

**National Pollutant Discharge Elimination System  
General Permit for Discharges from  
Concentrated Animal Feeding Operations  
in New Mexico (NMG01000)**

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# Welcome to the Public Meeting for Proposed CAFO General Permit

- Purpose of Public Meeting
- Proposed Permit replaces NMG010000
  - Replaces 2009 permit that expired September 2, 2014
  - 5-year general permit
- Get additional information on proposed permit from:
  - <http://www.epa.gov/region6/water/npdes/cafo/index.htm>
  - Ms. Evelyn Rosborough at
    - [rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)
    - 214-665-7515

# How to make comment

- Submit today in writing.
- Email to EPA
  - Ms. Evelyn Rosborough at [rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)
- Mail written comments to EPA
  - Ms. Evelyn Rosborough, Environmental Protection Agency, Water Quality Protection Division (6WQ-NP), 1445 Ross Ave., Suite 1200, Dallas, TX 75202.
- Comment Period closes March 2, 2015

# Who Can Apply?

- Any operation that:
  - Meets the definition of a CAFO.
  - AND**
  - Discharges pollutants to waters of the United States.
  
- Unless excluded by Part I.D of the permit.
  - **NEW**– No eligibility for New Sources

# CAFOs Seeking Permit Coverage

- Submit Notice of Intent (NOI )and Nutrient Management Plan (NMP).
- 2009 CAFO GP Permittees
  - Coverage continues
  - Submit NOI and NMP w/i 90 days of effective date of GP
- New applicants
- **NEW - Submit paperless copies**

# EPA Action on NOI and NMP

- Upon receipt, EPA will:
  - Review/Approve NOI and NMP.
  - Draft terms of the NMP to be incorporated into the permit.
  - Make documents available for 30-day public comment period.
  - Respond to any comments.
  - Provide CAFO with written notification of permit coverage.
  - Ownership Transfer
    - **NEW**
      - **W/I 30-days, new owner submits NOI & old owner submits NOT**
      - **Seven-day public comment on existing NMP**
      - **New owner complies with existing NMP until confirmation of coverage.**

# Nutrient Management Plans

- All facilities require NMPs.
  - **NEW – 2012 NM NRCS 590 at Appendix D**
  - **NEW – Employee training annually**

# Nutrient Management Plans

- Production Area elements
  - Adequate Storage
    - **NEW – NRCS Waste Storage Facility Code 313, requires settled embankment  $\geq$  1 foot above grade**
    - **Liner Compaction specified as 95% Standard Proctor Density (ASTM D698) at 2% to +2% optimum moisture**
  - Mortality Management
  - Clean Water Diversion
  - Direct Contact of Animals with Waters of the US
  - Chemical Handling
  - Sampling Protocol
  - Recordkeeping
  - **NEW – Rain Gauge**

# Nutrient Management Plans

- Land Application Area elements
  - Site-Specific Conservation Practices
  - Sampling Protocols
  - Land Application Protocols
    - **NEW – Inspect equipment for leaks quarterly or between crop rotations**
  - Recordkeeping

# Terms of the NMP

- Information, protocols, BMPs (conservation practices), and other conditions of the NMP necessary to meet the requirements of the NMP.
- Incorporated into the permit as enforceable permit terms.

# Land Application Protocol Terms

- Terms Common to Linear and Narrative Rate Approaches
  - Fields available for land application
  - Timing limitations for land application
  - Outcome of field-specific assessment of the potential for N and P transport from each field
  - Planned crops or other use
  - Realistic annual crop yield goal
  - Total N and P recommendations per crop

# Land Application Protocol Terms

NMP Components	Term linear approach	Term narrative rate
Fields available for land application	X	X
Timing limitations for land application	X	X
Outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field	X	X
Planned crops or other use	X	X
Realistic annual crop yield goal	X	X
Total nitrogen and phosphorus recommendations per crop	X	X
Credits for plant available nitrogen	X	
Consideration of multi-year phosphorus application	X	
Accounting for all other additions of plant available nitrogen and phosphorus to the field	X	
Method and timing of land application	X	
Form and source of manure, litter, and process wastewater	X	
Maximum pounds of nitrogen and phosphorus from manure, litter, and process wastewater	X	
Methodology to account for the amount of nitrogen and phosphorus in the manure to be applied	X	
Maximum amount of nitrogen and phosphorus from all sources		X
Alternative crops		X

