



Delaware Concentrated Animal Feeding Operation (CAFO) Program

The Delaware Nutrient Management Commission, Department of Agriculture, and Department of Natural Resources and Environmental Control have approved regulations to create the Delaware Concentrated Animal Feeding Operation (CAFO) program. These regulations were published in the September Register of Regulations and became effective September 11, 2005.

Why did these regulations come about?

The Delaware CAFO standards are required by regulations issued by the Environmental Protection Agency (EPA) through the Clean Water Act (CWA). The intent of the Act, Federal and State regulation is to eliminate the discharge of pollutants from Animal Feeding Operations (AFOs). Authority for CAFO permits falls under the Department of Natural Resource and Environmental Control but will be administered by the State Nutrient Management Program within the Department of Agriculture. The responsibilities of all agencies are outlined in a detailed Memorandum of Agreement.

Who is affected?

1. CAFOs

An Animal Feeding Operation that demonstrates a discharge to the environment is deemed a CAFO and is required to comply with the CAFO regulations. A discharge is generally defined as indicated:

- Animals in surface water;
- Improper mortality management, such as burial;
- Spills or discharges from the manure management system, resulting from a rainfall event of less than approximately 6 inches within a 24 hour period; or
- Non-compliance with the State Nutrient Management Law.

2. Large AFOs

An operation with equal to or higher than the number of animals specified in any of the following categories is considered a large animal feeding operation (AFO) and must fully comply with the Delaware Nutrient Management Law by January 2006 or submit a Notice of Intent to comply with the CAFO regulations.

- 1,000 beef cattle or heifers,
- 700 mature dairy cattle (whether milked or dry cows),
- 2,500 swine each weighing over 55 pounds,
- 10,000 swine weighing under 55 pounds,
- 500 horses,
- 10,000 sheep or lambs,
- 55,000 turkeys,
- 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system,
- 125,000 chickens except laying hens (if other than a liquid manure handling system),
- 82,000 laying hens (if other than a liquid manure handling system),
- 1,000 veal calves

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A large AFO such as this poultry farm will need a permit if they discharge pollutants.



Compliance with the State Nutrient Management Law means:

- Having and implementing a nutrient management plan that meets the State Nutrient Management Program (SNMP) requirements, such as phosphorus based application rates;
- Obtaining and maintaining nutrient management certification;
- Maintaining appropriate records, such as fertilizer and manure application amounts and dates; and
- Submission of an annual report.

What are the requirements for a CAFO?

- The submission of a signed notice of intent by the farm owner or management; this is a legal document stating that the operation will meet the intent of the law.;
- A nutrient management plan; which must be developed by a certified consultant according to the SNMP standards;
- Adequate mortality management; which includes composting, rendering or landfill disposal but does not include the burial of mortalities;
- Adequate manure storage; this includes permanent and or temporary storage as approved by the Commission, in such a manner as to prevent a discharge;
- Separation of clean water from manure and or animals; such as fencing animals out of streams or ensuring roof runoff does not enter a facility and contact animals or manure;
- Manure application setbacks to surface waters and ditches; these may include setbacks, vegetative buffers, cover crops and incorporation of manure;
- Certification through the State Nutrient Management Program; must obtain and maintain certification at the appropriate level;
- Submission of an annual report; this report detailing fertilizer and manure usage and manure exports, which is to be submitted by March 1 of the following year;
- Manure management records; including manure analysis, manure generation, land application and exportation.

When does this affect AFOs?

For those requiring a permit the Notice of Intent should be submitted within 120 days (January 9, 2006) after the effective date (September 11, 2005) of the regulations. For large AFOs as listed above by January 1, 2006, you must be in full compliance with the State Nutrient Management Program, or submit a Notice of Intent.

For more information or a copy of the regulations:

Contact the Nutrient Management Program at (302) 698-4500; or visit our website at:

<http://www.state.de.us/deptagri/nutrients/index.shtml>

KEY

DEADLINES:

For farms requesting or required to obtain CAFO coverage must apply for Notice of Intent January 9, 2006.

January 1, 2006, large AFOs (125,000 birds) must be in full compliance with State Nutrient Management Program.

DEFINITIONS:

Animal Feeding Operation or AFO: A lot or facility (other than an aquatic animal production facility) where the animals have been, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth or post-harvest residues in the normal growing season.

Concentrated Animal Feeding Operation or CAFO: An animal feeding operation that is subject to the terms and conditions of the regulations.



