



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 23, 2014

Jim Snyder  
6512 Vista Drive  
Ferndale, WA 98248

<b>Notice of Violation (NOV)</b>	10810
<b>Docket #</b>	
<b>Name</b>	Jim Snyder's Farm located in Whatcom County
<b>Location</b>	6512 Vista Drive, Ferndale, WA 98248

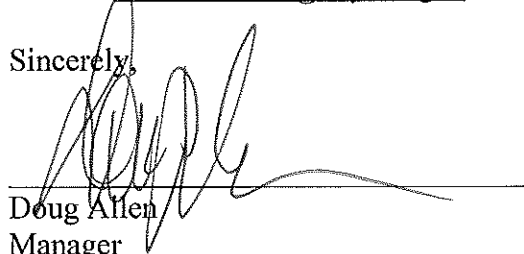
Re: Notice of Violation

Dear Mr. Jim Snyder:

The Department of Ecology is issuing the enclosed Notice of Violation to you for causing discharges of pollution to state waters from you livestock operation in violation of the Washington Water Pollution Control Act, Revised Code of Washington (RCW) 90.48. This Notice of Violation is issued under the authority of RCW 90.48.120(1).

All questions in response to this document should be directed to Chris Luerkens at (360) 715-5220 or [chris.luerkens@ecy.wa.gov](mailto:chris.luerkens@ecy.wa.gov).

Sincerely,

  
Doug Allen  
Manager  
Bellingham Field Office  
Washington State Dept. of Ecology

Enclosures: Notice of Violation Docket #10810

By Registered Mail: RE 429 428 689 US

cc: Heather Bartlett, Water Quality Program Manager, Department of Ecology  
Kelly Susewind, Special Assistant on Env Improvement, Department of Ecology  
Josh Baldi, Northwest Regional Office Director, Department of Ecology

WQ-NOV (7/2010)





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE	)	NOTICE OF VIOLATION
BY JIM SNYDAR	)	DOCKET # 10810
WITH CHAPTER 90.48 RCW AND THE	)	
RULES AND REGULATIONS OF	)	
THE DEPARTMENT OF ECOLOGY		

To: Jim Snyder  
6512 Vista Drive  
Ferndale, WA 98248

Notice of Violation (NOV) Docket #	10810
[Project/Site] Name	Jim Snyder's Farm located in Whatcom County
[Project/Site] Location	6512 Vista Drive, Ferndale, WA 98248

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**

Jim Snyder Farm  
6512 Vista Drive, Ferndale, WA 98225

**DETERMINATION OF VIOLATIONS**

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

Mr. Jim Snyder keeps cattle and horses on his property located at 6512 Vista Drive, Ferndale, WA 98248. Surface water from his farm drains into two unnamed tributaries of California Creek. Since 2008, Ecology has documented conditions on Mr. Snyder's property created by his livestock operation that cause pollution to discharge into these state waters in violation of Washington State's Water Pollution Control Act (Violations of RCW 90.48.080).

Mr. Snyder has been notified that the conditions on his farm constitute violations of RCW 90.48

and that he has a legal obligation to comply with state law. Ecology first notified Mr. Snyder in 2008 of conditions on his farm that cause pollution. In 2010, Ecology sent a warning letter that listed specific conditions causing or contributing to manure contaminated water discharging from Mr. Snyder's farm to state waters. In early 2014, Ecology discovered that conditions continue to exist on Mr. Snyder's farm that cause discharges of manure contaminated water. Mr. Snyder refused a request by water quality inspector Chris Luerkens to meet to discuss this situation. Ecology issued a second warning letter on April 7, 2014, that described conditions similar to those identified in the earlier 2010 warning letter. In these communications Ecology has informed Mr. Snyder that there may be technical and financial resources to help make improvements needed to cease polluted discharges.

