2011 Recommendations for Implementing Water Quality BMPs
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Background on BMPs

Despite increased presence in the media the past few years, total maximum daily loads (TMDL’s) and best management practices (BMP’s) are not new ideas. The timeline below describes actions taken by congress and regulatory agencies as early as 1972. The acronyms gained substantial media and industry recognition when a 2008 suit was filed against the federal Environmental Protection Agency (EPA), and most recently by a counter suit filed by the state of Florida.

Six months before being named as a plaintiff in the state’s counter suit, then Commissioner of Agriculture Charles Bronson urged adoption of BMPs in an open letter to Florida’s agricultural industry. Co-authored by FDEP Secretary Michael Sole, the letter provided that “Regardless of what numeric nutrient water quality criteria are ultimately adopted by the EPA, current state law gives a presumption of compliance with water quality standards to agricultural producers who enroll in and implement FDACS-adopted BMP’s. Agricultural producers who enroll in and implement FDACS BMPs demonstrate a commitment to water resource protection and help maintain support for this non-regulatory approach to meeting water quality and conservation goals.”

What should Cow/Calf producers do in 2011?

In November 2010, the EPA finalized the numeric nutrient standards for Florida, as required by settlement of the 2008 lawsuit. Following a 15-month implementation period, the standards described in the final rule will become effective. The new rule does not change the recommendations for Florida cow/calf producers. Implementing FDACS adopted BMPs continues to be the vehicle for agriculture producers in Florida to address TMDLs. Documents provided by EPA in reference to the finalized rule state that “agriculture operations will need to implement a range of State recommended BMPs to address impaired waters”. The EPA reconfirmed that FDACS BMPs are the means for agricultural nonpoint sources to comply with the federal criteria during a Numeric Nutrient Criteria webinar (http://water.epa.gov/lawsregs/rulesregs/upload/floridadec7.pdf). IFAS BMP and FDACS OAWP sources confirm that enrolling in the FDACS BMP and implementing the applicable BMPs meets both state and federal requirements for agricultural non-point sources of pollution set forth by the finalized rule.

Producers may find implementing BMPs daunting and overwhelming. There are numerous resources available, and the process is not as painful as might be expected. Here are the basic chain of events and some steps you might consider:

1. Contact your county’s livestock extension agent.
   Your county’s livestock agent can help answer preliminary questions and arrange communication with the appropriate FDACS, NRCS, or IFAS BMP personnel.
   http://solutionsforyourlife.ufl.edu/map/
2. With the BMP personnel and your livestock agent, use the manual to conduct an inventory, complete the needs assessment, and select the applicable BMPs. 

3. With BMP personnel assistance, file a Notice of Intent

4. Continue to seek technical support from IFAS extension and FDACS to implement the necessary BMPs and document your BMP efforts.

Frequently Asked Questions

Q. Will BMP implementation be expensive?
A. Implementation costs are highly variable and depend on the specific needs of the operation. Enrollment and implementation of BMPs may be successfully completed with little or no cost to the producer. That said, yes, the implementation of practices that reduce non-point sources of pollution, conserve soil and water resources, and improve water quality can be expensive under some site-specific conditions. However, there are a number of incentive programs available to reduce the financial burden. Your livestock and/or BMP agents can provide assistance with participation in these programs. Further, the BMP checklist provides an opportunity to not implement specific practices that are technically or economically not feasible.

Q. What happens if I complete the assessment but decide not to participate?
A. Operations located in areas with established TDMLs and BMAPs who do not enroll in and implement BMPs are subject to water quality monitoring and DEP and WMD enforcement, as per the Florida Watershed Restoration Act, regardless of any communication with IFAS or FDACS points of contact. Regardless of location, your name won’t be added to a list of for monitoring if you elect not to participate after completing the assessment; your name just won’t be on the list exempting you from monitoring, either.

Q. What happens after I submit my conservation plan and Notice of Intent to Implement BMPs?
A. All applicable BMPs must be implemented within 18 months of filing the Notice of Intent, unless otherwise indicated on the Checklist. Following BMP implementation, a record should be maintained of all BMP activities. A record keeping form is provided in the manual or you may develop your own. To ensure that BMPs are properly implemented, operated, and maintained, FDACS will perform random site visits. These visits will be scheduled with producers and land owners in advance. At no time will persons involved with BMP follow-up enter your property unannounced or without permission.

Additional Resources

Additional information about BMPs and their implementation can be found at the following sites:

http://floridaagwaterpolicy.com/index.html

http://bmp.ifas.ufl.edu/
For operations located in the EAA or C-139 basin: 
http://www.sfwmd.gov/portal/page/portal/xweb%20protecting%20and%20restoring/agricultural%20BMPs

For operations located in the Okeechobee Watershed: Contact FDACS Okeechobee Field Office at 863-462-5881

Contact FDACS staff at (850) 617-1727 or AgBmpHelp@doacs.state.fl.us

Summary

- Water quality BMPs were recommended before the EPA set numeric standards, as required in the settlement of a 2008 lawsuit.
- Water quality BMPs were recommended by EPA in their final rule, and continue to be the vehicle for cow/calf producers to address TDMLs and impaired waters.
- Your county’s extension office can direct you to the appropriate FDACS field personnel, provide the BMP manual, and assist with any questions you might have.