



## Poultry Operations

- Regulatory Update -

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## Points to Cover

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- CAFO Rule for Poultry Producers
- Poultry House Construction Permit
- Animal Manure Handler Rule
- Regulating Poultry House Air Emissions



## Georgia's CAFO Poultry Rule

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Animal (non-swine) Feeding Operation Permit Rule – approved by DNR August 2003 includes:

1. Liquid Manure Handling Systems
2. Dry Manure Handling Systems

## Federal CAFO Rule History

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- Clean Water Act 1972
  - CAFO Guidelines and Permits
- Non-point source emphasis 1987
- Proposed CAFO Rule 2001
- Final CAFO Rule 2003
- 2<sup>nd</sup> Circuit Court Rule 2005
- Final CAFO Rule 2008
- Proposed NPDES CAFO Reporting Rule 2011
- State response 2012

## Designation


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Any livestock operation, regardless of size, may be subject to CAFO permitting if it is determined (Georgia EPD) to be a significant source of pollution



### Permits for Poultry Operations - Liquid Systems

- LAS Permit
  - ▶ 9,000 laying hens or broilers using a liquid manure handling system
  - ▶ 16,500 turkeys
  - ▶ 1500 ducks
- NPDES Permit
  - ▶ 30,000 laying hens
  - ▶ 5,000 ducks
  - ▶ 55,000 turkeys



### Permit Components for Dry Manure Systems


- CAFOs must apply for coverage under a general NPDES permit
- Must have CNMP in place, available for review
- Does not require certified planner/operator with certification training for CNMP
- Set backs
  - ▶ 100 feet between disposal areas and surface water bodies, streams, wetlands or 35 feet of permanent vegetated buffer
  - ▶ setbacks must be under operator's control

### Permit Requirements for Liquid Manure Systems

- Required to submit CNMP to Georgia EPD
- Required to have certified operator
- Required to have 4 hrs of continuing education every two years
- Required to submit an annual report to EPD
  1. Type and number of animals
  2. Manure production
  3. Land application
  4. Manure transferred to others
  5. Summary of discharges

### Dry Manure Systems continued


- Annual analysis of litter for N and P
- Soil testing for P at least once every five years
- Required to submit an annual report to EPD (not required to submit CNMP)
  1. Type and number of animals
  2. Litter production
  3. Litter land applied
  4. Litter transferred to others



### Permits for Poultry Operations - Dry Systems

NPDES Permit

- ▶ 125,000 broilers or breeder hens
- ▶ 82,000 laying hens
- ▶ 55,000 turkeys
- ▶ 30,000 ducks



### CNMPs and Phosphorus

- All permitted poultry operations are required to assess phosphorus risk in the CNMP
- *Phosphorus-Index* will be the tool used for risk assessment

## The Phosphorus Index

1. Takes into consideration factors such as: Soil type, slope of the land, proximity to water, soil test phosphorus level, timing and method of application, solubility of litter phosphorus, erosion potential, etc.
2. Will determine high risk fields.
3. Only high risk fields will be required to use a phosphorus-based plan.
4. **Most farms are able to operate from nitrogen-based plans.**

## So.....what about 2011?

- Georgia EPD is drafting rule changes to match changes to the federal CAFO rule.
- Timeline for rule change completion: 6 to 12 months.
- Significant modification: dry manure operations will not be required to obtain NPDES permit regardless of size of operation.
- Pressure back on industry to promote NMPs from within.

## Changes from 2008

- Only CAFOs that discharge or propose to must apply for a permit. A CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge will occur. The terms of the NMP must be incorporated into the permit.
- Public notice is required. The permitting authority must incorporate the terms of the NMP into the permit.

## NMPs for Poultry Producers

1. All poultry operations in Georgia need to have a Nutrient Management Plan!
2. Plans need to be working documents!
3. New regulation is a quick a court action or an administration change.



## So.....what about 2011?

- 656 broiler operations meet capacity requirements
- 123 permitted for coverage under NPDES
- 313 issued "complete and adequate" letter
  - Those grandfathered into the program
- 220 have not applied for permit or have not submitted a "processable" application
- Federal rule is still in force!

