

Summary of Comments Received on Draft Report
Water Policy 2000
July 10, 2000

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Introduction

The deadline for comments on the draft report was July 10. The cover letter for the report stated that comments were to be submitted in writing and that public comment during the meeting is supplemental, rather than in lieu of, written comments. This summary includes those comments received by the July 10 deadline.

Who Was Notified About the Draft Report

A notice that included a brief description of the draft report and information about how to obtain the report and when to comment was mailed to:

- The EQC's mailing list (237 individuals and organizations). This list includes the major environmental organizations and some of the agricultural organizations as well as interested individuals.
- All county commissions and county clerk and recorders.
- Those who attended the 1999 Subcommittee meeting in Great Falls if they provided a mailing address.
- Major Montana agricultural organizations.
- Rep. Holden.
- People participating in the Montana watershed list serve (generally people with some interest in watersheds).
- Staff from other states who were contacted while researching the draft report..

We don't know how many people accessed the report on our web site. We mailed out 27 copies of the report.

Who Commented on the Draft Report

Comments were received from 21 individuals or organizations. Of these, 17 were pork producers, 2 were organizations or individuals representing groups of pork producers, 1 was

another agricultural organization, and 1 was an individual citizen.

Overview

No comments supported the draft recommendations. Twenty comments opposed the draft recommendations and 1 letter did not address the draft recommendations.

Comments Opposing Additional Regulations for Swine Facilities

Themes of the comments that were opposed to the draft regulations are summarized below.

- Montana is not facing the same problems as other states because Montana does not have large scale hog production. The recommendations are based on a fear of swine production growth that is not realistic for Montana (see Montana Pork Producers Council, p. 14-15 for details). Large corporate farms look for two things when they locate: an abundant corn supply and modern packing plants. Montana and the surrounding states have neither of these essential resources.
- Hog production and waste management are already heavily regulated. Existing laws and regulations are adequate.
- Swine producers are interested in protecting the environment. Many producers noted that they live on their farm and are concerned about the environment for themselves and their neighbors. The swine growers police themselves.
- The draft regulations will lead to increased bureaucracy.
- It is true that livestock waste is a very strong waste that can have a significant impact on water quality, but only when discharged to surface or ground water. However, that can be said for a wide range of substances, many of which exist in far greater volume and concentrations than swine waste in Montana. Water quality impacts only occur when there is a discharge and Montana has an effective regulatory program to prevent such discharges.
- Additional regulation of swine facilities is not justified based on the existing situation in Montana.
- The major concern with hog waste is nitrogen. It is inappropriate to regulate nitrogen from hog waste, but not other agricultural sources.
- Additional regulations are unfair (they single out the pork history; the pork industry does not have a bad record).
- Financial assurance is not needed because there is no history of problems with closed swine facilities.
- Additional regulations will result in increased costs to pork producers and taxpayers. At least one producer stated that the additional regulations will force them out of business.
- Complaints about the pork industry are isolated and there have been no major lawsuits. Pork producers who are currently in business do not have a record of water pollution, fines or lawsuits. Some letters from producers noted that they had never received a complaint.
- Concern about the future of family farming in Montana in light of increased costs to comply with regulations. One letter noted that a hog operation is well suited for a family

farm.

- The proposed recommendations would do nothing to protect water quality. Any swine entity polluting Montana water would be in violation of current law.

Individual Permit Requirement

One letter specifically addressed the draft recommendation related to requiring an individual permit (Stockgrowers, p. 27). Specific points include:

- Too much emphasis is placed on the benefits that individual permits would provide.
- General permits are intended to reduce the administrative burden for both the regulated community and the regulatory agency.
- The authorization letter which is necessary before a general permit is valid can be used to address the majority of site-specific differences.
- Under current regulations, the Department of Environmental Quality (DEQ) has adequate latitude to require an individual permit when conditions warrant.
- Requiring an individual permit for all CAFO swine facilities creates considerably more administrative workload for the agency and unjustified additional time and expense for the facility owner.

Threshold

One comment letter specifically addressed the threshold (1,000 animal units), noting that a 1,000 animal unit swine operation is probably not a viable size for a family to make a living on.

Financial Assurance

A few letters noted that the author was not aware of any incident in Montana where the people of Montana have been left holding the bag for cleanup or closure costs. In general, these commenters noted that it was unfair to burden the industry without better justification.

One writer argued that requiring bonds is not effective and gave the example of bonding requirements for the oil and gas producing industry (Wipf, Glacier Colony, Inc., p. 30). He noted that the oil and gas wells cannot be cleaned up due to inadequate bonds.

One writer stated that, if the concern is with corporate farms, that concern should be dealt with directly rather than regulating the entire industry.

Comments on Report Content

- Should include a more detailed description of the problems which have occurred in Montana.
- Provide context for numbers cited in report (see Stockgrowers, p. 26).

Comments/Suggestions not Related to Draft Recommendations

One comment noted disappointment that the report did not address funding for watershed groups (Rollo, p. 1). Another suggested that the EQC could more beneficially harness its resources by cleaning up the environment of atomic energy producing and using facilities.

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