



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 12, 2014



Your address  
is in the  
**Nooksack**  
watershed

Henry Weg  
9222 Benson Road Bender Road .  
Lynden, WA 98264

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

Dear Mr. Weg,

Thank you for visiting with me at your cattle operation on November 26<sup>th</sup> to discuss your recent manure applications. I appreciate your agreement to be more cautious when applying manure in the future.

This letter is to follow up on our discussion and ensure you understand your responsibility to prevent discharges of manure-contaminated water from your cattle operation. The Washington State Water Pollution Control Act (RCW 90.48.080) makes it unlawful for any person to discharge pollutants, including those contained in manure, to state waters.

Based on my observations, and water quality samples and photographs collected by the Washington State Department of Agriculture, I have concluded that a manure application made by you caused water polluted with manure to discharge into state waters. **This polluted discharge constitutes a violation of RCW 90.48.080.** It is also likely that runoff from the confinement area east of the manure lagoon contributed to this discharge. I have included a copy of the relevant statutes in Attachment A for your information.

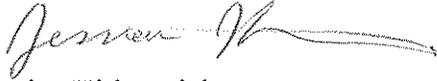
In the enclosed inspection report, I have recommended ways you can prevent similar discharges of pollutants to state waters next fall. Above all, I strongly recommend that you work with the Whatcom Conservation District to develop a manure management plan. They can be contacted at 360-354-2035 extension 3. They will help you understand when and where to apply manure in the future without polluting local waters. If you have any questions or concerns about this matter, or would like further in violation of the Washington Water Pollution Control Act (RCW 90.48.080).



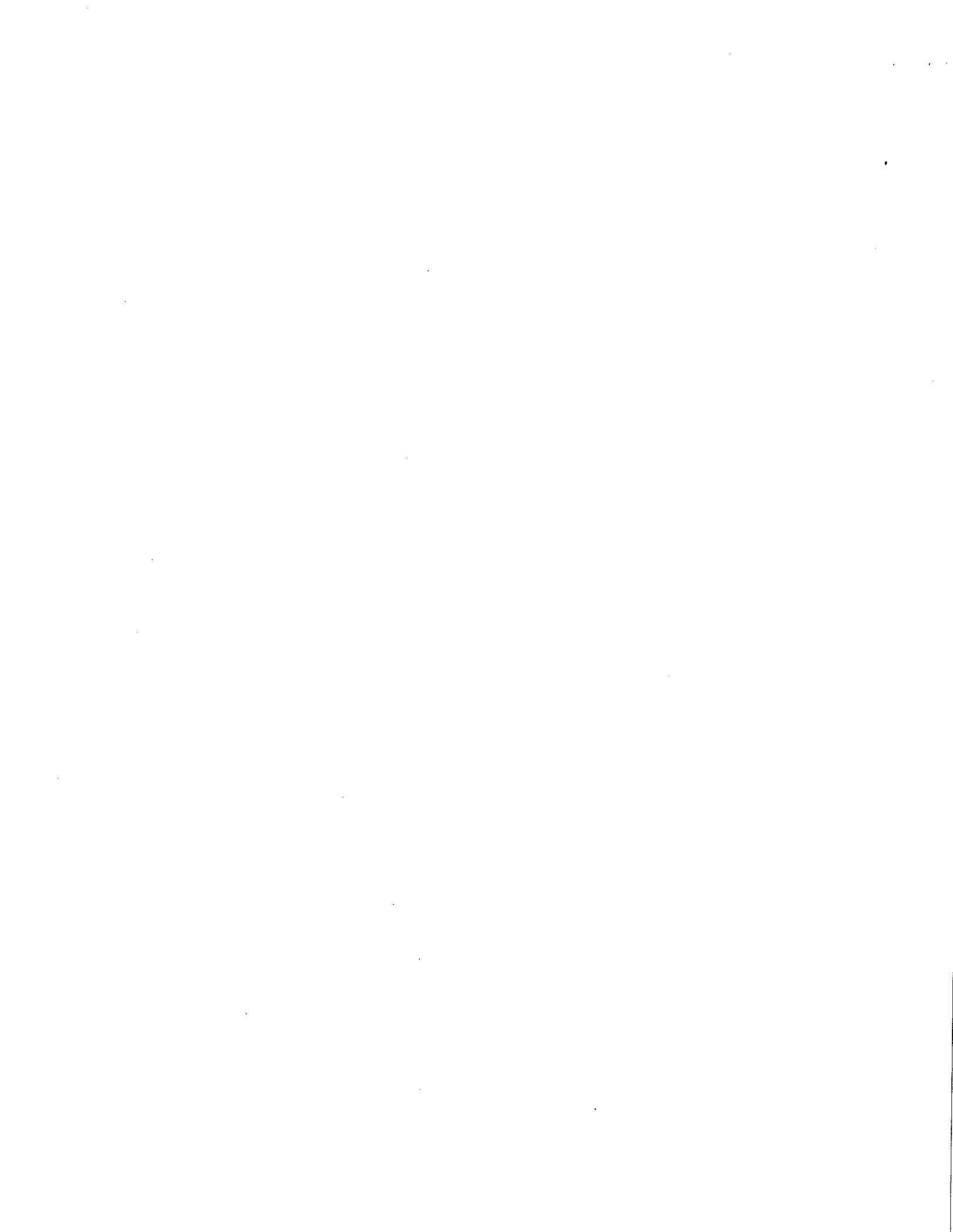


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Sincerely,

A handwritten signature in cursive script, appearing to read "Jessica Kirkpatrick", with a long horizontal flourish extending to the right.

Jessica Kirkpatrick  
Water Quality Inspector



## 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.