

## Animal Waste Subcommittee

8/28/2024 – 10:00AM Augusta County Service Center

10:04AM - Amanda Called the meeting to order.

### Attendees:

Amanda Pennington-DCR, Chair and Voting Member  
Raleigh Coleman-Thomas Jefferson SWCD Voting Member  
Brian Fincham-DCR, public attendee  
Cynthia Martel -Blue Ridge SWCD Voting Member  
Darell Marshall-Virginia Department of Agriculture and Consumer Services Voting Member  
Eric Paulsen-VA Diarymen's Association Voting Member  
Hobey Bauhan-VA Poultry Federation Public Attendee  
Steve Escobar-VA Horse Council Voting Member  
Kendall Dellinger-Culpeper SWCD Voting Member  
Hunter Gravatt-Hanover Caroline SWCD Voting Member  
Josh Walker-Shenandoah Valley SWCD Public Attendee  
Elizabeth Dellinger-VACDE Voting Member  
Megan Dalton-Shenandoah Valley SWCD Voting Member  
Jack Carlton-Headwaters SWCD Voting Member (Proxy for Aaron Shull)  
Tracy Rohrbaugh-Headwaters SWCD Public Attendee  
Jack Tabor-Farm Bureau Voting Member  
Kevin Dunn-Peter Francisco SWCD Voting Member  
Phil Davis-DEQ Voting Member  
Nick Livesay-Lord Fairfax SWCD Voting Member  
Stu Blankenship-DCR Public Attendee  
Sara Bottenfield-DCR Public Attendee  
Ben Chester-DCR Public Attendee

### 15 voting members

- Started with Introductions of attendees
- Amanda described the legislative directive Matrix Item 1A (Provide recommendations for consistent procedures and guidelines to implement the approved budget amendment regarding cost-share for animal waste facilities: Notwithstanding any other provision of law, the Department shall permit the disbursement of funds allocated for the Virginia Agricultural Cost Share Program (VACS) to be committed and disbursed as cost-share funding in conjunction with the planning and construction of livestock and poultry waste facilities prior to animals being on site if such projects would be otherwise eligible for funding and the applicant has a contract for animals to be placed within the project site within six months of the project's completion.) and that it is a directive rather than a typical matrix item to decide whether or not to approve or table.
- Amanda began breaking down the 1A directive.
- Eric Pulson brought up the question that manure storage inside a structure may be different than stand alone manure storage.
- Phil suggested adding feeding structures as well.

- Hobby stated that Hanger and Obeschein and Bloxer? Were the ones pushing the bill in the legislature.
- Elizabeth brought up the contract question and discussion was had about what a contract cattle would even be.
- Ben and Eric discussed the merits of manure storage vs. bedded packs etc.
- Sara stated that the VACS glossary stated that bedded pack is more of a loafing area.
- Nick Livsay described a few scenarios where it may be considered.
- Amanda tried to get a consensus for what manure storage is.
- It was agreed that the 1A directive only applies to WP-4s and WP-4Cs. Eric abstained.
- Amanda stated that this has to be a single guideline that can apply to all of the animal types.
- Amanda brought up, how do we run the risk assessment without animals on site?
- Some sort of site plan would be required to state that the location is set and run the risk assessment based on that.
- Kevin arrived at 11:05
- **Amanda Motioned that this language only applies to WP-4s and Wp-4Cs Kevin**
- Seconds**
  - o **Opposed:**
    - **Eric Paulson**
    - **Cynthis Martell**
    - **Jake Tabor**
- **Motion Failed with 77%.**
- Amanda and Steve Escobar discussed the intent vs. the language provided.
- Kevin brought up the idea that someone buys 5 acres and states he's going to bring in 500 stockers so then the state would pay for it?
- **It was found that a voting member was not in the room when the original vote was taken as to what VACS specifications Matrix Item 1A applied to, Steve Escobar motioned to revote on the same language, Amanda seconded.**
  - o **Opposed:**
    - **Eric Paulson**
    - **Cynthis Martell**
    - **Jake Tabor**
- **Motion Passes with 80%.**
- Amanda brought up that streams need to be excluded.
- We discussed that to be eligible for the WP-4 for a cattle operation up front all the associated livestock would have to be fenced out.
- Nick brought up the issue where an existing wp-4 is there, then would they be eligible for a feeding facility.
- Discussion was had around: What does the "contract" mean and how would the "project completion" mean and when does the 6 months start?
- Sizing? Risk Assessment?
- Break for lunch at 11:56AM
- Started back at 12:50PM
- Kevin brought up, when do we bring up sign up.

