

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Animals Division

02.04.15 – Rules Governing Beef Cattle Animal Feeding Operations

Who does this rule apply to?

All beef producers.

What is the purpose of this rule?

In order to protect the natural resources and waters of the state, this rule governs the design, function, and management practices of waste systems on beef cattle animal feeding operations. Nothing in this rule affects the authority of the Department of Environmental Quality to enforce an IPDES permit for beef cattle animal feeding operations that discharge pollutants to waters of the United States, including without limitation, the authority to issue permits, access records, conduct inspections and take enforcement actions. The provisions of this rule do not alter the requirements, liabilities, and authorities with respect to or established by the IPDES program.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

- [22-110, Idaho Code](#) – Authority and Duties of Director Concerning Agricultural Waste
- [22-4903, Idaho Code](#) – Authority and Duties of Director Concerning Beef Cattle Animal Feeding Operations

Who do I contact for more information on this rule?

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02.04.15 – RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-110 and 22-4903, Idaho Code. (3-31-22)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Beef Cattle Animal Feeding Operations.” (3-31-22)

02. Scope. These rules govern the design, function, and management practices of waste systems on beef cattle animal feeding operations. Nothing in this rule affects the authority of the Department of Environmental Quality to enforce an IPDES permit for dairy farms that discharge pollutants to waters of the United States, including without limitation, the authority to issue permits, access records, conduct inspections and take enforcement actions. The provisions of this rule do not alter the requirements, liabilities, and authorities with respect to or established by the IPDES program. (3-31-22)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-31-22)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-31-22)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this chapter: (3-31-22)

01. The 1997 United States Department of Agriculture Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10 D. This document can be viewed online at <http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17767.wba>. (3-31-22)

02. Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. This document is part of a copyrighted publication and is available for viewing at the ISDA offices or a copy may be purchased online at <http://www.asabe.org/>. (3-31-22)

03. The 1999 Publication by the United States Department of Agriculture, Natural Resource Conservation Service, Conservation Practice Standard, Nutrient Management Code 590. This can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf. (3-31-22)

005. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Department. (3-31-22)

006. 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/>. (3-31-22)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter. (3-31-22)

01. Animal. Bovidae, ovidae, suidae, equidae, captive cervidae, captive antilocapridae, camelidae, and ratitidae. (3-31-22)

02. Animal Feeding Operation. A lot or facility where slaughter and feeder cattle or dairy heifers are confined and fed for a total of forty-five (45) days or more during any twelve-month (12) 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. (3-31-22)

03. Compost. A biologically stable material derived from the biological decomposition of organic matter. (3-31-22)

04. Concentrated Animal Feeding Operation. An AFO that is defined as a large CAFO or as a

medium CAFO by the terms of this section and designated by the Director. Two (2) or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes. (3-31-22)

05. Discharge. Release of process wastewater or manure from a beef cattle animal feeding operation to waters of the state. (3-31-22)

06. Idaho Pollutant Discharge Elimination System (IPDES). Idaho's program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under these rules and the Clean Water Act sections 307, 402, 318, and 405. (3-31-22)

07. Land Application. The spreading on, or incorporation of manure or process wastewater into the soil. (3-31-22)

08. Large Concentrated Animal Feeding Operation. An AFO is defined as a large CAFO if it stables or confines as many as or more than the numbers of cattle specified in any of the following categories: (3-31-22)

a. Seven hundred (700) mature dairy cows, whether milked or dry; (3-31-22)

b. One thousand (1,000) veal calves; (3-31-22)

c. One thousand (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; (3-31-22)

09. Medium Concentrated Animal Feeding Operation. A medium CAFO includes any AFO that has been defined or designated as CAFO and stables or confines the number of cattle that fall within any of the following ranges: (3-31-22)

a. Two hundred (200) to six hundred ninety-nine (699) mature dairy cows, whether milked or dry; (3-31-22)

b. Three hundred (300) to nine hundred ninety-nine (999) veal calves; (3-31-22)

c. Three hundred (300) to nine hundred ninety-nine (999) cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; (3-31-22)

