

Concentrated Animal Feeding Facility Advisory Committee
August 26, 2010
Ohio Department of Agriculture
ODA's Bromfield Building

**** Approved by CAFF Advisory Committee ****

Members/Alternates Present

Cathy Alexander, Ohio EPA
Tony Anderson, County Commissioners Association of Ohio
Gerald Boynton, Public Representative
Karen Chapman, Statewide Environmental Advocacy Organization
Chuck Divelbiss, Public Representative
Trent Dougherty, Statewide Environmental Advocacy Carl Link, Ohio Pork Producers
Maurice Eastridge, Ohio State University
Kevin Elder, ODA LEPP
Tom Hertzfeld, Ohio Poultry Association
Roger High, Ohio Sheep Improvement Association
Kirk Hines, Ohio Department of Natural Resources
Carl Link, Ohio Pork Producers Council
Dick Lorenz, Water management Association of Ohio
Russell Ludwig, Public Representative
Bruce Macleod, Ohio Water Environment Association
Jason Menchhofer, Ohio Environmental Health Association

Members Not Present

Brad Biggs, Ohio Department of Development
Glen Feichtner, Ohio Cattlemen's Association
Andy Miedema, Ohio Dairy Producers Association
Dr. Michael Mull, Ohio Veterinary Medical Association
George Slater, Public Representative

ODA LEPP staff

Kristina Erlewine, legal counsel
Andy Ety, livestock environmental engineer
Kelly Harvey, community relations liaison
Marsha Perge, administrative assistant
Bill Schwaderer, public information officer
Gary Zwolinski, livestock environmental engineer

ODA staff

Mike Bailey, executive director, Ohio Livestock Care Standards Board
Bill Hopper, chief legal counsel

Audience:

Rod Dunn, Water Management Association of Ohio
Larry Gearhardt, Ohio Farm Bureau Federation
Scott Higgins, Ohio Dairy Producers Association
Ron Wyss, County Commissioners Association of Ohio

Meeting Agenda/Minutes

Jason Menchhofer called the meeting to order and asked if there were any additions or corrections to the agenda. No requests for additions or changes were made. Jason then asked if there were any additions or corrections to the June 10, 2010, minutes. There were no changes or corrections to the meeting minutes. Tony Anderson made the motion to accept the minutes; Gerald Boynton seconded the motion. The minutes were approved.

Ohio Livestock Care Standards Board/HSUS Agreement

Mike Bailey reported that the Ohio Livestock Care Standards Board (OLCSB) is currently reviewing the swine species and euthanasia, and is addressing any gaps in animal care that is found. He reviewed the rule making process and explained that the board would follow the JCARR process. A review of the rules on Aug. 24 could be voted on at the board's next meeting on Sept. 7, 2010. Questions regarding the HSUS agreement were raised. Mike reiterated that the HSU agreement provides a pathway for the proposed enactment of a series of eight major animal welfare reforms. The agreement's recommendations are not legally binding and will merely be considered alongside ideas from veterinarians, farm organizations, farmers and other interested groups statewide. Handouts outlining the process design and frequently asked questions of the board were distributed to the CAFF Advisory Committee.

Karen Chapman questioned what the board is reviewing in the area of euthanasia. Mike explained that the OLCSB will first deliberate on basic standards for the euthanizing of animals in areas where there are none and civil penalty rules. Then the board will deliberate on care standards for non-ambulatory animals, veal and swine.

Maurice Eastridge asked how the HSUS agreement will affect the Livestock Environmental Permitting Program. Kevin explained that, in regard to battery cages, nothing has been decided. The OLCSB is reviewing the HSUS proposal.

ODNR Rules

Kirk Hines provided a presentation of the Ohio Department of Natural Resources rules relating to distressed watersheds. He explained that Grand Lake St. Marys - Ohio's largest inland lake at 12,700 acres - was hand dug in 1845 and is only seven feet deep in some areas. The drainage area for this lake is approximately 60,000 acres in an area where agriculture accounts for 85 to 90% of the land use. There are 12 permitted farms (all poultry) in the GLSM watershed.

Kirk's explained the water quality studies taken at the lake. He noted that there are three stages of blue-green algae, the final stage of which the ODNR would declare that a body of water is unsafe. There have been three lakes identified in Ohio with blue-green algae. This algae has always been in Ohio, but the reason it is such a problem this year in both agriculture and non-agriculture areas is unknown. Due to lack of funding, there are few previous studies completed relating to distressed watersheds.

Kirk outlined the June/July version of ODNR's draft rules and the August version of two additional rules and edits to two others that OSWCC approved and will be submitted to JACARR. The ODNR draft rules are included in Kirk's presentation attached.

LEPP Rules

Kristina Erlewine addressed the LEPP rules. We do not have U.S. EPA approval on the rules that were discussed. The EPA may still request a few minor changes.

Rule 901: 10-1-01: Definitions. No questions or comments were made to the proposed changes.

Rule 901:10-1-09: Permit modification. This is verbatim to the 2008 Water Keepers federal rules. No questions or comments were made by the committee to this rule.

The following rules were proposed to be amended:

901:10-2-03: Geological exploration. There has been confusion regarding this rule and the way it reads. It is being amended to make it easier to read, but there weren't any substantive changes. No questions or comments were made to the proposed changes.

901:10-2-005: Appendix to rule was presented with a change regarding the guideline references in the rule. There were no questions or comments were made to the proposed changes.

901:10-2-14: This rule was not being amended. It was only being filed to ensure that all the appendices were attached to the rule.

901:10-2-18: Closure plan requirements. Changes were made to clarify who owns and operates a facility during the closure process, and what procedures must be taken in the event of a farm closure. No questions or comments were made to the proposed changes.

901:10-3-10: Standard permit terms and conditions. Minor changes in grammar and referenced to federal regulations. No questions or comments were made to the proposed changes.

901:10-4-03: Notification of coverage. The paragraph deleted was actually moved to the definitions rule, and minor changes made were to require that a Manure Management Plan be reviewed and approved and it would require public notice. This requirement was taken from the Water Keepers requirements. No questions or comments were made to the proposed changes.

901:10-5-03: Enforcement procedures. Change made to match statute and to clarify enforcement. No questions or comments were made to the proposed changes.

901:10-5-04: Civil penalties. Change made to clarify a definition that no longer exists and to match the requirements of Water Keepers. No questions or comments made to the proposed changes.

Motion to approve the rules was made by Chuck Divelbiss and seconded by Gerald Boynton. All were in favor. Motion carried.

Tony Anderson relayed that Ohio is doing more than most states and is much stricter. Many states do not have a Permit to Install, inspections, forms, an Insect and Rodent Control Plan, or other means to protect ground water. Cathy Alexander relayed that some states require all farms to obtain an NPDES permit.

The LEPP statics were reviewed by Kevin, including the total number of permits completed in 2009 and those completed thus far in 2010. He also reviewed the facilities that were closing, those being transferred and those that were sold. All the facilities that closed were in compliance with LEPP requirements.

Kevin announced that Rebecca Gray is no longer on the committee and that Brad Biggs will be representing the Ohio Department of Development.

Motion to adjourn was made by Carl Link; seconded by Russell Ludwig. All were in favor. The meeting adjourned at 12:30 p.m.

The next CAFF Advisory Committee meeting is tentatively scheduled for Nov. 18, 2010.