

**Agricultural Nonpoint Source Abatement and Control Program
Frequently Asked Questions
Round 22**

(Please also review the Round 22 RFP, Highlights and Proposal Rating Sheet for more information. If you do not find the answer to your question in any of these documents, please contact Bethany Bzduch, Bethany.bzduch@agricultural.ny.gov)

Round 22 – Questions and Answers

Q. A farm has a silage bunk located on a Trout stream and the only solution is to relocate the bunk and provide treatment at the new site. Can the new bunk pad, exterior wall, and, the treatment system be cost shared? The farm will also require an access road which will be used to maintain the VTA, pump out the tank, etc. Can the access road be included as part of the Silage Leachate System?

A. The AGNPS program will only allow the treatment (apron to facilitate collection of the leachate, the low/high flow separation, transfer, and the VTA or other treatment as deemed appropriate by the planner and engineer) to be cost-shared. The cost of the new bunk floor as well as the exterior wall is not eligible for cost share. However, the cost associated with the construction can be used as Landowner match. Interior walls are **NOT** be eligible for cost share or Landowner match. The access road is an allowable practice and can be cost shared as it will be used to maintain the VTA, pump out the tank, etc (2016, Round 22).

Q. A farm is interested in installing a Livestock Waste Recycling system, which is a system that removes nutrients from waste and produces clean water. Would this type of system be eligible for cost share through the Ag NPS program? If so, what BMP system would this practice fit under.

A. The Livestock Waste Recycling system would be eligible for cost share through the AgNPS program. The BMP System that this would fall under would be Manure and Ag Waste Treatment System (2016, Round 22).

Q. A farm is interested in installing a satellite storage away from the farmstead. The farm indicates that there is a used storage (slurry store) that they can purchase for a reduced cost. If they were to purchase the used slurry store, can they apply for Ag Non Point to help offset the costs of installing the slurry onto their property?

A. A used Slurrystore can be used and cost shared provided a representative of Slurrystore oversees the construction of the storage. The storage as set up in its new location will need to be certified that it is structurally sound and meets the NRCS standard 313 – Waste Storage Structure. All other program requirements such as the use of the Waste Storage Screening Tool, and a CNMP eventually being developed or revised to reflect the presence and proper use of the Slurrystore must be met (2016, Round 22).

Q. In Round 22, the cover crop program has two categories for payment: Small Grain or Legume and Advanced (aerial seeding, early planting or mixes of 3 or more species). Can we assume that if we sign someone up based on the Advanced program and they can't pull it off one year (due to weather constraints, etc.), but can plant a single species that we could count it and just have to pay them at the lower rate?

A. Yes. If the farmer cannot complete the Advanced Cover Crop due to weather constraints, etc., a single cover crop species may be planted and would be eligible to be reimbursed at the lower rate if it can be certified (2016, Round 22).

Q. A farm that ships all manure off site would like to construct a Heavy Use Area to store shipping containers while they are being loaded with manure. My question is, do these plans need a CNMP for Heavy Use Area?

A. The AGNPS program requires a CNMP be developed when implementing a Waste Storage Facility (NRCS – NY Standard 313) which would fall under the Waste Storage and Transfer System as described in the Agricultural Best Management System Practice Catalogue. It will be the responsibility of the project designer and the farm planner to determine if the project you describe would need to meet the Waste Storage Facility standard or not. If not, then a CNMP would not be required. However, it will also be the responsibility of the project designer, farm planner, and District to ensure that this project is reported under the appropriate system title and that the implemented component practices meet the appropriate NRCS Standard and Specification (2016, Round 22).

Q. We have a farmer interested in an Agrichemical Mixing Facility, and he's asked if we could help fund a storage shed for his spraying equipment. Would it be possible to make his mixing pad large enough to hold his 3 sprayer implements/tractors at once all under the same roof?

