

NONPOINT SOURCE SUMMARY PAGE

FY 01 CWA §319(h)

Project 01-16

- 1. TITLE OF PROJECT:** Environmental Regulatory Oversight Assistance for Unpermitted Animal Feeding Operations
- 2. PROJECT GOALS/OBJECTIVES:** (1) To provide the Texas State Soil & Water Conservation Board guidance and assistance related to state/federal environmental requirements for unpermitted animal feeding operations.
- 3. PROJECT TASKS:** (1) Texas A&M University System (TAMUS) will contract Eco-Environmental Services to perform Tasks 2-8. (2) Provide technical assistance to the Texas State Soil and Water Conservation Board (TSSWCB) on the certified water quality management plan (WQMP) program to assist in developing best management practices that meet state water quality requirements. (3) Provide guidance and assistance in the complaint process to the TSSWCB on rule interpretations and citations from Texas Water Code, Chapter 26, and Texas Administrative Code, Title 30, Part 1, Chapter 321, Subchapter B. (4) Provide guidance and assistance to the TSSWCB on environmental requirements necessary for animal feeding operations (AFOs) to satisfy state regulatory requirements and water quality standards. (5) Provide guidance and assistance to the TSSWCB on the United States Environmental Protection Agency's (USEPA) concentrated animal feeding operations (CAFO) regulations. (6) Provide guidance and assistance to the TSSWCB as liaison with TCEQ on the TCEQ/TSSWCB Memorandum of Understanding including, if necessary, developing implementation plans for coordinated inspection and compliance assistance program for unpermitted AFOs and dry-litter poultry CAFOs. (7) Attend TSSWCB meetings as necessary to brief TSSWCB staff and Board of Directors on Tasks 1-6. (8) Provide quarterly reports to TSSWCB Project Manager and Regional Managers.
- 4. MEASURES OF SUCCESS:** (1) Provide listing of districts and office contacts for which technical assistance or rule clarification was provided during the AFO complaint/referral process established in the TCEQ/TSSWCB Memorandum of Understanding and Texas Agriculture Code 201.026. (2) Develop, in consultation with TCEQ, draft language for the TCEQ/TSSWCB MOU that implements changes made necessary by federal and state revisions to all applicable AFO/CAFO regulations for consideration by the TSSWCB. (3) Identify and keep the TSSWCB apprised of any state/federal CAFO requirements necessary for incorporation into the poultry WQMPs to satisfy EPA requirements.
- 5. PROJECT TYPE:** Statewide Watershed Demonstration Other
- 6. WATERBODY TYPE:** River Lake Wetland Ground Water Other
- 7. PROJECT LOCATION:** Statewide.
- 8. NPS MANAGEMENT PROGRAM REFERENCE:** State of Texas Agricultural/Silvicultural Nonpoint Source Management Program – Approved February 15, 2000.
- 9. NPS ASSESSMENT REPORT STATUS:** Impaired Impacted Threatened
- 10. KEY PROJECT ACTIVITIES:** Hire Staff Monitoring Technical Assistance Education BMP Implementation Demonstration Project Other
- 11. NPS MANAGEMENT PROGRAM ELEMENTS:** Implementing Milestones from the *1999 Texas Nonpoint Source Pollution Assessment Report and Management Program* including (1) coordinating with Federal, State, and Local Programs, (2) technology transfer, technical support, administrative support and cooperation between agencies and programs for the prevention of NPS pollution, (3) maximize the participation of affected stakeholder groups at the regional and local level by developing targeted outreach efforts, and (4) educating landowners about their potential roles in causing NPS pollution and solicit their cooperation in abatement programs.
- 12. PROJECT COSTS:** Federal: (\$179,750) Nonfederal Match: (\$97,811) Total Project: (\$277,561)
- 13. PROJECT MANAGEMENT:** Texas State Soil and Water Conservation Board and the Texas A&M University System.
- 14. PROJECT PERIOD:** January 18, 2006 through February 29, 2008.

