



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

OCT 08 1999

REGISTERED MAIL

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Mr. Dale Marr
Marr Mink Farm

[REDACTED]
Deming, WA 98244

Dear Mr. Marr:

Enclosed is Order No. DE 99WQ-N435. All correspondence relating to this document should be directed to the Enforcement Coordinator at the Northwest Regional Office, 3190 - 160TH Avenue SE, Bellevue, WA 98008-5452. If you have any questions concerning the content of the document, please call Andrew Craig, at the Bellingham Field Office, telephone (360) 676-2217. The enclosed Order may be appealed. The appeal procedures are described in the Order. The Notice of Appeal should contain a copy of the Order.

Sincerely,

Tricia Miller

Tricia Miller
Enforcement Coordinator
Water Quality Program
Northwest Regional Office

TM:ll
Enclosure

cc: George Boggs, Whatcom Conservation District
Leann Ryser, Fiscal Office
Joan Pelley, Bellingham Field Office
Andrew Craig, Bellingham Field Office
Richard Grout, Bellingham Field Office
John Glynn, NWRO
Ron Langley, NWRO
Kevin Fitzpatrick, NWRO



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)
ADMINISTRATIVE ORDER)
AGAINST: Mr. Dale Marr)

ORDER
No. DE 99WQ-N435

To: Mr. Dale Marr
Marr Mink Farm
[REDACTED]
[REDACTED]
Deming, WA 98244

This is an Immediate Action Order requiring Mr. Dale Marr to comply with ~~RCW 90.48 by~~, taking certain actions, which are described below. RCW 90.48 authorizes the Department to issue Immediate Action Orders requiring compliance whenever it determines that a person has violated any provision of 90.48 RCW.

Chapter 90.48.080 states the following:

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any waters of the state or to cause, permit, or suffer to be thrown, run, drained, or allowed to seep or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters, according to the determination of the Department, as provided for in this chapter.

Chapter 90.48.160 states the following:

Any person who conducts a commercial or industrial operation of any type, which results in the disposal of solid or liquid waste material into the waters of the state, shall obtain a permit from the Department of Ecology.

This Order is based on the following Department findings:

On April 27, 1999, Ecology conducted a complaint driven inspection of the Marr Mink Farm. Mr. Marr was issued a Notice of Correction (NOC) to correct evidence of past mink manure discharges to surface waters and was instructed to begin development of a farm plan with the Whatcom Conservation District. Only one of the two Marr Mink Farm facilities were inspected.

On August 18, 1999, Ecology completed another complaint driven inspection of the Marr Mink Farm. An inspection of both Marr Mink Farm facilities (Cornell Creek Road and Mt. Baker Highway) were completed. Observations indicated that Mr. Marr took partial action to comply with the NOC, but discharges of mink manure to surface waters continued. In addition, another discharge of septic tank wastewater to surface waters and a substantial potential for discharge of manure to surface waters were observed and documented.

A follow up inspection of the Marr Mink Farm was completed by Ecology on August 20, 1999 to collect water samples. Water sample results show fecal coliform contaminated water from the Marr Mink Farm entering surface waters from three locations/pipes. Water samples collected from the pipes and receiving ditch revealed a FC count that ranged between 2,500 FC/100 ml to 570,000 FC/100ml. The state standard for surface waters of the state is 100 FC/100 ml. Water upstream and entering the Marr Mink Farm facility measured at 10 FC/100ml.

Water sample results also showed the septic tank wastewater entering surface waters had a Biological Oxygen Demand (BOD) of 2,200 mg/L, a Total Suspended Solids (TSS) reading of 1600 mg/L, and a Oil and Grease (O&G) reading of 550 mg/L. Washington State Department of Health standards/limits for residential influent limits for septic fields are <231mg/L BOD, <151mg/L TSS, and <30mg/L (O&G).

Another inspection of both Marr Mink Farm facilities was conducted on September 3, 1999 by Ecology. During this inspection, continued discharges of septic tank wastewater and mink manure to surface waters were observed and documented. Water Quality samples collected during this inspection show fecal coliform contaminated water entering surface waters from the same locations as the August 20, 1999 inspection. The sample results were all above state standards for surface waters (FC counts ranged between 2,100 FC/100 and 5,700 FC/100 ml). In addition, two more discharges to surface waters were identified at the Mt. Baker Highway facility. Water samples collected from two pipes that entered surface waters revealed a FC count that ranged between 600 FC/100 ml to 1000 FC/100ml. The state standard for surface waters of the state is 100 FC/100 ml. Water samples taken upstream of the two Mt. Baker Highway facility discharge pipes measured at 25 FC/100ml.

For these reasons, and in accordance with RCW 90.48.120(2), IT IS ORDERED that Mr. Dale Marr take the following actions:

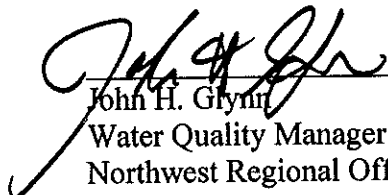
1. No later than October 13, 1999, cease all discharges of septic tank wastewater to surface waters.
2. No later than October 13, 1999, cease all mink manure discharges of fecal coliform contaminated water from both Marr Mink Farm facilities to surface waters.
3. No later than October 13, 1999, collect all septic tank wastewater generated at the Cornell Creek Road facility and haul it to the Bellingham Sewer Treatment Plant (BSTP) for testing and possible treatment. If BSTP accepts this wastewater, collect all septic tank wastewater generated at the Cornell Creek Road facility and haul it to the BSTP for treatment.
4. No later than November 5, 1999, submit an engineering report from a professionally licensed engineer to Ecology that meets the guidelines for preparation of engineering reports for industrial wastewater land application systems. A copy is attached.

5. No later than October 13, 1999, submit a written report to Andrew Craig, Water Quality Inspector 1204 Railroad Avenue Bellingham, WA 98225 that fully discloses where mink manure is currently disposed of, when it is taken off site, how much (volumes or weights), and the landowner or commercial facility that accepts mink manure from any/all Marr Mink Farm operations. The report will also explain how all mink manure generated at all Marr Mink Farm facilities will be handled and stored for the next six months.
6. No later than October 13, 1999, remove all stockpiled mink manure solids from the Mt. Baker Highway Facility.
7. No later than October 30, 1999, contain and cover all manure, using Natural Resource Conservation Service Best Management Practices/standards, so no manure leachate runoff to bare ground is possible.
8. No later than January 15, 1999, develop a Comprehensive Farm Plan with the Whatcom Conservation District or another certified consultant that meets the requirements of Chapter 90.48 RCW and the Department of Ecology.
9. No later than September 1, 2000, fully implement the Farm Plan.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903 within thirty (30) days of your receipt of this Order. Any appeal filed with the Pollution Control Hearings Board must be accompanied by a copy of the Order being appealed. At the same time, your appeal must also be served to the Department of Ecology c/o The Enforcement Officer, P.O. Box 47600, Olympia, Washington 98504-7600. Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

DATED OCT 08 1999, at Bellevue, Washington.


John H. Glynn
Water Quality Manager
Northwest Regional Office