

**CAFO Waste Storage and Transfer System Program
Questions and Answers
November 9, 2017**

Awards and Contracting

- 1. With the first round of CAFO Waste Storage funds awarded in December 2017, how soon will there be a contract?**

The amount of time it takes for a contract to be fully executed is largely dependent on several factors and can widely vary. Generally, it can take 4 – 6 months, if awarded, from proposal submission to receiving a fully executed contract.

- 2. How soon will we see funds to our district?**

Any claims for payment submitted by the District will be processed once the contract is fully executed.

- 3. Are we given a 3-year construction period to complete the project?**

The standard term for implementation projects will be three full construction seasons plus three months for project administration and completion of the final report. The contract start date will be based on the date of award for each application period. Please reference page 8, Section 6.1 of the Request for Proposals for more information.

- 4. If a farm applies in the first proposal period and doesn't get funded, will their proposal roll over into the next proposal period or will their proposal have to be resubmitted?**

If the proposal does not receive funding in a proposal period it will be returned to the applicant and will need to be resubmitted.

- 5. Will there be a Plan of Work?**

Yes

- 6. Under AgNPS, the SWCD can request 25% of the total contract at time of contract, and 65% of BMP costs if designs are complete, construction is imminent, and separate interest bearing accounts have been established. Will a similar payment schedule be available under the CAFO program?**

Yes

- 7. Can you clarify what the contract start date will be?**

The contract start date will be the date of the award letter.

- 8. Can you please elaborate on what components of the Ag Non-Point protocol will be required of the CAFO Waste Storage & Transfer funding opportunity? Procurement of quotes, documentation prior to reimbursement, etc.**

The CAFO Waste Storage & Transfer System Program will model all of the contract administration requirements of the Ag Non-Point Source Program. Further details will be provided when the projects are awarded.

Financial Hardship

- 1. Will there be a specific form provided to us to document the financial hardship? If not, what documentation will be required?**

No specific form will be provided to document financial hardship. If a 'yes' response is given for questions 2 and/or 3 in Part E. – Financial Status, the landowner will need to provide an official document from a private lender or FSA which supports the answers provided in Part E of the application.

- 2. Part C: Financial Status – Question 1, asks if the farm's equity is below 60%. As of what date is the percentage acceptable from? From when the farm normally calculates the percentage (which might be annual, January 1) or from a "current balance sheet" within 90 days (or some other number of days)?**

The most recent calculation of farm equity should be used.

Eligible Projects

- 1. Do storages proposed for the WSTSP funding need to provide 6 months of storage for the entire farm?**

The CAFO Waste Storage and Transfer System Program requires that storage and transfer system projects funding by the program provide at least 6 months of storage for the facilities being served by the proposed storage. This may be the entire farm (i.e., all animals and process wastewaters associated with the SPDES ID number) or a portion of the farm (e.g., one barn among many associated with the SPDES ID number).

- 2. Are there any further restrictions on farm size (medium CAFO vs. large CAFO) or current storage duration (lower than 6 months) for Round 1?**

Please refer to the Eligible Projects section of the RFP. Participating farms must be regulated by one of the CAFO General Permits and will need to provide the SPDES ID Number. At the time of proposal, the whole farm storage capacity currently in operation for the entire farm needs to be less than 6 months in order to be eligible to apply.

- 3. If a farm has been awarded funds through the AGNPS program to build a waste storage and transfer system and construction has not begun yet does this planned storage get factored into the Waste Storage Duration Calculation, Part C – question 1?**

Yes, the planned storage should be included in the storage duration calculation.

- 4. Will this RFP fund storage for solid type manure, such as a concrete heavy use area for manure solids storage?**

Yes, however, the storage system would need to be designed to have a storage capacity of at least 6 months for the wastes from the facilities to be served by the storage.

- 5. Can you elaborate on what is referred to as a "synthetic liner"?**

Per the NRCS NY Standard for Pond Sealing or Lining – Flexible Membrane (512A), a "synthetic liner" refers to a "manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material." This liner functions to restrict the seepage of water and contaminants from water and waste impoundment structures.

- 6. If a farm currently has an earthen storage and would like to expand it, how would the synthetic liner apply?**

A synthetic liner would need to be installed throughout the entire storage.