Environmental Regulatory Oversight Assistance for Unpermitted Animal Feeding Operations

FY01 CWA Section 319(h)
Project 01-16

WORKPLAN

Problem Need/Statement:

On December 15, 2002, the Administrator of the United States Environmental Protection Agency (EPA) signed the final rule regulating concentrated animal feeding operations (CAFOs). In this rule, it reinforced the need for all animal feeding operations (AFOs), regardless of whether they are defined as CAFOs and required to operate under the coverage of a National Pollutant Discharge Elimination System (NPDES) permit, to manage manures and wastewater by-products in a manner that is protective of waters of the Nation. The requirement for nutrient management plans (NMPs) and the recommendation that all AFOs obtain comprehensive nutrient management plans (CNMPs) was a key strategy for achieving maximum protection. As EPA has delegated the NPDES program to the State of Texas, the Texas Commission on Environmental Quality (TCEQ) has adopted the Texas Pollutant Discharge Elimination System (TPDES) under administrative rule, and certain management practices and technical requirements specific to unpermitted AFOs in Texas Administrative Code §321.47.

In Texas, the Texas State Soil and Water Conservation Board (TSSWCB), the agency responsible for the management, prevention, and abatement of nonpoint source (NPS) pollution from agricultural and silvicultural activities, administers a certified Water Quality Management Plan (WQMP) Program. The term NPS, as it relates to AFOs, is loosely used to differentiate between AFOs which do not require written authorization from TCEQ from point source CAFOs, which do require written authorization under a permit. Because of this understanding, the TSSWCB's WQMP Program is applicable for any AFO not defined as a CAFO. There are approximately 3000 such AFOs currently operating under the authority of a WQMP certified in accordance with Texas Agriculture Code §201.026. The technical elements of a WQMP are based entirely on the United States Department of Agriculture - Natural Resource Conservation Service's (NRCS) Field Office Technical Guide (FOTG), which is the best available technology and the basis for many of the management practices and agricultural engineering standards incorporated into the permitting program. A certified WQMP developed for an AFO that meets the technical requirements of the FOTG is a CNMP. A WQMP is effectively a conservation plan that includes a functionally equivalent level of environmental protection from a voluntary perspective. As a result, the TSSWCB encourages as many AFOs as possible to voluntarily participate in the WQMP Program, even if they are not explicitly required to obtain permit coverage.

As part of the WQMP Program, the TSSWCB receives referrals from TCEQ on complaints resulting from unregulated AFOs. As a result of dry-litter poultry operations being included in the National Pollutant Discharge Elimination System (NPDES) Permitting Program, and Senate Bill 1707 (Staples) ensuring that that the WQMP Program remains applicable to permitted dry-

litter operations, the memorandum of agreement between TSSWCB and TCEQ will need to be amended.

TSSWCB Staff is currently developing a program initiative to increase participation of AFOs in the WQMP Program. Many smaller AFOs do not currently operate under a management plan of any kind due to available acreage and the expense of traditional practices such as waste storage ponds and treatment lagoons. The TSSWCB is working with the Texas NRCS on alternative management practices that would be acceptable under the Field Office Technical Guide, and consequently the WQMP Program. If certain alternative practices are approved by NRCS, then TCEQ will need to be engaged in a discussion to ensure the agency is comfortable with the measure of protection these alternative measures provide under the Texas Water Code.

Another upcoming issue regarding AFOs is the requirement for all AFOs, regardless of whether they are permitted or not, to obtain a nutrient management plan (NMP) prior to December 31, 2006. NMPs are required elements of WQMPs if nutrients are being applied to the operating unit. TSSWCB foresees this federal requirement resulting in an increase to the numbers of AFOs that participate in the WQMP Program.

As a result of these and other circumstances, the TSSWCB is seeking environmental regulatory assistance to ensure the WQMP Program and other agency initiatives are adequate in meeting the needs of AFOs. The Texas A&M University System (TAMUS) includes various state agencies that include varying degrees of expertise related to environmental regulatory issues. Eco-Environmental Services, a private consulting company, possesses a unique and singular wealth of experience on environmental issues as they relate to animal agriculture. TAMUS will contract Eco-Environmental Services to provide assistance in carrying out this scope of work.