A. In response to your question, an Agrichemical Handling Facility (NY-NRCS Standard 309) is a component practice of the Agrichemical Handling and Storage System (please refer to the Agricultural Best Management Practice Systems Catalogue). The system description indicates that an agrichemical handling facility consists of a watertight containment structure comprised of a concrete pad and all necessary equipment for pumping, transferring, and storing water used in agrichemical mixing, loading, unloading, and rinsing operations. **The size of the pad and storage capacity is related to the volume and size of the largest spray tank on the pad.** Containment storage vessels incorporated in the facility design allow for the recovery of agrichemical, rinsate storage, plus handling/mixing/recovery/disposal. Surface runoff from a 25-year, 24 hour duration storm event is diverted away from the facility. A roof and sidewalls may be used to shelter the facility from rain, snow, and ice, preventing precipitation from accumulating on the pad and contaminating runoff. The NY – NRCS Standard 309 also states **that the agrichemical handling pad should be sized "to accommodate the largest spraying equipment."** **The NY – NRCS Standard 309 does not include provisions for housing of all spraying equipment simultaneously as it is not meant to be an equipment shed.** A professional engineer should be consulted when designing Agrichemical Handling Facilities.

AGNPS Frequently Asked Questions

Eligibility

Q. A farm in the county is interested in applying for a satellite manure storage and also has indicated he may want to cover that storage with an impermeable type heavy plastic with a flare system. Is the cover and flare system eligible for cost-share? If the farmer decides to cover the storage with a wooden/metal roof, is that eligible for cost-share?

A. Both types of covers, impermeable or wooden/metal truss roof systems are eligible for cost-share consideration. For the impermeable option, a flare is an integral component that enhances the practice system by reducing methane emissions, but does not directly improve water quality. Therefore, the flare and associated components can be a part of the farm's match contribution. The Agricultural Waste Storage System Screening Tool must be submitted with the application. The Screening Tool for Roofs and Covers is not required for proposed covered agricultural waste storage systems (2015, Round 21).

Q. We have a Dairy farmer with an existing Silage Leachate Control System that was installed in 2006 under EQIP. The size of the herd and, consequently, the Bunk Silo has been expanded since

then. Thus, the VTA should be resized. We have also determined that the VTA should be repositioned as now it runs towards the roadside ditch and would be susceptible to polluting the waterways if there was a failure of the system. Is this an acceptable project, even though the 10 year life span of the VTA has not elapsed yet?

A. This project is eligible for cost-share consideration. However, disclosure of the farmer's participation in EQIP for the same practice system as well as documentation of the existing water quality concerns should be included in the proposal narrative (2015, Round 21). Eligibility is determined by the following related Q&A from past rounds:

How detrimental to the proposal is it to include a participant if that individual had been a previous recipient of EPF funding either for a completely different BMP or a similar BMP but one that was installed 5-6 years ago.

If a landowner has been included on a previous EPF grant it does not make that landowner ineligible for the program. However, if a similar or different BMP is being proposed to address the same pollutant from the same source as a previously funded BMP, analysis and documentation of why the water quality problem still exists should be explained on the proposal. The reviewers will also consider whether the proposed BMP is being implemented on a different location on the farm. Any previously funded Ag. NPS projects on this farm must be listed on the application (2004, Round XI)

If, during Tier 5 evaluation review, it's determined that a new BMP or a repair is needed to an existing BMP, can this concern be included on an implementation grant? Are there funds available for needed implementation identified through the Tier 5 process?

If Tier 5 identifies the need for a new BMP or a repair to an existing BMP and it is determined that the need of repair is not due to noncompliance with operation and maintenance requirements, it may be funded through the Ag. NPS Grant Program. However, funding is not guaranteed and the process to receive funds could take several months. The Ag. NPS Grant Program may not be the most appropriate funding source if the remediation activity requires immediate action. Currently, there is no dedicated funding available through this program for implementation of a new or repair to an existing BMP identified through the Tier V evaluation process. Please note; if the BMP requiring repair was funded under this program, the landowner may be responsible for costs under the SWCD/Landowner Contract. (2005, Round XII)

Q. I have a question in regards to cost-sharing mulch installation on vineyard lands. I understand that once we have cost-shared mulch installation for three years with one farm, they are not eligible in the near future for additional mulching cost-share payments. Is that only for those vineyard blocks or is that for any vineyard lands the farm has under their control. If a vineyard owner picks up a new piece of property that has never had mulch installed before, if they could be eligible for AgNPS grant funds for mulch installation at the new property.

