



TAD News

April 2007

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Nutrient Management Plan – Are You Ready?

In the Feb. 12, 2003, revision of the Concentrated Animal Feeding Operation (CAFO) rule, the EPA stated that it was clarifying that “discharges of manure, litter and process wastewaters from the land application areas of a CAFO are agricultural storm water discharges where the manure or process wastewater has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.”

The Feb. 28, 2005, 2nd Circuit Court ruling on the revised CAFO rules did not explicitly accept or reject this interpretation. As a result, the EPA established that all CAFOs must have a Nutrient Management Plan (NMP) in place by July 31, 2007. Texas adopted the same date and, even if the EPA allows an extension or changes the date, Texas CAFOs will be held to that July 31 due date. There are a number of problems with this date. EPA has not finalized what a NMP should be and, secondly, time is very short for states that have jurisdiction over their state’s CAFO industries to implement plan documents in time for producers to comply.

TAD has been working at the Texas Commission on Environmental Quality (TCEQ) to find alternative solutions to this problem. On April 17, livestock organization representatives and I met with TCEQ staff to develop an interim solution to this fast approaching compliance date. Although we are still working on the details, we were able to get an agreement with the TCEQ that they would support this interim plan until the federal rules are final and the state has incorporated those changes into its CAFO rule.

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Manager’s Update

John Cowan

TCEQ holds meeting on permit

Texas Commission on Environmental Quality (TCEQ) staff, dairymen, TAD representatives and others attended a public meeting in Pottsville on April 16 regarding the issuance of an operating permit for the Okee Dairy in Hamilton County.

The dairy has applied for a permit under the CAFO rules, which have more stringent environmental requirements. The TCEQ and the EPA signed draft approvals of Okee’s permit, but the public meeting had to be held after the City of Waco challenged the permit.

About 50 people, almost all supportive dairymen, attended the short hearing. Six individuals, including TAD executive director John Cowan, testified in supportive of the Okee’s application. Only the City of Waco was against the application, supplying written comments but no oral testimony. TCEQ now must respond to the comments offered, after which a contested case hearing could be requested.

TAD will continue to press for quick TCEQ approval of pending permits under the CAFO rules. ▪

Capitol Report:

Time growing short at the Capitol

By Shayne Woodard

Even about one month to go before the Texas Legislature adjourns on May 28, time is growing short. Legislative deadlines will soon start to kick in, meaning that lobbyists and advocates will begin looking for other bills on which to amend their pet language if original bills do not clear their hurdles.

For example, all House bills must be out of House committee by May 7. And Thursday, May 10, is the last day for the full House to consider House bills. House rules are strict.

Among the bills TAD is watching that are expected to be heard in the coming days are:

SB 911 – Relating to the continuation and operation of the Animal Health Commission.

HB 167 – Relating to the inclusion of certain methane in the fuel ethanol and biodiesel incentive program of the Department of Agriculture.

SB 779 – relating to the appraisal of open-space land devoted principally to agricultural use.

For more on the bills, visit www.legis.state.tx.us. ▪



A table promoting “Milk or No Deal” (a reference to the TV show “Deal or No Deal”) sponsored by TAD won third place at a recent Stephenville Chamber of Commerce event. The award won TAD an ad for six weeks on the Stephenville Empire-Tribune’s Web site, www.empiretribune.com. The ad will run through the end of April. Above, Nova Schouten (center) receives the award on behalf of TAD.

TAD Board Action

The Texas Association of Dairymen Board of Directors took the following action during its March meeting in Grapevine:

- Seated two new directors, Michael Mund and Mark Long, to the Board.
- Allocated funds to help sponsor the Speakers Reunion Day at the Texas Capitol.
- Authorized a monthly ad in the Texas Dairy Review.
- Heard a report from Executive Director John Cowan about a proposed TAD research project on dairy water usage and a proposed dairy summit that would discuss the growth of the dairy industry in Texas. ■



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This interim solution provides for a task force of the livestock industries and TCEQ staff to agree on an “index page” that each CAFO will incorporate into its pollution prevention plan (PPP) detailing where the required elements of the NMP are located in the farm’s documents.

A CAFO, if requested to provide NMP to the public, will have the opportunity to produce the pages containing the essential information, rather than produce the entire PPP.

TAD will continue to work for you in Austin. ■

Bosque cleanup money OK’d

The U.S. House of Representatives has approved \$10 million to address water quality in the North Bosque River. Rep. Chet Edwards, D-Waco, requested the measure and increased funding as part of a package of water and wastewater improvements in his district.

Under the Water Resources Development Act, the U.S. Army Corps of Engineers and other agencies would create a cleanup plan that could include wetland projects, grass buffer strips, modifications at upstream dairy farms and possibly sewer plant upgrades. Both dairy operators and cities would have input into the new cleanup plan. ■

Private data exposed by USDA

The U.S. Department of Agriculture has narrowed to 63,000 the number of people whose private identification information was accessible to the public on a government-wide Web site and who will therefore be eligible to register for free credit monitoring services.

The 63,000 people were awarded funds through the Farm Service Agency (FSA) or USDA Rural Development (RD).

The information was removed from the Web site immediately after USDA learned of the potential exposure. There is no evidence that this information has been misused.

Any USDA funding recipient with questions may call 1-800-333-4636 or visit USA.gov. ■