

Program Year 2021 Agricultural BMP TAC  
Animal Waste Subcommittee  
10-28-19 Meeting Minutes  
10:00 am – 3:00 pm  
Virginia Department of Forestry, 1<sup>st</sup> floor Forest Management Conference Room  
900 Natural Resources Drive  
Charlottesville

Voting Members in Attendance:

Kevin Dunn, Peter Francisco SWCD  
Steve Escobar, Equine Council  
Josh Walker, Headwaters SWCD  
Meggen Dalton, Shenandoah Valley SWCD  
Amanda Pennington, DCR-Chair

Non-Voting Member in Attendance

Ben Chester, DCR  
Public Attendance  
David Bryan, DCR

Subcommittee had quorum for the duration of the meeting.

- New Matrix Item 7A
  - Consider creating a practice to provide tax credit for Solid Liquid Separation equipment, similar to the tax credits offered for animal waste structure pumping equipment
    - What is the water quality benefit?
      - Would want to use the type of separator that keeps P with the solid manure and this would provide a water quality benefit.
      - Specify that it would have to be maximum efficiency method
    - Would still need to be Least Cost, Technically Feasible (LCTF)
    - Since an existing pit would be required to work as part of the system, would it need to meet the 15-year lifespan?
    - If the pit is no longer of adequate size to store the manure, this would be a cheaper way to deal with the manure
      - Current pit would have to be overflowing to qualify as this would be the water quality problem.
    - Vote to bring it to TAC in November with SC support but defer spec to next year
      - All voting members present voted yes
- New Matrix Item 8A
  - Create CCI practices (CCI-WP-4, CCI-WP-4B, WP-4C) that provide incentives for the continued maintenance and use of animal waste practices. This can be a simple per cubic foot of storage calculation and payment used to capture and record the proper storage, handling and utilization of animal wastes that improves water quality by allowing the

application of waste at the proper rate, time and location. Looking toward the future and the need to keep practices as creditable in the Bay Model, especially costly animal waste practices, an investment in these CCI practices would help ensure recertification of these valuable, high dollar practices.

- Would be good to have the credit another 5 years in the bay model
- They system must be functional to protect manure and prevent water quality contamination, solve the resource concern. This would not be a structural certification.
- Has to be an actual roofed structure, not just a tarp
- Not required to be a previously cost shared building
- If participating in this, cannot apply for a new building during the new 5 year lifespan, unless it is paid back
- Calculate based on cubic feet of manure produced
  - Payment is based on the lower of either
    - Size (cubic feet) of the storage facility
    - The production for a six month period
    - Credit should really be for the manure treated in the nutrient management plan.
    - Have to have a nutrient management plan
    - To determine the best way to developed allowable cost, we really need more numbers concerning the type of structures, cost, animal number served, etc.
    - Need to get average storage numbers to determine the cost.
      - Megen will work with Roland to get numbers
  - There are concerns about being able to determine if earthen pits are still functional. Subcommittee discussed several options such as we must be able to reasonably determine the system is functional. Must have some type of design from when it was installed or engineering evaluation. If storage is an earthen pit, must have design/as built drawings to qualify. It is recommended that this would not apply to WP-4Bs.
  - Vote to advance concept to the TAC with SC support
    - unanimous
- New Matrix Item 9A
  - Evaluate the need for the 632-Solid Liquid Separation Facility in the WP-4B practice specification as it is currently listed as an applicable NRCS standard.
    - Vote to table-4 in favor, one opposed
- New Matrix Item 10A
  - Remove 382-Fence from the WP-4C specification.
    - VOTE unanimous to advance to TAC
- New Matrix Item 11A
  - Include 560-Access Road in the WP-4, WP-4B, and WP-4C specifications. Proper location of these Animal Waste Control Facilities is critical and should not be restricted based on the access to existing roadways.

- Cost can be really high, trails and walkways a part of these specs already
- Have a tax credit practice
- This would be providing infrastructure for the farm and for farmer convenience.
- Vote to table unanimous
- WP-4L Specification(s)
  - Since we are breaking out the spec into four, we need to prioritize them in case DCR cannot implement them all in the same program year.
  - Additionally, we will be looking at writing another two specs for new items listed above.
  - Drafted WP-4LC-Voted unanimously to bring it to the next TAC
  - Confinement, loafing lot and winter feeding practices would be variance eligible
- Prioritization of new specs.
  - Feeding pad (4)
  - Confinement (1)
  - Loafing lot (2)
  - Winter feeding with attached manure storage (3)
  - Update WP-4 and SL-6-has to be done with 3 and 4
  - Tax credit (6)
  - CCI (5)

We will break for lunch when convenient

## DCR Specifications for No. WP-4LC

### Animal Waste Control Facility for Confined Livestock Operations

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's animal waste control facilities best management practice, which are applicable to all contracts entered into with respect to that practice.

#### **A. Description and Purpose**

A planned system designed to prevent those areas exposed to heavy livestock traffic from experiencing excessive manure and soil losses due to the destruction of ground cover and to manage liquid and/or solid waste from areas where livestock are concentrated. The intent of this practice is to improve water quality by preventing manure and sediment runoff from entering watercourses and sensitive karst areas and capturing a portion of the manure as a resource for other uses by storing and spreading waste at the proper time, rate, and location.

A covered facility that requires 100% confinement of livestock which includes a feeding area as well as a bedded or manure pack area with a manure storage area if needed. Permanent removal of livestock from all acres associated with the confined livestock is required. All associated acres must be re-vegetated. This practice is not intended for grazing operations.

