

Agricultural Pollution Abatement Advisory Committee

REPORT AND RECOMMENDATIONS

June, 2009



Agencies and organizations recommend ways to improve the program and support small and medium sized livestock farms.



Changes for the better: Broad Based Group Supports

Recommendations for Improving Ohio's Agricultural Pollution Abatement Program

Manure and money have a couple of things in common, neither is worth anything unless you spread them around and if either is used unwisely they can create problems. While it is no easy job to tackle the current money problems in today's economy, addressing problems and challenges associated with manure management is a much easier task. Recently, The Ohio Department of Natural Resources Division of Soil and Water Conservation and its partners did just that. They worked together on solutions for improving the division's Agricultural Pollution Abatement Program, the program that offers information, technical assistance, financial assistance and regulatory oversight to livestock and other farms to prevent or solve water pollution problems.

While most farmers do a good job at raising animals and protecting the environment, we must recognize that there are some operations that need to do more than they are currently doing to protect soil and water resources. Too often the nutrient value of manure is overlooked or not completely understood by those who use it; recommended setback distances from environmentally sensitive areas are not always followed; and known discharges from facilities are not always corrected in a timely manner. We must also recognize that public scrutiny and complaints on livestock farms, especially the new and expanding operations, have increased in recent years and that regulatory agencies are under more pressure to address these matters. State cost-share funds which provide financial assistance to help livestock operations comply with state laws have diminished to minimal amounts. Small farms with limited resources have often relied heavily upon this cost-share funding to make needed environmental improvements to their operation.

Now this explanation does not necessarily mean that all livestock farms are prone to have problems. In fact, many livestock farmers are environmentalists in the truest sense of the word. Many farmers actively protect and preserve the land and water both on and around their farms while working to provide the safest food supply in the world. Livestock and poultry farms are very important to Ohio's economy, providing more than \$2.2 billion in output. More than ever, it is in the best interest of the state and its citizens to support agriculture and farmers to help continue this important economic sector.

Given the aforementioned issues and concerns, the division formed the Agricultural Pollution Abatement Program Advisory Committee in August 2008. The advisory committee included livestock commodity groups, industry representatives, farmers, farm organizations, environmental organizations, SWCDs and state agencies. This advisory committee was charged to take a critical look at the agricultural pollution abatement program, evaluate current issues and priorities and offer recommendations on ways the agricultural pollution abatement program can be improved. The result of nearly six months of meetings and discussions has provided a total of fourteen recommendations on ways to improve the current program. The complete list of recommendations and intended outcomes is included in this report. It is important to note that these recommendations were developed and fully supported by the advisory committee listed on the next page. The division would like to thank all of the members for their time and commitment to this process and to recognize the very significant contributions made by OSU Extension, Ohio Department of Agriculture, USDA-NRCS, and the involved SWCDs. Please understand that much hard work still remains; to provide the recommended outreach, information, and training related to nutrient management and site assessments; to update and change rules and statutes so that these recommendations can be implemented, and to find the means financially to fully support these recommendations. The division is excited about these recommendations and the changes and improvements that can be made by fully implementing them. We hope after you read the full report that you will be excited, too. We would welcome feedback.

