

April 13, 2023

Clarence Prestwich, National Agricultural Engineer
Conservation Engineering Division
Natural Resources Conservation Service
United States Department of Agriculture
1400 Independence Avenue, South Building, Room 4636
Washington, DC 20250

RE: Request for Extension of the Comment Period with Respect to Proposed Revisions to the National Handbook of Conservation Practices for the Natural Resources Conservation Service (Docket No. NRCS-2022-0018)

Mr. Prestwich,

Thank you for the opportunity to comment on several of the revised Conservation Practice Standards (CPS) issued for public review in December 2022 (Docket No. NRCS-2022-0018). We appreciate that NRCS granted the request to extend the comment period until April 13, 2023 to ensure full and adequate time for this review. Please see below a series of appendices, each applicable to one of the practice standards to **which we are offering comments (CPS 313-Waste Storage Structure, CPS 316-Animal Mortality Facility, CPS 600-Terraces, CPS 620-Underground Outlet, and CPS 638-Water and Sediment Control Basin).**

In general, we commend the Natural Resource Conservation Service for the way in which it has made its CPS public review process more transparent and accessible, particularly by making available redline versions of the proposed standards. We support any effort by NRCS to further make the CPS program as accessible and transparent as possible. We note that NRCS has recently changed the format it uses to present the online list of current national CPS so that they are now sorted alphabetically according to the narrative name of the practice, where the individual CPSs' identifying number is given along with their alphabetically-sorted names. Unfortunately, given that often in communications among the CPS-users community, only the identifying number is shared when referring to a standard. The newer practice of listing practices alphabetically by name can make it really difficult to find a standard in this list. We suggest that NRCS consider allowing for the list of CPSs available on its website to be sorted by name alphabetically and by their number, numerically, to accommodate these two common methods for finding and reviewing a standard.

Please let us know if you have any questions regarding the comments offered in the appendices below. Questions may be directed to Arlen Lancaster, Senior Advisor to the Agricultural Nutrient Policy Council (arlen@lancasterconservation.com, (307) 438-1034).

Sincerely,

American Farm Bureau Federation

Illinois Corn Growers Association

Illinois Farm Bureau

Iowa Farm Bureau Federation

Minnesota Agricultural Water Resource Center

National Cotton Council

Missouri Corn Growers Association

Missouri Farm Bureau

National Cattlemen's Beef Association

National Council of Farmer Cooperatives

National Pork Producers Council

Ohio AgriBusiness Association

Ohio Corn and Wheat Growers Association

Ohio Soybean Association

The Fertilizer Institute

United Egg Producers

Appendix A – CPS 313, Waste Storage Structure

Page 1; DEFINITION -- We are concerned that the new definition is ambiguous. We encourage you to use the more specific language from the May 2016 CPS:

“An agricultural waste storage impoundment or containment made by constructing an embankment, excavating a pit or dugout or by fabricating a structure.”

GENERAL CRITERIA

Page 2; Storage Period – We suggest that retaining the criteria that the “storage period complies with local, state and or federal regulations” will help ensure consideration be given as to which jurisdictions’ requirements apply.

Page 2; Waste Removal Components – The standard should allow for the fact that a producer does not need a 590 Nutrient Management Plan for the land application of the wastes under the Clean Water Act rulemaking applicable to Concentrated Animal Feeding Operations (CAFOs) if the producer transfers the wastes to a third party for application on land the producer does not own or control. This could be accommodated with a simple modification to the relevant sentence as follows:

“Components must be compatible with the land application methods specified in a the nutrient management plan, as applicable.”

Page 2; Accumulated Solids Removal – We find the language in this revised section to be confusing and suggest that the May 2016 language be retained.

Page 3; Safety – In the case of uncovered structures there are no risks of “explosion” or “asphyxiation”, and while a person certainly could be poisoned by drinking the waste effluent in an uncovered structure, warning people away from drinking effluent in storage is unnecessary. We suggest that language specifying that the need for such signage is only in the case of a covered structure be retained in the final version. For example, as:

“ ‘For covered structures’ use warning signs to identify...”

Page 4; Outlet -- This section should not be applicable to either auxiliary or emergency spillways and should be modified to reflect both, as in

“This section does not apply to auxiliary/emergency spillways...”

ADDITIONAL CRITERIA FOR FABRICATED STRUCTURES

Page 5; -Structural Loadings – We suggest that the term “heavy equipment”, as used in paragraph 2, should be defined in the standard.

Page 8; Poultry and Litter Stacking Facility – Note the typographic error in the phrase “For wood walled **facilied**”.

Page 8; Considerations for minimizing impacts of sudden breach—With respect to the reference to the spillways, it should be applicable to both auxiliary and “emergency” spillways.

Appendix B – CPS 316, Animal Mortality Facility

CRITERIA

Page 1; General Criteria Applicable to All Purposes, Paragraph 4—This statement, while a valid consideration, is not a standard, and we suggest it be moved to the “**CONSIDERATIONS**” section.

Page 3; Use of Chopper or Mixers, Forced Air or Rotary Drum, 1st Paragraph, 2nd Sentence—We suggest the following language as a clearer statement of what is being said:

“Primary composting time can be reduced by cutting carcasses and mixing them with finished compost and a carbon source using pile forced aeration or rotary drum composting. Use of this method shall be based on university extension recommendations or manufacturers recommendations supported with data for similar operations.”

Appendix C – CPS 600, Terraces

CRITERIA

General Criteria Applicable to All Purposes

Page 1; 2nd paragraph— We find this paragraph (“Utilize the Soil Survey - -”) to not be a standard requirement and suggest that it should be in the **CONSIDERATIONS** section, as was the case in the September 2020 version of this CPS.

Page 3; Outlets, Paragraph 2, after 2nd Sentence – We believe it important that the following sentence from the September 2020 version be retained in the revised CPS:

“The capacity of the vegetated outlet must be large enough so that the water surface in the outlet is at or below the water surface in the terrace at the design flow.”

Appendix D – CPS 620, Underground Outlet

We support adding as a purpose of the practice that they are used to “maintain water quality”, but we believe that the corresponding language removed from the **CONSIDERATIONS** section provides informative context and applicability of this practice and suggest it be restored in the final version. That language is as follows:

“Consideration should be given to the effects the underground outlet may have on water quality downstream. Consider these long-term environmental and economic effects when making design decisions for the underground outlet and the structure or practice it serves.”

General Criteria

Page 2; Capacity, 1st paragraph—We understand that some engineers consider properly sized slotted or perforated risers as being able to serve effectively as the “orifices” in gravity flow systems. If this is correct, we suggest that reference be made here to slotted or perforated risers.

Page 3 – Materials—There is a CPS directly applicable to underground outlets (CPS 606, Subsurface Drains). Should that CPS be cited in this section?

Appendix E – CPS 638, Water and Sediment Control Basin

CRITERIA

General Criteria Applicable to All Purposes

Page 1, Second Paragraph – We suggest that this discussion of utilizing Soil Survey to identify potential problems better belongs in the **CONSIDERATIONS** section.