

Indiana Department of Environmental Management

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(Text does not include verbatim comments)

Thank you. It's nice to join you today.

Before I begin my comments, let me acknowledge and thank **you** for your role in putting food on the tables of millions of American homes.

We Americans take an awful lot for granted, including how food gets from the farm to the family table and its abundance as well as its affordability. When you stop to think about it, it's amazing that we are able to walk down the aisles of a grocery store anywhere in America, picking from a wide variety of plentiful, quality food displayed on shelves right and left. You begin to appreciate what you have when you see television footage of people in other countries standing in long lines just for the basic staples like bread, meat, eggs and milk. America's agriculture leaders and you here today deserve our thanks for providing the food on our tables - a timely reminder during this holiday season when so many of us gather to eat with our families.

As commissioner of the Indiana Department of Environmental Management, I have been invited to speak before a myriad of groups, which often have widely differing agendas. Some groups I am more familiar with due to my prior experience at DNR, and Ag is one of them. And while I feel a personal affinity with Ag, I can't deny the fact that I was born and raised in the big city. However, I now know enough about farming to appreciate the observation of Dwight Eisenhower, who said, "Farming looks mighty easy when your plow is a pencil and you're a thousand miles from the cornfield." At least I have **never** lived that far from a cornfield.

Well, I know I am preaching to the choir when I say that farming is hard work and your industry, by its very nature, is inextricably linked to the environment. And it is important for all of us to remember that protecting the environment is a shared commitment - whether you rely on the land for your livelihood or recreation or just its beauty - we all want to live in a clean and safe environment.

Because of that shared commitment, we have several projects and issues going on at IDEM that you may be interested in, and I want to update you on those today. I'll start with the livestock industry and give you an update on our work with confined feeding operations. Second, I'll review IDEM's current and future work on watershed management. Third, I'll update you on our efforts with wellhead protection and the importance of local involvement.

First, confined feeding operations. Many states and the federal government have recently paid much more attention to real and potential environmental problems from confined feeding

operations. Many new laws and regulations have been put in place. Indiana had a head start on most states and the federal government when we began our program back in 1971, and today we are in better shape than many states. There are still improvements that should be made and we are currently working with representatives of the ag community as we develop rules and updated guidance for existing and proposed operations.

A few years ago, we increased our presence by inspecting more confined feeding operations. A few facts about confined feeding that you may not have heard:

- In 1998, IDEM inspected more than 500 confined feeding operations.
- Of these sites, seventy-one percent of the operations were without significant problems. Eleven percent of the sites had problems that needed immediate attention or had significant or repeated discharges into water.
- In 1998, IDEM responded to fifty-eight spills relating to animal waste, of which fifty-three spills were attributed to confined feeding operations and of these fifty-three spills, IDEM took action - either a warning letter or enforcement action - against fifty spills.

These facts help confirm that the vast majority of confined feeding operators are following the guidance and operate safely, while some others need extra encouragement to protect the environment.

So where is IDEM going with the confined feeding rules? Much of what this particular segment of your industry will experience in future years will be revisiting old themes and improving on old practices. The regulations are intended to be performance based and focused on water quality. They incorporate approaches that confined feeding operators have dealt with in the past, such as farmstead plans, manure management plans, and design and construction plans.

As I said before, I think we all have the same goal in mind - to protect the environment - but there seem to be several different approaches on how to make that happen. As you know, EPA is pushing to have National Discharge Elimination System (NPDES) permits as part of any confined feeding approval. We have registered our frustration with this approach with EPA and we will continue to do so. We will also continue talking to our counterparts in other states to see how they are handling the requirement for NPDES permits.

We are working with Purdue University to develop and review a fiscal analysis of draft rules so we will all have a better understanding of any significant costs of some of the proposals being discussed.

Some examples of the proposed rules include maintaining records of manure applications, developing a spill response plan, incorporating manure on sloped ground, conducting soil and manure analyses, and conducting construction site assessments.

But I want you to know that IDEM is committed to continuing to work with the agricultural community and the public to find common-sense, performance-based environmental standards that minimize any additional costs to producers.

I think it's also important for all of us to remember that there are always two sides to an issue. In the confined feeding debate, producers might prefer not to have the requirement that a new operation or expanding operation must notify their neighbors about the plans. From the other perspective, members of the public get very frustrated when a large confined feeding operation is being built near their homes and they have no way to comment on or influence the plan. Producers are afraid the neighbors will prevent expansion or fight the plan. Neighbors are afraid their property value will decrease or there will be odor and safety issues.

From the state perspective, we have to take both sides of the issue under consideration because we are working for all citizens of the state - not just the agricultural industry and not just residents of rural communities.

