



TAD News

July 2007

3500 William D. Tate Ave.
Suite 100
Grapevine, TX 76051
(817) 410-4576
(817) 410-4541 (fax)
www.milk4texas.org

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Executive Director

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Next TAD Board Meeting:
1 p.m., Thursday, Aug. 9
Winnsboro, Texas

July 31 was key date for CAFOs in Texas

Texas is moving ahead with the requirement that CAFOs have a Nutrient Management Plan (NMP). As of July 31, 2007, if your dairy is a CAFO, you were required to have an NMP as part of your dairy's Pollution Prevention Plan (PPP).

Manager's Update
John Cowan

In 2003, the EPA set minimum standards states are required to follow for CAFOs and set July 31, 2007, as the deadline for CAFOs to develop an NMP. States then were required to bring their programs in line with federal requirements at a minimum (they could be more stringent). In 2004, the Texas Commission on Environmental Quality (TCEQ) adopted more stringent CAFO rules.

EPA since was sued in federal court over the rules, adding to the confusion of what an NMP was to look like and what type of plan states should follow.

Why are we concerned? The devil is in the details. Recently, the EPA extended the NMP federal compliance date to Feb. 27, 2009. But Texas did not change its date, requiring Texas dairies to have a plan in place and operate under it after July 31, 2007.

The TCEQ provided TAD a statement that read: "We will follow our normal investigation schedule in fiscal year 2008. If our staff perform an investigation at a permitted CAFO and determine that it is in compliance with the requirements of 30 Texas Administrative Code Subchapter B §321.46, relating to the requirement to develop and implement a Pollution Prevention Plan (PPP), but does not have an NMP certified in accordance with the NRCS Code 590 Practice Standard, then the site will be issued a Notice of Violation (NOV) and given 60 days to develop and implement an NMP. If our investigation determines that a site is not complying with its PPP or permit conditions, and does not have a NMP, then the site will be referred to enforcement which will include the issuance of an order and the assessment of penalties."

It is generally known that the basis of an NMP will follow the Natural Resources Conservation Service 590 practice standard, so now this becomes the somewhat ambiguous guidelines dairymen must follow, particularly now in Texas. ■

TAD working with group to curb bovine TB outbreaks in Southwest

TAD joined West Texas livestock producers and state and federal animal health officials from Texas, Oklahoma, Kansas and Colorado on July 25 in Amarillo to discuss how best to control the persistent problem of chronic bovine tuberculosis cases in the Southwest.

Currently, each of the four states has either confirmed cases of bovine TB or is in the process of testing suspected animals.

The group heard a recap of the situation in each state, including concerns about dairy animals moving between states, especially with calf raising/growing operations.

Dr. Dee Ellis of the Texas Animal Health Commission reviewed the following proposed rule changes for the group to consider: a) Lower age requirement for testing calves to 2 months; b) Require intrastate ID; c) Require interstate ID for dairy steers; d) Exempt dairy animals from approved feedlots from testing with a health certificate and entry permits; e)

remove the waiver on health certificate and entry permits for dairy animals; and f) M-brand roping steers must have a current 12 month test to enter.

The comment period on the proposed changes will close soon.

The group discussed forming a dairy working group to meet as soon as possible to make recommendations from the dairy industry perspective to give additional guidance to the state veterinary agencies.

TAD Manager John Cowan was asked to help coordinate getting the working group together and expediting discussions and recommendations.

Dairymen in attendance emphasized the urgency for the working group to begin functioning.

Plans are underway to have this group meet again within the next two weeks. ■

TCEQ to rule on first Bosque permit

The Aug. 22 meeting of the Texas Commission on Environmental Quality (TCEQ) could be pivotal for the future of the dairy industry in Central Texas.

The full three-member Commission is scheduled to rule on a CAFO permit application by Hidden View Dairy. This is the first CAFO permit to be on the Commission agenda.

If granted, it will be the first permit issued under the more stringent CAFO rules, which were adopted in July 2004.

The permit application has been opposed by the Sierra Club.

TAD continues to encourage the TCEQ to move more quickly to rule on permit applications from the Bosque watershed – dairies need to be able to operate their businesses with certainty, and Central Texans need to know that environmental protections are in place.

TAD also encourages those applying for these permits to work closely with their consultants to make sure the applications are complete when submitted to the TCEQ. ▪

Need to hire?

TAD and TCE will help you follow the rules

Federal immigration reforms and homeland security concerns are forcing dairymen to be more diligent than ever to follow regulations when hiring employees. To assist producers, TAD and Texas Cooperative Extension (TCE) are working together on a project that soon will put information on hiring regulations in the hands of all Texas dairy producers.

The project was initiated, in part, following the visit in the spring to several dairies by U.S. Immigrations and Customs Enforcement and the detainment of workers at those dairies.

The material will include information and facts sheets on forms I-9, W-2 and W-4; employer sanctions; and how to respond to a “no match” letter.

The material, under review by an attorney, is intended to serve as information and not intended to replace or to serve as legal advice. In addition to being distributed to each producer, the material also will be posted on TAD and TCE Web sites. ▪

Coming soon to a place near you – environmental training

TAD and Texas Cooperative Extension are touring Texas to help both permitted and nonpermitted producers better understand and comply with the numerous environmental rules they must follow.

The next training session is scheduled for 10 a.m. to noon Aug. 9 in Winnsboro, prior to the TAD Board of Directors meeting. The session will be held at the Winnsboro Livestock Auction on Highway 11 East.

The training will cover environmental laws and regulations for livestock operations in Texas and record keeping. Participants earn two DOPA credits.

For more information about the Aug. 9 training, contact Tamilee Nennich, extension dairy specialist, at (254) 968-4144 or tdnennich@ag.tamu.edu.

The program is customized to address the needs of dairymen in different parts of the state, regardless of their requirement for a CAFO permit or Water Quality Management Plan. Seminars have been presented in several East Texas locations, and future seminars are planned for Central and West Texas.

For more information or to schedule a seminar in your area, contact TAD. ▪

Feds to debate dairy gasifier funding

U.S. Rep. John Carter of Texas, a member of the Appropriations Committee, has included \$1.275 million in the 2008 Agriculture Appropriations Bill for a dairy gasifier to be located on the Jam-Dot Dairy in Stephenville.

This is the first step to secure funds for completion of the gasifier, which will be used to convert manure to energy and a mineral ash commodity.

TAD applauds Rep. Carter for advocating for federal funds for the dairy gasifier and stands ready to help him in any way to make the final appropriation a reality. Not only would the dairy gasifier be a positive step for the environment, but it could help Texas meet its growing energy needs. ▪



Texas Association of Dairymen
3500 William D. Tate Ave., Suite 100
Grapevine, TX 76051-8734