

**IDAPA 02
TITLE 04
CHAPTER 16**

02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 38, Idaho Code. (3-15-02)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.16, “Rules Governing Agriculture Odor Management.” (3-15-02)

02. Scope. These rules shall govern the management of odor generated on agricultural operations, except beef cattle animal feeding operations and large swine and poultry operations. The official citation of this chapter is IDAPA 02.04.16.000 et seq. For example this section’s citation is IDAPA 02.04.16.001. (3-15-02)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-15-02)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.04.16 incorporates by reference: (3-15-02)

01. Idaho NRCS Nutrient Management Standard 590, June 1999. (3-15-02)

02. Best Management Practices listed in the “Idaho Agricultural Pollution Abatement Plan,” August 2001. (3-15-02)

03. ASAE Standard EP379.2 Sections 5 and 6 in their entirety, November 1997. (3-15-02)

04. NRCS Conservation Practice Standard 317, March 2001. (3-15-02)

005. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the department. (3-15-02)

006. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (3-15-02)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-15-02)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (3-15-02)

- 04. Telephone Number.** The telephone number of the central office is (208) 332-8500. (3-15-02)
- 05. Fax Number.** The fax number of the central office is (208) 334-4062. (3-15-02)
- 007. -- 009. (RESERVED)**

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (3-15-02)

01. Accepted Agricultural Practices. Those management practices normally associated with agriculture in Idaho, including but not limited to those practices identified in Section 100 of these rules, and which include management practices intended to control odor generated by an agricultural operation. (5-3-03)

02. Agricultural Animals. Those animals, including but not limited to mink, domestic cervidae, horses, and ratites raised for agricultural purposes. (3-15-02)

03. Agricultural Operation. Those operations where livestock or other agricultural animals are raised, or crops are grown, for commercial purposes, not to include those operations set forth within Section 25-3801(2), Idaho Code. (5-3-03)

04. Animal. Livestock and agricultural animals. (5-3-03)

05. BAT. The best application of science that is accessible and obtainable to achieve a desired objective. (5-3-03)

06. Best Management Practices. Practices, techniques, or measures that are determined by the Department to be a cost-effective and practicable means of managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (3-15-02)

07. Compost. A biologically stable material derived from the biological decomposition of organic matter. (3-15-02)

08. Composting. The aerobic degradation of manure and other organic material to a biologically stable form. (3-15-02)

09. Beef Cattle. All cattle except those located on a dairy farm that have been permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14, “Rules ~~of the Department of Agriculture~~ Governing Dairy ~~Waste~~Byproduct.” (3-15-02)

10. Beef Cattle Animal Feeding Operation. Those operations regulated pursuant to IDAPA 02.04.15, “Rules ~~of the Department of Agriculture~~ ~~Regulating~~Governing Beef Cattle Animal Feeding Operations.” (3-15-02)

11. Department. The Idaho State Department of Agriculture. (3-15-02)

12. Director. The Director of the Idaho State Department of Agriculture. (3-15-02)

13. Land Application. The spreading on, or incorporation into the soil of agricultural by-products including, but not limited to, manure, wastewater, compost, cull potatoes, cull onions, or crop residues. (3-15-02)

14. Large Swine And Poultry Operations. Those swine ~~and poultry~~ operations regulated pursuant to IDAPA 58.01.09, “Rules Regulating Swine ~~and Poultry~~Facilities:” and those poultry operations regulated pursuant to IDAPA 02.04.32, Rules Governing Poultry Operations. (3-15-02)

