

**Concentrated Animal Feeding Facility Advisory Committee**  
**Ohio Department of Agriculture**  
*March 21, 2013*

**\*\*As Approved by the CAFF Advisory Committee\*\***

<b>Meeting Attendance</b>	<b>Member Name</b>		<b>Representing</b>
P	Cathy	Alexander	Ohio Environmental Protection Agency
P	Tony	Anderson	County Commissioners Association of Ohio
P	Karen	Chapman	Environmental Defense Fund
P	Rod	Dunn	Water Management Association of Ohio
P	Maurice	Eastridge	Ohio State University
P	Kevin	Elder	Ohio Department of Agriculture
P	Andy	Ety	Ohio Department of Agriculture
P	Glen	Feichtner	Ohio Cattlemen's Association
P	Mike	Bailey	Ohio Department of Natural Resources
A	Anne	Kaup-Fett	Ohio Environmental Health Association
P	Carl	Link	Ohio Pork Producers Council
P	Joe	Logan	Ohio Environmental Council
P	Dick	Lorenz	Water Management Association of Ohio
P	Russell	Ludwig	Public Representative
P	Eric	Dresbach	Ohio Water Environment Association
A	Andy	Miedema	Ohio Dairy Producers
P	Tim	Sword	Ohio Department of Development
P	Tim	Weaver	Ohio Poultry Association
A	Carl	Ayers	Ohio Dairy Producers
A	Jon	Bernstein	Ohio Environmental Protection Agency
P	Chuck	Divelbiss	Public Representative
A	Trent	Dougherty	Ohio Environmental Council
A	Rob	Hamilton	Ohio Department of Natural Resources
A	Elizabeth	Harsh	Ohio Cattlemen's Association
A	Tom	Hertzfeld	Ohio Poultry Association
A	Roger	High	Ohio Sheep Improvement Association
A	Pat	Hord	Ohio Pork Producers Council
A	Jason	Menchhofer	Ohio Environmental Health Association
P	Michael	Mull	Ohio Veterinary Medical Association
A	Todd	Price	Ohio Veterinary Medical Association
A	Jon	Rausch	Ohio State University
A	George	Slater	Public Representative

**DLEP staff**

Marsha Perge, Program Administrator  
 Andy Ety, Engineer

**ODA staff**

David Gorman, Legal Counsel  
 Howard Wise – Assistant Director

Carl Link called the meeting to order.

All members introduced themselves. Mike Bailey was in attendance and representative for the Ohio Department of Natural Resources.

Carl sought additions or corrections to the agenda. There were no additions to the agenda. Carl then sought additions or corrections to the March 8, 2012, minutes. There were no changes or corrections to the meeting minutes. A motion to approve the minutes as written was made by Tim Weaver, and seconded by Chuck Divelbiss. All were in favor; motion carried.

Tony Anderson expressed his gratitude for the tour that occurred in August of 2012. Tony further expressed that it was exceptionally beneficial and informative and was a great tool with which to dialogue with the citizens and community.

Reappointments to the CAFF committee were reviewed. There is one public representative position that is open and possible individuals to fill the position are being sought. Members were asked to forward any nominations (names) so they could be contacted.

Review of the February 2013 CLM training session was reviewed with the committee. There were 99 participants on Tuesday and 99 participants on Wednesday. Kevin further reviewed education credits and additional opportunities that are available each year to individuals that are seeking to become a CLM. Information regarding CLM's is on the department's website. Suggestions for courses and sessions should be sent in. One of the training segments is the 4R's and Ag nutrients.

Joe Logan had requested that we review guidance regarding manure testing requirements – With Joe Logan not in immediate attendance, Eric Dresbach was asked to explain how he tests. Eric explained how he agitates and pulls samples daily. Eric stated he takes his sampling very seriously. Book values are good only if they are the only source that a person has. He explained that the book values and the actual sample values do not match. The book values are higher. CLM's take their sampling very seriously. Kevin explained how DLEP collects data. Book values are not accurate and are only used if that is the only data available. Not finding all the nutrients that the book says are going to be in the storage structures because of change in diet, change in treatment systems, change how the manure is handled and if the manure is agitated. If the manure has been un-agitated, the nutrients will not be the same as manure that has been agitated. Most of the problem understanding revolves around dairy manure. The book value is an assumption and not an actual calculation. There are many reasons for the differences and DLEP (ODA) goes by actual samples and not assumptions. ODA is encouraging more samples than what are required by rules.