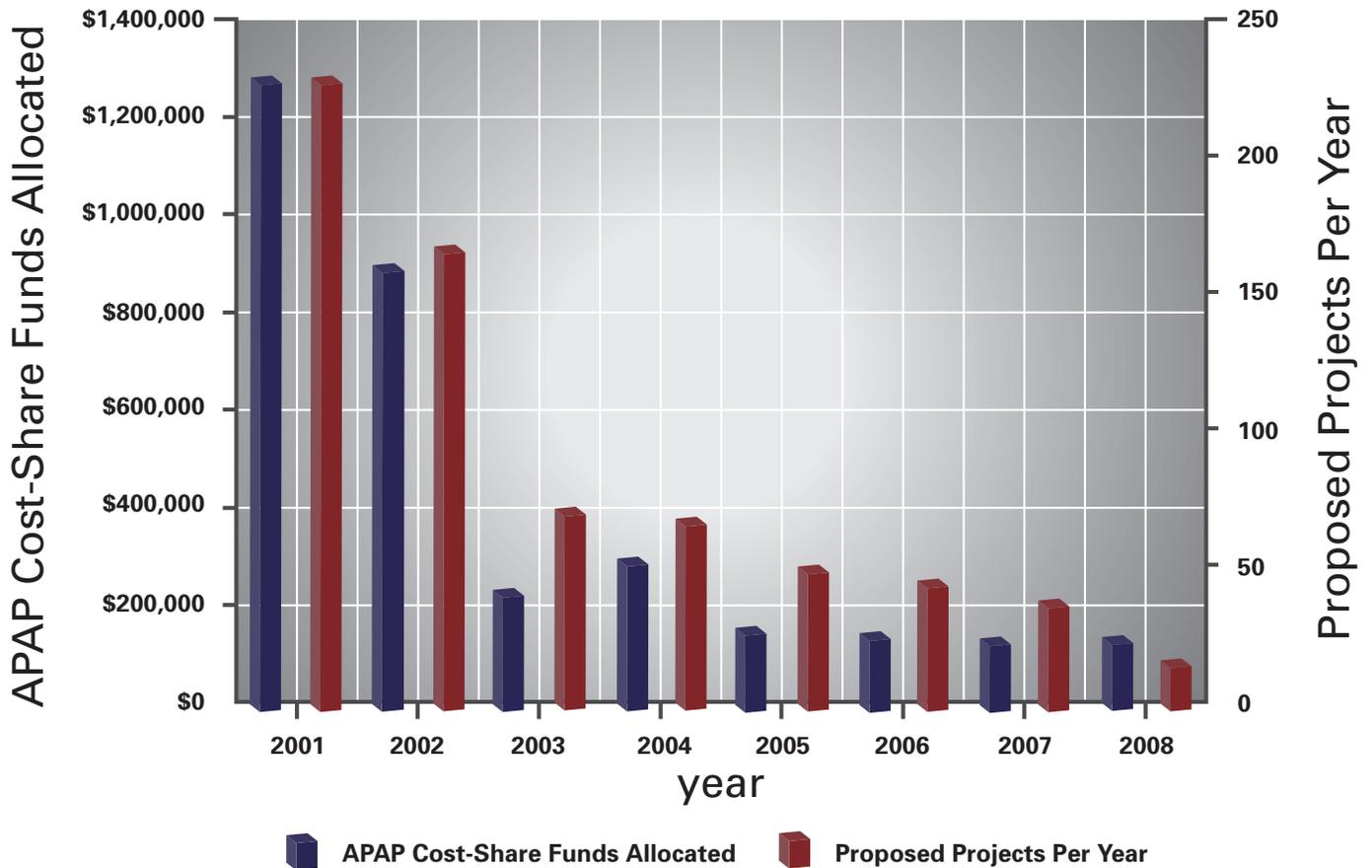
COMMITTEE FOCUS AREAS

- Manure management planning and site assessments
- Handling pollution complaints and addressing problems in a timely manner
- Technical assistance and incentives to promote cost effective manure management

Advisory Committee Member Agencies and Organizations

- Auglaize SWCD
- Brown SWCD
- Case Farms
- Cooper Farms
- County Commissioners Association of Ohio
- Environmental Defense
- Hardin SWCD
- Knox SWCD
- Livestock producers
- Manure nutrient management specialists
- Medina SWCD
- ODNR Division of Soil & Water Conservation
- ODNR Division of Wildlife
- Ohio Cattleman's Association
- Ohio Corn Growers
- Ohio Dairy Producers Association
- Ohio Department of Agriculture
- Ohio Environmental Council
- Ohio EPA, Division of Surface Water
- Ohio Equine Industry Coalition
- Ohio Farm Bureau Federation
- Ohio Farmer's Union
- Ohio Federation of Soil & Water Conservation Districts
- Ohio Livestock Coalition
- Ohio Pork Council
- Ohio Poultry Association
- Ohio Soybean Association
- Ohio State University Extension
- Ohio Soil and Water Conservation Commission
- Shelby SWCD
- USDA — Natural Resources Conservation Service
- Wayne SWCD

APAP Cost-Share Funds for Complaint Resolution and other Agricultural Projects



Understanding Ohio's Livestock Rules and Regulations

What are the impacts of livestock manure on water quality?