Despite these notifications, Mr. Snyder has not improved the conditions on his farm to prevent pollution from discharging into state waters. Ecology has documented these conditions with photographs and water quality samples. Laboratory analysis of water discharging from Mr. Snyder's farm have shown that surface water is polluted by conditions on Mr. Snyder's property and exceed state water quality standard for fecal coliform bacteria (WAC 173.201A.200.(2)(b)).

Ecology water quality inspector Chris Luerkens has documented that the following conditions have caused and continue to pose the substantial potential to cause polluted discharges to state waters in violation of 90.48.080:

- Significant portions of the pastures were denude of vegetation and contained accumulations of manure. The pastures slope to surface waters. Surface water has been documented discharging through these manure accumulations and polluting state waters. See Attachment A, Photo 3.
- Manure contaminated surface water flowed from an area near the confinement area into the ditch along Aldergrove Road. The ditch flows east to an unnamed tributary of California Creek. See Attachment A, Photo 5.
- Manure solids had been spread on to sections of the pasture that slope toward surface water. See Attachment A, Photo 4.
- A livestock path leads to an unnamed tributary of California Creek. The path slopes steeply toward the creek and is bare of vegetation indicating that livestock have direct access to state waters. See Attachment A, Photo 7.

To correct these conditions that violate RCW 90.48.080, Mr. Snyder must submit a written report as outlined below that stating exactly what specific steps that have been planned or taken to halt discharges caused by his livestock operation.

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 Jim Snyder 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:**

Chris Luerkens  
Water Quality Program  
1440 10<sup>th</sup> Street, Suite 102  
Bellingham, WA 98225-7028

**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 Jim Snyder.

**CONTACT INFORMATION**

Please direct all questions about this Notice of Violation to:

Chris Luerkens  
Department of Ecology  
Bellingham Field Office  
1440 10<sup>th</sup> Street, Suite 102  
Bellingham, WA 98225-7028

(360) 715-5220  
chris.luerkens@ecy.wa.gov

**MORE INFORMATION**

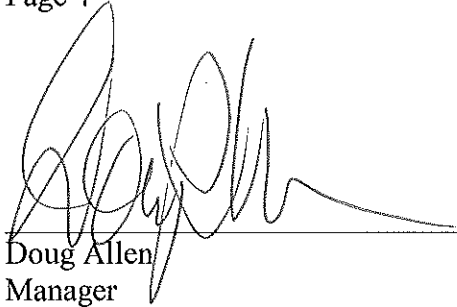
- Chapter 90.48 RCW – Water Pollution Control  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

**SIGNATURE**

Notice of Violation Docket #10810

7/23/2014

Page 4



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Doug Allen

Manager

Bellingham Field Office

7/23/14

---

Date

Attachment A:  
Photographs of Jim Snyder's farm.  
February 2010 through June 2014

Photo 1: Photo taken on 2/2/2010 of Mr. Snyder's pasture from the adjacent property to the north. This photo shows surface water flowing through portions of pasture that have been heavily grazed and have manure accumulations. The arrow indicates the general flow direction of surface water. Manure-contaminated, muddy areas in the confinement area can also be seen towards the top of the photo. On this day "Sample Site B – downstream", had a concentration of 470,000 FC/100 mL which demonstrates an exceedance of state water quality standards and constitutes violation of RCW 90.48.080 .





Photo 2: This photograph of the northern portion of Mr. Syndar's farm was taken by Washington State Department of Agriculture on February 13, 2014. The yellow polygon highlights a portion of the field where manure solids had been spread. This photo also shows livestock present on pastures largely denuded of vegetation. The result of a water quality sample collected downstream of this farm on had a fecal coliform concentration of 7,000 FC/100mL.





Photo 3: This photo from 3/3/2014 shows the same pasture as Photo 1, four years later. Similar conditions remain that show the pasture has been heavily grazed has manure accumulations and significant surface water flowing off of the pasture. The arrows show the direction of surface water flow. Runoff collected from “Sample Site B – downstream” on this day had a concentration of 17,000 FC/100mL.





