

# EPA, USDA Officials Present AFO Strategy, Listen To Comments

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Under the strategy, the criteria for requirement of the NPDES permit seems to be based more upon the water quality in the watershed in which the farm sits, rather than, or in addition to, operational soundness of the farm.

While high density operations with little-to-no suitable land for manure use are now to be required to have NPDES permits, under the Joint Strategy small farms could easily be added to the list of farms for which a CNMP and NPDES permit would be required.

It was explained that, given a situation in which a watershed has water quality problems that appear to be caused by too many nutrients, and given that there are numerous small farms in the watershed not otherwise required to have nutrient management plans, those farm may well be "temporarily" considered as CAFOs and be required to have a CNMP and an NPDES permit.

In that situation, the proposal would first require those small farms to be required to follow regulations as though they were considered an actual CAFO.

After five years, without any environmental problems or unresolved accidents, those farms could potentially be considered a "good operator" and no longer be required to follow strict CAFO regulations and permitting.

According to the proposal, "... the NPDES permit issuing agency may, after conducting an on-site inspection, designate an animal feeding operation (AFO) of any size as a CAFO, based on a finding that the facility 'is a significant contributor of pollution to the waters of the United States.'

"A facility with 300 animal units or less, however, may not be designated as a CAFO under this authority unless pollutants are discharged from a man-made device or are discharged directly into waters passing over, across or through the facility or that otherwise come into direct contact with the confined animals."

Also of concern and subject to permitting are those operations considered to have "unacceptable conditions," meaning the farms have man-made or other types of direct discharge of animal waste to waters, or have waters that come into direct contact with animals.

Other issues seemed to have been touched upon in the strategy.

For example, while Pennsylvania's Department of Environmental Protection has been working to curb fear of its Citizens Voluntary Water Quality Monitoring program, the federal AFO strategy could place the monitoring program at further risk by potentially assigning greater value to the data collected.

The Pa. DEP citizens' voluntary water quality monitoring program provides for non-professional and retired professional citizens to collect raw water quality data from select sites along water courses. The data collection is not much more involved than what is done by owners of swimming pools.

The work supplements DEP's regular field work. Though DEP has the responsibility to monitor water quality, it doesn't have the money or manpower to monitor the state's water quality alone.

However, agricultural opposition to the program is based on the assumption that data collected by the government will become data used by the government against farmers.

The real intent of the water quality data collection program is to create a baseline of knowledge, similar to weather data collection from volunteers. It was not set up to be a collection source for regulatory enforcement data, though it is conceivable that volunteer data collection could trigger an alarm requiring followup by professionals and experts.

It is not clear what value the federal AFO strategists would place on such volunteer monitoring programs.

According to the USDA/EPA joint strategy, "In cases where water quality monitoring establishes that pollution from an individual facility with fewer than 1,000 animal units, or a collection of facilities ... is significantly contributing to, or is likely to significantly contribute to, impairment of a waterbody and nonattainment of a (waterbody's) designated use, the (livestock) facility or collection of facilities should be a priority for the NPDES permitting program."

In other words, under the strategy, water quality monitoring data could be used to require a farm to be considered an environmental threat, and force the owner to acquire a federal permit and operate according to a federally approved plan.

DeVecchio and Lape reviewed the seven "strategic issues" of the proposal, all detailed in the document.

The first issue deals with a lack

of qualified people to help develop CNMPs, and a lack of a specific program to train those people.

Under this first issue, there are four goals: increase the number of certified specialists; ensure plans are implemented under the guidance of qualified specialists; attain consistent quality of plan development and implementation; and make sure by 2008 that all AFO owners have plans developed by a certified specialist.

The agencies are to: review the existing certification programs to see which could be used to fulfill federal certifications; they are to encourage the private sector to provide technicians and consultants; increase funding to do so; train contractors who are to install devices and practices outlined in a farm's plan; provide computer modeling to assist plan writing; and develop agreements with third-party vendors to serve as consultants similar to what the Certified Crop Advisors program

has done.

The second issue emphasizes the position of the two federal agencies -- that farm owners are responsible for any pollutants released from their farms.

The goal of that issue is to make sure all livestock operations have approved nutrient management plans by 2008.

Among actions stated to reach that goal is the development of national standards for farm conservation policies and practices; development of a federal guide for what should be in CNMPs; the use of USDA EQIP funds to spend on providing financial assistance for developing and implementing plans (as well as the USDA CRP program and other related funding sources within USDA and the EPA).

Another issue is the variability of requirements in the existing NPDES program. A goal is to develop comprehensive state CAFO permitting regulations, and

then revise those regulations as time progresses.

The objective is to get states to offer permits on a watershed basis, depending on the situation of that watershed. General watershed permits or individual permitting are to be encouraged depending upon the likelihood of pollution.

The first permits are to be considered Round 1 permits. After five years, the entire permitting program is to be reviewed, and possible revised.

This issue includes a number of concerns that are best considered in reading the actual document.

A fourth strategic issue involves research and technology and how to share it and deliver it in order to expect its use.

Among the many subissues that are contained within this fourth issue is the proposal for establishing a nutrient management information warehouse on the Internet.

According to the document,

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