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 AEU
  • 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
  - 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
Contact Information:

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NPDES Permit Requirements for Agricultural Projects
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

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

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

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