

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

Round 24

(Please also review the Round 24 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 24 Questions and Answers – 8/6/2018

Previous Guidance - 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).

Clarification - 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. Pursuant to the Bunk Silo Relocation Policy/New Bunk Silo Construction Policy which was approved in November 2016, the new bunk floor can be cost shared if it is the same size as the original bunk floor or smaller. Any amount over the size of the original floor must be considered Landowner Match Only. The treatment system may also be cost shared. Exterior walls will be considered Landowner Match Only. 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, updated 2018 Round 24).

Previous Guidance - Equipment Eligibility

The purchase of specialized equipment may be considered an eligible expense under the program if deemed a reasonable percentage of the total project cost as determined by the State Committee and is considered an integral component of the project. Manure spreaders will no longer be considered for funding but can be used as part of the farmer's match if the waste storage system being implemented requires the farmer to purchase a different type of spreader, i.e. liquid vs. solid. (2002, Round IX)

Clarification - Equipment Eligibility

The purchase of specialized equipment may be considered an eligible expense under the program if deemed a reasonable percentage of the total project cost as determined by the State Committee and is considered an integral component of the project. *If considering the purchase of specialized equipment (cost share or landowner match), approval must be obtained by the State Committee*

prior to equipment purchase. Manure spreaders will no longer be considered for funding but can be used as part of the farmer's match if the waste storage system being implemented requires the farmer to purchase a different type of spreader, i.e. liquid vs. solid. (2002, Round IX, updated 2018)

Q. Can a grass mower with a bagging system for the clippings be used as landowner match for a Silage Leachate Control and Treatment System in order to collect and remove the clippings/nutrients from the Vegetated Treatment Area (VTA)?

A. In this case, the grass mower would be used to maintain the VTA. Costs associated with operation and maintenance are not eligible expenses through the AgNPS program. Therefore, the mower would not be eligible to cost share or as landowner match.

Q. Does the "Screening Tool For Roofs and Covers for Heavy Use Areas" need to be filled out for an Agrichemical Handling and Storage System?

A. The Screening Tool for Roofs and Covers for Heavy Use Areas does not need to be filled out for an Agrichemical Handling and Storage System.

Q. If applying to CAFO Waste Storage and Transfer System Program for a Waste Storage, can the farm apply to Ag Non- Point for the supporting components only? I.E. Transfer lines, pump, reception pit (if needed), HUA, Access Road, Fencing, etc. By doing so, they would not be asking for State funding for the same practices.

A. A standalone waste transfer would be eligible for funding through the AgNPS program provided a Waste Storage Facility is already in place and a licensed engineer can sign off on the waste transfer as a complete system. However, funding from the AgNPS program cannot be used to match other state funds and vice versa.

Q. I am working with a farm that would like to address issues from a bunk silo area. The current silo does not have a concrete floor, only crushed stone and millings. Can a concrete floor be cost shared or only landowner match?

A. The bunk silo floor can be cost shared or used as landowner match as part of a Silage Leachate Control and Treatment System.

Q. A farmer has EQIP funding for an agrichemical handling facility and wants to start construction in September, 2018. He expects the EQIP funding to cover approximately 50% of the eligible costs of construction. Can the District include this farm in their Round 24 proposal and request NYS funding to cover eligible costs associated with the facility that are not covered by EQIP funding if only costs incurred and billed after the Round 24 contract start date are reported?

A. The District may include this farm in a Round 24 proposal. The District will need identify the source of the landowner's match as EQIP. Please note, all costs for services and/or implementation must be incurred within the contract term in order to be reimbursed or allowed as match. If work is completed on the project before the contract start date, these costs will not be eligible for cost share or allowed as match.

Q. Could a project be allowed for funding if the silage leachate (i.e., total collection) goes to an existing six-month storage that was not designed by an engineer?

A. The waste storage facility that will collect the silage leachate must meet the NRCS 313 Waste Storage Facility standard and be certified by a professional engineer in order to be eligible.

Q. We have 2 barnyards on the same farm that we are applying for Roofs and Covers (367) for in Round 24. The barnyards run parallel to one another and are only separated by 20 feet. Do we need to submit separate barnyard screening tools for each barnyard or can we define each barnyard on the same screening tool.

A. If these projects are considered two separate Livestock Heavy Use Area Runoff Management systems then a Covered Heavy Use Area Screening Tool would need to be completed for each system. If they are part of the same system, one screening tool may be submitted.

