

**IDAPA 02
TITLE 04
CHAPTER 32**

02.04.32 - RULES GOVERNING POULTRY OPERATIONS

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture central office. (3-21-12)

02. Natural Resources Conservation Service Agricultural Waste Management Field Handbook Appendix 10D (Appendix 10D) (March 2008 Edition) (USDA, NRCS). This document can be viewed online at http://www.agri.idaho.gov/AGRI/Categories/Environment/Documents/2008_Appendix_10D.PDF. (3-21-12)

03. Nutrient Management Standard (NMS). The June 2007 publication by the United States Department of Agriculture (USDA) Idaho Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at http://www.agri.idaho.gov/AGRI/Categories/Environment/nmp/nmpPDF/june_2007_NRCS_590.pdf. (~~3-21-12~~)(_____)

04. Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004. This document can be viewed online at http://www.agri.idaho.gov/AGRI/Categories/Environment/Documents/nrcs_313_Dec_2004.pdf. (~~3-21-12~~)(_____)

05. American Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. This document can be viewed online at http://www.agri.idaho.gov/AGRI/Categories/Environment/Documents/asae_EP393.3_Feb_04.pdf. (~~3-21-12~~)(_____)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

The definitions set forth in Section 25-4002, Idaho Code, must apply in the interpretation and the enforcement of this chapter. (3-21-12)

01. Administrator. The administrator, or his designee, for the animal industries division of the Idaho Department of Agriculture. (3-21-12)

02. Animal Feeding Operation. A lot or facility where the following conditions are met: (3-21-12)

a. Poultry have been, are, or will be confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period; and (3-21-12)

b. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. (3-21-12)

03. Best Management Practices. Practices, techniques or measures which are determined to be reasonable precautions, are a cost-effective and practicable means of preventing or reducing pollutants from point sources or nonpoint sources to a level compatible with environmental goals, including water quality goals and standards for waters of the state. (3-21-12)

04. Concentrated Animal Feeding Operation. An AFO that is defined as a large poultry CAFO under Subsection 010.10 or as a medium poultry CAFO under Subsection 010.12, or that is designated as a CAFO in accordance with Section 25-4011, Idaho Code. Two (2) 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. (3-21-12)

05. Department. The Idaho State Department of Agriculture. (3-21-12)

06. Director. The Director of the Idaho State Department of Agriculture. (3-21-12)

07. Discharge. Release of process wastewater or manure from a poultry animal feeding operation, including its land application area, to waters of the state or beyond the poultry facility's property boundaries or beyond the property boundary of any facility. Contract manure haulers, producers and other persons who haul manure beyond the operator's property boundaries are responsible for releases of manure between the property boundaries of the operator and the property boundaries at the point of application. A discharge does not include aerosolized matter, or manure that has been reasonably incorporated on the land application area. (3-21-12)

08. Idaho Pollutant Discharge Elimination System (IPDES). Idaho Pollutant Discharge Elimination System (IPDES). Idaho's program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under these rules and the Clean Water Act sections 307, 402, 318, and 405. ()

089. Land Application. The spreading on, or incorporation of, animal waste into the soil mantle primarily for beneficial purposes. (3-21-12)

0910. Land Application Area. Land under the control of an AFO owner or operator, whether it is owned, rented or leased, to which manure, litter or process wastewater from the production area is or may be applied.

101. Large Poultry CAFO. A poultry AFO that confines as many or more than the number of poultry specified in the following categories: (3-21-12)

a. Fifty-five thousand (55,000) turkeys; (3-21-12)

b. Thirty thousand (30,000) laying hens or broilers, if the AFO uses a liquid manure handling system; (3-21-12)

c. One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system; (3-21-12)

d. Eighty-two thousand (82,000) laying hens, if the AFO uses other than a liquid manure handling system; (3-21-12)

e. Thirty thousand (30,000) ducks, if the AFO uses other than a liquid manure handling system; or (3-21-12)

f. Five thousand (5,000) ducks, if the AFO uses a liquid manure handling system. (3-21-12)

112. Manure. Animal excrement generated on a poultry animal feeding operation that may also contain bedding, spilled feed, water, or soil. (3-21-12)

