



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Ste 102 • Bellingham, WA 98225

(360) 715-5200 • FAX (360) 715-5225

November 23, 2010



Your address
is in the
Nooksack
watershed

Mr. and Mrs. Jeff and Susan Snyder
1956 Hampton Road
Everson, WA 98247

Dear Mr. and Mrs. Snyder:

RE: Warning Letter - Violation of Washington State's Water Pollution Control Act (RCW 90.48)

The purpose of this letter is to notify you of a documented violation of RCW 90.48 at your heifer rearing facility located at 1956 Hampton Road, Everson, WA 98247. On November 15, 2010, I observed and documented with photographs and a water sample that manure-contaminated muddy water was flowing off of your property into Mormon Ditch (state waters), a tributary of Kamm Creek.

The results of the water sample I collected on November 15, 2010 exceeded state water quality standards of 100 fecal coliform bacterial organisms per 100 milliliters of water (WAC 173.201A. 200.(1)(e)) for this water body by a factor of 3,500.

As a short-term solution you are required to immediately halt all discharges of manure contaminated water into state waters from your heifer rearing operation. For a more permanent, long term solution you are being formally referred to the Whatcom Conservation District to develop and implement a nutrient management plan that is protective of surface and groundwater quality.

Any further discharges or potential discharges to state waters will likely result in Ecology taking formal enforcement action against you that could include administrative orders and/or penalties of up to \$10,000 per day per violation.

RCW 90.48.010 requires that all citizens of the state of Washington implement all known and reasonable technologies to prevent and/or control pollution to state waters (commonly called AKART). You have not taken measures to prevent pollution of state waters and by not managing your livestock and their manure properly, constitutes violation of RCW 90.48.010.

Although I have not conducted a comprehensive inspection of your farm, I was able to observe a large manure contaminated, muddy area on the west and south side of your barns where you have allowed too many animals to use the restricted area for too long of a time frame. This excessive use effectively exceeds that area of your farm's "carrying capacity". This situation



always results in manure contaminated mud being generated and when it rains, this manure contaminated mud flows off into state waters in violation of RCW 90.48.080

Through this Warning Letter, Ecology is strongly recommending that you contact the Whatcom Conservation District to begin developing a Nutrient Management Plan that is protective of state waters within **seven days**.

The Whatcom Conservation District is a non-regulatory agency dedicated to providing technical assistance to the agriculture community. I think you will be pleasantly surprised at the level of service they provide at no charge. They have a complete host of agricultural professional and technical resources they can provide you that if implemented correctly, will allow you to continue farming while still protecting water quality. Often they are able to advise you on small changes to the farm that you can make that will protect water quality.

You can also hire a private consultant to develop a farm plan that is protective of water quality, but there is usually a fee for these services and the plan would ultimately be approved by the Whatcom CD anyway.

Please be advised that RCW 90.48.080 prohibits causing or allowing the pollution of waters of the state.

NOTICE: The violation(s) and failure to correct the violation(s) listed above may result in issuance of an administrative order and/or civil penalties of up to \$10,000 per day per violation.

Compliance with RCW 90.48.080 is now required and expected.

If you have any questions or need additional technical assistance do not hesitate to contact me by e-mail, fax or mail to the Bellingham Field Office, c/o Mark A. "Mak" Kaufman, using the following information:

- Mail - Dept of Ecology, Bellingham Field Office, 1440 10th Street, Suite 102, Bellingham, WA 98225
- Fax - (360) 715-5225
- Email - makk461@ecy.wa.gov

Sincerely,



Mark A. "Mak" Kaufman, Stormwater Inspector
Bellingham Field Office
Department of Ecology

mk:ll

Certified Return-Receipt-Requested mail

cc: Nora Mena, Dept of Agriculture
Elke Dougherty, Whatcom Co. Planning and Development Services
George Boggs, Whatcom Conservation District

Jeff and Susan Snyder Farm
Inspection Date: November 15, 2010

Permit #: N/A
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Elke Dougherty, Whatcom Co. Planning and Development Services
George Boggs, Whatcom Conservation District
cc: BFO Central Files:
BFO Reading Files

