

ENVIRONMENTAL REGULATION AND DAIRY FARMS
DER'S PERSPECTIVE

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Until very recently, the Department of Environmental Regulation did not routinely require permits for typical dairy operations around the State of Florida, and it is not our intent to do so in the future. Approximately two years ago the Florida Environmental Regulation Commission approved modifications to our Industrial Waste Treatment Rule (Chapter 17-6) which required industrial waste permits for dairies located in the Lake Okeechobee Drainage Basin. The purpose of the rule modification (which is now generally known as the Department's "Dairy Rule") is clearly stated in section 17-6.330, Florida Administrative Code (F.A.C.). "The discharge of untreated wastewater and runoff from dairy farms may reasonably be expected to be a source of pollution to waters of the state. The purpose of sections 17-6.330 through 17-6.337, F.A.C., is to control pollution of waters of the state due to the discharge of wastewater and runoff from dairy farms in the Lake Okeechobee Drainage Basin to surface and ground water." This rule only applies to existing and new dairies in the Lake Okeechobee Drainage Basin. Regulation of dairy farms in other drainage basins is covered elsewhere in Chapters 17-6 and in 17-28, F.A.C., which deals with ground water protection.

The "Dairy Rule" requires that wastewater and runoff discharged from dairies not cause or contribute to violations of water quality standards. To comply with that requirement approximately 45 to 50 dairies are required to implement specific management practices designed to collect and recycle their wastewaters through land application. These dairies are also required to apply for and obtain Industrial Waste construction and operation permits from the Department. For a more detailed description of the rule requirements, I have included a copy of the industrial waste rule as an appendix to this paper.

Outside of the Lake Okeechobee area we have not generally permitted dairy operations. In fact, typical agricultural field activities were, and still are, exempt from permitting unless we have reason to believe the activities represent a threat to either ground or surface water resources. By field activities we mean pastures, croplands, ditches, canals, etc. Livestock waste lagoons are also exempt if discharges to surface waters from these lagoons only occur in response to major (25 years, 24 hour) storm events. If discharges are more frequent than that, both a state and a federal discharge permit may be required if the dairy is determined to be a "concentrated animal feeding operation." With respect to dairies, a concentrated animal feeding operation is one with 700 or more mature cows (whether milked or dry).

Regardless of herd size or whether or not a dairy discharges to surface waters, if a dairy operation causes or even threatens to cause ground water quality standards violations or otherwise threatens to impair the designated use of contiguous waters, we can require the dairy owner to obtain a permit. For example, certain areas of the state, such as North-Central Florida are particularly vulnerable to ground water contamination from high intensity agricultural activities such as dairy farming. In these areas a farmer may be

required to provide us with detailed information regarding his operational practices, specifically what he does with his wastewater and manure, and provide us with reasonable assurances that these practices will not adversely impact the areas' water resources. If adequate reasonable assurances are provided, then we may choose to either exempt the dairy or require a permit. In most cases we will probably exempt the dairy with some requirements such as ground water monitoring.

If ground water contamination is discovered, and if that contamination reaches drinking water wells, then the dairy farmer may be held responsible for cleaning up that ground water and/or providing alternative drinking water supplies to the affected families, and that can be very expensive.

To help us identify dairies which may pose a threat to the quality of either ground or surface waters, Secretary Twachtman recently sent letters to the Executive Directors of each water management district requesting their assistance. In those letters (a copy of which is attached) he states that it is not our intent to require permits for each dairy in the state. Our objective is to inform and educate dairy farmers about our concerns and to work closely with them to correct existing or to avoid future problems. That will basically be our approach statewide, except for those dairies covered by the dairy rule. We hope the dairy farmers and dairy industry will cooperate and assist us in our efforts to protect Florida's valuable water resources.