123. Medium Poultry CAFO. A poultry AFO that confines as many or more than the number of poultry specified in the following categories: (3-21-12)

a. Sixteen thousand five hundred (16,500) to fifty-four thousand nine hundred ninety-nine (54,999) turkeys; (3-21-12)

b. Nine thousand (9,000) to twenty-nine thousand nine hundred ninety-nine (29,999) laying hens or broilers, if the AFO uses a liquid manure handling system; (3-21-12)

c. Thirty-seven thousand five hundred (37,500) to one hundred twenty-four thousand nine hundred ninety-nine (124,999) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system. (3-21-12)

d. Twenty-five thousand (25,000) to eighty-one thousand nine hundred ninety-nine (81,999) laying hens, if the AFO uses other than a liquid manure handling system; (3-21-12)

e. Ten thousand (10,000) to twenty-nine thousand nine hundred ninety-nine (29,999) ducks, if the AFO uses other than a liquid manure handling system; (3-21-12)

f. One thousand five hundred (1,500) to four thousand nine hundred ninety-nine (4,999) ducks, if the AFO uses a liquid manure handling system; (3-21-12)

134. Modification or Modified. Structural changes and alterations to the wastewater storage containment facility, which would require increased storage or containment capacity or such changes which would alter the function of the wastewater storage containment facility. (3-21-12)

145. Noncompliance. A practice or condition that causes an unauthorized discharge, or a practice or condition, that if left uncorrected will cause an unauthorized discharge, or a condition on the poultry CAFO that does not meet the requirements of the nutrient management standard, nutrient management plan, and 2004 American Society of Agricultural and Biological Engineers (ASABE) construction standard for waste containment systems. (3-21-12)

156. Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e)(1), or other equally protective standard for managing the amount, source, placement, form and timing of the land application of nutrients and soil amendments. (3-21-12)

167. Operator. The person who has power or authority to manage, or direct, or has financial control of a poultry animal feeding operation. (3-21-12)

178. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state, or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties. (3-21-12)

189. Poultry. Chickens, turkeys, ducks, geese, and any other bird raised in captivity. (3-21-12)

2019. Process Wastewater. (3-21-12)

a. Water directly or indirectly used in the operation of the AFO for any or all of the following: (3-21-12)

i. Spillage or overflow from animal or poultry watering systems; (3-21-12)

ii. Washing, cleaning or flushing pens, barns, manure pits or other AFO facilities; (3-21-12)

iii. Direct contact swimming, washing, or spray cooling of animals; or (3-21-12)

iv. Dust control. (3-21-12)

b. Process wastewater also includes any water which comes into contact with any raw materials, products or byproducts including manure, litter, feed, milk, eggs or bedding. (3-21-12)

210. Production Area. The part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment area. (3-21-12)

a. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, barnyards and animal walkways. (3-21-12)

b. The manure storage area includes, but is not limited to, lagoons, runoff pond, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles and composting piles. (3-21-12)

c. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers and bedding materials. (3-21-12)

d. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated storm water. (3-21-12)

e. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment or disposal of mortalities. (3-21-12)

221. Runoff. Any precipitation that comes into contact with manure, compost, bedding, or feed on a poultry feeding operation and flows off the production area or flows off land application areas where the manure, compost, bedding, or feed has not been reasonably incorporated into the soil. (3-21-12)

232. Unauthorized Discharge. A discharge of process wastewater or manure to state surface waters that is not authorized by an NPDES or IPDES permit, or the release of process wastewater or manure to waters of the state that does not meet the requirements of the Title 25, Chapter 40, Idaho Code, or these rules. (3-21-12)

243. Wastewater Storage and Containment Facility. That portion of an AFO where manure or process wastewater is stored or collected. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds. (3-21-12)

254. Waters of the State. All accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (3-21-12)

011. ABBREVIATIONS.

01. AFO. Animal Feeding Operation. (3-21-12)

02. ASABE. American Society of Agricultural and Biological Engineers. (3-21-12)

03. CAFO. Concentrated Animal Feeding Operation. (3-21-12)

04. DEQ. Department of Environmental Quality. (3-21-12)

05. FEMA. Federal Emergency Management Agency. (3-21-12)

06. IPDES. Idaho Pollutant Discharge Elimination System ()

076. NMP. Nutrient Management Plan. (3-21-12)

087. NMS. Nutrient Management Standard. (3-21-12)

089. NPDES. National Pollutant Discharge Elimination System. (3-21-12)

0910. NRCS. United States Department of Agriculture, Natural Resources Conservation Service. (3-21-12)

101. USGS. United States Geological Survey.

(3-21-12)