15. Livestock. Cattle, sheep, swine and poultry. (3-15-02)

16. **Liquid-Solid Separation.** The removal of solid manure from water through mechanical or settling means. (3-15-02)
17. **Liquid Waste System.** Wastewater storage and containment facilities and associated waste collection and conveyance systems where water is used as the primary carrier of manure and manure is added to the wastewater storage and containment facilities on a regular basis including the final distribution system. (5-3-03)
18. **Manure.** Animal excrement that may also contain bedding, spilled feed, or soil. (5-3-03)
19. **Modified.** Structural changes and alterations to agricultural operations which would require increased wastewater storage or containment capacity or such changes which would increase the amount of manure entering wastewater storage and containment facilities. (5-3-03)
20. **Nutrient Management Plan.** A plan prepared in conformance with the nutrient management standard. (3-15-02)
21. **Nutrient Management Standard.** The 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. (3-15-02)
22. **Odor.** The property or quality of a substance that stimulates or is perceived by the sense of smell, the standards for which shall be judged on criteria that shall include intensity, duration, frequency, offensiveness, and health risks. (5-3-03)
23. **Odor Management Plan.** A site-specific plan approved by the Director to manage odor generated on an agricultural operation to a level associated with accepted agricultural practices by utilizing best management practices. (3-15-02)
24. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-15-02)
25. **Waste Collection and Conveyance Systems.** The areas and systems used in the collection and transfer of manure from the point of generation to the wastewater storage and containment facilities, prior to land application. (3-15-02)
26. **Wastewater.** Water containing manure, which is generated on a livestock operation. (3-15-02)
27. **Wastewater Storage and Containment Facilities.** Wastewater storage ponds, wastewater treatment lagoons, and evaporative ponds. (3-15-02)
28. **Wastewater Treatment.** A process by which wastewater is treated through aerobic or anaerobic degradation or other means. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

100. ACCEPTED AGRICULTURAL PRACTICES.

Management practices conducted in accordance with applicable laws, rules and best management practices, as referenced in Subsections 100.01 and 100.02, or in the absence of referenced best management practices, management practices conducted in a manner that demonstrates reasonable efforts to minimize odors, shall be considered accepted agricultural practices for purposes of this rule. (3-15-02)

01. **Applicable Rules.** The following are applicable rules for the purpose of Section 100: (3-15-02)

- a. IDAPA 02.04.14, “Rules Governing Dairy ~~Waste~~Byproduct.” (3-15-02)
- b. IDAPA 02.03.03, “Rules Governing Pesticide and Chemigation Use and Application.” (3-15-02)
- c. IDAPA 02.06.17, “Rules Concerning Disposal of Cull Onion and Potatoes.” (3-15-02)
- d. IDAPA 02.04.17, “Rules Governing Dead Animal Movement and Disposal.” (3-15-02)

02. Applicable Best Management Practices. The following practices, or other management practices approved by the Director that are conducted in a manner that demonstrates reasonable efforts to minimize odors shall be considered accepted agricultural practices for purposes of this rule. (3-15-02)

- a. Idaho NRCS Nutrient Management Standard 590, June 1999. (3-15-02)
- b. Best Management Practices listed in the “Idaho Agricultural Pollution Abatement Plan,” August 2001. (3-15-02)
- c. “Control of Manure Odors,” ASAE Standard EP379.2 Sections 5 and 6 in their entirety, November 1997. (3-15-02)
- d. “Composting Facility,” NRCS Conservation Practice Standard 317, March 2001. (3-15-02)

03. Excess Odors. An agricultural operation using an accepted agricultural practice that generates odors in excess of levels normally associated with such practice, as determined by the Department on a site specific basis, shall develop and submit an odor management plan to the Director in accordance with Section 500. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

200. APPLICABILITY.

These rules apply to all agricultural operations, except: (3-15-02)

01. Beef Cattle. Beef cattle animal feeding operations regulated pursuant to IDAPA 02.04.15, “Rules ~~of the Department of Agriculture~~ Governing Beef Cattle Animal Feeding Operations.” (3-15-02)

02. Swine and Poultry. Large swine ~~and poultry~~ operations regulated pursuant to IDAPA 58.01.09, “Rules Regulating Swine ~~and Poultry~~ Facilities.” and large poultry operations regulated pursuant to IDAPA 02.04.32, “Rules Governing Poultry Operations.” (3-15-02)