




WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

**1998 Department of Ecology Report
Implementation of
The Dairy Nutrient Management Act
(Chapter 90.64 RCW)**

January 1999

Publication No. 98-38WQ


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Washington State Department of Ecology
Water Quality Program

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Implementation of the Dairy Nutrient Management Act**

I. Introduction

On April 1, 1998 Governor Gary Locke signed into law the 1998 Dairy Nutrient Management Act (Chapter 90.64 RCW) passed by the 1998 Washington State Legislature. This Act significantly changes how water pollution related to some dairy farms will be addressed.

The law established a technical assistance and inspection program for dairy farms to lead to water quality compliance. The program addresses the discharge of pollutants to surface and ground waters of the state

This report is provided pursuant to RCW 90.64.800. This report has been prepared with input from the Conservation Commission and the Dairy Nutrient Management Program Advisory and Oversight Committee. It will be supplemented in February 1999 with more detailed information regarding inspections when the first quarterly report on the inspection program becomes available and is also provided to the Advisory and Oversight Committee.

II. Primary Ecology Responsibilities

The primary responsibilities of the Department of Ecology under this Act are to:

1. Conduct a dairy farm registration program beginning July 15, 1998 and on July 15 every even-numbered year thereafter.
2. Conduct inspections of all dairy farms in the state licensed by the Department of Agriculture within two years beginning October 1, 1998.
3. Maintain a database to account for the inspection program and movement of the industry into compliance.

III. Registration Process

Registration forms were mailed by Ecology via certified mail on July 10, 1998 to all dairy farms licensed by the Department of Agriculture. The content of these forms was consistent with requirements of the Act and approved by the Advisory and Oversight Committee. Under the statute, registration forms were to be completed and returned to Ecology by September 1.

Notices of Correction were mailed on September 15, 1998 to about 150 farms that did not register advising them to register within 30 days or possibly receive a \$100 penalty.

As a result, all but eight farms registered. These eight farms were issued \$100 civil penalties on November 9, 1998. Currently, 99% of the states 765 farms are registered.

IV. Inspection Program

Ecology was provided \$400,000 for FY 99 to hire additional inspectors and create and manage a dairy database.

Ecology hired four additional inspectors - one each in our Bellingham, Bellevue, Lacey, and Yakima Offices. The statewide number of dairy inspector FTEs at Ecology now totals 7.5 - two inspectors each in our Bellingham, Bellevue, and Lacey Offices and 1.5 dairy FTEs in Yakima. One of these FTEs remains federally funded.

Ecology conducted three training sessions for all of our inspectors. As part of this training program, new staff accompanied experienced inspectors on routine inspections. Training is continuing. A standard inspection form was also developed to be used during all inspections. Inspections required under the Act were begun on October 1, 1998.

This report will be supplemented in February 1999 to include data on implementation of the first three months of the inspection program rather than reporting on a shorter period of inspections at this time.

V. Dairy Database

A staff person has been hired and a dairy database developed to meet the requirements of RCW 90.64.130. Ecology received a great deal of assistance from the Department of Agriculture in developing the database. Their assistance is appreciated very much.

The database monitors the items called for in the legislation including the registration process, inspection dates and results, findings of violations, regulatory and enforcement actions, number of inspections each person conducts, and the status of dairy nutrient management plans.

VI. Meetings with Conservation Districts

Section 4 of SSB6161 directed the Washington Conservation Commission and Ecology to hold meetings by October 1, 1998 with conservation districts to make sure the respective roles and responsibilities are understood by the agencies. Two meetings were held jointly by the Conservation Commission and Ecology. The first on September 28 in Olympia and the second on September 30 in Ellensburg. Eight to ten conservation districts were represented at each meeting.

VII. Advisory and Oversight Committee

Governor Gary Locke vetoed Section 8 of this Act calling for the establishment of an Advisory and Oversight Committee. In his veto message the Governor recognized the value of such a Committee and directed Ecology to administratively establish an Advisory Committee to perform the functions originally envisioned.

The Advisory and Oversight Committee was established by Ecology and in 1998 met on May 5, June 24, August 17 and November 20. Input from the Committee was solicited regarding the content of this report.

