

Table of Contents

02.04.18 – Rules Governing CAFO Site Advisory Team

000. Legal Authority.	2
001. Title And Scope.	2
002. Written Interpretations.	2
003. Administrative Appeal.	2
004. Incorporation By Reference.	2
005. Address, Office Hours, Telephone, Fax Numbers, Web Address.	2
006. Idaho Public Records Act.	2
007. – 009. (Reserved)	2
010. Definitions.	2
011. Abbreviations.	3
012. -- 099. (Reserved)	3
100. Applicability.	3
101. -- 199. (Reserved)	4
200. Formation Of A Site Advisory Team.	4
201. -- 299. (Reserved)	4
300. Contents Of A Request To Form A Site Advisory Team.	4
301. -- 399. (Reserved)	5
400. Review Of Request.	5
401. -- 499. (Reserved)	5
500. Site Suitability Determination.	6
501. -- 999. (Reserved)	6

**IDAPA 02
TITLE 04
CHAPTER 18**

02.04.18 – RULES GOVERNING CAFO SITE ADVISORY TEAM

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 67-6529F, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.18, “Rules Governing CAFO Site Advisory Team.” (3-15-02)

02. Scope. These rules shall govern the contents of a request to form a CAFO Site Advisory Team, formation of a CAFO Site Advisory Team, development of a site suitability determination, and submission of the suitability determination to the appropriate county officials. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-15-02)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the ISDA under this chapter. Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference, and copies of the documents may be obtained from the Idaho State Department of Agriculture central office at 2270 Old Penitentiary Road, Boise, Idaho, 83712 or accessed online. (3-29-12)

01. Nutrient Management Standard (NMS). (3-29-12)

a. The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf. (3-29-12)

b. The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf. (3-29-12)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (3-15-02)

007. – 009. (RESERVED)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (3-15-02)

01. Best Management Practices. Practices, techniques, or measures that are determined by the

Department to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources from entering waters of the state and managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (3-29-12)

02. Land Application. The spreading on, or incorporation into the soil of agricultural by-products such as manure, process wastewater, compost, cull potatoes, cull onions, or crop residues into the soil primarily for beneficial purposes. (3-29-12)

03. Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard. (3-15-02)

04. Nutrient Management Standard. For dairies and beef cattle animal feeding operations, the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. For poultry concentrated animal feeding operations, the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. (3-29-12)

05. Odor Management Plan. A site-specific plan approved by the Director to manage odor from a CAFO to a level associated with accepted agricultural practices by utilizing best management practices. (3-15-02)

06. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-15-02)

011. ABBREVIATIONS.

- 01. BMP.** Best Management Practices. (3-15-02)
- 02. CAFO.** Concentrated Animal Feeding Operation. (3-15-02)
- 03. DEQ.** Idaho Department of Environmental Quality. (3-15-02)
- 04. FEMA.** Federal Emergency Management Agency (3-15-02)
- 05. IDWR.** Idaho Department of Water Resources. (3-15-02)
- 06. NRCS.** The United States Department of Agriculture, Natural Resources Conservation Service. (3-15-02)
- 07. NMP.** Nutrient Management Plan. (3-15-02)
- 08. OMP.** Odor Management Plan. (3-15-02)
- 09. USGS.** United States Geological Survey. (3-15-02)

012. -- 099. (RESERVED)

100. APPLICABILITY.

01. Site for a Proposed CAFO. A CAFO site advisory team shall review and make a site suitability determination for all proposed CAFO sites, as defined in these rules, submitted by a board of county commissioners pursuant to these rules. (3-15-02)

02. Sites That Do not Meet the Definition of a CAFO. The Director may form a CAFO site advisory team, as requested by a board of county commissioners, for a site that does not meet the animal numbers in the definition of a CAFO provided that: (3-29-12)

a. The county demonstrates that the site is in an environmentally sensitive area or is in close proximity to streams, lakes, or other bodies of surface water; or (3-15-02)

b. The state agencies have personnel and other resources available to conduct the site suitability determination. (3-15-02)

101. -- 199. (RESERVED)

200. FORMATION OF A SITE ADVISORY TEAM.

A board of county commissioners may request the formation of a CAFO site advisory team to provide a site suitability determination by submitting to the Director a written request supported by the adoption of a resolution by the county. (3-15-02)

01. Designation of the Team Leader. Upon receipt of a request to form a site advisory team, the Director shall designate a team leader. (3-15-02)

02. Notification of Team Members. The team leader shall provide a copy of the request to form a site advisory team to DEQ and IDWR. After receiving notification, DEQ and IDWR shall notify the Team Leader of their respective representatives to the team. (3-15-02)

201. -- 299. (RESERVED)

300. CONTENTS OF A REQUEST TO FORM A SITE ADVISORY TEAM.

The information contained in a request shall include, but not be limited to, the following: (3-15-02)

01. County Definition of CAFO. The county's definition of "CAFO" as set forth in any applicable county ordinance. (3-29-12)

02. Legal Description and Address. Legal description and address of the proposed CAFO. (3-15-02)

03. One-Time Unit Capacity. The one-time animal capacity of the proposed CAFO. (3-29-12)

04. Type of Animals. The type of animals to be confined at the proposed CAFO. (3-15-02)

05. Water Right Information. All requests shall include one (1) of the following: (3-15-02)

a. Evidence that a valid water right exists to supply adequate water for the operation of the proposed CAFO; or (3-15-02)

b. A copy of an application for a permit to appropriate water that has been filed with IDWR, which if approved, will supply adequate water for operation of the proposed CAFO; or (3-15-02)

c. A copy of an application to change the point of diversion, place, period, and nature of use of an existing water right that has been filed with IDWR, which if approved, will supply adequate water for the operation of the proposed CAFO. (3-15-02)