Livestock manure contains several nutrients and constituents that, when not properly managed, can harm the aquatic environment; cause water quality problems in streams; and can contaminate drinking water supplies. One of the most dangerous pollutants is ammonia, which is toxic to aquatic life at even low levels of concentration. Nutrients found in livestock waste, such as phosphorus and nitrogen, can cause excessive algae growth in streams and the lakes and reservoirs they drain into. When algae decompose, oxygen levels are depleted harming fish and other aquatic species. Manure can also increase nitrate levels, and if it enters a drinking water source makes it unsuitable for consumption.

Who regulates Ohio livestock farms?

Slightly less than half of Ohio's 70,000 farms have some type of livestock operation. Under state and federal laws, most of these farms do not require a permit for installation or operation of manure storage and handling facilities. Only the largest farms (approximately 170 total) in Ohio are required to obtain permits to install or operate. These large farms are permitted and regulated by the Ohio Department of Agriculture and the Environmental Protection Agency. While not permitted, the vast majority of the livestock farms in Ohio nonetheless fall under the umbrella of ODNR-DSWC's Agricultural Pollution Abatement Program rules and standards as authorized in ORC Chapter 1511. These rules and standards found in Ohio Administrative Code 1501:15-5-01 to 15-5-18 are triggered when water pollution occurs from agricultural and silvicultural operations.

What is the Agricultural Pollution Abatement Program?

Ohio's Agricultural Pollution Abatement Program is administered by the Ohio Department of Natural Resources, Division of Soil and Water Conservation (DSWC), in cooperation with local SWCDs to prevent pollution of surface and ground waters. The program offers information, technical assistance, and financial assistance to owners or operators of agricultural operations to prevent or solve water pollution problems. The program covers sediment runoff and pollutants attached thereto, and livestock and poultry manure runoff to surface or ground waters, from general agriculture, livestock operations, and silvicultural operations. In most cases participation and assistance is voluntary; however, the DSWC, with SWCD assistance, can take enforcement action when necessary to resolve known pollution problems or publicly filed complaints. When complaints and pollution problems cannot be resolved, the DSWC Chief can issue an order against any person who fails to comply with the rules and standards. Any person failing to comply with these orders is subject to criminal penalties.

How have state financial incentives helped?

State cost sharing has been a very important part of this program. It encourages voluntary participation to resolve problems recognized by a producer. Or pursuant to a complaint, it encourages installation of Best Management Practices (BMPs) in a more expedient manner, avoiding costly regulatory enforcement actions while eliminating the pollution problem. Cost sharing also helps ensure a technically sound installation of management practices with a longer design life. Unfortunately, state cost-share funding is virtually nonexistent. Consecutive years of state budget cuts have severely impacted cost-share funding and the ability to assist livestock producers. In a recent USDA survey, Ohio was the lowest among 50 states in financial support to help producers and landowners to solve agricultural pollution problems. As state financial assistance has decreased, public expectations have increased and for all practical purposes, producers are doing what they can financially on their own to comply with rules and regulations, or are reliant on competing for limited federal cost share funds.



Recommendations for an Improved Program

DSWC and the members of the advisory committee agree that these recommended changes to the Agricultural Pollution Abatement Program are important. These changes not only help the DSWC and local SWCDs to further protect surface and ground water from agricultural pollution, but they also help producers and the agricultural industry by making available new tools that will assist them with nutrient management planning and assessing site conditions of new and expanding livestock facilities. These changes will also help better address pollution complaints where voluntary compliance is lacking. They will also help further promote the adoption of technologies and cost effective manure management solutions. Listed below is the complete list of recommendations developed by DSWC and the advisory committee.

“Farmers realize the need to best utilize their nutrients and manage them correctly. Any additional tools and assistance provided that can aid the farmers is a great asset for the farmers and the environment.”

- *Sandy Kuhn*

Director, Commodity Relations
Ohio Farm Bureau Federation
Executive Director, Ohio Livestock Coalition

Increasing Nutrient Management Planning and Use of Site Assessments

Nutrient management planning is an important part of handling manure properly. Very few farms have approved nutrient management plans on file at local SWCD offices. Equally important is evaluating potential risk areas for new and expanding livestock facilities. To better address these concerns, the advisory committee suggested these recommendations:

1. Develop a streamlined state approved nutrient planning and site assessment tool that will meet the requirements of an operation and management plan as defined in Ohio’s Agricultural Pollution Abatement Rules and Standards. Work with the livestock industry and the Ohio Livestock Coalition to provide education

and related support to assist livestock producers in targeted watersheds in implementing these tools.

