

Chicken growers face EPA crackdown

Permit requirements to limit pollution stricter than Md. regulations

By Timothy B. Wheeler

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Poultry farmer Lee Richardson, cleaning up after a flock was sold, says of the EPA rules, "We're all still trying to figure out what's going on." (Baltimore Sun photo by Doug Kapustin / May 29, 2008)

The [Environmental Protection Agency](#) has told Maryland's poultry farmers it intends to enforce for the first time federal pollution rules governing chicken manure - a crackdown that has surprised and angered growers while pleasing environmentalists who've long complained about agricultural runoff fouling [Chesapeake Bay](#).

At meetings recently on the Eastern Shore, EPA officials told several hundred farmers that they must get federal pollution-discharge permits if any manure from their flocks is washing off their land into drainage ditches and streams. More than half of the state's 800 poultry farmers have filed notices to get the permits, state officials say.

The federal permits are tougher in key respects than what Maryland has so far been unable to establish for its poultry farmers. State regulations and permit requirements developed last year to cover about 200 of the largest chicken farms are on hold because of appeals filed both by environmentalists and farmers.

"It's nothing more than a lot of red tape," grumbled David Wood, 62, a farmer who raises 435,000 chickens near [Denton](#) in Caroline County. While he said he'll do what it takes to comply, he predicted that some small poultry farmers may quit because they can't afford - or won't be willing - to alter their operations to meet the federal requirements. "They're not going to mess with it," he said.

But EPA officials say greater scrutiny of poultry farms is warranted because of the vast quantities of manure they generate on the low-lying Delmarva Peninsula, close to the Chesapeake and its tributaries.

Agriculture is the largest source of the nutrients degrading the bay's water quality, according to the EPA's bay program, with runoff of manure and chemical fertilizers responsible for 42 percent of the nitrogen and 46 percent of the phosphorus.

Such nutrients stimulate the growth of algae blooms and a vast oxygen-starved "dead zone" in the bay unsuitable for fish, oysters and crabs.

For Maryland farmers, who have resisted government regulation, the permits are a costly headache. Growers will be required to submit comprehensive reports on how they handle and store the manure produced by their chickens, and list how much they're using as fertilizer on crops and what precautions they're taking to keep it from getting into nearby streams.

The federal regulations also could require many to change their farming practices. The rules sharply restrict the amount of time they can stockpile manure in their fields before working it into the soil and require them to leave much larger swaths of land uncultivated along drainage ditches and waterways.

Anything the farmers report to the federal government is open to public inspection, which farmers have balked at in the past.

Scott Edwards, legal director of the Waterkeeper Alliance, welcomed the federal action. He said the rules should not be a great burden for farmers, and that the benefits for the bay are worth the costs of complying.

"To me, it's a no-brainer," he said. "You shouldn't be dumping your manure within a few feet of a ditch or gully that will carry it to a waterway. They can't do that - they should never have been able to do that."

State officials and farming representatives say the rush by Maryland farmers to get permits came after EPA officials reinterpreted a regulation, essentially declaring that if rainfall drains away from chicken houses into ditches and streams, it's likely carrying manure and needs to be controlled. Previously, almost all chicken farms had been considered exempt unless their animals were outdoors or the manure stored in lagoons.

"EPA's just really targeting poultry right now," complained Valerie Connelly, legislative director for the Maryland Farm Bureau.

But EPA officials counter that they are just clarifying a six-year-old regulation requiring pollution permits for many farms with large herds or flocks of animals, called "concentrated animal feeding operations," or CAFOs.

"CAFOs are a national priority for EPA, and they're also a regional priority due to the impacts on the bay," said David McGuigan, the agency's associate director of permits and enforcement for the Mid-Atlantic. "So we have to have a relatively aggressive compliance assurance program. Part of that is ... ensuring people obtain permits if they need them. A law that is not examined or enforced is a law that is not obeyed."

Shore farmers contend that the EPA is coming down harder on them than on chicken growers elsewhere. Rep. Frank M. Kratovil Jr., a Democrat who represents the Shore, said he has met with EPA officials to inquire if the policies are being applied evenly nationwide.

"We are not doing anything different on the Eastern Shore than EPA would do in any other part of the country," said Allison Wiedeman, the EPA official in Washington who oversees the rules nationwide. She said many poultry farmers in the Southeast are also being advised that they need to get permits.

The federal rules say farmers may not pile manure in their fields for more than 14 days, after which they must cover it or work it into the soil. Farmers also must not spread manure within 35 to 100 feet of ditches or waterways.

Wood, the Caroline farmer, said he does not have enough space in his barns to keep all the manure his birds produce in the winter. He grows wheat, corn, soybeans and barley on 700 acres, and says the waterway setback requirements could sharply limit the amount of land on which farmers could raise crops.

McGuigan said regulators would consider easing the manure storage and setback requirements on a case-by-case basis.