving the plan. If the  
11 plan does not contain the elements identified in subsection (2) of this  
12 section, the local conservation district shall notify the dairy  
13 producer in writing of modifications needed in the plan no later than  
14 ninety days after receiving the plan. The dairy producer shall provide  
15 a revised plan that includes the needed modifications within ninety  
16 days of the date of the local conservation district notification. If  
17 the dairy producer does not agree with, or otherwise takes exception  
18 to, the modifications requested by the local conservation district, the  
19 dairy producer may initiate the appeals process described in RCW  
20 90.64.028 within thirty days of receiving the letter of notification.

21        ~~((9))~~ (10) An approved plan shall be certified by a conservation  
22 district and a dairy producer when the elements necessary to implement  
23 the plan have been constructed or otherwise put in place, and are being  
24 used as designed and intended. A certification form shall be developed  
25 and maintained by the conservation commission for use statewide and  
26 shall provide for a signature by both a conservation district  
27 representative and a dairy producer. A copy of the certification  
28 form~~((s))~~ shall be ~~((signed by December 31, 2003, and a copy))~~ provided  
29 to the department for recording in the data base established in RCW  
30 90.64.130.

31        ~~((10))~~ (11) The ability of dairy producers to comply with the  
32 planning requirements of this chapter depends, in many cases, on the  
33 availability of federal and state funding to support technical  
34 assistance provided by local conservation districts. Dairy producers  
35 shall not be held responsible for noncompliance with the planning  
36 requirements of this chapter if conservation districts are unable to  
37 perform their duties under this chapter because of insufficient  
38 funding.

1       **Sec. 6.** RCW 90.64.028 and 1998 c 262 s 7 are each amended to read  
2 as follows:

3       (1)(a) The following may be appealed under this chapter:

4       (i) Conservation district decisions pertaining to denial of  
5 approval or denial of certification of a dairy nutrient management  
6 plan;

7       (ii) Modification or amendment of a plan;

8       (iii) Conditions contained in a plan;

9       (iv) Application of any dairy nutrient management practices,  
10 standards, methods, and technologies to a particular dairy farm; and

11       (v) The failure to adhere to plan review and approval timelines  
12 identified in RCW 90.64.026 (~~(are appealable under this chapter)~~).

13       (b) Department actions pertaining to water quality violations are  
14 appealable under chapter 90.48 RCW.

15       (~~In addition,~~) (2) A dairy producer who is constrained from  
16 complying with the planning requirements of this chapter because of  
17 financial hardship or local permitting delays may request a hearing  
18 before the conservation commission and may request an extension of up  
19 to one year beyond the approval and certification dates prescribed in  
20 this chapter for plan approval and certification.

21       (~~(+2)~~) (3) Within thirty days of receiving a local conservation  
22 district notification regarding any of the decisions identified in  
23 subsection (1) of this section, a dairy producer who disagrees with any  
24 of these decisions may request an informal hearing before the  
25 conservation commission or may appeal directly to the pollution control  
26 hearings board. The commission shall issue a written decision no later  
27 than thirty days after the informal hearing.

28       (~~(+3)~~) (4) If the conservation commission reverses the decision of  
29 the conservation district, the conservation district may appeal this  
30 reversal to the pollution control hearings board according to the  
31 procedure in chapter 43.21B RCW within thirty days of receipt of the  
32 commission's decision.

33       (~~(+4)~~) (5) When an appeals process is initiated under this  
34 section, the length of time extending from the start of the appeals  
35 process to its conclusion shall be added onto the timelines provided in  
36 this chapter for plan development, approval, and certification only if  
37 an appeal is heard by the pollution control hearings board.

1       **Sec. 7.** RCW 90.64.050 and 1998 c 262 s 12 are each amended to read  
2 as follows:

3       (1) The department has the following duties:

4       (a) Identify existing or potential water quality problems resulting  
5 from dairy farms through implementation of the inspection program in  
6 RCW 90.64.023;

7       (b) Inspect a dairy farm upon the request of a dairy producer;

8       (c) Receive, process, and verify complaints concerning discharge of  
9 pollutants from all dairy farms;

10       (d) Determine if a dairy-related water quality problem requires  
11 immediate corrective action under the Washington state water pollution  
12 control laws, chapter 90.48 RCW, or the Washington state water quality  
13 standards adopted under chapter 90.48 RCW. The department shall  
14 maintain the lead enforcement responsibility;

15       (e) Administer and enforce national pollutant discharge elimination  
16 system permits for operators of concentrated dairy animal feeding  
17 operations, where required by federal regulations and state laws or  
18 upon request of a dairy producer;

19       (f) ~~((Participate on the advisory and oversight committee;~~

20       ~~g))~~ Encourage communication and cooperation between local  
21 department personnel and the appropriate conservation district  
22 personnel;

23       ~~((h))~~ (g) Require the use of dairy nutrient management plans as  
24 required under this chapter for entities required to plan under this  
25 chapter; and

26       ~~((i))~~ (h) Provide to the commission ~~((and the advisory and~~  
27 ~~oversight committee))~~ an annual report of dairy farm inspection and  
28 enforcement activities.

