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” 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?
<table>
<thead>
<tr>
<th>MFO GP</th>
<th>Medium CAFO GP</th>
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<tbody>
<tr>
<td>No authorization to discharge</td>
<td>Authorization to discharge</td>
</tr>
<tr>
<td>Waste generation calculations required upon request</td>
<td>Waste generation and storage calculations required at application</td>
</tr>
<tr>
<td>NMP reviewed during inspection</td>
<td>NMP reviewed at time of application</td>
</tr>
<tr>
<td>10’ setback and buffer to all ditches, 25’ setback and buffer to all surface waters</td>
<td>35’ setback and buffer to ditches and surface waters downslope of the field</td>
</tr>
<tr>
<td>Fertilizer permitted in buffer when establishing/maintaining the buffer</td>
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<tr>
<td>No weekly monitoring and recordkeeping of the production area</td>
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<td>No public notice of the NOIC</td>
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Storage Requirements

Waste generated during storage period + 25-yr storm
Nutrient Management

- NMP incorporated into permit
- Changes to the NMP
- 590 standard, RAPs
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
### Question 3: How is a CAFO Permit different than an MFO Permit?

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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

Individual CAFO Permit

Permit Encouraged

Farms that want to manage risk

Medium Farms

Medium CAFO GP

Small and Large Farms

Individual CAFO Permit
Clean Water Act Permits

- Clean Water Act
  - EPA
  - VT ANR
  - Clean Water Act Permits
    - Stormwater
    - Wastewater
    - CAFO
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