

Ed Meyer

This Nonpoint Plan is unworkable and I oppose its implementation.

First, it allows Ecology to impose buffer zones and remediation penalties on landowners without proving the landowner is responsible for the Nonpoint Pollution. The EPA standards are about "intentional" pollution but Ecology's Nonpoint Plan does not target intentional pollution which allows Ecology to apply the label of "pollution" to pretty much anything they want.

Second, there is no definition of exactly what "harm" is being caused, or how it's being caused.

Third, Nonpoint Pollution is extremely difficult to trace and very hard to measure. Also, as stated in the plan, defining Nonpoint Pollution as a "lack of shade-providing plants next to streams" is not "pollution" but a natural condition. This indicates that this Plan is not about mitigating sources of pollution but instead is to be used by Ecology as a vehicle to further restrict the uses of private property.

Finally, there is no methodology for showing that the "harm" is real or imagined, or is actually a demonstrable risk or problem at all.

The vagueness of the Nonpoint Plan is clearly designed with the intentions to take away property rights from property owners and to use the rulemaking process to further restrict how property owners may use their own property. This is regulation by entrapment as the enforcement power lies completely with Ecology and the property owner has no way to challenge enforcement actions or defend themselves from imagined "pollution" problems.