



Reducing Fecal Coliform Bacterial Loadings in the Samish River Watershed from Livestock Operations

Dept. of Ecology's Regulatory Approach to
Address One of Two Common Sources of Bacterial
Contamination

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The Problem

- Due to public health concerns, Washington State Dept. of Health has prohibited harvest of commercial shellfish in Samish Bay seven times after rain events in last two years.
- These closures in marine waters are due to ongoing elevated fecal coliform bacterial contamination from land uses as far away as Wickersham.

Two Common Sources of Fecal Coliform Bacterial Contamination:

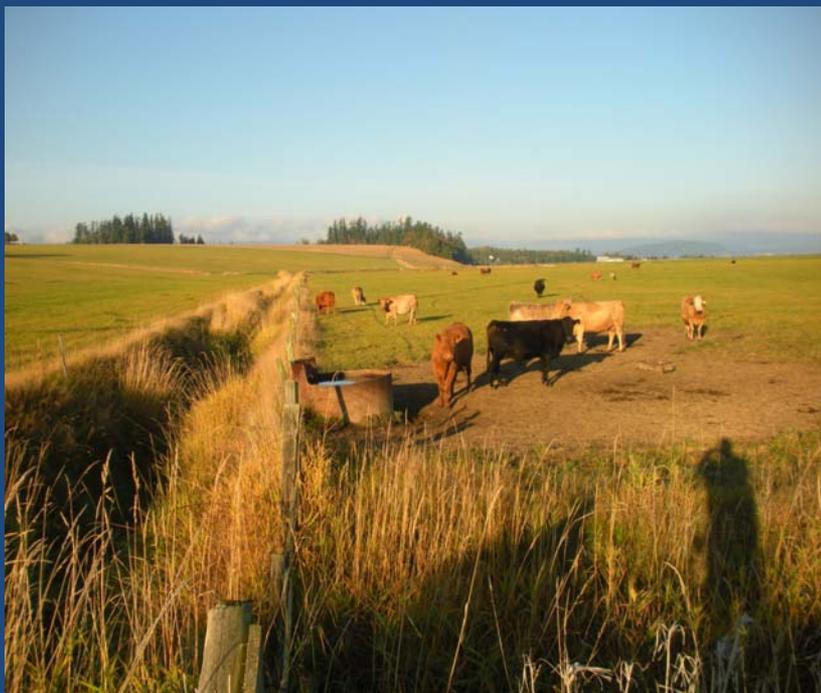
- 1) Manure inputs from improperly managed livestock operations
- 2) Failing or non-existent on site septic systems



Horses or Cows with Unfettered Access to Streams or Ditches



Off Channel Watering Sited Too Close to Streams or Ditches



Inadequate buffer to protect water quality



Ecology's Authority to Protect Water Quality

Washington State's Water Pollution
Control Law (RCW 90.48.)

And

Federal Clean Water Act

(Washington State has been delegated
authority to protect Water Quality by
EPA)

- All Known and Reasonable Methods
to Prevent and Control Pollution
(RCW 90.48.010)

Also referred to as AKART = All Known
and Reasonable Technologies

- All citizens of the state are required to
implement AKART

Jurisdiction of the Dept. of Ecology (RCW 90.48.030)

The department shall have the jurisdiction to control and **prevent** the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington.

Authority of department to bring enforcement actions. (RCW 90.48.037)

The department, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out the provisions of this chapter or chapter 90.56 RCW.

Discharge of polluting matter in waters prohibited. (RCW 90.48.080)

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall **cause or tend to cause pollution of such waters** according to the determination of the department, as provided for in this chapter.

Right of Entry (RCW 90.48.090)

The department or its duly appointed agent shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of **inspecting and investigating conditions relating to the pollution of or the possible pollution of** any of the waters of this state.

Internal Ecology policy is to gain permission from all landowners before accessing property.

Dual On Site Septic (OSS) and Livestock Management Inspections

- Purpose is to limit the number of regulatory visits to individual landowners
- Ecology inspector will also remind landowners of duties to inspect OSSs and correct any problems if detected during an OSS inspection

Typical Ecology Site Inspection

Initial Contact and Entrance Interview

- 1) Always civil and polite
- 2) Non-confrontational
- 3) Statement of problem or potential problem and quickly implementing workable solutions

Site Inspection and Correcting Problems

- 1) Excluding livestock from access to surface waters
- 2) Moving off-channel watering as far away from surface waters as possible
- 3) Providing adequate buffers that are protective of surface water quality

Financial incentives to pay for BMPs used to protect water quality

- 1) Dept. of Ecology Centennial Clean Water Fund Grant
- 2) Skagit County's Natural Resource Stewardship Program
- 3) Conservation Commission Funds

Voluntary Compliance is Preferred

Ecology will always make a reasonable attempt to gain voluntary compliance with RCW 90.48

Ecology Enforcement Process

ESCALATING PROCESS

INFORMAL ENFORCEMENT :

- 1) Verbal Warnings
- 2) Warning Letters

FORMAL ENFORCEMENT:

- 1) Notice of Violation
- 2) Administrative Order
- 3) Notice of penalty



Take Pride in Your Watershed

We each have responsibility to protect
Washington's Waters