- 7. Can we plan for a storage bigger than 6-month capacity?**

Yes

- 8. Does applying for a storage that has greater than 6 months storage capacity affect the applications rating?**

No

- 9. Would the grant cover only the storage size needed to get to 6months? If a farm had 4mos now, the grant would only cover for 2mos of storage.**

Any storage system funded through the CAFO Waste Storage and Transfer System Program needs to be designed with at least a 6-month storage capacity for the wastes from the facilities to be served by the storage. Whether expanding the current storage or adding a separate storage to the system, the final capacity of the storage and transfer system must be greater than or equal to 6 months for the waste from the facilities to be served by the storage(s). A detailed explanation needs to be included in the project narrative of the application (Part C, Question 2C) including how the project will result in at least 6 months of storage for the facilities to be served.

- 10. What if the farm wanted to store an additional 4 mos. to get to 8mos.? Would the grant cover the expense of at least the first 2mos and the farm pay the rest?**

Please see the response to question 7 in the Eligible Projects section of the Q and A.

- 11. Is a concrete manure storage with clean out ramp acceptable for the grant? This would be for a farm that used sand bedding and needs a way to clean it out of the manure storage.**

Yes, this would be eligible. The proposed storage needs to meet the standards and specifications defined in the NRCS NY Standard for Waste Storage (313). Additionally, it needs to be designed with at least a 6-month storage capacity. If implementing an earthen storage, a synthetic liner is also a design requirement.

- 12. What are the BMP's that are eligible for funding? What BMP's are eligible for in-kind match? For example, are Waste Treatment-NRCS 629; flare component, and Waste Separation Facility-NRCS 632 eligible for funding or in-kind match?**

Funding is available for the implementation of Waste Storage and Transfer Systems and associated component practices. State assistance payments may be used for component practices or equipment directly related to the function of the BMP. These costs can also be used as landowner match.

- 13. We have 1 farmer that owns 2 CAFO farms. They have a permit for each farm and everything is considered separate. Would we be able to submit an application for each of these farms or do we need to account for all of the manure on both farms in 1 application?**

An application may be submitted for each farm with a unique SPDES ID. The whole farm storage duration would be for the storages currently in operation for the entire farm regulated by that particular SPDES ID.

14. Do reception pits count towards the total current available storage on the farm? What if this is the only storage the farm has and it essentially just acts as a transfer between the barn and the manure spreader?

Per the CAFO permit, Waste Storage Structure means any permanent retention facility or retention structure with a storage capacity of 7 days or longer or a storage volume equal to or greater than 10,000 gallons (<http://www.dec.ny.gov/permits/6285.html>). If the structure meets this definition, it should be included in the calculation of total storage volume.

15. Are reception pits eligible to be funded as part of a transfer system?

Reception pits would be eligible for cost share as part of a Waste Storage and Transfer System.

16. Can a farm apply for 9 months of storage?

Yes

17. Equipment: are portable pumps eligible to be cost shared?

Portable pumps are only eligible for landowner match. In general, equipment that is integral to the function of the BMP System may be cost shared or used as landowner match.

18. Can you elaborate on consent orders and eligibility? If a consent order is still "open" then would the farm be ineligible? How do we determine the status of a consent order?

If a farm has been issued a Notice of Violation and does not have a fully executed consent order that farm is not eligible to apply for the current proposal period. A consent order must be signed by the farm and the NYS Department of Environmental Conservation to be considered fully executed. You should work with the farm and your Regional DEC office to determine the status of a consent order.

19. Is funding to build a storage to house the manure solids produced via an existing separation system eligible for funding under the CAFO manure and transfer RFP?

Funding could be used to build this type of storage, however, any storage system proposed needs to have at least 6 months of storage capacity for the wastes from the facilities to be served by the storage and must meet the NRCS NY Standard for Waste Storage (313).

20. The RFP states that BMP Systems from the Ag BMP System Catalogue are to be used in developing the project. The lifespans in the Ag BMP Catalogue differ from those in NRCS FOTG. For instance, the Catalogue states a 10-year lifespan for a Waste Storage whereas FOTG states a 15 year lifespan. Which lifespan should be cited, the Catalogue or NRCS FOTG?

