

AFO/CAFO

Registration Requirements: Your Questions Answered

It makes good sense and is good stewardship to protect the water we depend on for animal and human use. Historically, farmers in Alabama have voluntarily set protecting water quality as a high priority. Recently, the Alabama Department of Environmental Management (ADEM) adopted an AFO compliance program and a CAFO registration process, effective April 1, 1999, under the National Pollutant Discharge Elimination System (NPDES) rules. NPDES rules require that livestock feeding operations obtain required permits and control the discharge of pollutants. This publication outlines the key facts you need to know in order to:

1. Determine whether your livestock operation is required to register
2. Understand and comply with the registration requirements

What kind of livestock operation must be registered?

The short answer (yes, there is fine print to check out) is that you must register if you are either of the following:

1. A *concentrated animal feeding operation* (CAFO) as defined according mainly to the number and type of animals—more than 1,000 confined cattle, 2,500 swine, or 125,000 chickens

2. Any *animal feeding operation* (AFO) that has been designated as a CAFO not by definition but due to a point source (end-of-pipe) or nonpoint source (field runoff) discharge of pollutants after April 1, 1999

3. Any AFO *not meeting or exceeding* Natural Resources Conservation Service (NRCS) technical standards and guidelines

What is a discharge of pollutants?

The legal definition for **discharge** is *the addition, introduction, leaking, spilling, or emitting of any sewage, industrial waste, pollutant, or other waste into the waters of the state. Waters of the state means all waters of any river, stream,*

watercourse, pond, lake, coastal, groundwater or surface water, wholly or partially within the state, natural or artificial.

Is there a deadline for registration of a CAFO? What are the consequences of not meeting the deadline?

The AFO/CAFO compliance and registration program was instituted as of April 1, 1999, with a six-month period allowed (to September 30, 1999) for CAFOs to file registration applications. CAFOs filing a satisfactory registration application by that date were exempted from paying the base registration fees. After September 30, any existing CAFO that continues operation or any new CAFO that begins construction or operation without having filed a satisfactory registration application can be considered in violation of NPDES rules and federal and state Clean Water laws and subject to compliance/enforcement and/or civil penalties.

NOTE: Because the regulation is often referred to simply as a CAFO rule, a common misunderstanding is that only very large livestock feeding operations would be subject to registration. You should be aware that, under given circumstances, the requirements apply to relatively small and even part-time operations. It is in the interest of all operators to be aware of the registration requirements in order to take steps either to be in compliance with or to avoid becoming unnecessarily subject to them.

What is an AFO, and how is it different from a CAFO?

An AFO (animal feeding operation) is any lot or facility where *any number of* animals (need not be the same animals) have been, are, or will be stabled, confined, gathered, or concentrated and fed or maintained for a total of 45 days or more (need not be consecutive) in any 12-month period (need not correspond to the calendar year), and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues. Two or more AFOs under common ownership are considered a single AFO and may require registration as a CAFO if they adjoin or are in close proximity to each other. Two or more AFOs under common or different ownership are considered a single AFO and may require registration as a CAFO, separately or together, if they are operated as a single operation, if they use a common area or system for the disposal of wastes, if they significantly share resources, storage or treatment systems, equipment, etc., or if they otherwise link operations.

A defined CAFO is any AFO with more than a certain stipulated number of animals. However, *any AFO may be designated as a CAFO under certain conditions* and be required to register. The most important of these to know about is having had a polluting discharge after April 1, 1999. *AFOs must meet the same waste management standards as CAFOs.* They just don't have to go through the formal registration process. Both have to implement best management practices (BMPs) to be protective of water quality and maintain records of how the waste was handled.

What do I have to do to meet registration requirements?

Registration is an annual application that must be approved before a facility can legally begin construction or operation or continue operation. To comply with the main registration requirements, you must

1. Complete a detailed Notice of Registration (NOR) with the assistance of the Soil & Water Conservation District (SWCD) office.

2. Develop and file a comprehensive Waste Management System Plan (WMSP) approved by NRCS and certified by a Qualified Credentialed Professional (QCP).

3. Provide proof of a certain number of annual continuing education (CE) credits in waste management or other approved topics.

4. Pay an annual fee, if charged. Base fees range from \$50 to \$525, depending on the size of the operation. Consult your local SWCD office for more information. As mentioned above, the base application fee was waived for first-time registrations received by September 30, 1999.

Where do I get more information and help with registration, if required?

Your local Soil & Water Conservation District (SWCD) office is the official registration point. Every SWCD office has the NOR form and should be the first place to contact. The Natural Resources Conservation Service (NRCS) is often co-located with the SWCD and can offer assistance in completing the NOR. You should also check with your county Extension office for assistance. Your local Extension office will be glad to provide helpful information and assist with obtaining and verifying continuing education credit.

If I don't have to register my AFO, do I have to meet any other regulations?

YES. All AFOs must meet the same standards for nonpolluting waste management as CAFOs, including having a Waste Management System Plan (not QCP-certified) to implement BMPs protective of water quality, maintain records adequate to document that they meet or exceed NRCS standards, and ensure their status as "not a CAFO."

