From: Latessa, Sara H (DEC)
To: Arvizu, Christy
Subject: ANMP template and Fact Sheet Language
Date: Tuesday, July 26, 2016 10:51:03 AM
Attachments: removed.txt
Appendix C - Modified.docx

Hi Christy,
Attached is the ANMP template, modified to account for comments received during our meeting. Please let me know if you think additional changes are needed. Also, below is some language for the FACT sheet…I modified the Public Participation piece to better explain the ANMP, and the role of the ACR in conjunction with that plan. I also added a section regarding the Linear/Narrative methodology and how it works in NY. Again, please let me know if this gets us where we need to be or if some additional changes are needed. Thank you for your help!!!

"Public Participation – Annual Nutrient Management Plan (ANMP): In order to address the requirements outlined in the *Waterkeeper Alliance, Inc. et al. v. EPA 399 F3d 486 (2005)* ("*Waterkeeper* decision") and the 2012 consolidated federal CAFO Rule, the Department developed a consolidated version of the Comprehensive Nutrient Management Plan (CNMP) termed the Annual Nutrient Management Plan (ANMP). This ANMP creates a workable solution for farmers while complying with the new Rules.

The *Waterkeeper* decision stated that the terms of the nutrient management plans are effluent limitations that are subject to public comment and hearing that must be reviewed and approved by the permitting authority. Eligibility for this permit is contingent on having a CNMP written by a certified planner to meet the technical standards set by United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). These technical standards set the effluent limitations included in each farm-specific CNMP. The ANMP provides an outline of the farm-specific effluent limitations in a consolidated format to allow for manageable review by both the public as well as the Department. The public is given opportunity to comment on and request a hearing on the effluent limitations when the general permit is public noticed, and the farm specific elements, when the ANMP is submitted.

The farm-specific ANMP must be submitted with the Notice of Intent for coverage under this permit and the availability of both will be publically noticed and comments received for 30 days. If, at any time throughout the permit term, the individual farm proposes an action that does not meet NRCS standards (ie. the effluent limitations established in the permits) then a revised ANMP must be submitted, made available to the public for comment and an opportunity for hearing provided. Part IV.F. of the permit describes these actions that warrant submission of a revised ANMP.

Although the ANMP meets the minimum requirements outlined in the Waterkeeper decision, it only provides for anticipated compliance. In order to provide reasonable assurance that the anticipated compliance was fulfilled, CAFO owner/operators in NY are required to submit an Annual Compliance Report (ACR) at the end of each year which requires certification by the owner/operator that they complied with the terms of the permit, the farm-specific effluent limitations and provides an opportunity for the owner/operator to outline any changes made to the CNMP

throughout the year. This system of “before and after” reporting, provides for transparency of the farms operations and allows for the Department, as well as the public, to gain a more complete picture of compliance.

2012 CAFO Rule adherence: The 2012 consolidated federal CAFO Rule requires owners/operators of CAFOs to indicate in their CNMP which nutrient application methodology they are following in order to provide reasonable assurance that there will be appropriate agricultural utilization of nutrients in the manure, litter or process wastewater applied to their land base. Specifically, the Rule requires adherence to either a Linear Method or a Narrative Method as described in 40 CFR 122.42(e)(1)(viii). In NY, these methods are combined to form the NRCS Standard NY 590 which meets this federal requirement and is required to be followed by all permitted CAFOs. The farm-specific field-by-field requirements set by NY590 are described in the ANMP and are available to the public upon request.”

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From: Latessa, Sara H (DEC)

Sent: Thursday, July 21, 2016 12:25 PM

To: 'Arvizu, Christy'

Subject: Example ANMP

Hi Christy,

As promised, attached is a random example of a submitted ANMP under the current ECL. As discussed during our meeting, the ANMP Template, that will be required to be submitted under the new CWA permit, will include additional information and I will submit that draft ANMP Template to you shortly for your review. The attached is really just so you get an idea of what a ANMP will generally look like.

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