



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 4, 2015

Jim and Victoria Snyder
6512 Vista Drive
Ferndale, WA 98248

Notice of Penalty Docket #	11648
Site Location	6512 Vista Drive Ferndale, WA 98248
Penalty Amount	\$12,000
Due Date	Within 30 days after receiving this Notice of Penalty.

Re: Notice of Penalty

Dear Mr. Jim Snyder and Mrs. Victoria Snyder:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty Docket # 11648 to Jim and Victoria Snyder for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control

Please read the enclosed Notice of Penalty describing the violation(s) and options for responding to the penalty.

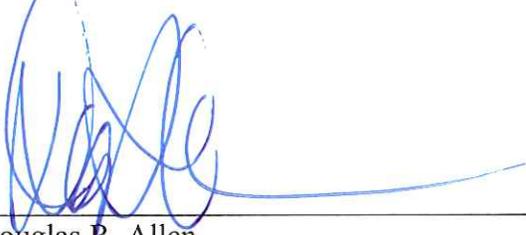
Ecology issues news releases for all major penalties and enforcement actions, including this one. A courtesy copy of the draft news release is enclosed. If you have a comment or question, contact Ecology communication manager Krista Kenner at (360) 715-5205 or krista.kenner@ecy.wa.gov within one business day of when you first receive the draft news release.

If you have questions please contact Chris Luerkens at (360) 715-5220 or chris.luerkens@ecy.wa.gov.

Sincerely,



Snydar Notice of Penalty, Docket # 11648
September 4, 2015
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Douglas R. Allen
Manager
Bellingham Field Office

Enclosures: Notice of Penalty Docket #11648
Draft News Release

cc: Fiscal-Penalty Desk, Ecology
Heather Bartlett, Water Quality Program Manager, Ecology
Josh Baldi, Northwest Regional Director, Ecology

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY)
ASSESSMENT AGAINST)
Jim and Victoria Snyder)
)

NOTICE OF PENALTY
INCURRED AND DUE
PENALTY DOCKET #11648

To: Mr. Jim Snyder and Mrs. Victoria Snyder
6512 Vista Drive
Ferndale, WA 98248

Notice of Penalty Docket #	11648
Site Location	6512 Vista Drive Ferndale, WA 98248
Penalty Amount	\$12,000
Due Date	Within 30 days after receiving this Notice of Penalty.

The Department of Ecology (Ecology) has assessed a penalty against Mr. and Mrs. Snyder in the amount of \$12,000 for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

DETERMINATION OF VIOLATION(S)

Ecology's determination that a violation/violations has/have occurred is based on the violations listed below.

Mr. Jim Snyder and Mrs. Victoria Snyder (Snyders) keep cattle and horses on their property located at 6512 Vista Drive, Ferndale, Washington, 98248. Since 2010, Ecology has documented conditions created by their livestock operation that cause discharges of pollutants to state waters in violation of Washington State's Water Pollution Control Act (RCW 90.48). Ecology notified the Snyders on numerous occasions that discharges from their farm constitute violations of RCW 90.48. The Snyders have not implemented appropriate best management practices (BMPs) to prevent future discharges of pollutants to state waters.

Documented conditions observed on the Snyders' property include unrestricted livestock access to surface waters and polluted runoff to surface waters from both the confinement area and a denuded pasture. Lab analyses of water flowing off the property show repeated exceedances of the state water quality standard for fecal coliform bacteria (WAC 173-201A-200(2)(b)). The Snyders were notified that these conditions must be corrected to prevent future discharges of

pollutants. The Snydars were repeatedly advised of technical and financial resources available to help make infrastructure and farm management improvements needed to prevent pollution from reaching state waters.

On July 23, 2014, Ecology issued a Notice of Violation (NOV) for failure to address conditions that cause the discharge of pollutants to state waters. Ecology did not receive a response as required by the NOV.

On April 8, 2015, Ecology issued an Immediate Action Order (IAO). The Order required the Snydars to submit a plan to prevent discharges to state waters and make improvements described in the plan. The Snydars are currently in violation of that Order, having failed to submit a plan by June 8, 2015. They have not demonstrated that they have taken any actions to address requirements of the Order to prevent future contaminated discharges into state waters that would violate RCW 90.48.080. The conditions on this property have caused pollution to discharge to state waters.

This penalty is based on two instances of documented discharges of a pollutant to state waters, on March 3, 2014 and April 17, 2014, from the Snydars' property. These polluted discharges resulted from the Snydars' failure to manage their livestock-rearing operation in a way that prevents pollutants from entering waters of the state. A \$6,000 penalty was calculated for each day's discharge, resulting in a total penalty of \$12,000.

Discharge No. 1, March 3, 2014:

On this day Ecology water quality inspectors responded to an ERTS complaint (646868) regarding the Snydars' property. From the road Ecology observed site conditions on the Snydars' property that caused manure to pollute surface water in violation of RCW 90.48.080.