A. With cover crops and mulching, the AgNPS Program is piloting an approach that supports the learning phase with a new practice for three years so a farmer can efficiently adopt it within their own farm budget post-contract. The AgNPS Program cannot cost-share the same practice on new acres until 3 rounds passed the end of the contract. This policy is related to the farmer not his/her land base (2015, Round 21).

Q. Is a soil test cost-sharable under cover crop implementation?

A. No, soil testing could be performed under the Tier 3 planning process for cover crops.

Q. For the map requirements for Ag NPS RFP ask for 3 maps, (1) a watershed view map with the farm locations, (2) a USGS topo with quads, farm and project locations and (3) a farmstead/field AEM plan map for project site locations. For a broad agronomic or nutrient management project

like cover cropping, that covers many areas of the watershed, are we able to include a farm scale "project area map" for each farm in place of a "project site map".

A. Yes, a farm scale map showing all fields and indicating which are to be cover cropped would satisfy the farmstead/field AEM plan map requirement. A farm scale map can be submitted in lieu of a project site map for the following Best Management Practice Systems: Feed Management System, Irrigation Water Management System, Integrated Pest Management System, Nutrient Management System-Cultural, Soil Conservation System – Cultural (this includes cover crop), and Waste Storage & Transfer System.

In addition, projects proposed to protect public drinking water over a sole source aquifer can supply one project map with the farms identified and the sole source aquifer overlaid.

The intent of asking for the farmstead or field map from the AEM Plan as described on page 5 of the RFP is to show the project evaluators a visual of the existing condition and resource concern including the flow-path and distance to a receiving waterbody or groundwater recharge area.

A farmstead/field AEM plan map for **project site locations** as described on page 5 of the RFP shall be included for the following BMP Systems: Access Control System, Agrichemical Handling and Storage Systems, Composting System - Animal, Livestock Heavy Use Area Runoff Management System, Pathogen Management System, Petroleum and Oil Storage System, Process Wash Water Management System, Silage Leachate Control and Treatment System, and Stream Corridor and Shoreline Management System, Prescribed Rotational Grazing System, and Riparian Buffer System (2015 – Round 21, updated Round 22).

Q. Is permanent seeding between vineyard and orchard rows considered Cover Crop (NRCS-NY Standard 340) or Conservation Cover (NRCS-NY Standard 327) for purposes of three year cost sharing and use of AEM Planning Tool for Cover Crop?

A. The correct BMP System would be Soil Conservation – Cultural. The correct NRCS Standard to be applied for permanent seeding between vineyard and orchard rows is Conservation Cover (NRCS-NY Standard 327), which applies on all lands needing **permanent** vegetative cover for reasons other than forage production or critical area planting. Because the appropriate practice system calls for permanent vegetative cover, and fits NRCS-NY Standard 327, cost share through the AgNPS Grants Program is not eligible for the same acreage for a three year period. In addition, the AEM Cover Crop Planning Tool does not apply for the implementation of Conservation Cover (NRCS-NY Standard 327). *(Round 19, 2012)*

Q. Would excluding livestock and establishing a marginal pastureland wetland buffer (CREP CP 30) that meets the appropriate NRCS-NY Standard(s) qualify for preference points pursuant to the Round 19 Proposal Rating Sheet?

A. Yes, the purpose of the preference points is to encourage the adoption of livestock access control and buffers for all hydrologically sensitive areas, including wetlands. In order to qualify for the points, all livestock on the farm must be excluded from all wetlands where they currently have access. *(Round 19, 2012)*

Q. Can the AgNPS Program provide cost share for BMP Systems that utilize NRCS Standards from other states for the purpose of design, implementation, and certification?

