

SB 6087 - S AMD 497

By Senator Honeyford

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington's
4 thirty-nine thousand five hundred farms and ranches generate one
5 hundred sixty thousand jobs, forty-nine billion dollars in revenue, and
6 thirteen percent of the state's economy, powering a diverse local food
7 and agricultural economy that is critical to maintaining a strong state
8 economy. The legislature also finds that the dispersed and varied
9 nature of agricultural activities and operations, combined with thin
10 agricultural profit margins, presents unique challenges in addressing
11 nonpoint agricultural water quality issues. The legislature further
12 finds that the cumulative impact of nonpoint water quality regulations
13 and funding preconditions can unintentionally impair the economic
14 viability of agricultural operations and frustrate state policy goals
15 of promoting local food production, preserving open spaces, and
16 protecting farm and ranch lands from conversion to subdivisions, and
17 other nonagricultural uses and developments.

18 (2) Therefore, the legislature directs government agencies tasked
19 with protecting water quality to work cooperatively with agricultural
20 landowners and conservation districts to fully utilize voluntary
21 incentives that promote both agricultural viability and water quality
22 solutions, to the maximum extent practicable, prior to taking water
23 quality enforcement action related to nonpoint agricultural activities
24 on agricultural lands.

25 **Sec. 2.** RCW 90.48.080 and 1987 c 109 s 126 are each amended to
26 read as follows:

27 (1) It shall be unlawful for any person to throw, drain, run, or
28 otherwise discharge into any of the waters of this state, or to cause,
29 permit or suffer to be thrown, run, drained, allowed to seep or

1 otherwise discharged into such waters any organic or inorganic matter
2 that shall cause or tend to cause pollution of such waters according to
3 the determination of the department, as provided for in this chapter.

4 (2) With regard to the regulation of nonpoint agricultural
5 activities on agricultural lands, the department's efforts to achieve
6 compliance with the water quality laws and rules of the state of
7 Washington must be consistent with the following sequence and
8 conditions:

9 (a) The department shall prepare and distribute technical and
10 educational information to help agricultural operations comply with the
11 requirements of water quality laws, and prioritize compliance efforts
12 to address the state's most important water quality issues and areas of
13 concern first, in order to maximize the benefit derived from the
14 financial resources of state and local governments and regulated
15 entities;

16 (b) When the department determines that a violation has occurred or
17 is about to occur, it shall first attempt to achieve voluntary
18 compliance. As part of this first response, the department shall offer
19 information and technical assistance in writing identifying one or more
20 means to accomplish compliance through voluntary means, including but
21 not limited to state and federal funding incentives, within the
22 framework of the law;

23 (c) Voluntary stewardship or conservation funding incentives to
24 address water quality concerns on agricultural lands must be
25 implemented in accordance with United States department of agriculture
26 natural resource conservation service determinations of what is
27 reasonable and needed, as provided in natural resource conservation
28 service conservation standards, guidelines, and planning tools, and may
29 not include additional buffer or practice requirements from any other
30 federal, state, or local entity as a precondition of receiving the
31 funding;

32 (d) If education, technical assistance, and efforts to promote
33 voluntary solutions do not achieve compliance, and the department's
34 determination of noncompliance is consistent with the sound science
35 provisions of RCW 34.05.272 and credible data provisions of RCW
36 90.48.570 through 90.48.590, the department may issue a notice of
37 violation, a formal administrative order, or a penalty as provided
38 under this chapter, unless the noncompliance is corrected expeditiously

1 or the department determines that the water quality issues have been
2 addressed appropriately. Nothing in this section is intended to
3 prevent the department from taking immediate action to cause a
4 violation to be ceased immediately if the violation is causing
5 substantial harm to public resources.

6 (3) For the purposes of this section, "agricultural activities" has
7 the same meaning as defined in RCW 90.58.065."

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8 On page 1, line 2 of the title, after "agriculture;" strike the
9 remainder of the title and insert "amending RCW 90.48.080; and creating
10 a new section."

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