

Is Your Operation a Concentrated Animal Feeding Operation?

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I am sure if you raise poultry on Delmarva, you have heard about the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) permitting rule for Concentrated Animal Feeding Operations (CAFO). EPA's Clean Water Act NPDES permitting rule for CAFOs was published on November 20, 2008. An operation must have a permit if it meets the definition of a CAFO and "discharges or proposes to discharge pollutants to waters of the United States".

EPA interprets pollutants as stormwater that contacts any manure, feathers, or dust in the production area or the area where buildings contain animal manure, compost and feed. According to the rule, a CAFO is an Animal Feeding Operation (AFO) defined as one of the following: 1.) a large CAFO houses 125,000 chickens or more; or 2.) a medium CAFO houses 37,500 to 124,999 chickens and either has a manmade ditch or pipe that carries manure to surface water or the animals come in contact with surface water that passes through the area where they are confined. A small AFO (less than 37,500 chickens) is not a CAFO by regulatory definition, but may be defined as a CAFO on a case by case basis. Two or more AFOs with common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

Under the final rule, any CAFO that discharges or proposes to discharge is required to seek a permit. EPA clarifies that "a CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge will occur." According to EPA, it is "very likely" a farmer will need a permit if there is a conveyance system (swales/pipes) in the production area and the conveyance system leads to waters of the state directly or through a conveyance such as ditch.

There is also a "No Discharge Certification" option under the final rule. To certify that a CAFO does not discharge or propose to discharge, the owner of a CAFO must document, "based on an objective assessment of the conditions at the CAFO, that the CAFO is designed, constructed, operated and maintained in a manner such that the CAFO will not discharge." There are several criteria listed in the rule that must be documented by the CAFO to be eligible for no discharge certification. For more details about this certification and other permitting requirements go to http://www.epa.gov/npdes/regulations/cafo_final_rule2008_comp.pdf.

If you live in Maryland and your operation is not a CAFO, it may be a Maryland Animal Feeding Operation (MAFO). If the capacity of your operation is greater than or equal to 125,000 birds or the total square footage of your poultry houses is greater than or equal to 100,000 square feet and runoff from your production area does not discharge water to surface waters your operation is a MAFO. Maryland's General Permit for MAFOs will take effect on December 1, 2009. MAFOs must submit a Notice of Intent (NOI) and other required documents by March 1, 2010. For an explanation of CAFOs and MAFOs go to http://www.mde.state.md.us/assets/document/MDE_CAFO_MAFO_Checklist_102809.pdf or call the Maryland Department of the Environment at 410-537-4423.

As a poultry grower you may be asking yourself "If I am a CAFO, how do I apply for a permit?" An owner of a CAFO can seek coverage under a permit by submitting a site-specific Comprehensive Nutrient Management Plan (CNMP) or Nutrient Management Plan (NMP) and Conservation Plan as part of the Notice of Intent (NOI) to your state NPDES programs. These plans must address the following issues:

1. Adequate storage capacity for animal waste
2. Mortality management
3. Clean water management
4. Prevent direct contact of confined animals with waters of the State
5. Chemical management
6. Conservation practices
7. Manure, litter, soil, and process wastewater analysis
8. Land application of animal waste
9. Recordkeeping.

A CNMP is a soil and water quality conservation plan that is fully integrated with a nutrient management plan. It is a specific farm plan to ensure that producers make the best use of manure and poultry litter while also protecting water quality. If you do not have a CNMP, the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) or a NRCS certified technical service provider will work with you to create a CNMP that best meets your management objectives and environmental concerns. The components of a CNMP include a description of manure storage structures, handling methods, application rates, erosion control practices, guidance on when and where to apply manure and litter and a recordkeeping tool.

If you are unable to obtain a CNMP immediately and live in Maryland, a CNMP Status Form must be completed and submitted along with the NOI.

http://www.mde.state.md.us/assets/document/CNMP_Status_Form.pdf

Since CAFOs are classified as point source permits, the public has a right to see the permit or specific practices to prevent pollutants from entering public waters. Your state NPDES programs are the primary contact for submitting an application or NOI. Information for submitting an application can be found at the following:

Virginia: <http://beta.deq.virginia.gov/vpa/cafo.html> or call 804-698-4059

Delaware: http://dda.delaware.gov/nutrients/nm_CAF0.shtml or call 302-698-4555

Maryland <http://www.mde.state.md.us/assets/document/AFO-NOI-09.pdf> or call 410-537-4423.

The deadline to file for a federal NPDES permit was February 27, 2009. If you are a CAFO and have not submitted a NOI and other required documents you should apply for coverage as soon as possible.

EPA has already conducted and will continue to conduct CAFO inspections on poultry farms on Delmarva. There is no doubt the water quality of the Chesapeake Bay and its tributaries is important to all of us living on the Delmarva Peninsula. It is important to manage your farm for water quality protection while demonstrating compliance with EPA's NPDES rule. Therefore updating your NMP, if you have a change in your operation (increase capacity, decrease acreage, etc), maintaining waste storage facilities and composters, practicing good housekeeping (minimize spillage of litter, cleaning high use area pads, etc) and maintaining good records are four important management practices that should be implemented to reduce and eliminate discharge from your operation.

There are some federal resources available to help CAFOs develop their NMPs. EPA has awarded \$8 million in federal grants for providing technical assistance to animal feeding operations for the prevention of water discharges and reduction of air emissions. CAFO owners can obtain a NMP and receive an environmental assessment at no cost under these grants. More information on this program can be found at <http://livestock.rti.org/Home/tabid/36/Default.aspx>. Also check with your county soil conservation office on the availability of cost share funds to develop a CNMP.