



What is all the talk about CAFO permits?

In less than four months, the number of Delaware farms that operated under a Concentrated Animal Feeding Operation (CAFO) permit went from 17 to 352. The increase in permit coverage followed an aggressive outreach campaign in February by the Environmental Protection Agency (EPA). They presented news about a new federal regulation that requires permit coverage for certain farms that discharge pollutants into public waters such as streams or drainage ditches. EPA has interpreted pollutants as stormwater that contacts any manure, feathers or dust in the production area, or the area where buildings contain animals, manure, compost and feed. With the drainage ditch systems throughout Delaware, this interpretation affected many poultry and other farms. Currently, there are 338 poultry farms operating under a CAFO permit, which represents approximately 128 million birds grown in one year, or 52.1% of all the poultry produced in Delaware.

The following breakdown depicts the different farm types:

Farms Operating under a CAFO Permit

Type of Farm	Number of Farms
Poultry	338
Dairy	11
Horse	3
Beef	1
Swine	1

The state continues to administer this CAFO program under EPA’s umbrella of Clean Water Act authority. EPA and State officials have been meeting since March and will continue until December 2009 to resolve several different topics. It is likely that the state will be updating the CAFO regulations in 2010 to address some of the regulatory deficiencies EPA presented to the state officials. In the meantime, farms that operate under this permit system should continue to comply with the current CAFO requirements as summarized in this newsletter.

So you have a CAFO permit; What’s next?

CAFO permits are not issued like a building permit from the County. Permit coverage is obtained by submitting a Notice of Intent, or NOI. This NOI is a written commitment by the applicant to comply with the CAFO regulation, which is the permit designed as a general permit. This general permit is a bona fide National Pollutant Discharge Elimination System (NPDES) point source permit authorized by the Clean Water Act. Once a NOI is provided to the State Nutrient Management Program, a letter confirming permit coverage is returned to the applicant. The next step for permit holders is to evaluate their compliance with the permit requirements. As the State continues to address some of these details with EPA, the basic requirements for permit compliance can be classified into two categories; administrative and farm specific. *Continued...*

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Cover crop planted in the winter to take up excess nutrients



Mark
Your
Calendar
Upcoming
Full
Commission
Meetings

Meetings begin 7:00 pm

2009

July 14

August 11

September 8

October 13

Administrative Requirements:

The easiest way to comply with federal CAFO requirements is to comply with the State Nutrient Management Law requirements as follows:

- Maintain a current certification which demonstrates accountability by education.
- Maintain a current Phosphorous limited nutrient management plan developed by a certified nutrient management consultant.
- Maintain records of implementation for all manure and fertilizer generated and/or applied for crop production or exported.
- Continue submitting annual reports to the State nutrient management office which documents the generation, storage and end use of manure and fertilizer.

Additional requirements for CAFOs:

- The current nutrient management plan must be provided to the nutrient management office as a part of the NOI. This requirement is different than what is required by the State Nutrient Management Law because federal regulations require the plan to be part of the permit. Furthermore, the plan submitted as part of the permit is not protected from public review. Since CAFO permits are classified as point source permits, the public has a right see the permit or specific practices to prevent pollutants from entering public waters. However; should anyone from the public request to see a nutrient management plan, the farmer will be informed.
- Additional components of the nutrient management plan such as the practices required to meet the farm specific requirements. Many of these practices are found in a standard conservation plan traditionally provided by the County Conservation Districts. For now, the best protection for permit holders is to maintain the current conservation plan with the current nutrient management plan.

Farm Specific Requirements:

Most of the farm specific requirements apply to the production area, as described in the first paragraph, and are intended to prevent pollutants from leaving the farm with stormwater. The following farm specific practices are required by a CAFO permit:

- Adequate storage of manure as defined by at least four months of storage. For most poultry farms, a six month storage system is designed by the Conservation Districts and is ideal for flexibility in manure management.
- Proper mortality management such as composting or other means that protect surface or ground water. In general, any mortality management under roof is acceptable and burial of mortalities is not acceptable.
- Clean water management and conservation practices within the production area are very site-specific and dependent on the drainage systems of the farm. Many of the risks and recommended practices are outline in the stormwater section of this newsletter. All manure should be protected from stormwater. Incidental manure, feathers and dust should be treated with vegetative buffers and other common practices.
- Manure application according to the recommendations in the nutrient management plan. Specific application requirements apply to farms that generate manure under a CAFO permit and utilize the manure for crop production under the CAFO permit. When applying around ditches, streams and other sensitive waters, practices such as application setbacks, vegetative buffers or cover crops are required.



