



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

June 30, 2017

Henry Haak
Snipes Mountain Dairy
PO Box 636
Outlook, WA 98939

CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL
91 7199 9991 7032 0043 8931

RE: Notice of Correction Number 17AGRDNMP7008

Dear Mr. Haak:

Enclosed is Notice of Correction Number 17AGRDNMP7008. Inspections were conducted by Dan McCarty of Washington State Department of Agriculture between March 1, 2017 and March 3, 2017. These inspections found that a discharge from Snipes Mountain Dairy's compost field ran into the Sunnyside Valley Irrigation drain, exceeded water quality standards for fecal coliform.

Under RCW 90.48.080 of the Water Pollution Control Act, a violation of the Act occurs when organic matter is discharged that causes or tends to cause the pollution of any waters of the state. The Department is issuing this notice under RCW 43.05.100 and RCW 90.48.120(1) because the Department has determined that your actions resulted in a discharge of pollutants into waters of the state.

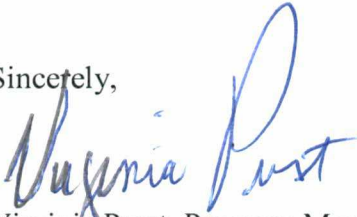
A Notice of Correction is not a formal enforcement action, is not subject to appeal, and is a public record. RCW 43.05.100(2). In order to avoid future enforcement action, including possible civil penalties, you must come into compliance by the date specified in the Notice of Correction.

Please be advised that state law provides that any person who conducts a commercial or industrial operation of any type which results in a discharge of pollution to waters of the state is required to apply for a permit with the Washington Department of Ecology. RCW 90.48.160. The federal Concentrated Animal Feeding Operation ("CAFO") rule also requires that "the owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges". 40 CFR 122.23(d). Additional information regarding the Concentrated Animal Feeding Operation permit is available on the Department of Ecology website at

<http://www.ecy.wa.gov/programs/wq/permits/cafo/index.html>. You can also contact Jon Jennings, Ecology CAFO permit coordinator, at (360) 407-6283.

All correspondence relating to this document should be directed to Chery Sullivan, Dairy Nutrient Management Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560. If you have questions concerning the contents of this document, please contact Chery Sullivan at (360) 902-1928.

Sincerely,



Virginia Prest, Program Manager
Dairy Nutrient Management Program
Washington State Department of Agriculture

cc: Kristen Mitchell, Office of Attorney General
Dan McCarty, Dairy Nutrient Management Inspector
Laurie Crowe, South Yakima Conservation District
David Bowen, Washington State Department of Ecology

Enclosure

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>I certify that I caused to be mailed a copy of these documents to the within-named interested parties via</p> <hr/> <p style="text-align: center;">FIRST CLASS & CERTIFIED MAIL</p> <p>at their respective addresses, postage prepaid, on</p> <p style="text-align: center;"><u>June 30, 2017</u></p> <p><u>Chery Sullivan</u> Representative, Washington State Department of Agriculture</p>
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STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF COMPLIANCE OF
Mr. Henry Haak

NOTICE OF CORRECTION NO.
1yAGRDNMP7008

To: Henry Haak
PO Box 636
Outlook, WA 98939

For the sites located at:
Snipes Mountain Dairy
211 Nichols Road
Outlook, WA 98939

This Notice of Correction Number 17AGRDNMP7008, is issued under authority of Revised Code of Washington (RCW) 43.05.100 (Technical Assistance) and RCW 90.48.120(1) (Water Pollution Control). This determination does not constitute an order or directive under RCW 43.21B.310 and is not appealable to the Pollution Control Hearings Board (PCHB).

On March 1, 2017 at 10:30AM, Washington Department of Agriculture Dairy Nutrient Management Inspector, Dan McCarty (WSDA) received a complaint (ERTS 671054) that numerous homes in Outlook had been flooded as a result of a dairy owned field berm breaching.

WSDA contacted Snipes Mountain Dairy (dairy) owner, Henry Haak who informed WSDA that a neighboring dairy's field berm had breached, up-gradient of the his compost production yard and the Fernandez field.

WSDA observed runoff from the dairy's Fernandez field where composting was occurring, and collected water samples up and down-gradient of the dairy to be tested for fecal coliform. See Table 1.

Table 1. On March 1, 2017, WSDA collected water samples to be analyzed for fecal coliform.

