

July 1, 2024

U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

Subject: Public Comments on Proposed Modification to NPDES General Permit for Concentrated Animal Feeding Operations in Idaho

Dear Sir or Madam,

AGPROfessionals and our technical team appreciate the opportunity to provide comments on the proposed modifications to the National Pollutant Discharge Elimination System (NPDES) General Permit for Concentrated Animal Feeding Operations (CAFOs) in Idaho. We are submitting this letter to address specific language in the proposed permit, particularly concerning the requirements for the operation and maintenance of wastewater and manure storage structures.

As licensed Professional Engineers in Idaho working for AGPROfessionals, we have extensive experience in CAFO and environmental engineering. Our firm specializes in providing comprehensive engineering solutions for agricultural operations, ensuring compliance with environmental regulations while promoting sustainable and economically viable practices. Our collective expertise and hands-on experience in designing, evaluating, and managing wastewater and manure storage systems make us well-qualified to comment on the proposed permit modifications.

### **Comments on Section III.A.2(ii)**

The proposed language in Section III.A.2(ii) of the permit requires permittees to ensure the proper operation and maintenance of each wastewater and manure storage structure by evaluating compliance with NRCS Appendix 10D and IDAPA 02.04.14.030.01. While this requirement is well-intentioned, the prescribed methods for evaluation should be within the NRCS Appendix 10D and IDAPA 02.04.14.030.01. However, listing rule numbers in the NPDES where they could change in the future creates administrative challenges. If necessary, they should be incorporated by reference and not specific rule numbers. We recommend updating the language to state that the seepage rate from an impoundment shall not exceed  $1 \times 10^{-6}$  cm/sec. The conditions under which these evaluations must be performed align with industry standards and practical considerations for Idaho CAFO operators.

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## **Evaluation Methods**

The provision allows for evaluations to be conducted by a Professional Engineer, geologist, hydrogeologist, or another qualified individual, or by completing the Washington NRCS Engineering Technical Note #23, January 2013 (Appendix D). We support the inclusion of qualified professionals in these evaluations. However, the requirement to use the Washington NRCS Engineering Technical Note #23 is not appropriate for Idaho's specific conditions and regulatory framework. Idaho's CAFO operators should be allowed to rely on NRCS standards tailored to Idaho and existing testing parameters that are widely accepted and used across the United States.

## **Comments on Section III.A.2(iii)**

The proposed requirement for a subsurface discharge monitoring plan (SDMP) for each wastewater or manure storage structure introduces additional complexity and cost. While monitoring for subsurface discharges is important for the environment, the specifications in Section III.A.2(iii) could impose significant financial burdens on CAFO operators without necessarily providing corresponding environmental benefits.

## **Subsurface Discharge Monitoring Plan (SDMP)**

We propose that the requirement for an SDMP should be based on evidence of risk rather than a blanket requirement for all structures. Specifically, we recommend that:

1. Once the initial liner has been installed, tested, and verified by a professional, continual inspection of the liner should be performed by on-site operators and documented. This maintenance plan includes visual inspections for erosion, weed/large tap root vegetation, or rodent burrowing on clay liners instead of a discharge monitoring plan.
2. During the cleaning of impoundments, additional documentation and verification that the liner was protected during the cleaning should be included. If the liner has not been disturbed, it can be certified as still meeting the minimum seepage requirements of  $1 \times 10^{-6}$  cm/sec.

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## Liner Specifications

The liner specifications mentioned should adhere to NRCS standards and the industry-accepted permeability rate of  $1 \times 10^{-6}$  cm/sec. This standard is extensively tested and validated, providing reliable environmental protection without undue financial strain on CAFO operators. The imposition of double-liner standards, as practiced in Washington, is neither practical nor economically feasible for Idaho operations. Double-liner construction is estimated at approximately \$4 per square foot. AGPRO evaluated pond capacity needs for an open lot of 2400 cow dairy with dry cows, but not additional support stock. It was estimated they would need approximately three ponds and 47 million gallons of storage. The cost for a compacted 12" clay liner would be approximately \$360,000 if clay is available on-site, if the double-liner is needed it would be approximately \$1.7 million dollars. On a per milk cow basis, this is \$150/cow for clay liner vs. \$1,680/cow for double synthetic liner with leak detection system. Engineers and regulatory bodies should work with clear and achievable standards rather than broad statements like "the pond cannot leak," which can lead to ambiguous interpretations and compliance challenges.

In conclusion, we advocate for modifications that reflect practical and scientifically sound practices that ensure environmental protection while considering the economic viability of CAFO operations in Idaho. We recommend the following adjustments to the proposed language:

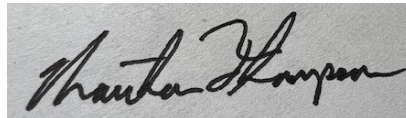
1. Allow the use of Idaho-specific NRCS standards and existing national testing parameters for evaluating storage structures.
2. Create a liner maintenance inspection plan which could include standard operating procedures for operations to protect the liner during cleaning. Regular inspections of the liner should also be done by the operator to ensure the liner does not show any signs of deformity.
3. Maintain liner specifications consistent with the  $1 \times 10^{-6}$  cm/sec permeability standard.

We appreciate the opportunity to provide these comments and urge the EPA to consider these recommendations to achieve a balanced and effective regulatory framework.

Sincerely,



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Matt Thompson, PE



Valene Cauhorn, PE

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