# Land Application Protocol Terms (Cont.)

<b>NMP Components</b>	<b>Term linear approach</b>	<b>Term narrative rate</b>
Methodology to account for <ul style="list-style-type: none"> <li>• Soil test results</li> <li>• Credits for plant available nitrogen in the field</li> <li>• The amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied</li> <li>• Consideration of multi-year phosphorus application</li> <li>• Accounting for all other additions of plant available nitrogen and phosphorus to the field</li> <li>• Form and source of manure, litter, and process wastewater</li> <li>• Timing and method of land application</li> <li>• Volatilization of nitrogen and mineralization of organic nitrogen</li> </ul>		X

# Changes to the NMP

- Provide EPA with any changes to the NMP.
- EPA will determine if changes to NMP terms are:
  - Substantial (public comment)
    - Addition of new land application areas
    - Addition of any crop or use
    - Changes to the upper bounds on nutrient additions
    - Changes that lead to increased risk of N and P transport
  - Not substantial (public notification)

# Endangered Species Requirements

- Biological Opinion issued by USFWS on December 14, 2012
  - **NEW- ESA consultation**
- Applicable areas defined as watersheds (Part III.D.8)
- Additional BMPs (Part III.D.8)
- Additional reporting
  - Discharge monitoring reporting (Part IV)
  - Annual reporting (Part V)

# National Historic Preservation Requirements

- **NEW –Tribal Historic Preservation Officers website at:  
[http://www.nathpo.org/THPO/state\\_list.htm](http://www.nathpo.org/THPO/state_list.htm).**

# Resources

- NMP checklist (Appendix G)
- EPA Website on CAFO Rule Implementation
  - <http://water.epa.gov/polwaste/npdes/afo/Implementation-Information.cfm>
  - CAFO Permit Writers' Guide - dated 2/2012
  - Record Keeping Calendar

# Resources (cont.)

- EPA Region 6 NPDES CAFO Program
  - <http://www.epa.gov/region6/water/npdes/cafo/index.htm>
- Waters of the United States
  - <http://www2.epa.gov/uswaters/documents-related-proposed-definition-waters-united-states-under-clean-water-act>

# Questions?

For Further Information:

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# Animal Feeding Operation (AFO)

## Regulatory Citation

*Animal feeding operation* (AFO) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.

*AND*

Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

40 CFR § 122.23(b)(1)

# Large CAFOs

<b>Number of animals</b>	<b>Type of animal</b>
700	Mature dairy cows, whether milked or dry
1,000	Veal calves
1,000	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.)
2,500	Swine, each weighing 55 pounds or more
10,000	Swine, each weighing less than 55 pounds
500	Horses
10,000	Sheep or lambs
55,000	Turkeys
30,000	Laying hens or broilers, if the AFO uses a liquid-manure handling system
125,000	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
82,000	Laying hens, if the AFO uses other than a liquid-manure handling system
30,000	Ducks, if the AFO uses other than a liquid-manure handling system
5,000	Ducks, if the AFO uses a liquid-manure handling system

Source: 40 CFR § 122.23(b)(4)

# Medium CAFOs

Number of animals	Type of animal
200–699	Mature dairy cows, whether milked or dry
300–999	Veal calves
300–999	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.)
750–2,499	Swine, each weighing 55 pounds or more
3,000–9,999	Swine, each weighing less than 55 pounds
150–499	Horses
3,000–9,999	Sheep or lambs
16,500–54,999	Turkeys
9,000–29,999	Laying hens or broilers, if the AFO uses a liquid-manure handling system
37,500–124,999	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
25,000–81,999	Laying hens, if the AFO uses other than a liquid-manure handling system
10,000–29,999	Ducks, if the AFO uses other than a liquid-manure handling system
1,500–4,999	Ducks, if the AFO uses a liquid-manure handling system

Source: 40 CFR § 122.23(b)(6)

# Medium CAFOs

- Discharge criteria
  - Pollutants discharged into waters of the US through a man-made ditch, flushing system, or other similar man-made device.
  - Pollutants discharged directly into waters of the US that originate outside the facility and pass over, across, or through the facility or otherwise come into direct contact with the confined animals.

# Narrative Rate Approach

## Projections

- Planned crop rotations.
- Projected amount of material to be land applied.
- Projected credits for all N in field that will be plant available.
- Consideration of multi-year P application.
- Accounting for all other additions of plant available N and P.
- Predicted form, source, and method of application of materials.