Frequently Asked Questions

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.

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.

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. 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 in 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 in 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).

Agricultural Waste Storage Screening Tool

Q. After a further review of the Ag Waste Storage screening tool I have a question regarding #3 in the additional operation and Maintenance section. “The system is performing as designed and constructed” is an engineering review requiring either a PE or NRCS employee with job approval authority necessary as per the AEM Tier 5B policy. How are districts supposed to complete this task unless they have a PE on staff or hire one to complete this task?

A. An engineering review is not being required. When assessing the performance of the system, the District should, at a minimum, be evaluating the implementation of the system as a whole. The completion of a Tier 5B is not necessary when evaluating the system. However, if it will be completed as Tier 5B the AEM Policy should be followed.

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.

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.

Eligibility

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.

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. 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-shareable 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)*

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, updated 11/4/10).*

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. 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.

Q. An updated Vegetated Treatment Area standard was released in February 2017. The standard requires that any VTAs installed to treat runoff from concentrated livestock areas be installed only in conjunction with a Comprehensive Nutrient Management Plan (CNMP). The AGNPS program does not require a CNMP when implementing a Livestock Heavy Use Area System. Will a CNMP be required if we apply for a Livestock Heavy Use Area System with a VTA?

A. The AGNPS RFP does not require a CNMP when implementing a Livestock Heavy Use Area System. When implementing a VTA as part of a Livestock Heavy Use Area System, the Landowner would not be required to develop or implement a CNMP. Per program policy, a minimum of an AEM Tier 3A plan needs to be in place. (2017, Round 23)

Q. I have been asked by an agricultural research institute to apply on their behalf for Round 23 Ag NPS grant funding for a waste storage facility. They operate a Medium CAFO Dairy Farm milking 391 cows and owning/operating 997 acres of cropland. In order to comply with new CAFO regulations, they need to increase waste storage capacity. Is the institute eligible for state funds from the Ag NPS program?

A. Program funds are available for nonpoint source abatement and control projects that plan or implement Ag BMPs on New York State farms. The definition of farm in the Agriculture and Markets Law (which is the definition that is used for the AgNPS program) is: "Farm operation" means the

land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise (AGM Article 25-AA § 301). Because this facility identifies itself as a not-for-profit educational institution rather than a commercial enterprise it is not eligible to apply for funding through the AgNPS program. (2017, Round 23)

Q. If a farm is considering implementing both types of cover cropping (basic and multiple species) at the different \$ rates as shown of the Cover Crop Implementation Guidance sheet, do we need to break out the total number acres of each that the farm wishes to do? How much flexibility is there in the actual number of acres of each does the farm have in the implementation of each if the project was to be awarded?

A. On the SW 3, the number of acres of each type (basic and multiple species) should be separated out. There is some flexibility regarding the actual number of acres implemented for each type. However, the amount of state funding cannot increase. The District needs to document any change in the cover crop planning tool. (2017, Round 23)

Q. I am currently interested in submitting two NPS grant proposals for greenhouses. It has been recommended in their Nutrient Management Plan that they install ebb and flood benches to reduce the nitrogen leaching. Can you tell me if these would qualify for funding from the NPS grant program and if so what BMP should I list them under?

A. Ebb and Flood benches would be eligible for cost share through the Ag Non-Point Source Program. This practice would be listed as part of the Irrigation Water Management System. The NRCS-NY standard 443 – Irrigation System, Surface and Subsurface does not include language regarding zero runoff systems for greenhouses. However, the AGNPS program allows for the use of an NRCS standard from a different state that has been deemed applicable to New York. In this instance, Massachusetts NRCS Irrigation System, Surface and Subsurface (443) standard would be an appropriate substitute. Additionally, as stated in the AG BMP System Catalog, the development of an “Irrigation Water Management Plan” that addresses the irrigation scheduling, in both timing and amount, control of runoff, minimizing deep percolation and the uniform application of water is an essential component of this practice. The plan should also address how wastewater, generated from the cleaning of the system, will be disposed to ensure there is zero leaching and zero runoff throughout the life of the system. (2017, Round 23)

Q. If a BMP being applied for is on rented property; should the lease between farmer and landowner be for the life of the practice (10Yrs) or the life of the practice plus the years in the contract (13-14yrs) (the BMP doesn't get implemented until the last year of the contract)? Also, should the lease be on file and submitted with the application or do we not need it until the Plan of Work?