How do I go about developing a comprehensive Waste Management System Plan (WMSP)?

To qualify for registration, a Qualified Credentialed Professional (QCP) must certify the WMSP. It is not a simple do-it-yourself project. NRCS is considered a QCP, so consult with them first. The WMSP must meet or exceed standards set by NRCS.

Other QCPs recognized by ADEM include Alabama Professional Engineers (PEs) experienced in animal waste management and (for nutrient management plans only) Certified Crop Advisors (CCAs).

If I am registering for the first time, do I have to get the CE credits first?

No. Initial registrants are allowed continuing education credits to be certified within the first 12 months of operation. Generally, managing owners, operators, and onsite supervisors are required to attend annual continuing education sessions totaling up to 16 hours of approved group or individualized training in the first year and up to 8 hours of refresher training in subsequent years.

What happens if for some reason I don't get the CE credits?

If you don't satisfy the CE requirements, you must pay an additional Greenfield fee of \$500. Also, in this situation ADEM will prioritize your facility for regular comprehensive and thorough inspection and evaluation of the operation. The Greenfield fee supports ADEM's registration approval and assurance effort.

What kind of information does the NOR form ask for?

The NOR asks for specific and detailed information about an animal feeding operation. Since a CAFO cannot legally operate (or undergo any expansion or major modification) unless an NOR is approved by ADEM, it is advisable to do the best possible job of preparing the application. Some of the more important kinds of information asked about are:

- Ownership, organizational structure, operator, and persons responsible for handling the waste
- Violation history and any other permits or authorizations associated with the operation
- Specifics on number and type of animals, structures, and waste management plans and procedures, including attaching a 7.5-minute USGS map (or equivalent) showing not only the AFO but surrounding *potential receiving waters*
- Listing of all registrant-owned, -leased, or -controlled land application sites, including the latest dates and results of soil testing for each such field.

Important: Note that an AFO (or CAFO) can be held responsible as a source of pollution not only at the AFO site but also

when waste is transported for land application elsewhere.

- Additional information (if available) that will assist timely review and registration approval, such as: (1) the WMSP; (2) a detailed facility map or drawing; (3) a soil map, flood map, or other maps; (4) aerial photographs; (5) a list or maps of off-site land application areas; (6) buffer distance documentation; (7) copies of soil tests; (8) copies of waste/wastewater analyses; (9) copies of continuing education certificates/attendance; and (10) inspection records.

What do all these abbreviations and terms stand for or mean?

Animal waste—bodily waste from livestock or poultry or a mixture of waste with feed, bedding, litter, or other materials.

CAFO—By the rule (simplified), a CAFO is an AFO with more than the following number(s) and type(s) of animals: 1,000 confined slaughter or feeder cattle; 700 mature dairy cattle (milked or dry); 2,500 swine (approximate weight at least 55 pounds each); 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 125,000 laying hens, broilers, or other poultry; 5,000 ducks or 1,000 animal units of any other type/size animal as determined by ADEM. Any AFO having a polluting discharge after April 1, 1999, will also be classified as a CAFO. (See above for definition of AFO and *discharge*.)

Natural Resources Conservation Service (NRCS) — an agency of the USDA that can provide assistance to operators in the design of a comprehensive animal waste management system plan. The plan and its implementation must meet or exceed NRCS standards and guidelines.

Nutrient Management Plan — a comprehensive component of a WMSP designed to account for all nutrients existing on, coming to, or leaving a farming operation and to make efficient, nonpolluting use of these nutrients.

Professional Engineer (PE) — a person qualified to practice engineering according to the provisions of the *Code of Alabama* and presently registered by the Alabama Board of Registration for Professional Engineers and Land Surveyors.

Qualified Credentialed Professional (QCP) — a qualified professional who can document proven training and experience in design, implementation, and inspection of comprehensive animal waste, waste product, and dead animal disposal management practices and system plans.

Soil and Water Conservation District (SWCD) — the local county agency where an owner/operator goes to register any AFO/CAFO operation.

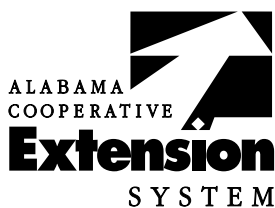
Waste Management System Plan (WMSP) — a plan to properly collect, store, treat, or land apply animal waste in an environmentally safe manner. For registration purposes, this plan must be approved by a QCP to meet or exceed NRCS standards and guidelines.

Certified Animal Waste Vendor (CAWV) — a person certified by the Alabama Department of Agriculture and Industries (ADAI) to accept liability and responsibility on behalf of the farmer for proper transport and land application of animal waste.

National Pollutant Discharge Elimination System (NPDES) — the permitting system for an individual owner/operator to obtain permit coverage for the control of discharges of pollutants.

NOTE: This publication is intended and should be used as a general guide to an interpretation of CAFO registration requirements, not as legal advice or as in any way substituting for or contravening any official statements or actual regulations on this subject.

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Ted W. Tyson, P.E., C.I.D., *Extension Biosystems Engineer*, Associate Professor, Agricultural Engineering, Auburn University

For more information, call your county Extension office. Look in your telephone directory under your county's name to find the number.

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