

# SENATE BILL REPORT

## SB 6607

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As Reported By Senate Committee On:  
Water, Energy & Telecommunications, February 06, 2008

**Title:** An act relating to exempting certain dairy animal feeding operations from shellfish protection district wastewater discharge fees, rates, and charges.

**Brief Description:** Exempting certain dairy animal feeding operations from shellfish protection district wastewater discharge assessments.

**Sponsors:** Senators Spanel, Haugen and Rasmussen.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 2/1/08, 2/6/08 [DPS, DNP].

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 6607 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser, Hatfield, Oemig, Pridemore and Regala.

**Minority Report:** Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Holmquist and Morton.

**Staff:** Karen Epps (786-7424)

**Background:** County legislative authorities may create a shellfish protection district and adopt shellfish protection programs to address water quality issues affecting growing and harvesting shellfish. Counties must coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. Counties must also consult with the Departments of Health, Ecology, Agriculture, or the Conservation Commission about the elements of the shellfish protection program. To date, 12 districts exist, and eight have resulted in classification upgrades and re-openings.

Counties may finance a shellfish protection program through county tax revenues, inspection fees and other fees for provided services, rates specified in the protection program, or with federal, state, or private grants. Fees, rates or charges must not be imposed by districts on the following: (1) confined animal feeding operations subject to the National Pollutant Discharge

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Elimination System (NPDES); (2) other facilities permitted and assessed fees under the NPDES system; and (3) timberlands classified under state timber and open space tax laws.

All dairy animal feeding operations are required to adopt a dairy nutrient management plan to assure the dairy does not discharge into state waters. These plans must be approved and certified by the local conservation district.

**Summary of Bill (Recommended Substitute):** A shellfish protection district that charges rates or fees through county tax revenues, inspection fees, or reasonable charges must include sufficient detail of the expenditures of the revenue in its annual report. The exemption of a confined animal feeding operation subject to the national pollutant discharge elimination system from fees, rates, or charges by a shellfish protection district is removed. Dairy animal feeding operations with certified dairy nutrient management plans submitted to the local conservation district are subject to fees, rates, or charges by a shellfish protection district of not more than \$500 in a calendar year.

**EFFECT OF CHANGES MADE BY WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Substitute):** Requires the annual report of a shellfish protection district that charges rates or fees through county tax revenues, inspection fees, or reasonable charges or rates established in its protection program include sufficient detail of the expenditures of the revenue. Eliminates the exemption of a confined animal feeding operation subject to the national pollutant discharge elimination system to fees, rates, or charges by a shellfish protection district. Establishes that a dairy animal feeding operation with a certified dairy nutrient management plan is subject to fees, rates, or charges by a shellfish protection district of no more than \$500 in a calendar year.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: Dairy farmers want to work with the shellfish growers. However, some shellfish protection districts exempt cities, marinas, and tribes, as well as those dairies with an NPDES permit. There is a severe inequity between those who incur a tax assessment to a shellfish protection district and who are exempt from paying a tax assessment for a shellfish protection district. The affluent level that a dairy farmer must operate under is zero, whether the farmer has an NPDES permit or a dairy nutrient management plan. A dairy farm operating pursuant to a dairy nutrient management plan is inspected every 18 months and is required to keep records.

CON: There is an inequity between dairy farms with an NPDES permit and those without, but would prefer seeing the exemption for dairy farms with an NPDES permit stricken.

OTHER: There is apprehension about the outright ban of dairy farms in this bill.

**Persons Testifying:** PRO: Jay Gordon, Washington State Dairy Federation; Ron Wesen, Alan Mesman, Arnold Fohn, dairy farmers; Jim Jesernig, Pacific Coast Shellfish Growers.

CON: Bruce Wishart, People for Puget Sound.

OTHER: Bill Garvin, Washington State Association of Counties.