Table of Contents

02.04.15 - Rules Governing Beef Cattle Animal Feeding Operations

000. Legal Authority. 2
001. Title And Scope. 2
002. Written Interpretations. 2
003. Administrative Appeal. 2
004. Incorporation By Reference. 2
005. Idaho Public Records Act. 2
006. Address, Office Hours, Telephone And Fax Numbers. 2
007. -- 009. (Reserved) 3
010. Definitions. 3
011. Abbreviations. 4
012. Prohibited Discharges. 4
013. Notification Of Discharge. 4
014. -- 019. (Reserved) 5
020. Wastewater Storage And Containment Facilities. 5
021. New Or Modified Beef Cattle Animal Feeding Operations. 5
022. -- 029. (Reserved) 5
030. Nutrient Management. 5
031. Nutrient Management Plan Retention. 6
032. Nutrient Management Records. 6
033. -- 039. (Reserved) 6
040. Designation Of Beef Cattle Animal Feeding Operations. 6
041. -- 049. (Reserved) 6
050. Authority To Inspect. 6
051. Inspections. 7
052. -- 079. (Reserved) 7
080. Compliance Orders. 7
081. -- 089. (Reserved) 7
090. Penalties. 7
091. -- 999. (Reserved) 7

IDAPA 02
TITLE 04
CHAPTER 15

02.04.15 - RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Title 22, Chapter 1 and 49, Idaho Code. (3-16-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is "Rules Governing Beef Cattle Animal Feeding Operations." (4-6-05)

02. Scope. These rules shall govern the design, function, and management practices of waste systems on beef cattle animal feeding operations. The official citation of this chapter is IDAPA 02.04.15.000 et seq. For example this section's citation is IDAPA 02.04.15.001. (3-16-01)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-16-01)

003. ADMINISTRATIVE APPEAL.
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.
Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.04.15 incorporates by reference: (3-16-01)

01. The 2004 Code of Federal Regulations (CFR) Title 40 Part 122 Section 122.23 (b)(1), (b)(2), (b)(4), (b)(6), or (b)(9). This document can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_04/40cfrv20_04.html. (4-6-05)

02. 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://www.agri.idaho.gov/Categories/Animals/Documents/nrcs_10d_1997.pdf. (3-16-01)

03. The 2000 American Society of Agricultural Engineers Standard EP393.3. This document can be viewed online at http://www.agri.idaho.gov/Categories/Animals/Documents/ASAE_EP393point3_2000.pdf. (3-16-01)

04. 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 http://www.agri.idaho.gov/Categories/Animals/Documents/nutrient_Management_code_590.PDF. (3-16-01)

005. IDAHO PUBLIC RECORDS ACT.
These rules are public records and are available for inspection and copying at the Department. (3-16-01)

006. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (3-16-01)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-16-01)

03. Mailing Address. The mailing address for the central office is Idaho State Department of

Agriculture, P. O. Box 790, Boise, Idaho 83701. (3-16-01)

04. **Telephone Number**. The telephone number of the central office is (208) 332-8540. (3-16-01)

05. **Fax Number**. The fax number of the central office is (208) 334-4062. (3-16-01)

007. -- 009. **(RESERVED)**

010. DEFINITIONS.
The following definitions shall apply in the interpretation and enforcement of this chapter. (3-16-01)

01. **Administrator**. The administrator of the Idaho State Department of Agriculture, Division of Animal Industries or his designee. (4-6-05)

02. **Animal**. Bovidae, ovidae, suidae, equidae, captive cervidae, captive antilocapridae, camelidae, and ratitidae. (3-16-01)

03. **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 (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. (4-6-05)

04. **Beef Cattle Animal Feeding Operation**. An animal feeding operation, as defined in 40 CFR Sections 122.23 (b)(1), (b)(2), (b)(4), (b)(6) or (b)(9), which confines slaughter and feeder cattle or dairy heifers. (4-6-05)

05. **Best Management Practices**. Practices as defined in Title 22, Chapter 49, Idaho Code or other practices, techniques, or measures that are determined to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources to a level compatible with state environmental goals. (3-16-01)

06. **Compost**. A biologically stable material derived from the biological decomposition of organic matter. (3-16-01)

07. **Director**. The Director of the Idaho State Department of Agriculture or his designee. (4-6-05)

08. **Discharge**. Release of process wastewater or manure from a beef cattle animal feeding operation to waters of the state. (3-16-01)

09. **Land Application**. The spreading on, or incorporation of manure or process wastewater into the soil. (3-16-01)

10. **Manure**. Animal excrement generated on a beef cattle animal feeding operation that may also contain bedding, spilled feed, water, or soil. (3-15-02)

11. **Modified**. Structural changes and alterations to the wastewater storage containment facility, which would require increased storage or containment capacity or such changes, which would alter the function of the wastewater storage or containment facility. (3-16-01)