Two separate locations where discharges occurred were identified through sampling and visual observations of the conditions of the property. Water quality samples collected on this day were tested for fecal coliform bacteria. The results of these samples show that the conditions on the Snydars' property caused discharges of pollution to state waters. See Table 1 for results summary.

On March 3, 2014, the following conditions were observed that contributed manure-contaminated water to discharge from the Snydars' property (see Attachment 1 for a map of the site):

- Significant portions of pastures were heavily grazed and contained accumulations of manure. Sheet flow was draining through areas of manure accumulations and polluting Trib W.

- Surface water was observed as sheet flow draining through areas of where manure solids had been spread.
- Manure-contaminated surface water flowed from an area near the confinement area into Ditch NW.
- A livestock path leads to and crosses Trib E, an unnamed tributary of California Creek. The path slopes steeply toward Trib E and was bare of vegetation, indicating livestock have direct access to Trib E, state waters.

Discharge No. 2, April 17, 2014:

Ecology inspectors collected a water quality sample of surface water discharging from the Snydars' property at sample site B and had it analyzed for fecal coliform bacteria. The result shows that surface water discharging from the Snydars' property was polluted with fecal coliform bacteria from the Snydars' property. The following site conditions were observed by Ecology inspectors:

- Sheet flow was observed flowing through portions of pastures where on March 3, 2014, Ecology had documented solid manure had been spread.
- Areas where animals were confined continued to be covered in mud and manure. These areas slope toward Trib W.
- Surface water continued to flow though areas of pasture where manure accumulations had earlier been observed.

Results of water quality analyses of samples taken from the receiving waters downstream from the Snydars' property. Table 1 below summarizes the results of water quality samples collected of water flowing from the Snydars' property (Attachment B). To be in compliance with state water quality standards, no samples may exceed 200 fecal coliform colonies (FC)/100 ml of water when less than 10 samples are collected, and the geometric mean of all samples, when 5 or more samples are collected, must not exceed 100 FC/100 ml of water, with no more than 10% of the samples exceeding 200 FC/100 ml (WAC 173-201A-200(b)(3)).

Table 1. Results of fecal coliform bacteria (FC) sampling at the Snydars' Property (2010-2014)			
Results in FC/100mL			
	Site Location		
Date	Sample Site A	Sample Site B	Sample Site C - Aldergrove
	Upstream of the Snydars' property and Sample Site B. Water occasionally flows onto the Snydars' property via	This is downgradient of Sample Site A. Samples collected from this site document the fecal coliform bacteria (FC) concentration of water as	Surface water flowing from areas on the Snydars' property into Ditch NW along Aldergrove Road. A sample was collected

	a culvert under Vista Drive. Water originates from a roadside ditch along Vista Drive. Often there is no flow at this site.	it discharges from the north side of the Snydars' property. Samples were taken immediately downgradient as water flows from the Snydars' property.	immediately prior to discharging to water in Ditch NW.
02/02/2010	20	470,000	
02/12/2010	<3	2,800	
01/21/2011	no flow	170,000	
01/04/2012	no flow	17,000	
03/03/2014	680	17,000*	38,000
04/17/2014	no flow	9,200*	no flow

*Denotes discharges cited for penalty.

Requirements of Order remain.

In addition to this penalty, the requirements and timelines listed in the Order (IAO #11079) remain in effect. The Snydars must develop a plan and implement BMPs consistent with the Order to prevent future discharges. No penalty has been issued for violation of the Order at this time.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of "small business" under this section. However Ecology has determined that you have had more than seven calendar days to correct the violations, and they have not been corrected.

FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY

Continued failure to correct the violations listed in this Notice of Penalty may result in additional, escalated penalties.

OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

Mail payment to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Notice of Penalty Docket # 11648

September 4, 2015

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Chris Luerkens
Department of Ecology
Bellingham Field Office
1440 10th Street, Ste 102
Bellingham, WA 98225
Phone: (360) 715-5220
Email: chris.luerkens@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board:**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Laws:** www.ecy.wa.gov/laws-rules/ecyrcw.html
- **Rules:** www.ecy.wa.gov/laws-rules/ecywac.html

