

## Nutrient Management Planning and Federal Regulatory and Non-Regulatory Programs, Current and Future Situations

<u>Issue</u>	<u>Current Situation</u>	<u>Future Situation</u>
<p style="text-align: center;"><b>Clean Water Act (CWA)</b></p>	<p>The 1972 Federal statute that says the discharge of pollutants from Concentrated Animal Feeding Operations (CAFO's) to the waters of the United States is illegal unless the discharge is approved by a CWA National Pollution Discharge Elimination System (NPDES) permit.</p>	<p>No change, except in the specifics of how this is being applied to CAFO's, as discussed below.</p>
<p style="text-align: center;"><b>CWA and the States</b></p>	<p>In all but 6 states, the states are responsible for the implementation of all the important details of the permitting program.</p>	<p>No change.</p>
<p style="text-align: center;"><b>National Pollution Discharge Elimination System (NPDES) Permits and Concentrated Animal Feeding Operations (CAFO's)</b></p>	<p>CAFO's are defined as Animal Feeding Operations with more than 1000 Animal Units (650 Holsteins, 1000 steers, 2500 hogs, 100,000 birds). Although according to EPA there are approximately 12,000 CAFO's, EPA estimates only 2600 operations currently have NPDES permits because of the way that the NPDES program has been interpreted and implemented in the states.</p>	<p>EPA has proposed as one of several options lowering the threshold for a CAFO to 300 Animal Units, which would increase the number of permitted operations to almost 40,000, and EPA would expect ALL of these operations to have a permit.</p>
<p style="text-align: center;"><b>NPDES Permits and the Land Application of Manures</b></p>	<p>The land application of manure is NOT regulated under the current NPDES program for CAFO's.</p>	<p>EPA's proposed CAFO rule proposes requiring a Permit Nutrient Plan (PNP), that would govern the land application of manures. Many in agriculture have voiced strenuous objections to this aspect of the proposal, and it is not clear how this will be addressed in the final rule. See <b>“Permit Nutrient Plans” (PNP's)</b> below.</p>

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<p><b>State Regulation and the Land Application of Manure</b></p>	<p>Many states currently require under their own state authorities nutrient management planning for the land application of manures for CAFO's.</p>	<p>More and more states will adopt these state based regulations, no matter what happens with this in EPA's CAFO rule, and the states will get more aggressive in implementing their own requirements.</p>
<p><b>Non-permitted Animal Feeding Operations</b></p>	<p>There are estimated to be 300,000 to 400,000 Animal Feeding Operations that would not be considered CAFO's, and USDA-NRCS has been given the job of trying to prepare Comprehensive Nutrient Management Plans for these operations, or to work in partnership with Certified Crop Advisors and others to get these prepared.</p>	<p>Maybe new money might be made available by the next farm bill to help get these CNMP's prepared (see 'Farm Bill' below).</p>
<p><b>Nutrient Management Plan (NMP)</b></p>	<p>An agronomic plan for use of nutrients, and that will be familiar to most CCA's.</p>	<p>Although NMP's will continue to be useful, more and more producers will be dealing with either Comprehensive Nutrient Management Plans (CNMP's) as part of USDA programs, or "Permit Nutrient Plans" (PNP's) as part of EPA's new CAFO rule.</p>
<p><b>Comprehensive Nutrient Management Plan (CNMP)</b></p>	<p>When preparing farm plans involving manure use and nutrients, USDA-NRCS now requires its people, or people working with them, to write CNMP's that involve, in addition to standard nitrogen-based agronomic planning, feedlot water management, manure storage facilities, land application of manures to a Phosphorus Standard, where needed, erosion control and other possible measures.</p>	<p style="text-align: center;">Not applicable</p>
<p><b>Permit Nutrient Plan (PNP)</b></p>	<p>Not in use</p>	<p>The EPA's proposed CAFO rule requires a CAFO to have a PNP governing the land</p>

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<p style="text-align: center;"><b>Phosphorous Standard (P Standard)</b></p>	<p>NRCS now requires its CNMP’s to include manure application recommendations based on the phosphorous needs of crops if there is a real potential for too much phosphorous to be applied to the land and contribute to water pollution. NRCS is letting the states select among 3 possible tools for determining whether a P Standard must be followed. A “Phosphorous Index” is the likely method most states will use to determine if a P Standard must be used. One of the 3 site-specific tools that states across the country are considering to use when manure needs to be applied according to a P or an N standard. The other tools are the P Threshold and Soil Test P method. The P Index will take into account soil types, slopes, crops, rainfall, proximity to sensitive waters and other factors.</p>	<p>application of the CAFO’s manure. A PNP is a close cousin of the CNMP, but does not include erosion control matters and other CAFO issues not regulated under the Clean Water Act.</p> <p>EPA’s proposed CAFO rule requires the use of a Phosphorous Standard in the Permit Nutrient Plans (PNP’s) for the same reasons that it is required under a CNMP.</p>
<p style="text-align: center;"><b>Phosphorous Index (P Index)</b></p>	<p>Both the House and Senate have shown support for adding \$6 billion or more to USDA’s Environmental Quality Incentives Program (EQIP) for the purpose, in part, of helping livestock operations prepare and implement CNMP’s.</p>	<p>EPA’s new CAFO rule is expected to require PNP’s to be written to a Phosphorous Standard, and will require the use of the P Index, or one of the other two methods.</p>
<p style="text-align: center;"><b>2002 Farm Bill – Funds for CNMP’s</b></p>	<p>The agricultural leaders and the leading farm bills in the House and Senate have explicitly recognized that</p>	<p>The Farm Bill may very well be stalled in 2001, and is therefore likely to be finished in 2002. Although there will be less funds to spend on the farm bill in 2002 relative to 2001, the livestock community will continue to press hard for funds to help them do CNMP work.</p>
<p style="text-align: center;"><b>Funding for Preparation of CNMP’s by Private, 3<sup>rd</sup></b></p>	<p>Support in Congress for the use of private sector, 3<sup>rd</sup> party advisors to help in and be paid for the</p>	<p>Support in Congress for the use of private sector, 3<sup>rd</sup> party advisors to help in and be paid for the</p>

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<b>Party Advisors (CCA's)</b>	private sector, 3 <sup>rd</sup> party advisors, must be part of the delivery of CNMP's, and must receive federal funds	delivery of CNMP's will not diminish.