Photo 4: This photo shows manure accumulations on the pasture (yellow polygon) in vicinity of standing and flowing surface water. The arrows show the direction of surface water flow. The water quality sample of runoff downstream of the photographed area had a concentration of 17,000 FC/100mL (Sample Site B – downstream) which indicates an exceedance of state water quality standard and constitutes violation of RCW 90.48.080.





Photo 5: This photo shows water flowing from an area near the confinement area towards the roadside ditch along Aldergrove Road, that drains to an unnamed tributary of California Creek. The blue arrows indicate the approximate flow of water towards the ditch. A sample was collected of surface water flowing off of Mr. Syndar's farm prior to mixing with surface water in the ditch with a reported concentration of 38,000 FC/100mL (Sample Site C – Aldergrove), which indicates an exceedance of state water quality standard and constitutes violation of RCW 90.48.080.





Photo 6: This photo shows the area near the barn where horses are confined. Behind the horses is pile of what appears to be manure or scrapings from the confinement area that would be contaminated by manure. The pile is stored on a cement pad that drains towards surface water. On the day this photo was taken, a water quality sample taken downstream of this area had a result of 9,200 FC/100mL, which indicates an exceedance of state water quality standard and constitutes violation of RCW 90.48.080..



Pile that appears to be manure or manure contaminated material from confinement area.

