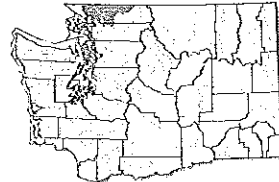




STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Ste 102 • Bellingham, WA 98225
(360) 715-5200 • FAX (360) 715-5225

January 6, 2014



Your address
is in the
Nooksack
watershed

Lee Mobley
1737 N. Tara Court
Lynden, WA 98264-9319

Re: Warning Notice and Opportunity to Correct Violation of State Law or Agency Rule

Dear Ms. Mobley:

Thank you for meeting with Water Quality Inspector Jessica Kirkpatrick on your property at 9191 Weidkamp Road in Lynden, Washington on October 28, 2013. During that meeting you agreed to fix several conditions that have caused discharges of pollution into state waters, the source of which was manure generated by livestock on the property. Inspector Kirkpatrick has attempted to contact you numerous times since then to offer technical and financial assistance, and to verify you have taken the agreed-upon actions necessary to prevent pollution in the future. To date, you have not responded. If you do not respond by January 21st, 2014, the Department of Ecology (Ecology) may escalate enforcement.

Water quality monitoring downstream of your property continues to show elevated levels of fecal coliform bacteria. Ecology is working with all non-dairy livestock owners in the watershed to find and correct sources of this pollution. Many of your neighbors have voluntarily improved the management of their livestock manure and taken steps to prevent it from running into streams that are a community resource. The Whatcom Conservation District can also help you find and implement solutions that work for your livestock operation. They can be reached at (360) 354-2035.

I strongly urge you to take advantage of Ecology's continuing offer of technical and financial assistance to help you address this issue. Please contact Jessica Kirkpatrick at (360) 715-5217 as soon as possible. A copy of the regulations pertaining to your property and livestock operation is attached for your reference.

Sincerely,


Douglas R. Allen
Manager

Attachment A

Ecology is required by law (RCW 34.05.110(1)) to give you a copy of the state law or agency rule that you are violating, and to give you a minimum of 7 calendar days to correct the violations before the agency may impose a penalty or other administrative sanctions. (Ecology has made no determination as to whether you meet the definition of a "small business" under this section.)

The specific provisions of state law, Revised Code of Washington (RCW), and regulation, Washington Administrative Code (WAC), which your activities violate, are listed below:

- **RCW 90.48.010 Policy enunciated**

It is declared to be the public policy of the state of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish and other aquatic life, and the industrial development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the state of Washington.

- **RCW 90.48.080 Discharge of polluting matter in waters prohibited**

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter.

- **WAC 173.201A.200(2)(b) Bacteria criteria to protect water for primary contact recreation in fresh waters.**

Fecal coliform organism levels must not exceed a geometric mean value of 100 colonies /100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 200 colonies /100 mL.

- **WAC 173.201A.510 (3) Means of Implementation
Nonpoint source and storm water pollution.**

(a) Activities which generate nonpoint source pollution shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate nonpoint source pollution.

(b) Best management practices shall be applied so that when all appropriate combinations of individual best management practices are utilized, violation of water quality criteria

shall be prevented. If a discharger is applying all best management practices appropriate or required by the department and a violation of water quality criteria occurs, the discharger shall modify existing practices or apply further water pollution control measures, selected or approved by the department, to achieve compliance with water quality criteria. Best management practices established in permits, orders, rules, or directives of the department shall be reviewed and modified, as appropriate, so as to achieve compliance with water quality criteria.

(c) Activities which contribute to nonpoint source pollution shall be conducted utilizing best management practices to prevent violation of water quality criteria. When applicable best management practices are not being implemented, the department may conclude individual activities are causing pollution in violation of RCW 90.48.080. In these situations, the department may pursue orders, directives, permits, or civil or criminal sanctions to gain compliance with the standards.

(d) Activities which cause pollution of storm water shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate storm water pollution. The consideration and control procedures in (b) and (c) of this subsection apply to the control of pollutants in storm water.