

Idaho State Department of Agriculture
02.04.15 Rules Governing Beef Cattle Animal Feeding Operations
August 3, 2016
Dr. Scott Leibsle, Facilitator

Present: Mary Anne Nelson, Department of Environmental Quality; Ron Parks, Producer; Steve Maggard, Simplot; Britany Hurst, Idaho Cattle Association; Jim Little, Producer; Owen Moroney, OAG; James Stoll, OAG; Brian Oakey, ISDA; Riely Geritz, ISDA; Cole Lickley, ISDA; Bill Barton, ISDA; Scott Leibsle, ISDA; Janis Perry, ISDA

AGENDA ITEMS

WELCOME

Dr. Scott Leibsle convened the meeting at 1:03 pm. After introductions, he explained that this rule is being changed to incorporate changes from the statutory amendment.

Dr. Leibsle explained the changes to the rule. The first incorporation by reference has been deleted because to define CAFOs the definitions were extracted from the CFR and included in the rule. The second incorporation by reference is now titled differently so that was changed. It is a copyrighted publication so it cannot be published but is available for sale.

In Section 010. Definitions, Beef Cattle Animal Feeding Operations had the CFR citation removed. The Best Management Practices definition is taken directly from the new statute. The Concentrated Animal Feeding Operation definition is from the CFR, but now included in the ISDA rule. Mary Anne Nelson recommended that we keep the phrase "Director will designate" in this definition.

In the definition for Land Application, the change should be rejected so that the original definition stays. Large and Medium AFOs are taken from the CFR definitions. Dr. Leibsle explained that since the CFR is no longer published annually, we are no longer citing it. Mr. Oakey suggested we need to outline the process for designating. It was pointed out that that process is in Section 040.

Do we need to have NPDES defined? Ms. Hurst suggested not. Nutrient Management Plan had the abbreviation (NMP) added. Process Wastewater has a hyphen added to the word process-generated. We have added Small AFO definition from the CFR. Unauthorized Discharge and Waters of the State definitions have been changed to coincide with the statute definition.

Under Section 011. Abbreviations, add IPDES. Idaho Pollutant Discharge Elimination System.

Mr. Oakey asked Ms. Nelson to explain the IPDES/NPDES process. She said that DEQ will submit their application to EPA in 22 days. The EPA will review it and do a statutory review. If accepted the first phase which will be municipal permits will start July, 2018. In July, 2019 individual permits will begin to be issued and in July, 2020 general CAFO permits will be issued. She explained that the EPA retains authority until then. Section 052 has been added at the request of the Idaho Cattle Association

and has been taken directly out of the statute.

Dr. Leibsle explained that Section 080. Compliance Orders. has been taken from statute. Mr. Oakey suggested that the whole change to that section be deleted, since who consults with whom is different. He recommended that we hold off making that change. Mr. Parks asked then why we would not wait for the other changes. Mr. Oakey explained that the others are so the rule complies with the statute change which went into effect in July, 2016. Ms. Hurst recommended holding off on changing Section 080.

Dr. Liebsle asked if there were any other comments or additional changes. Mr. Oakey commented that the changes to this rule are pretty straight forward. Ms. Nelson indicated that DEQ has been given permitting authority, but that they will rely on ISDA for inspections and reviewing NMPs. Mr. Oakey stated that if there is an enforcement issue on the Clean Water Act, it would be transferred to DEQ. He said inspection issues are still being worked out. He must go through the EPA manual in orders to figure that out. With NPDES, the EPA is solely responsible, but with the new agreement every facility that does not have an IPDES permit would have an inspection. Therefore, inspections would be anticipated annually. Mr. Parks asked if there was a rule requiring every CAFO to have a permit. Mr. Oakey said no.

Dr. Leibsle adjourned the meeting at 1:40 pm. Mr. Oakey thanked everyone for coming.

Respectfully submitted by Janis Perry