

## WAC 246-203-130

### Domestic Animal Waste

- (1) The purpose of this section is to establish standards for the handling and disposal of domestic animal waste. As described in subsection (4), a person may not keep or shelter animals in such a manner that the domestic animal waste creates a nuisance or health hazard. This section applies to waste from domestic animals that are kept as pets and livestock.
- (2) Nothing in this section is intended to affect the applicability of other laws and rules pertaining to domestic animal waste or nuisance. This section is intended to complement laws and rules pertaining to the handling and disposal of domestic animal waste, and include the following statutes and their implementing regulations:
  - (a) Chapter 90.64 RCW for licensed cow dairies;
  - (b) Chapter 90.48 RCW for permitted concentrated animal feeding operations;
  - (c) Chapter 70.94 RCW for air emissions;
  - (d) Chapter 70.95 RCW for solid waste management; and
  - (e) Chapter 7.48 RCW for nuisance.
- (3) The following definitions apply throughout this section unless the context clearly indicates otherwise.
  - (a) **“Animal keeper”** means the person(s) responsible for the daily boarding, feeding, and care of any domestic animal. This includes the owner of a domestic animal and custodians who may walk, train, feed, board, or otherwise take responsibility for the care and handling of a domestic animal.
  - (b) **“Domestic animal”** means an animal domesticated to live and breed in a tame condition under the care of humans.
  - (c) **“Domestic animal waste”** means excreta from a domestic animal and includes the wash water, feed, bedding, and other litter associated with the animal excreta.
  - (d) **“Health hazard”** includes any organism, chemical, condition, or circumstance that may cause human injury or illness.
  - (e) **“Litter”** means animal feed, feathers and other animal integument, and material used in animal bedding and housing such as straw, sand, or wood shavings.
  - (f) **“Livestock”** means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. Livestock does not mean free ranging wildlife as defined in Title 77 RCW.
  - (g) **“Nuisance”** has the same meaning as provided in Chapter 7.48 RCW and WAC 246-203-010.
  - (h) **“Person”** means an individual, corporation, firm, company, partnership, or other entity.
  - (i) **“Pet”** means a domestic animal kept for human companionship or pleasure.
  - (j) **“Sanitary”** means of or relating to the conditions that affect hygiene and health.
- (4) Unless superseded by more stringent standards in state or municipal code, the following standards shall be met in order to help prevent and control nuisances and health hazards related to the handling and disposal of domestic animal waste. Domestic animal waste must:

- (a) Be collected at intervals sufficient to maintain sanitary conditions;
- (b) Be managed to prevent deposition, leaching, and runoff to:
  - (i) Another person's private property;
  - (ii) Public rights-of-way;
  - (iii) Surface water; and
  - (iv) Aquifers, wellhead protection areas, and other drinking water sources.
- (c) Be managed as follows if it is domestic animal waste from pets:
  - (i) Immediately removed and properly disposed of when the waste is deposited on public property or on another person's private property;
  - (ii) Not piled or used as a fertilizer;
  - (iii) Held in a watertight container if stored for more than one day prior to proper disposal; and
  - (iv) Bagged and disposed of as solid waste, or buried as allowed under state and municipal code; and
- (d) Be managed as follows if it is domestic animal waste from livestock and is stockpiled prior to proper use or disposal:
  - (i) Contained or covered to minimize leaching and runoff;
  - (ii) Contained or covered to minimize odors, flies, rodents, and other pests;
  - (iii) Stored no longer than one year consistent with requirements of chapter 173-350 WAC; and
  - (iv) Sited:
    - (A) Consistent with requirements of chapters 246-290 and 246-291 WAC:
      - (I) One hundred feet or more from a public drinking water well;
      - (II) Two hundred feet or more from a public drinking water spring; and
      - (III) Outside the sanitary control area of a public drinking water system if different from the areas set forth in (4)(d)(iv)(A)(I) and (II);
    - (B) One hundred feet or more from a surface water feature such as a drainage ditch, pond, or stream unless:
      - (I) The surface water feature is upgradient or is protected by a levee or other physical barrier; or
      - (II) The surface water feature is protected by a control, treatment, or containment system that captures and prevents leachate and runoff.
    - (C) Thirty five feet or more from public rights-of-way and another person's private property; and
    - (D) Outside seasonally flooded areas.
- (5) Where site-specific circumstances or challenges exist in meeting the standards in subsection (4)(d), animal keepers are encouraged to consult with a technical service provider such as a local conservation district to develop farm conservation plans and put in place best management practices for domestic animal waste from livestock. Regulatory agencies may also refer animal keepers to a technical service provider and may provide technical assistance directly to animal keepers.

- (6) The local health officer or other official or employee described in RCW 43.20.050(5) may initiate enforcement action against a person who violates these rules. Enforcement actions may include requiring a person to comply with the standards in subsection (4) through the use of one or more of the following:
- (a) A conference with the person to explore facts and resolve problems;
  - (b) A compliance agreement with the person;
  - (c) A notice of correction;
  - (d) A notice of violation;
  - (e) An order; and
  - (f) Other authorized proceedings.
- Enforcement orders issued under this section shall be in writing and shall include the violation and the corrective action required, and the name, business address, and phone number of an appropriate staff person who may be contacted regarding the order.
- Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.
- (7) This section does not affect an animal keeper's responsibility to control and prevent other types of health hazards or nuisances associated with the handling and disposal of domestic animal waste.