

Program Year 2020 Agricultural BMP TAC  
Animal Waste Subcommittee  
12-17-18 Meeting Agenda  
10:00 am – 3:00 pm  
Shenandoah Valley SWCD Office  
Harrisonburg, VA

Voting members present:

Amanda Pennington, DCR-Chair

Megen Dalton, Shenandoah Valley SWCD

Sam Truban, Lord Fairfax SWCD

Rick Shiflet, Headwaters board member

Darrell Marshall, Peter Francisco SWCD Board Member

Kevin Dunn, Peter Francisco SWCD Board Member

Hobey Bahaun, Virginia Poultry Federation-Note Hobey Bahaun was not present for the entire meeting, however, the subcommittee still has quorum in his absence. The point at which he left the meeting is noted below in the summary.

Non voting member present:

Ben Chester, DCR

Public attendance

Josh Walker, Headwaters SWCD

- Matrix Item 10A
  - The subcommittee doesn't support including sediment as the buildings are far enough away from the stream that the sediment is getting filtered out before it makes it to the watercourse, therefore, if sediment alone is the only reason the gutters are needed, it will not be making an improvement to water quality. If there is a serious problem, WP-1 is an option
  - Voted in favor to table 100% of voting members present.
- Matrix Item 22A
  - The subcommittee agrees that there is already means to use outlet protection with the underground outlet standard and that if it is worse than that WP1 is available as a separate practice
  - Voted in favor to table 100% of voting members
- Matrix Items 4A, 5A, 6A and 7A
  - Discussions occurred at previous subcommittee meetings
  - This meeting, the subcommittee worked on the language for the variance request.
  - Voted in favor of the variance process language as well as to raise the cap for WP-4, WP-4B and WP-4C to \$100,000
  - Vote passed with 100% support of voting members present

- Manure injection discussion (Josh Walker)
  - Numbers from the bay mode
  - Manure injection credit: Total Nitrogen (TN) 12% Total Phosphorus (TP) 36% Total Suspended Solids (TSS) 0%
  - The subcommittee agrees that this should be incentivized because it has value in the numbers and down the road with the next crop as there is little to no additional side dress of corn because the nitrogen stays in the soil
  - As a starting point districts could target dairys, but the spec would be written for all operations
  - **Hobey Bahaun left the meeting at this point in the discussions, he was not present for any further conversations or voting.**
  - The subcommittee worked on wordsmithing the spec.
  - Rate discussions:
    - MD shares \$45 per acre. Manure injection requires a lot more capital cost up front than cover crops or broadcast spreading, this also covers the cost of having a contractor do it.
    - No cap for this as if a cap is placed on it, it could mean that the farmer cannot do this for the entire farm, and there was much discussion over the \$45 and if it was appropriate
    - Vote-subcommittee voted in favor of the specification, and the \$45 per acre rate, passed at more than 80%, Kevin Dunn did not vote in favor as he does not support the rate.
- Revisions to the WP 4 spec
  - Subcommittee worked on several revisions to the WP-4 spec
  - Vote 100% of all voting members in favor of the revised spec
- Review the WP-4L spec
  - This still needs more work, the subcommittee decided to table this for this year but continue to work on it to be ready for the next program year TAC
- Matrix Item 20A (increase storage for liquid manure pits to 7 months)
  - Note this is a duplicate matrix number for an item the subcommittee has already tabled, the number will be changed to 24A on the future matrix
  - Vote 100% of voting members to advance
- Matrix Item 23A
  - We recognize this is an issue and will work on it for next program year with matrix item 8A and a new spec (WP-4L)
- Subcommittee decided to meet again sometime in March. Date will be posted once determined.

Name of Practice: Manure Injection  
DCR Specification for No. NM-6

This document specifies terms and conditions for the Virginia Department of Conservation and Recreation's manure injection best management practice that are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice will encourage manure injection on pasture and cropland, which will reduce nutrient transport to waterways and other environmentally sensitive features.

Applications must be based upon the Nutrient Management Plan (NMP).

B. Policies and Specifications

1. Definition:

Manure injection is defined as placing manure below the surface of the ground using direct manure injection equipment as determined by the Soil and Water Conservation District.

2. Eligibility:

- i. This practice is limited to applicants with a current Nutrient Management Plan on file with the District before manure injection application payment/tax-credit is made.
- ii. Application rates of manure shall be consistent with NMP recommendations
- iii. Only cropland and pasture owned or rented by the applicant is eligible
- iv. Applicants must use no-till planting methods that follow NRCS defined No-till Management on all fields receiving manure injection application.
- v. Applicants must provide written verification (such as a work order or bill) to the District within 30 days of the injection application. Invoice/Work Order or Bill must indicate:
  - a. Fields and acreages injected
  - b. Application rates
  - c. Type of injection equipment used
  - d. Person applying manure (contractor, etc.)
- vi. 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).