A. BMP Systems cost-sharable under the AgNPS Grants Program must be identified in the Agricultural Best Management Practice Systems Catalogue and the individual Conservation Practices must meet NRCS-NY Practice Standards. The AgNPS Program funds proven technology in NYS to address agricultural NPS pollution concerns. If NRCS-NY has approved the use of a particular standard or suite of standards to address a NPS

pollution concern, standards from other states cannot be used in place of the NRCS-NY standard(s). If no NRCS-NY Practice Standard exists for a particular NPS pollution concern, then the Practice must be designed to meet nationally recognized standards (e.g. American Concrete Institute Standards). All practices implemented must be approved by an individual with appropriate approval authority. *(Round 19, 2012, updated Round 22, 2016)*

Q. There are farmers in the county that are in need of dike repair to protect the water resources on their farms and to protect the bay for farm stormwater runoff. Can you tell me if the USDA NRCS Dike BMP would be eligible for funding through the Ag Nonpoint Source Pollution grant program?

A. The NRCS-NY Dike Standard (356) is an eligible component practice under the Stream Corridor and Shoreline Management System listed in the Agricultural Best Management Practice Systems Catalogue. *(Round 19, 2012, updated Round 22, 2016)*

Q. Can the AgNPS Program cost share the construction of a ramp into an existing manure storage to facilitate the clean out of manure? The existing storage does meet NRCS Standards, but clean out is difficult.

A. Construction of the clean out ramp would not be eligible in an existing certified storage as it is not a standalone water quality BMP.

Q. If a farm is under a consent order from DEC, are they eligible for funding through the AgNPS program?

A. A farm would not be ineligible because of the consent order. It should be noted, however, that due to the time frame of the grant program, applicants should not expect to use grant funds for a problem that requires an urgent, immediate remedy. *(2002, Round IX)*

[UPDATED – 11/4/10] Q. Referring to Question 5. "Are all regulated CAFO farms compliant with appropriate requirements? (CAFO = Concentrated Animal Feeding Operation.)" Can a CAFO that has not yet met CAFO requirements be included on an application?

A. No, a CAFO that has not met CAFO requirements is not eligible to be included on an application and cannot be considered for funding. *(2004, Round XI).*

The Department of Environmental Conservation recommends and the Ag NPS contract requires that funding not be provided to a CAFO that has been issued a Notice of Violation under the terms of the CAFO General SPDES Permit by which the farm is permitted at time of application (CWA Permit – GP-04-02 or ECL Permit – GP-0-14-001). If a CAFO that is part of a funded project receives a Notice of Violation for either type of permit, it must agree to a consent order with a compliance schedule or otherwise resolve the Notice of Violation with DEC, in order to release Ag NPS funding **[UPDATED – 11/4/10, 2/3/2016]**.

Letter from Division Director to Undisclosed District (January, 2006) "The [AgNPS Program] requires that participating farms be in compliance with all federal, state, and local laws, rules, and regulations. The DEC-Division of Water has informed us that the Blank Farm is not in compliance with their CAFO General Permit and has not addressed the terms of the Consent Order issued on... When the Blank Farm is in compliance with the terms of the Permit, we can release funds for the projects identified on the plan of work. Until such time, however, no state funded expenses can be allocated to the Blank Farm's portion of the contract. Consequently, all entitled advances cannot include state funds for the Blank Farm portion as identified on the plan of work."

Q. Can the planning, design, and siting of a community anaerobic digester on private farm lands be funded through the planning segment of the RFP?

A. Planning activities funded through the Agricultural NPS Grant Program are limited to AEM Tier IIIA/B/C.

Q. A SUNY College horse farm has requested that we look for grant funds to address some of the issues at their operation. My question is, are they eligible for funds through the EPF? The property is owned by the SUNY College Foundation INC and the individuals running the operation are state employees. Any guidance would be appreciated.

A. The objective of this program is to fund plans or projects that will reduce and/or prevent the nonpoint source contribution from privately owned agricultural land. The SUNY College horse farm does not qualify as agricultural land for the purposes of this program.

