



FAYETTE SOIL AND WATER CONSERVATION DISTRICT

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2010

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Animal Waste Complaints

Spring seemed to come early to Fayette County this year. Our local farmers were able to get out and begin fieldwork. For many farmers, this fieldwork includes the hauling and spreading of livestock manure. The application of manure on fields reduces the amounts of inorganic fertilizer that would otherwise be required for optimal crop production. Manure application also results in complaints being filed with the Fayette Soil & Water Conservation District (FSWCD). These complaints are usually concerned with odor or pollution of a water of the state.

Odor is not regulated at present. An individual or a group can file a lawsuit in civil court if the amount of odor is causing a public nuisance. Anyone thinking of pursuing this route should definitely seek legal council from a qualified attorney.

Water pollution caused by animal waste is regulated by the Ohio Department of Agriculture (ODA) or the Ohio Department of Natural Resources (ODNR) depending on the size of the livestock operation involved. The ODA Livestock Environmental Permitting Program (LEPP) issues permits for large confined animal feeding operation. This office is solely responsible for investigating alleged violations of the terms of the permits. FSWCD has no authority or jurisdiction over permitted operations. We can only forward any complaints received regarding these facilities to LEPP.

All other livestock and manure handlers complaints fall under Section 1501:15-5 of the Ohio Administrative Code. This section directs the ODNR Division of Soil and Water Resources (DSWR, formerly the Division of Soil and Water Conservation) to develop standards for livestock waste management for these operations. The DSWR created the Agricultural Pollution Abatement Program to comply with the code requirements. Although not part of ODNR, local Soil & Water Conservation Districts are tasked under Ohio law with investigating complaints filed under this program.

As mentioned earlier, pollution of a water of the state must occur for a complaint to be deemed valid. A water of the state is defined by code as "...all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters." Upon receipt of a complaint, the SWCD will conduct an on-site investigation of the alleged violation. If evidence is discovered to confirm the complaint, the SWCD will submit an official Pollution Investigation Report with ODNR. The District will then attempt to work with the violator to voluntarily develop a management plan that complies with the best management practices set forth in the USDA Natural Resources Conservation Service's Field Office Technical Guide.

When local assistance fails to correct the pollution problem, the complaint is forwarded to the Chief of ODNR/DSWR. The Chief can issue a "Chief's Order" which is enforceable through the court system.

Save the Date

We at the Fayette Soil and Water Conservation District would like to invite you to our Open House and Supervisor's election on August 31, 2010 at the Fayette Soil and Water Conservation District from 2:00-6:30 p.m. We have planned an evening for the public to catch up with the Fayette Soil and Water Conservation District staff and supervisors.

There will be a chance to elect or re-elect two people to a supervisor's position for a three year term. The names of candidates will be announced as soon as the ballots are finalized. We will also hope to announce the results of the election that same evening.

Tours of the office as well as presentations regarding what projects the Fayette Soil and Water Conservation District have been working on will be available that evening as well. We will also have an activity set up for youth to learn about our most valuable resource WATER.

For more information please contact the Fayette Soil and Water Conservation District with any questions regarding this event. We can be reached at 740-636-0279.

Two Ways to Get Your Name on the Ballot

Recent changes to the rules governing the special elections held around the state to elect local soil and water conservation district (SWCD) supervisors took effect over the past couple of years. Any resident 18 years of age or older who resides within the county of the election can seek election to the SWCD board of supervisors. Names can be placed on the ballot in one of two ways. Candidates can be nominated by the SWCD Nominating Committee. This committee works throughout the year looking for candidates who are interested in the conservation and protection of natural resources within the county. Interested individuals may also stop at the SWCD office 1415 US 22 SW, Suite 500, Washington C.H., Ohio 43160 and pick up a nomination petition form. Potential candidates need to secure at least 10 signatures from residents and/or landowners from the county and submit the petition to the district by the close of business (5:00 p.m.) on July 27, 2010. Candidates meeting the eligibility requirements and deadline will be listed on the ballot for the special election, which will take place on August 31, 2010 at The Fayette Agriculture Service Center.

Soil and water conservation districts, located in all 88 Ohio counties, are legal subdivisions of state government that provide natural resource management assistance to county landowners and other units of local government. The district is funded by the Fayette County Commissioners, and county funds are supplemented by funding from the Ohio Department of Natural Resources. The district is governed by a five-member board of county residents. Board members serve staggered three-year terms. The nomination procedure changes were adopted by the seven-member Ohio Soil and Water Conservation Commission, which oversees SWCD election guidelines.

