

Program Year 2021 Agricultural BMP TAC  
Animal Waste Subcommittee  
12-3-19 Meeting Agenda  
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:

Amanda Pennington, DCR, Chair  
Josh Walker, Headwaters SWCD  
Eric Paulson, VA State Dairyman  
Sam Truban, Lord Fairfax SWCD  
Megen Dalton, Shenandoah Valley SWCD  
Darrell Marshall, VDACS  
Steve Escobar, Equine Council  
Kevin Dunn, Peter Francisco SWCD

Non Voting member in attendance:

Ben Chester

Public attendance:

David Bryan

- Reviewed loafing lot spec.
  - VOTE unanimous on spec language to advance to TAC
- Should we recommend that the SL-6 and feeding pad be a combo eligible for variance?
  - How do you know you need the feeding pad before your SL-6 is installed and you see how it functions?
  - Sometimes there is a need to install the pad with the SL-6, could be not enough room to roll hay out, only one flat area on the farm, etc.
  - VOTE-all but one subcommittee member voted yes to advance to the TAC to make it variance eligible. Passes by more than 80%.
- Reviewed seasonal feeding facility spec.
  - VOTE-unanimous on spec language to advance to the TAC
- Drafted spec for feeding pad.
  - VOTE-unanimous on spec language to advance to the TAC
- Move risk assessment worksheet to back of manual and use as a tool.
- CCI spec
  - How do we pay? Manure produced? Size of structure?
  - Deferred to next year.

Name of Practice: ANIMAL WASTE CONTROL FACILITIES  
DCR Specifications for No. WP-4

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 manage liquid and/or solid waste from areas where livestock and poultry are concentrated. This practice is designed to provide facilities for the storage and handling of livestock and poultry waste and the control of surface runoff to permit the recycling of animal waste onto the land in a way that will abate pollution that would otherwise result from existing livestock or poultry operations.

To improve water quality by storing and spreading waste at the proper time, rate and location, and/or to control erosion and nutrient input caused by ~~winter~~-feeding operations located adjacent to riparian areas or other environmentally sensitive feature(s).

B. Policies and Specifications

1. Eligibility: Cost-share and tax credit are limited to solving the pollution problems where the livestock or poultry 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 or poultry waste.
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 ~~for construction of a winter-feeding facility with dry stacking capabilities all other means of reducing the environmental impacts of animal waste from the existing winter-feeding operation must be considered. Lack of space for relocation, economic inefficiency or other factors may be considered.~~ All applications for animal waste control facilities, except poultry operations, must have a "Risk Assessment for Water Quality Impairment from heavy Use Areas/Animal Concentrated Areas" completed and must receive a minimum score of 120 in order to be eligible. Furthermore, all associated

livestock must be excluded from all streams in the tract before cost share or tax credit is provided.

- iii. Poultry Dry-Stack facilities should only be built after the completion of a Poultry Dry-Stack Needs Determination Worksheet. An analysis of the Needs Determination Worksheet must determine that all other means of reducing the environmental impact of the existing poultry operation have been explored and rejected due to economic inefficiency or lack of space for relocation.
- iv. 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.
- v. 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.

3. Cost-share and tax credit is authorized:

- i. For animal waste storage facilities, such as dry stacking storage, aerobic or anaerobic lagoons, liquid manure tanks, solid/liquid separation, holding ponds, collection basins, settling basins, and similar facilities as well as diversions, channels, waterways, designed filter strips, outlet structures piping, land shaping, and similar measures needed as part of a system on the farm to manage animal wastes.
  - a. Permanently installed equipment needed as an integral part of the system.
  - a.b. Solid/liquid separation is eligible when the manure storage is not adequate and this is the least cost/technically feasible alternative to a new liquid pit.
  - b.c. Fencing and vegetative cover (including mulching needed to protect the facility). Fencing can be included for livestock or poultry exclusion from live and intermittent streams in concentrated holding and winter-feeding areas.
  - e.d. Leveling and filling to permit the installation of an effective system.
- ii. Only if the facilities will contribute significantly to improving the soil or water quality by providing protected storage for on-site generated waste.
- iii. For the waste storage facility as a part of the relocated livestock or poultry operation, if the original facility is contributing significantly to a water quality problem.
- iv. 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.
- v. For wastewater storage facilities as a stand-alone component with a minimum storage of 120 days.
- vi. Cost-share funds for up to only for storage of six (6) months -storage of manure production- of existing need. All components of a waste storage

system (regardless of funding source) must be designed to match the amount of manure storage capacity required. For liquid storage cost share/tax credit may be provided for seven (7) months of storage of existing need.

- vii. The construction of a fabricated liquid waste storage structure and associated components if it is the only acceptable alternative (based on site limitations, i.e., high water table, karst topography, etc.) for liquid waste management.
- ~~viii. Roofs and covers over dry stack storage and feeding areas associated with the winter feeding facility designed in conjunction with this practice.~~

4. Cost share and tax credit are not authorized:

- i. For measures primarily for the prevention or abatement of air pollution unless the measures also have soil and water conserving benefits.
- ii. For:
  - a. Portable pumps.
  - b. Pumping equipment ~~or other portable equipment~~ for unloading facilities.
  - c. Buildings or modifications of buildings to house pumping equipment
  - d. Spreading animal wastes on the land, including distribution system using irrigation pipelines.
- iii. For animal waste facilities that do not meet local or state regulations.
- iv. For installation primarily for the operator's convenience.
- v. Dairy, beef, poultry and swine confined feeding operations that are planned or under construction do not qualify for cost-share assistance for an Animal Waste Control Structure (WP-4) under the Virginia Agricultural BMP Cost-Share Program. A water quality problem must already exist for cost-share to be approved for a BMP. The number of livestock that would be used to design the animal waste control facility must be present before consideration for cost-share can be given.
- vi. For waste storage facilities that will not store manure produced on the operation where the facility is to be located. End user facilities are not authorized.