Q. What components of an Anaerobic Digester are eligible for EPF cost-share through the Ag NPS Program?

A. Only those stand alone component practices of an Anaerobic Digester that have a direct connection to water quality improvement. Examples of such components include equipment and installation of manure handling and treatment systems, such as the actual digester vessel, manure collection, transfer and conveyance systems, manure holding/storage/containment, solid separators, separated solids storage areas, manure mixers/agitators. The SWCC passed a policy that further explains the eligibility for Anaerobic Digester components. Please contact the SWCC for a copy of this policy.

Q. A dairy farm in the county bottles its own milk. The bottling facility waste and the milkhouse parlor waste are a part of the same waste stream. Can the grant cost-share a Milkhouse Waste Treatment and Disposal System that will treat the waste from both the Milkhouse and the bottling facility?

A. The Agricultural Nonpoint Source Abatement and Control Program funds plans, and projects that will reduce and/or prevent the nonpoint source contribution from agricultural activities. The Program can fund the portion directly attributable to the milkhouse waste. Milk processing waste is considered a non-recognizable food processing waste. Therefore, treating and disposing of waste from the processing and bottling facility is not eligible for funding under this program.

Q. Does the actual Tier 3A plan need to be submitted with the application?

A. The proposal does not need to have the actual plan attached. The District is certifying that the planning requirements are met by answering "yes" on the application. The SW1 asks the highest level of Tier 3 planning per farm and the month and year completed. Any other pertinent planning details should be included in the project narrative.

Q. I'm writing a grant proposal for Petroleum Product Storage and Containment. Shipping charges for one tank can be as high as \$500. Would that be considered an eligible cost? Also there are permitting and registering fees which are part of the requirements to comply with County Health Codes... Would they be eligible?

A. The costs you describe could be eligible for cost-share assistance. These costs may also be considered as a portion of the matching contribution.

Q. If EQIP projects are used as match, does the NRCS planning process that takes place meet the requirement of having a tier 3 plan?

A. Yes, if NRCS has completed the plan that meets EQIP requirements prior to proposal submission, this satisfies the Tier 3 planning requirement.

Q. Can grant funds be used to pay for site prep that includes demolition of existing structures?

A. Site prep is an eligible expense for the grant. It can also be used as a landowner contribution.

Q. Can grant funds be used to pay for roof structures where a consultant engineer will not allow/approve a wastewater treatment strip?

A. Grant funds may be used to cost-share a roof structure if the project engineer documents that the roof is needed to meet the water quality objectives of the planned best management practice. This alternative may be costly. If proposing this alternative, the Screening Tool for Covered Heavy Use Areas must be completed, signed and submitted with each copy of the proposal. In addition, the SWCC approved a policy on February 18, 2014 outlining the requirements for Roofs and Covers for Livestock Heavy Use Area Runoff Management Systems: Cost Share Eligible Components. Please contact the SWCC office for a copy of this policy. (Updated for Round 20).

Q. Are Bedded Packs [or Composted Bedded Packs] eligible practice system[s] for manure storage and feeding? If so what components would be cost shareable?

A. Yes, both Bedded Packs and Composted Bedded Pack Systems for manure storage or composting are eligible practice systems through the Ag NPS Grant Program. Components that are an integral part of the practice standard being applied may be considered for state funding. Other related or indirect components may be eligible as a match. The SWCC approved a policy on February 18, 2014 outlining the requirements for Waste Storage and Transfer System - Bedded Pack / Composted Bedded Pack Cost Share Eligible Practices. Please contact the SWCC office for a copy of this policy. (Updated for Round 21).

Q. Are solar systems for livestock watering eligible for payment?

A. Yes, a solar powered alternative watering system is eligible and could address water quality, if a part of a grazing system with livestock exclusion while also conserving energy at the same time.

Eligible Match

Q. Could you please give some guidance on where to put NYSERDA funds on the SW-2 budget form for Districts submitting methane digester proposals that need these additional state dollars to be viable?

A. NYSERDA funds can be used as a match for EPF funds under the Ag NPS Program. These funds should be noted under landowner contribution.

