



Concentrated Animal Feeding Operations Permits on Public Notice - Dairy Cattle

February and March 2018

Information Letter¹ IL 18-01
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FEBRUARY 2018

States Covered: IA, KS, MN, NE, OR, PA, SD, TX, UT, VT, WI

Permits on Public Notice: 3 New, 9 Modified or Reissued

Total Change in Animal Units: 118,840

Total Change in Milking Cows: 32,610

MARCH 2018

States Covered: CO, IA, KS, MN, NE, OR, PA, SD, TX, UT, VT, WI

Permits on Public Notice: 1 New, 12 Modified or Reissued

Total Change in Animal Units: 1,608

Total Change in Milking Cows: 571

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Introduction

The National Program on Dairy Markets and Policy is starting a new monthly bulletin ***Concentrated Animal Feeding Operations Permits on Public Notice - Dairy Cattle***. The purpose of this bulletin is to provide a new leading indicator for future growth of milk supply in the United States.

In this inaugural issue we present data from 11 major milk producing states for March 2018. We also include data from 10 states for February 2018. Following issues will provide monthly data and will be issued in a timely fashion as soon as the data processing for the previous month is completed. Over time, we hope to increase our monthly coverage to all 23 top milk producing states.

Current data collection is complemented by ongoing efforts to collect long history of Concentrated Animal Feeding Operations (CAFO) permits on public notice for states which have substantially expanded their dairy herds in the past decade. We hope to be able to release a research paper later this year which would evaluate the potential for CAFO permits data to forecast state-level dairy herd growth.

Background

In 1972, amendments to the earlier Water Pollution Control Act were passed, leading to what is commonly known today as the Clean Water Act. This act provided guidelines for the regulation of pollutants in surface waters and allowed the Environmental Protection Agency to implement programs to restrict the release of pollutants. Among the sources of pollutants identified in the bill are Animal Feed Operations.

An Animal Feed Operation (AFO) is defined as an agricultural operation that meets two conditions. The operation must confine animals for at least 45 days during any 12-month period and there must not be crops, forage, or other vegetation growing in the confinement area. A further subcategory of operations are Concentrated Animal Feed Operations (CAFOs), which are divided into three categories. All Animal Farm Operations can potentially be designated as a CAFO depending on the design of the operation. CAFOs are designated as either small, medium, or large CAFOs. A Large CAFO is an AFO that has over 1,000 Animal Units. Mature dairy cattle weighing over 1,000 pounds are 1.4 AUs each, while dairy cattle under 1,000 pounds are each 1.0 AU. A Medium CAFO is an AFO that has between 300 and 999 Animal Units and either has a man-made ditch or pipe that carries manure or process wastewater to surface water or animals come into contact with surface water in their confinement space. A Small CAFO is an AFO that has less than 300 Animal Units, is a significant contributor of pollutants to surface waters, and has either a man-made ditch or pipe that carries manure or process wastewater to surface water or animals come into contact with surface water in their confinement space.

Due to their large potential for pollution of water, CAFOs are designated as point sources of pollution. Any person who intends to operate a point source of pollution, including both agricultural and other, must apply for a permit through the National Pollutant Discharge Elimination System. NPDES permits can be issued by either the state or federal government. Some states, such as Idaho and New Mexico, currently leave permitting to the federal government, while many states with large farming industries operate their own permitting service. CAFOs that discharge water are required to have NPDES permits, so not all CAFOs will have permits.

There are two ways in which permits are issued to CAFOs: individual permits and general permits. An individual permit is one that is specifically designed for a single facility. For this process, an application is submitted to the permitting authority, which is in turn tasked with making a determination regarding if the permit should be issued or if additional information needs to be collected. If the information is satisfactory, the authority prepares a permit based on the information provided in the application which is made available to the public along with a draft permit and fact sheet. After at least 30 days of public comment, public comment is taken into account and an individual permit is issued for up to a five year span. The length of time between the application and the public comment period varies by state and workload. The permitting authority can use individual permits for a portion or all of the CAFOs within the state. A state may use entirely individual permits if there is a small amount of CAFOs within the area, but otherwise most authorities use a mixture of permit types where only the more complex or unique operations are given individual permits.

