FINAL BILL REPORT
SSB 5602

PARTIAL VETO
C 510 L 05
Synopsis as Enacted

Brief Description: Managing livestock nutrients.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Schoesler; by request of Department of Agriculture).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Economic Development, Agriculture & Trade

Background: The Federal Clean Water Act created two categories of programs. The point source program, administered through the National Pollution Discharge Elimination System (NPDES) permit system, requires specified concentrated livestock feeding operations to obtain a permit. These permits are generally renewed at five year intervals. The non-point program includes an array of activities that do not have a discrete discharge and includes livestock grazing operations. The Department of Ecology (DOE) has been the state agency that received delegation from the Federal Environmental Protection Agency to administer most of the federal program. State law provides the DOE authority to receive this delegation.

In 1998, amendments to the Dairy Nutrient Management Act were enacted that required each dairy in the state to develop and implement a nutrient management plan to assure the dairy does not discharge to state waters. This act contained inspection requirements and set deadlines for the development and implementation of plans for all commercial dairies.

In February 2003, amendments to federal concentrated animal feeding operation (CAFO) regulations included additional livestock operations under the point source regulatory system. Any animal feeding operation (AFO) either defined or designated as a CAFO is required to develop and implement nutrient management plans. These rules apply to additional categories of livestock facilities including defined and designated cattle feedlots, and swine and poultry operations. The federal rule establishes standards, inspection requirements, and deadlines for compliance. A February 28, 2005, federal court of appeals ruling may cause these rules to be modified.

In 2003, ESSB 5889 transferred administration of the existing state Dairy Nutrient Management Act to the Department of Agriculture (DOA). This legislation also created a multi-interest and multi-agency committee to assist the DOA in the development of a livestock nutrient management program that maintains the Dairy Nutrient Management Act plus transfers the remaining livestock operations (certain beef, feedlot, poultry, swine, etc.) with NPDES obligations into a single program to be administered by the DOA.

Once the program is in place, including the statutory authority provided by this bill, it is anticipated that the Environmental Protection Agency (EPA) will approve delegation of the CAFO, NPDES program directly to the DOA.

Summary: The livestock nutrient management program is to be implemented within the DOA. It is clarified that the section applies to animal feeding operations and not to pasture and rangeland operations. The Departments of Agriculture and Ecology are to examine current statutory authorities, in consultation with the Development and Oversight Committee, and recommend to the legislature statutory changes for full program implementation. These recommendations are to be submitted to the legislature prior to applying for EPA delegation.

Legislators, and representatives of horses and sheep producers, are added to the Development and Oversight Committee with additional tasks assigned to the committee. An additional task is to conduct an evaluation of simplified nutrient management planning tools and systematic practices, including coordinated resource management, for those livestock operations not required to have permits or farm plans. The goal is to introduce practical models through technical assistance, education, and outreach so that all livestock owners will have clear guidance on how to meet basic responsibilities to protect water quality.

The DOE is required to develop protocols for monitoring water quality of state waters in the vicinity of concentrated animal feeding operations and dairies. These protocols are to be submitted to the appropriate committees of the legislature by December 1, 2005.

Information obtained from dairies, animal feeding operations, and concentrated animal feeding operations that are not required to obtain a federal permit are to be disclosable to the public only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. The DOA is to adopt rules in consultation with affected state and local agencies.

By July 1, 2005, composting guidelines for routine disposal of cattle and horses are to be developed by involved state agencies. People who compost of cattle or horse carcasses are exempt from the metals testing and permit requirements under the solid waste handling rules if specified conditions are met.

Votes on Final Passage:

Senate	42	6	
House	85	11	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 24, 2005

Partial Veto Summary: The additional requirement that the Livestock Nutrient Program Development and Oversight Committee (committee) evaluate simplified tools and practices that can be offered to livestock operations not required to have permits or farm plans is deleted. The requirement that sheep and horse producer representatives be appointed to this committee is also deleted. The official that is to make the appointments to the committee continues to be the governor rather than being changed to the Director of the DOA. It is not mandatory that legislative representatives be added to the committee. The specific requirement that a report on proper methods to dispose of animal carcasses be given at a legislative assembly in September 2005 is deleted. The termination date for the committee of June 30, 2006 is retained rather than have the committee continue in effect until the federal

Environmental Protection Agency delegates authority to the DOA for administration of the federal permit program.