- Hobey stated the contract process with binding letter of intent for contract.
- Amanda listed out the processes.
- It was discussed as to when a contract would be necessary and if you can write a contract to yourself to move the cattle.
- Kevin brought up that you shouldn't qualify for animals you already have.
- We agreed that this should only apply for an expansion of animals you do not own currently or a new start up operation (poultry)
- Sara stated that all other program conditions still apply.
- We discussed what happens when the animals don't show up. Should it follow the out of compliance process.
- The max allowed is 180 days of being out of compliance.
- It was agreed that it shouldn't be the standard manual out of compliance situation.
- The legislative item stated that they have 6 months which is what the state had provided and is what the limit should be.
- It was suggested a courtesy letter be sent at 5 months from project completion to remind the producer that the 6 month timeframe is nearly complete.
- What do we need in a contract?
  - o Letter of intent of contract needs to be Binding?
  - o Timing – birds placed within 6 months of completion
  - o Amount of animals
- Megen stated it doesn't matter who does the contract or who signs it.
- Christine has to take care of all the contract information to have it all make sense.
- We don't know how the beef contract works vs. the poultry contract.
- Steve Escobar refocused us that we have to follow the code provided.
- Elizabeth asked that Hobey get an integrator letter of intent.
- More discussion- contracts for cattle are messy.
- Question, does part 1/part II equal a contract?
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- We moved on to item 4A- *Allow for cost-share on decommissioning old manure lagoons. Old lagoons are becoming more frequent as the dairy industry shrinks. These old lagoons are water quality concerns.*
- It was discussed that the issue is that DEQ loan cannot pay on the decommissioning of lagoons.
- Ben suggested we add the language that allows DCR engineering to do the spec based on components.
- Phil is going to check up the agency as to whether the loan can pay based on the conservation plan alone and not on actually signing up for the VACS specification.
- Homework is to read through the 3A (Wp-4C/WP-4F)
- Amanda discussed sending out a doodle poll for the next two meetings. ASAP
- Elizabeth wants to discuss the guidelines for the Risk Assessments.
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- Public Comment Meeting at 2:50 PM
- Meeting Adjourned at 2:51 PM

### ***Additional details on discussion related to Matrix Item 1A***

Provide recommendations for consistent procedures and guidelines to implement the approved budget amendment regarding cost-share for animal waste facilities:

Notwithstanding any other provision of law, the Department shall permit the disbursement of funds allocated for the Virginia Agricultural Cost Share Program (VACS) to be committed and disbursed as cost-share funding in conjunction with the planning and construction of livestock and poultry waste facilities prior to animals being on site if such projects would be otherwise eligible for funding and the applicant has a contract for **animals to be placed within the project site within six months of the project's completion.**

- *planning and construction of livestock and poultry waste facilities*
  - Bedded pack is not defined in the VACS manual as waste storage
  - Applies to WP-4s and WP-4Cs
- WP-4 needs existing way to collect manure, storage facility would be constructed concurrently with feeding facility, unless they have an existing facility.
- Need site plan for new structures showing where structure is going to go.
  - This is where we run the risk assessment.
- Animals associated with the facility have to be excluded from streams.
- Can we come back and do a feeding facility if they already have manure storage?
  - Site specific, but could be eligible
- Sizing, risk assessment points are based on the contract numbers...
  
- This process applies under these conditions:
  - Does not apply to animals that are already part of the operation
  - Should be expansion with new animals or new operation
  - All other program requirements apply
  - Six months after payment, if animals are not on site, the owner is to not have met the requirements
    - This is not a maintenance or repair issue, so our normal out of compliance process does not apply
    - Maybe send reminder letters prior to the end of the six month period as a reminder, five month letter, not as a requirement of the District, as a suggestion.
  
- Order of Operations:
  - Producer interested
  - Contract for livestock
  - Run risk assessment
  - Sign them up
  - Sizing structure
  - Design
  - Cost estimate
  - Board approval

- Construction
- Payment
- Animals on site
- Contracts/timing:
  - Letter of intent contract?-applies to poultry
    - Needs to be binding, include size of facility, number and type of animals to be able to do a full sizing. Average weights, feed type. Might need to just be in the application.
  - Six months after our project is complete, marked complete in tracking and paid.
  - Contract has to have a date for when they are getting the animals.
  - Six month and one day site visit equivalent to the I/E visit
    - We will break for lunch when convenient