

February 25, 2011



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Mr. Wayne Bogovich  
National Agricultural Engineer  
Conservation Engineering Division  
Department of Agriculture  
Natural Resources Conservation Service  
Room 6136, South Building  
1400 Independence Avenue, SW  
Washington, DC 20250

RE: Comments of Draft Waste Facility Closure (Code 360)

Dear Mr. Bogovich:

Thank you for the opportunity to comment on proposed changes to the Waste Facility Closure (Code 360) Conservation Practice Standard. Over the past several weeks, many of our efforts have been focused on the review and development of comments on the proposed changes to the Nutrient Management (Code 590) Conservation Practice Standard. In large part, Code 590 is incorporated by reference into our water quality permits by state and federal agencies and, as such, changes to Code 590 will have an immediate effect on our members' ability to land apply manure. On the other hand, our members plan to stay in business and are hopeful that Code 360 will apply to a very small number of facilities. However, if and when the time comes to close a facility, the requirements need to be reasonable and based on good scientific reasoning.

By submission of this letter, we are requesting a 60-day extension on the comment period for Code 360. We have significant concerns with many of the proposed changes and believe an opportunity to dialogue with NRCS will allow for us to provide more substantive and useful information to NRCS in this process. Some of the preliminary concerns and questions being raised by our members include:

- The proposed standard has been expanded to include dry waste storage facilities, confined animal housing, feedlots, livestock yards and composting facilities. NRCS did not provide any information or reasoning behind this expanded scope of the standard. As written, we are opposed to these changes and would appreciate the opportunity to dialogue with NRCS staff and leadership.
- The proposed standard would require removal of all waste conveyance facilities. Why? Many of these conveyances could be easily converted to other uses or freshwater conveyances, especially in dry areas of the country where a freshwater collection system could be valuable asset.
- The proposed standard includes air emissions provisions. We need to better understand this expansion in scope and have an opportunity to share our concerns with NRCS. As example, the proposal includes language for land applying wastewater and sludge from waste impoundments "...when the humidity is low, when winds are calm,..." There are areas of the country that experience high humidity year-round and likewise there are areas of the country where the winds are seldom "calm."

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- New requirements are being proposed on dry waste facilities to evaluate earthen floors. This requirement is ambiguous. What will need to be considered in an evaluation? The proposal makes reference to soil sampling and laboratory analysis; however, the parameters for soil evaluation are not defined. In addition the sentence requiring, "...removal of a portion of the soil may be necessary" needs to be discussed in more detail with NRCS staff and leadership.

These are just a few examples of the concerns and questions raised by our members. We look forward to working with NRCS over the next couple of months to discuss the proposed changes to Code 360 in more detail.

Sincerely,

A handwritten signature in black ink that reads "Ben Weinheimer". The signature is written in a cursive style with a long, sweeping tail on the "e" at the end.

Ben Weinheimer, P.E.  
Vice President