For the Waste Storage and Transfer System Program, please use the lifespans indicated in the Agricultural Best Management Practice Systems Catalogue.

21. We have a farm that is at 1,000 cows today and through internal herd growth (no animal purchase is planned) they will be at 1,150 cows in 6 months. Which cow number do we use for grant application purposes and manure production calculations? If the CNMP is currently planned for the 1,150 cows should we use those numbers?

The current herd size at the time of application must be used.

- 22. A farmer has inquired about the possibility of building a large satellite earthen manure storage adjacent to crop fields owned by his CAFO operation and two other CAFO operations. He wanted to know if it was possible if this large earthen storage could be used as storage with the other two farms, ultimately sharing the storage and the task of spreading the manure on adjacent fields. If this is something that is cleared with their planners and the CAFO permit, can this program cost share on the storage and/or cost share for more than one farm? If so, does the cumulative storage capacity have to be equal to six months for both farms or for the amount that their permit allows for the land that the storage will be spreading on?**

Applications must be submitted on behalf of one farm only. To be eligible, the whole farm storage duration would need to be calculated for the farm indicated on the application and must be less than 6 months. It is allowable to submit a proposal for a Waste Storage and Transfer System that has greater than 6 months of storage capacity provided the participating farm meets the match requirements indicated in the RFP. Essentially, this storage could be used by more than one farm. If funded, the farm listed on the application would ultimately be responsible to fulfill all contractual requirements.

- 23. Can we apply for 2 storages that total/equal 6 months of storage because there is not enough room to fit a 6-month storage at the farmstead facilities?**

This would only be allowable if the storages were acting as one complete waste storage and transfer system to provide at least 6 months of storage for the waste from the facilities to be served by the storages.

- 24. If we are proposing to do a pumped waste transfer system from the farmstead to a satellite storage that is already installed, does this existing storage still need to be lined? The storage has already been signed off by a P.E. to meet the standard for Waste Storage Facility.**

The synthetic liner requirement only applies to new or expanded earthen storages. However, if you are proposing to implement a standalone waste transfer, this would not be an eligible project through the CAFO Waste Storage and Transfer System Program.

- 25. If a CAFO operation leases all the barns and existing manure storages can such an operation apply or does it need to be the actual owner of the "farm"? If they can apply and are successful what additional items need to be addressed to assure life span maintenance for the duration of the bmp's.**

Yes, this operation would be eligible to apply provided the leased facilities are regulated under one of the CAFO General Permits. BMPs to be implemented on rented property should not be submitted for funding unless the District has verified that there is a written lease for the use of the property for the lifespan of the BMP (10 years). Please refer to the Eligible Projects section of the RFP.

- 26. If a farm has received funding through Round 23 and the project has not started yet, would they be eligible to apply for this grant as well?**

The farm would be eligible to apply for a Waste Storage and Transfer system. Funding from the CAFO Waste Storage and Transfer System program cannot be used to supplement other state funds and vice versa. Please refer to Question 3 of the Eligible Projects section in the Q and A document.

27. Under the CAFO waste storage and transfer system program, landowners are allowed to purchase manure application equipment as part of their match. Is there a stipulation of new vs. used equipment?

Landowners may only purchase manure application equipment as part of their match if the Waste Storage and Transfer system being implemented requires a different type of equipment. The equipment purchased, new or used, must function properly and be calibrated to the necessary specifications.

28. Can a slurry store be purchased, used, if it is functioning properly? Can used pumps be purchased?

A used Slurrystore can be cost shared provided a representative of Slurrystore oversees the construction of the storage. The storage will need to be certified that it is structurally sound and meets the NRCS standard 313 – Waste Storage. Similarly, used pumps may be purchased, but will need to be certified that they are functioning properly.

29. The CAFO Waste Storage and Transfer System Program RFP states in *Section 1.3 Available Funding*, “This amount includes the costs for personnel, *consulting*, engineering services, other direct expenses and BMP Implementation.” Please provide clarification of what “consulting” refers to in the RFP.

Consulting services refers to expenses for services which are contracted for such as private consultants (agricultural planners, cooperative extension agents, etc.)

30. A farm is interested in installing a storage with a concrete bottom and earthen walls. Does this practice, with a mix of concrete and earthen, qualify for the grant? If so, are the walls still required to have a synthetic liner?

