



National Association of Conservation Districts

April 7, 2008

Docket ID no. EPA-HQ-OW-2005-0037

Water Docket
Environmental Protection Agency
Mail Cod 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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The National Association of Conservation Districts (NACD) is pleased to submit comments on behalf of the nation's 3,000 conservation districts relative to the above-referenced proposed regulation. Established under state law, conservation districts are local units of state government charged with carrying out programs for the protection and management of natural resources at the local level. Conservation districts work with nearly two-and-half million cooperating landowners and operators each year and provide assistance in managing and protecting nearly 70 percent of the private working lands in the coterminous United States.

Conservation districts across the country work directly with livestock producers to assist in developing, implementing and updating nutrient management plans. Conservation districts also work on outreach efforts within their local communities to educate both landowners and community residents on conservation practices that everyone can adopt, and frequently work to raise awareness of the importance of agricultural neighbors.

Several Conservation Districts work specifically with livestock producers providing technical assistance to producers as they implement their nutrient management plans. Once a plan is complete, a producer may need assistance with the requirements of the plan, and guidance on the maintenance of their operation to comply with the plan. We can envision that under the proposed rule, producers may seek the development proposals for each the liner, matrix and narrative approach for determining rate of application. While it is understandable that a producer may want to assess the impacts of each approach when completing the nutrient management plan, it will likely take additional time, financial and technical resources to complete.

The flexibility provided in this regulation is essential to meet the needs of agricultural operations that have different rotational cropping patterns, and minimize the burden to continually seek a new permit due to a different cropping pattern. We support the options of developing rates of application through the three approaches outlined in this proposal. The NMP should include options on cropping patterns and application rates based on the capacity of the soil and local area, and a producer can comply with the requirements of the NMP based on localized assessments and testing.

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NACD supports the option for CAFOs that do not propose to discharge to certify as such. Conservation Districts and others are willing to assist in the development NMPs and provide the technical assistance necessary to comply with the NMPs and we look to federal, state and local programs to assist in these efforts.

Regarding the February 2009 timeframe for completion and implementation of NMPs for permitted CAFOs, NACD is concerned as it relates to the publication of the final rule. Several states have programs in place and have already completed NMPs for permitted CAFOs. However for other states that have not completed this work and due to the potential timing of the final rule, requirement for public comments on elements of the NMPs for permitted CAFOs, and work to analyze the options for preparation of the NMPs, additional time beyond February 2009 may be necessary.

Technical assistance is vital to continued efforts in these areas. Ensuring that producers understand the elements of the NMPs for compliance, and continued testing and maintenance of the operation is essential. In our experience producers are willing to take the right actions, but sometimes lack the technical resources to know the correction actions, and the financial assistance to make the change.

Several states have stepped in to provide financial assistance and the local conservation districts help prioritize the water quality goals and address livestock operations. It is of the utmost importance to NACD that EPA recognizes and allows for the continued use of these important programs. These programs are critical to providing additional technical assistance to producers and financial assistance to undertake necessary actions on their operations and meet water quality goals.

We agree with the proposal that includes NRCS standards for CNMPs should meet the requirements of the NMPs. It is important to have consistency among the agencies and we value the technical guides of NRCS to achieve most of our conservation goals.

Where states have already implemented a permitting program, we ask that EPA coordinate with those state programs. Some states have already taken action to permit CAFOs and EPA should recognize these efforts and local initiatives.

NACD appreciates the opportunity to comment on this proposal.

Sincerely,

John Redding
President