

73

Hughes, Marjorie

From: Samuel Young [seyoung@ptd.net]
Sent: Friday, October 15, 2004 2:53 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

RECEIVED

2004 OCT 20 PM 2:37

INDEPENDENT REGULATORY
REVIEW COMMISSION

October 15, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation

The proposed Concentrated Animal Feeding Operation (CAFO) regulation is seriously inadequate at minimizing nutrient pollution and protecting water quality. Pennsylvania already has an estimated 3,903 miles of streams impaired by agricultural impacts, and this regulation holds little potential for correcting this.

1. The proposed regulations fail to require a NPDES permit for medium CAFOs, as required by federal regulation. The proposed definition of CAFO in § 92.1 is legally problematic because it fails to include certain medium CAFOs, that are required by the federal regulations at 40 CFR § 122.23(a), (b) (2) and (b) (6) to obtain permits. Inexplicably, while the proposed definition in § 92.1 correctly cross-references those facilities that are classified as large CAFOs, it omits the medium-sized facilities that also must be classified as CAFOs.

The federal rule includes specific language regarding "discharges" in the definition of small and medium CAFOs at 40 CFR § 122.23(b) (6) (ii). This provides an opportunity to regulate and enforce operations currently not covered by the Nutrient Management Act, that contribute heavy nutrient loads to the Commonwealth's waters. This definition would include operations with livestock in streams, stormwater flowing from manure management facilities, and other sources of stream degradation. A definition that includes operations with 300 to 1,000 AEUs that must have a Nutrient Management Plan may include more operations than the definition at 40 CFR 122.23(b) (6) (ii), but not those operations with the most serious pollution problems.

In the Chesapeake Bay watershed in Pennsylvania, agricultural operations are the largest source of nitrogen and phosphorous pollution. While many large confined animal operations have been subject to CAFO permit and nutrient management planning requirements, many medium and small size agricultural operations have operated under the regulatory radar. In order to comply with the federal Clean Water Act, to maintain NPDES delegation, and to take a positive step to ensure that major sources of agricultural nutrient pollution in the watershed are addressed, DEP must, as EPA has done, amend the definition of CAFO to include the appropriate medium-sized animal operations into the regulation.

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unauthorized discharges from CAFO classification

The nonsensical definition includes one class of CAFOs that is: "any agricultural operation with a discharge to surface waters that is authorized by Department permit limits and conditions." It excludes from CAFO classification agricultural operations that are operating without necessary permits, or are otherwise not authorized by the Department. Thus, an agricultural operation could refuse to get a permit and by doing so avoid classification as a CAFO and the regulatory requirements that come with such a classification. In addition, the language does not specify which "Department permit limits and conditions" would result in a classification. In sum, the proposed language is completely irrational and must be amended to include agricultural operations with discharges regardless of whether they are authorized by any Department permits.

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The requirement for a 100-foot year round setback (or 35-foot vegetative buffer) from streams and other water bodies for land application of manure is a giant step in the right direction. However, a 50-foot buffer would capture much more pollution before it enters our streams and downstream waters. The language requiring "appropriate vegetated buffers and setbacks," is vague. The Pennsylvania Technical Guide standards for Riparian Forest Buffers (391) and Riparian Herbaceous Cover (390) would provide helpful guidance on how these buffers may be designed to capture pollution and protect water quality.

Thank you very much, and I look forward to a strengthened regulation and improved water quality.

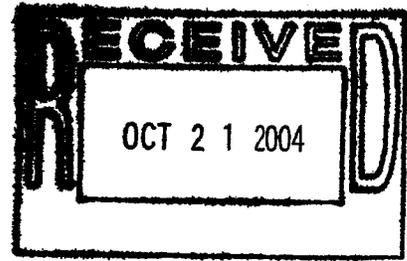
Sincerely,

Mr. Samuel Young
116 Shawnee Rd
Bloomsburg, PA 17815-9401

106
126

Original: 2412
2413

[Signature]
From the Desk of Guy Temple
139 Iron Cave Lane
Lewisburg, PA. 17837



To Whom It May Concern:

Regarding concerns about the proposed revisions to Pennsylvania's Nutrient Management Act regulations and CAFO regulations.

I am concerned about the how the Commission defines the term "stream or other body of water" for its use in the current version of the Phosphorus Index. The identification of stream or other bodies (as defined for the index) on a farm serves a critical role in the calculation of the Phosphorus Index for a field. If "only named bodies of water" is not used it will be almost impossible to determine where an application of manure may be spread. If it were left open it would be almost impossible to spread manure on many fields here in the Susquehanna Valley. I look at some of my neighbor's fields and I see streams, roadside ditches that carry water, swales that were established as conservation practices and carry water. Do only "named streams" count, or is it going to be "any place that water flows"?

