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NRCS EQIP/FARM BILL UPDATE

As you are well aware Congress recently passed a new Farm Bill. EQIP funding is a part of each Farm Bill. Many changes have occurred with the writing and passage of the new Farm Bill. However, at this time it appears that the EQIP portion of the Farm Bill will remain essentially the same as the previous Farm Bill. We do expect some minor changes will be made.

A few months ago Nebraska's NRCS team implemented a new method for cost sharing on EQIP projects. The new method of calculating cost share is based on capacity of the waste storage structure and its type. Here are two examples: 1.) EQIP will pay \$0.93/cubic foot of capacity in a deep pit hog barn. 2.) EQIP will pay \$0.03/cubic foot of capacity for a holding pond in a feedlot. These numbers will change over time and are dependent on funds available and costs charged by contractors.

NPDES PERMITS FOR TOTALLY HOUSED FEEDING OPERATIONS

Generally, NPDES permits have been applied for and granted to open feedlots over 1000 head of capacity. In some instances smaller feedlots have sought coverage as well due to site specific circumstances. Totally Housed Feeding Operations such as dairies or swine facilities usually were not required to apply for an NPDES permit as long as they had a Nutrient Management Plan (NMP) in place. A NMP only protects operations from a discharge off of the land application sites.

PES still recommends that most open feedlots over 1000 head of capacity seek coverage under the NPDES program. At this time we are also recommending that certain Totally Housed Feeding Operations seek coverage as well. If your waste storage structure was built in an area where runoff water is either diverted or pumped around the structure we are strongly urging those facilities to consider applying for an NPDES permit. The concern we have is if something should happen to the diversion or pumping system which would cause a breach into the waste storage structure leading to an overflow or discharge of this structure that would be considered an illegal discharge. An illegal discharge could result in a Notice of Violation or even a fine. By having a NMP in place **DOES NOT** protect you from this type of discharge. At this time we do not see the need for underfloor deep pit barns to apply for an NPDES permit. They do need a NMP.

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As a quick review for everyone, an NPDES is essentially an insurance policy. An NPDES permit allows a livestock facility to discharge water from the feeding area or pond if there is a storm that is in excess of a 24 hour/25 year storm event. **HOWEVER**, the holding pond or lagoon must be below its start pump level when this rain event occurs and must have records documenting as such. By not having an NPDES the operation is exposing itself to potential legal action by NDEQ/EPA if it has a discharge.

Department of Environmental Quality Activity

In a recent visit with Dennis Heitmann, *NDEQ water quality division*, we asked what the departments focus was on at this time. The list of items currently of concern included:

1. General Recordkeeping
2. Compliance with set back distances when making land application
3. Timely notification of discharges

General Recordkeeping

Pond Levels: Recording the depth of the waste in the livestock waste control facility and indication whether that level is above or below the 25-year/24-hour rainfall event capacity for the open lot (“must pump” level), and the “winter pump down” level.

Weather Conditions: Weather condition records of 24 hours prior to, during, and 24 hours after, land application must be kept by CAFOs. Weather information must include the high and low temperatures, wind direction in degrees or to the 1/6 of the compass (i.e., N for North, NW for Northwest), **precipitation** and whether cloudy or sunny.

Set Back Distances For Land Application

For large CAFO’S, manure, litter, and process wastewater may not be stockpiled or applied closer than **100 feet** to any down-gradient surface waters, open tile line intake structures, well heads, or other conduits to surface or ground water, except that one of the following two compliance alternatives may be substituted for the application setback requirement:

For small and medium concentrated animal feeding operations and animal feeding operations not required to seek permit coverage, manure, litter, and process wastewater may not be stockpiled or applied closer than **30 feet** of any streams, lakes and impounded waters.

Discharge Notification

Any discharge of waste shall be reported to the Department within 24 hours of the event. A written report is also required to be submitted to the Department within five days of the event. The Department may require additional actions or additional information.

Professional Environmental Services (PES) Programs Assist With Compliance

The PES Recordkeeping System is specifically designed to assist you with staying in compliance with the recordkeeping requirements as outlined above. We can even furnish you with a weather station which will automatically records precipitation, wind and temperatures for you. When using the PES system, completion of the Annual Report, as required by the NDEQ is “only a click away,” and in the event of a discharge, the forms and required information is also at your fingertips. Visit with us about how we can custom tailor your record keeping and compliance needs to match your individual situation.