

ADEM FIELD OPERATIONS DIVISION

CAFO REGISTRATION OR CONSTRUCTION STORMWATER REGISTRATION REQUIREMENTS FOR CONSTRUCTION DISTURBANCE AT AFOs AND CAFOs

Animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) may be subject to NPDES permitting for construction activities. Generally, other normal agricultural practices such as crop production, grazing, and non-AFO/CAFO operations are exempt from having to apply for construction stormwater permit coverage under the Federal Clean Water Act. ADEM program requirements have been designed with maximum flexibility and available options.

1. New or expanding CAFOs, are required to obtain NPDES permit coverage under ADEM Administrative Code Chapter 335-6-7 [AFO/CAFO Program], which includes preparation of a site specific Construction Best Management Practices Plan (CBMPP) for the construction activity as a component of the Waste Management System Plan (WMSP). This registration grants NPDES permit coverage for the construction and operation of the facility. Currently, a permit fee is not required.
2. AFOs conducting construction disturbance one acre or greater are required to obtain NPDES permit coverage. An AFO can temporarily register as a voluntary CAFO to obtain NPDES permit coverage under ADEM Administrative Code Chapter 335-6-7 [AFO/CAFO Program] which includes preparation of a site specific CBMPP for the construction activity. After construction is complete, the AFO owner/operator can request termination of the CAFO registration and submit qualified credentialed professional (QCP) certification that the construction disturbance is complete, and all areas have been fully vegetated and/or stabilized and that a WMSP has been prepared and fully implemented. Currently, a permit fee is not required to register under the CAFO program.
3. If an AFO conducting construction disturbance one acre or greater has not received NPDES registration approval under the ADEM AFO/CAFO program, the AFO is required to obtain NPDES permit coverage under ADEM General Permit ALR100000 which includes preparation of a site specific CBMPP for the construction activity. After construction is complete, the AFO owner/operator can request termination of general permit coverage and submit qualified credentialed professional (QCP) certification that the construction disturbance is complete, and all areas have been fully vegetated and/or stabilized. A general permit fee is required by ADEM Administrative Code Chapter 335-1-6-.04, Fee Schedule D.
4. If an AFO is conducting construction disturbance less than one acre, ADEM permit coverage is not required provided effective BMPs are fully implemented and maintained until the construction disturbance is stabilized/reclaimed.

What are the Options?

Proposed New CAFOs, Existing AFOs that are Expanding to CAFOs, or Expansion of Existing CAFOs:

If, as a result of the proposed construction, the facility will be defined as a CAFO pursuant to ADEM Administrative Code Rule 335-6-7-.10, operators must submit to ADEM, through their local Soil and Water Conservation District (SWCD) office, a Notice of Registration (NOR) at least 30 days prior to commencement of construction activities and at least 45 days prior to commencement of initial or expanded feeding operations. Once approved by the Department, the CAFO registration grants

NPDES coverage for the construction phase of the operation. Construction is not authorized to proceed until registration approval is received from ADEM.

New AFOs or Expansion of Existing AFOs that will Remain AFOs based on Animal Numbers:

If, as a result of the proposed construction, the facility will not be defined as a CAFO pursuant to ADEM Administrative Code Rule 335-6-7-.10, the owner/operator may choose whether to voluntarily register the activity under the NPDES CAFO Program or apply for NPDES general permit coverage under the Construction Stormwater Program in order to receive NPDES coverage for the construction phase of the facility. The CAFO NOR can be prepared and submitted, to the Department with the assistance of the local SWCD. The Construction Stormwater general permit NOI must be prepared by a QCP and submitted directly to the Department, along with the required NPDES permit fee.

Preparation and Certification of the ADEM Waste Management System Plan (WMSP) for CAFOs:

New or expanding CAFOs, or AFOs registered under the CAFO Program to cover construction disturbance, must submit to the Department, at least fifteen (15) days prior to bringing animals onsite, a comprehensive WMSP that meets or exceeds ADEM regulatory requirements that is signed by the Operator and certified by a QCP. Certain aspects of the WMSP and the required certification can be prepared by one or more of the following QCPs:

1. NRCS
2. a technical service providers (TSP) as identified by NRCS
3. CAFO Program QCP identified by the ADAI QCP Workgroup
4. NPDES Construction Stormwater Program QCP (construction BMP component only) – See Below

Who Can Prepare a BMP Plan For Construction Disturbance and Conduct the Required Inspections?

Whether registering under the CAFO Program or applying under the construction stormwater general permit program, a CBMPP prepared by an ADEM recognized QCP that is designed to minimize pollutant discharges in stormwater runoff to the maximum extent practicable during land disturbance activities, must be fully implemented and effectively maintained. A professional engineer (PE) is required to design and certify any structural BMPs such as sediment retention basins. The CBMPP is filed with the local SWCD office as a component of the WMSP when preparing a CAFO NOR. A copy of the CBMPP should be kept onsite during construction and retained with the operator's records in order to document compliance with NPDES CAFO Program registration requirements. Construction is not authorized to proceed until registration approval is received from ADEM. A QCP for the purposes of the construction disturbance is:

1. a professional engineer (PE)
2. a Certified Professional In Erosion And Sediment Control (CPESC)
3. a registered landscape architect
4. a registered land surveyor
5. a professional geologist (PG)
6. a registered forester (RF)
7. a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP)