Muddy area where horses are confined

04/17/2014 11:49

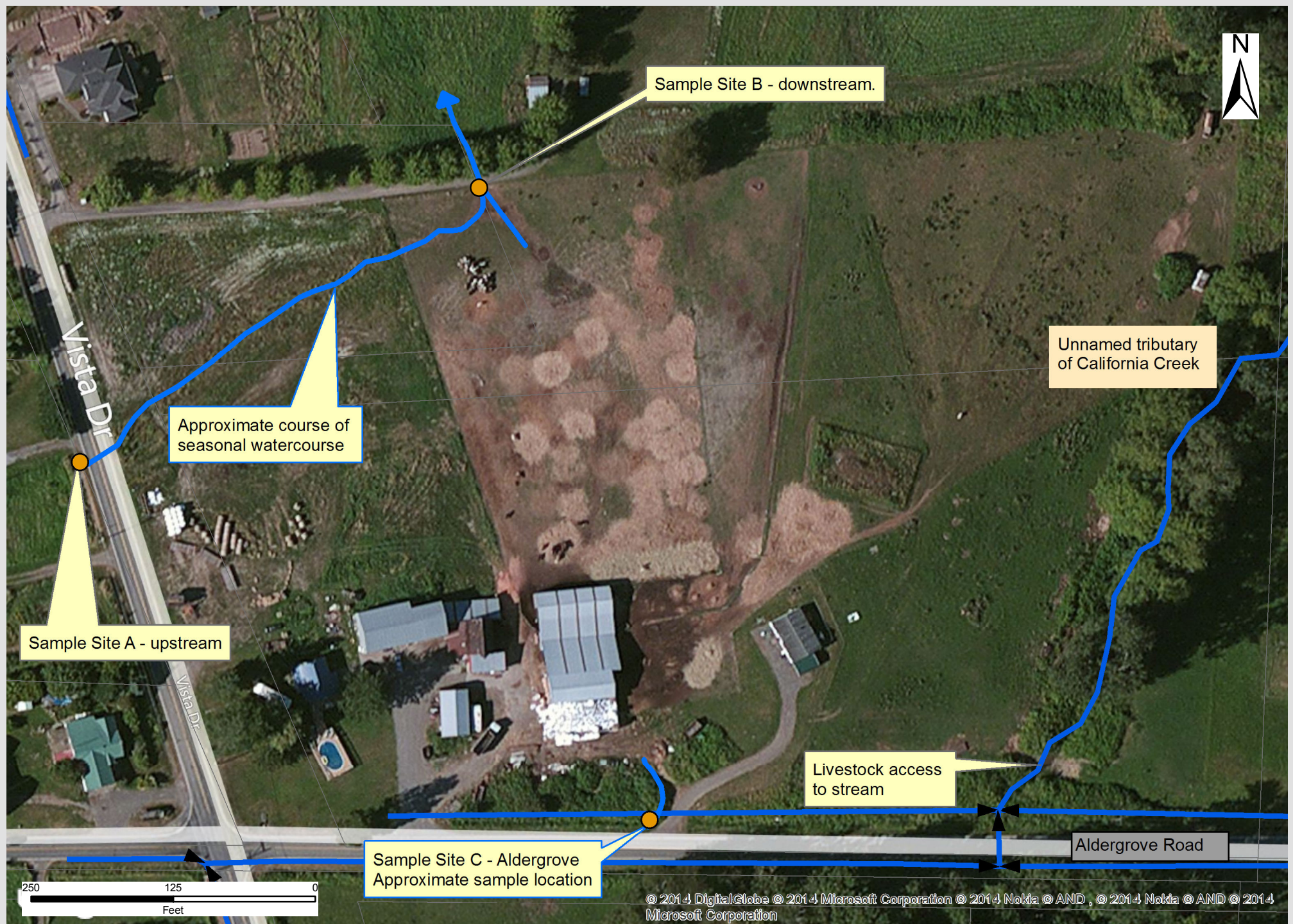


Photo 7: Photo taken on 4/24/2014, from Aldergrove Road and shows that cattle have access to an unnamed tributary of California Creek. Hoof markings indicate that cattle had recently accessed the creek. No fencing was present to exclude access to the stream. This muddy area on this steep slope directly adjacent to the stream constitutes the potential to pollute state waters and is a violation of RCW 90.48.080.





## Attachment B - Jim Snyder Farm





Avocet Environmental Testing  
1500 North State Street, Suite 200  
Bellingham, WA 98225  
(360) 734-9033

RECEIVED

FEB 08 2010

DEPT OF ECOLOGY  
BELLINGHAM FIELD OFFICE

**Client**  
Contact Name                      **Washington State Department of Ecology**  
   Mak Kaufman

Chain of Custody No.                      4867  
P.O. #    F1180

Date Sampled                                02/02/10  
Date Received                                02/02/10  
Date Reported                                02/04/10

Matrix    Surface Water  
Test Performed                                Fecal Coliform Membrane Filter

**Project**                                      **Snydar Farm Compliance Samples**

Sample Identification	Log Number	Method	Sample Result	Units	Date Analyzed	Analyst
Upstream	05786230	sm9222D	20	FC/100 mL	02/02/10	DH
Downstream	05786231	sm9222D	470,000	FC/100 mL	02/02/10	DH

Sample Site A -  
upstream

Sample Site B -  
downstream

Laboratory Supervisor



Avocet Environmental Testing  
1500 North State Street, Suite 200  
Bellingham, WA 98225  
(360) 734-9033

RECEIVED

FEB 17 2010

DEPT OF ECOLOGY  
BELLINGHAM FIELD OFFICE



**Client**  
Contact Name                      **Washington State Department of Ecology**  
Mark A. "Mak" Kaufman

Chain of Custody No.              4908  
P.O. #                                  F1180

Date Sampled                        02/12/10  
Date Received                       02/12/10  
Date Reported                       02/15/10

Matrix                                Surface Water  
Test Performed                      Fecal Coliform Membrane Filter

**Project**                              **Snydar Farm Compliance Samples**

Sample Identification	Log Number	Method	Sample Result	Units	Date Analyzed	Analyst
Downstream	05786563	sm9222D	2,800	FC/100 mL	02/12/10	DH
Upstream	05786564	sm9222D	<3	FC/100 mL	02/12/10	DH

Sample Site A -  
upstream

Sample Site B -  
downstream

< = Less Than  
FC = Fecal Coliform

Laboratory Supervisor

Avocet Environmental Testing  
1500 North State Street, Suite 200  
Bellingham, WA 98225  
(360) 734-9033