2. Require operations that have a valid pollution complaint and are in violation of pollution abatement rules to develop a nutrient management plan and a site assessment of the waste storage facility. This information will be submitted to the SWCD for review and approval. Establish that these operations are subject to periodic inspection by SWCDs or DSWC representatives.
3. Work with the livestock industry, SWCDs, and OSU Extension to get new medium sized and significantly expanding medium sized operations to utilize the Nutrient Management Workbook and OSU Site Assessment on a voluntary basis. Knowledge gained by the SWCDs and DSWC, along with feedback provided by the participating livestock operations, industry organizations and other groups will be analyzed and discussed to determine the value of requiring these tools for new or significantly expanding medium sized operations in the future.

Improving Accountability and Resolving Complaints in a Timely Manner

Pollution violations resulting from agricultural operations need to be resolved as quickly and efficiently as possible. Pollution complaints should be handled consistently across the state, and manure applicators should be as responsible as the livestock producers for how manure is handled. Voluntary compliance should be strongly encouraged and promoted as often as possible. When voluntary compliance doesn’t work, provisions should allow for quicker enforcement actions when necessary. The advisory committee recommends the following actions to improve the current program:

4. Work with the ODNR legal staff to create language for adding a civil penalty provision to the penalty section of the Agricultural Pollution Abatement Program statute.
5. Develop a compliance review process to assure valid complaints violating of pollution abatement rules do

Recommendations for an Improved Program -cont.

not go unresolved. When a complaint has not been resolved within six months of the investigation, the SWCD and the division will review the complaint and determine if adequate progress has been made by the owner, operator, or person responsible. If the owner, operator, or person responsible makes minimal or no progress or fails to meet the terms of an agreement with the SWCD, then the division would request that the SWCD refer the complaint to the division for resolution or possible further enforcement action.

6. Clarify OAC Rule 1501:15-5-05, “Land application of animal waste”, to include applicability for manure applicators along with owners and operators.
7. Clarify procedures within agricultural pollution abatement rules to allow more flexibility in handling pollution problems. Certain pollution abatement rules refer to the NRCS Field Office Technical Guide (FOTG) and OSU Bulletin 604 exclusively, whereas some rules allow for other methods and practices approved by the Chief. All rules should be clarified to allow for other methods and practices approved by the Chief.

Promoting New Technology and Cost Effective Manure Management Practices

Livestock manure should be viewed as a resource, not a waste. Handling manure needs to be cost effective and new technologies for handling manure should be demonstrated to livestock producers and manure handlers. The advisory committee recommended that DSWC do the following:

8. Continually monitor NRCS practice standards in surrounding states and determine if any new or alternative practice standards can be utilized in Ohio to help reduce cost of livestock manure management conservation practices.
9. For practices involving roofed storage structures, work with NRCS to educate producers on the process by which a vendor with a qualified engineer can certify or sign off on roofed storage structures, and allow the project to remain eligible for cost-share assistance.

10. Develop a new practice standard for management and placement of manure stockpiles in Ohio.
11. Target up to one-third of any state agricultural pollution abatement cost-share funding towards new technology and demonstration projects.

Improving Financial and Technical Assistance to Livestock Producers

Ohio ranks lowest among 50 states in financial support to help producers and landowners solve agricultural pollution problems. DSWC staff for this program is down nearly 40% since 2001. As state financial and technical assistance has decreased, public expectations have increased. Cost share funding and technical assistance encourage voluntary compliance and help avoid costly enforcement actions.

12. Restore agricultural pollution abatement cost share funding and determine a minimum funding level of cost share funds needed annually to maintain the program.
13. Revise and update current state cost share funding levels for various conservation practices.
14. Secure funding to help restore regional staff positions to assist producers, local SWCDs and others with manure and nutrient management issues, help provide this training and meet program implementation responsibilities.



“Streamlined” Nutrient Management Workbook

Livestock manure has always been an important source of fertilizer for crops in Ohio. However, Ohio agriculture is under increasing economic, social and environmental pressure to apply manure in ways that maximize utilization of nutrients, protect surface and ground water, and provide assurance to the public that steps are being taken to prevent pollution from affecting their health and environment.