12. **Non-Compliance**. A practice or condition that causes an unauthorized discharge or a practice or condition that if left uncorrected will cause an unauthorized discharge. (3-16-01)

13. **Nutrient Management Plan**. A plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e)(1), or other equally protective standard for managing the amount, source, placement, form, and timing of the land application of nutrients or soil amendments. (4-6-05)

14. **Nutrient Management Standard**. 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. (3-16-01)

15. **Operate**. Confining and feeding slaughter and feeder cattle in the state of Idaho. (4-6-05)

16. **Operator**. The person who has power or authority to manage, or direct, or has financial control of a beef cattle animal feeding operation. (3-16-01)

17. **Person**. Any individual association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state, or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties. (3-16-01)

18. **Process Wastewater**. Liquid containing beef cattle manure, process generated wastewater and any precipitation which comes into direct contact with livestock manure and facility products or by-products. (4-6-05)

19. **Runoff**. Any precipitation that comes into contact with manure, compost, bedding, or feed on a beef cattle animal feeding operation. (3-15-02)

20. **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 of the Department of Agriculture Governing Dairy Waste." (4-6-05)

21. **Unauthorized Discharge**. A discharge of process wastewater or manure from a beef cattle animal feeding operation to surface waters of the state that is not authorized by a National Pollutant Discharge Elimination System permit issued by the United States Environmental Protection Agency, or the release of process wastewater or manure from a beef cattle animal feeding operation, to waters of the state, that does not meet the requirements of the act or water quality standards. (3-16-01)

22. **Wastewater Storage and Containment Facility**. That portion of a beef cattle animal feeding operation where manure or process wastewater is stored or collected. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds. (3-16-01)

23. **Waters of the State**. All surface and ground water located within the boundaries of the state or boundary streams, rivers and lakes except for private waters as defined in Title 42, Chapter 2, Idaho Code. (3-16-01)

011. ABBREVIATIONS.

01. **NMP**. Nutrient Management Plan. (4-6-05)

02. **NPDES**. National Pollutant Discharge Elimination System. (4-6-05)

03. **NRCS**. United States Department of Agriculture, Natural Resources Conservation Service. (4-6-05)

012. PROHIBITED DISCHARGES.

Unauthorized discharges of manure or process wastewater from beef cattle animal feeding operations or land application sites owned or controlled by a beef cattle animal feeding operation are prohibited. (4-6-05)

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 animal feeding operation shall verbally notify the Director of such a discharge. (3-16-01)

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: (3-16-01)

a. A description of the discharge, a description of the flow path to the receiving water body;(3-16-01)

b. An estimation of the flow rate and volume discharged; (3-16-01)

c. The period of discharge, including dates and times, and if not already corrected, the anticipated time the discharge is expected to continue; and (3-16-01)

d. Steps taken to reduce, eliminate and prevent recurrence of the discharge. (3-16-01)

014. -- 019. (RESERVED)

020. WASTEWATER STORAGE AND CONTAINMENT FACILITIES.

01. Wastewater Storage and Containment Facilities. All beef cattle animal feeding operations 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: (3-16-01)

a. All process wastewater generated on the facility during the non-land application season; and (3-16-01)

b. The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and (3-16-01)

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. (3-16-01)

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 animal feeding operation. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to, human waste, is prohibited. (3-16-01)

021. NEW OR MODIFIED BEEF CATTLE ANIMAL FEEDING OPERATIONS.
Each new or modified beef cattle animal feeding operation 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. (3-16-01)

022. -- 029. (RESERVED)

030. NUTRIENT MANAGEMENT.
Each beef cattle animal feeding operation shall submit a nutrient management plan 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. (4-6-05)

01. Existing Beef Cattle Animal Feeding Operations. Beef cattle animal feeding operations that are operating on or before July 1, 2000 shall submit a NMP to the director for approval no later than January 1, 2005. The Director shall respond to or approve such plan in writing within forty-five (45) days of submission. (4-6-05)

02. New Beef Cattle Animal Feeding Operations. Any new beef cattle animal feeding operation commencing operations after July 1, 2000 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. (4-6-05)

03. Implementation of a Nutrient Management Plan. Failure to implement an approved NMP is a violation of these rules. (4-6-05)

031. NUTRIENT MANAGEMENT PLAN RETENTION.
All approved NMPs shall be maintained on site at the beef cattle animal feeding operation and available to the Administrator upon request. (4-6-05)

032. NUTRIENT MANAGEMENT RECORDS.
The operators of beef cattle animal feeding operations shall keep complete and accurate records of: (4-6-05)

01. Land Application. The dates and amounts of any manure or process wastewater applied on land owned or controlled by the operator. (4-6-05)

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. (4-6-05)

03. Records Retention. All records shall be maintained for a period of five (5) years and presented to the Administrator upon request. (4-6-05)