Manure test needs to represent what is actually applied. Book values are deceiving as they do not represent real life conditions at the facility. The question arose as to how DLEP is communicating that agitation should be occurring and Kevin replied that it was done in person, on inspection reports, and as DLEP reviews results. Farmers are seeing the value of the manure and are wanting to get a better value out of the barn. Description of where the sample was pulled is being requested. Requesting that many samples are being taken and a sample closest to the time of application is being asked for and suggested to be obtained. DLEP is asking that all the facilities keep historical data. The facilities are using actual samples and not book values to calculate what can be applied. A new book value project was suggested.

Structure management was discussed and why would a facility not agitate to obtain the full nutrient value. There are some individuals who do not agitate to properly care for their manure storage structures. Tony expressed concern that we would implement another set of rules and regulations when the facilities are already following and doing what is needed and required.

Joe Logan – Speaking from experience on the difficulty in agitating a manure lagoon. Concern that facilities were not relying on actual testing but were relying on historical data. Concern that the true nutrient value is not being represented by the historical values. Facilities are required to obtain a sample from each structure and manure type each time they haul. Some facilities do use historical averages of the samples they pull and the soil tests confirm they are using the correct amount of application. The actual samples and book values will not match as there is a loss of nutrient due to the feeding systems, the adding of rainwater and wash water. The top of the lagoon will have lower nutrient values than the bottom. The soil tests are not supporting the book values but do support the actual testing. Information is helpful but a research project may be in order to find out what an actual dairy, poultry, etc. is producing. Also, DLEP is requesting and suggesting that the sample taken is one that is close to actual application date. CLM's are taking samples. Pushing for descriptive information on where the sample was taken. MMP are being reviewed and better information used to create the plan for the facilities. Joe suggested that all facilities continue to be encouraged to pull more samples and that the facilities be told it was an official recommendation, if this is not a rule, that a test be appropriate to what is actually being applied during an application period; that multiple tests be taken over the application period. There is a database and sources available – the question is will they be acceptable sources. Possibility is to write up a guidance document – fact sheet for the farmer or land owner for consistency.

Joe - CLM record review – how often? What is the length – fault to a D&U – how integrated, how impacted, is this chain of accountability – What is the inspection – review process that flows from the permitted facility to the CLM to the land owner. Explanation - All CLM's are provided how to keep records in training – the farms that distribute manure have to keep records of who it went to, when, how much, a current manure test and a certified statement that the person taking the manure must sign that they understand the rules and how much, when and they have the manure test. On the CLM – they are required to have the same land application records that a permitted facility has. They have to have the soil test, the weather forecast, the condition of the soil, they have a prohibition of applying on frozen snow covered ground unless they incorporate or request and obtain emergency permission. The Inspector audits the records of the required CLM once per year. They keep records of each land application activity, when, how much, and where. When the manure leaves the facility and goes out of their control, the land owner and the applicator are responsible and must have the records and soil tests. DLEP inspects the CLM's that are not required or that are not applying the 25 mil gal. and the 4500 tons every other year, etc.

The gap is the individual farmer that takes the manure – we have no authority over them. That falls back to ODNR.

Criminal statute – as required by USEPA is in the budget bill. As discussed a year ago – defining negligence – knowing criminal action.

Delegation is still proceeding. Kelly McCloud is finishing up on the revisions of program description. The criminal statute is the last thing and it is going through the legislative process. The update of the program description, this legislation and the AG certification are the last pieces and then the package will be back in the USEPA's office for approval.

It is time to do the five year rule review. Please go through the rules and make notes as to what might need changed. Please bring your thoughts and comments to the table in June. Want to be able to bring the process after the November meeting.

Budget for next two years do not reflect substantial change. We had enough surplus that we were able to order 3 replacement vehicles.

DLEP enforcement cases – appeal of Rising Sun permit was resolved by ERAC and dismissed. The facility was constructed and put in use and there was construction debris that caused flush water that was going through the flume to discharge. When the sight was inspected it was realized they had stocked without permission and they paid a civil penalty for that violation. The monies have been or are being collected on the cases adjudicated.

Additional DLEP statistics were reviewed.

The next meetings have been scheduled for: June 27, 2013 (The June meeting will be an all day meeting to address the rules that are required to be filed: A tour in August, around August 29, 2013 and final 2013 meeting scheduled for November 21, 2013. A possible summer tour for the committee to Van Erik or Bridgewater; possible tour to Ringlers. The actual tour is being worked out. Members are to send suggested sights to DLEP.

Motion to adjourn was made by Eric Dresbach; seconded by Tony Anderson. All in favor, none opposed.

Meeting adjourned – 1:30 p.m. (Approximate)