10. Operate. Confining and feeding slaughter and feeder cattle in the state of Idaho. (3-31-22)

11. Operator. The person who has power or authority to manage, or direct, or has financial control of a beef cattle animal feeding operation. (3-31-22)

12. Runoff. Any precipitation that comes into contact with manure, compost, bedding, or feed on a beef cattle animal feeding operation. (3-31-22)

13. Slaughter and Feeder Cattle. All cattle except those cattle located on a dairy farm permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14, "Rules Governing Dairy Byproduct." (3-31-22)

14. Small Concentrated Animal Feeding Operation. An AFO that is designated as a CAFO and is not a medium or large CAFO. (3-31-22)

011. ABBREVIATIONS.

01. AFO. Animal Feeding Operation. (3-31-22)

02. CAFO. Concentrated Animal Feeding Operation. (3-31-22)

- 03.** IPDES. Idaho Pollutant Discharge Elimination System. (3-31-22)
- 04.** NMP. Nutrient Management Plan. (3-31-22)
- 05.** NRCS. United States Department of Agriculture, Natural Resources Conservation Service. (3-31-22)

012. PROHIBITED DISCHARGES.

Unauthorized discharges of manure or process wastewater from beef cattle AFOs or land application sites owned or controlled by a beef cattle AFO are prohibited. (3-31-22)

013. NOTIFICATION OF DISCHARGE.

01. Notification Within Twenty-Four Hours of Discharge. Within twenty-four (24) hours of learning of a discharge, the operator of a beef cattle AFO shall verbally notify the Director of such a discharge. (3-31-22)

02. Written Notification Within Five Days. If the Idaho Department of Agriculture has not begun a discharge investigation within five (5) days of the verbal notification to the Director, the operator shall submit a written report to the Director which includes: (3-31-22)

- a.** A description of the discharge, a description of the flow path to the receiving water body; (3-31-22)
- b.** An estimation of the flow rate and volume discharged; (3-31-22)
- c.** The period of discharge, including dates and times, and if not already corrected, the anticipated time the discharge is expected to continue; and (3-31-22)
- d.** Steps taken to reduce, eliminate and prevent recurrence of the discharge. (3-31-22)

014. -- 019. (RESERVED)

020. WASTEWATER STORAGE AND CONTAINMENT FACILITIES.

01. Wastewater Storage and Containment Facilities. All beef cattle AFOs where process wastewater leaves the confinement area and has the potential to impact surface water or be in violation of state water quality standards shall have wastewater storage and containment facilities designed, constructed, operated, and maintained sufficient to contain: (3-31-22)

- a.** All process wastewater generated on the facility during the non-land application season; and (3-31-22)
- b.** The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and (3-31-22)
- c.** Either three (3) inches of runoff from the accumulation of winter precipitation or the amount of runoff from the accumulation of precipitation from a one-in-five (1 in 5) year winter. (3-31-22)

02. All Substances Entering Wastewater Storage and Containment Facilities. All substances entering wastewater storage and containment facilities shall be composed of manure and process wastewater from the operation of the beef cattle AFO. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to, human waste, is prohibited. (3-31-22)

021. NEW OR MODIFIED BEEF CATTLE ANIMAL FEEDING OPERATIONS.

Each new or modified beef cattle AFO shall design and construct wastewater storage and containment facilities completed after July 1, 2000, in accordance with the engineering standards and specifications contained in the Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10D or the

American Society of Agricultural Engineers Standard EP393.3, or other equally protective standards approved by the Director. (3-31-22)

022. -- 029. (RESERVED)

030. NUTRIENT MANAGEMENT.

Each beef cattle AFO shall submit a NMP for land owned or controlled by the operator, which conforms to the nutrient management standard and addresses odors generated in excess of odors normally associated with raising beef cattle in Idaho, to the Director for approval. Following department review and approval, the plan, and all copies of the plan, shall be returned to the operation and maintained on site. (3-31-22)

01. New Beef Cattle Animal Feeding Operations. Any new beef cattle AFO shall not operate prior to the Director's approval of a NMP. The Director shall respond to or approve such plan within forty-five (45) days of submission. (3-31-22)