I am also concerned about who manure regulations applies to. It should apply to all manure from all farms. Is cattle manure from a 50-cow herd any different from a farm with 150 or 500 cows? Make it apply to all farms.

Another concern relates to the CAFO regulations. The 100-foot setback, or 35-foot buffer also seems extreme. When I look at my neighbors fields and the conservation measures of swales, grassed waterways, streams, roadside ditches etc., the only way manure could be applied and meet the setback requirements would be for the landowner to first use flags to mark out the areas where manure could be applied. When the marking was accomplished, in many areas, only a small part of the field could be used for manure application. Using the above concerns, my observation on 3 nearby farms would indicate that applicators would need many more acres for manure application. The additional acreage needed and the time required placing the flags would require additional costs to the farmer. How is the farmer to bring the soil nutrients up to crop needs where manure cannot be spread? It would require the application of a large amount of commercial chemical fertilizer.

As I read the proposed regulations it would seem to indicate that someone wants to get rid of livestock in Pennsylvania. If we were to rid livestock from the agricultural scene in Pennsylvania, a major contributor would be cut from the largest industry in the state. All the industries that support animal agriculture (equipment - farm implements, services such as insurance, trucking, etc. and those they employ) would be lost and our population would then need to import chicken, pork and dairy products from other areas of the country or the world. I hope that is not the objective of this legislature.

RECEIVED
2004 NOV 10 PM 3:44
NEW JERSEY
NUTRIENT MANAGEMENT
COMMISSION



Environmental Quality Board

October 14, 2004

Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown #2
333 Market Street
Harrisburg, PA 17120

Re: Concentrated Animal Feeding Operations (CAFOs) and Other Livestock Agricultural Operations (#7-391)

Dear Mr. Nyce:

The Environmental Quality Board (EQB) received the enclosed comments regarding the above-referenced proposed rulemaking from the following individual:

1. Michael McFadden, 46 Kings Wood Ter., Carlisle, PA 17013-8832
2. Susan Poff, 1009 Marling Dr., West Chester, PA 19382-2360
3. Mr. Francis Schlegel, 457 Coldstream Dr., Berwyn, PA 19312-1113
4. Dr. Terry CoBabe, 5884 State Park Rd., PO Box 202, Point Pleasant, PA 18950-0202
5. Peter Adams, 132 Cedarbrook Rd., Ardmore, PA 19003-1604
6. David York, 216 Greenfield Rd., Lancaster, PA 17601-5817
7. David Whiteman, 134 Windy Ln., Centre Hall, PA 16828-8935
8. June McKnight, 35 Crosslands Dr., Kennett Square, PA 19348-2009
9. Charles Rinehart, 240 N Constitution Ave., New Freedom, PA 17349-9014
10. Michelle Warren, 349 Shasta Dr., York, PA 17402-5038
11. Harry Brownfield, 11 Fairfax Vlg., Harrisburg, PA 17112-9557

These comments were received on the Department's RegComment e-mail account and are enclosed for your review. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Marjorie L. Hughes'.

Marjorie L. Hughes
Regulatory Coordinator

Enclosures



Hughes, Marjorie

From: Peter Adams [hamsterskier@comcast.net]
Sent: Wednesday, October 13, 2004 2:57 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

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PA

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mr. Peter Adams
132 Cedarbrook Rd
Ardmore, PA 19003-1604

Hughes, Marjorie

From: Terry CoBabe [tcobabe@comcast.net]
Sent: Wednesday, October 13, 2004 3:06 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

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To: RegComments@state.pa.us
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October 13, 2004

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PA

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4. The Clean Streams Law must be enforced effectively. § 91.36 (c) should be rewritten to state: Discharge of Pollutants. It is unlawful for agricultural operations to discharge pollutants to waters of the Commonwealth except as allowed by regulations or a permit administered by the Department. The Department SHALL take an enforcement action against any agricultural operation in violation of this requirement. In addition, when an agricultural operation is found to be in violation of the Clean Streams Law, 35 P.S. § 691.1 et seq., the Department SHALL require the agricultural operation to develop and implement a nutrient management plan under Chapter 83, Subchapter D, for abatement or prevention of the pollution.

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mrs. Susan Poff
1009 Marlin Dr
West Chester, PA 19382-2360

(62)

Hughes, Marjorie

From: Michael McFadden [mmcfadden@carlislepa.org]
Sent: Wednesday, October 13, 2004 2:50 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation

The proposed Concentrated Animal Feeding Operation (CAFO) regulation is seriously inadequate at minimizing nutrient pollution and protecting water quality. Pennsylvania already has an estimated 3,903 miles of streams impaired by agricultural impacts, and this regulation holds little potential for correcting this.