## Poultry House Construction Permit - Georgia Water Quality Control Act

Storm water management / erosion control permit for soil disturbance

### What is needed for compliance

- Submission of a Notice of Intent (NOI)
- Erosion, Sedimentation and Pollution Control Plan
- Submission of a Notice of Termination

### Animal Manure Handlers Regulation (GDA)

Directed toward individuals in the business of removing and transporting manure from livestock operations



### ESPCP Components

- Site map
- Stabilization BMPs
- Certified by a qualified design professional (\$\$\$)
- Weekly inspections by qualified inspector



### Exemptions

- Persons who handle less than 5,000 gallons or 5 tons of manure per year.
- Persons who solely handle manure that originates from their own operation and is deposited on property under their control.
- Persons who solely transport and land apply manure onto their own property that has originated from another operation.
- Exemptions may be given for other purposes (eg. Composting)

### ESPCP Components

- Rainfall monitoring
- Fee - \$80.00 per disturbed acre
- Water sampling for turbidity where appropriate

### Manure Handler Permit Requirements

- Must receive permit from the GDA.
- Biosecurity precautions must be exercised.
- Spreaders must be calibrated at least once a year.
- Stored manure must be covered.
- Storage must be 200 feet from property lines unless otherwise approved.
- Manure shall not be allowed to come in contact with ground water or exposed to excessive runoff.

## Requirements Continued

- Analysis of manure must be provided by the producer (given to recipient).
- Mortality removed from the litter.
- Land application set backs
  - 100 feet between disposal areas and surface water bodies, streams, wetlands or 35 feet of permanent vegetated buffer.
  - At least 100 feet from any well.
- Applied manure does not leave property (eg. Across fence rows)

## Regulating Poultry House Air Emissions

Coming to a neighborhood near you

## Requirements Continued

- Must keep records on: origination of manure, manure analysis, date and amount delivered, rate of application, calibration date and method.
- Records must be available upon request.



## Citizen Actions

- 2001 jury awarded 21 neighbors of Buckeye Egg Farm \$19.7 million due to nuisance odors and flies
  - \$4 mil compensatory, \$15.7 punitive
- Sierra Club v. EPA Suit to enforce 100 lb./day NH<sub>3</sub> reportable limit under CERCLA and EPCRA for agriculture
  - EPCRA reporting as result
- 2006 GA Supreme Court
  - Poultry houses not nuisances per se

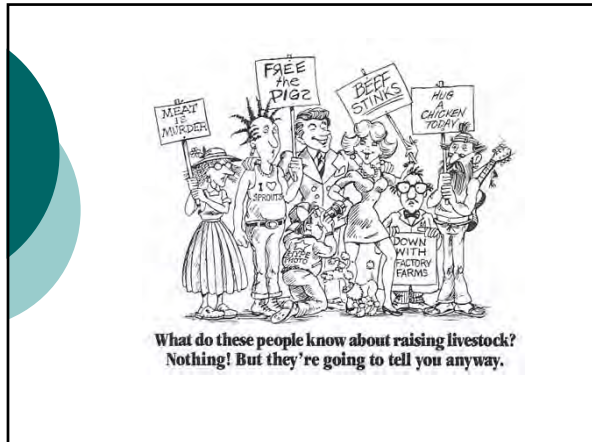
## Penalties

- GDA may revoke permit
- GDA may impose a penalty not to exceed \$1,000 for each violation



## Regulating Poultry House Air Emissions

- 2003 Kentucky Federal District Court ruled:
  - ▶ Integrators have joint responsibility for house emissions
  - ▶ Houses added together for compliance with Superfund 100 lb/day threshold for ammonia reporting
- USEPA developing Air Quality Strategy and Emissions Inventory for agriculture
- USEPA developing guidance documents for agricultural air emissions regulation



## Information Sources

► <http://www.epa.gov/npdes/caforule>



## Questions?

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