

**Agricultural Nonpoint Source Pollution
Memorandum of Agreement
Between
Thurston Conservation District
And
Thurston County Environmental Health**

I. The **PURPOSE** of this Memorandum of Agreement is to outline the process by which agriculture-related complaints and referrals of water quality violations will be handled between the Thurston Conservation District, (hereafter referred to as the DISTRICT) and Thurston County Environmental Health (hereafter referred to as ENVIRONMENTAL HEALTH). This agreement recognizes 1) the working relationship between the DISTRICT and ENVIRONMENTAL HEALTH to protect water quality, and 2) the importance of coordinating the functions of the DISTRICT and ENVIRONMENTAL HEALTH to carry out an effective program of water quality protection and agricultural best management practices.

II. The **ROLES** of the two agencies, regarding agricultural activities, are distinct and are as follows:

Information: The DISTRICT will serve as a local source of information for those landowners referred to it on local and statewide applicable water quality implementation programs (e.g. Puget Sound Water Quality Management Plan; State Dairy Nutrient Management Act; State Dry land and Irrigated Agriculture Water Quality Management plans; Thurston County Non-Point Ordinance; or other plans that may be developed).

Education: The DISTRICT will offer education to those landowners referred to it, promote plans and efforts to improve water quality and explain the benefits of participating in available implementation plans through news releases and other media for the general public; programs for schools; presentations to groups and civic organizations; workshops; training sessions; or other appropriate means.

Technical Assistance: The DISTRICT will strive to assist those landowners referred to it to realize the benefits of property ownership with good resource stewardship practices, by assisting them in meeting compliance requirements.

Data collection: ENVIRONMENTAL HEALTH will collect and manage surface water and groundwater quality data throughout the county and share that information with the public and other agencies, including DISTRICT personnel.

Complaint response: ENVIRONMENTAL HEALTH will investigate complaints regarding water quality problems caused by agricultural activities or operations.

Advise: ENVIRONMENTAL HEALTH will advise agricultural operators of the Nonpoint Pollution Source Ordinance, the reasons for the ordinance, and the water quality degradation that can result from poor agricultural practices.

Compliance: ENVIRONMENTAL HEALTH will seek voluntary compliance or initiate enforcement action, as appropriate, in coordination with agricultural operators and the DISTRICT to bring agricultural operations into compliance with the Non-point Source Pollution Ordinance.

The DISTRICT will assist with compliance, by providing technical assistance and financial resources as available, with cooperating agricultural operators referred to the District under section VI of this agreement.

III. The Thurston County ENVIRONMENTAL HEALTH agrees to the following:

- A. Receive, process, and verify complaints concerning discharge of pollutants from farms; EXCEPT THAT commercial dairy, feedlot, and poultry operations will be referred to the appropriate agency of the State of Washington.
- B. Seek compliance with the Thurston County Nonpoint Source Pollution Ordinance, Article VI of the Thurston County Sanitary Code for agricultural violations in accordance with procedures specified in the ordinance and this agreement.
- C. Refer agricultural operators to the DISTRICT for technical assistance when violations of the nonpoint ordinance have been identified.
- D. Notify the DISTRICT of its intentions to conduct site visits to agricultural sites with whom the DISTRICT is working that may be in violation of the nonpoint ordinance. Refer other individuals seeking assistance with agricultural practices to the DISTRICT.
- E. Communicate and coordinate with DISTRICT personnel about referred cases and those under enforcement. Send copies of all correspondence. Meet with the DISTRICT annually and report on agricultural pollution enforcement activities for the year.
- F. Provide comments to the Thurston Conservation DISTRICT on its annual work plan.
- G. Propose amendments to the County Nonpoint Source Pollution Ordinance when appropriate.
- H. Carry out the complaint handling process as outlined in this agreement.

IV. The Thurston Conservation DISTRICT agrees to the following:

- A. Make contact with and offer assistance to those landowners or managers referred by ENVIRONMENTAL HEALTH to the DISTRICT.
- B. Prioritize its workload to first address sites that are high priority and are creating the greatest impact on public health and safety and/or water resources.
- C. Use Natural Resource Conservation Service (NRCS) standards and specifications as the basis for the design of Best Management Practices for all referral sites and high priority sites for water quality protection.
- D. Make public records available such as conservation plans and case files to ENVIRONMENTAL HEALTH for review upon written request subject to NRCS requirements.
- E. Use certified laboratories for soil, water, manure, and other environmental testing.
- F. On a quarterly basis, provide a brief written status report to ENVIRONMENTAL HEALTH on all unresolved referred cases.

