



Ideas to Improve Management of Washington's Natural Resources

Submitted by the Natural Resources Subcabinet

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**Work Group 3 Improving Environmental Protection,
 Permitting and Compliance**
Idea 3-4: Consolidate Regulation of Manure Waste

Problem/Issue

There is a complicated regulatory scheme for managing manure to keep it out of Washington waters. Responsibility is shared by the Department of Agriculture (Agriculture) and Department of Ecology (Ecology). Local conservation districts also have a role; they approve dairy nutrient management plans.

Agriculture regulates dairies under the Dairy Nutrient Management Act, Revised Code of Washington (RCW) 90.64. This law gives conservation districts approval authority for dairy nutrient plans.

Ecology regulates non-dairy animal operations sometimes called “Confined Animal Feeding Operations (CAFO)” under the federal Clean Water Act and the state’s Water Pollution Control law, RCW 90.48.

Having several agencies involved in regulating animal manure can be confusing for the farm and livestock operators, the public, and sometimes for staff. It requires ongoing coordination related to inspections, compliance, monitoring, and reporting.

Idea Description

This idea places animal manure regulation and oversight (including nutrient management plan approval) under one state agency. The two agencies agree that consolidation of authority into one agency would reduce complexity and confusion.

How Idea Advances the Three Criteria (customer service, efficiencies, state’s commitments)

The three criteria are addressed in the section on *Pros and Cons*.

Task/Timeframe/Lead/Deliverables

Task	Timeframe	Lead Entity	Deliverable
Draft legislation	December 2009	Affected Agencies	Draft legislation
Implement legislation	July 2010	Affected Agencies	Implementation completed

Authority to Implement

Consolidating authority into a single agency would require amendments to state rules and laws.

Pros/Cons

Pros and Cons are listed for two ideas: place program under (A) Department of Agriculture or (B) Department of Ecology.

A. Place under the Department of Agriculture:

This was the legislative intent when the Legislature passed ESSB 5889 and moved the dairy management act, CAFO permitting and management of other animal manure to Agriculture in 2003. However, Agriculture was not provided the additional authority needed to protect Water Quality under RCW 90.48 Water Pollution Control Act or authority to get Environmental Protection Agency approval as a delegated program under the Clean Water Act. For this idea to work, Agriculture would have to get legislative authority first, and then they would have to seek federal Clean Water Act delegation authority for the CAFO permit.

I. Improve customer service

- a. Makes clear which agency is responsible for manure management.
- b. Allows flexibility to respond to emerging issues by placing responsibility and authority with one agency.
- c. Provides a single agency contact for the regulated industry and public for livestock related issues.
- d. Places water quality oversight of agricultural activities at agricultural agency to enhance communication with regulated community and the public.

II. Increase efficiencies

- a. Lowers cost of service – currently a lot of resources going toward coordination among agencies.
- b. Avoids duplication –two different agencies won't be looking at the same information.
- c. Consolidates regulation and oversight of livestock and dairy activities in one agency.

III. Advances the state's commitments

- a. Tribes will understand which agency to coordinate with.
- b. Agriculture is required to protect water quality.
- c. Consistent with Agriculture's mission of environmental protection and strategic goals of protecting public health, protecting natural resources and ensuring safe and legal distribution of fertilizers.

B. Place Under Department of Ecology

This would place all animal manure management for protection of Water Quality in the agency responsible for protecting water quality. Would require the legislature to put the dairy nutrient management activities back over at the Department of Ecology.

I. Improve customer service

- a. Will make it clear which agency is responsible for manure management.
- b. Allows flexibility to respond to emerging issues by placing responsibility and authority with at one agency.
- c. Places water quality oversight at the Water Quality agency. Reduces confusion to public and regulated community.

II. Increase efficiencies

- a. Lowers cost of service – currently a lot of resources going toward coordination among agencies.
- b. Avoids duplication –two different agencies won't be looking at same information.
- c. Lines up more directly with Ecology's Mission.
- d. Ecology already has delegated federal authority to issue permits under the Clean Water Act and Under the State Water Pollution Control Act.

III. Advances the state's commitments

- a. Tribes will understand which agency to coordinate with.
- b. Consistent with Ecology's stated mission is to protect public health.