Sample Identification	Log Number	Method	Sample Results	Units
Sample 1: Up-gradient of the dairy: At field berm breach – Ponded water inside the bermed Field 2.	23006043	SM9222D	862.0	CFU/100mL
Sample 2: Down gradient of the dairy: Pooled water down gradient from breach - SW corner of Snipes dairy Fernandez field, down gradient (south) of dairy compost rows.	23006044	SM9222D	>2419.2	CFU/100mL
Sample 3: Down gradient from the dairy: from breach and sample 2 – Uncovered manhole on Jim Partch’s property. (collected from inside manhole)	23006045	SM9222D	>2419.2	CFU/100mL
Sample 4: Down gradient of the dairy: Pooled water down gradient from breach and sample 3 – Driveway of 243 1 st Ave., Outlook.	23006046	SM9222D	>2419.2	CFU/100mL

Water runoff from the dairy’s Fernandez field flowed towards the town of Outlook, WA where it entered the Sunnyside Valley Irrigation Drain (SVID). SVID flows into the Granger Drain and to the Yakima River. The fecal coliform standard for the Yakima River as stated in 173-201A Table 200(2)(b) is: Fecal coliform organism levels must not exceed a geometric mean value of 100 colonies /100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 200 colonies /100 mL.

Water sample results indicate that water coming on to the dairy’s Fernandez field was above state water quality standards, and water leaving the dairy’s field showed increasingly elevated results for fecal coliform contamination.

In addition to the compost area being partially flooded, a portion of the Fernandez field is also used for triticale production. On March 2, 2017 WSDA met with the dairy to review manure nutrient analysis, soil sample results, and application records for the portion of dairy’s Fernandez field used for crop production. WSDA determined that no manure nutrient applications had been made to the crop production portion of the Fernandez field since May 2016.

WSDA collected additional water samples (see table 2), and walked and photographed the path of runoff from the neighboring dairy's field, through the Fernandez field, and towards the town of Outlook, WA.

Table 2. On March 2, 2017, WSDA collected water samples to be analyzed for fecal coliform.

Sample Identification	Log Number	Method	Sample Results	Units
Sample 5: Up gradient of the dairy: At Breach - Pondered water inside the bermed field #2 (Note: same location as Sample 1, collected March 1, 2017)	23006106	SM9222D	512	CFU/100mL
Sample 6: Up gradient of the dairy: East side of Nichols Road - down gradient of breached berm.	23006107	SM9222D	429	CFU/100mL
Sample 7: Down gradient of dairy: SVID drain down gradient of breached berm, where SVID drain discharges into the Granger Drain	23006108	SM9222D	>2419.2	CFU/100mL
Sample 8: Down gradient of the dairy: Granger Drain, upstream of the SVID drain (down gradient of breached berm)	23006109	SM9222D	335	CFU/100mL
Sample 9: Down gradient of the dairy: Granger Drain, approximately 100 yards downstream of where the SVID drain enters the Granger Drain (down gradient of breached berm)	23006110	SM9222D	>2419.2	CFU/100mL

While the up-gradient neighboring dairy's field berm breach was the major cause of runoff from the dairy's Fernandez field, water samples collected down gradient of the dairy's field indicated that fecal coliform levels were elevated more than two times greater than the water coming onto the field/compost area.

Mr. Henry Haak
June 30, 2017
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Elevated fecal coliform levels were not due to a recent manure application to support crop growth, as records showed no manure application since May 2016. Elevated fecal coliform levels (above what was running onto the field) were the result of water running through the compost production area.

These conditions resulted in a discharge of pollutants into waters of the state.

RCW 90.48.080 states: "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."

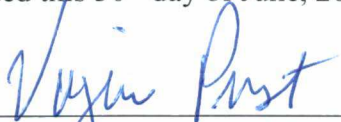
To achieve compliance with the above, and to avoid penalties associated with a discharge to waters of the state, WSDA recommends that the dairy complete the following actions:

1. Berm the Fernandez field to help protect against future runoff events.
2. Consider berming the compost area within the Fernandez field to create additional protection against future run-on and runoff events.
3. Consider moving the compost area to higher ground in the Fernandez field, or to another area of the farm where the ground is elevated.

Failure to comply may result in formal enforcement action, which could include penalties of up to \$10,000.00 per day, per violation.

You may request an extension for compliance with this notice by submitting a request in writing to Chery Sullivan, Dairy Nutrient Management Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560. Extensions are granted at the discretion of the Department and will be granted only where good cause is shown. Technical assistance with compliance with the applicable statutes and rules is available from the Department by contacting Chery Sullivan at the address above or at (360) 902-1928.

Dated this 30th day of June, 2017 at Olympia, Washington.



Virginia Prest, Program Manager
Dairy Nutrient Management Program
Washington State Department of Agriculture