Yes, this would be eligible, however, the walls of the storage would need to be lined with a synthetic liner.

31. The farm currently has a slurry storage that is failing and is in the process of being decommissioned. The farm is using this slurry storage right now to get them an extra month of storage, however the plan is to eliminate this slurry storage. Do I need to include this with my current storage calculation?

The whole farm storage duration calculation must include storages that are currently in operation.

32. The farm would like to install a concrete pad to contain approximately 1 to 2 months of manure solids, this pad would collect all runoff and direct it to the new manure storage. The balance of solids storage is proposed as temporary field piles. These field piles are permissible under the farm’s CAFO plan and would be utilized on an as needed basis. My question to you is would that be permissible to meet the grant requirements?

Please refer to question 4 in the Eligible Projects section of the Q and A regarding manure solids storage. Temporary field piles would not count towards the 6 month storage requirement and would not be eligible for funding. Other options to make the system provide at least 6 months of storage for the facilities to be served by the storages are discussed in the responses to question 9 and 23 in the Eligible Projects section, as well.

33. If a farm has funding from Ag Nonpoint to construct a 4 month storage, can the farm now apply under this new grant to have the storage expanded to 6 plus months? The farm would cover their "match" on each grant separately.

No.

34. If a farm is awarded funds through the grant, is there flexibility to change some aspects of the original plan/design? Such as site location or size?

If awarded funds, there is flexibility to revise the plan/design based on recommendations from the professional engineer and/or planner. The design would need to meet or exceed the requirements described in the RFP and the amount of state funds cannot exceed \$385,000.00.

35. If a farm has received EPF Rd 23 funding for a manure storage BMP but has not implemented it yet, could they return the funding to NYS and then apply for a 6 month storage in the CAFO manure storage grant Round 1?

Yes, this can be done, however, the landowner/District would need to follow the proper procedure for cancelling an AGNPS project.

36. If a farm was to be awarded under the CAFO Waste Storage and Transfer program but has not been given an executed contract would the farm still be eligible to apply for AGNPS under Round 24 to see if they could get better cost share amount?

If funded, the farm would need to follow the proper procedure for cancelling a CAFO Waste Storage and Transfer System project.

37. If the farm were to cancel their AGNPS contract, would their CAFO manure storage grant application have any demerits or be rejected for any reason?

Please review the RFP for proposal eligibility and submission requirements, as well as, a description of the funding criteria. If the proposal does not meet the eligibility or submission requirements or does not receive a total score of at least 4 points, it will be rejected.

38. Are SWCD's allowed to apply for projects on behalf of Colleges or Universities that are operating within said CAFO framework with a SPDES ID Number?

The definition of a farm in the Agriculture and Markets Law (which is the definition that is used for the CAFO WSTSP) is: "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise (AGM Article 25-AA § 301). Educational institutions are not eligible to apply for funding through the CAFO Waste Storage and Transfer System program.

39. As a follow up to Eligible Projects questions 14 and 15: If a farmer plans to apply for a large reception pit, over 7 days and/or 10,000 gallons, can the capacity of this reception pit be counted towards the 6 months storage capacity of the system that is required for the grant?

If the capacity of the reception pit meets the definition of Waste Storage Structure (per the CAFO Permit) it would be considered a Waste Storage and therefore the capacity can be counted towards the final capacity of the storage and transfer system which must be greater than or equal to 6 months for the waste from the facilities to be served by the storage(s). If this will be an earthen structure, a synthetic liner must be installed.

- 40. For the whole farm storage duration calculation in Part C-1a of the application, should we use the 100-year, 24-hour storm to determine the usable storage capacity or the 25-year, 24-hour storm event?**

Applicants may use either design storm, depending on how the storage(s) is managed under the operation and maintenance and/or wet weather standard operating procedures for the facility(ies).

- 41. A farm has several different locations under one SPDES ID Number. The location that we are applying for currently only has a 5 day storage. The farmer is looking to put in a 6 month storage at this location. If the farm has storage at the other locations, do we factor that into "current storage" for the farm or do we just use the 5 day storage that he has at this location?**

The whole farm storage duration should be based on all waste storage structures currently in operation for the entire farm. All facilities included under one permit should be included in the whole farm storage duration calculation. The landowner can apply for a storage for one facility of the farm and that storage would need to meet the design requirements indicated in the RFP.

