



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

May 21, 2014

Tom Crabtree  
601 Garden Drive  
Lynden, WA 98264

<b>Notice of Violation (NOV)</b>	13337
<b>Docket #</b>	
<b>Project/Site Name</b>	Tom Crabtree Farm located in Whatcom County
<b>Project/Site Location</b>	9331 Hammer Road Lynden, WA 98264

Re: Notice of Violation

Dear Mr. Crabtree:

The Department of Ecology is issuing the enclosed Notice of Violation to you for discharges of pollution to state waters from your livestock keeping operation, and failure to implement best management practices to prevent future discharges of pollution to state waters. This Notice of Violation is issued under the authority of Revised Code of Washington 90.48.120(1).

All questions in response to this document should be directed to Jessica Kirkpatrick at (360) 715-5217 or [Jessica.Kirkpatrick@ecy.wa.gov](mailto:Jessica.Kirkpatrick@ecy.wa.gov)

Sincerely,

  
\_\_\_\_\_  
Doug Allen  
Manager  
Bellingham Field office

Enclosures: Notice of Violation Docket #13337

By Registered Mail # RE 429 428 499 US

cc: Josh Baldi, Ecology, Director, Northwest Region  
Kelly Susewind, Ecology, Special Assistant to the Director  
Heather Bartlett, Ecology, Manager, Water Quality Program

WQ -NOV (7/2010)



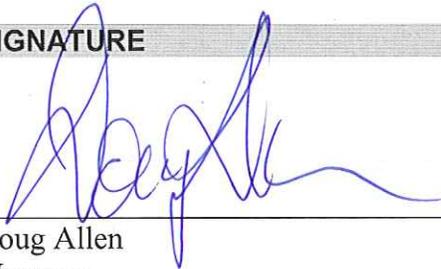
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Jessica Kirkpatrick  
Department of Ecology  
Bellingham Field Office  
1440 10<sup>th</sup> St. Suite 102 Bellingham, WA 98225  
(360) 715-5217  
Jessica.Kirkpatrick@ecy.wa.gov

**MORE INFORMATION**

- **Chapter 90.48 RCW – Water Pollution Control**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

**SIGNATURE**



Doug Allen  
Manager  
Bellingham Field Office

5/22/2014  
Date

Crabtree's operation poses the substantial potential to violate RCW 90.48.080.

The following conditions have caused and continue to pose the substantial potential to cause polluted discharges in violation of RCW 90.48.080:

- Large portions of the cattle confinement area on the north side of Pangborn Creek are denuded of vegetation by cattle kept there over the winter. Manure accumulations were observed in portions of this field throughout the winter. Most of this confinement area slopes toward Pangborn Creek. See Photos 5, 6, and 8 on Attachment A.
- Large piles of manure are stored, uncovered, on the ground in the horse confinement area. This area slopes towards a tributary of Pangborn Creek. See Photos 1 and 2 on Attachment A.
- The horse confinement area, which slopes to a tributary of Pangborn Creek, has heavy accumulations of mud and manure. The ground here is saturated for much of the year, and actively discharges manure contaminated water into a tributary of Pangborn Creek. See Photos 1-4 on Attachment A.
- The southern portion of the horse confinement area (the area that horses were fenced out of for the winter) was severely overgrazed and had accumulations of manure remaining through the winter.

This determination does not constitute an Order or directive under RCW 43.21B.310.

#### **FILE A REPORT WITH ECOLOGY**

Pursuant to RCW 90.48.120(1), within thirty (30) days from receipt of this Notice of Violation Tom Crabtree must file a full report with Ecology stating:

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of Ecology.
2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of Ecology.

#### **Send the report to:**

Jessica Kirkpatrick  
Water Quality Program  
1440 10<sup>th</sup> St. Bellingham, WA 98225

#### **ECOLOGY'S RESPONSE**

Upon receipt of the report, Ecology will review the information provided and issue an Order or directive as it deems appropriate under the circumstances, and shall notify Tom Crabtree.

