



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

# **Dairy Managers Webinar**

## **Water Quality**

**December 11, 2012**

# Pennsylvania CAFO Program

- **Federal program** delegated to PA-DEP to administer
- Regulates **larger** animal operations (CAFOs) defined as:
  - More than 1,000 Animal Units (750 cows, 2,500 sows, 1,000 horses);
  - More than 300 Animal units *and* a CAO (~230 cows);
    - or
    - Meet EPA animal threshold numbers
      - 500 horses
      - 700 mature dairy cows
      - 1,000 beef cattle
      - 2,500 market swine
      - 82,000 layers, dry manure
      - 125,000 broilers, dry manure
      - 10,000 sheep or lambs

# Pennsylvania CAFO Program

- Requires **operation permit** (NPDES) from DEP
  - Individual or general
- Generally, **same NMP** as CAOs:
  - Application rates, setbacks, fall/winter restrictions, as CAOs
  - Exported manure requirements same as CAOs
- **But several additional manure management restrictions on CAFOs:**
  - Manure application setbacks required on more than just flowing streams,
  - 14 day in-field stacking limitation (*unless covered, or on an improved area*)
  - Manure storage permit for operations with > 1,000 AEUs
  - Winter application
- Requires **Odor Management Plan** for new barns and storages

# CAFO General Permit Revision (PAG-12)

- Reason for Revisions
- General Permits must be renewed every 5 years
  - Current permit scheduled to expire on March 31, 2013
- EPA Revised NPDES Regulation in 2008
- Opportunity to Clarify Existing State Regulations

# CAFO General Permit Revision (PAG-12)

- Revision Process
- EPA General Permit Revision Review(s)
  - Draft submitted to EPA on May 1, 2012
  - Formal EPA Review on Aug 22, 2012
  - EPA Comments November 22, 2012
- Ag Advisory Board / AAB Workgroup
  - Discussed at three AAB Meeting
  - Reviewed twice with AAB CAFO Workgroup
- Formal Public Comment: Oct. 27 – Nov. 26, 2012

# CAFO General Permit Revision (PAG-12)

- Major Changes
  - Animal Types and Numbers
  - Clarify Who May or May not be Covered by this Permit
  - Clarification of Major / Minor Permit Modifications
  - Winter Spreading Notification
- Comment Period
  - Ended November 26, 2012
  - Seven (7) Commentators
- Publish as final
  - Early 2013 in preparation for March 2013 expiration

# Winter Spreading

- EPA wanted full prohibition
- DEP preserved winter spreading in PA
- DEP negotiated “notice requirement”
- DEP developing form to submit
- Requirement is minimum 48 hour notice

# Permit Decision Guarantee

- CAFO Standard Operating Procedures (SOPs)
- Individual Permit
  - 143 Business Days
  - Regional Office - Clean Water Program
  - SOP available on DEP website
- General Permit (PAG-12)
  - 43 Business Days
  - Regional Office - Clean Water Program
  - SOP available on DEP website

# EPA CAFO Program Review

- DEP planning joint letter with Dept. of Agriculture
- EPA is seeking comment on:
  - whether there is a “continued need” for the CAFO rule;
  - the nature of complaints received on this rule;
  - the complexity of the rule;
  - the extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local government rules; and
  - the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Comments until Dec 30, 2012

Docket ID No. EPA-HQ-OW-2012-0813 on <http://www.regulations.gov>

# Impact of Chesapeake Bay TMDL

- “Enhanced Oversight” of Ag Efforts
- Significant Activities included in the WIP
  - Education and Outreach
  - Compliance Activities
- CAFO Program
  - EPA Permit Reviews
  - EPA Program Review CAFO Program
  - General Permit Revisions

# Impact of Chesapeake Bay TMDL

- Significant Activities included in the WIP
- Education and Outreach
  - “Am I in Compliance” Outreach Materials
    - NASS Mailing
  - 100 Site Visits
    - 5,100 in 2012 (~15% of all farms in Bay Watershed)
- Regulatory Tools
  - Revised Ag E&S Regulations – Clarify Current Rules
  - Revised Manure Management Manual – Easy-to-Use Workbook
- Compliance Activities
  - New Staff – Inspection/Compliance Outputs in EPA Grant
  - 368 Inspections, 176 Compliance Actions, \$43,500 Fines

# Impact of Chesapeake Bay TMDL

- CAFO Program
- EPA Permit Reviews
  - All Individual Permits
  - 91% of CAFOs are in Chesapeake Bay Watershed
- EPA Program Review
  - Region III Evaluation of PA CAFO Program
  - Review of PA's Nutrient Management Program
  - Proposing Regulatory Revisions
- General Permit Revisions
  - Multiple/On-going Reviews



Office of Water Management

## Contact Information:

**Steven Wm. Taglang**

PA Department of Environmental Protection

Bureau of Conservation and Restoration

PO Box 8555

Harrisburg, PA 17105

[staglang@pa.gov](mailto:staglang@pa.gov)

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

# **NPDES Permit Requirements for Agricultural Projects**

## ▶ Agricultural E&S Requirement – 102.4(a)

- A plan must be implemented or BMPs must be installed for plowing and tilling and animal heavy use areas
- Must address maintenance
- Conservation Plan can sometimes fulfill requirements
- Plan available for review and inspection
- Exemption for NPDES permits for agriculture BUT needed for construction in an Ag setting