General Project Description:

The environmental regulatory oversight project will provide the TSSWCB additional resources by contracting with TAMUS and Eco-Environmental Services which have integral technical knowledge and expertise in regulatory requirements necessary to meet state and federal environmental regulations. The project will additionally dedicate personnel to coordinate between the TSSWCB and the state environmental regulatory agency (TCEQ) to address non-point source pollution issues arising from operations which lack the necessary best management practices to maintain water quality. Finally, the project will also provide personnel to oversee and relay information to the TSSWCB about changes in the federal CAFO regulations and state requirements in a timely manner for incorporation into the WQMP program, if necessary.

Tasks, Objectives, Schedules, and Estimated Costs:

Task 1: TAMUS will contract Eco-Environmental Services to perform Tasks 2-8.

Eco-Environmental Services
Contact: Darrell Williams
3316 Oxsheer Drive
Austin, Texas 78732

512-266-0810

Costs: \$ 23,450.00 (Federal), \$0.00 (Non-Federal Match), \$ 0.00 (Total)

Objectives: (1) Acquire the expertise of Eco-Environmental Services.

Deliverables

- Contract.

Task 2: Provide technical assistance to the Texas State Soil and Water Conservation Board (TSSWCB) on the certified water quality management plan (WQMP) program to assist in developing best management practices (BMPs) that meet state water quality requirements.

Costs: \$ 23,445.00 (Federal), \$ 14,671.65 (Non-Federal Match), \$ 38,116.65 (Total)

Objectives: (1) To assist the TSSWCB in assuring that certified water quality management plans on animal feeding operations contain water quality based BMPs necessary to meet state water quality regulatory requirements.

Deliverables

- Provide direct technical assistance via telephone and e-mail to TSSWCB, Districts and regional office staff on a weekly basis according to agreed upon schedule established by the TSSWCB.
- Maintain log of contacts and responses to inquiries requesting assistance.

Task 3: Provide guidance and assistance in the complaint process to the TSSWCB on rule interpretations and citations from Texas Water Code, Chapter 26, and Texas Administrative Code, Title 30, Part 1, Chapter 321, Subchapter B.

Costs: \$ 39,075.00 (Federal), \$ 24,452.75 (Non-Federal Match), \$ 63,527.75 (Total)

Objectives: (1) To advise the TSSWCB on 30 TAC; Chapter 321: Subchapter B rule interpretations to assist with complaint investigations including referrals from the Texas Commission on Environmental Quality (TCEQ) regarding AFOs not meeting environmental regulatory requirements. (2) In situations where a WQMP is developed or revised to address a complaint, all practices implemented through the WQMP will be documented and submitted to the TSSWCB project manager for reporting load reductions to EPA through Grants Reporting Tracking System (GRTS).

Deliverables

- Provide direct technical assistance via telephone and E-mail to TSSWCB, Districts and regional office staff on a weekly basis according to agreed upon schedule established by the TSSWCB.
- Travel to TSSWCB regional offices, as directed by TSSWCB, to meet with staff and district personnel to investigate and develop response to complaint that meets Subchapter B regulatory requirements.
- Travel to targeted TSSWCB regional offices quarterly, based on business needs, to meet with regional staff to discuss environmental requirements and district issues of concern.
- Maintain log of contacts and responses to inquiries requesting assistance.
- Provide documentation on BMPs implemented through developed or revised WQMPs.

Task 4: Provide guidance and assistance to the TSSWCB on environmental requirements necessary for animal feeding operations (AFOs) to satisfy state regulatory requirements and water quality standards.

Costs: \$ 23,445.00 (Federal), \$ 14,671.65 (Non-Federal Match), \$ 38,116.65 (Total)

Objectives: (1) To advise the TSSWCB on state environmental requirements necessary to assure the WQMP program satisfies state law and water quality requirements.

Deliverables

- Provide direct technical assistance via telephone and E-mail to TSSWCB, Districts and regional office staff on a weekly basis according to agreed upon schedule established by the TSSWCB.
- Travel to TSSWCB headquarters and regional offices to provide technical assistance and interpretations as requested.
- Maintain log of contacts and responses to inquiries requesting assistance.

Task 5: Provide guidance and assistance to the TSSWCB on the United States Environmental Protection Agency's (USEPA) concentrated animal feeding operations (CAFO) regulations.

Costs: \$ 15,630.00 (Federal), \$ 9,781.10 (Non-Federal Match), \$ 25,411.10 (Total)

Objectives: (1) To advise the TSSWCB on federal CAFO requirements and implications they may have on the State WQMP program.

