

**Department of Ecology and Department of Agriculture
Excerpts from Statutory Authorities for Water Quality Protection
Related to Animal Feeding Operations**

RCW 90.48.260 Federal clean water act — Department designated as state agency, authority — Delegation of authority — Powers, duties, and functions.

The department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program...

[2007 c 341 § 55; 2003 c 325 § 7; 1988 c 220 § 1; 1983 c 270 § 1; 1979 ex.s. c 267 § 1; 1973 c 155 § 4; 1967 c 13 § 24.]

Notes:

Severability -- Effective date -- 2007 c 341: See RCW 90.71.906 and 90.71.907.

Intent -- Finding -- 2003 c 325: See note following RCW 90.64.030.

Severability -- 1983 c 270: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 270 § 5.]

Chapter 90.64 RCW Dairy nutrient management (formerly dairy waste management)

90.64.005 Findings.

90.64.010 Definitions.

90.64.015 Environmental excellence program agreements -- Effect on chapter.

90.64.017 Registration of dairy producers -- Information required -- Information to producers regarding chapter.

90.64.020 Concentrated dairy animal feeding operation -- Designation -- Permit.

90.64.023 Inspection program.

90.64.026 Dairy nutrient management plans -- Elements -- Approval -- Timelines -- Certification.

90.64.028 Appeals from denial of plan approval or certification -- Dairy producer-requested hearings -- Extension of timelines.

90.64.030 Investigation of dairy farms--Report of findings -- Corrective action -- Violations of water quality laws -- Waivers -- Penalties.

90.64.040 Appeal from actions and orders of the department.

90.64.050 Duties of department -- Annual report to commission.

90.64.070 Duties of conservation district.

90.64.080 Duties of conservation commission.

- 90.64.100 Parties' liability.
- 90.64.110 Rules.
- 90.64.120 Department's authority under federal law or chapter 90.48 RCW not affected.
- 90.64.130 Database.
- 90.64.140 Technical assistance teams -- Standards and specifications for dairy nutrient management plans.
- 90.64.150 Livestock nutrient management account.
- 90.64.160 Grants for dairy producers -- Statement of environmental benefits -- Development of outcome-focused performance measures.
- 90.64.170 Livestock nutrient management program--Review of statutory authority--Recommendations for statutory changes -- Prerequisite to administering federal program.
- 90.64.180 Protocol for monitoring waters near dairies and CAFOs.
- 90.64.190 Information subject to public records disclosure--Rules.
- 90.64.800 Reports to the legislature.
- 90.64.900 Effective date -- 1998 c 262.
- 90.64.901 Transfer of powers, duties, and functions to the department of agriculture.

RCW 90.64.901 Transfer of powers, duties, and functions to the department of agriculture.

(1) All powers, duties, and functions of the department of ecology pertaining to chapter 90.64 RCW are transferred to the department of agriculture. All references to the director of ecology or the department of ecology in the Revised Code of Washington shall be construed to mean the director of agriculture or the department of agriculture when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of agriculture. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the department of agriculture. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of agriculture.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on July 1, 2003, be transferred and credited to the department of agriculture.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of agriculture. All existing contracts and obligations shall remain in full force and shall be performed by the department of agriculture.

(4) The transfer of the powers, duties, and functions of the department of ecology shall not affect the validity of any act performed before July 1, 2003.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

[2003 c 325 § 6.]

Notes:

Effective date -- 2003 c 325 §§ 2 and 6: "Sections 2 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003." [2003 c 325 § 9.]

Intent -- Finding -- 2003 c 325: See note following RCW 90.64.030.