

ADEM CAFO UPDATE

The Alabama Department of Environmental Management (ADEM) has worked with the agricultural community to maintain an AFO / CAFO Program that supports the protection of environmental resources and also allows program implementation by ADEM at the state level as opposed to program implementation by EPA at the federal level. The regulatory requirements of the AFO / CAFO Program remained consistent until 2020 when changes were made to allow farmers to obtain permit coverage under a new state permit.

Farmers now have the ability to obtain permit coverage under the new state permit or the traditional federal permit. While both permits are issued by ADEM and many of the technical requirements such as buffers, waste management, and land application are consistent between the state and federal permits, there are significant differences with regards to registration with ADEM and the requirements for an inspection by a Qualified Credentialed Professional (QCP).

Coverage under the state permit requires an initial QCP inspection and registration with ADEM then state permit coverage can be renewed once every five (5) years with the submittal of a recent QCP inspection and updated registration. In contrast, the federal permit requires an annual QCP inspection and an annual registration with ADEM. Since the change in 2020 ADEM has worked with many stakeholder groups to explain the differences between the state / federal permits and to assist farmers with making the correct permitting decision for their specific farm operations.

Currently, over 500 farmers have chosen to obtain permit coverage under the new state permit and ADEM staff continue to work with staff at the Alabama Soil & Water Conservation Committee to assist farmers with this decision-making process. ADEM encourages farmers that have not made this important decision to visit their local Alabama Soil & Water Conservation Committee district office to complete this process and ensure permit coverage, either state or federal, both of which are issued by ADEM.

Outlined below is a summary of the benefits of each type of permit along with some noncompliance items that are commonly seen by ADEM staff when performing inspections:

Permit Coverage Under State Permit --- State Notice of Registration (SNOR)

- No registration fee at this time
- QCP inspection required once every five (5) years
- Registration with ADEM required once every five (5) years
- Technical requirements such as buffers, waste management, land application, BMP implementation, and recordkeeping are consistent under both permits

Permit Coverage Under Federal Permit --- NPDES Notice of Registration (NNOR)

- No registration fee at this time
- QCP inspection required annually
- Registration with ADEM required annually
- Technical requirements such as buffers, waste management, land application, BMP implementation, and recordkeeping are consistent under both permits

New Construction / Expansion

- During new construction or expansion that equals or exceeds one (1) acre permit coverage is required via a permit that is consistent with federal requirements
 - Permit coverage under the federal permit (NNOR) is an option and no permit fee is required at this time
 - Permit coverage under a construction stormwater permit is an option and a permit fee is required at this time
- Upon completion of the new construction / expansion activities permit coverage can be transferred to the state permit (SNOR)
- There are no costs associated with obtaining permit coverage under the state permit (SNOR) or the federal (NNOR) permit

Common Noncompliance Issues

- Busted boards on dry stack / composting facilities that allow spillage outside of structure
- Storage of dry litter that is not covered to prevent contact with rainwater
- Excessive spillage of feed under feeders / silos
- Excessive spillage of dry litter in front of confinement structures
- Land application during rain events
- Land application within buffer areas
- Improper management of animal mortality / incinerator ash piles
- Bare areas of soil not properly protected during new construction / expansion activities
- Not using best management practices (BMPs) such as silt fences and erosion control products during new construction / expansion activities
- Discharges of contaminated stormwater are prohibited under both types of permits