

# ADEM – FIELD OPERATIONS DIVISION

## CONSTRUCTION STORMWATER REGISTRATION REQUIREMENTS FOR AFOs AND CAFOs

Animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) are subject to NPDES permitting for construction activities. Generally, other normal agricultural practices such as crop production, grazing, and non-AFO/CAFO operations are exempt from having to apply for construction stormwater permit coverage under the Clean Water Act.

The ADEM program requirements have been designed with maximum flexibility and available options.

1. Proposed CAFOs are required to obtain permit coverage under ADEM Administrative Code Chapter 335-6-7 [CAFO Program], which includes preparation of a site specific Construction Best Management Practices Plan (CBMPP). This registration grants NPDES permit coverage for the construction and operation of the facility.
2. AFOs are required to obtain NPDES permit coverage under ADEM Administrative Code Chapter 335-6-12 [Construction Program] for one (1) acre or greater disturbance *unless* they have *voluntarily* applied for and received registration approval from ADEM under ADEM Administrative Code Chapter 335-6-7 [CAFO Program]. After construction is complete, the AFO owner/operator can request termination of registration under either program and submit qualified credentialed Professional (QCP) certification that the construction disturbance is complete, and all areas have been fully vegetated and/or stabilized. The voluntary CAFO Program registration termination request must also include QCP certification that the waste management system plan (WMSP), including the CBMPP and nutrient management components, have been prepared and fully implemented.

### What are the Registration Options?

#### **Proposed New CAFOs, Existing AFOs that are Expanding to CAFOs, or Expansion of Existing CAFOs:**

If, as a result of the proposed construction, the facility will be defined as a CAFO pursuant to ADEM Administrative Code Rule 335-6-7-.10, operators must submit to ADEM, through their local Soil and Water Conservation District (SWCD) office, a Notice of Registration (NOR), including the registration fee, if required, at least 30 days prior to commencement of construction activities and at least 45 days prior to commencement of initial or expanded feeding operations. Once approved by the Department, the CAFO registration grants NPDES coverage for the construction phase of the operation. Construction is not authorized to proceed until registration approval is received from ADEM.

#### **New AFOs or Expansion of Existing AFOs that will Remain AFOs based on Animal Numbers:**

If, as a result of the proposed construction, the facility will not be defined as a CAFO pursuant to ADEM Administrative Code Rule 335-6-7-.10, the owner/operator may choose whether to voluntarily register the activity under the CAFO Program **or** register under the Construction Program in order to receive NPDES coverage for the construction phase of the facility. The CAFO NOR can be prepared and submitted, along with the registration fee, if applicable, to the Department with the assistance of the local SWCD. The Construction NOR must be prepared by a QCP and submitted directly to the Department, along with the registration fee. The Construction NOR should be submitted at least fifteen (15) days prior to the anticipated construction commencement date to ensure that any additional information or clarification to the NOR, if needed, can be accomplished in this time frame. Construction activities impacting Tier 1 waterbodies (see ADEM Construction Stormwater Webpage) must be submitted at least thirty (30) days prior to the commencement of construction activities. Construction is not authorized to proceed until registration approval under either the CAFO or Construction Program is received from ADEM.

#### **Preparation and Certification of the ADEM Waste Management System Plan (WMSP) for CAFOs:**

New or expanding CAFOs, or AFOs voluntarily registered under the CAFO Program to cover construction, must submit to the Department, at least fifteen (15) days prior to bringing animals onsite, certification by a QCP that the facility has been designed, constructed, or has been updated, and can reasonably be operated in accordance with an approved WMSP that meets or exceeds NRCS technical standards and guidelines. Certain aspects of the WMSP and the required certification can be prepared by one or more of the following QCPs:

1. a technical service providers (TSP) as identified by NRCS
2. a professional engineer (PE) registered in the State of Alabama
3. a certified crop advisor (CCA)
4. Construction Program QCP (CBMPP component only) – See Below

