

***Idaho State Department of Agriculture***  
***Rules Governing Dairy Byproduct – Approved Soils***  
***July 31, 2017***  
***Scott Leibsle, Facilitator***

Present: Bob Naerebout, Idaho Dairymen’s Association; Rick Naerebout, Idaho Dairymen’s Association; April Leytem, USDA-ARS; Stephanie Kulesza, IDA Consulting Services; Megan Satterwhite, IDA Consulting Services; Russ Hendricks, Idaho Farm Bureau; Marsha Neibling, Neibling Environmental Consulting; Howard Neibling, University of Idaho; Marv Patten, Milk Producers of Idaho; Mitch Vermeer, ISDA; Martha Walbey, ISDA; Bill Barton, ISDA; Brian Oakey, ISDA; Dallas Burkhalter, OAG-ISDA; Owen Moroney, OAG-ISDA; Janis Perry, ISDA.

**AGENDA ITEMS**

**WELCOME**

Scott Leibsle convened the meeting at 1:35 pm.

Scott Leibsle explained that NRCS is willing help the department work on this issue. Where a producer can store solid stacks depending on the slope, the compaction and how it is protected. There are also other factors that should be considered.

Howard Neibling explained that soil mechanism testing in Ontario had a permeability goal of 15% with  $10^{-6}$  saturation. However, the manure seal does not always hold when scraped.

Marv Patten asked if this is adequate protection with compost sites and pivot corners. Scott Leibsle responded that berming is adequate. Marv asked if berming has to meet the  $10^{-6}$  standard and does the department want to identify berm standards.

Howard Neibling stated that the NRCS standards are very specific. Marv Patten then asked what about the approved soils.

Bob Naerebout indicated that since there is no cost recovery, we need to keep the producer in mind. Russ Hendricks asked if a cost benefit analysis was required for this rulemaking. Dallas Burkhalter responded that the legislature might do a cost benefit analysis when approving the rule.

Howard Neibling asked if any sampling had been done under compost yards. Bob Naerebout said such an analysis had not been done because producers worried that they might get sued.

Marv Patten commented that site selection, slope, berm, defined by county – all could be temporary.

Bob Naerebout stated that it should be defensible for the department and defensible for the industry but it has to be affordable. Number of dairy producers has gone from 800 to 490, demonstrating a trend wherein smaller producers are no longer cost effective, and for many small producers it is no longer

economical.

Scott Leibsle indicated that the standard will be defensible. Marv Patten stated that protections are already in place. He asked if there is a big problem with approved soils. Scott responded that the issue is complex. The department does not see us going forward with a proposed rule at this time. Negotiated rulemaking will continue. Marv shared that in 2009 a draft rule indicated soils should be compacted and those sites should be suitable. Scott said he would approach NRCS, but would not set another meeting at this time.

Bob Naerebout reiterated his concern about the cost associated with this issue.

Scott Leibsle adjourned the meeting at 2:30 pm.

Respectfully submitted by Janis Perry