Committee members include four dairy producers and four alternate dairy producers, the federal Environmental Protection Agency, a representative of the shellfish industry, the federal Natural Resources Conservation Service, Conservation Commission, two conservation districts, an environmental group, and a county health department. The Committee is chaired by Ecology.

A Technical Advisory Committee was formed by the Conservation Commission as required under RCW 90.64.026(2). This group developed recommendations for minimum elements to be contained in nutrient management plans and presented them to the Committee for their review. Agreement was reached on these recommendations.

Ecology also brought several items to the Committee for their review including the design of the dairy database, registration form, inspection form, enforcement and permitting criteria and, priorities for inspections. Agreement was reached on the form and content of these documents.

At the November 20, 1998 meeting Advisory and Oversight Committee members agreed they were working together positively and effectively.

VIII. Registration Results

The following status of nutrient management planning was provided by dairy producers in their 1998 Dairy Nutrient Management Act registration forms.

Eastern Regional Office (93 farms)

Number and percent of farms without a plan	38 (41%)
Has Nutrient Management Plan	55 (59%)
Plan is fully implemented	50 (54% of all farms/ 91% of farms with plans)
Plan is not fully implemented	3
Implementation status not identified	2

Central Regional Office (81 farms)

Number and percent of farms without a Plan	23 (28%)
Has Nutrient Management Plan	58 (72%)
Plan is fully implemented	54 (66% of all farms/93% of farms with plans)
Plan is not fully implemented	4
Implementation status not identified	3

Southwest Regional Office (153 farms)

Number and percent of farms without a Plan	47 (31%)
Has Nutrient Management Plan	106 (69%)
Plan is fully implemented	76 (50% of all farms/72% of farms with plans)
Plan is not fully implemented	28
Implementation status not identified	3

Northwest Regional Office (430 farms)

Number and percent of farms without a Plan	156 (36%)
Has Nutrient Management Plan	274 (64%)
Plan is fully implemented	225 (52% of all farms/82% of farms with plans)
Plan is not fully implemented	32
Implementation status not identified	21

Statewide totals for registration data (757 farms)

Number and percent of farms without a plan	264 (36%)
Has a Nutrient Management Plan	493 (64%)
Plan is fully implemented	405 (54% of all farms/81% of farms with plans)
Plan is not fully implemented	67
Implementation status unknown	28

It should be noted that some plans currently need to be updated because of an increase in the farm's herd size. Some plans also need to be updated to meet the minimum elements for nutrient management planning recently approved by the Conservation Commission. This will be addressed further by the Conservation Commission as described in Section X of this report.

IX. Recommendations to Facilitate Implementation

An outline of this report was provided to the Advisory and Oversight Committee at its November 20, 1998 meeting. Members of the Committee did not provide any recommendations to facilitate implementation of the Act. The Committee did, however, wish to be involved in the development of criteria to guide Ecology actions to address "potential" sources of pollution. The Committee will be involved in this process beginning very soon.

X. Conservation Planning Resource Needs

RCW 90.64.800 requires the Conservation Commission beginning on December 1, 1999 to evaluate and report if fiscal resources are adequate to fund the technical assistance teams established in RCW 90.64.140. The Commission must also determine if funds are adequate to develop and certify plans as required by the schedule established in RCW 90.64.026. If funding is insufficient, the report shall include an estimate of the amount of funding necessary to accomplish the schedule established in RCW 90.64.026.

Although this report is not due until next year, the Commission is providing the following information at this time.

The Act requires all dairies in Washington State to have dairy nutrient management plans by July 1, 2002. In its fiscal note for SSB 6161, the Commission estimated a workload of 94,600 work hours at the local level to develop plans for 473 dairies. These are dairy farms without plans or with plans that do not comply with requirements of the Act. The total cost of this effort to local conservation districts was estimated to be \$2,527,499.

The Commission will again evaluate the fiscal resources required to implement the Act. This will occur after reviewing the final registration results tabulated by Ecology. The Commission will also evaluate existing plans by conservation districts and the Commission for conformance with the Act. This information will be used to update the cost estimates to be provided to the legislature by December, 1999.