

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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<http://www.deq.virginia.gov/vpa/agriculture.html>