## Who Can Prepare a Construction Best Management Practices (BMP) Plan and Conduct the Required Inspections?

Whether registering under the CAFO Program or the Construction Program, a Construction Best Management Practices Plan (CBMPP), prepared by a QCP as defined by the Construction Program, that is designed to minimize pollutant discharges in stormwater runoff to the maximum extent practicable during land disturbance activities, must be fully implemented and effectively maintained. Unless requested by ADEM, the CBMPP does not have to be submitted to ADEM when registering under the Construction Program. Similarly, while the CBMPP must be filed with the local SWCD office as a component of the WMSP when preparing a CAFO NOR, the entire CBMPP does not need to be sent to ADEM by the local SWCD when submitting the NOR for registration coverage under the CAFO Program. A copy of the cover page (example attached) of the CBMPP will be sufficient provided it identifies the farm for which the plan was prepared, and it is either signed or stamped by the QCP who prepared the plan. This page should be submitted to ADEM along with the CAFO NOR. A copy of the CBMPP, whether registered under the CAFO or Construction Program, should also be kept onsite during construction and retained with the operator's records in order to document compliance with NPDES CAFO or Construction Program registration requirements. Construction is not authorized to proceed until registration approval is received from ADEM. A QCP for the purposes of the Construction NOR and/or CBMPP preparation is defined as:

1. a Professional Engineer (PE)
2. a Certified Professional In Erosion And Sediment Control (CPESC)
3. a registered landscape architect
4. a registered land surveyor
5. a Professional Geologist
6. a registered forester
7. a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP)
8. a Certified Professional Soil Scientist (CPSS) as determined by ARCPACS
9. others qualified credentialed professionals identified by the Department

In addition, inspections of the construction site must be conducted as required by the program under which the activity is registered. Generally, the Construction Program requires inspections to be conducted by a QCP, or someone under the direction of a QCP, on a monthly basis and following rain in excess of 0.75 inches. Inspections conducted by contractors and consultants should be retained by the operator.

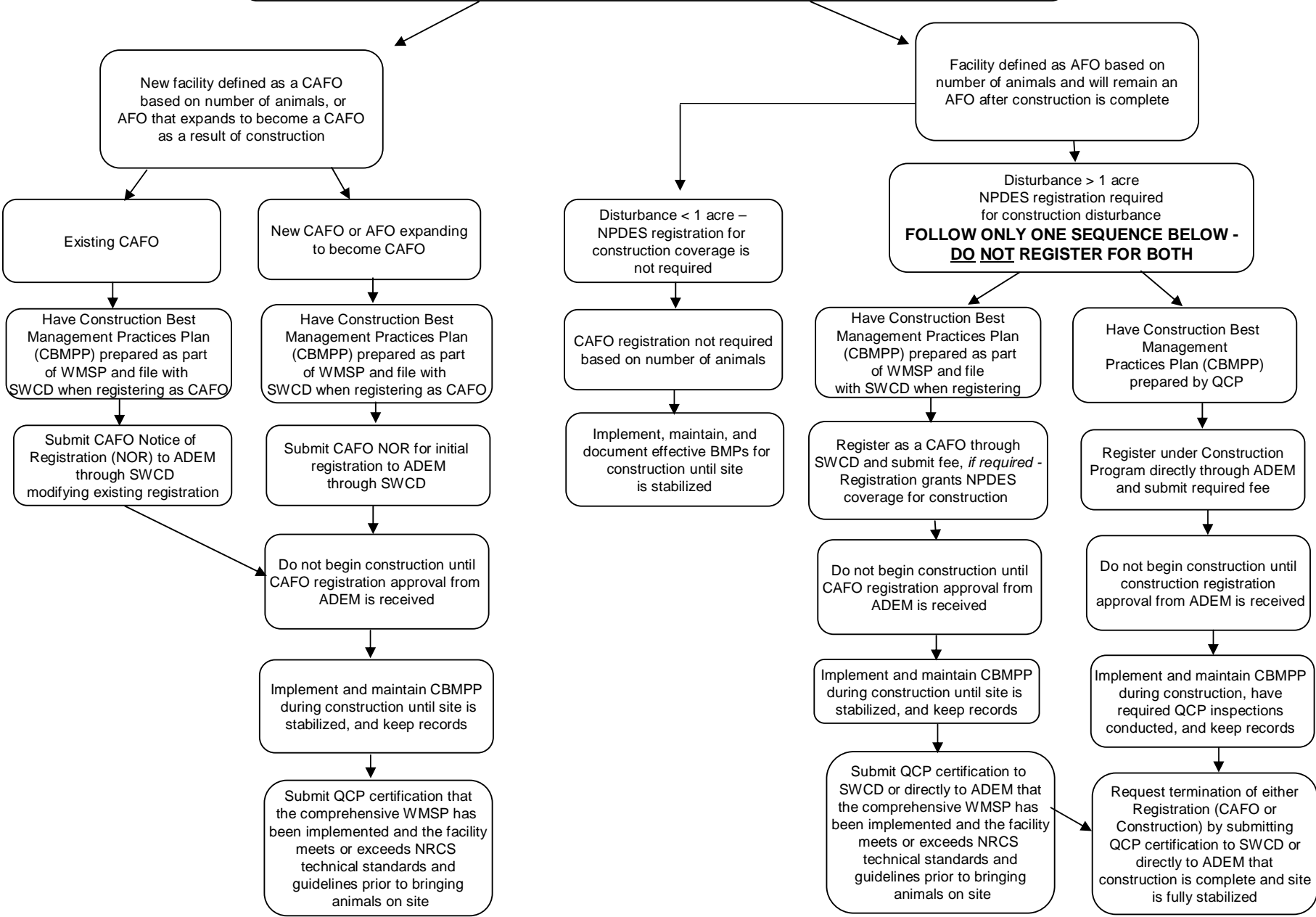
The CAFO rule requires weekly inspections of all waste management system structural controls to be conducted by the operator, and an annual inspection of the facility by a QCP. Inspections conducted by contractors and consultants should be retained by the operator.