Manure storage shed to keep manure under cover and concrete pads to assist in sweeping up spilled manure



How Should I Manage Stormwater?

Over the past two years, EPA has intensely focused on stormwater leaving the production area of farms. EPA has informed state officials and the agricultural industry that CAFO permits are needed primarily because stormwater transports nutrients and pathogens to public waters. There are tools being developed to better evaluate farm runoff from the production areas, but in general, the following risks and practices can be evaluated.

High risks for the production area:

- Stormwater from a 6 inch, 24 hr rainfall event drains to public waters or drainage systems other than farm ponds or private lakes.
- Visible manure (including incidental) not protected by a roof and within 100 feet of a public water or drainage ditch.
- Confinement buildings, manure sheds or composting structures within 100 feet of a public water or drainage ditch
- Any manure storage exposed to rainfall within the production area.

Best management Practices for risks

- Adequate manure storage to prevent exposure to rainfall.
- Exportation of all manure without on-site storage.
- At least 80% of the drainage surface areas around buildings are vegetated with perennial grasses.
- Water control structures within the drainage ditch systems.
- 100 foot vegetative buffers in the drainage area to the point of stream or ditch discharge.
- Concrete pads, level and clean surfaces at access doors of confinement buildings.
- Ponds or wetlands that provide storm flow control, nutrient sinks and erosion control.



Farm pond to trap runoff from production areas



Vegetated Buffer next to tax ditch

To view the farm names that operate under a CAFO permit, or for additional information, please visit http://dda.delaware.gov/nutrients/nm_CAFO.shtml or call (302) 698.4500

Contact
Your
County
Conservation
District
Office

For
Technical and
Financial
Assistance
with
Nutrient
Management
Projects

New Castle
County
(302) 832.3100

Kent County
(302) 741.2600
Extension 3

Sussex County
(302) 856.3990

How to get involved and voice your opinion:



Meet and talk to
commission members
Attend commission meetings
Contact the Delaware Nutrient
Management Program
for dates and locations.

Nutrient Management Program

(302) 698.4500

or

1.800.282.8685

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Delaware Nutrient Management Commission

Name-Appointment	Contact Info.	Representation	Title
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, Planning Subcommittee Chairman, DNMC Vice Chairman	
Robert Baldwin-Governor	(302) 739-9921	Director, Division of Soil & Water Conservation, DNREC	
Kenneth Blessing Jr.-Senate	(302) 422-5746	Kent County Vegetable Farmer, Budget Subcommittee Chairman	
Nyle Callaway III-Governor	(302) 422-4094	Kent County Citizen	
Jim Elliott-House of Representatives	(302) 337-3653	Environmental Advocacy Group	
Laura Hill-House of Representatives	(302) 945-0725	Sussex County Poultry Producer	
Tony Keen - Senate	(302) 684-3196	Nutrient Consultant, Technology Subcommittee Chairman	
Larry Lee-House of Representatives	(302) 424-2835	Commercial Applicator	
Bud O'Neill-Governor	(302) 363-1353	Golf Course/Lawn Care, Personnel Subcommittee Chairman	
Carl Solberg-Senate	(302) 774-2490	Environmental Advocacy Group, Program & Education Subcommittee Chairman	
Richard Sterling-Governor	(302) 653-7060	Commercial Nursery Industry	
VACANT		New Castle County Poultry Producer	
Scott Webb-House of Representative	(302) 381-0402	Kent County Poultry Producer	
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David Small (Ex-Officio)	(302) 739-9903	Deputy Secretary, DNREC	
Gerald Llewellyn (Ex-Officio)	(302) 744-4824	Department of Health and Social Services	
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Delaware Nutrient Management Program

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