02. Implementation of a Nutrient Management Plan. Failure to implement an approved NMP is a violation of these rules. (3-31-22)

031. NUTRIENT MANAGEMENT PLAN RETENTION.

All approved NMPs shall be maintained on site at the beef cattle AFO and available to the Administrator upon request. (3-31-22)

032. NUTRIENT MANAGEMENT RECORDS.

The operators of beef cattle AFOs shall keep complete and accurate records of: (3-31-22)

01. Land Application. The dates and amounts of any manure or process wastewater applied on land owned or controlled by the operator. (3-31-22)

02. Manure Transferred to Another Person. The name and address of any third party that receives manure or process wastewater from the operation, including the dates of the transfer and the amount of manure or process wastewater transferred. (3-31-22)

03. Records Retention. All records shall be maintained for a period of five (5) years and presented to the Administrator upon request. (3-31-22)

033. -- 039. (RESERVED)

040. DESIGNATION OF BEEF CATTLE ANIMAL FEEDING OPERATIONS.

01. Designation of Animal Feeding Operations. The Director, on a case by case basis, may designate any AFO that confines slaughter and feeder cattle as a beef cattle AFO if, after an inspection, the Director determines that the AFO is a significant contributor of pollution to waters of the state. The designation is provided to the operator of the AFO in writing setting forth the basis for the Director's decision. When designated, these operations shall be considered existing beef cattle AFOs. The Director considers the following factors when making such designation: (3-31-22)

a. Size of the AFO and the amount of manure, process wastewater, and runoff reaching waters of the state; (3-31-22)

b. Location of the AFO relative to waters of the state; (3-31-22)

c. Means of conveyance of manure, process wastewater, and runoff into waters of the state; and (3-31-22)

d. Slope, vegetation, precipitation, and other factors affecting the likelihood or frequency of discharge of manure, process wastewater, or runoff into waters of the state. (3-31-22)

02. Redesignation of a Beef Cattle Animal Feeding Operation. Upon request by the operator, the Director will redesignate a facility previously designated under Section 040, if the facility is no longer a significant contributor of pollution to waters of the state. Such redesignation is provided to the operator in writing. (3-31-22)

041. -- 049. (RESERVED)

050. AUTHORITY TO INSPECT.

The Director is authorized to inspect any AFO that confines slaughter or feeder cattle in accordance with Title 22, Chapter 49, Idaho Code, to ensure compliance with these rules. The Director may comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to: (3-31-22)

01. Entry. Enter and inspect at reasonable times the premises or land application site(s) of a beef cattle AFO. (3-31-22)

02. Access to Records. Review or copy any records that must be kept in accordance with these rules. (3-31-22)

03. Sample or Monitor. Sample or monitor at reasonable times, substances or parameters directly related to compliance with these rules or an IPDES permit. (3-31-22)

051. INSPECTIONS.

Each beef cattle AFO shall be inspected annually or at intervals sufficient to determine that the facility is being operated and managed to prevent an unauthorized discharge. Inspections may include evaluating effectiveness of best management practices, collecting samples, taking photographs/videos of facilities or collecting other information as necessary. An official inspection report form is completed and a copy provided to the operator. (3-31-22)

052. ADMINISTRATION OF IPDES PROGRAM.

The Director of the Department of Agriculture and the Director of the Department of Environmental Quality shall, as appropriate, establish an agreement relating to the administration of an IPDES program that recognizes the expertise of the Department of Agriculture. (3-31-22)

053. COMPLIANCE WITH IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES.

The Department of Environmental Quality shall be solely responsible and authorized to determine whether the discharge of pollutants from a beef cattle feeding operation is required to be authorized by an IPDES permit. The provisions of this rule do not define when a beef cattle feeding operations is required to obtain a permit for a discharge, do not exempt a beef cattle feeding operation from permitting requirements for such discharges or alter the authority of DEQ with respect to such discharges. (3-31-22)

054. -- 999. (RESERVED)