

Summary of Proposed Long Term Permit Strategy

Complied by: Ken Kephart, Associate Professor of Animal Science at Penn State
and
The Pennsylvania Pork Producers Council

The Pennsylvania Department of Environmental Protection (DEP) has released a "Proposed Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations."

The proposed regulations are intended to address the federal Clean Water Act and the federal National Pollution Discharge Elimination System (NPDES). The regulations establish three categories of operations.

- operations with more than 1,000 animal units (CAFO's)
- operations with 301 to 1,000 animal units which have the potential to discharge to surface waters*.
- any operation with a discharge to surface water.

* Any operation that must comply with the Nutrient Management Act is considered to have the potential to discharge. For most producers, this means having more than 2 animal units per acre. But there are other criteria that may require Nutrient Management Act compliance.

DEP recognizes that animal operations have become larger in response to economic pressures. DEP also acknowledges that the proper application of manure is agronomically important and can provide an environmentally safe source of nutrients for soil. The purpose of the strategy is to ensure that large animal operations are constructed and managed in an environmentally sound manner.

The strategy is in addition to the regulations included in Pennsylvania's Nutrient Management Act which became effective October 1, 1997. Briefly, the proposed regulations would include the following:

New operations with 301-1,000 animal units must do the following:

1. Nutrient Management Plan and an emergency response plan.
2. Chapter 102 Erosion and Sediment Control plan related to earth moving during construction.
3. An Erosion and Sediment Control plan for the acreage where manure will be injected or incorporated.
Note that all farmers plowing or tilling are already required to have such a plan under current regulations in Chapter 102. An approved farm conservation plan can generally serve as an Erosion and Sediment Control plan.
4. For earth disturbances exceeding 5-acres during construction, an NPDES Permit. This will be a *general* permit issued by either the Conservation District, unless the site is in a special protection watershed, in which case DEP will issue an *individual* permit.
5. Certification of the manure storage design by a registered professional engineer.
6. Public hearings may occur, but will be required if the operation is in an Exceptional Value Watershed, or if there is significant public interest.

New operations with more than 1,000 animal units.

These producers must comply with all the items listed for the 301-1,000 animal unit category, plus the following:

1. An individual NPDES permit issued by DEP.
2. Opportunity for public comment in all cases.
3. A Water Quality Management Type II Permit. This provides DEP the approval of the design, construction and operation of the manure storage facility.

Existing Operations with more than 1,000 animal units:

1. The manure storage facilities will be assessed by DEP in the next three years.
2. Operations will have to obtain an NPDES permit.

Existing Operations with 301-1,000 animal units:

1. If the operation must comply with the Nutrient Management Act (for example, more than 2 animal units per acre), no permits or additional regulatory compliance is required for now. However, these operations are considered to have the potential to discharge, so some additional permits may be required within the next few years.
2. If the operation is not required to comply with the Nutrient Management Act, no additional permits or regulations are anticipated.

Existing operations that expand or replace the manure facility:

1. If greater than 1,000 animal units, these operations would have to comply with the same criteria as described for new operations greater than 1,000 animal units.
2. If 301-1,000 animal units, and required to comply with the Nutrient Management Act, these operations would have to abide by the same criteria as described for *new* operations having 301-1,000 animal units.
3. If the operation is not required to comply with the Nutrient Management Act, no additional permits or regulations are anticipated.

All operations with discharges to surface water:

This category includes operations that are treating waste and discharging treated water into the waters of the Commonwealth. Although this practice is legal, and requires NPDES and other permits, it is not an economical alternative.

Permit applications now in progress:

These are covered under an Interim Permit Policy published January 16, 1998. According to DEP this allows the permit process to move forward, but no permits will be issued until all comments on the proposed strategy are considered.

Comments on the proposed strategy:

Individuals are encouraged to read the Proposed Strategy and submit comments on the strategy by August 13, 1998 to:

R.B. Patel, Department of Environmental Protection
Bureau of Water Quality Protection
Division of Wastewater Management
Rachel Carson State Office Building - 11th Floor
P O Box 8774
Harrisburg, PA 17105-8774