The other type of permit is a general permit, which can be used to cover a group of operations that have similar characteristics within a specified region. CAFOs within the same area often show similar qualities, which allows for one permit to cover multiple CAFOs. General permits are drafted by the permitting authority with information on the scope, facilities, and conditions. After the draft is prepared, it must be made available to the general public. After the public notice there is a 30 day minimum period where public comments are taken, possibly through a public hearing. Once the permit has been prepared, operators can submit a Notice of Intent (NOI) that contains much of the same information as an application for an individual permit. Upon reception of the NOI, the permitting authority will again return to the public by making information on the CAFOs seeking coverage available for public review. Once public opinion has been collected, the operation may be covered for the remaining span of the general permit.

After draft permits are prepared for CAFO permits, federal regulation requires that a public notice be issued announcing a comment period. This period, which exists for both general and individual permits, must last at least 30 days to provide interested parties a chance to comment on the permit before issuance.

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February, 2018

State	Reissues and Modifications				New Permits				Total					
	Permits		Animal Units		Head		Animal Units		Head		Permits		Animal Units	
	Permits on Public Notice	Current	Modified	Change	Milking Cows (Change)	Milking Cows (New)	Total Animal Units (New)	Milking Cows (New)	Total Dairy Cattle (New)	Permits on Public Notice	Animal Units Total Change	Milking Cows, Total Change		
Arizona	0	0	0	0	0	0	0	0	0	0	0	0		
California	2	29,354	29,354	0	0	0	0	0	0	2	0	0		
Colorado														
Florida														
Idaho														
Illinois														
Indiana														
Iowa	2	2,586	2,586	0	0	0	0	0	0	2	0	0		
Kansas	0	0	0	0	0	0	0	0	0	0	0	0		
Michigan														
Minnesota														
Nebraska														
New Mexico														
New York														
Ohio	0	0	0	0	0	0	0	0	0	0	0	0		
Oregon	0	0	0	0	0	0	0	0	0	0	0	0		
Pennsylvania	0	0	0	0	0	0	0	0	0	0	0	0		
South Dakota	0	0	0	0	0	0	0	0	0	0	0	0		
Texas	1	10,760	24,100	13,340	4,610	28,000	105,500	28,000	94,300	2	118,840	32,610		
Utah	0	0	0	0	0	0	6,000	0	0	2	0	0		
Vermont	0	0	0	0	0	0	0	0	0	0	0	0		
Virginia														
Washington	4	11,096	13,655	2,559	1,420	0	0	0	0	4	0	0		
Wisconsin	9	53,796	69,695	15,899	6,030	3	111,500	28,000	94,300	12	118,840	32,610		
Totals														

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Concentrated Animal Feeding Operations Permits on Public Notice - Dairy Cattle

March, 2018

	Reissues and Modifications				New Permits				Total							
	Permits		Animal Units		Head		Animal Units		Head		Permits		Animal Units		Head	
	Permits on Public Notice	Current	Modified	Change	Milking Cows (Change)	Permits on Public Notice	Total Animal Units (New)	Milking Cows (New)	Total Dairy Cattle (New)	Permits on Public Notice	Animal Units, Total Change	Milking Cows, Total Change				
Arizona																
California																
Colorado	1	15000	15000	0	0	0	0	0	0	1	0	0	0	0	0	0
Florida																
Idaho																
Illinois																
Indiana																
Iowa	1	1890	1890	0	0	0	0	0	0	1	0	0	0	0	0	0
Kansas	2	435	435	0	0	1	66	40	60	3	66	66	40	66	40	40
Michigan																
Minnesota	1	80	80	0	0	0	0	0	0	1	0	0	0	0	0	0
Nebraska	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Mexico																
New York																
Ohio																
Oregon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
South Dakota	1	1225	1925	700	0	0	0	0	0	1	700	700	0	700	0	0
Texas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Utah	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vermont	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia																
Washington																
Wisconsin	5	8943	9785	842	531	0	0	0	0	5	842	842	0	842	531	531
Totals	11	27,573	29,115	1,542	531	1	66	40	60	12	1,608	1,608	60	1,608	571	571

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References

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- [3] United States, Environmental Protection Agency. *Concentrated Animal Feeding Operations: Clean Water Act Requirements*. Office of Water Resource Center, 2002.
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