Application

- 1. Question 1a asks for the *sum of all waste storage capacities across all storages, pits under barns, etc.* Should this number include the capacity of any reception pit, since that is usually thought of as waste transfer?**

Per the CAFO permit, Waste Storage Structure means any permanent retention facility or retention structure with a storage capacity of 7 days or longer or a storage volume equal to or greater than 10,000 gallons (<http://www.dec.ny.gov/permits/6285.html>). If the structure meets this definition, it should be included in the answer for Question 1a.

- 2. Question #1a. Is waste storage capacity "usable" storage?**

Yes. Waste storage capacity refers to the maximum volume of waste (e.g., manure, bedding, process wastewater, precipitation, etc. in gallons or in tons) that can be stored in a particular storage facility. The usable waste storage capacity excludes the volume reserved for freeboard, the design storm, and the settled solids that accumulate when following O&M.

- 3. If a farm is bringing whey onto the farm that is being added to any current storage and land applied, should that value be reflected in the waste produced?**

The calculation should only account for waste generated on the farm and not waste that is imported to the farm.

- 4. On page 1 of the application, question 1b states "Enter sum of all manures and process wastewaters produced annually for the entire farm, excluding high flow silage leachate". If a farm has livestock on pasture for a portion of the year, should the manure produced while they are on pasture be included in this calculation?**

No, manure produced while the livestock are on pasture would not be included in the calculation.

5. Do small under barn waste collection trenches count towards total storage volume?

Per the CAFO permit, Waste Storage Structure means any permanent retention facility or retention structure with a storage capacity of 7 days or longer or a storage volume equal to or greater than 10,000 gallons (<http://www.dec.ny.gov/permits/6285.html>). If the structure meets this definition, it should be included in the calculation of total storage volume.

6. A farm has total collection for the bunk system that does not receive animal waste. Questions a and b. on Part C - 1 "Enter sum of all waste storage capacities across all storages, pits and under barns, etc." and "Enter sum of all manures and process wastewaters produced annually for the entire farm, excluding high flow silage leachate." How should these questions be answered and what should be included if a farm has total collection for bunk runoff exclusively?

If a farm has a storage that is exclusively for the total collection of silage leachate you would exclude high flow leachate from the whole farm storage duration calculation. In this case, one would exclude both the volume of high flow silage leachate generated per year and the capacity of existing high flow silage leachate storage from the whole farm storage duration calculation. The applicant shall include the volume of low flow silage leachate in the whole farm storage duration calculation if it's routed to an existing manure storage.

7. If high flow silage leachate is combined with manure in an existing storage, should the high flow silage leachate volume be included in the whole farm storage duration calculation (Part C-1)?

Yes. Note, high flow silage leachate volumes are excluded from the calculation in scenarios where the high flow silage leachate is kept separate from the manure.

8. Would a proposal to store both manure and high flow silage leachate in the same storage be eligible for funding by this program?

Yes. The proposed waste storage and transfer system would need to provide at least six months of storage for all of the wastes transferred to it (for example, manure, high flow silage leachate, low flow silage leachate, manure, other process wastewaters, etc.). The goal of the CAFO WSTSP is to support manure storage capacity on farms through implementation of Waste Storage and Transfer Systems per the Ag BMP Systems Catalogue. The WSTSP is not designed to support stand-alone Silage Leachate Control and Treatment Systems per the Ag BMP Systems Catalogue, solely for the purpose of managing silage leachate.

9. Would a proposal to build a storage to exclusively collect silage leachate, but not manure, be eligible for this program?

No.

10. For capacities and production, when it comes to part "d" for whole farm storage duration, what place should we round to?

Round to the nearest tenths place.

11. On page 2 of the application, question 3a states “Is the project already designed and has the design been certified by a Professional Engineer?”.

a. Is a concept design, i.e. a plan view and engineer’s cost estimate considered to be a design, or must all design reports, details, and specifications be available at the time of application?

A concept design, plan view, and or cost estimate would not be considered a design. The District must verify that the farmer has a complete design package which has been certified by a licensed professional engineer in order to be able to respond yes to question 3a.

b. What is the cutoff date for a completed design in order to take credit for this question (i.e. November 20, 2017 for Proposal Period 1, etc.)?