5. All applicants must have:

- i. The storage capacity calculations of animal waste facilities shall be reviewed and approved by the DCR agricultural 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 cost-share and/or tax credits are authorized.

7. In order to be eligible for cost-share or tax credit, 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. 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, and must be on file with the local District before any cost-share payment is made to the participant. 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, ~~316 Animal Mortality Facility~~, 342 Critical Area Planting, 359 Waste Treatment Lagoon, 362 Diversion, 367 Roofs and Covers, ~~382 Fence~~, ~~412 Grassed Waterway~~, 558 Roof Run Off Management, 561 Heavy Use Protection, ~~575 Trails and Walkways~~, 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.

Revised March, 2018

**Animal Waste Control Facility Needs Determination Worksheet  
for Poultry Dry-Stack Facilities**

1. What type of poultry operation do you have?
  
2. How long have you been in operation?
  
3. Have you expanded or enlarged your poultry operation? If so, when?
  
4. How often in the past 5 years have you been forced to store waste out-of-doors? How long was the litter stored outside? Was this due to unfavorable conditions beyond your control? Explain. Also locate the storage sites utilized.
  - a.
  
  - b.
  
  - c.

Explanation:

5. How many birds per flock do you normally produce? Their size, type, etc.
  
6. How many flocks per year do you normally produce?
  
7. How often do you clean out in a year's period? When and how is the litter used and/or stored? Also give the number of partial and total clean outs.
  
8. What use do you make of the litter produced?
  
9. Is any waste disposed of off your farm? If so, is it sold or bartered for commercial gain? Explain.
  
10. How much pasture, hayland and cropland are available to spread litter on in your operation?

Pasture acres \_\_\_\_\_ Hay acres \_\_\_\_\_ Cropland \_\_\_\_\_

Completed by: \_\_\_\_\_

\_\_\_\_\_

Signature

Date

Title

## Dry Manure Storage Structure Agreement

1. The Waste Storage Structure or winter-feeding facility must be utilized in accordance with a Nutrient Management prepared and certified by a Virginia certified nutrient management planner and, if needed, a transfer plan prepared by a Virginia certified nutrient management planner for any livestock or poultry waste. The Plan identifies specific requirements related to waste storage, utilization and disposal. These requirements must be met in order to remain in program compliance.
2. Any changes in the farming operation that affect the ability to comply with the Nutrient Management or transfer plan will be reported to the District.
3. No alterations to the structure are allowed without prior approval by the District. The structure must be built according to the approved final design and no change may be made to it.
4. The structure must be maintained in strict accordance with the NRCS maintenance guidelines.
5. The District imposes that (District check one of the following):
  - i. The structure is to be used for storage of manure only. ☐
  - ii. The applicant must request prior district approval for storage of non-manure items. ☐
  - iii. During times when the structure is not filled with manure, shavings or temporary housing of mobile farm equipment or composted poultry carcasses resulting from normal mortality is permitted. This is only if it does not affect compliance with the Nutrient Management or transfer plan. ☐

At NO TIME will manure be stored outside the facility when storage space is available in the structure. Waste stored out-of-doors will be grounds for the refund of all cost-share funds.

6. Employees or agents of the Department or the Soil and Water Conservation District will be allowed to spot-check the facility at any time during the minimum 10-year life span of the practice.

I \_\_\_\_\_ certify that I have read and understand the guidelines contained herein. I further understand that if I fail to comply with these guidelines, I will pay back all cost-share funds received by me for the waste storage structure.

\_\_\_\_\_  
Producer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Director

\_\_\_\_\_  
Date



## **WP-4LFP**

### **Feeding Pad**

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.

#### **Hardened Feeding Pad**

A gravel or concrete pad that provides a stable area for feeding livestock and allows for the capture of manure. Stream exclusion is required.

#### **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

To develop a hardened pad for feeding of livestock state cost-share and tax credit are authorized for:

- i. Grading and shaping, geotextile fabric, gravel, concrete or bituminous concrete.
  - ii. The hardened pad will be cost shared based upon the existing herd size. Cost-share funds cannot be used to accommodate expansion of the herd size.
  - iii. All other means of reducing the environmental impact of the feeding operation must be explored and rejected, due to economic inefficiency or lack of space for relocation, before cost-share or tax credit can be approved.
- i. 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. Refer to the “Needs Determination Worksheet” for more guidance on practice development and eligibility.

v. A nutrient management plan is required to properly manage the manure collected from around the feeding pad that addresses all enriched runoff and manure accumulations associated with the feeding pad.

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

i. The pad shall be sized based on the current herd size and planned feeding method, not to exceed 75 SF per animal unit.

ii. Gravel or concrete to provide a hardened feeding area. If concrete is utilized, it shall be curbed.

3b. Cost-share and tax credit is not authorized for:

i. Facilities that do not meet local or state regulations.

ii. Installation primarily for the operator's convenience.

iii. Operations that are planned or under construction.

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

9. 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).

10. This practice is subject to NRCS standards 342 Critical Area Planting, 362 Diversion, and 561 Heavy Use Protection.

11. 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.