

**Poultry Waste Management Regulation  
Technical Advisory Committee  
Meeting Minutes**

**October 8, 2008  
9:30 - 3:00 PM  
Hollymead Fire Rescue Station, Charlottesville**

Technical Advisory Committee Members and Staff Support:

Name	Affiliation	Present
Hobey Bauhan	Virginia Poultry Federation	Yes
Katie K. Frazier	Virginia Agribusiness Council	Yes
Wilmer Stoneman	Virginia Farm Bureau Federation	Yes
Bill McKinnon	Virginia Cattleman's Association	Yes
Mark Palmer	Virginia Association of Soil and Water Conservation Districts	No
Becky Barlow	Shenandoah Resource Conservation & Development	Yes
Scott Johnson	Dept .of Agriculture and Consumer Services	No
Danny Sutton	Tyson Foods, Inc.	Yes
Roger Phillips	Perdue Incorporated	No
John F. Davis	Camden Farms	No
Edward Mullins	Nottoway County Poultry Grower	Yes
Tom Thacker	Augusta County Poultry Grower	Yes
Mark Deavers	Deavers Lime & Litter LLC	Yes
Kristen Hughes	Chesapeake Bay Foundation	Yes
Jeff Kelble	Shenandoah RiverKeeper	Yes
Chuck Frederickson	James River Association	No
David Kindig	Department of Conservation and Recreation	No
Russ Perkinson	Department of Conservation and Recreation	Yes
Betsy Bowles	Department of Environmental Quality	No
Neil Zahradka	Department of Environmental Quality	Yes
Gary Flory	Department of Environmental Quality	Yes

Others Present:

Name	Affiliation
Robert Peer	Department of Environmental Quality
Angela Neilan	Department of Environmental Quality
Christina Wood	Department of Environmental Quality
Tony Banks	Virginia Farm Bureau Federation
Heather Horne	Department of Environmental Quality
Meredith Williams	Department of Environmental Quality
Darrell Marshall	Department of Agriculture and Consumer Services
Daryl Bishop	General Manager, Pepco Energy Services
Donald Bishop	Cumberland County Poultry Grower
John Zirkle	Virginia Farm Bureau Board Virginia Poultry Growers Cooperative, Inc.

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The meeting was opened by Neil Zahradka, Manager of the DEQ Office of Land Application Programs. Mr. Zahradka announced that this would be the last meeting of the TAC. He explained that the next step in the timeline was to go to the State Water Control Board for approval of the draft regulation language, most likely at the March 2009 Board Meeting. The language would then go out for public comment and then come back to the Board, at which time DEQ staff responds to the public comment. The approved regulation will take effect 30 days after being published in the Virginia Register.

The TAC members were then asked to introduce themselves. The agenda was reviewed.

Mr. Zahradka explained that the minimum waste transfer threshold at which record keeping would be required was changed to 5 tons of litter; however everyone storing litter must comply with the regulation.

The committee entered into a debate over requirements for the growers to attend training once every 5 years and submit annual reports. Those opposed to training argued that it was a burden to the farmers to attend training and that the best training was one-on-one during annual inspections. Asked for their opinions on training, 9 were opposed, 2 were for training and 1 deferred to the agency decision.

In regard to annual reporting, those opposed to it argued that it would lead to non-compliances from missed deadlines and that the inspectors should be able to gather the data during annual inspections. Those in favor of annual reporting pointed out that it is difficult to track annual statistics and compose an agency annual report with information gathered from inspections that are conducted all throughout the year and therefore do not collect data from a complete calendar year. The committee did not want reporting just for the sake of reporting. When asked for their opinions on reporting, 10 were opposed to annual reporting, one deferred to the agency and one believed that if there is annual reporting that annual inspections are not required.

The committee moved on to a discussion regarding a proposed question on the transfer form that asks the end-user to specify what method he will use to determine the application rate for the litter he receives.. It was suggested to provide 4 check boxes:

- 1½ Ton/Acre every 3 years
- Soil Samples
- Nutrient Management Plan
- I don't know

Opponents believed that it was inappropriate for the brokers or growers to ask this question. Some believe that the end-users look to the brokers for advice on application rates and it would put them in an awkward position; that all the options point toward requiring an NMP which would be a hardship on some end-users. Proponents believed that the regulation was being modified to help determine if litter is being applied at agronomic rates and that this was a simple way of collecting basic data.

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Technical comments:

Page 30 – should the information the broker supplies to the grower include the information in 4b.5-8 on page 11?

Page 37 – 3.A. is missing the buffer designation of 200 ft. from an occupied dwelling.

The definition of “Hauler” was discussed. A hauler is not a grower, broker or end-user, he is just contracted to drive the truck. There is no regulatory control over the hauler. The definition needs to be clarified so that it is self explanatory to the general public

Mr. Zahradka asked the committee to be ready to discuss storage when they returned from lunch. The new language, for the brokers and end-users, was written to mirror the requirements of the growers. This action can not change storage requirements of the grower.

Lunch 11:30 – 12:30

One committee member expressed concern with the use of the term “organic source”. The farmer could just as well over apply commercial fertilizers. It was explained that organic fertilizers are high in phosphorus, so it is easy to over apply P. Also need to distinguish between organic material and organic farming. A definition will be included.

Rick Linker, DEQ Legal and Policy Manager made a presentation on policy, compliance and enforcement aspects of the Draft Proposed Regulatory Mechanism and Language.

Committee members expressed concern about handling enforcement where there is no permit. If it is required by law, compliance is the first step to work with the person; help them comply. It may elevate to Warning Letters, Notice of Violations and consent orders. If the problem continues they could be required to obtain a permit. There was concern that this is new to the end-users and brokers. Mr. Linker pointed out that lack of education is usually the problem.

There were also concerns about out of state litter; the committee was assured that anyone doing business in Virginia is under the same regulations and that out of state inspections would be conducted as needed.

Will end-users be inspected? Yes, but it will be limited based on staff. One TAC member asked how many inspections need to be done to determine whether or not the regulation is being implemented. There must be anticipation that the facility will be inspected so that the end-user will follow the regulation.

TAC members randomly voiced concerns: definition of a poultry waste broker; covering stored litter and its impact on ground water – is 14 days too long to go without a cover – is 30 days too long; should the 5 ton threshold apply to storage?

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The TAC discussed the Fact Sheet. Some felt that its title should be changed so that people are aware that it has changed – they are not getting the same old fact sheet they have been receiving for years. There was concern that the new rules could strand poultry litter; but don't want to candy coat it so that the gravity of the matter is overlooked. DEQ will draft a new "fact sheet" and send it to the TAC for review; it will be about 4 pages long. The concept of certifying the brokers to assist the end-users was suggested. There is concern that the fear of being inspected by DEQ will prevent some end-users from using litter.

On page 25 – is the statement about the 100 year flood plain clear?

On page 36

- Section d starts at 2.
- a map should be included to show the soil test regions.

Public Participation

A citizen commented that storage is still an issue – and in this economy, as more regulations are being developed, there is less staff to enforce them.