RECEIVED

JAN 26 2011

DEPT OF ECOLOGY  
BELLINGHAM FIELD OFFICE

**Client**  
Contact Name                      **Washington State Department of Ecology**  
   Mak Kaufman

Chain of Custody No.                      C14004

Date Sampled                      01/21/11  
Date Received                      01/21/11  
Date Reported                      01/24/11


Matrix                      Surface Water  
Test Performed                      Fecal Coliform Membrane Filter

**Project Name**                      **Snyder**  
P.O. #                      F - 1140

Sample Identification	Log Number	Method	Sample Result	Units	Date Analyzed	Analyst
1) Flow from Field	05797805	sm9222D	170,000	FC/100 mL	01/21/11	DH

Sample Site B -  
downstream

FC = Fecal Coliform

  
Laboratory Supervisor

RECEIVED

Avocet Environmental Testing  
1500 North State Street, Suite 200  
Bellingham, WA 98225  
(360) 734-9033

JAN 11 2012

DEPT OF ECOLOGY  
BELLINGHAM FIELD OFFICE



**Client** Washington State Department of Ecology  
**Contact Name** Mak Kaufman  
**Chain of Custody No.** 5765  
**Date Sampled** 01/04/12  
**Date Received** 01/04/12  
**Date Reported** 01/06/12  
**Test Performed** Fecal Coliform Membrane Filter  
**Project Name** Snyder  
**P.O. #** F-1180

Sample Identification	Log Number	Method	Sample Result	Units	Date Analyzed	Analyst
Snyder	05708951	sm9222D	17,000	FC/100 mL	01/04/12	DH

Sample Site B -  
downstream

FC = Fecal Coliform

  
Laboratory Supervisor



**Client** Washington State Department of Ecology  
**Contact Name** Jessica Kirkpatrick  
**Chain of Custody** 4200

**Date Sampled** 03/03/14  
**Date Received** 03/03/14  
**Date Reported** 03/10/14

**Test Performed** Fecal Coliform Membrane Filter

**Project Name** WCWP  
**Matrix** Water

Sample Identification	Log Number	Method	Sample Result	Units	Date Analyzed	Analyst
<del>W. Badger 1</del>	05735049	sm9222D	480	FC/100 mL	03/03/14	DH
<del>Midfield Trib</del>	05735050	sm9222D	500	FC/100 mL	03/03/14	DH
<del>SW Corner</del>	05735051	sm9222D	1,000	FC/100 mL	03/03/14	DH
<del>SE Corner</del>	05735052	sm9222D	130	FC/100 mL	03/03/14	DH
Snyder Downstream	05735053	sm9222D	17,000	FC/100 mL	03/03/14	DH
Snyder Upstream	05735054	sm9222D	680	FC/100 mL	03/03/14	DH
Snyder Aldergrove	05735055	sm9222D	38,000	FC/100 mL	03/03/14	DH

Other site -  
not Snyder  
farm

Sample Site A -  
upstream

Sample Site C -  
Aldergrove

Sample Site B -  
Downstream

#### QUALITY CONTROL DATA

Test Performed	Growth	Result FC/100mL	Duplicate Difference
Blank	Negative	--	--
E. Coli	Positive	--	--
Enterobacter aerogenes	Negative	--	--
Fecal Coliform Sample Result	Positive	1,000	--
Lab Duplicate	Positive	1,100	10%

