Washington State Department of Agriculture

Washington State CONSERVATION COMMISSION

DEPARTMENT OF ECOLOGY State of Washington

January 11, 2013

The Honorable Christine Gregoire
Governor, State of Washington
Legislative Building
Olympia, WA 98504

RE: Recommended agency actions in lieu of manure legislation in 2013

Dear Governor Gregoire:

In your September 28, 2012 letter to us, you directed that we develop legislation to address concerns associated with manure management, which is one source of pollution to surface and ground water. Following engagement with stakeholders and tribal governments on this topic and a lack of agreement on how to proceed, **at this time we recommend a set of administrative actions in lieu of pursuing legislation in 2013.**

We recommend the following actions:

1) **Provide more public review and comment on recommendations of the Three Directors.** In our concurrent report to you on our "Three Directors" work, we describe additional public process needed for that body of work. We also believe there are select recommendations the agencies can implement in the year ahead, such as improved clarity around defining pollution and cross training our respective staff.

2) **Implement anticipated Voluntary Stewardship Program (VSP) pilots in conjunction with an effective "regulatory backstop" and agency technical support.** Your proposed budget currently has funding for VSP pilots. Consistent with the agreement facilitated by the Ruckleshaus Center, we recommend that a portion of the funds originally intended to support the manure legislation be focused on providing a balanced approach to implementing the VSP. We recommend including funding for agency technical support for the program, clean water inspections and enforcement (i.e., acknowledged "regulatory backstop") as well as additional VSP pilot areas.

3) **Ensure broader compliance with state clean water law generally**. A consistent theme our agencies have heard from all stakeholders and tribal governments is that many water pollution problems can be addressed by more thoroughly exercising existing authority. While there are clearly gaps in existing law that need to be remedied, we agree that water quality improvements can be achieved through more widespread and consistent application of existing clean water law. We recommend that a portion of the funds originally intended to support the manure legislation be focused on providing clean water inspections, investigations and enforcement.

4) **Consistent with Three Directors' recommendations, utilize conservation districts to work with landowners, providing them with technical assistance to address water quality impacts from agricultural activities.** The Conservation Commission should work with conservation districts to identify specific areas with natural resource concerns and target these areas for more focused implementation of incentive-based programs to achieve measureable natural resource improvements.

5) **Work with the Environmental Protection Agency (EPA) to identify and address deficiencies in state clean water law.** The specific actions that EPA is taking in the Yakima Valley raise some programmatic questions about manure management in Washington. There is significant interest in addressing these concerns more broadly. Our agencies will continue to work with EPA to determine how state programs can be implemented and/or modified to address concerns over drinking water and water quality generally.

6) **Continue work in key areas of the state, such as Samish, Whatcom and Yakima.** Consistent with your September 28 letter, our agencies are tackling challenging work in several key locales around the state. Utilizing opportunities such as Shellfish Protection Districts, Groundwater Management Areas, Clean Samish Initiative, Pollution Identification and Correction programs, etc., we hope to achieve our water quality goals.

7) **Formalize a stakeholder forum to assess potential gaps and focus of future legislation.** To best prepare thoughtful options for legislative consideration in 2014, we further recommend that a portion of the funds originally intended to support the manure legislation be used to support a forum to engage stakeholders and tribal governments.

Our recommendation to forgo legislation in 2013 is not made lightly. Our thinking has been influenced by strong concerns voiced from all quarters on insufficient time and transparency to consider and provide input on the legislation. We trust that providing additional time and process on both legislative options and the Three Directors work will increase support for the actions needed to improve water quality on agricultural lands.

Sincerely,

Dan Newhouse	Mark Clark	Ted Sturdevant
Executive Director	Executive Director	Executive Director

Cc: Keith Phillips, Governor's Policy Office