

# **Virginia Regulations and Animal Feeding Operations in Virginia**

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# Virginia Animal Agriculture

- Dairy
  - $\approx$  800 Dairies
  - milking an average of 120 cows
  - largest  $\approx$  4000 cows
- Beef
  - $\approx$ 23,000 farms with cattle
- Poultry
  - $\approx$  900 Chicken Farms
  - $\approx$  300 Turkey Farms
- Swine
  - over 800 farms with hogs
  - from 1 pot-belly – 5000 sow farrow-finish (about 45,000 snouts)

figures according to 2002 AG Census



# Virginia Animal Agriculture

- farms with DEQ permits -

- Dairy (77)
- Beef (13)
- Poultry:
  - Chickens (628)
  - Turkey Farms (268)
- Swine (64)



# Sources of Environmental Rules for Virginia Agriculture

- Code of Virginia – VA Law
- Virginia Administrative Code – VA Regulation
- Clean Water Act – Federal Law
- EPA CAFO Rule – Federal Regulation



# Current Virginia Permit Size Thresholds

- Virginia Pollution Abatement Permit – Animal Feeding Operations with liquid waste

(154 livestock permits)

300 or more Animal Units ( 1 AU = 100,000 lbs.)

Or the following numbers and types:

- 200 mature dairy cattle (milked or dry)
- 300 slaughter and feeder cattle



# What is an "AFO" or Animal Feeding Operation?

- Lot or facility, (other than an aquatic animal production facility) where both of 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



# What does that mean?

- Ultimately the farm has to fit definition, but...
  - Are animals on concrete?
  - Are animals fenced on bare ground?
    - Is the ground bare when the animals are there?
  - Are animals under a roof?
  - Is manure collected? (or should it be?)
- 45 days per year
  - any portion of a day = 1 day
  - consecutive or not



# Virginia DEQ Permit Program

Types of permits under which coverage may be obtained for livestock animal feeding operations:

## Virginia Pollution Abatement Permit (VPA)

- General Permit for Animal Feeding Operations
- Individual Permit for Animal Feeding Operations

## Virginia Pollution Discharge Elimination Permit (VPDES)

- General Permit for Concentrated Animal Feeding Operations



# Virginia DEQ Permit Program

Permit components:

designed to reduce pollution to surface and groundwater from nutrients and sediment

- Permit requirements
- Nutrient Management Plan (NMP) requirements



# Virginia DEQ Permit Program

- **Permit requirements**

- Monitoring:
  - soils, manure, groundwater (if applicable)
- Manure storage management
- Recordkeeping
- Reporting (if applicable)
- NMP implementation (site specific)
- Operator training

- **Nutrient Management Plan (NMP) requirements**

- enforceable through the permit
- can be more restrictive than the permit requirements
- land application buffer setbacks for environmentally sensitive features
- nutrient applications and limitations based on expected crop nutrient needs and yields



# DEQ Inspections

- completed annually by DEQ staff -

## Inspection components:

- Visual
  - Manure storage
  - Stormwater management
  - Crop conditions
  - Field conditions
- Records
  - Is the NMP being implemented?
  - Where did manure go?
  - When was it applied?
  - What crops received applications?
  - How much was applied?
  - What was the nutrient content?



# Could VA Farms Need a Federal Permit?

- 139 Virginia farms are Large CAFOs due to animal numbers
  - 7 Dairy farms
  - 1 Beef farm
- Numerous other farms house the Medium CAFO animal numbers
  - No medium or small swine CAFOs have been defined or designated based on discharge criteria



# What would be different with a VPDES permit?

- Penalty
  - VPA violations - \$2500 maximum
  - VPDES violations - \$32,000 per day
- Record Keeping
  - Daily inspections of water lines
  - Weekly inspections of liquid waste storage and diversions
  - Waste overflows
  - Application equipment inspection
  - Documenting corrective actions
  - Annual reporting



# What would be different with a VPDES permit?

- US EPA involvement
  - EPA reviews permits, inspections, compliance and enforcement
  - An EPA inspector may accompany the VA DEQ inspector, OR...
  - EPA inspectors can arrive unannounced, typically as a result of complaints



# Questions

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