Nothing illustrates this simple truth better than a real-life experience. My agency recently conducted a very contentious meeting in West Central Indiana where an Illinois producer has proposed building and operating a 3,500-hog operation. The neighbors focused on the pending change to their living environment and the fact that the producer had not shared very much information with them about his plans.

In this instance, the county had no zoning. Consequently, IDEM was the remonstrators' only recourse. IDEM regulates the environment. It does not control it. And we certainly do not make local decisions about land use. Provided this site meets all of the environmental regulation thresholds, IDEM has no alternative but to issue this approval. This site serves as another reminder of the importance for all of us to understand the other side of the story and work together to create and maintain an environment that we want to live in as well as an environment that provides for our livelihoods.

As we move forward with the rule, IDEM, with its partners, will do a lot of outreach to operators of confined feeding operations to educate them about the proposed rules and how they affect them. We will be going out on the road, probably in the first half of 2000, to conduct outreach and education sessions and answer questions.

We are committed to talking to farmers around the state about the proposed rule. And after having considered hundreds of comments and having spent hundreds of hours communicating with all invested interest groups, IDEM should be prepared to take a second draft of the proposed rule to the Indiana Water Pollution Control Board for preliminary adoption by late spring or summer 2000 with the hope of having these rules in place at about this time next year.

In addition to the proposed rule, we are working with the confined feeding industry on several other issues. Let me give you a reminder and an update.

As the **reminder**, if you have not submitted a manure management plan to IDEM since July 1997, you must do so by July 1, 2000, in order to maintain an effective Confined Feeding Approval for your livestock and poultry operation. The revised Confined Feeding Control Law went into effect on July 1, 1997, and it requires a manure management plan for all state-approved confined feeding operations. IDEM's Office of Land Quality sent out a mass mailing to existing confined feeding operations about 10 days ago but if you did not receive it or threw it away, the

same information can be found on IDEM's Web page and rather than me rattling off a long e-mail address, I have written it down and passed it along to Beth Archer . . . so see Beth if you need the address.

And as for the **update**, last spring IDEM provided funding to the Indiana Pork Producers Association for the voluntary Pork Inspection Program. Since the On Farm Odor/Environmental Assistance Program began, nearly 100 producers have requested the form to start the process and have a voluntary inspection through the Association. The Indiana Pork Producers plan to heavily market this program through March or April of this coming spring, when farmers' attention will turn to spring planting.

The second issue I wanted to talk to you about today involves our current and future efforts with watershed management.

We all know that environmental problems do not respect political boundaries. A plume of contaminants in a river doesn't recognize a county line or a town boundary. Environmental mitigation and protection require a comprehensive and collaborative approach, one that recognizes and works with a variety of programs and agencies. The watershed approach recognizes these challenges and establishes a framework for coordinating and integrating a multitude of programs and resources.

This type of approach directs the focus on water quality in a geographic area delineated by a watershed and reflects the realization that in order for all of the waters of the state to achieve the goal of designated uses for recreation, aquatic life support, and drinking water supply, we must implement an integrated approach which includes a common information base.

IDEM recognized the value of a watershed approach to improving water quality and initiated its Wildcat Creek Pilot Program about two years.

We are using the watershed approach to monitor water quality in the Wildcat Creek Watershed. We have analyzed the contaminants in the watershed and helped organize a group of community leaders in the area to examine the problems and develop solutions. Working together, the local group proposed a watershed restoration plan that is being implemented. By looking at a watershed, we can detect pollution problems in a more comprehensive manner, identify its source or sources and take appropriate steps to stop the pollution. For example, an E.coli problem was detected in the Wildcat Creek Watershed and the community decided to focus on the role that failing septic systems, not confined feeding operations, played in the problem. And the community, working together, is developing solutions to the problem of failing septic systems.

We are now equipped to take the lessons learned in the Wildcat Creek Watershed Project and either help, or convey that information to, other watershed projects throughout the state. IDEM stands ready to work with community residents and leaders and our colleagues from the Natural Resources Conservation Services, DNR, and the Purdue University Extension Office in each watershed in the state. And, what is most important, to work with agriculture leaders such as yourselves to advocate environmentally friendly operational practices to further improve our

ability to prevent impacts to the watershed. As a former member of the State Soil Conservation Board I had the opportunity to go on field trips where I had the chance to observe first hand that farms are where real progress is being made with the use of measures such as filter strips, buffers, and grass waterways. We believe that this approach is imperative if we really plan to make Indiana a cleaner, healthier place to live.

Managing Indiana's water resources from a watershed level requires solid information about the current water quality. As many of you are aware, we are working with many partners to conduct Total Maximum Daily Load assessments across the state. This sounds like a complicated issue to explain but it isn't. There always has been and always will be human impact to our waters. Mother Nature can clean up some of it or, in the case of water, dilute it so that it does not pose a problem. The Total Maximum Daily Loads assessment looks at a waterway's capacity to handle a set amount of pollution and determines discharge limits for each point source along its course. But this also means humans must do a substantial amount of clean up before turning the job over to natural forces. We have completed the Wildcat Creek TMDL and are awaiting EPA's review. Next year we will embark on additional TMDLs: the Grand Cal, Little Wildcat Creek/Kelly West Ditch, South Fork of the Wildcat, Pleasant Run, and Fall Creek in Indianapolis.