Deliverables

- Attend meetings and other discussions concerning the revisions and implementation of USEPA CAFO regulations.
- Attend meetings with state and federal agencies to stay informed on development and implementation of programs to satisfy federal/state requirements.

- Provide direct technical assistance via telephone and E-mail to TSSWCB and regional office staff on a weekly basis according to agreed upon schedule established by the TSSWCB.

Task 6: Provide guidance and assistance to the TSSWCB as liaison with TCEQ on the TCEQ/TSSWCB Memorandum of Understanding including, if necessary, developing implementation plans for coordinated inspection and compliance assistance program for unpermitted AFOs and dry-litter poultry CAFOs.

Costs: \$ 39,075.00 (Federal), \$ 24,452.75 (Non-Federal Match), \$ 63,527.75 (Total)

Objectives: (1) To provide assistance with the TSSWCB on updating the MOU with TCEQ to reflect recent legislation and changes to the WQMP plan since the MOU was previously adopted.

Deliverables

- Attend meetings with TCEQ to discuss necessary revisions to the MOU to incorporate changes from Texas Senate Bill 1707, 79th Regular Session (pertaining to poultry requirements).
- Provide TSSWCB drafts of language developed for MOU revision.
- Brief TSSWCB management on progress and discussions on MOU revisions.

Task 7: Attend TSSWCB meetings as necessary to brief staff and Board of Directors on Tasks 1-6.

Costs: \$ 7,815.00 (Federal), \$ 4,890.55 (Non-Federal Match), \$ 12,705.55 (Total)

Objectives: (1) To keep Board of Directors and the TSSWCB aware of activities and deliverables required under the work plan.

Deliverables

- Attend and participate in TSSWCB meetings when requested.

Task 8: Provide quarterly reports to TSSWCB Project Manager and TSSWCB Regional Managers; provide a final report to the TSSWCB Project Manager at the end of the project period.

Costs: \$ 7,815.00 (Federal), \$ 4,890.55 (Non-Federal Match), \$ 12,705.55 (Total)

Objectives: (1) To provide TSSWCB a summary of activities performed under the work plan the preceding quarter. (2) To provide TSSWCB a final report of all project activities.

Deliverables

- Submit quarterly report to TSSWCB when due.
- Submit final report to TSSWCB when due.

Coordination, Roles and Responsibilities:

Participating Agencies and Organizations along with their roles in this project include:

- Texas State Soil and Water Conservation Board:
 - Overall project management
 - Provide guidance and direction relating to recent regulatory and legislative changes impacting TSSWCB's overall NPS mandate and program initiatives
 - Provide notification of complaints regarding animal feeding operations that require more intensive coordination with TCEQ

- Texas A&M University System:
 - Provide technical assistance to the Texas State Soil and Water Conservation Board (TSSWCB) on the certified water quality management plan (WQMP) program to assist in developing best management practices (BMPs) that meet state water quality requirements.
 - Provide guidance and assistance in the complaint process to the TSSWCB on rule interpretations and citations from Texas Water Code, Chapter 26, and Texas Administrative Code, Title 30, Part 1, Chapter 321, Subchapter B.
 - Provide guidance and assistance to the TSSWCB on environmental requirements necessary for animal feeding operations (AFOs) to satisfy state regulatory requirements and water quality standards.
 - Provide guidance and assistance to the TSSWCB on the United States Environmental Protection Agency's (USEPA) concentrated animal feeding operations (CAFO) regulations.
 - Provide guidance and assistance to the TSSWCB as liaison with TCEQ on the TCEQ/TSSWCB Memorandum of Understanding including, if necessary, developing implementation plans for coordinated inspection and compliance assistance program for unpermitted AFOs and dry-litter poultry CAFOs.
 - Attend TSSWCB meetings as necessary to brief staff and Board of Directors.
 - Provide quarterly reports to TSSWCB Project Manager and Regional Managers.
 - Provide final report to TSSWCB Project Manager.