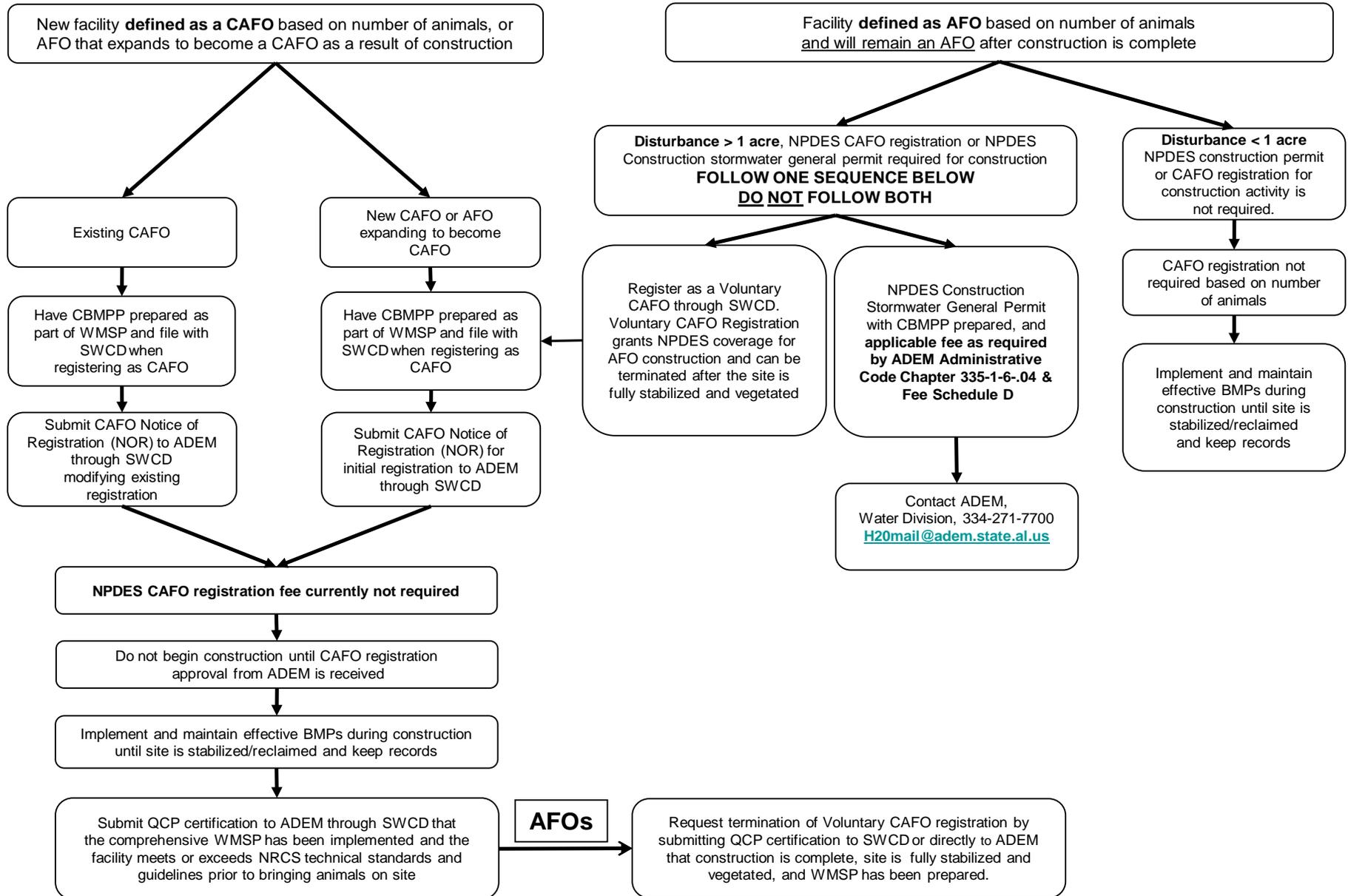
8. a Certified Professional Soil Scientist (CPSS) as determined by ARCPACS (American Registry of Certified Professionals in Agronomy, Crops and Soils)
9. other qualified credentialed professionals identified by the Department

If you have any questions regarding the NPDES CAFO registration process, please contact your local SWCD office or ADEM's Field Operation Division at (334) 394-4311 or visit ADEM's CAFO Website at www.adem.state.al.us/programs/water/cafo.cnt The CAFO rule requires weekly inspections of all waste management system structural controls to be conducted by the operator, and an annual inspection of the facility by a QCP. Inspections conducted by contractors and consultants should be retained by the operator.

If you have any questions regarding the NPDES Construction Stormwater General Permitting Program, please contact the ADEM Water Division by phone at 334-271-7700 or by email at H20mail@adem.state.al.us

A flow chart demonstrating the steps involved in registering under the NPDES CAFO Program or obtaining general permit coverage under the NPDES Construction Stormwater Program for construction activity is attached for your convenience.

ADEM NPDES AFO/CAFO REGISTRATION COVERAGE OR NPDES CONSTRUCTION STORMWATER GENERAL PERMIT APPLICATION FOR PROPOSED CONSTRUCTION ACTIVITY AT NEW OR EXISTING AFO/CAFO FACILITY



Example

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITY

JOHN DOE FARMS, INC

Broiler Facility

Township 22S, Range 15W, Section 10

Cullman County

**ABC Consultants
101 Broad Street
Montgomery, AL 36000**

<Date>

Prepared By: _____

QCP Designation: ____ (PE, CPESC, PG, RF, RLS, etc.) _____

Registration/Certification Number: _____

Signature: _____

QCP Phone Number: _____

QCP Email Address: _____

**PROFESSIONAL
CERTIFICATION OR
STAMP
(if applicable)**