

# DAIRIES — ACT NOW!

NPDES Permits Needed for Combined Cow Yard – Confinement Operations<sup>1</sup>



As a dairy producer, you may need to act soon to meet a Dec. 31, 2008, deadline. Producers who are affected must:

- 1) Apply for a federal NPDES permit,
- 2) Develop a nutrient management plan that involves soil sampling and notifying the public, and
- 3) Decide on any needed construction and find an engineer

— all before the end of 2008!

If you are a dairy producer with 700 or more mature dairy cows in a cow yard, and in a freestall or some other type of housing, you may need to apply for a permit by Dec. 31, 2008.

Dairy and beef producers, with perhaps a few hog producers, are the most likely to be affected by a new state law that brings Iowa law into agreement with federal law. The law changes the way producers count animals to determine what regulations apply to their operations. The change requires all animals of the same type to be counted together to determine if a federal permit is needed for discharges of manure, process wastewater (including bedding, feedstuff runoff and silage piles) and manure components. If a permit is needed, producers must act quickly to submit a permit application to the Iowa Department of Natural Resources by Dec. 31 this year.

Called an NPDES or national pollutant discharge elimination system permit, the permit prohibits any discharge of runoff containing manure components or process wastewater, except under very specific, limited circumstances. The U.S. Environmental Protection Agency (EPA) requires the permit.

Producers who own or manage animals of the same type should add them together, regardless of the type of operation. That is when animals in a cow yard or open feedlot plus animals in a free stall or other totally roofed confinement must be added together for purposes of deciding if an NPDES permit is needed.

Check the table below for the animal type and number of head that require a permit. Each line has animals of one type, according to EPA regulations. Mature dairy cows and veal calves are each separate types. All other cattle, including dairy steers, calves, heifers and beef cattle are considered another type and should be added together separately from the mature dairy cows and veal calves. Add together only the animals of the same type, regardless of housing. If the total is higher than the number in the right-hand column for that type, you will need a permit. Producers must decide if they have the number of animals of the same type that requires a permit.

## Animal Type and Number that Require a Permit

Type of Animal (as provided in EPA regulations)	Number of Head
Mature Dairy Cows, whether milked or dry	700 animals
Veal Calves	1,000
All Other Cattle (heifers, steers, bulls, cow/calf pairs, etc.)	1,000
Swine (55 lbs. or more)	2,500
Swine (less than 55 lbs.)	10,000

<sup>1</sup> This fact sheet applies only to the occasional circumstance where a producer houses animals of the same type in both open lot (cow yard) and confinement housing types. Facilities with animals that are all in confinement (or open lots) should comply with the appropriate rules.

## Examples:

Dairy producers should add all mature cows together. Mature cows can be currently milked or dry), but are those that have been milked once or more.

For example, if you have 300 mature dairy cows in a cow yard (unroofed or partially roofed building) and 450 mature dairy cows in a free stall (totally roofed barn), add them together to equal 750 mature dairy cows. Since that is 700 or more animals, you need to apply for a permit.

In another example, let's assume you have less than 700 mature dairy cows; you would still need to add all other cattle together. If you have 500 heifers outside, 600 dairy steers outside and one bull inside, you would add all of these together. The total in this example is 1,101 animals. Since the total is 1,000 animals or more, you need to apply for a permit.



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However, if you have 400 mature dairy cows in a deep-bedded confinement and you have 650 dairy steers outside, you would not add the animals together, because they are different animal types. Because 400 is less than 700 mature dairy cows and since 650 is less than 1,000 other cattle, you would not need a permit unless there were specific circumstances.

There are two other factors producers should also consider when deciding if their operation needs a permit:

### 1. Does it discharge?

Most cow yards or open feedlots in Iowa have some releases or discharges of feedlot runoff that contain some manure or process wastewater. If your operation discharges manure or runoff from the open feedlot area, the DNR recommends applying for an NPDES permit. If you are not certain about your cow yard, ask yourself if it discharged or had runoff that reached a creek this year, especially during the spring thaw. Or, next time it rains, get out below the yard and see if there is any runoff that has the potential to reach a stream.

### 2. How close are the facilities (cow yard and confinement)?

Finally, producers who own or manage two facilities should consider them as one operation for the purposes of an NPDES permit if they are within 1,250 feet of each other. It is important to note that this distance will not be finalized until state rules are passed.

### Other Circumstances:

Producers who have less animals than listed in the table but whose operations meet one of the following may also be required to apply for an NPDES permit:

1. A man-made ditch, pipe or similar device carries manure or process wastewater from the operation to surface water, or
2. The animals come into contact with surface water that runs through the area where they're confined.

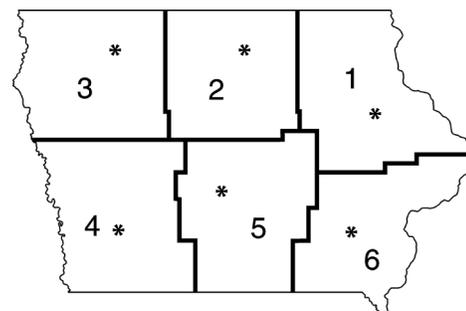
## More Information

If you decide that your operation will need an NPDES permit, there is more information available from DNR field offices or on the DNR website on how to proceed. Look for a timeline in the factsheet "Determining if a Combination Open Feedlot and Animal Confinement Must Apply for an NPDES Permit in 2008" under publications at [www.iowadnr.gov/afo/](http://www.iowadnr.gov/afo/).

Most Iowa open feedlots will need some construction to bring them into compliance with federal laws. Producers can find forms, too, at [www.iowadnr.gov/afo/](http://www.iowadnr.gov/afo/). Choose the following forms to apply for an NPDES permit (form number 542-4001), to write a Nutrient Management Plan (542-2021) or to apply for a construction permit (542-1427).

See the EPA's Web site for more information about discharges and the federal rules:

[http://cfpub.epa.gov/npdes/home.cfm?program\\_id=7](http://cfpub.epa.gov/npdes/home.cfm?program_id=7)



More information is available at regional DNR Environmental Services field offices, located in the following areas:

- Northeast Iowa, Manchester (563) 927-2640
- North Central Iowa, Mason City (641) 424-4073
- Northwest Iowa, Spencer (712) 262-4177
- Southwest Iowa, Atlantic (712) 243-1934
- South Central Iowa, Des Moines (515) 725-0268
- Southeast Iowa, Washington (319) 653-2135
- Ken Hessenius, DNR field office supervisor, Spencer (712) 262-4177