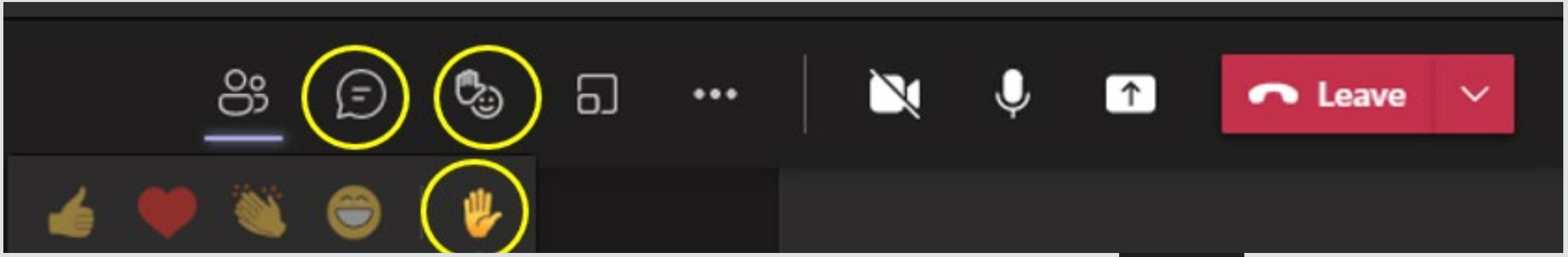
Draft Medium CAFO General Permit

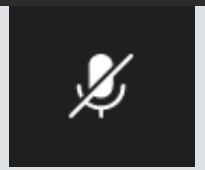
March 2021

Basics of a Virtual Meeting

Please ‘raise your hand’ or type questions and comments in the chat box



Please mute your microphone when you’re not speaking



If you're calling into the meeting you can mute/unmute by pressing the microphone button (iphone) or by typing *6 (android)

Where are we in the update process?

- March
  - Meeting with Farmers
  - Meeting with Partners: AAFM, NRCS, UVM, Conservation Districts, Technical Service Providers
  - Meeting with Advocates: CLF, VNRC, Lake Champlain Committee
- May
  - Environmental Protection Agency (EPA) Review
- June (?) Formal public comment process
- August (?) Issue the updated Medium CAFO GP

Agenda

1. What's a CAFO Permit?
2. What are the benefits of a CAFO Permit?
3. How is it different from the MFO Permit?
4. How does a farm get a CAFO Permit?
5. Why does ANR need to issue CAFO Permits at all?

Question 1: What is a CAFO Permit?

Concentrated Animal Feeding Operation (CAFO)

A facility where :

- A certain number of animals are housed and fed

- Size thresholds are same as Agency of Ag:
  - MFO = Medium CAFO
  - LFO = Large CAFO

What is a CAFO Permit?

- The Clean Water Act prohibits the **discharge** of **waste** to surface water from a **point source** without a **permit**

- A CAFO Permit is a Clean Water Act discharge permit for farms

Discharge

"Discharge" means any addition of waste to surface water

"Waste" includes:

- Manure
- Leachate
- Milkhouse waste
- Barnyard runoff
- Spoiled feed
- Dirty runoff
- Used bedding

Production Area Discharges

Discharges are allowed when:

1. The production area is properly designed and operated

2. The discharge is caused by precipitation

Question 1: What is a CAFO Permit?

A discharge permit for farms that specifies when a discharge is allowed

Question 2: Why would a farm want a CAFO Permit?

Benefits of a CAFO Permit

Who is this for?

- Medium Dairy Farms
- Can meet the requirements of the permit
- Want legal protection of a Clean Water Act permit

What are the expected benefits?

- Improved risk management in the face of climate change
- Fewer discharges from production areas and fields
- Another tool in the water quality toolbox

Question 2: Why would a farm want a CAFO Permit?

