

***Idaho State Department of Agriculture
02.04.30 Rules Governing Nutrient Management
May 24th, 2023, 1:00 p.m.
Lloyd Knight, Dr. Scott Leibsle, Hosts/Facilitators***

Present: Dallas Burkhalter, Office of Attorney General – ISDA; Mitch Vermeer, ISDA; Bob Naerebout, Idaho Dairymen’s Association; Marv Patten, Milk Producers of Idaho, Will Tiedemann, Idaho Conservation League; Katie Van Vliet, Idaho Dairymen’s Association; Emily Courter, ISDA.

AGENDA ITEMS

WELCOME:

Lloyd Knight started the meeting at 1:03 p.m. via teleconference and audio recorded the meeting. Mr. Knight introduced himself and announced that this was the negotiated rulemaking meeting for the environmental management rule and that comments are appreciated and welcomed until June 30th and the meeting was turned over to Dr. Leibsle.

Dr. Leibsle took the floor and discussed the definitions and went over some clarifications about the rule. He opened the floor for comments.

Mr. Tiedemann stated he did not have any questions.

Dr. Leibsle indicated that no changes have been made to the rule and that language has just been moved and that there is removal of duplicative language. Dr. Leibsle stated if there were no further questions, he would move on to CAFO Site Advisory and mention the removal of duplicative language and asked if anyone had any questions.

Mr. Patten asked about the incorporations by reference for CAFO advisory and wondered if we need to incorporate phosphate indexing.

Dr. Leibsle mentioned the purpose of a CAFO site is not to measure phosphorus but to measure the risk a livestock facility would pose to the environment in each location. Dr. Leibsle referred to Mr. Vermeer to comment.

Mr. Vermeer indicated he would need to look at a CAFO siting to see if it is appropriate to add.

Dr. Leibsle asked Mr. Patten if he could explain the purpose of adding it.

Mr. Patten added to assess the risk at the request of the county.

Dr. Leibsle indicated it was a good point and asked if anyone else had thoughts.

No comments were made by the group.

Dr. Leibsle asked if anyone had any questions about odor management.

No comments were made by the group.

Dr. Leibsle moved to the topic of stockpiling waste and went over the name change.

Mr. Patten asked a question about liquid waste and indicated a better definition would be helpful.

Dr. Leibsle indicated he was open to hearing some language.

Mr. Patten mentioned how to possibly regulate liquid waste.

Dr. Leibsle read the rule as it currently states and stated he was open to more language. He added that it was already in statute, and it could be duplicative to add it in rule.

Mr. Patten mentioned the statute was not very clear.

Dr. Leibsle stated he didn't disagree and asked Mr. Knight or Mr. Burkhalter if they had any thoughts.

Mr. Knight indicated that they needed to go off the definitions in statute.

Mr. Patten mentioned that it sounds like its referring to all dairy farmers and stated he did not think that is what it meant. Mr. Patten indicated he was fine with it, but it should be clarified, and that the interpretation would be a problem for producers.

Mr. Knight indicated he was reluctant to add further clarification in the rule and that legislature needs to do it in statute. He indicated that the agency would make some judgement calls when the situation arises.

Mr. Patten stated he agreed and that he is okay not playing with it.

Dr. Leibsle asked the group if there were any other questions and moved on to stockpiling. He mentioned no changes and just red tape reduction.

No comments were added.

Dr. Leibsle mentioned the comment period would be open until June 30th, 2023.

Meeting ended at 1:27 pm.