



## MEMORANDUM

**TO:** Carbon County Planning Board  
**FROM:** Monica Plecker  
**DATE:** August 19, 2015  
**RE:** Clean Water Act, Commercial Feed Operations

---

During the Planning Board meeting held on August 19<sup>th</sup> there were several questions related to regulations currently in place regarding commercial feed operations as administered through the Montana Department of Environmental Quality.

The Permitting and Compliance Division of the Montana DEQ is tasked with enforcing measures in relation to the Clean Water Act. Through a general permitting procedure the DEQ regulates Animal Feeding Operations. The permitting process is intended to regulate feeding operations that:

- Meet the definition of Medium Concentrated Animal Feeding Operations
- Discharge to state surface waters
  - State surface waters can be a body of water, irrigation system, drainage system, either surface or underground; except irrigation waters where the waters are used up within the irrigation system and the waters are not returned to any other state waters.
- Groundwater discharge
- Discharge as a result of land areas used for manure applications

If an AFO does not discharge into a water source and does not meet the definition of medium concentrated animal feeding operation then it is not permitted through DEQ. The permitting review process considers location to clean water, not location to adjacent property uses. Considerations in the permitting process:

- Containment of manure, litter, and process wastewater (including rainfall event runoff)
- Mortality handling in relation to wastewater systems
- Effluent application
- Nutrient Management
- Groundwater quality monitoring (if discharge occurs in an area of shallow groundwater)

### Definitions:

“State waters” or “waters of the state” means a body of water, irrigation system, or drainage system, either surface or underground. The term does not apply to the following: ponds or lagoons used solely for treating, transporting, or impounding pollutants; or, irrigation waters or land application disposal waters when the water are used up within the irrigation or land application disposal system and the waters are not returned to state waters.

## MEMORANDUM (cont.)

"Animal feeding operation" (AFO) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: animals that have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 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.

"Concentrated animal feeding operation" (CAFO) means an AFO that is defined as a Large CAFO or as a Medium CAFO, or that is designated as a CAFO by the Department. Two 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.

"Medium concentrated animal feeding operation" (Medium CAFO) means any AFO with the type and number of animals that fall within any of the ranges listed below and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if the type and number of animals that it stables or confines falls within any of the following ranges: 200 to 699 mature dairy cows, whether milked or dry; 300 to 999 veal calves; 300 to 999 cattle other than mature dairy cows or veal calves. "Cattle" includes but is not limited to heifers, steers, bulls and cow/calf pairs; 750 to 2,499 swine each weighing 55 pounds or more; 3,000 to 9,999 swine each weighing less than 55 pounds; 150 to 499 horses; 3,000 to 9,999 sheep or lambs; 16,500 to 54,999 turkeys; 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system; 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system; 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system); and either one of the following conditions are met: pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or, pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

"Large concentrated animal feeding operation" (Large CAFO). An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories: 700 mature dairy cows, whether milked or dry; 1,000 veal calves; 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; 2,500 swine each weighing 55 pounds or more; 10,000 swine each weighing less than 55 pounds; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system; 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; 82,000 laying hens, if the AFO uses other than a liquid manure handling system; 30,000 ducks (if the AFO uses other than a liquid manure handling system); or, 5,000 ducks (if the AFO uses a liquid manure handling system).

In speaking with the DEQ, they rely heavily on county regulations when it comes to small producers not meeting the medium CAFO definition.