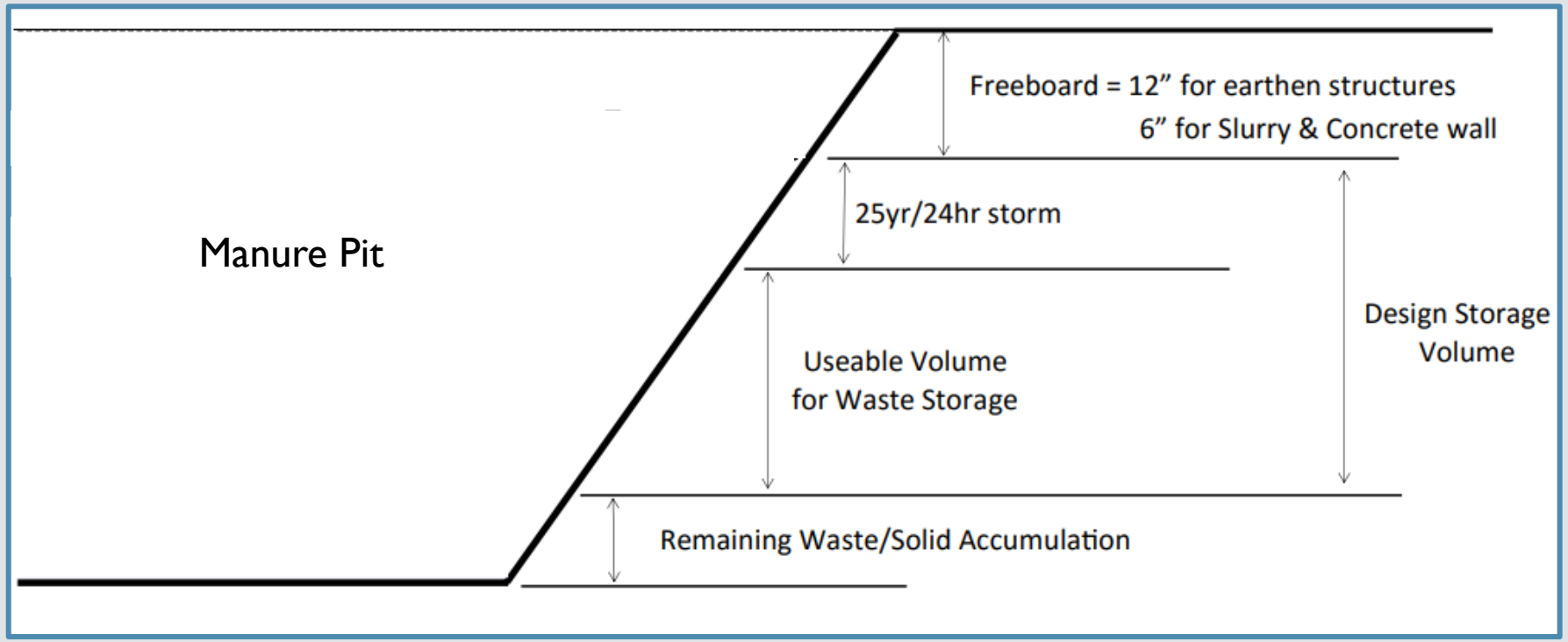
Decreased liability, part of a risk management strategy, fewer discharges

Question 3: How is a CAFO Permit different than the MFO Permit?

MFO GP	Medium CAFO GP
No authorization to discharge	Authorization to discharge
Waste generation calculations required upon request	Waste generation and storage calculations required at application
NMP reviewed during inspection	NMP reviewed at time of application
10' setback and buffer to all ditches, 25' setback and buffer to all surface waters	35' setback and buffer to ditches and surface waters downslope of the field
Fertilizer permitted in buffer when establishing/maintaining the buffer	No nutrient application allowed in the buffer
No weekly monitoring and recordkeeping of the production area	Weekly monitoring and recordkeeping of the production area
No public notice of the NOIC	Public notice of the NOI and application materials

