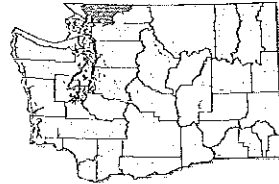




STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 25, 2010



Your address
is in the
Nooksack
watershed

Mr. Jim Snyder
6512 Vista Dr.
Ferndale, WA 98248

Dear Mr. Snyder:

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

The purpose of this letter is to notify you of yet another violation of RCW 90.48 at your facility located at 6512 Vista Drive, Ferndale, WA 98248. This is likely to be Ecology's last attempt at gaining compliance with RCW 90.48 on your facility through informal enforcement measures.

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

During a complaint driven site inspection of your livestock rearing facility on January 20, 2010, I observed that that your facility has a substantial potential to cause discharges of manure-contaminated water to flow into state waters. Your facility is one of the most poorly managed livestock rearing operations I have observed. I can say with near 100% surety that your facility has discharges of manure contaminated water into state waters during every rain event.

On January 15, 2008, I inspected your farm and gave you a verbal warning to exclude your cows from the unnamed tributary of California Creek to the east of your barns. I also explained to you that you were required to halt all discharges or potential discharges to state waters immediately. You agreed to comply and I returned on February 1, 2008 to verify that you had corrected that problem, which you had.

You have now allowed this same situation to occur in the unnamed tributary to the east of your barns, as well as having manure-contaminated discharges into state waters into another unnamed tributary of California Creek on the northern side of your property.

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 been taking measures to prevent pollution of state waters and by not

managing your livestock and their manure properly, this is an additional violation of RCW 90.48.

There are four major problems that you have on site which are all causing or contributing to manure contaminated water flows into state waters.

These practices are:

- 1) The vast amount of manure-contaminated, muddy areas which all slope toward state waters.
- 2) The stored manure pile is on an area that slopes toward state waters and was leaching manure contaminates down slope during my inspection.
- 3) You have spread raw manure throughout the field to the north of your barns which is adjacent to Vista Drive and has water flowing through the manure piles. This is contaminating state waters.
- 4) Your livestock have access to the unnamed creek located to the east of your barns and this is causing or contributing to pollution of state waters.

All of these practices listed above are caused at least in part by the fact that you are exceeding your land's capacity to support the number of animals you have on site. You stated that you have 45 cows and only fifteen acres (all of which is not available for grazing).

Normally Ecology requires that farms that are discharging to state waters halt the discharges immediately and Ecology asks that the farm contact the Whatcom CD for technical assistance.

Due to the number of problems and the poorly managed nature of your farm, you need to have professional technical help to solve these problems.

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.

If you do not contact the Whatcom Conservation District within that seven day timeframe, Ecology will likely issue an Administrative Order legally requiring you to: 1) halt all contaminated discharges and 2) contact the Whatcom Conservation District for technical assistance. This will be formal enforcement that could also be accompanied by a monetary penalty as described above.

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

ec: Nora Mena, Dept of Agriculture
Elke Dougherty, Whatcom Co. Planning and Development Services
George Boggs, Whatcom Conservation District
cc: BFO Central Files: Mr. and Mrs. John and Kelly Wood/Owners
BFO Reading Files