1. The proposed regulations fail to require a NPDES permit for medium CAFOs, as required by federal regulation. The proposed definition of CAFO in § 92.1 is legally problematic because it fails to include certain medium CAFOs, that are required by the federal regulations at 40 CFR § 122.23(a), (b)(2) and (b)(6) to obtain permits. Inexplicably, while the proposed definition in § 92.1 correctly cross-references those facilities that are classified as large CAFOs, it omits the medium-sized facilities that also must be classified as CAFOs.

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In the Chesapeake Bay watershed in Pennsylvania, agricultural operations are the largest source of nitrogen and phosphorous pollution. While many large confined animal operations have been subject to CAFO permit and nutrient management planning requirements, many medium and small size agricultural operations have operated under the regulatory radar. In order to comply with the federal Clean Water Act, to maintain NPDES delegation, and to take a positive step to ensure that major sources of agricultural nutrient pollution in the watershed are addressed, DEP must, as EPA has done, amend the definition of CAFO to include the appropriate medium-sized animal operations into the regulation.

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mr. Michael McFadden
46 Kingswood Ter
Carlisle, PA 17013-8832

(63)

Hughes, Marjorie

From: Harry Brownfield [hbrown6905@aol.com]
Sent: Wednesday, October 13, 2004 7:28 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

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Subject: Comments on proposed CAFO regulation

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Sincerely,

Mr. Harry Brownfield
11 Fairfax Vlg
Harrisburg, PA 17112-9557

64

Hughes, Marjorie

From: Michelle Warren [wkathleen@lycos.com]
Sent: Wednesday, October 13, 2004 7:32 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Ms. Michelle Warren
349 Shasta Dr
York, PA 17402-5038

65

Hughes, Marjorie

From: Charles Rinehart [alphacryptored@webtv.net]
Sent: Thursday, October 14, 2004 3:22 AM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 14, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation

The proposed Concentrated Animal Feeding Operation (CAFO) regulation is seriously inadequate at: a) reducing the nutrient pollution, and b) protecting the quality of our water.

An estimated 3,903 miles of Pennsylvania streams are now seriously impaired by agricultural impacts! As such, this regulation is flawed, at best, it has minimal potential for correcting this.

1. The proposed regulations fail to require a NPDES permit for medium CAFOs, as required by federal regulation.

The proposed definition of CAFO in § 92.1 is legally problematic because it fails to include certain medium CAFOs, that are required by the federal regulations at 40 CFR § 122.23(a), (b)(2) and (b)(6) to obtain permits. Inexplicably, while the proposed definition in § 92.1 correctly cross-references those facilities that are classified as large CAFOs, it omits the medium-sized facilities that also must be classified as CAFOs.

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mr. Charles Rinehart
240 N Constitution Ave
New Freedom, PA 17349-9014

(66)

Hughes, Marjorie

From: June McKnight [jmck35@comcast.net]
Sent: Wednesday, October 13, 2004 4:20 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

2004 OCT 13 11:09:05

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation

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Sincerely,

Mrs. June McKnight
35 Crosslands Dr
Kennett Square, PA 19348-2009

67

Hughes, Marjorie

From: David Whiteman [dwhite4508@aol.com]
Sent: Wednesday, October 13, 2004 4:27 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mr. David Whiteman
134 Windy Ln
Centre Hall, PA 16828-8935

68

Hughes, Marjorie

From: David York [david.york@rrd.com]
Sent: Wednesday, October 13, 2004 6:51 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 13, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation

The proposed Concentrated Animal Feeding Operation (CAFO) regulation is seriously inadequate at minimizing nutrient pollution and protecting water quality. Pennsylvania already has an estimated 3,903 miles of streams impaired by agricultural impacts, and this regulation holds little potential for correcting this.

1. The proposed regulations fail to require a NPDES permit for medium CAFOs, as required by federal regulation. The proposed definition of CAFO in § 92.1 is legally problematic because it fails to include certain medium CAFOs, that are required by the federal regulations at 40 CFR § 122.23(a), (b)(2) and (b)(6) to obtain permits. Inexplicably, while the proposed definition in § 92.1 correctly cross-references those facilities that are classified as large CAFOs, it omits the medium-sized facilities that also must be classified as CAFOs.

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4. The Clean Streams Law must be enforced effectively.

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mr. David York
216 Greenfield Rd
Lancaster, PA 17601-5817

RECEIVED

2004 NOV 12 PM 3:44

REGULATORY REVIEW COMMISSION

October 18, 2004

Environmental Quality Board
Agricultural Building, Room 405
2501 Cameron Street
Harrisburg, PA 17110

To Whom It May Concern:

Would like to comment on the CAFO regulations.
1. Would like the definition of CAFO to be extended and include large scale poultry operations.
In conjunction with this, I'd like the poultry, water and land pollutants be considered before issuing a permit.
2. Require a 50' vegetated buffer or 100' setback from streams and/or anything that pertains to the water table.