As you can tell, many of the issues we both deal with have to do with water, because without water, we have nothing. Without water we can not have a sustainable environment and without a sustainable environment, you cannot have your livelihood.

The third topic I wanted to cover today is wellhead protection. Let me share some words of wisdom spoken by the late Sen. Edmund Muskie of Maine to frame my comments. "High quality water is more than the dream of the conservationists, more than a political slogan; high quality water, in the right quantity at the right place at the right time, is essential to health, recreation *and* economic growth."

Regrettably, I must tell you that we have not been kind to our state and nation's waters and we find ourselves today making amends for our past practices. Cleaning up our water continues and will continue to be at the forefront of IDEM's mission well into the next century.

A natural location to look for clean water is beneath clean soil, earth untainted by man and industry. Maybe unfortunately from the perspective of the people in this room, farmers own most of the clean soil, beneath which clean water is found. If there is a group of people that understands the importance of water, it is the group gathered here today. Farmers have a reputation for helping other people, even those of us who live in the city, but wellheads on farmland bring management issues with them.

Wellhead protection is a strategy to protect groundwater drinking supplies from pollution that can threaten health, lives and community development.

This is an extremely important issue because 72% of Indiana residents rely on ground water for their drinking water and about 60% of Indiana's public water supply comes from ground water sources. It is because of the importance of clean, safe drinking water that our state has developed a wellhead protection program, as required by the federal Safe Drinking Water Act. And

Indiana's Wellhead Protection Rule makes protection a mandatory program for all of Indiana's community public water supply systems.

Because prevention and protection needs are best understood and administered at the local level, the program was designed to provide flexibility to local entities as they develop their protection programs. Local involvement is promoted by requiring that community public water suppliers appoint a local planning team and IDEM strongly encourages the agricultural community's participation in local wellhead protection planning efforts. You have issues that need to be placed on the table for discussion.

The Wellhead Protection Program guides the local planning team in completing the steps of wellhead protection:

- Identifying local protection goals,
- Establishing the local wellhead protection area, which is the area surrounding a wellhead that must be managed to ensure clean water,
- Creating an inventory of potential sources of contamination within the wellhead protection area,
- Developing a contingency plan for maintaining safe water supplies when contamination occurs, and
- Implementing other appropriate management tools.

While the state leaves the protection of wellheads primarily in the hands of local officials, there are state regulations that apply to wellhead protection. They include issues with landfills, the reporting of spills, secondary containment of hazardous materials, and underground storage tanks.

Let me briefly outline for you some details about these rules. In regard to landfills, Indiana's law requires that new or lateral expansion of landfills be located outside of the five-year time of travel, or 3,000 feet away from a community water supply well if there is no five-year time of travel established. Also, a landfill facility must notify a community water supply of spills of a hazardous substance or extremely hazardous substance in excess of 100 pounds or the reportable quantity, whichever is less, petroleum spills in excess of 55 gallons, and any objectionable spills.

In regard to secondary containment, new facilities with 275 gallons or more of hazardous material that are located within a delineated wellhead area must provide secondary containment. Also, owners of underground storage tanks must take added steps of protection so that the contents of the tanks do not leak into the soil. These tanks must have double walls, double-walled piping, and a secondary barrier system.

Management of a wellhead protection area may consist of steps such as education and outreach, or restrictions on certain potential contamination sources through local health and zoning ordinances.

Allow me to offer a piece of personal advice, as well as to make a request: **Get involved!** Yes, we need to protect our sources of safe drinking water but we also need to do it in such a way that

is fair, reasonable, and does not place an undue burden on the farmers who allow the use of their land for the benefit of many.

We have a lot of work cut out for ourselves, not only at IDEM but down on the farm, too. But it needs to be done to make our hometowns, our rural areas and our state better places environmentally.

We have made tremendous progress in cleaning up our environment since Rachel Carson wrote *Silent Spring* in 1962. I only hope that I can witness firsthand the progress in the decades ahead.

I also hope you have learned something from my speech about our environment, because as Harlan Cleveland wrote in the *Christian Monitor*:

"This is the first generation in the history of the world that finds that what people do to their natural environment is maybe more important than what the natural environment does to and for them. We also have some measuring sticks for change that we never had before. And, as always happens with knowledge, as soon as you know something, you have some responsibility."

Ladies and gentlemen, my speech today has left us -- you and me -- with some responsibility.

Thank You.