While many of Ohio’s livestock operations have developed written plans or strategies to properly utilize manure and minimize the risk of runoff or other discharges, most have not. There are many possible reasons for this lack of planning. Many of the existing plans (primarily Comprehensive Nutrient Management Plans –CNMPs) have been developed by conservation professionals as a requirement for eligibility for government cost-share or incentive payments. Few producers have had the expertise, training or tools needed to develop their own plans.

What do I need to complete a plan for my Farm?

- Current soil samples for each field.
- Volume and type of manure your farm generates.
- Planned crops, acreages and yields for one crop year.
- A general knowledge of the location of streams and other environmentally sensitive areas on the land you apply manure.
- Amount and type of commercial fertilizer you plan to apply.

To remedy this problem, the advisory committee recommended the development and adoption of an easy-to-use Nutrient Management Workbook that would enable producers applying livestock manure to quickly and accurately develop their own plans. By following the steps outlined in the booklet and completing the enclosed worksheets, producers can develop a plan that balances available manure nutrients to the nutrient needs of the crops to be raised during that crop year. The workbook

focuses on basic issues that will minimize the risk of pollution associated with land application of animal manure including application rates, timing and setbacks from streams and other environmentally sensitive areas.

Highlights and features:

- It’s a voluntary planning tool
- It’s an annual plan that is based on one year’s crop acreages and yields. This provides flexibility for producers whose crop rotation changes frequently due to crop prices, weather conditions, etc.
- Most producers will be able to develop their own nutrient management strategy with little or no professional assistance by following the steps outlined in the workbook, making simple calculations and completing the worksheets.
- Requires no computer or complex software (everything is provided in the plan booklet).
- The plan can provide an “affirmative defense” in civil cases involving land application of livestock manure as described in Ohio Revised Code 1511:021C, if the plan is approved by the local SWCD and properly implemented.
- The plan can also be developed by crop farmers who are receiving manure generated by livestock facilities operated by others. (E.g. a corn producer who receives broiler manure from a neighbor’s poultry barn.)

Limitations:

- The plan focuses on land applications of manure and does not address animal mortalities, emergency response, facilities management, etc.
- It will also not meet the planning requirements for incentive payments through the USDA’s Environmental Quality Incentive Program (EQIP).
- Producers planning to greatly expand their operation, add new manure storage structures or participate in the EQIP program should consider developing a Comprehensive Nutrient Management Plan (CNMP) with the assistance of a “CNMP planner” who is certified by the USDA’s Natural Resources Conservation Service.
- For more information on the Nutrition Management Workbook visit: <http://oema.osu.edu/nmw.html>

You've read the recommendations for improving the Agricultural Pollution Abatement Program...

The Division of Soil and Water Conservation appreciates you taking time to read this report of the Agricultural Pollution Abatement Advisory Committee. We hope that you have a better understanding of the importance of the livestock industry in Ohio and the associated programs, rules and regulations that are in place to help producers and protect the environment. We hope you found the recommendations appropriate and compelling. Clearly, much work remains to successfully implement these recommendations. Therefore, in conclusion, we offer a few ideas for you to consider and ways you can help as we move forward implementing these recommendations.

Agricultural Organizations and Commodity Groups can help inform their members about the issues and recommendations and identify key producers who can use nutrient management and site assessment tools. They can also help gain financial support for implementing these recommendations.

Environmental Organizations can help inform their membership and educate the broader public on the importance of these recommendations and how these recommendations can address concerns with livestock facilities while avoiding costly regulation and enforcement actions.

SWCDs can help educate local agency officials and staff about these recommendations. They can employ and train staff to assist livestock producers with nutrient management planning and siting considerations for new and expanding livestock facilities.

County Commissioners can help support adequate SWCD staff to plan projects in counties with a significant amount of livestock. They can support funding initiatives as they are proposed.

Legislators can learn more about the consensus contained in this report and be open to ideas for funding and related legislation necessary to implement these recommendations and approve rules.

Partnering State Agencies can help implement these recommendations by promoting development of nutrient management plans and the use of site assessments. They can help with further development of practice standards and new technologies that will help make manure management more cost effective.



Thank You... The ODNR Division of Soil & Water Conservation and the Pollution Abatement Advisory Committee wish to express a special thanks to DSWC Program Manager Rob Hamilton for his leadership of the advisory committee. We also wish to extend our gratitude to John Rausch, Amanda Meddles and Dr. Robert Mullen of The Ohio State University for their hard work in developing the *Ohio Nutrient Management Workbook*.



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