

***Idaho State Department of Agriculture
02.04.14 Rules Governing Dairy Byproduct***

May 10, 2023, 8:30 a.m.

Lloyd Knight, Dr. Scott Leibsle, Hosts/Facilitators

Present: Chanel Tewalt, ISDA; Dallas Burkhalter, Office of Attorney General – ISDA; Mitch Vermeer, ISDA; Bob Naerebout, Idaho Dairyman’s Association; Marv Patten, Milk Producers of Idaho; Russ Hendricks, Farm Bureau; Will Tiedemann, Idaho Conservation League; Josh Scholer, DFM; Katie Van Vliet, Idaho Dairyman’s Association; Johnathan Oppenheimer, Idaho Conservation League; Kyle Wilmot, ISDA; Roland Wood, NPK Planning; Scott Campbell, Office of Attorney General.

AGENDA ITEMS

WELCOME:

Mr. Knight started the meeting at 8:33am via teleconference and audio recorded the meeting. He introduced himself as well as welcomed everyone that joined and went over housekeeping rules.

Mr. Knight handed the meeting over to Dr. Leibsle to start his summary of changes.

Dr. Leibsle went over how the rule was negotiated for red tape reduction two years ago and stated the reason they are reopening it, is because the rest of the environmental rules are being opened and this is to reorganize the language related to environmental management and to put things in consistent language in one rule. Specifically, those construction and facility requirements for waste management structures like lagoon construction specifications, soil sampling requirements, soil sampler certification requirements and NMP requirements. Dr. Leibsle reiterated that ISDA has made no substantive change to the rules, but that the strikethroughs represent the reorganization of sections in the nutrient management rule.

Dr. Leibsle stated there was a request to amend one of the incorporations by reference documents, specifically the phosphorus site index document. The request was to add a Best Management Practice (BMP) on page 19, which lists BMPs that dairy producers can implement to reduce their risk rating for phosphorus. Dr. Leibsle asked Mr. Patten to speak to this specific issue, and Mr. Patten deferred to Roland Wood.

Mr. Wood stated that it is important to save water and prevent nutrients and silt moving to the lower ends of the fields. Mr. Wood questioned, why put up a dike or a berm if you have a wastewater problem at the bottom of a field, why not put in a dam or diking and leave the water and nutrients where they need to be?. Mr. Wood referenced the documentation he provided that showed how it helps keep the nutrients in place.

Dr. Leibsle asked Mr. Wood to explain how a dam and diking works in these scenarios and how the conservation process works.

Mr. Wood stated it is a piece of farm equipment that is used with a cultivator, and it is applied during the final cultivation and leaves depressions in the furrow to where water will not run, if there is any silt and keeps the water where it needs to be. Mr. Wood indicated he had also sent ISDA a previously published article.

Dr Leibsle asked the group if anyone else had any questions for Mr. Wood about dam or diking or phosphorus runoff conservation practice.

No one had questions.

Dr Leibsle then asked Mr. Wood about the list of BMPs for phosphorus indexing and Dr. Leibsle stated, if we are adding dam or diking to the list of best management practices, what is being proposed as far as reduction coefficient of the phosphorus risk rating.

Mr. Wood stated he thought it should be more like a berm at the bottom of the field and based upon the slope.

Dr. Leibsle asked Mr. Naerebout to add information about dike or berm reduction coefficient. He added that dike or berms are already on the list and wanted clarification.

Mr. Wood responded with, that is how it states it now, but it does not qualify as a dam or dike.

Dr. Leibsle opened it up to the group.

Mr. Naerebout stated he thought ARS should have a say in what the coefficient would be.

Mr. Wood stated he thought it was a good idea and had brought this up before 2017.

Dr. Leibsle stated he would reach out to April Leytem and Dave Bjorenberg at ARS for feedback to discuss at the next meeting. Dr Leibsle then opened the discussion up to the floor for any more comments or concerns.

Mr. Knight stated he wanted to go through all the steps to make sure we are processing this correctly.

Dr. Leibsle indicated that the documents shown and the authors of those documents, should be involved in this and communicated with.

Mr. Knight indicated we would likely need an updated document.

Dr. Leibsle agreed and asked if there were any other questions about Mr. Wood's proposal.

Mr. Oppenheimer stated he wanted to learn more about it and more about the calculations and the differences in the documents.

Dr. Leibsle indicated he would like to get one of the authors from ARS to attend the next meeting and would look for clarification and report to the group during the next meeting. Dr. Leibsle asked the group if there were any other questions.

There were no other questions.

Dr. Leibsle talked about how the soil sampling language would be removed from the dairy byproduct rule and moved to the NMP rule. He asked if anyone had questions on definitions.

No one had questions.

Dr. Leibsle summarized the transposing of the nutrient management rule and asked the group if they wanted to keep anything in the rule.

Mr. Patten indicated that the original reason the ten-foot rule on waste containment structures was to help improve the waste containment system.

Dr. Leibsle confirmed that the language could remain in place.

Mr. Knight asked if Mr. Naerebout had any questions.

Mr. Naerebout indicated he did not.

Dr. Leibsle stated that no changes have been made to the phosphorus management section of the rule. He stated this concluded the list of changes and opened the floor to any comments or questions and referenced the website.

Mr. Knight asked to see the definitions via teleconference for the benefit of the group.

Dr. Leibsle indicated the definitions are not in statute or slightly different and showed the group.

Mr. Knight asked Dr. Leibsle a question about the definitions.

Mr. Naerebout asked would it be beneficial for somewhere in this rule to add where we got this process from and to clarify the process.

Dr. Leibsle showed the document in reference and pointed out the information and science behind it and asked Mr. Naerebout to clarify.

Mr. Naerebout stated that there should be clarity for constituents and said there should be something to clarify how to add a new practice.

Mr. Knight thought that any practices that should be added or removed to the document, should be removed by ARS.

Mr. Naerebout stated there should be some direction pointing to the best management practices and following the correct processes.

Mr. Knight agreed with Mr. Naerebout.

Dr. Leibsle stated he could add language and referenced the possible section.

Mr. Naerebout discussed how we do not have the right to add anything to their document.

Dr. Leibsle said he would contact ARS for feedback on the proposed changes.

Mr. Naerebout thought the coefficient would fall on ISDA not ARS.

Dr. Leibsle stated he would work on this and have it ready for the next meeting and wants it to be specific to the phosphorus indexing and discuss “dammer diking” with ARS.

Mr. Naerebout agreed.

Marv Patten asked if the 180-day limitation moved over to the nutrient management standard. He wanted to know and indicated it would be different.

Dr. Leibsle confirmed that language still remained in the dairy byproduct rule and was not removed.

No further questions were offered.

Dr. Leibsle thanked the group for attending and stated the next meeting would be in two weeks and turned the meeting over to Mr. Knight.

Mr. Knight thanked the group and asked to please submit comments and referred to the website and the link for the next meeting and closed the meeting.

Meeting concluded at 9:16 am.