

**THE IDAHO DAIRY POLLUTION PREVENTION INITIATIVE
MEMORANDUM OF UNDERSTANDING**

OBJECTIVE

The objectives of this Memorandum of Understanding (MOU) are to define roles of the agencies in regulating the dairy industry in Idaho and to recognize the Idaho State Department of Agriculture's (ISDA's) lead role in ensuring dairy waste systems and practices are in accordance with the provisions outlined in the Idaho Waste Management Guidelines for Confined Feeding Operations (CFO Guidelines), a 1997 publication by the Idaho Department of Environmental Quality (IDEQ). This MOU sets forth a working arrangement between the agencies and the Idaho dairymen to reduce duplicative inspection efforts, and to provide a sound inspection program in order to prevent water pollution and protect Idaho's surface and ground water from dairy waste contamination.

BACKGROUND

This MOU succeeds the October 4, 1995 MOU, which was developed because of the recognition by the Idaho Dairymen's Association (IDA), ISDA, the U.S. Environmental Protection Agency (EPA), IDEQ, and other interested parties for the need to formalize an ongoing effort to conserve resources, to more effectively and efficiently use personnel, to reduce duplicative inspection services, and to ensure Idaho dairymen comply with the Clean Water Act (CWA), the Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02), the Idaho Groundwater Quality Rule (IDAPA 58.01.11), and the Idaho Rules Governing Dairy Waste (IDAPA 02.04.14) ("Dairy Waste Rules"). This approach capitalizes on the frequent presence of ISDA dairy inspectors on dairy farms and is intended to enable IDEQ and EPA to redirect and focus resources.

AGREEMENT

Whereas ISDA routinely inspects dairies for milk sanitation issues, and;

Whereas ISDA, IDEQ, and EPA have the authority to conduct environmental inspections on these same dairy farms, and;

Whereas it is in the best interests of the residents of the State of Idaho to support more efficient governmental programs, and;

Whereas the protection of water quality will be enhanced through a cooperative and efficient approach to dairy waste management, the undersigned agencies hereby acknowledge ISDA as the lead agency for dairy waste management inspections, and agree to the following:

GENERAL POLICIES

- 1) Inspections of dairies should generally include a visual inspection of the waste containment and runoff control facilities including land application areas that are part of the dairy.
- 2) ISDA will conduct inspections of dairies to insure compliance with the Dairy Waste Rules.
- 3) Inspections shall include the collection of information sufficient to determine compliance with the applicable requirements set forth in "Background."
- 4) Meetings between ISDA, IDEQ, EPA, and IDA will be the primary method for discussion of program progress. The ISDA, IDEQ and EPA may also identify those instances where enforcement action may be appropriate. An annual review meeting will be held each April between ISDA, IDEQ, EPA, and IDA to address issues regarding waste management and the environment relative to the dairy industry.
- 5) ISDA, IDEQ, and EPA files will be mutually available under public records laws applicable to the signatory agencies for inspection and copying. The agencies shall respect the confidentiality of files or materials designated CONFIDENTIAL in accordance with applicable federal and state law.

RESPONSIBILITIES

The ISDA will:

- 1) Enforce its existing rules and promulgate, where necessary, new rules for the purposes of carrying out the objectives of this MOU. Non-compliance with these rules may result in penalties as provided in Idaho Code Title 37, Chapter 4 or the Dairy Waste Rules, including, but not limited to, revocation or suspension of authority to sell milk for human consumption.
- 2) Maintain and improve, where necessary, existing dairy waste inspection protocols to prevent discharges of dairy wastes.
- 3) Conduct periodic inspections of all dairies to include evaluation of waste collection, treatment, handling, disposal, on-site land application sites (that are part of the dairy) and management procedures for compliance with the Dairy Waste Rules and the CWA. Respond to all complaints and information regarding dairy waste management.
- 4) Notify IDEQ immediately of all discharges that cannot be stopped within 24 hours. All discharges that may present an imminent and substantial danger to public health and the environment shall be immediately reported to IDEQ.