3. The maximum acres eligible for the manure injection shall not exceed the acres specified in the nutrient management plan.
4. Checks to ensure compliance with this practice may be conducted by the District or appropriate agency personnel and failure to comply may result in forfeiture of cost-share funds.
5. Cost-share is available for all acres with application rates in compliance with the NMP Spreading Schedule. Acres that receive application rates above NMP are not eligible for cost-share.
6. This is an annual practice.

C. Rate(s)

1. 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.
2. For participants who certify in writing that they will not utilize the tax credit set forth above with regard to the implementation of this practice and who are not receiving payments for manure injection from another source on the same acreage, a cost-share rate of **\$45** per acre is available.
3. Eligible equipment purchased for Manure Injection may qualify for a state tax credit through the Virginia Equipment Tax Credit Program.

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.

Certification from an Agricultural Best Management Practice Participant that  
a Tax Credit will not be Utilized

I, \_\_\_\_\_, hereby certify that I will not claim the tax credit which is available for participation in the Manure Injection, NM-6 practice, and therefore I am eligible for cost-share funding available under that practice for participants who do not wish to utilize the tax credit. I understand that any cost-share funds received must be returned should I claim the tax credit.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Request for Variance to Exceed Cost Share Cap

A request for variance is eligible for WP-4, WP4B, and WP-L practices for which Cost-Share would exceed the current cap per applicant, per program year. District staff must submit the request for variance to their District Board for approval. The variance request must include:

- \*Narrative outlining the Resource Concerns (AWMS Plan-System Description and Resource Concerns)
- \*Contract Number
- \*Tract #
- \*BMP Specification
- \*Conservation Plan
- \*Animal Type(s)
- \*Animal #
- \*Quantity Waste Treated
- \*Sizing Calculations
- \*Size of Storage Facility
- \*If Feeding Facility: What Feeding, How being fed, % Confinement Used for Sizing
- \*Needs Determination Worksheet or Risk Assessment Form
- \*Copy of Topo with proposed location of facility
- \*Plan Map with proposed location of facility and all associated components
- \*Detailed Total Estimated Project Cost
- \*Estimated Cost-Share and Tax Credit
- \*Other Sources of Funding (Partner Agencies)
- \*Additional documentation (such as pictures) to support the request is encouraged.
- \*The DCR Variance Committee may request additional information if needed.

Once approved by the District Board, the request for variance to include the above information shall be submitted to the DCR Variance Committee for consideration. The DCR Variance Committee will consist of the Agriculture Incentives Program Manager, a Conservation District Coordinator, and a DCR Agricultural BMP Engineer. This committee will review the request and will respond to the District Board regarding their request for variance.

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 ~~water~~ 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 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~~, dry stacking storage, aerobic or anaerobic lagoons, liquid manure tanks, 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.
  - b. 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.
  - c. Leveling and filling to permit the installation of an effective system.
  - ~~d. The simultaneous construction of mortality composting bins only if contained within or attached to the animal waste storage facility.~~
- ii. Only if the ~~storage and diversion~~ 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. ~~Cost share can be authorized for~~ individual components of animal waste systems, ~~such as fencing~~, only if:
  - a. ~~NRCS-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. ~~Tax credit can be authorized for individual components of animal waste systems, such as fencing, only if NRCS determines that~~



- ~~the component stands alone as a measure that will significantly improve water quality.~~
- v. For wastewater storage facilities as a stand-alone component with a minimum storage of 120 days.
  - vi. Cost-share funds only for six (6) months storage 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.
  - vii-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 the portion of the cost of animal waste structures installed under or attached to buildings that serve as part of the building or its foundation.~~
  - iv-iii. For animal waste facilities that do not meet local or state regulations.
  - ~~v-iv.~~ For installation primarily for the operator's convenience.
  - vi-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.
  - ~~vii.~~ ~~Enlargements cannot receive additional cost share for WP 4 unless the original cost shared WP 4 practice has been in place for 10 years per location.~~
  - viii-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. ~~Determination Design of t~~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 ~~should~~shall be coordinated with the nutrient management plan so that adequate storage capacity is installed. ~~for the specific cropping system.~~
  - ii. ~~A manure test for nutrient analysis (once during the first twelve months of operation of the facility).~~
6. All appropriate local and state permits must be obtained before cost-share and/or tax credits payments 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 ~~10~~ 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 ~~\$70~~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