#### **CONTACT INFORMATION**

Please direct all questions about this Notice of Violation to:

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE )  
BY Tom Crabtree ) NOTICE OF VIOLATION  
WITH CHAPTER 90.48 RCW AND THE ) DOCKET #13337  
RULES AND REGULATIONS OF )  
THE DEPARTMENT OF ECOLOGY )

To: Tom Crabtree  
9331 Hammer Road  
Lynden, WA 98264

Notice of Violation (NOV)	13337
Docket #	
[Project/Site] Name	Tom Crabtree Farm located in Whatcom County
[Project/Site] Location	9331 Hammer Road, Lynden, WA 98264

The Department of Ecology (Ecology) is issuing this Notice of Violation to you for violating provisions of Chapter 90.48 Revised Code of Washington (RCW) Water Pollution Control. This notice contains Ecology's determination that a violation has or will occur.

Ecology has the authority to issue this Notice of Violation under RCW 90.48.120(1) which reads in part:

"Whenever, in the opinion of Ecology, any person shall violate or create a substantial potential to violate the provisions of the chapter, or fails to control the polluting content of waste discharged, or to be discharged into any waters of the state the department shall notify such person of its determination by registered mail...."

**PROJECT/SITE] LOCATION**

Tom Crabtree Farm  
9331 Hammer Road Lynden, WA 98264

**DETERMINATION OF VIOLATIONS**

Notice is hereby given in accordance with RCW 90.48.120(1), as follows:

Mr. Crabtree owns and operates a small farm at 9331 Hammer Road in Lynden, WA. The conditions on this farm, and lack of appropriate manure management practices, have caused and continue to cause manure-contaminated water to discharge into Pangborn Creek. Pangborn Creek is a tributary of the Sumas River. Ecology water quality inspectors Mak Kaufman and Jessica Kirkpatrick have provided Mr. Crabtree technical assistance and encouraged him to apply for available financial assistance for over a year since identifying the problem to him. During the most recent inspection, Inspector Kirkpatrick observed that Mr. Crabtree has not implemented best management practices necessary to prevent future discharges of pollution. Such discharges would be in violation of RCW 90.48.080, and thus Mr.

May 21, 2014

Tom Crabtree  
601 Garden Drive  
Lynden, WA 98264

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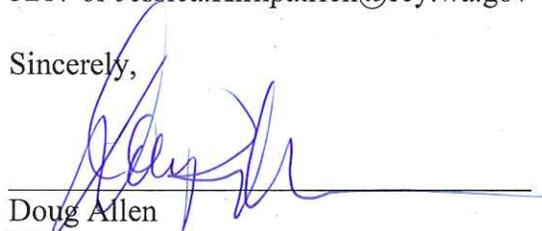
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Sincerely,



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Doug Allen  
Manager  
Bellingham Field office

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Attachment A – Photo Log



Photo 1 – March 26, 2013. This photo shows the horse confinement area on the south part of the property. The piles of manure are visible in the upper left. Groundwater was actively discharging through the manure contaminated confinement area and into a culvert that discharges to Pangborn Creek.



Photo 2 – March 26, 2013. This photo shows the horse confinement area. There is no vegetation and heavy accumulations of manure. The area slopes towards a culvert that discharges into Pangborn Creek.



Photo 3 – January 7, 2014. This photo shows the horse confinement area. The surface water in the middle of the picture discharges through a culvert into Pangborn Creek.



Photo 4 – January 7, 2014. This photo shows the horse confinement area. The area is not large enough to support a pasture, is overgrazed, has accumulations of manure, was saturated, and slopes towards the culvert that discharges into Pangborn Creek. The two mounds in the background are piles of manure.



Photo 5 – January 7, 2014. This photo shows the cattle confinement area on the north side of the property. This area is adjacent to Pangborn Creek. The area is not large enough to support a pasture, was overgrazed, and had accumulations of mud and manure.



Photo 6 – January 7, 2014. This photo shows the cattle confinement area on the north side of Pangborn Creek. This area has sparse vegetation, accumulations of mud and manure, and is saturated during winter.



Photo 7, April 15, 2014. This photo shows the horse confinement area. The piles of manure are stored on the ground, and are not protected from precipitation. The horse confinement area has very sparse vegetation, is saturated, and has accumulations of manure.



Photo 8 – April 15, 2014. This photo shows the cattle confinement area on the north side of the property. The cattle were allowed to trample the areas outside of the metal pen shown in the photo during the winter, as shown in Photo 5. This area generally slopes towards Pangborn Creek, visible in the upper left of the photo.