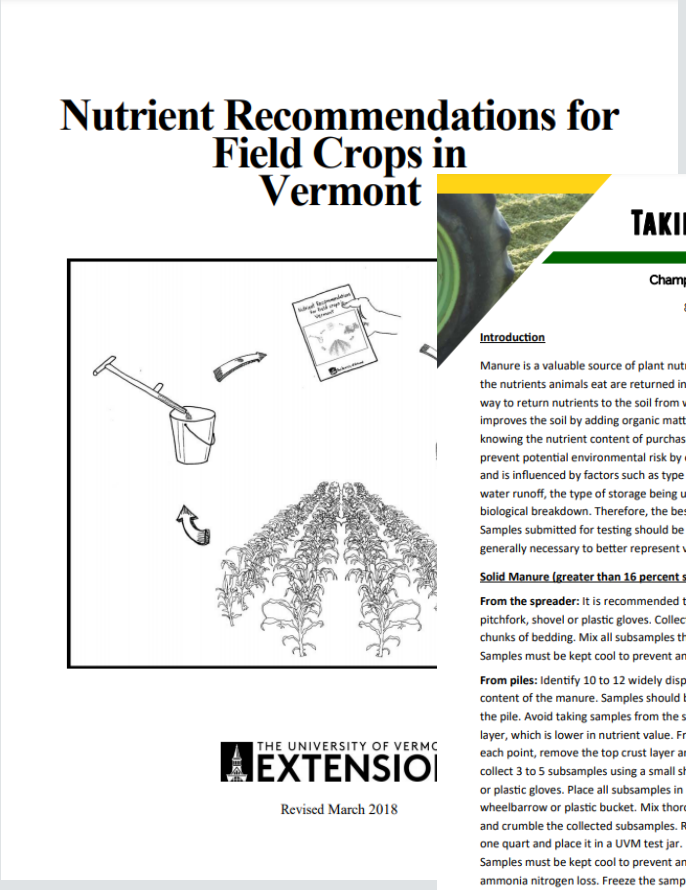
Storage Requirements

Waste generated during storage period + 25-yr storm



Nutrient Management

- NMP incorporated into permit
- Changes to the NMP
- 590 standard, RAPs



Nutrient Recommendations for Field Crops in Vermont

THE UNIVERSITY OF VERMO
EXTENSIO

Revised March 2018

TAKING A MANURE SAMPLE

Champlain Valley Crop, Soil and Pasture Team

February 2019

802-388-4969. cvcrops@uvm.edu

Introduction

Manure is a valuable source of plant nutrients that is essential for good crop growth. Seventy-five percent of the nutrients animals eat are returned in their manure and urine. Applying manure on farm fields is a great way to return nutrients to the soil from which they were removed during crop harvest, and manure improves the soil by adding organic matter. Knowing the nutritive value of your manure is as important as knowing the nutrient content of purchased fertilizer or animal feed. This information is also essential to prevent potential environmental risk by over-applying manure. Manure nutrient content may vary greatly and is influenced by factors such as type and age of the animal, supplemental feeds, bedding material, water runoff, the type of storage being used, the amount of time it is stored, application methods and biological breakdown. Therefore, the best results are from samples taken near or at the time of application. Samples submitted for testing should be representative of manure as it is used/spread. Multiple samples are generally necessary to better represent variability in manure characteristics.

Solid Manure (greater than 16 percent solids)

From the spreader: It is recommended to collect solid manure samples directly from the spreader using a pitchfork, shovel or plastic gloves. Collect 5 to 10 subsamples from different loads and avoid large pieces or chunks of bedding. Mix all subsamples thoroughly and place one quart of manure in the UVM test jar. Samples must be kept cool to prevent any ammonia nitrogen loss. Freeze the sample.

From piles: Identify 10 to 12 widely dispersed points on the stack that represent the average moisture content of the manure. Samples should be taken from a depth of at least 18 inches at various locations of the pile. Avoid taking samples from the surface layer, which is lower in nutrient value. From each point, remove the top crust layer and collect 3 to 5 subsamples using a small shovel or plastic gloves. Place all subsamples in a wheelbarrow or plastic bucket. Mix thoroughly and crumble the collected subsamples. Remove one quart and place it in a UVM test jar. Samples must be kept cool to prevent any ammonia nitrogen loss. Freeze the sample.

Champlain Valley Crop, Soil and Pasture Team | uvm.edu/extension/cvcrops

THE UNIVERSITY OF VERMONT EXTENSION

CULTIVATING HEALTHY COMMUNITIES

COLLEGE OF AGRICULTURE AND LIFE SCIENCES

Buffers and Setbacks

- 35 ft nutrient application setback and vegetated buffer for **downslope** surface waters and ditches
- No nutrient application allowed in the 35ft buffer
- RAPs still apply to ditches and surface waters upslope of application area

Monitoring, Recordkeeping & Reporting

- Weekly monitoring of the production area
- Documentation of all rain events in excess of 0.5 inch
- Call ANR when manure level rises into top 12”
- Sample the discharge when it’s safe to do so

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Question 4: How does a farm get a CAFO Permit?

Application & Notice

How to apply

- Notice of Intent (NOI), Nutrient Management Plan

What is shared with the public?

- All application materials- including the NMP
- 14-day comment period

Question 5: Why does ANR need to issue CAFO Permits at all?

Federal Clean Water Act

- Enacted by Congress in 1972 to address water pollution
  - Protects: drinking water, swimming, boating, fishing, aquatic habitat
- Requires permits for point source discharges
  - Only ANR is authorized to issue these permits
- Another option for farms

Point Sources

- Pipes
- Ditches
- Culverts
- Surface inlets
- Catch basins
- Large CAFOs
- Medium CAFOs with discharges from a point source

