

**THE IDAHO DAIRY FARM BEST MANAGEMENT PRACTICES FOR THE CONTROL  
OF AMMONIA  
MEMORANDUM OF UNDERSTANDING**

**OBJECTIVE**

The objectives of this Memorandum of Understanding (MOU) are to define roles of the Idaho Department of Environmental Quality (IDEQ) and the Idaho State Department of Agriculture (ISDA) in regulating the dairy farm industry in Idaho and to recognize the ISDA's lead role in ensuring dairy farms subject to the Rules for the Control of Ammonia from Dairy Farms (Ammonia Rules), located in the Rules for the Control of Air Pollution in Idaho, specifically IDAPA 58.01.01.760 through 764, employ the requisite Best Management Practices (BMPs). This MOU sets forth a working arrangement between the agencies to reduce duplicative inspection efforts and to provide a sound inspection program in order to ensure dairy farms subject to the Ammonia Rules control and reduce ammonia emissions through BMPs.

**BACKGROUND**

This MOU was developed because of the recognition by ISDA, 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 dairy farms comply with the Ammonia Rules. The Ammonia Rules were developed by a negotiated rule group that included dairy farm industry representatives, environmental organizations' representatives, ISDA staff, IDEQ staff, University of Idaho, and interested members of the public. The Ammonia Rules require owners and operators of dairy farms of a certain size and type to register with IDEQ and ISDA and employ the requisite point total of BMPs, to control ammonia and thereby be deemed to have a permit by rule.

**AGREEMENT**

Whereas ISDA routinely inspects dairy farms for milk sanitation, water quality, odor, and livestock health issues, and;

Whereas ISDA and IDEQ 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 reduction of ammonia emissions through BMPs will be enhanced through a cooperative and efficient approach to dairy farm waste management, the undersigned agencies hereby acknowledge ISDA as the lead agency for dairy farm waste management inspections and compliance assistance in regard to the Ammonia Rules, and agree to the following:

## **GENERAL POLICIES**

1. ISDA will conduct inspections of dairy farms to determine compliance or non-compliance with the Ammonia Rules.
2. Inspections of dairy farms should generally include (1) a visual inspection of the claimed BMPs implemented; (2) a review of the required onsite recordkeeping documents; and (3) a review of any required deviation reports. See IDAPA 58.01.01.764.02.
3. Meetings between ISDA and IDEQ will be the primary method for discussion of, among other things, inspections of, and implementation and compliance with, the Ammonia Rules. The ISDA and IDEQ may also identify those instances where enforcement action may be appropriate. An annual review meeting will be held each April between ISDA and IDEQ to address issues regarding inspection and implementation of, and compliance with, the Ammonia Rules. As part of the annual review, ISDA and IDEQ may perform joint inspections of dairy farms subject to the Ammonia Rules. Upon completion of the annual meeting, ISDA and IDEQ agree to meet with the Idaho Dairywomen's Association to discuss the results of the annual meeting and any other associated issues.
4. ISDA and IDEQ 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. Maintain and improve, where necessary, applicable dairy farm ammonia inspection protocols.
2. Conduct periodic inspections of all dairy farms to include evaluation of the BMPs employed to control ammonia emissions and compliance with the Ammonia Rules. Respond to all complaints subject to IDAPA 58.01.01.760 – 764 and information regarding BMPs associated with ammonia control.
3. Provide compliance assistance to dairy farms requesting or needing help complying with the Ammonia Rules, including but not limited to suggestions, recommendations, corrective action plans, or other help as appropriate.
4. Prepare and submit an annual report to IDEQ. The report will include activities for the past year, including dairy farms inspected, violations discovered, corrective action plans entered into, corrective actions taken, and matters referred to IDEQ, as well as planned and ongoing activities for the current year.
5. ISDA will develop an ammonia BMP inspection form consistent with the Rules for the Control of Ammonia from Dairy Farms. The ISDA will utilize this form for the purpose

of conducting inspections pursuant to paragraph 2 under the ISDA Responsibilities outlined above.

**The IDEQ will:**

1. Provide training, information, education, and technical assistance to ISDA, and to dairy farms upon request, to the extent of available resources.
2. Conduct inspections of dairy farms for implementation and compliance with the Ammonia Rules only when requested by ISDA. However, IDEQ retains the right to inspect in any situation it considers to present an imminent and substantial danger to public health and the environment after due notification to ISDA.
3. Initiate enforcement actions, within agency discretion, under the authority of the Idaho Environmental Protection and Health Act, only upon request or referral by ISDA or as a direct result of the investigation actions outlined in paragraph 2 above.
4. Evaluate ISDA inspection records annually, or at a frequency determined to be necessary by the parties to this agreement during the annual review. The IDEQ will prepare and submit a report of this review to ISDA.

**GENERAL PROVISIONS**

1. Nothing in this agreement shall be construed as surrendering existing statutory or regulatory authority of the agencies. However, IDEQ recognizes the lead role of ISDA in inspecting and providing compliance assistance to dairy farms as set forth in this MOU and will exercise its authorities accordingly.
2. Nothing in this agreement shall be construed to release a dairy farm from complying with applicable local, state, and federal environmental statutes, regulations, permits, or consent orders.
3. The term of this agreement shall be on-going unless otherwise revoked by any one of the signatory agencies following thirty (30) days written notice from the Director of either IDEQ or ISDA. This agreement may be amended or extended through mutual written agreement of the parties. This agreement, when accepted by each agency, will be effective on the date of the last signature.

**SIGNATORY AGENCIES:**

\_\_\_\_\_/S/  
Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
Date: 5-3-06

\_\_\_\_\_/S/  
Toni Hardesty, Director  
Idaho Department of Environmental Quality  
Date: 5/3/05