

Agriculture and Water Quality Advisory Committee

Meeting #8 (June 2015)

Updates

- Federal CWA Required Work
 - CAFO Permit
 - Nonpoint Plan Update
- Clean Samish Initiative-90 day push
- EPA's Waters of the U.S. Rule

CAFO Permit Re-Issuance

- Previous permit coverage 2006-2011
 - Administratively extended
- CAFO re-issuance process previewed at October Agriculture and Water Quality Advisory Committee Meeting
- Work since October Meeting-Listening Sessions

Listening Sessions

- Ecology held individual listening sessions with:
 - WSDA, DOH, NWIFC, Tribes, Industry Representatives, Environmental Groups, Conservation Commission, Conservation Districts, Shellfish Grower Representative
- Held general public listening sessions in Whatcom and Yakima Counties.
- Currently meeting with individual producers

What we have heard

- Big differences in opinion between producers and non-producers. Generally . . .

Producers	Non-Producers
<ul style="list-style-type: none">•Current system is working•Use NRCS as the standard•WSDA should remain the “face” of CAFO permit•NMP process is improving water quality•Lagoons generally do not leak, conditions below lagoons not conducive to transporting pollutants•Groundwater monitoring is not necessary	<ul style="list-style-type: none">•All medium and large CAFOs should be permitted•NRCS is not protective of water quality•Ecology should be the “face” of CAFO permit•NMP process is insufficient to protect water quality•All lagoons leak and should be lined.•Groundwater monitoring should be required.

Next Steps

Current timeline. . .

- June/July: preliminary draft CAFO permit out for public comment
- Thirty Day Comment period
- August – September: Ecology develops draft CAFO permit for formal public comment
- October :Public comment period
- December 2015: Issue final CAFO permit

Questions on CAFO Permit

Jon Jennings

CAFO General Permit

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Washington State: Water Quality Plan to Control Nonpoint Source Pollution Update

- Section 319 added to the Federal Clean Water Act in 1987—State Nonpoint source management programs.
- Last updated in June 2005.
- EPA expects update to be completed by the end of June.
- Presented information to Agriculture and Water Quality Committee at October 2014 meeting.
- Update webpage:
 - http://www.ecy.wa.gov/programs/wq/nonpoint/NP_Splan.html

Since October Meeting

- February Webinar
- SCC and WACD meetings (survey sent out to CDs)
- Financial Assistance Council and Water Quality Partnership meetings
- Forest Practices Board meetings
- Meetings with Tribes
- Meetings with State Agencies
- Stevens County Meeting-Cattle Producers of Washington, Stevens County Farm Bureau, and Stevens County CD
- Public Workshops:
 - Lacey and Webinar
 - Yakima
 - Spokane
 - Edmonds

What are we hearing?

- Balance between non-regulatory and regulatory tools.
- Use of DNA testing.
- Concern over shifting clean-up burden to point sources if nonpoint pollution sources not addressed.
- Need for clear standards-Recommended management measures.
- Consideration of economic feasibility and flexibility in implementation.
- Accountability and metrics for implementation.
- Need for more effectiveness monitoring.
- Treaty rights.

Next Steps

- Public Comment Period Closes on June 5th.
- Response to Comments.
- Finalize Plan and Submit to EPA by the End of June.
- Questions on Nonpoint Plan:

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Clean Samish Initiative

- Samish has seen significant improvement in water quality. However, there has been a plateau for the last several years.
- Local leadership wanted to re-catalyze efforts.
- Organized a three day workshop at the end of February.
- The workshop established a shared vision/mission, and stepped up interagency cooperation.
 - 90 day work plan.
 - Focus period-March, April and May.
 - Three focus areas-Friday Creek, Lower Samish, and Thomas Creek.
- 90 day check in-June 4th.

Federal EPA/Army Corps of Engineers: Waters of the U.S. Rule

- Final rule signed by EPA/Army Corps on June 26.
- Note: Interpretative Rule was dropped by EPA/Army Corps.

Federal EPA/Army Corps of Engineers: Waters of the U.S. Rule

- What does the rule do?
 - Definitional rule that clarifies the scope of “waters of the United States” consistent with the Clean Water Act (CWA), Supreme Court precedent, and science.
 - Programs established by the CWA rely on the definition.
 - Examples include the NPDES permit program, Section 404 permit program for the discharge of dredged or fill material program, and section 311 oil spill prevention and response program.

Federal EPA/Army Corps of Engineers: Waters of the U.S. Rule

- As a practical matter, the types of waters that the rule identifies as waters of the US are consistent with the jurisdictional calls that we have seen in practice by the Corps in Washington State for many years.
- At the federal level, we also do not believe the proposed rule affects the existing, broad exemption under the federal Clean Water Act for farming, ranching and silviculture practices. The exemptions that have been in place remain.



Questions?