06. Vicinity Map with Site Location. A detailed sketch of the proposed CAFO site location, on an aerial photograph if available, which includes the following: (3-15-02)

a. Building locations; (3-15-02)

b. Waste storage facilities and general areas for any land application including a narrative description of the waste system; (3-15-02)

c. FEMA flood zones or other appropriate flood data for the proposed CAFO site and land application sites owned or leased by the applicant; (3-15-02)

d. Private and community domestic water wells, irrigation wells, existing monitoring wells, and existing injection wells as documented by IDWR or other sources, including the associated well logs if available, which are within a one (1) mile radius of the proposed CAFO; (3-29-12)

e. Irrigation canals, irrigation laterals, rivers, streams, springs, lakes, reservoirs, and designated wetlands, which are within a one (1) mile radius of the proposed CAFO. (3-15-02)

07. Site Characterization. A characterization of the proposed CAFO site and any land application sites owned or leased by the applicant, which includes the following information, if available: (3-15-02)

a. Annual precipitation and prevailing wind direction as contained in the Idaho Waste Management Guidelines, 1997; (3-15-02)

b. Soil characteristics from NRCS; (3-15-02)

c. Hydrologic characteristics from IDWR and USGS including: (3-15-02)

i. Depth to first water yielding zone and first encountered water; (3-15-02)

ii. Direction of ground water movement and gradient; (3-15-02)

iii. Sources and estimates of recharge; (3-15-02)

iv. Seasonal variations in water level and recharge characteristics; (3-15-02)

v. Susceptibility to contamination; and (3-15-02)

vi. Relation of ground water to surface water. (3-15-02)

d. Water quality data from DEQ, the Department, IDWR, or USGS, including: (3-29-12)

i. Microorganisms; (3-15-02)

ii. Nutrients; and (3-15-02)

iii. Pharmaceuticals and organic compounds. (3-15-02)

08. Required OMPs or NMPs. Any OMPs or NMPs that are required by the county to be submitted by the applicant at the time of application. (3-15-02)

301. -- 399. (RESERVED)

400. REVIEW OF REQUEST.

Team members shall review the information provided in the request for the formation of a site advisory team to determine if it includes the required elements of Section 300. (3-15-02)

01. Insufficient Information. If the team determines that the information provided by the county does not include the required elements of Section 300, the team leader shall contact the county and request additional information. (3-15-02)

02. Sufficient Information. When the team has determined that the information submitted by the county contains the required elements of Section 300, the team leader shall schedule an onsite review of the information with the team members. The team leader shall inform the county requesting the formation of the site advisory team of the date and time of the onsite review and the county may have a representative present. (3-15-02)

401. -- 499. (RESERVED)

500. SITE SUITABILITY DETERMINATION.

Within thirty (30) days of receiving a request for the formation of a CAFO site advisory team that includes the required elements of Section 300, the team shall develop and submit to the county a site suitability determination, based on the elements of Section 300 or other relevant information, that contains: (3-15-02)

01. Risk Category. A determination of an environmental risk category: high, moderate; low; or insufficient information to make a determination; (3-15-02)

02. Description of Factors. A description of the factors that contribute to the environmental risks; (3-15-02)

03. Mitigation. Any possible mitigation of the environmental risks. (3-15-02)

501. -- 999. (RESERVED)

Subject Index

- A**
- Abbreviations 3
 - BMP, Best Management Practices 3
 - CAFO, Concentrated Animal Feeding Operation 3
 - DEQ, Idaho Department of Environmental Quality 3
 - FEMA 3
 - IDWR, Idaho Department of Water Resources 3
 - NMP, Nutrient Management Plan 3
 - NRCS, Natural Resources Conservation Service 3
 - OMP, Odor Management Plan 3
 - USGS, United States Geological Survey 3
- Address, Office Hours, Telephone, Fax Numbers, Web Address 2
- Administrative Appeal 2
- Applicability 3
- Site for a Proposed CAFO 3
 - Sites That Do not Meet the Definition of a CAFO 3
- C**
- Contents Of A Request To Form A Site Advisory Team 4
- County Definition of CAFO 4
 - Legal Description & Address 4
 - One-Time Unit Capacity 4
 - Required OMPs or NMPs 5
 - Site Characterization 5
 - Type of Animals 4
 - Vicinity Map with Site Location 4
 - Water Right Information 4
- D**
- Definitions, IDAPA 02.04.18 2
- Land Application 3
 - Nutrient Management Plan 3
 - Nutrient Management Standard 3
 - Odor Management Plan 3
 - Person 3
- Definitions, IDAPA 02.04.18, Rules Governing CAFO Site Advisory Team
- Best Management Practices 2
- F**
- Formation Of A Site Advisory Team 4
- Designation of the Team Leader 4
 - Notification of Team Members 4
- I**
- Idaho Public Records Act 2
 - Incorporation By Reference 2
- L**
- Legal Authority 2
- R**
- Review Of Request 5
- Insufficient Information 5
 - Sufficient Information 5
- S**
- Site Suitability Determination 6
 - Description of Factors 6
 - Mitigation 6
 - Risk Category 6
- T**
- Title & Scope 2
- W**
- Written Interpretations 2