A design package must be completed and certified by a licensed Professional Engineer by the deadline of each proposal period in order to respond yes to question 3a.

12. If a farm has a design for an earthen waste storage and transfer system and the design includes a clay liner, does this still qualify for the shovel readiness points?

Yes, this would still qualify for shovel readiness points. If funded, the farm would need to have the design changed to include a synthetic liner prior to implementation.

13. Do completed designs have to be amended to include HDPE liner in order to answer yes to question #3?

The District must verify that the farmer has a complete design package which has been certified by a licensed professional engineer in order to be able to respond yes to question 3a. If funded, the farm would need to have the design changed to include a synthetic liner prior to implementation.

14. When calculating the whole farm storage duration, it is not clear if we are to include the amount of rainwater that falls on (or in) an existing waste storage structure. Section 2.1 Eligible Projects says “based on the manure and process wastewaters generated by all animals...” but does not mention rainfall. Since rainfall can sometimes account for up to a third of the capacity of some existing storages, it has a direct correlation on what the existing storage duration would be. So, should we be calculating the existing storage duration to include manure, process wastewater and rainfall in the existing storage?

Yes. The whole farm storage duration calculations as well as calculations for proposed storage systems shall include precipitation volumes for any storages that can receive direct precipitation and/or runoff.

15. Does the District need to have a Board Resolution to participate in the CAFO Waste Storage and Transfer System Program for each of the Rounds?

Yes, a new resolution must be passed for each Round.

16. Can the District pass one resolution for all applications being submitted in one round of funding?

The District can pass one resolution for all applications or pass individual resolutions for each participating farm. In either case, a copy of the resolution needs to be included in the application packet.

17. Regarding the eligible costs for personal services and other services. Would tasks like contract administration, procurement, bidding, close-out, etc., be entered in the Personal Services while construction inspections, site showings, layout, etc., could be considered “other services”?

Yes

18. When completing the SW-2, should we use the appropriate dollar amounts from the SW-4 and put them in the correct locations?

Yes

19. On the application, in Section 2., it says “For the Waste Storage and Transfer system(s) proposed in this application, please provide the following (for applications proposing multiple storage and transfer systems, please repeat questions 2 and 3 for each individual storage and transfer system - see attached sheet):” We wish to submit an application that will include one new waste storage that will store all manure and process waste water from the entire operation but has three waste transfers. Do we need to fill out a separate Section 2. And 3. for each transfer or can we fill out one and describe the three transfers in 2.c.?

Questions 2 and 3 should be filled out for each Waste Storage and Transfer System proposed. If the three waste transfers are part of one Waste Storage and Transfer system, there is no need to fill out the additional pages.

20. If the farm is to cover 50% of the “total project cost” to get that point on the application, does this “total project cost” include the districts time? How about the engineering cost?

In order to qualify for the point, the cost share percentage in the landowner column of the SW 2 form would need to be 50% or greater.

21. Are the services of the farm’s CNMP planner eligible as “other services” (contributed by the landowner as cash or in-kind) for updating the CNMP annually?

The cost associated with the update of the CNMP to include the new Waste Storage and Transfer System may be used as Landowner match. Additional updates to the plan will be the sole responsibility of the landowner.

22. Are the technical services of the SWCD eligible as “other services” for annual evaluations of the project?

The costs associated with project evaluations are eligible through the CAFO Waste Storage and Transfer System program for the duration of the contract. After contract expiration, these costs may be reimbursable through the AEM Base Program.

23. Is technical assistance time spent planning with applicants for the CAFO Waste Storage & Transfer Program eligible for reimbursement under the AEM Base Program?

Time spent on technical AEM Tier work for the CAFO Waste Storage and Transfer System Program is allowable during proposal writing, between proposal submission and contract start date, and after contract expiration/end date.

24. Is the engineer's (generally AUTOCAD) plan view showing all components of the BMP system sufficient to cover the map requirement for the WSTP application, or is a GIS generated map of the farmstead and BMPS required with the application as well?

The map must show the location of the waste storage and any planned waste transfer components. If the map provided by the engineer meets this requirement it may be submitted with the application.