# NPDES Requirements for Ag Operations

Activity	NPDES if 1 acre or greater of disturbance	Have to address post construction stormwater management	Subject to riparian buffer requirements if in HQ/EV waters
Building a house	yes	yes	yes
Building a barn	yes	yes	yes
Building chicken/hog houses	yes	yes	yes
Building manure storage facility	yes	yes	yes
Building bunk silos	yes	yes	yes
Installing swales, diversions, waterways, filter strips, terraces	no	no	no
Paving barnyard with associated BMPs	no, if covered in conservation plan	no, but must have BMPs to address the impervious area	no
Paving animal walkways	no, if covered in conservation plan	no, but must have BMPs to address the impervious area	no
Building roofs with associated BMPs	no, if covered in conservation plan	no, but must have BMPs to address the impervious area	no

*These activities could also require other permits as applicable*

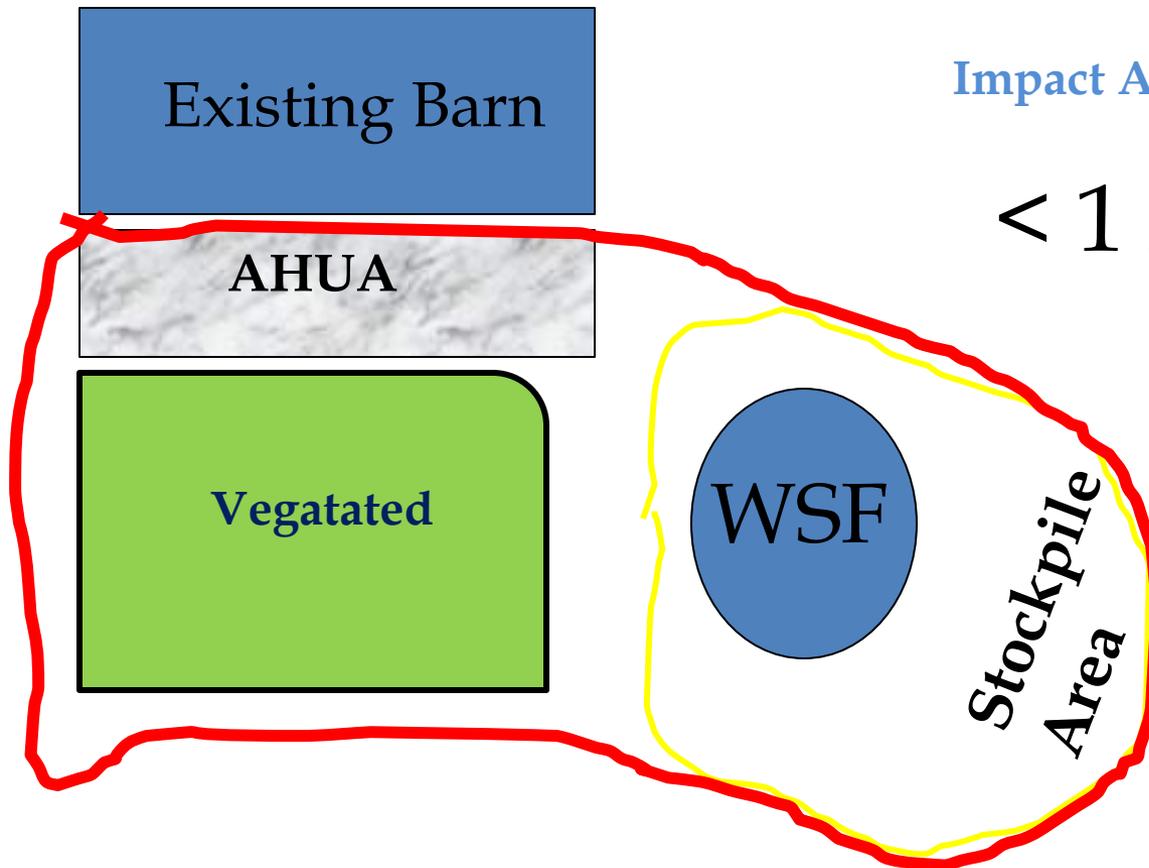
# Example area determination

**Total Area: 1.5 acres needing E&S**

Exempt Practices in plan : 0.7 Acres

Impact Area WSF : 0.8 Acres

< 1 Acre, No  
Permit



# Permit Requirements

- NOI/Application
  - Act 14, 67, 68, and 127
  - PNHP
- Fees
- E&S Plan
- PCSM Plan
- PPC Plan
- Technical plan reviews
- PDG SOP available on DEP website

# Permit Requirements

- Pre-construction meeting
- Licensed professional oversight
- Riparian buffers
- Long Term O&M of PCSM BMPs
- Legal instrument recorded
- Notice of Termination
- Certification and “record drawings”

# Communication is key

Contact your regional Department office or conservation district to schedule a pre-application meeting as soon as possible in the process



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

# Questions?

**Jennifer Orr**  
**(717)772-5961**  
**[jeorr@pa.gov](mailto:jeorr@pa.gov)**