RE: PRA request re RCW 90.64.130
Wednesday, December 19, 2012 3:09 PM
From: "Connell, Maryann (AGR)" <MConnell@agr.wa.gov>
To: "Env. Eng. Assoc." <environmentalengineeringassociat@yahoo.com>

Citizens for Sustainable Development
19916 Old Owen Road Box 220
Monroe, WA 98272

Dear Env. Eng. Assoc.:

You are correct in your understanding that if a facility is not required to apply for a NPDES permit, then, in response to a PRA request for any of those 5 matters listed in RCW 42.56.610 (as they pertain to any specific AFO/CAFO/dairy), state and local agencies are required to disclose the requested information only in the applicable range specified by WAC 16-06-210(29).

You are also correct in your understanding that the exemption applies to other agencies unless that facility is required to apply for a NPDES permit, in which case the actual numbers must be disclosed in response to a PRA request.

WSDA's formal guidance on how the exemption is applied is found in WAC 16-06-210 (29).

Through the public rule making process, WSDA tried several ways of satisfying the requirement imposed by RCW 42.56.610 by creating meaningful ranges, and settled on the final approach after working with stakeholders and public review comments.

This concludes the department's response to your December 4, 2012 request.

Sincerely,

Maryann Connell
Division Coordinator

From: Env. Eng. Assoc. [mailto:environmentalengineeringassociat@yahoo.com]
Sent: Thursday, December 20, 2012 1:36 PM
To: Connell, Maryann (AGR)
Subject: RE: PRA request re RCW 90.64.130

Dear Ms. Connell,
Was your [above] response reviewed by Nora Mena?
Thank you.

RE: PRA request re RCW 90.64.130 - 243
Friday, December 21, 2012 1:47 PM
From: "Connell, Maryann (AGR)" <MConnell@agr.wa.gov>
To: "Env. Eng. Assoc." <environmentalengineeringassociat@yahoo.com>

Citizens for Sustainable Development
19916 Old Owen Road Box 220
Monroe, WA 98272

Dear Env. Eng. Assoc.

Yes, Nora Mena reviewed the response.

The exemption as established in RCW 42.56.610 and RCW 90.64.190 does apply to all agencies and directs WSDA to set the ranges. However, rules adopted by WSDA only apply specifically to WSDA. Other agencies may defer to the WSDA rules through policy or their own rule adoption.

Sincerely,

Maryann Connell
Division Coordinator