#### **B. Policies and Specifications**

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock operation can show they have either:

- i. Access to land for application, and where a full farm plan approach to solving the water quality problem is being carried out.
- ii. A current Nutrient Management Plan that has been certified by a Virginia certified nutrient management planner and, if needed, a transfer plan prepared by a certified nutrient management planner for any livestock.

2. Practice Development

i. The District shall consider all existing animal waste storage facilities on the same property when sizing a new manure storage facility. The District should determine on a case by case basis whether any existing manure storage facilities (cost shared or non-cost shared) are adequate for continued manure storage. Existing storage deemed adequate shall be deducted from the total storage need calculation to determine the amount of additional storage eligible for cost share.

- ii. Before cost-share or tax credit can be approved all other means of reducing the environmental impacts of animal waste from the existing operation must be considered. Lack of space for relocation, economic inefficiency or other factors may be considered. A "Risk Assessment for Water Quality Impairment from heavy Use Areas/Animal Concentrated Areas" must be completed and a minimum score of 120 is required in order to be eligible.

iii. The applicant is also required to sign a Dry Manure Storage Structure Agreement DCR199-86 (03/18) or similar District agreement which addresses the minimum criteria prior to receiving any funds.

iii. Determination of the storage capacity of animal waste facilities shall be reviewed and approved by the DCR agricultural BMP engineer except for practices previously sized and engineered by NRCS.

iv. The confinement structure shall be managed as a:

a. Bedded Pack

- a. The pack area must be maintained to ensure dry conditions for livestock. Dry material, tillage, ventilation and/or aeration may be needed to maintain proper bedding conditions.
- b. Does not require a separate manure storage, but it must have walls a minimum of 4' high to contain bedded pack.
- c. Manure storage for bedded pack area is not authorized, but storage for manure captured from feedlanes is an eligible component.

b. Manure Pack

- a. The pack area shall be maintained to prevent any materials from migrating from the structure limits as to impact water quality. Regular scraping and/or the addition of bedding is required to stabilize the manure.
- b. A separate storage component is required to store up to 6 months of manure production.

v. All associated acres shall be re-vegetated to ensure permanent grass cover, reference SL-11 practice specification, or shall be converted to cropland and managed to a soil loss of T and managed in compliance with the SL-15B practice specification.

vi. This practice is not applicable on the same acreage associated with an active stream exclusion contract that is under lifespan, winter feeding facility, or feeding pad.

3. Cost-share and tax credit is authorized for:

i. Pack area sized based on the current herd size and planned feeding method, not to exceed 75 SF per animal unit. Pack area feeding or feed lane shall be sized based on the planned feeding method.

ii. Feed lane for a bedded pack facility. When a feed lane is utilized, a manure storage area sized based on livestock time at feed bunks, up to six (6) months storage of existing need.

iii. Water system components to provide a functional structure.

iv. Roofs over the feeding area and manure storage area and roof runoff system.

v. Establishment of permanent vegetative cover on acreage addressed by this practice.

vi. For individual components of animal waste systems, only if:

a. The DCR Ag BMP Engineer determines that the component stands alone as a measure that will significantly improve water quality and

b. Only where a no-discharge permit for a waste storage facility is not required.

vii. Appurtenances needed to contain manure within the facility.

4. Cost-share and tax credit is not authorized for:

i. Conversion to cropland of acreage addressed by this practice.

ii. Fencing and/or walkways.

iii. Storage of manure generated outside of this facility.

iv. Grazing Operations

v. Dry material, tillage, ventilation and/or aeration.

vi. Concrete floors for bedded pack facilities.

vii. Feed lane and associated manure storage for a manure pack facility.

5. Compliance checks are a required component of this practice and shall be performed in accordance with the schedule below:

- Year 1-All facilities and associated fields shall be checked to ensure compliance with this specification.
- If compliance is confirmed in Year 1, checks shall be performed on the following schedule. For example, the facility would be checked again in Years 4, 8 and 12.
- If the facility is found to be non-compliant, the identified practice failures procedure in the manual shall be followed. Once found to be in compliance, the facility shall be checked one year after compliance is achieved. If compliance is confirmed, checks shall resume in Years 4, 8 and 12.

5. The sizing calculations of the practice shall be reviewed and approved by the DCR Ag BMP Engineer (except for practices previously sized and engineered by NRCS) and shall be coordinated with the nutrient management plan so that adequate storage capacity is installed.

6. All appropriate local and state permits must be obtained before beginning construction.

7. Before cost-share or tax credits are provided, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field that this practice will be implemented on and all associated livestock production acreage. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations, (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014), must be prepared and certified by a Virginia certified nutrient management planner. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).

8. This practice is subject to NRCS standards 313 Waste Storage Structure, 342 Critical Area Planting, 362 Diversion, 367 Roofs and Covers, 412 Grassed Waterway, 558 Roof Run Off Management, 561 Heavy Use Protection, 620 Underground Outlet, 633 Waste Recycling and 634 Waste Transfer.

9. All practice components implemented must be maintained for a minimum of 15 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting either a cost-share payment or a state tax credit for this practice the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost share and/or tax credits.

### **C. Rate(s)**

1. The state cost-share payment, alone or if combined with any other cost-share payment, will not exceed 75% of the total eligible cost. The maximum state payment for this practice is not to exceed \$100,000 per landowner per year.

2. As set forth by Virginia Code § 58.1-339.3 and §58.1-439.5, Virginia currently provides a tax credit for implementation of certain BMP practices. The current tax credit rate, which is subject to change in accordance with the Code of Virginia, is 25% of the total eligible cost not to exceed \$17,500.00. 3. If a participant receives cost-share, only the participant's eligible out-of-pocket share of the project cost is used to determine the tax credit.

### **D. Technical Responsibility**

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.