Additional information regarding the statewide construction stormwater management rules (ADEM Administrative Code Chapter 335-6-12) is available at: [www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm](http://www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm). ADEM rules and forms, the ASWCC *Alabama Handbook* BMPs, Outstanding National Resource Water (ONRW) and Water Use Classification (WUC) rule references and map, Construction Tier 1 waterbody list and map, Standard Industrial Code (SIC) reference, QCP/QCIP, and other helpful information are available for viewing or download.

If you have any questions regarding the CAFO registration process, please contact your local SWCD office or ADEM staff responsible for your part of the State from the attached [MNPS CAFO Registration Inspection Areas](#) map. For questions regarding the construction stormwater registration process, please contact the ADEM Field Office for your area of the state from the attached [ADEM FOD Construction Stormwater Service Areas](#) map.

A flow chart demonstrating the steps involved in registering under the CAFO Program and/or Construction Program for NPDES coverage is also attached for your convenience.

# ADEM NPDES REGISTRATION COVERAGE FOR PROPOSED CONSTRUCTION ACTIVITY AT NEW OR EXISTING AFO/CAFO FACILITY



# \*\*\*Example\*\*\*

**CONSTRUCTION BEST MANGEMENT PRACTICES PLAN (CBMPP)**

**FOR**

**JOHN DOE FARMS, INC**

**Broiler Facility**

**Township 22S, Range 15W, Section 10**

**Cullman County**

**ACME ENGINEERING, INC.**

**101 BROAD STREET  
Montgomery, AL 36000**

