Roles and responsibilities for protecting water quality

Department of Ecology's role

In Washington, the Department of Ecology is the regulatory agency responsible for enforcing the state's Water Pollution Control Act (WPCA). The WPCA makes it unlawful to pollute streams and other waters. The law applies to all sources of pollution, including grazing-related pollution such as manure, urine and erosion caused by horses and livestock. Any person who violates or creates a substantial potential to violate the provisions of the WPCA is subject to an enforcement order from Ecology. However, Ecology's policy is first to work with landowners by providing technical and financial assistance to help landowners protect water quality.

The difference between Ecology's and the Conservation District's roles

Ecology's Water Quality Program is responsible for protecting water quality in Washington's streams, rivers and other water bodies. Ecology staff are knowledgeable about water quality, and can identify sources of water pollution, as well as best management practices (BMPs) that can prevent pollution. While Ecology can take formal enforcement action when authorized by the WPCA, Ecology is also required to provide technical assistance with WPCA compliance with the WPCA. Ecology's priority is to work with landowners to improve their understanding of water quality issues. This includes providing information on site condition(s) that can create a violation and what actions landowners can take to address those site conditions. Ecology also provides financial assistance to help landowners prevent or correct water pollution problems.

In contrast, conservation districts are non-regulatory, local governmental agencies led by a board of five locally elected or appointed landowners. Conservation districts serve as an important source of information, technical and financial assistance to farmers and ranchers who voluntarily choose to make their operation more productive and reduce the risk of a discharge of nutrients, pathogens or sediment to surface water. Staff work cooperatively with a farmer or rancher to develop a conservation plan using USDA Natural Resources Conservation Service practices that meet a farmer's or a rancher's specific needs and objectives. Conservation districts can assist in accessing financial assistance programs to help implement the practices in a conservation plan. Unless directed and specifically agreed in writing, conservation districts will not:

- Enforce the contents of conservation plans.
- Disclose any information gathered in the development of the conservation plan.
- Release the conservation plan to any person or agency.
- Report whether or not a person is following the conservation plan.
- Report that an operation is discharging pollution.

Landowners responsibility for pollution prevention

It is the landowner's responsibility to prevent polluted discharge from leaving their property. This responsibility includes implementing, monitoring and maintaining BMPs to ensure effectiveness. For example, landowners can prevent livestock-related streamside damage and polluted runoff by using livestock exclusion fencing and off-stream watering facilities. When properly implemented and maintained, these and other BMPs are expected to eliminate active or reoccurring livestock-related pollution and significantly reduce the potential for livestock to cause pathogen and nutrient water pollution. While BMPs can be described in a written conservation plan — often a written plan is used to organize and outline which BMPs will be put into action and how they will be carried out — it is ultimately the on-the-ground implementation and maintenance of the BMPs that prevent discharges and result in compliance with the state's Water Pollution Control Act.

While it is the landowner's responsibility to comply with water quality protection law, Ecology can provide assistance. Ecology can also help direct people to multiple resources available to help make management changes and implement BMPs that result in compliance.

Helping landowners comply with state water quality law

Ecology's duties under state and federal law include stream monitoring, identifying sources of pollution, and identifying agricultural BMPs that protect clean water and prevent pollution. To further the goal of working with landowners to identify and correct livestock-related surface water pollution, Ecology offers financial assistance to help landowners install Ecology-recommended BMPs.

Participants who choose to implement BMPs utilizing state funds may receive up to 75 percent reimbursement for costs of installing permanent livestock exclusion fencing, off-stream watering facilities and feeding area BMPs (e.g. heavy-use area protection, manure storage facilities and windbreaks) that meet eligibility standards. More information is available online at http://www.ecy.wa.gov/puget_sound/docs/NEP_Ag_BMP_Funds_Guidance_2012.pdf.

Landowners may implement practices using other funds, but the requirements of state law remain. Structural and management practices must prevent discharges of pollution and achieve compliance with the state's Water Pollution Control Act. Ecology will continue to monitor water quality and assess site conditions. If pollution problems are ongoing, Ecology may request a follow-up inspection or take other actions to ensure compliance with the law.

Contacts

Ecology staff at the local Bellingham Field Office can answer questions about how the Water Pollution Control Act (RCW 90.48) and the state Water Quality Standards (WAC 173-201A) apply to farm property. They also have information about financial assistance programs and eligibility requirements.

- Jessica Kirkpatrick 360-715-5217 or jessica.kirkpatrick@ecy.wa.gov
- Chris Luerkens 360-715-5220 or chris.luerkens@ecy.wa.gov