Q. Can the cost which would have incurred for an item donated to a farmer for the completion of a best management practice, be used as landowner In-kind matching funds?

A. Yes, the cost that would have been incurred if it were not donated may be considered when calculating landowner match.

Q. Can FLOWPA dollars be used as a landowner match?

A. FLOWPA dollars cannot be used as a landowner match because FLOWPA funds originate from state sources.

Agricultural Waste Storage Screening Tool

Q. Regarding the Screening Tool for Ag Waste Storage: if the District is resubmitting an unsuccessful application from a previous AgNPS Round, is it necessary to provide an updated Farmer Review and Certification Page if nothing has changed in the planning/screening for the BMP System?

A. Yes it is necessary to provide a current Farmer Review and Certification page. By providing the certification page, the farmer and AEM Planner agree that the conditions and water quality purpose for the BMP System have not changed. *(Round 19, 2012)*

Q. Item number 14 of the Screening Tool requires that test pits be conducted in part to determine soil permeability. Does the soil permeability require laboratory analysis? Who is responsible for the costs of the test-pits?

A. Yes, the soil permeability does require laboratory analysis for earthen manure storages. However, due to the time frame for submitting applications under the RFP deadline, it will be acceptable to indicate that the soil samples have been taken and sent to the lab. Indicate on item number 14 that the results are pending if they cannot be obtained before the proposal submission deadline.

A professional engineer or an NRCS employee with appropriate job approval authority should be able to observe the test pit to make a determination on the location, type and estimated cost of the facility.

The landowner is responsible for the costs of the test-pits. The costs cannot be reimbursed by the state or used as landowner match because it must be completed before the proposals are submitted.

Q. Are the Screening Tool and test pit required for a 7 day manure storage that will consist of a concrete pad with 3 to 4 foot walls adjacent to a heifer and dry cow barn?

A. If the standard does not require site specific soil data for the proposed type of structure, then a test pit may not be required. Please refer to the applicable NRCS Standard and consult with an engineer to determine whether a test pit is required for your proposed type of waste storage. If the proposed project falls under NRCS Standard 313, Waste Storage Facility, the Screening Tool must still be completed and attached, but question number 14 can be marked with an N/A if the test pit is not required for the specific type of structure.

Q. Does the Agricultural Waste Storage Screening Tool need to be completed for a farm that is requesting funds to evaluate an existing waste storage?

A. The Agricultural Waste Storage Screening Tool would not be required in the application for a farm proposing to evaluate an existing waste storage. However, if the evaluation results in a storage that meets

NRCS Standard 313 either through a certification by the engineer or by implementing necessary improvements, then the completion of a CNMP meeting NRCS Standard 312 is required by the program.

Q. If the CNMP already exists, what must be included with the application for an agricultural waste storage system?

A. The Tier 3A, Screening Tool checklist must be completed and submitted with each proposal to verify that the items have been reviewed with the farmer. The screening tool addresses items not already in the CNMP, including conducting test pits for certain types of storages. If the grant is awarded, the costs of updating the CNMP so that it reflects the management of the stored waste may be used as a component of the landowner's match.

Q. Is the Screening Tool required for an uncertified existing storage that needs to be evaluated by an engineer and properly expanded?

A. Yes, the Screening Tool would still need to be completed prior to submitting a proposal to expand an existing manure storage.

Q. Is the Screening Tool required for a bedded pack winter feeding system?

A. If the bedded pack winter feeding system is designed and certified under the NRCS Standard 313 Agricultural Waste Storage System, then yes, the Screening Tool is required to be submitted with the application.

District Resolution

Q. Can one resolution be obtained that authorizes the District to submit multiple applications?

A. Yes, one resolution can cover more than one grant application. Please list all of the proposals that the resolution covers and submit the resolution with all copies of those proposals.

Proposal Format

Q. Can before and after photographs of past projects be included in a proposal to demonstrate the effectiveness of a practice?

A. Yes, photographs may be included as supporting documentation.