

SENATE BILL REPORT

SB 5677

As of January 30, 2009

Title: An act relating to compliance with the dairy nutrient management program.

Brief Description: Regarding compliance with the dairy nutrient management program.

Sponsors: Senator Hatfield.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 2/02/09.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Staff: Bob Lee (786-7404)

Background: The Dairy Nutrient Management Act (DNMA) was amended in 2003 and provides that "all powers, duties, and functions of the Department of Ecology are transferred to the Department of Agriculture." That legislation also provides authority for the agencies to enter into a memorandum of understanding that includes administration of federal requirements relating to concentrated animal feeding operations.

Since the effective date of the 2003 legislation, the Washington State Department of Agriculture (WSDA) has been inspecting dairy farms for compliance with the DNMA. In transferring the program, specific authority was not conveyed to WSDA to obtain search warrants if access to conduct an inspection was denied by a dairy operator. If denied, WSDA has to rely on the Department of Ecology's current statutory authority to obtain access.

Dairy nutrient management plans and Natural Resource Conservation Service (NRCS) standards include requirements to apply nutrients within agronomic rates as a means of preventing discharges of nutrients to waters of the state. NRCS requires records of nutrient applications to be maintained for three years. To be a violation, current law requires that (1) a discharge occur, and (2) nutrients were applied in excess of agronomic rates. As a means of reducing the potential to pollute, it is proposed that it be a separate violation to fail to maintain records adequate to show that dairy nutrients were applied within acceptable agronomic rates.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The Department of Agriculture is authorized to enter onto dairy farms at all reasonable times for the purpose of inspecting and investigating conditions relating to pollution of waters. If access is denied, WSDA may apply to court for a search warrant to authorize access to the property and facilities to conduct tests and inspections, to take samples, and to examine records.

It is a separate violation to fail to maintain documentations for a period of three years from the date of application of dairy nutrients to land adequately showing that nutrients were applied within acceptable agronomic rates.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: None.

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