



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

February 20, 2009

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

RE: Ammonia Emission Program Update 8/8/08

Dear Mr. Oakey:

Thank you for submitting the annual report as required by "The Idaho Dairy Farm Best Management Practices for the Control of Ammonia Memorandum of Understanding" (MOU) signed by Idaho State Department of Agriculture (ISDA) and the Department of Environmental Quality (DEQ). Under ISDA's responsibilities, Paragraph 4 of the MOU requires the submittal of an annual report that addresses the following:

- Dairy Farms Inspected
- Activities for the Past Year
- Corrective Action Plans Entered Into
- Corrective Actions Taken
- Planned and Ongoing Activities for the Coming Year
- Violations Discovered, and
- Matters Referred to DEQ

Dairy Farms Inspected

The inspection sheets that are submitted with the annual report are very helpful. These sheets indicate which dairies were inspected during the year and when. Having the notes in the margins clearly defines how points were awarded. If time and resources allow this spring or early summer, DEQ would like to accompany one of your inspectors on a few inspections to see the process.

Activities for the Past Year

The report mentions that Matt Griffin conducted inspections with each inspector to determine strengths and weaknesses in the program. The report goes on to say that there are some inconsistencies with how points are being assigned and that multiple inspections or visits are now occurring each year at every dairy to ensure appropriate seasonal use of BMPs.

DEQ assumes that Mr. Griffin's one-on-one work with each inspector and the development of SOPs has sufficiently addressed the inconsistencies.

Conducting multiple inspections at each dairy annually is a great step in strengthening the program. DEQ appreciates ISDA's commitment in this regard. DEQ is interested in any other strengths or weaknesses that you may have noted regarding the program.

Corrective Action Plans Entered Into/Corrective Actions Taken

On page 1 of 10, paragraph 3, the report sites an example of a farm that was not incorporating manure within 48 hours but was using this BMP toward compliance. The report states a note was put in the file to address this concern at the next inspection. DEQ would be interested to know if this failure resulted in violation of the permit by rule, and if so, why it was not referred to DEQ for enforcement--or perhaps corrective actions were taken to fix this BMP. The report does not elaborate on this. Discussion of any and all corrective actions taken should be included in the annual report including the issue and the actions taken.

Page 4 of 10 lists the "Ammonia Emissions Inspection Protocols." Number 6 says that "Inspectors shall establish a compliance schedule for all facilities not meeting the required BMP threshold and conduct follow-up in inspections to determine compliance when required." These compliance schedules and follow-up notes/inspection reports should be included in this annual report as "violations discovered." Using compliance assistance to solve these issues is acceptable, but it should be noted. This will allow DEQ to track any repeat offenders and allow us to determine if we should consult with ISDA on more formal enforcement should it be needed.

Planned and Ongoing Activities for the Coming Year

Page 3 of 10, paragraph 4, discusses a possible new BMP that could be added to the list. This should be presented to the original stakeholder group for point determinations and must be approved by the DEQ Director.

Violations Discovered

Page 3 of 10, paragraph 3, talks about farmers changing BMPs from their original registration. This is allowed by the rules. The original registration BMP points are needed to ensure compliance with the issuance of the initial permit. If, on further review, the farmer would like to change his BMPs, the rules allow for that flexibility. The farmer needs to ensure that he is keeping the correct documentation to show compliance with the 27-point minimum, but a farmer has the flexibility to use any or all of the BMPs to show this.

With that said, the paragraph goes on to discuss that one of the reasons farmers are changing BMPs is because they are not complying with the BMP requirements. These

types of statements need more detail. Was the farmer in noncompliance with the rule? If so, what corrective action was taken? If enforcement was not referred to DEQ, explain why, or maybe changing this BMP did not change the compliance status of this farm. These details need to be addressed when statements like this are made.

Matters Referred to DEQ

Page 3 of 10, paragraph 2, discusses potential issues with the installation of digesters causing difficulties with meeting the 27-point threshold. This type of information needs to be discussed with the original stakeholder group to determine if the rule should or needs to be modified to account for this.

Page 3 of 10, paragraph 5, discusses BMP methods that do not on the surface appear to meet the intent of the rule as it was negotiated. Again, these types of issues need to be addressed by the stakeholders to determine what, if any, changes to the rules may be needed. When the rule was first implemented, the stakeholders acknowledged that these types of issues would arise. How we handle them going forward needs to be addressed by the stakeholders.

General Comments and Conclusions

The "Ammonia Control Practices Installed on Idaho Dairies" sheets need not be included in the annual report. The summary sheet on page 10 of 10 is sufficient.

In summary, this annual report only includes three of the seven elements outlined in the MOU. The inspection sheets are a very good representation of the farms inspected during the year and why the points were awarded to the specific farms. The activities for the past year addressed the standard operating procedures, the protocols, and the control practices data sheets. These give DEQ a good idea of what changes or improvements are being made to the program. There is some narrative addressing violations that occurred, but much more detail is needed on these types of sources. All sources that were in deviation of the rules and failed to demonstrate the minimum 27 points of BMPs during a site visit or inspection need to be reported in this annual report as well as the methods used to bring the source back into compliance.

The four issues not addressed by this annual report are corrective actions entered into, corrective actions taken, planned and ongoing activities for the coming year, and matters referred to DEQ. These aspects of the annual report will give DEQ a feel for the types of problems and how widespread those problems are and will allow us to track them from year to year for trends.

In the future, DEQ would prefer the annual report to follow a format that addresses the subjects outlined in the MOU signed by ISDA and DEQ. This will make locating and understanding the information much easier.

I hope these comments help ISDA compile a more informative annual report in the future. Again, if resources and time allow this coming year, DEQ would be interested in attending several inspections to get a feel for issues, complexities, and successes of the program.

We look forward to the coming year's annual report and meeting.

Thank you,

A handwritten signature in black ink that reads "Martin Bauer". The signature is written in a cursive style with a large, prominent initial "M".

Martin Bauer
Administrator
Air Quality Division

cc: Bruce Louks, DEQ