Measures of Success:

- Provide listing of districts and office contacts for which technical assistance or rule clarification was provided during the AFO complaint/referral process established in the TCEQ/TSSWCB Memorandum of Understanding and Texas Agriculture Code 201.026.
- Develop, in consultation with TCEQ, draft language for the TCEQ/TSSWCB MOU that implements changes made necessary by federal and state revisions to all applicable AFO/CAFO regulations for consideration by the TSSWCB.
- Identify and keep the TSSWCB apprised of any state/federal CAFO requirements necessary for incorporation into the poultry WQMPs to satisfy EPA requirements.

Project Management:

TSSWCB Project Lead

Name: John Foster
Address: Texas State Soil and Water
Conservation Board
311 North 5th Street
Temple, Texas 76502

Phone #: 254-773-2250, ext. 235
E-Mail: jfoster@tsswcb.state.tx.us

TAMUS Project Lead

Name: John B. Carey, Ph.D.
Address: Department of Poultry Science
Texas A&M University
Kleberg Center, Rm. 107
2472-TAMU
College Station, TX 77843-2472

Phone #: 979-845-4318
E-Mail: jcarey@poultry.tamu.edu

Environmental Regulatory Oversight Assistance for Unpermitted Animal Feeding Operations				
Itemized Budget 10/09/2007				
Contract 01-16				
	Object Class Category	Federal	Non-Federal	Total
1	Personnel	\$0.00	\$0.00	\$0.00
2	Fringe Benefits	\$0.00	\$0.00	\$0.00
3	Travel	\$400	\$0.00	\$400
4	Equipment	\$0.00	\$0.00	\$0.00
5	Supplies	\$0.00	\$0.00	\$0.00
6	Contractual	\$155,900	\$68,908*	\$224,808
	*68,908 in non-federal match provided through TSSWCB Contract with TAMUS No. 2005- 05-02, attached.		\$28,903**	\$28,903
	**\$28,903 in non-federal match provided through TSSWCB Poultry GR – 2008-05 (392 hrs @ \$60/hr + travel expenses)			
	Subtotal Contractual	<u>\$155,900</u>	<u>\$97,811</u>	<u>\$253,711</u>
7	Construction	\$0.00	\$0.00	\$0.00
8	Other	\$0.00	\$0.00	\$0.00
9	Total Direct Costs	\$156,300	\$97,811	\$254,111
10	Total Indirect Costs	\$23,450	\$0.00	\$23,450
11	Total Costs	\$179,750	\$97,811	\$277,561

Budget Justification

The total project budget of \$277,561 consists of the following:

- \$179,750 in Federal Clean Water Act, Section 319(h) (CWA, 319) funding through the TSSWCB Fiscal Year 2001 grant
- \$68,908 in non-federal match provided by the TSSWCB through a separate agreement between TSSWCB and TAMUS (Contract No. 2005-05-02, attached). The funding provided through the separate agreement is for technical assistance relating to animal feeding operations, specifically poultry operations, and is non-federal Texas General Revenue provided to the TSSWCB through Texas Legislative Appropriations. Although this project is titled *Texas Cooperative Extension Air Quality Support for Poultry WQMPs*, the intrinsic connection between “air” and “water” quality, as it relates to animal feeding operations and abatement practices, makes this an applicable source of match. The majority of complaints concerning NPS AFOs which are referred to TSSWCB result from improper or ill-timed land application of litter or manure. Both projects include significant efforts toward the identification, planning, and implementation of management practices through water quality management plans to address both air and water quality. Both projects are being coordinated through the same principal investigator at TAMUS.
- \$28,903 in non-federal match provided by the TSSWCB (2008-05). This funding is for technical assistance relating to animal feeding operations, specifically poultry operations, and is non-federal Texas General Revenue provided to the TSSWCB through Texas Legislative Appropriations.

TAMUS intends to subcontract this scope of work to Eco-Environmental Services. Under “contractual” in the project budget, \$156,300 of CWA, §319(h) funding is provided at \$60/hour + travel expenses over the course of two years. Over the course of two years, Eco-Environmental Services is expected to provide services three days out of every week. An additional \$23,450 in CWA, §319(h) funding is included under “indirect costs” to be provided to TAMUS at a 15% indirect rate (15% of \$153,600). Through normal procedures, the entirety of the CWA, §319(h) funds in the project budget will be provided to TAMUS for reimbursement purposes to Eco-Environmental Services upon successful progress towards project objectives and deliverables.