Permit Required

Farms with point source discharges

↓

Medium and Large Farms

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Individual CAFO Permit

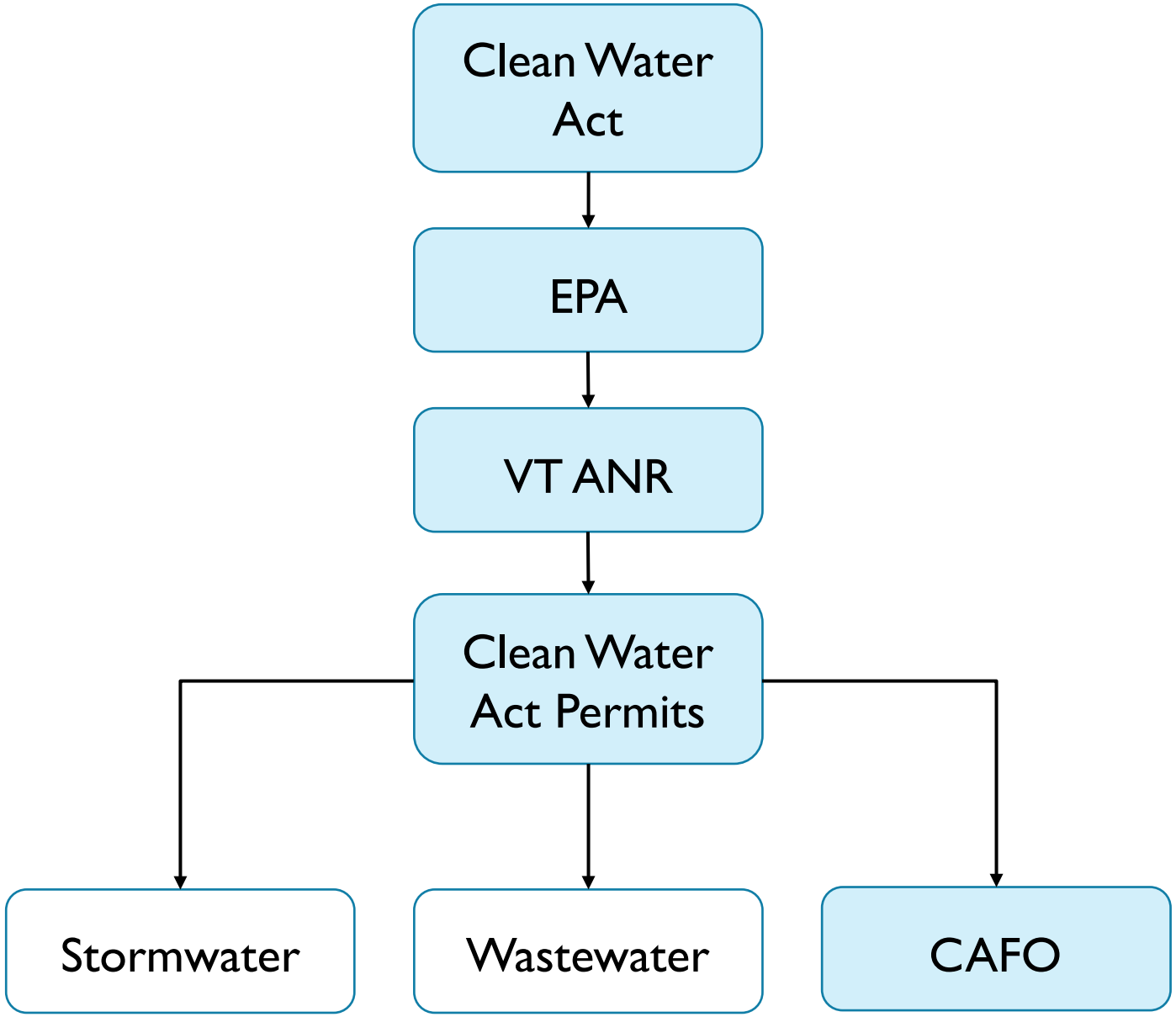
Permit Encouraged

Farms that want to manage risk

Mediums Farms → Medium CAFO GP

Small and Large Farms → Individual CAFO Permit

Clean Water Act Permits



Question 5: Why does ANR need to issue CAFO Permits at all?

Legal obligations under the Clean Water Act and state law, consistent with agency mission

Key Takeaways

A CAFO Permit:

- Is discharge permit for farms that specifies when a discharge is allowed
- Is administered by ANR
- NMP available for public review
- Replaces a farm's MFO permit
- Does not mean the RAPs don't apply
- Uses updated precipitation data
- Requires 35 ft buffers only downslope of land application areas
- Is part of a risk management strategy

Next Steps & How to Give Feedback

Next Steps

- March
  - Meeting with Farmers
  - Meeting with Partners
  - Meeting with Advocates
- May
  - Environmental Protection Agency (EPA) Review
- June (?) Formal public comment process
- August (?) Issue the updated Medium CAFO GP

Feedback

- Stakeholder Feedback
  - Due 4/9
- Ask Questions
- Email Clarice or Chip:
  - Clarice.Cutler@Vermont.gov
  - Chris.Gianfagna@Vermont.gov

Questions & Comments