29       (2) The department may not delegate its responsibilities in  
30 enforcement.

31       **Sec. 8.** RCW 90.64.080 and 1998 c 262 s 14 are each amended to read  
32 as follows:

33       (1) The conservation commission has the following duties:

34       (a) Provide assistance as may be appropriate to the conservation  
35 districts in the discharge of their responsibilities as management  
36 agencies in dairy nutrient management program implementation;

1 (b) Provide coordination for conservation district programs at the  
2 state level through special arrangements with appropriate federal and  
3 state agencies, including oversight of the review, approval, and  
4 certification of dairy nutrient management plans;

5 (c) Inform conservation districts of activities and experiences of  
6 other conservation districts relative to agricultural water quality  
7 protection, and facilitate an interchange of advice, experience, and  
8 cooperation between the districts;

9 (d) Provide an informal hearing for disputes between dairy  
10 producers and local conservation districts pertaining to: (i) Denial  
11 of approval or denial of certification of dairy nutrient management  
12 plans; (ii) modification or amendment of plans; (iii) conditions  
13 contained in plans; (iv) application of any dairy nutrient management  
14 practices, standards, methods, and technologies to a particular dairy  
15 farm; and (v) the failure to adhere to the plan review and approval  
16 timelines identified in RCW 90.64.026. An informal hearing may also  
17 provide an opportunity for dairy producers who are constrained from  
18 timely compliance with the planning requirements of this chapter  
19 because of financial hardship or local permitting delays to petition  
20 for additional time to comply;

21 (e) Encourage communication between the conservation district  
22 personnel and local department personnel;

23 ~~(f) ((Accept nominations and appoint members to serve on the  
24 advisory and oversight committee with advice of the Washington  
25 association of conservation districts and the department;~~

26 ~~(g) Provide a cochair to the advisory and oversight committee;~~

27 ~~(h))~~ Report to the legislature by December 1st of each year until  
28 2003 on the status of dairy nutrient management planning and on the  
29 technical assistance provided to dairy producers in carrying out the  
30 requirements of this chapter; and

31 ~~((i))~~ (g) Work with the department to provide communication  
32 outreach to representatives of agricultural and environmental  
33 organizations to receive feedback on implementation of this chapter.

34 (2) The commission's capability to carry out its responsibilities  
35 under this chapter is contingent upon the availability of funding and  
36 resources to implement a dairy nutrient management program.

1       **Sec. 9.** RCW 90.64.130 and 1998 c 262 s 9 are each amended to read  
2 as follows:

3       (1) ~~((By October 1, 1998,))~~ The department ~~((, in consultation with~~  
4 ~~the advisory and oversight committee,))~~ shall develop and maintain a  
5 data base to account for the implementation of this chapter.

6       (2) The data base shall track registrations; inspection dates and  
7 results, including findings of violations; regulatory and enforcement  
8 actions; and the status of dairy nutrient management plans. In  
9 addition, the number of dairy farm inspections by inspector shall be  
10 tallied by month. ~~((A summary of data base information shall be~~  
11 ~~provided quarterly to the advisory and oversight committee.))~~

12       (3) Any information entered into the data base by the department  
13 about any aspect of a particular dairy operation may be reviewed by the  
14 affected dairy producer upon request. The department shall correct any  
15 information in the data base upon a showing that the information is  
16 faulty or inaccurate. Complaints that have been filed with the  
17 department and determined to be unfounded, invalid, or without merit  
18 shall not be recorded in the data base. Appeals of decisions related  
19 to dairy nutrient management plans to the pollution control hearings  
20 board or to any court shall be recorded, as well as the decisions of  
21 those bodies.

22       **Sec. 10.** RCW 90.64.140 and 1998 c 262 s 10 are each amended to  
23 read as follows:

24       (1) The conservation commission shall establish four dairy nutrient  
25 management technical assistance teams ~~((by June 1, 1998))~~. The teams  
26 shall be geographically located throughout the state. Each team shall  
27 consist of one or more professional engineers, local conservation  
28 district employees, and dairy nutrient management experts from  
29 Washington State University. The purpose of the teams is to:

30       (a) Actively develop and promote new cost-effective approaches for  
31 managing dairy nutrients; and

32       (b) Assist dairy farms in developing dairy nutrient management  
33 plans.

34       (2) ~~((By January 1, 1999,))~~ Each team shall develop one or more  
35 initial sets of standards and specifications to assist dairy producers  
36 in developing and implementing dairy nutrient management plans.  
37 Standards and specifications developed by a technical assistance team

1 shall be appropriate to the soils and other conditions within that  
2 geographic area (~~and shall be reviewed by the advisory and oversight~~  
3 ~~committee~~)).

