



NPDES Permits

Determining if a Combination Open Feedlot and Animal Confinement Must Apply for an NPDES Permit in 2008

ACT Now! — What to Do if You Need a Permit

Producers who need an NPDES permit must apply by Dec. 31, 2008. Producers who are affected must:

- submit a complete NPDES permit application,
- develop a nutrient management plan that involves soil sampling and public notice,
- decide on any needed construction and find an engineer

— all before the end of 2008.

A new Iowa law requires a national permit for producers who house animals of the same type in both an open feedlot¹ (unroofed or partially roofed) and a confinement² (totally roofed). The permits are called national pollutant discharge elimination system or NPDES permits. Producers may also need a construction permit to make changes to their operation.

Open Feedlot, including cow yards:

Unroofed or partially roofed area where livestock or poultry are confined for more than 45 days out of any 12-month period.

Confinement: Totally roofed area where livestock or poultry are confined for more than 45 days out of any 12-month period.

Animal Feeding Operation: A lot or facility where (1) animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (2) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. 40 Code of Federal Regulations (CFR) 122.23 (b)(1)

In the past, Iowa law required producers to count animals that were housed in the same type of housing to determine if a permit was needed. Now producers must count animals together if the same types of animals are in different housing types. The change occurred when the state legislature passed a law in the spring of 2008 to bring state law into agreement with existing federal law. If affected, producers

must develop and submit the permit applications to the Department of Natural Resources by Dec. 31, 2008. Producers who need a permit will also need to modify their operations in most cases.

Who is Affected

The new law applies to animal feeding operations² and large livestock markets, not to cow-calf operations on pasture. It applies to producers who own or manage the

animals, not to two entirely separate owners with facilities located close to each other.

Answering three questions should tell you if you need a permit. Those questions are: 1) How far apart are the different components of my operation? 2) How many animals do I have of the same type? 3) Does my operation allow manure, manure-laden runoff or process wastewater (such as bedding or feedstuffs runoff) to reach Iowa waters?

1) The Department of Natural Resources is proposing that producers who own or manage two or more facilities with the same animal type within 1,250 feet of each other would combine the number of animals in each facility to determine if they need a permit.¹

2) Until that distance is finalized, check the table below to determine if you have enough animals of one type (regardless of housing) to require a permit. For example, if you have mature dairy cows with 400 cows housed in a barn and 350 that are in an open lot (cow yard), you would add the animals together in both housing types to get a total of 750 mature dairy cows. Because 750 mature dairy cows are equal to or more than the 700 listed in the table,

Minimum Number and Type of Animals that Require a Permit

Type of Animal	Number of Head
Mature Dairy Cows, milked or dry	700
Veal Calves	1,000
All Other Cattle (beef or dairy steers, heifers or bulls; cow/calf pairs)	1,000
Swine (55 lbs. or more)	2,500
Swine (less than 55 lbs.)	10,000
Horses	500
Sheep or Lambs	10,000
Turkeys	55,000
Laying hens or broilers (liquid manure handling system)	30,000
Laying hens (other manure handling system)	82,000
Chickens (other than laying hens) (other manure handling system)	125,000

1. It's important to note that the distance between facilities has not been finalized until the DNR passes rules. Consequently, the distance between two facilities that would need to be counted as one could change before the rules are finalized.
2. Definitions given here are paraphrased. For complete definitions, see Chapter 65 in the Iowa Administrative Code. Also see the state and federal definitions for "animal feeding operations." Federal definitions can be found in EPA's Producer's Guide to Compliance (website listed on back).

you could potentially be affected, depending upon how far apart the barn and the partially roofed area are from each other. Generally a mature dairy cow is any cow that has been milked or had her first calf.

For producers with other cattle types, virtually any combination of 1,000 cattle (other than mature dairy cows or veal calves which are separate types) would require a permit. For example, 750 beef steers outside plus 300 dairy heifers inside, would equal 1,050 cattle and need a permit. For producers with swine, 2,500 finishers weighing 55 pounds or more split between outside and inside housing would require an NPDES permit.

Producers who have less animals, 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.

3) Finally, if your operation discharges manure or runoff, including process wastewater, from the open feedlot area that reaches Iowa waters, you will need to apply for an NPDES permit. Process wastewater includes bedding, feedstuff runoff and silage piles. Almost all feedlots in Iowa discharge, but if you're not certain about yours, ask yourself if it discharged or had runoff that reached a creek this year, especially during the spring thaw. Or, next time it rains, check below the open lot or cow yard area to see if the runoff will potentially reach a stream.

Timeline for NPDES Permits

1. Decide if it applies to your operation.
2. Evaluate your operation and make needed management decisions. For example, if you have 650 mature dairy cows inside and 50 dry cows outside, you may want to consider bringing the 50 dry cows into a hoop building or other confinement. Since confinements are not allowed to discharge, an NPDES permit would not be needed unless a discharge occurred. However, you still need to submit a preliminary plan (Step 5) and a construction permit for the confinement would be needed.)
3. Collect soil samples this fall on fields that will receive manure applications, and have soils tested for use in a Nutrient Management Plan.
4. Develop and submit a Nutrient Management Plan to the Iowa Department of Natural Resources or combine an existing Manure Management Plan with a new Nutrient Management Plan. Plans can be developed by producers or hired consultants.
5. Provide an engineer's name and develop a preliminary plan indicating how you will comply with state and federal requirements. The plan should include a proposed schedule for completing the project.
6. Provide proof of public notice for the Nutrient Management Plan.
7. Submit a complete NPDES application by Dec. 31, 2008, including the application fee and items 4, 5 and 6 listed above, to the DNR at 502 East Ninth St., Des Moines, IA 50319.

More information:

If you decide that your operation will need an NPDES permit, more information is available on the DNR Web site at www.iowadnr.gov under Animal Feeding Operations.

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/. 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).

A list of engineers and nutrient planners can be found on the Iowa Manure Management Action Group's website at <http://www.agronext.iastate.edu/immag/sp.html>.

See the National Cattlemen's Beef Association or the EPA's Web sites for more information about discharges and the federal rules: <http://www.beefusa.org/goveCAFORule.aspx> or http://cfpub.epa.gov/npdes/home.cfm?program_id=7.

More information about federal regulations can be found in Chapter 3 of the U.S. Environmental Protection Agency's Producer Compliance Guide for CAFOs at <http://cfpub.epa.gov/npdes/afo/compliance.cfm>.

Recent state law requirements can be found in House File 2700, Division 8, Animal Feeding, Section 143 to 148; or on p. 19, line 6, etc., of the Senate Amendment 5464; or at <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=BillInfo&Service=Billbook&hbill=55464&ga=82>. Existing rules and definitions can be found in Chapter 65 of the Iowa Administrative Code http://search.legis.state.ia.us/NXT/gateway.dll/IowaState/iac_5/a567/iac_a567_c65v20.pdf.

Additional Help

Help 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 |