



Defending Agriculture 

Legal, environmental hot button issues that impact U.S. farmers.

Will the Environmental Protection Agency Clamp Down on Runoff?

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Environmental legal groups, US Department of Justice and EPA attorneys have cooked up a deal to control run-off from your farm or ranch. Are you ready to be required to obtain a Clean Water Act permit for your farming operation?

You may not know about Clean Water Act permits, otherwise known as NPDES permits. All industry and publicly owned treatment works must have these permits, which are written by your friendly regional EPA office and subject to public notice and comment. Then EPA may decide after receiving this comment to issue the permit or make changes in limiting the amount of pollutants that may be discharged to a water of the United States.

In an action where law is being created through a Consent Order signed by a U.S. District Court Judge, a new approach under the Clean Water Act will likely require farmers in Florida in the future to have legal limits set on the runoff coming from their farms which goes into Florida waterways.

In fact the environmental groups filing the law suit believe the consent order model developed between themselves, EPA and Department of Justice lawyers will serve as a model for other states.

It appears, for the first time, that EPA will start developing and setting a numeric number to control runoff from farming and ranching operations. This would mean there will be limits on the runoff that might contain waste or fertilizer from your farm or ranch based on nutrient quality standards (read as limits for phosphorous and nitrogen runoff).

This Consent Order appears to ignore the language of the agricultural storm water runoff exemption that we in agriculture have enjoyed since 1973. The environmental community believes that rain causes runoff with contaminants to run into the waterways of the US. They believe that Agricultural runoff from our farms is harming and possibly poisoning ecosystems.

The law suit, with the deal cut in the Consent Order, will be the first time where EPA will be issuing standards of numeric limits to limit runoff from Florida's farms

The environmental groups believe that with numeric limits developed in water quality standards it will be much easier for EPA or environmental groups to force the regulation of agricultural runoff from farms and ranches.

The environmental groups are crediting the new administration for quick action in attempting to regulate nutrient runoff and compare this action to the foot dragging of the Bush administration.

A number of agricultural groups in Florida sought to intervene. They have a court order seeking a hearing on the Consent Decree.

Individuals involved in tillage and animal agriculture better hope industry's lawyers point out there is an agricultural storm water exemption that Congress has made very clear when courts have in the past tried to regulate runoff from our fields and ranches.

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