4 **Sec. 11.** RCW 90.64.800 and 1998 c 262 s 17 are each amended to  
5 read as follows:

6 (1) The department(~~(, in conjunction with the conservation~~  
7 ~~commission and advisory and oversight committee,)~~) shall report to the  
8 legislature by December 1st of each year until 2003, on progress made  
9 in implementing this chapter (~~(262, Laws of 1998)~~). At a minimum, the  
10 reports shall include data on inspections, the status of dairy nutrient  
11 planning, compliance with water quality standards, and enforcement  
12 actions. The report shall also provide recommendations on how  
13 implementation of this chapter (~~(262, Laws of 1998)~~) could be  
14 facilitated for dairy producers and generally improved.

15 (~~The conservation commission shall include in the report to the~~  
16 ~~legislature filed December 1, 1999, an evaluation of whether the fiscal~~  
17 ~~resources available to the commission, to conservation districts, and~~  
18 ~~to Washington State University dairy nutrient management experts are~~  
19 ~~adequate to fund the technical assistance teams established under RCW~~  
20 ~~90.64.140 and to develop and certify plans as required by the schedule~~  
21 ~~established in RCW 90.64.026. If the funding is insufficient, the~~  
22 ~~report shall include an estimate of the amount of funding necessary to~~  
23 ~~accomplish the schedule contained in RCW 90.64.026.))~~

24 (2) This section expires June 30, 2004.

25 **Sec. 12.** RCW 90.64.810 and 2000 c 147 s 1 are each amended to read  
26 as follows:

27 (1) A dairy nutrient management task force is created that shall be  
28 comprised of (~~no more than fifteen~~) up to sixteen members, who are  
29 appointed as follows:

30 (a) Two members of the house of representatives, one from each  
31 major caucus, appointed by the co-speakers of the house of  
32 representatives;

33 (b) Two members of the senate, one from each major caucus,  
34 appointed by the president of the senate;

35 (c) A representative of the department of ecology, appointed by the  
36 director of ecology;

1 (d) A representative of the state conservation commission,  
2 appointed by its executive secretary;

3 (e) A representative of local conservation districts, appointed by  
4 the president of a statewide association of conservation districts;

5 (f) A representative of local health departments, appointed by the  
6 Washington state association of local public health officials;

7 (g) A representative of commercial shellfish growers, appointed by  
8 a statewide organization representing oyster growers;

9 (h) Four representatives of the dairy industry, appointed by a  
10 statewide organization representing the dairy industry in the state;

11 (i) A representative of an environmental interest organization with  
12 familiarity and expertise in water quality issues, appointed by a  
13 statewide organization representing environmental interests;

14 (j) A representative of the United States environmental protection  
15 agency, appointed by the regional director of the agency if the agency  
16 chooses to be represented on the task force; and

17 (k) A representative of the United States natural resources  
18 conservation service, appointed by the state conservationist of that  
19 agency for this state, if the agency chooses to be represented on the  
20 task force.

21 (2) The task force shall convene as soon as possible upon  
22 appointment of its members. The task force shall elect a chair and  
23 adopt rules for conducting the business of the task force. Staff  
24 support for the task force shall be provided by the Washington state  
25 conservation commission.

26 (3) This section expires June 30, 2004.

27 **Sec. 13.** RCW 90.64.811 and 2000 c 147 s 2 are each amended to read  
28 as follows:

29 ~~(1) ((By December 31, 2000, the task force shall recommend to the~~  
30 ~~department and to the legislature:~~

31 ~~(a) Clarification of key terms and phrases such as, but not limited~~  
32 ~~to, "potential to pollute," that are used in the administration of this~~  
33 ~~chapter and other statutes on water quality;~~

34 ~~(b) How frequently dairy nutrient management plans should be~~  
35 ~~updated, considering the evolution of technical standards developed by~~  
36 ~~the natural resources conservation service;~~

1       ~~(c) Considering the report under section 3, chapter 147, Laws of~~  
2 ~~2000, the disposition of penalties collected from dairy producers under~~  
3 ~~chapter 90.48 RCW;~~

4       ~~(d) Considering the report under section 4 of this act, recommended~~  
5 ~~sources of funding to meet the needs identified in the report;~~

6       ~~(e) The extent to which engineering expertise is required to~~  
7 ~~implement the provisions of this chapter;~~

8       ~~(f) How to address responsibility for contamination originating~~  
9 ~~from neighboring farms; and~~

10       ~~(g) Clarification of the duties of the department as they pertain~~  
11 ~~to initial inspections of dairy farms.~~

12       (2)) The task force shall make recommendations to the department  
13 and to the legislature on any other issues, and at such times, as the  
14 task force deems important to the successful implementation of this  
15 chapter.

16       ((3)) (2) This section expires June 30, 2004.

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