--: No Existing Value  
FC: Fecal Coliform

Laboratory Supervisor



**Client** Washington State Department of Ecology

Contact Name Jessica Kirkpatrick

Chain of Custody 4200

Date Sampled 03/03/14

Date Received 03/03/14

Date Reported 03/10/14

Test Performed Fecal Coliform Membrane Filter

**Project Name** WCWP

Matrix Water

Sample Identification	Log Number	Sample Volume Filtered (mL)	Number of FC Colonies	Sample Result	Units
W. Badger 1	05735049	1.0, 5.0, 50	1, 24, 113	480	FC/100 mL
Midfield Trib	05735050	1.0, 5.0, 50	3, 25, 107	500	FC/100 mL
SW Corner	05735051	0.1, 1.0, 5.0, 50	3, 15, 50, TNTC	1,000	FC/100 mL
SW Corner (Lab Duplicate)	05735051	0.1, 1.0, 5.0, 50	7, 7, 55, TNTC	1,100	FC/100 mL
SE Corner	05735052	1.0, 5.0, 50	3, 6, 63	130	FC/100 mL
Snyder Downstream	05735053	0.1, 1.0, 5.0, 20	16, 171, TNTC, TNTC	17,000	FC/100 mL
Snyder Upstream	05735054	1.0, 5.0, 50	7, 34, TNTC	680	FC/100 mL
Snyder Aldergrove	05735055	0.1, 1.0, 5.0, 20	38, TNTC, TNTC, TNTC	38,000	FC/100 mL

#### Equations:

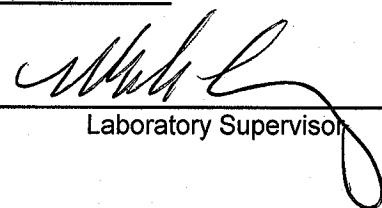
$$\text{Fecal Coliforms per 100 mL} = \frac{(\text{Fecal Coliform Colonies Counted}) \times (100)}{\text{Milliliters of Sample Filtered}}$$

If the number of colonies are outside the desired range of 20 to 60 colonies, the following equation is used.

$$\text{Fecal Coliforms per 100 mL} = \frac{(\text{Sum of Fecal Coliform Colonies Counted}) \times (100)}{\text{Sum of Milliliters of Sample Filtered}}$$

FC: Fecal Coliform

TNTC: Too Numerous To Count

  
Laboratory Supervisor



# CHAIN OF CUSTODY

4200

**1500 N. State Street #200  
Bellingham, WA 98225  
(360) 734-9033 FAX (360) 734-0467  
[www.avocetlab.com](http://www.avocetlab.com)**

CLIENT DEPARTMENT OF ECOLOGY

ADDRESS 1440 10TH STREET

CITY, STATE, ZIP BELLINGHAM, WA 98225

CONTACT **MAK KAUFMAN**  
NAME

DAY PHONE (360) 715-5221 5217

**FAX (360) 715-5225**

BILLING NAME SAME

**ADDRESS**

CITY, STATE, ZIP

PROJECT NAME: WCP

P.O.#

COLLECTED BY

**PHONE**


[illegible]

REMARKS: Email results to: [makk464@ecv.wa.gov](mailto:makk464@ecv.wa.gov)

SKIRYAL @ ecy.ams.gov

RELEASING SIGNATURE 1

2/21/15



RECEIVING SIGNATURE 1

3/8/4 547

RELEASING SIGNATURE 2.

DATE . . . TIME . . .

RECEIVING SIGNATURE 2

DATE	TIME
11/11/2011	11:11

Avocet Environmental Testing  
1500 North State Street, Suite 200  
Bellingham, WA 98225-4551  
(360) 734-9033



**Client** Washington State Department of Ecology  
**Contact Name** Chris Luerkens  
**Chain of Custody** 7040

**Date Sampled** 04/17/14  
**Date Received** 04/17/14  
**Date Reported** 04/21/14

**Test Performed** Fecal Coliform Membrane Filter

**Project Name** Snyder Farm  
**P.O. #** F1A80  
**Matrix** Water

Sample Identification	Log Number	Method	Sample Result	Units	Date Analyzed	Analyst
Snyder Downstream	05736836	sm9222D	9,200	FC/100 mL	04/17/14	DH

Sample Site B -  
downstream

#### QUALITY CONTROL DATA

Test Performed	Growth	Result FC/100mL	Duplicate Difference
Blank	Negative	--	--
E. Coli	Positive	--	--
Enterobacter aerogenes	Negative	--	--
Fecal Coliform Sample Result	Positive	9,200	--
Lab Duplicate	Positive	9,400	2%

