



Washington State Board of Health

Updating SBOH Animal Waste Rules

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History and Background

- Current rule language dates to 1920s and '30s. Codified as WAC in 1960.
- Petitioned in 2009 by Washington Association of Conservation Districts.
- Board denied specific petition. Filed CR-101 to update the rule more broadly.
 - Clarify scope and intent.
 - Update required practices.
 - Ensure proper fit in current regulatory structure
- Staff work on rule and background paper stalled for many reasons.
- Board diverted attention to manure issues and programs in the Lower Yakima Valley.
- Revamped the background paper and restarted rulemaking in late 2018.

WAC 246-203-130, Keeping of Animals

- (1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.
- (2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.
- (3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

2018 Keeping of Animals Background Report



Environmental Health Concerns

Health risks and effects include exposure to pollutants and hazards via air, surface water, and groundwater. Effects compounded by large operations and large numbers of animals concentrated in certain areas.

Regulatory Structure

State and federal authority provides patchwork regulation of large commercial operations. State and local authority provides more limited and spotty regulation of smaller and non-commercial operations.

Policy Recommendations

Fresh policy direction to modernize the rule to fill a meaningful niche in the regulatory structure and capitalize on valuable authority regulating health, sanitation, and nuisance. Sets policy framework for the rule.

Manure Handling



Manure Handling

Before



Courtesy Clark County

After



Courtesy Clark County

Manure Handling



Courtesy Washington Department of Ecology



Courtesy Washington Department of Ecology

Washington's Regulatory Structure for Animal Waste

- WSDA's Dairy Nutrient Management Program covers all licensed cow dairies.
- Ecology's CAFO permit can regulate animal feeding operations with documented discharges.
- Ecology and local air agencies regulate certain air emissions of largest operations meeting herd-size and emission thresholds.
- Ecology's nonpoint program regulates nonpoint source pollution from agriculture. Limited enforcement.
- Ecology and local government regulate solid waste which exempts manure management meeting storage and land application requirements.
- Local codes may apply to animal keeping and animal waste via critical areas, solid waste, land use, zoning, nonpoint, and other ordinances.

Rulemaking



Draft Rule Outline

Applicability

Definitions

Minimum Standards

Enforcement

Applicability (draft)

- Board authority for animal excreta in RCW 43.20.050.
- Prevent and abate health hazards and nuisance from animal waste.
- Applies to animal waste from pets and livestock (includes wash water, bedding, and other litter).
- Applies to animal keepers responsible for the animal care.
- Applies to waste produced on-site. Not off-site manure transport and use.
- Does not apply to practices exempt or regulated under the authority and intent of DNMP, CAFO, air, solid waste, and nuisance laws.
- Practices not meeting the minimum standards of this chapter that are health hazards or nuisance may be subject to enforcement.

Minimum Standards, Pet Waste (draft)

- Collect pet waste weekly to prevent accumulation as health hazard or nuisance.
- Pick up and properly dispose of pet waste deposited on public property or another person's private property.
- Never pile or reuse pet waste.
- Store pet waste in watertight container if held prior to disposal.

Minimum Standards, Livestock Manure (draft)

- Collect manure at rate sufficient to prevent accumulation as health hazard or nuisance.
 - Stockpiling manure:
 - Setback 100' from well and surface water; 35' from property line and right-of-way.
 - Manage and contain to minimize leaching and runoff and to control odors & pests.
 - Remove and properly dispose or use at least annually.
 - Prevent deposition, drift, and runoff onto adjacent property, public right-of-way, drinking water well, and surface water.
 - Apply manure to fields at agronomic rates and under appropriate conditions and timing to avoid leaching to groundwater and runoff to surface water.
- * Standards (1) may be superseded by codes with more stringent standards, and (2) can be reduced when documented in a farm conservation plan.

Enforcement (draft)

- Enforcement as needed.
- Enforcement not limited by area or type or size of operation.
- RCW 43.20.050(5) allows broad enforcement of Board rules.
- Anticipate use mainly by local agencies via local codes applied primarily to smaller-scale operations.
- WSDA, Ecology, and local air agencies may apply to larger operations independently or in coordination with LHJ/LHO.
- Involve conservation districts for technical assistance, problem solving, farm planning.
- Progressive enforcement options following voluntary compliance.
- Implementing agencies must report surface water discharges from candidate operations to Ecology for investigation and possible CAFO permit.

Manure Handling



Next Steps

- Stakeholder meetings—April/May 2019.
- Public review draft—June 2019.
- Revise draft rule—summer 2019.
- Rule analyses—summer/fall 2019.
- File proposed rule (CR-102) and brief Board—August 2019.
- Public comment followed by Board public hearing—October 2019.
- File adopted rule (CR-103)—November 2019.
- Rule effective—December 2019.

| THANK YOU