New CRP program available for landowners

Are you interested in helping wildlife populations? Do you have unproductive areas on your farm? If you can answer yes to either one of these questions, then the continuous Conservation Reserve Program (CRP) practices may be right for you. Fayette County has several options available to farmers and landowners that can provide income on low yielding farm ground and create wildlife habitat.

Among these programs are CP33 and CP21. These are programs that have a continuous enrollment period, meaning that you can apply at any time. Research has shown that the edges of fields, particularly those bordering wooded areas, are consistently low yielding. By planting native grasses and forbs, Conservation Practice 33 (CP33) can provide you with steady income on these areas. Conservation Practice 21 (CP21) is similar to CP33 in that it is a strip of conservation cover planted in the field margins, except that it is implemented along rivers, streams and some ponds. Strips can range between 20 and 200 feet, depending on the practice.

Either of these practices provides you with an annual per acre rental rate. This rate is based on the standard soil rental rates for the area. These programs also provide 50% cost share and a 40% incentive payment to establish the cover. Since Fayette County lies within the Scioto River Watershed Conservation Reserve Enhancement Program (CREP) area, the standard soil rate is doubled for CP21 if a warm season grass mix is planted. This means that you could see as much as \$250 per acre per year on land enrolled in the practice!

Aside from providing income on land that may be of marginal cropping value, these practices provide valuable cover for wildlife, decrease soil erosion and increase air quality. Benefited wildlife species include the Ringneck Pheasant, Northern Bobwhite Quail, White-tailed Deer, Wild Turkey, various songbirds as well as valuable butterflies and pollinators.



Fayette County has several options available to farmers and landowners that can provide income on low yielding farm ground and create wildlife habitat

Now is the time to be planning habitat projects and management for the upcoming year. Currently there is a new whole field program offered to enroll crop ground into CRP called Pheasant SAFE. Additionally, there had been some misinformation about the application periods for the WHIP and EQIP programs. These also have a continuous application period and projects are implemented as funding becomes available. Many current CREP contracts have Mid-Contract Management coming up as well, so feel free to contact the Fayette NRCS office with questions regarding any of these programs. To apply for any of these programs, please visit the Fayette FSA office.

Bill Kiser
Farm Bill Wildlife Biologist
Fayette, Fayette and Ross Counties

2010 Scrap Tire Collection



The Fayette Soil and Water Conservation District will be hosting a Tire Collection on August 28th from 9:00 a.m.-11:30 a.m. at the Fayette County Transfer Station located at 1580 Robinson Road. Fayette County residents can dispose of their unwanted tires at little to no cost. Most tires, including passenger tires, will be accepted free of charge. Large agriculture type tires will cost \$5.00 per tire.

This event is open to Fayette County residents only.

We have a limit on the total amount of tires that we can accept. Persons who have more than ten tires are asked to pre-register at the Fayette Soil and Water Conservation District at 1415 US 22 SW in Washington Court House or call 740-636-0279.

We will **NOT** accept tires from junk yards, garages, auto repair shops, tire, automobile and farm-equipment dealerships or motorcycle/ATV repair shops or dealerships.

This event is funded by The Ohio Department of Natural Resources-Division of Recycling and Litter Prevention and sponsored by the Fayette Soil and Water Conservation District. Please call Fayette SWCD at 740-636-0279 for more information.

Upcoming dates

July 19-24-Come visit up at the Fayette County Fair, our tent will be focusing on soil this year. We will have staff on hand to answer any questions you may have.

August 28, 2010-9:00 a.m.-11:30 p.m.-Scrap Tire Collection-Fayette County Transfer Station

August 31, 2:00-6:00 p.m.- 1st Annual FSWCD Open House and Supervisor Elections

Fayette Soil and Water Conservation District Board of Supervisors regularly schedule board meetings on the second Tuesday of every month at 7:30 a.m. at the Fayette Agriculture Service Center. The dates and times are subject to change, please call for the current schedule of meetings.

The Fayette SWCD, a political subdivision of the State of Ohio, is funded by ODNR and the General Assembly and the County Commissioners. The District is assisted by many local, state and federal conservation agencies. The District is administered by a board of five locally elected supervisors which helps ensure that the efforts of all of these agencies are coordinated to address the resource issues that local people feel are important.

The USDA and the Fayette SWCD prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.)