- G. Provide copies of the annual DISTRICT annual plan to ENVIRONMENTAL HEALTH for comments.
 - H. Appoint a representative to participate in review of the Nonpoint Ordinance, when the ordinance is under review.
 - I. Communicate with local ENVIRONMENTAL HEALTH personnel about referred cases and those under enforcement. (Send copies of correspondence.)
 - J. May accompany ENVIRONMENTAL HEALTH on site visits (those arranged by ENVIRONMENTAL HEALTH) to those agricultural sites for which it has received complaints of potential violation of the nonpoint ordinance to provide technical assistance if requested.
 - K. Attend and provide assistance, if appropriate, at negotiation sessions with responsible parties, and provide affidavits or testimony necessary to document the case.
 - L. Carry out the complaint handling process as outlined in this agreement.
 - M. Refer individuals who wish to make a complaint to ENVIRONMENTAL HEALTH.
- V. It is jointly agreed, by both ENVIRONMENTAL HEALTH and the DISTRICT, that:
- A. Those agricultural sites, which pose the greatest risk to public health and water quality, will be given the highest priority for correction. Within available resources, information, education, technical assistance, and financial incentives will be used to gain compliance on these sites. Finally, if necessary, legal action will be taken by ENVIRONMENTAL HEALTH to gain compliance on these sites.
 - B. Within available resources, collaborate on developing water quality protocols and monitoring procedures.
 - C. The capability to carry out the responsibilities under this agreement is dependent upon the availability of funding for the agricultural pollution source control program. If funding is insufficient for either agency to carry out tasks outlined in this agreement, the agency will notify the other.
 - D. This agreement will remain in effect until such time as either party notifies the other, in writing, of their desire to modify or terminate the agreement. In the case of intent to terminate, the notice should specify the effective date of termination.
 - E. This agreement replaces the agreement executed May 3, 1993.
- VI. The Process for Handling Agriculture-Related Complaints and Violations will be as described below.
- A. ENVIRONMENTAL HEALTH procedures will be as follows:
 1. Investigate agricultural pollution complaints and determine if a violation of the Thurston County Nonpoint Source Pollution Ordinance exists.
All commercial dairy, feedlot, and poultry operations will be referred to the appropriate agency of the State of Washington.
 2. Seek resolution of those violations needing immediate action using legal provisions in Articles VI and I of the Thurston County Sanitary Code if it is determined that the violation poses an immediate risk to public health and/or water resources. Send a case referral to the DISTRICT.

3. Address all other agricultural violations by first giving verbal notice to the land owner/operator followed by a written warning letter. Refer the owner/operator to the DISTRICT for technical assistance, and notify the DISTRICT of the case.
4. Issue a "notice of violation" in a timely manner, if the landowner or manager does not take steps to correct the violation and/or request technical assistance from the DISTRICT after receiving a "warning" letter. The "notice of violation" will include a compliance schedule.

In most circumstances, the land owner/operator will be allowed:

15 working days to seek technical assistance,

6 months for development and approval of a conservation plan, and

12 months from time of plan approval to plan implementation.

5. Use the legal provisions available in Articles VI and I of the Thurston County Sanitary Code to gain compliance if a land owner/manager:
 - 1) Fails to meet the prescribed compliance schedule,
 - 2) Is not making progress toward compliance, or
 - 3) Is referred back to ENVIRONMENTAL HEALTH from the DISTRICT due to non-cooperation.
6. Copies of all enforcement correspondence shall be sent to the DISTRICT.
7. On a quarterly basis, provide a list of those referrals that remain unresolved, as well as all new referrals made to the DISTRICT during the quarter.

B. Upon receipt of a referral, the DISTRICT complaint referral process is as follows:

1. Contact the owner/operator and introduce the DISTRICT and the services that can help the owner/operator protect water quality and comply with the nonpoint ordinance.
2. Meet with the owner/operator on site to assess the nature and extent of the problem, if agreed to by the owner/operator.
3. Notify ENVIRONMENTAL HEALTH as to whether the owner/operator has requested assistance from the DISTRICT.
4. Within six months of initial problem identification, assist the owner/operator in the development of a conservation plan. If plan development is not attainable within six months due to workload issues, the DISTRICT will provide written notification to ENVIRONMENTAL HEALTH.
5. The operator must implement the plan within 12 months of plan approval unless an alternative timeline is negotiated with ENVIRONMENTAL HEALTH.
6. Provide technical assistance as necessary and available during plan implementation.
7. Monitor plan implementation.
8. Notify ENVIRONMENTAL HEALTH if the owner/operator either:
 - 1) Refuses to cooperate in the development of a plan that will correct the problems identified during the on-site assessment, or
 - 2) Fails to implement the plan within the designated time period.
9. Each quarter, the DISTRICT will submit a formal summary of progress on identified agricultural nonpoint ordinance violations referred to the DISTRICT by ENVIRONMENTAL HEALTH.

Dated this 2nd day of June, 2003.

Dated this 27 day of May, 2003.

Board Of Health
Thurston County, Washington

Board of Supervisors
Thurston Conservation District

Cathy Hoje
Chair

Almgund Rusk
Chairman

Marianne O'Connell
Commissioner

Paul Hol
Supervisor

Kahn + K. H. H. H.
Commissioner

[Signature]
Supervisor

ATTEST:

[Signature]
Supervisor

Swanson
Clerk of the Board

[Signature]
Supervisor

Approved as to form:

Approved as to form:

EDWARD G. HOLM
PROSECUTING ATTORNEY

By: _____
Attorney for Thurston Conservation District

[Signature]
Deputy Prosecuting Attorney