



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 8, 2009



Your address  
is in the  
**Nooksack**  
watershed

Mitch Knutson  
2200 Malloy Lane  
Ferndale, WA 98248

Dear Mr. Knutson:

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

The purpose of this letter is to notify you that during the rainstorm of September 30, 2009, City of Ferndale staff documented with photographs, violations of RCW 90.48.080 for discharging pollutants into state waters. These discharges of sediment laden water above water quality standards into state waters originated from unstable soils on your property. You stated that you have recently ploughed the entire field of sod under and recently hired Whatcom Farmers Cooperative to reseed the 8-10 acres on your property. It was obvious during my site inspection conducted Friday, October 2, 2009, that although you have recently reseeded the entire property, the seeding was conducted too late in the year to allow for a vigorous enough growth of grass to prevent sediment from flowing offsite during rain events. As I explained during the inspection, you should have seeded the property during early to mid-August at the latest and watered the seeded area to ensure germination of the seed. I realize that Whatcom Farmers Cooperative advised you against spreading seed at this time of year because it was too dry for seed germination and that it would seem expensive to have to water the entire pasture. By taking this advice, you have created a situation that allowed for the uncontrolled release of sediment into state waters and have caused a violation of Washington State's Water Pollution Control Act.

Through the Water Pollution Control Act, the Dept. of Ecology is charged with preventing and controlling pollutant discharges into state waters and is authorized to take enforcement actions that could result in penalties of up to \$10,000 per day, per violation for violations or potential violations. RCW 90.48.010 states (paraphrased) that of all citizen's of the state of Washington are required to implement all known and reasonable technologies (AKART) to prevent and control pollution from entering state waters. By allowing sediment discharges into state waters with no Best Management Practices (BMPs) implemented, you have also violated this subsection of RCW 90.48.



During the inspection I conducted on 10/2/09, I explained that at a minimum, Ecology is requiring you to prevent further discharges of sediment into state waters by stabilizing all of the channels on the site with combinations of erosion control blankets and rock or sand bag check dams as soon as possible. You agreed to implement these BMPs to prevent any further sediment-laden discharges into state waters. I will be conducting an unannounced follow up inspection to ensure that the site is stabilized prior to October 16, 2009.

In total Ecology has documented 2 separate violations for one day.

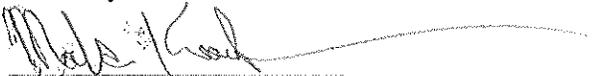
**NOTICE: The violation(s) and failure to correct the violation(s) listed above may result in issuance of an administrative order and/or civil penalties of up to \$10,000 per day per violation.**

Compliance with RCW 90.48 is now required and expected. If you have any questions do not hesitate to contact me at:

- 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
- Phone: (360) 715-5221

**Please be aware that failure to implement BMPs to prevent sediment-laden discharges into state waters may result in the issuance of formal enforcement actions by Ecology to ensure compliance with RCW 90.48.**

Sincerely,



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

mk:ll

Enclosures

ec: Wendy Fisher, City of Ferndale

cc: BFO Central Files: Site Name, Mitch Knutson, 2200 Malloy Lane, Ferndale, WA 98248  
BFO Reading Files