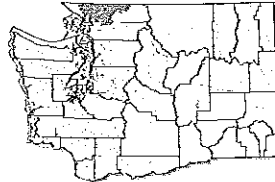




STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 17, 2009



Your address  
is in the  
**Nooksack**  
watershed

**CERTIFIED MAIL**

7006 2760 0002 7949 2225

Ms. Donna Olson  
3118 Bohme Road  
Custer, WA 98240

Dear Ms. Olson:

**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 violation of RCW 90.48. Yesterday, while searching for small farms that allow livestock access to ditches, streams or other surface water bodies, I observed that your facility had the fences configured in a manner that would allow your horses access to the unnamed tributary of Dakota Creek.

I stopped and spoke with you and your father about this and to your credit, you were very cooperative and quickly agreed to fence the animals out of the stream in just a few days. You also indicated that you already have off-stream watering capabilities, so there shouldn't be any further need for the animals to access the stream. I explained that Ecology would be sending you a Warning Letter and that I would write in a 14 day compliance period to ensure you have enough time to accomplish the task.

After notifying you that allowing livestock access to state surface waters constitutes violation of the Water Pollution Control Act (RCW 90.48), Ecology strongly recommends that you exclude your horses from access to state surface waters within 14 days of receipt of this Warning Letter.

During our conversation, I also suggested that you contact the Whatcom Conservation District, whom are the recognized technical experts in agricultural techniques and technologies that allow farms to operate without causing environmental problems.

Again, Ecology strongly advises you to contact the Whatcom Conservation District, and I think you will be pleasantly surprised at how much help they can provide you in developing a customized farm plan that allows you to operate your horse farm without causing any environmental problems.



Allowing your livestock access to state waters constitutes a substantial potential pollute state waters. Washington State's Water Pollution Control Act (RCW 90.48) authorizes the Dept. of Ecology (Ecology) to prevent discharges to state waters based on the potential to pollute. Ecology has the authority under RCW 90.48 to take enforcement action in the form of administrative orders and/or penalties of up to \$10,000 per day per violation.

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 whatsoever 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 10<sup>th</sup> 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

Enclosures

ec: Jason Pentzer, Dept of Agriculture  
Elke Dougherty, Whatcom Co. Planning and Development Services  
George Boggs, Whatcom Conservation District  
cc: BFO Central Files: Donna Olson Horse Farm/Donna Olson/Owner  
BFO Reading Files