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 animal feeding operation that confines slaughter and feeder cattle as a beef cattle animal feeding operation if, after an inspection, the Director determines that the animal feeding operation is a significant contributor of pollution to waters of the state. The designation shall be provided to the operator of the animal feeding operation in writing setting forth the basis for the Director's decision. When designated, these operations shall be considered existing beef cattle animal feeding operations. The Director shall consider the following factors when making such designation: (4-6-05)

a. Size of the animal feeding operation and the amount of manure, process wastewater, and runoff reaching waters of the state; (3-15-02)

b. Location of the animal feeding operation relative to waters of the state; (3-15-02)

c. Means of conveyance of manure, process wastewater, and runoff into waters of the state; and (3-15-02)

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. (3-15-02)

02. Redesignation of a Beef Cattle Animal Feeding Operation. Upon request by the operator, the Director shall 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 shall be provided to the operator in writing. (3-15-02)

041. -- 049. (RESERVED)

050. AUTHORITY TO INSPECT.
The Director is authorized to inspect any animal feeding operation that confines slaughter or feeder cattle in accordance with Title 22, Chapter 49, Idaho Code, to ensure compliance with these rules. The Director shall comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to: (4-6-05)

01. **Entry**. Enter and inspect at reasonable times the premises or land application site(s) of a beef cattle animal feeding operation. (4-6-05)

02. Access to Records. Review or copy any records that must be kept in accordance with these rules.

(4-6-05)

03. Sample or Monitor. Sample or monitor at reasonable times, substances or parameters directly related to compliance with these rules or an NPDES permit. (4-6-05)

051. INSPECTIONS.
Each beef cattle animal feeding operation 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, video taping facilities or collecting other information as necessary. An official inspection report form shall be completed at the time of the inspection and a copy provided to the operator. (3-16-01)

052. -- 079. (RESERVED)

080. COMPLIANCE ORDERS.
When the Director identifies items of non-compliance or unauthorized discharges, the deficiencies will be noted and discussed with the operator. Unauthorized discharges shall be corrected immediately, or as soon as possible as determined by the Director. Appropriate corrective actions will be identified and scheduled informally. Formal compliance orders shall be developed, as the Director deems necessary as provided by Section 22-4909, Idaho Code. (3-16-01)

081. -- 089. (RESERVED)

090. PENALTIES.
Failure to comply with any provision of these rules or any formal compliance order of the Director shall be a violation of these rules. Such violation may subject the operator to an administrative enforcement action or a civil enforcement action in district court and a civil penalty not to exceed ten thousand dollars ($10,000) per violation or one thousand dollars ($1,000) for each day of a continuing violation as provided in Title 22, Chapter 49, Idaho Code. Civil penalties collected shall be deposited in the state treasury and credited to the State School Building Fund. (3-16-01)

091. -- 999. (RESERVED)

Subject Index

A

Abbreviations
- NMP, Nutrient Management Plan 4
- NPDES, National Pollutant Discharge Elimination System 4
- NRCS, Natural Resources Conservation Service 4

Authority To Inspect
- Access to Records 6
- Entry 6
- Sample or Monitor 7

C

Compliance Orders 7

D

Definitions, IDAPA 02.04.15
- Administrator 3
- Animal 3
- Animal Feeding Operation 3
- Beef Cattle Animal Feeding Operation 3
- Best Management Practices 3
- Compost 3
- Director 3
- Discharge 3
- Land Application 3
- Manure 3
- Modified 3
- Non-Compliance 3
- Nutrient Management Plan 3
- Nutrient Management Standard 3
- Operate 4
- Operator 4
- Person 4
- Process Wastewater 4
- Runoff 4
- Slaughter & Feeder Cattle 4
- Unauthorized Discharge 4
- Wastewater Storage & Containment Facility 4
- Waters of the State 4

Designation Of Beef Cattle Animal Feeding Operations
- Designation of Animal Feeding Operations 6
- Redesignation of a Beef Cattle Animal Feeding Operation 6

I

Inspections 7

N

New Or Modified Beef Cattle Animal Feeding Operations 5

Notification Of Discharge, Beef Cattle Animal Feeding Operations 4

Notification Within Twenty-Four Hours of Discharge 4

Nutrient Management
- Existing Beef Cattle Animal Feeding Operations 5
- Implementation of a Nutrient Management Plan 5
- New Beef Cattle Animal Feeding Operations 5

Nutrient Management Plan Retention 6

Nutrient Management Records
- Land Application 6
- Manure Transferred to Another Person 6
- Records Retention 6

P

Penalties 7

Prohibited Discharges 4

W

Wastewater Storage & Containment Facilities
- All Substances Entering Wastewater Storage & Containment Facilities 5
- Wastewater Storage & Containment Facilities 5

Written Notification Within Five Days, Notification of Discharge 4