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W081-Permit Requirements for the Poultry Industry

The University of Tennessee Agricultural Extension Service

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Livestock Waste Management and Conservation

Permit Requirements for the Poultry Industry

Tennessee CAFO Factsheet #2

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On February 12, 2003, the Environment Protection Agency (EPA) published new concentrated animal feeding operation (CAFO) regulations designed to protect or restore water quality. EPA provided the option of adopting the national EPA CAFO regulations, or states could develop and implement their own regulations. Tennessee chose to develop and implement CAFO regulations that fit Tennessee's animal production and water quality situations. In August 2004, the Tennessee Department of Environment and Conservation (TDEC) issued the final CAFO regulations for poultry operations.

TDEC has defined a CAFO as an animal-feeding operation (AFO) if animals are confined for at least 45 days in a 12-month period and there is no grass or other vegetation in the confinement area. This definition certainly makes all poultry operations AFOs, and therefore potential CAFOs that will need to apply for an operating permit.

Class I Large CAFO

The type of permit (individual or general) that a poultry producer may be required to obtain is based on animal numbers and certain on-farm situations. Large CAFOs (Class I) are determined by number of chickens only and will be required to obtain an individual permit from TDEC.

A poultry operation is a Class I Large CAFO if it meets the following criteria:

- 30,000 or more chickens and a liquid-manure system
- 82,000 or more laying hens and a dry-manure system
- 125,000 or more chickens other than laying hens and a dry-manure system

Class II Medium CAFO

Class II Medium CAFOs that will need a general permit are determined by the number of chickens and other conditions that may exist at the farm.

A poultry farm is a Class II Medium CAFO if it meets the following conditions:

- 9,000 - 29,999 chickens and a liquid-manure system
- 25,000 - 81,999 laying hens and a dry-manure system
- 37,500 - 124,999 chickens other than laying hens and dry-manure system

Plus any of the following:

- Discharge pollutants through a pipe or man-made conveyance
- Surface waters come in direct contact with confined animals
- Operation is located on a water body impaired because of nutrients and pathogens
- Began operation on/after May 1, 1999 or expanded on/after July 21, 2004

Designated CAFOs

Any poultry farm, regardless of size, may be designated a CAFO and required to obtain a permit if the permitting authority inspects the operation and determines the operation is adding pollutants to surface waters.

No Potential to Discharge Provision

A CAFO that does not land-apply any litter, manure or process wastewater may request a determination of “No Potential to Discharge.” If the determination is approved, the operation does not have to be permitted. This provision is for poultry producers who move all manure and litter off-farm. A written request must be submitted to TDEC to be granted this exemption.

What Must Be Done if the Poultry Farm Is a CAFO?

Depending on the number of chickens and other conditions on the farm, you must apply for either Class I Individual Permit or a Class II General Permit. For a Class I Individual Permit information, you will need to contact:

Tennessee Department of Environment
and Conservation
Division of Water Pollution Control
6th Floor L&C Annex, 401 Church St.
Nashville, TN 37243-1534
(615) 532-0625

For Class II General Permit information, you will need to contact:

CAFO Notice of Intent
Water Resources Program/CAFO
Tennessee Department of Agriculture
Ellington Agricultural Center
440 Hogan Road
Nashville, TN 37220
(615) 837-5306

Time Lines for Permitting

Current CAFO Permit Holders – These poultry operations must submit a “Notice of Intent” for a new permit or request a “No Potential to Discharge” determination immediately.

Newly Regulated Operations – Existing operations that are now defined as Class II CAFOs must submit a “Notice of Intent” for a permit or request a determination of “No Potential to Discharge” no later than February 13, 2006.

New Operations – A new operation defined as a Class I or Class II CAFO must submit a “Notice of Intent” for a permit or request a determination of “No Potential to Discharge” at least 180 days before the CAFO commences operation.
Expanding Operation – If the expansion of the poultry operation results in the operation being defined as a CAFO, a “Notice of Intent” or a request for a “No Potential to Discharge” must be submitted within 90 days of becoming a CAFO.

Transfer of Ownership – Five days prior to the time of sale or transfer of ownership of a CAFO, the new owner must submit a “Notice of Intent” or request a determination of “No Potential to Discharge.”

What Will the Permit Require?

Certain conditions must be met in the production area and land-application areas where litter, manure or wastewater is spread. The production area is the area where chickens are housed and manure is stored. The land-application areas include all the land under the poultry producer's control where litter, manure or wastewater is spread. Some of the conditions involved are transferring manure off-farm, nutrient-management plans and annual reports.

Transferring Manure, Litter or Process Waste to a Third Partner

The operator of a CAFO, prior to transferring more than 100 tons of manure, litter or process waste to a third party, must provide the third party with the most current nutrient analysis. The third party must also sign an agreement

for the removal of litter, manure and/or process waste from a CAFO.

Nutrient-Management Plan

All Class I Large CAFOs and Class II Medium CAFOs must develop and implement a site-specific nutrient-management plan prior to December 31, 2006. A comprehensive nutrient-management plan required by the Natural Resources Conservation Service and Farm Services Agency for cost-sharing and loan guarantees meets the nutrient-management plan requirement. Some of the most important components of a nutrient-management plan are:

- Assuring adequate manure-storage capacity
- Proper handling of dead animals and chemicals
- Using site-specific conservative practices
- Regular manure and soil testing
- Appropriate amount and use of nutrients when spreading manure
- Keeping records of nutrient-management practices
- Avoid applying manure or litter to any land within 100 feet of surface water

Annual Report Requirements

Each year, the owner of a CAFO must submit an annual report to the TDA and the TDEC. Some of the information that must be submitted in the annual report includes:

- Number and type of animals
- Amount of manure, litter and/or wastewater generated
- Amount of manure, litter and/or wastewater transferred
- Land-application acres covered by the nutrient management plan
- Land-application acres used in the previous 12 months
- Summary of production-area discharges of pollutants

This fact sheet does not contain complete information about Tennessee's CAFO regulations. For additional information, contact the Tennessee Department of Environment and Conservation and/or Tennessee Department of Agriculture, your county UT Extension office or visit the Animal Science Department's Livestock Waste Management and Conservation Web site at:

<http://animalscience.ag.utk.edu/WasteManagement/WasteManagement.htm>