3. Most importantly I feel that ag-business corporations that contract with livestock operators and/or management companies who in turn contract with farmers should be required to co-sign CAFO permits. It is their animals the farmers are raising and they too should be subject not only to the regulations but should also bear the responsibility should there be a pollution abatement.

water table, etc. The farmer should not have to take the full burden of responsibility.
4. There is wide spread non-compliance of the rules and we need to put a very strict system of inspection into effect.
Thank you for hearing my views.

Sincerely,
Mrs. Rose Langfield

P.E.P.

(Pennsylvania for Environmental Protection)



Environmental Quality Board

List 6

p.o. box 8477 • harrisburg, pa. 17105-8477 • (717)787-4526

October 14, 2004

Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

Re: Concentrated Animal Feeding Operations (CAFOs) and Other Livestock Agricultural Operations (#7-391)

Dear Mr. Nyce:

The Environmental Quality Board (EQB) received the enclosed comments regarding the above-referenced proposed rulemaking from the following individual:

1. Louise Hillman, PO Box 53, Mansfield, PA 16933-0053
2. Eric Boyce, PO Box 274, Hatboro, PA 19040-0274
3. Doris Loud, RR 2 Box 150D, Millerton, PA 16936-9533
4. R. Renee Dolney, 2315 Orlando Pl., Pittsburgh, PA 15235-2768
5. Richard Kasunic, 118 S. Center Ave., Somerset, PA 15501-2055
6. Ms. Ishnee Dupont, 337 N Broad St., Kennett Square, PA 19348-2905
7. Barbara Kautz, 500 E Marylyn Ave., Apt G110, State College, PA 16801-6271
8. Mr. Trey Johnston, 137 S Penn St., York, PA 17404-3857
9. Mark Goncalves, 1272 Fawnwood Dr., Lancaster, PA 17601-1774
10. Kate Esaia, 404 Joshua Ct., North Wales, PA 19454-1470

The comments were received on the Department's RegComment e-mail account and are enclosed for your review. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie L. Hughes".

Marjorie L. Hughes
Regulatory Coordinator

Enclosures

48

Hughes, Marjorie

From: Richard Kasunic [amgotjen@shol.com]
Sent: Friday, October 08, 2004 8:46 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 08, 2004.

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation
The proposed Concentrated Animal Feeding Operation (CAFO) regulation is seriously inadequate at minimizing nutrient pollution and protecting water quality. Pennsylvania already has an estimated 3,903 miles of streams impaired by agricultural impacts, and this regulation holds little potential for correcting this.

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Thank you very much, and I look forward to a strengthened regulation and improved water quality.

Sincerely,

Mr. Richard Kasunic
118 S Center Ave
Somerset, PA 15501-2055

Original: 2412

Hughes, Marjorie

(49)

From: R Renee Dolney [radst46@netscape.net]
Sent: Saturday, October 09, 2004 4:15 PM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

October 09, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation

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Sincerely,

Ms. R Renee Dolney
2315 Orlando Pl
Pittsburgh, PA 15235-2768

(50)

Hughes, Marjorie

From: Doris Loud [loudl@panelogic.com]
Sent: Monday, October 11, 2004 9:06 AM
To: RegComments@state.pa.us
Subject: Water Quality at Risk: comments on proposed CAFO regulation

RECEIVED
OCT 11 11 24 AM '04
DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 11, 2004

Pennsylvania Department of Environmental Protection
PA

Dear ,

Subject: Comments on proposed CAFO regulation
CAFO regulation will continue to be mismanaged and faulty at best until they are re-classified as INDUSTRIAL. They produce industrial waste. Obviously the corporations who own these things don't want that. It will cost them more money, but unfortunately, until they are, they'll cost the state and ultimately, the taxpayers more than they're worth.

This is a huge and potentially dangerous problem, being that Pennsylvania is already high on the list of polluted states. If we don't make it right now, we WILL suffer later. They need to be held accountable!!

1. The proposed regulations fail to require a NPDES permit for medium CAFOs, as required by federal regulation. The proposed definition of CAFO in § 92.1 is legally problematic because it fails to include certain medium CAFOs, that are required by the federal regulations at 40 CFR § 122.23(a), (b)(2) and (b)(6) to obtain permits. Inexplicably, while the proposed definition in § 92.1 correctly cross-references those facilities that are classified as large CAFOs, it omits the medium-sized facilities that also must be classified as CAFOs.

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Sincerely,

Ms. Doris Loud
RR 2 Box 150D
Millerton, PA 16936-9533