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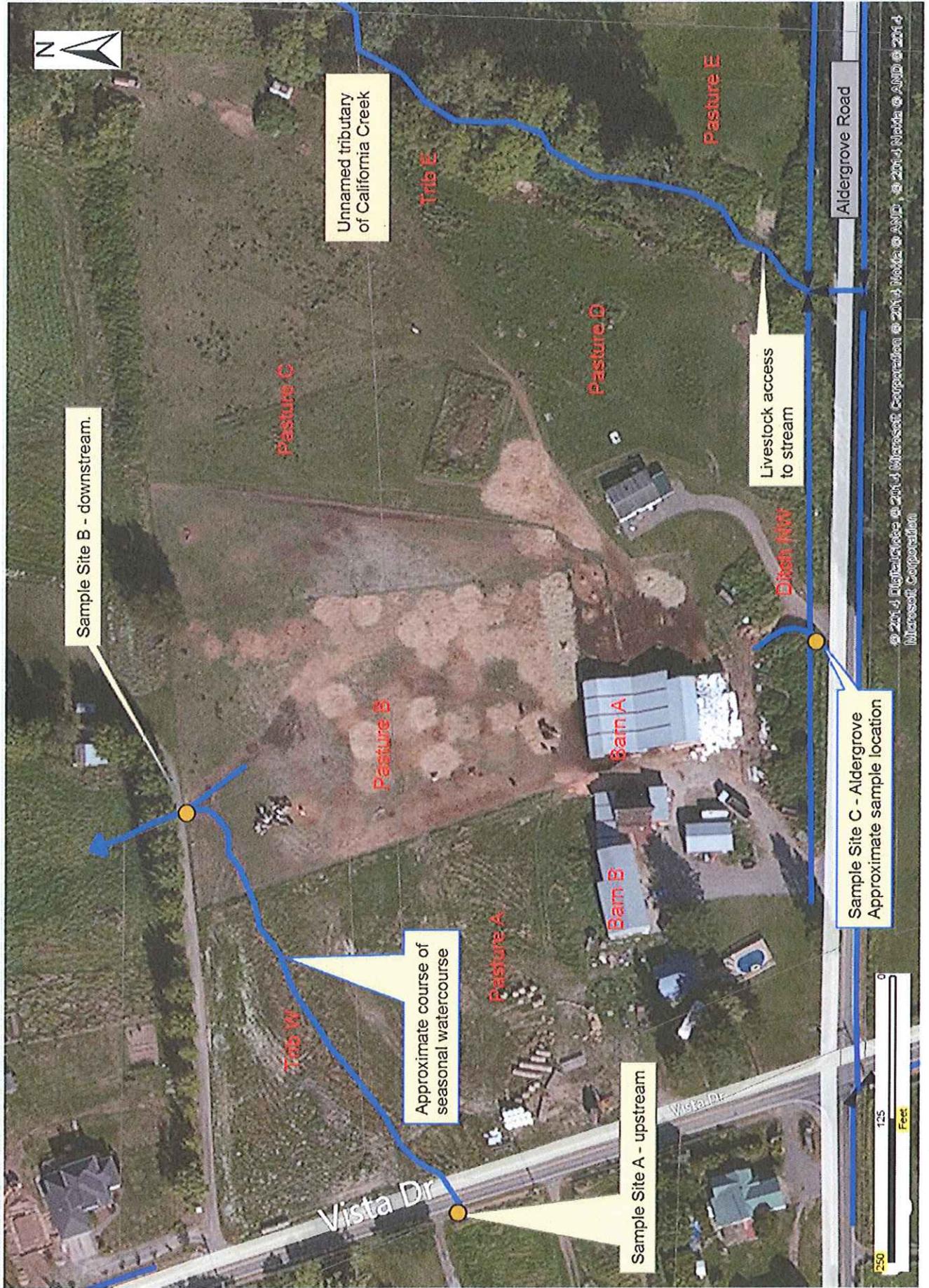


Douglas R. Allen
Manager
Bellingham Field Office

Date

9/4/2015

Attachment 1 – Snyder Map



Landowner fined \$12,000 for manure pollution

FERNDALE – A livestock owner faces a \$12,000 penalty for polluting waterways that flow into California Creek in the Drayton Harbor watershed.

The property, located outside of Ferndale, is owned by Jim and Victoria Snyder.

The Department of Ecology issued the fine this week. Ecology is part of a county-wide effort to reduce fecal coliform bacteria in public waterways.

Bacteria from manure pollution can pose a risk to human health, through direct contact or by eating contaminated shellfish.

The penalty cites lack of adequate covered manure storage, improper manure spreading, and accumulations of manure in pastures and confinement areas that slope to water bodies, as factors that led to discharges. In addition, the animals have had direct access to the stream.

“The problems on this property are significant, but preventable,” said Doug Allen, manager of Department of Ecology’s Bellingham field office. “Where livestock are confined to a small area that slopes to a ditch or stream, extra care must be taken to avoid pollution.”

Ecology sampling consistently shows water with high concentrations of bacteria flowing off the property. The penalty cites two documented pollution discharges:

- March 3, 2014: Immediately downstream of the property, Ecology sampling found polluted water 85 times greater than the state limit.
- April 17, 2014: Immediately downstream of the property, Ecology sampling uncovered polluted water 46 times greater than the state limit.

Ecology inspectors contacted the property owners in 2010 in response to a citizen complaint about pollution. In 2014, Ecology issued a notice of violation followed by a compliance order earlier this year which required the Snyders to submit a plan to stop pollution. Opportunities for technical and financial assistance to correct the problems were included in all correspondence with the landowners.

“We’ve made repeated attempts to work with the Snyders to help them make changes that would prevent pollution,” said Allen. “It’s unfortunate that we’ve gotten to this point.”

High levels of fecal coliform bacteria continue to seasonally limit recreational and commercial shellfish harvest in Drayton Harbor.

Penalties and orders from Ecology may be appealed to the Washington State Pollution Control Hearings Board.

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DATA