--: No Existing Value

FC: Fecal Coliform

Laboratory Supervisor



**Client** Washington State Department of Ecology  
**Contact Name** Chris Luerkens  
**Chain of Custody** 7040

**Date Sampled** 04/17/14  
**Date Received** 04/17/14  
**Date Reported** 04/21/14

**Test Performed** Fecal Coliform Membrane Filter

**Project Name** Snyder Farm  
**P.O. #** F1A80  
**Matrix** Water

Sample Identification	Log Number	Sample Volume Filtered (mL)	Number of FC Colonies	Sample Result	Units
Snyder Downstream	05736836	1.0, 5.0, 50	92, TNTC, TNTC	9,200	FC/100 mL
Snyder Downstream (Lab Dup)	05736836	1.0, 5.0, 30	94, TNTC, TNTC	9,400	FC/100 mL

**Equations:**

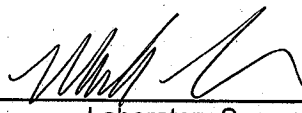
$$\text{Fecal Coliforms per 100 mL} = \frac{(\text{Fecal Coliform Colonies Counted}) \times (100)}{\text{Milliliters of Sample Filtered}}$$

If the number of colonies are outside the desired range of 20 to 60 colonies, the following equation is used.

$$\text{Fecal Coliforms per 100 mL} = \frac{(\text{Sum of Fecal Coliform Colonies Counted}) \times (100)}{\text{Sum of Milliliters of Sample Filtered}}$$

**FC:** Fecal Coliform

**TNTC:** Too Numerous To Count

  
Laboratory Supervisor



# CHAIN OF CUSTODY

**1500 North State Street, Suite 200  
Bellingham, WA 98225  
(360) 734-9033 FAX (360) 734-0467  
TOLL FREE 800/227-9427**

CLIENT WA Dept of Ecology

ADDRESS \_\_\_\_\_

CONTACT NAME Chris Luerkens  
DAY PHONE (360) 715-5220  
FAX ( )

**BILLING INFORMATION IF DIFFERENT THAN CLIENT:**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

COLLECTED BY \_\_\_\_\_

PHONE (     ) \_\_\_\_\_

PROJECT  
NAME:

PROJECT NAME: Snyder Farm

PO# F1A80

SAMPLE IDENTIFICATION		MATRIX	NO. OF CONTAINERS			SAMPLE DATE/TIME		PRESERVATION	ANALYSIS / METHOD REQUESTED		LOG NO. (LAB USE ONLY)	
Snyder Downstream	H <sub>2</sub> O		GLASS			DATE	4/17/14	<input checked="" type="checkbox"/> Ice	FCMP		05736836	
			PLASTIC	X		TIME	12:48	Other:				
			GLASS			DATE		<input type="checkbox"/> Ice				
			PLASTIC			TIME		Other:				
			OTHER									
			GLASS			DATE		<input type="checkbox"/> Ice				
			PLASTIC			TIME		Other:				
			OTHER									
			GLASS			DATE		<input type="checkbox"/> Ice				
			PLASTIC			TIME		Other:				
			OTHER									
			GLASS			DATE		<input type="checkbox"/> Ice				
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			PLASTIC			TIME		Other:				
			OTHER									
			GLASS			DATE		<input type="checkbox"/> Ice				
			PLASTIC			TIME		Other:				
			OTHER									
REMARKS:	RECEIVED VIA: <input checked="" type="checkbox"/> CLIENT <input type="checkbox"/> AET <input type="checkbox"/> COURIER <input type="checkbox"/> OTHER: ON ICE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO TEMP 8.0 °C CUSTODY SEAL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A											

REMARKS:

RELEASING SIGNATURE 1.	<i>Chris Jenkins</i>	DATE	4/17/14	TIME	2:45
RECEIVING SIGNATURE 1.	<i>Chris Jenkins</i>	DATE	4/17/14	TIME	14:45

RELEASING  
SIGNATURE 2.