DELAWARE NUTRIENT MANAGEMENT

2320 S. DuPont Highway

Dover, DE 19901

1-800-282-8685 (DE Only)

(302) 698-4500



Website: www.state.de.us/deptagr

Email: nutrient.management@state.de.us

Fax: (302) 697-6288

Delaware Concentrated Animal Feeding Operation (CAFO) NOTICE OF INTENT (NOI) And Application for Coverage

CONTACT INFORMATION					
Name of applicant, operator, or person managing operation:					
Farm or Business Name:					
Address:					
City:		State:		Zip Code:	
Telephone: ()		Fax: ()		Email:	
OWNER'S CONTACT INFORMATION					
<input type="checkbox"/> Same as above					
Owner's Name:					
Address:					
City:		State:		Zip Code:	
Telephone: ()		Fax: ()			
OPERATION DATA					
911 Emergency Address or Closest Road Name to intersection of CAFO:					
Watershed ID/Receiving Stream/Waterbody:					
Animal Type and Quantity:	<input type="checkbox"/> Poultry:	<input type="checkbox"/> Dairy:	<input type="checkbox"/> Beef:	<input type="checkbox"/> Horse:	<input type="checkbox"/> Other: (specify)
<input type="checkbox"/> Existing Facility	<input type="checkbox"/> New or Expanding Facility / Date of projected occupancy: _____				
Manure Storage Capacity: _____ tons/gals					
Manure Storage System: <input type="checkbox"/> Liquid <input type="checkbox"/> Solid <input type="checkbox"/> Other: _____					
Process Wastewater Storage Capacity: _____ tons/gals					
Animal Mortality Handling System: <input type="checkbox"/> Composter <input type="checkbox"/> Rendering <input type="checkbox"/> Other: _____					
Land under control and available for manure application _____					
ANNUAL BUDGET					
of intended manure disposition identifying the following:					
<input type="checkbox"/> Manure Generation:					
<input type="checkbox"/> Process Wastewater Generation:					
<input type="checkbox"/> Land Application:					
<input type="checkbox"/> Exportation from farm operation:					
<input type="checkbox"/> Other Use:					

I certify under penalty of law that this NOI is completed to the best of my knowledge. I agree to prepare and implement a nutrient management plan in accordance with the requirements of a general or individual CAFO permit. I certify as the owner or manager of the above facility and take primary responsibility for the actions and management of the facility.

Signature

Name Printed

Date

How to get involved and voice your opinion:

Meet and talk to commission members.

Attend commission meeting; contact the Delaware Nutrient Management

Program for dates and locations.

Nutrient Management Program

(302) 698-4500

or

1-800-282-8685

•Bill Rohrer

Program Administrator

•Steve Hollenbeck

Environmental Coordinator

•Chris Robinson

Nutrient Management Coordinator

•Maryann Pielmeier

Administrative Specialist

•Judy Baines

Office Assistant

University of Delaware

•Dr. Dave Hansen

(302) 856-7303

•Dr. Greg Binford

(302) 831-2146

•Sydney Riggi

(302) 856-2585 (x383)

County Extension Offices

•Carl Davis-New Castle

(302) 831-2506

•Gordon Johnson-Kent

(302) 697-4000

•Derby Walker-Sussex

(302) 856-7303



Email:

nutrient.management@state.de.us

Website: www.state.de.us/deptagri

Upcoming DNMC Meeting

October 11

November 8

December 13

DDA, Dover, DE

Doc. 65-01-25/05/10/01

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Delaware Nutrient Management Commission

<u>Name-Appointment</u>	<u>Contact Info.</u>	<u>Representation</u>	<u>Title</u>
William Vanderwende-Senate	(302) 349-4423	Sussex County Dairy Producer, DNMC Chairman	
Mark Adkins-Governor	(302) 732-3007	Sussex County Swine Producer	
David Baker-Senate	(302) 378-3750	New Castle County Grain Industry, Personnel Subcommittee, DNMC Vice Chairman	
Robert Baldwin-Governor	(302) 739-4411	Director, Division of Soil & Water Conservation, DNREC	
Jack Manchester-Governor	(302) 994-5544	New Castle County Citizens	
Carlton Fifer-Senate	(302) 697-2141	Kent County Vegetable Industry	
Tony Keen Senate	(302) 684-3196	Nutrient Consultant, Technology Subcommittee Chairman	
Connie Larimore-House of Representative	(302) 398-8304	Kent County Poultry Producer, Budget Subcommittee Chairman	
Ed Lewandowski-House of Representatives	(302) 645-7325	Environmental Advocacy Group, Rules & Regulations Subcommittee Chairman	
Bud O'Neill-Governor	(302) 363-1353	Golf Course/Lawn Care	
Brian Schilling-House of Representatives	(302) 934-7684	Commercial Applicator, Industry Relations Chairman	
Carl Solberg-Senate	(302) 492-1225	Environmental Advocacy Group, Program & Education Subcommittee Chairman	
Richard Sterling-Governor	(302) 653-7060	Commercial Nursery Industry	
Charles West II-House of Representatives	(302) 238-0137	Sussex County Poultry Producer	
Michael T. Seuse (Ex-Officio)	(302) 698-4500	Secretary, Department of Agriculture	
John Hughes (Ex-Officio)	(302) 739-4403	Secretary, DNREC	
Gerald Llewellyn (Ex-Officio)	(302) 744-4540	Department of Health and Social Services	
William Rohrer, Jr. (Ex-Officio) DNMC	(302) 698-4500	Nutrient Management Program Administrator	

Delaware Nutrient Management Program

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Dover, DE 19901