A. According to the RFP, “BMPs to be implemented on rented property should not be submitted for funding unless there is a written lease for the use of the property for the life span of the BMP (see attached BMP Operation & Maintenance Guidelines, Page 17).” In order to qualify for funding under the AG NPS program, the farmer must have an existing lease with the landowner. The lease would need to cover application, award, construction, and the lifespan of the BMP. In your scenario, if the BMP system is not implemented until the last year of a 4 year contract and there is a 10 year lifespan, the lease would be 14 years plus the application time period. According to previous Q and A, “The District should ensure that the lease exists, but it need not be included in the application. If funding is awarded, a copy of the lease may be required.” (2002, Round IX, 2017, Round 23)

Q. Is a Center Pivot Irrigation System eligible for inclusion in Round 23? This is a system that is fixed in a field and pivots around the well water source to irrigate a large tract of land. It will be computer controlled, with drop water nozzles that regulate the water flow to match field conditions and crop needs.

A. Implementing conservation systems on acreage that is rotated between specialty crops and field crops is acceptable. Implementing an irrigation system that would provide a water quality benefit would be acceptable as part of an Irrigation Water Management System. (2017, Round 23)

Q. We have a farm that has previously received funding to install a waste storage facility that only receives silage leachate. They are now applying for funding for a waste storage facility that will only receive manure. Is this considered an expansion related practice and does that mean that they should provide “significantly more cost share” as it says in the guidance manual? The farm does already have manure storage and they have expanded, but we never cost shared their existing manure storage just their leachate collection storage.

A. If the manure storage is being proposed to address a water quality concern that originated from intentional farm growth that occurred within the past 5 years then it is considered an expansion related practice. Landowners implementing expansion related practice systems must provide a contribution significantly greater than that required by the program (refer to the Match Requirements section of the RFP for more information). Previous guidance indicates that the amount of contribution may be determined by the applicant and the landowners involved. (2017, Round 23)

Q. The RFP states that CAFOs should provide a landowner contribution “significantly greater than that required by law.” What amount is appropriate?

A. The amount of the contribution may be determined by the applicant and the landowners involved. (2002, Round IX)

Q. We are working on a grant for Round 23 for a Waste Storage and Transfer System. Some of the BMP components that we would like to include in the SW-3 under this system are not in the BMP catalog under Waste Storage and Transfer. Are we allowed to include them under this system even though they aren’t in the catalog?

A. The list of component practices in the Ag BMP System Catalogue is not all inclusive and other NRCS Standards can be utilized. If the practices you list are necessary components of the Waste Storage and Transfer System you may include them on the SW 3. (2017, Round 23)

Q. We are looking to put in a waste storage for a landowner that owns a farm, but is renting to another farmer. What is required by the AGNPS program if the landowner versus the operator intends to pay for the manure storage?

A. The AGNPS program requires that the person who will be responsible for contributing match funds to be listed on all SW forms. If the project is funded this is the person who will be signing a Letter of Commitment and/or Landowner Funding Agreement. Additionally, if funding is awarded, the Landowner would be responsible for properly operating and maintaining the BMP system for the designated lifespan. While it is not required that a lease agreement be submitted at the time of application, the District should ensure that a lease agreement exists and covers the lifespan of the proposed BMP System. A copy of the lease agreement may be required if the project is awarded funding. (2017, Round 23)

Q. The District is working with a farmer whose primary facilities are located in our county. The farm has a heifer facility in a neighboring county where they would like to construct a waste storage structure. Can our District write an AgNPS grant for the farm if the project location would be outside of the county?

A. Since the main facility is located in your county and the AEM records for the heifer facility are maintained by your SWCD, you may submit an application for a project located in a neighboring county. The two Districts may want to approve the application by way of a motion or joint resolution. (2017, Round 23)

Q. We are working with a dairy/beef operation and the application will pertain to the beef side of the operation. There are approximately 45 brood cows, most of which are owned by the dairy/beef farm, but some (approx. 25%) are owned by the landowner who owns the land on which these cows are maintained. Should the dairy/beef operation be listed as applicants for funding, or the landowner, where the BMP would be installed?

A. The Landowner(s) who will be financially responsible for the implementation of the BMP System should be identified on the SW 1 and SW 3 form. (2017, Round 23)