



New Manure Runoff Rules Approach. Are You Ready?

Read about new rules how livestock farms must manage animal waste to keep it from running off into streams, rivers or groundwater. The deadline for complying with the new rules is around the corner

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You've probably heard that the Environmental Protection Agency has put out tough new rules dealing with how livestock farms must manage animal waste to keep it from running off into streams, rivers or groundwater.

What you may not have heard is that the deadline for complying with those new rules is right around the corner.

By February 27, 2009, several classes of agricultural operations—including concentrated animal feeding operations (CAFOs) and farmers who apply manure to the land as a crop nutrient—must take action.

CAFOs must either have National Pollution Discharge Elimination System (NPDES) permits for any discharges of manure runoff into water bodies or have third-party reviews and records to show that they do not discharge.

Farmers spreading manure need to have a Nutrient Management Plan (NMP) in place and they need to have records to prove that their land application practices meet the terms of their NMP.

Industry leaders say the regulations are serious, and if you aren't already in compliance, you need to take steps to do so, as farmers and ranchers could be slapped with tens or hundreds of thousands of dollars in fines for discharges that occur without a permit.

The Next Step

Rick Swenson, director of the Animal Husbandry and Clean Water Division at USDA's Natural Resources Conservation Service, says the main thing livestock producers should do is get an NMP or comprehensive NMP (comprehensive NMPs are tailored for livestock operations) and know how to use it: "If you do nothing else but that, you're likely to exempt your fields from being regulated under the Clean Water Act."

You may think that because your operation isn't very big, the CAFO rules don't apply to you. Think again, Swenson says.

"If you confine animals for more than 45 days and there isn't vegetation in the production area," you fall under the new rules, he warned.

Parrish said it's mainly important to determine whether there is the possibility of runoff—a discharge—either because of where and how you store manure or the layout of your operation. Even if your operation is very small, you could be regulated just as heavily as a large CAFO if you discharge manure runoff into any water body that eventually connects to a navigable waterway regulated by the federal government under the Clean Water Act.

If you store manure in a barn or other covered area and you don't take it out to the land (i.e., expose it to rain) until you're spreading it as fertilizer or selling it to someone else, you probably don't need a permit, says Parrish.

You do still need to keep records of what you're doing, and you should have a third-party auditor review your operation for any red flags.

"Don't assume you're in the clear," Parrish said. "Every producer probably ought to go ahead and have someone come out and look for the things that the producer may not catch on his own."

NRCS Assistance

Local NRCS (Natural Resources Conservation Service) offices can help with doing on-farm evaluations, developing NMPs and giving producers a list of third-party technical service providers in their area.

Swenson says farmers shouldn't hesitate to go into their local NRCS office and get some help with their nutrient-management planning.

NRCS is required to protect the confidentiality of farmers' information. In fact, even if you apply for an NPDES permit, you have to give the NMP information to the regulatory agency because NRCS won't.



"We work with the environmental agencies, but we work for the farmer," Swenson emphasizes.

Swenson says his agency worked with EPA in developing the new CAFO rule to ensure farmers and ranchers had some choices in how to respond to it. He offers three options: Get a comprehensive NMP. "I think everyone ought to strongly consider doing that," Swenson says.

Get certified by a third party (meaning not the farmer and not the regulator) as having no discharge of pollution.

Get a discharge permit.

"There are some farms that, because of their size, proximity to waters of the U.S., or the kinds of soils and landscapes they have that might increase the potential for a discharge, the only way to get protection from enforcement is to get a permit," he said.

NRCS is developing a pamphlet to help you understand how the new CAFO rule might affect you, what you need to do to comply and where to get more information. The pamphlet will be available in early 2009. [Top](#)