**March 18, 2004**

Prepared By: \_\_\_\_\_

QCP Designation: \_\_\_(PE, CPESC, PG, RF, RLS, etc.)\_\_\_\_\_

Registration/Certification Number: \_\_\_\_\_

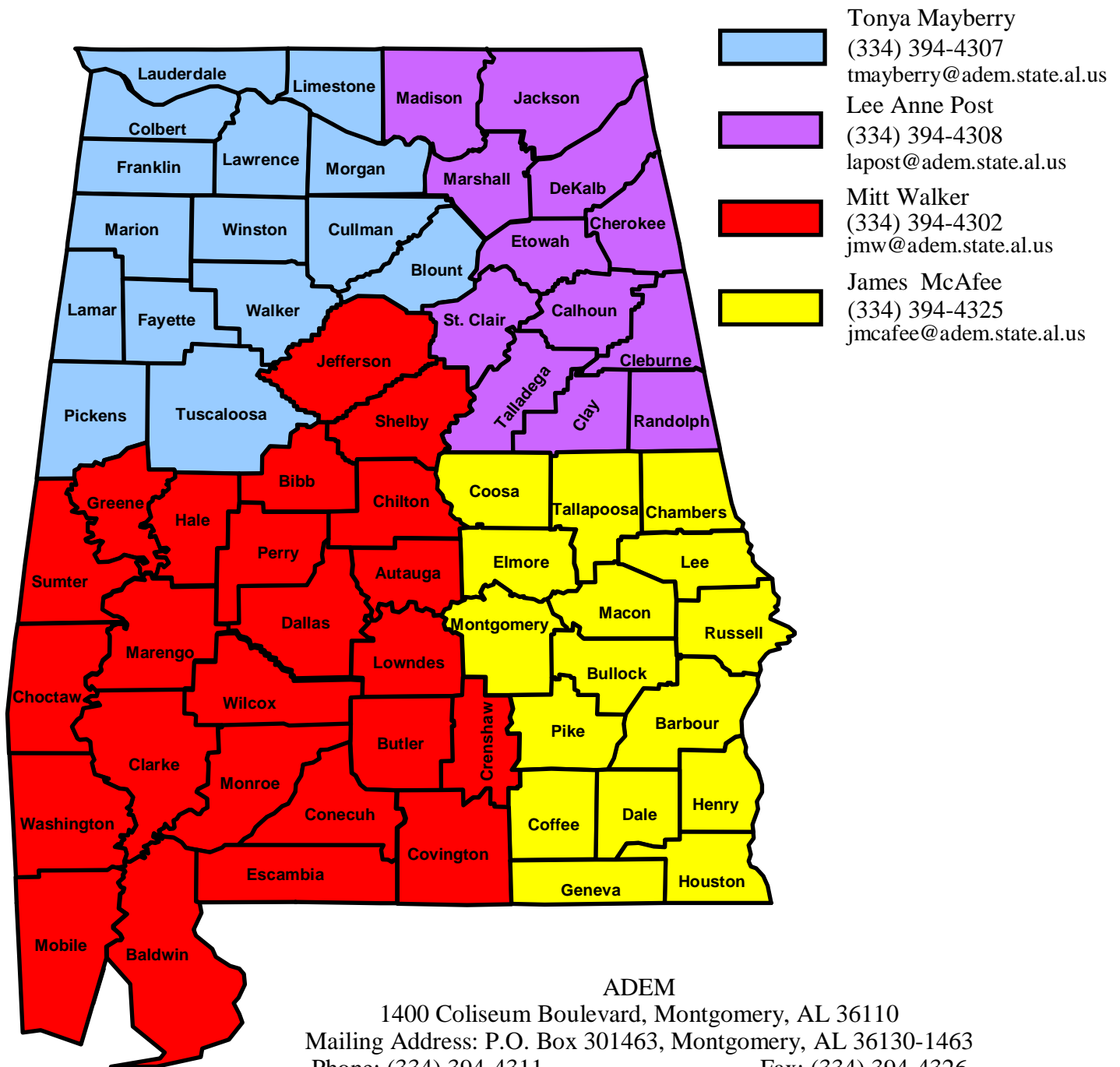
Signature: \_\_\_\_\_

QCP Phone Number: \_\_\_\_\_

QCP Email Address: \_\_\_\_\_

**PROFESSIONAL  
STAMP  
(if applicable)**

# MNPS AFO/CAFO Inspection & Registration Areas



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 Tonya Mayberry  
 (334) 394-4307  
 tmayberry@adem.state.al.us
- 
 Lee Anne Post  
 (334) 394-4308  
 lapost@adem.state.al.us
- 
 Mitt Walker  
 (334) 394-4302  
 jmw@adem.state.al.us
- 
 James McAfee  
 (334) 394-4325  
 jmcafee@adem.state.al.us





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 E-mail: mnps@adem.state.al.us Website: www.adem.state.al.us

# ADEM FOD Construction Stormwater Service Areas



Revised: March 18, 2004

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**Decatur Field Office**  
 decaturmail@adem.state.al.us  
 (256) 353-1713
- 
**Birmingham Field Office**  
 bhmail@adem.state.al.us  
 (205) 942-6168
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**Mobile Field Office**  
 mobilemail@adem.state.al.us  
 (251) 432-6533
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**Montgomery Central Office  
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