

**IDAPA 02  
TITLE 04  
CHAPTER 15**

**02.04.15 - RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 1 and 49, Idaho Code. (3-16-01)

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is "Rules Governing Beef Cattle Animal Feeding Operations." (4-6-05)

**02. Scope.** These rules shall govern the design, function, and management practices of waste systems on beef cattle animal feeding operations. The official citation of this chapter is IDAPA 02.04.15.000 et seq. For example this section's citation is IDAPA 02.04.15.001. Nothing in this rule affects the authority of the department of environmental quality to enforce an IPDES permit for dairy farms that discharge pollutants to waters of the United States, including without limitation, the authority to issue permits, access records, conduct inspections and take enforcement actions. The provisions of this rule do not alter the requirements, liabilities, and authorities with respect to or established by the IPDES program. (3-16-01)(\_\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**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 02.04.15 incorporates by reference: (3-16-01)

~~**01. The 2004 Code of Federal Regulations (CFR) Title 40 Part 122 Section 122.23 (b)(1), (b)(2), (b)(4), (b)(6), or (b)(9).** This document can be viewed online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/40cfrv20\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/40cfrv20_04.html).~~ (4-6-05)

**012. The 1997 United States Department of Agriculture Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10 D.** This document can be viewed online at <http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17767.wba>. ~~[http://www.agri.idaho.gov/Categories/Animals/Documents/nres\\_10d\\_1997.pdf](http://www.agri.idaho.gov/Categories/Animals/Documents/nres_10d_1997.pdf).~~ (3-16-01)(\_\_\_\_\_)

~~**023. The 2000 American Society of Agricultural and Biological Engineers Specification ASAE Standard-EP393.3 Manure Storages February 2004.** This document is part of a copyrighted publication and is available for viewing at the ISDA offices or a copy may be purchased online at <http://www.asabe.org/>, can be viewed online at [http://www.agri.idaho.gov/Categories/Animals/Documents/ASAE\\_EP393point3\\_2000.pdf](http://www.agri.idaho.gov/Categories/Animals/Documents/ASAE_EP393point3_2000.pdf).~~ (3-16-01)(\_\_\_\_\_)

**034. The 1999 Publication by the United States Department of Agriculture, Natural Resource Conservation Service, Conservation Practice Standard, Nutrient Management Code 590.** This can be viewed online at [http://www.agri.idaho.gov/AGRI/Categories/Animals/Documents/nutrient\\_Management\\_code\\_590.PDF](http://www.agri.idaho.gov/AGRI/Categories/Animals/Documents/nutrient_Management_code_590.PDF). (3-16-01)(\_\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this chapter. (3-16-01)

**01. Administrator.** The administrator of the Idaho State Department of Agriculture, Division of Animal Industries or his designee. (4-6-05)

**02. Animal.** Bovidae, ovidae, suidae, equidae, captive cervidae, captive antilocapridae, camelidae, and ratitidae. (3-16-01)

**03. Animal Feeding Operation.** A lot or facility where slaughter and feeder cattle or dairy heifers are confined and fed for a total of forty-five (45) days or more during any twelve (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. (4-6-05)

**04. Beef Cattle Animal Feeding Operation.** An animal feeding operation, ~~as defined in 40 CFR Sections 122.23 (b)(1), (b)(2), (b)(4), (b)(6) or (b)(9),~~ which confines slaughter and feeder cattle or dairy heifers. (4-6-05)(\_\_\_\_\_)

**05. Best Management Practices.** ~~Practices as defined in Title 22, Chapter 49, Idaho Code, or other practices, techniques, or measures that which are determined to be reasonable precautions, are a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources to a level compatible with state environmental goals, including water quality goals and standards for water of the state. Best management practices for water quality shall be adopted pursuant to the state water quality management plan, the Idaho ground water quality plan or Title 22, Chapter 49, Idaho Code.~~ (3-16-01)

**06. Compost.** A biologically stable material derived from the biological decomposition of organic matter. (3-16-01)

**07. Concentrated Animal Feeding Operation.** An AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of this section and designated by the Director. 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. (\_\_\_\_\_)

**087. Director.** The Director of the Idaho State Department of Agriculture or his designee. (4-6-05)

**098. Discharge.** Release of process wastewater or manure from a beef cattle animal feeding operation to waters of the state. (3-16-01)

**10. 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. (\_\_\_\_\_)

**1109. Land Application.** The spreading on, or incorporation of manure or process wastewater into the soil. (3-16-01\_\_\_\_\_)

**12. Large Concentrated Animal Feeding Operation.** An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of cattle specified in any of the following categories:(\_\_\_\_\_)

a. 700 mature dairy cows, whether milked or dry; (\_\_\_\_\_)

b. 1,000 veal calves; (\_\_\_\_\_)

c. 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; (\_\_\_\_\_)

**130. Manure.** Animal excrement generated on a beef cattle animal feeding operation that may also contain bedding, spilled feed, water, or soil. (3-15-02)

**14. Medium Concentrated Animal Feeding Operation.** A medium CAFO includes any AFO that has been defined or designated as CAFO and stables or confines the number of cattle that fall within any of the following ranges: ( )

a. 200 to 699 mature dairy cows, whether milked or dry; ( )

b. 300 to 999 veal calves; ( )

c. 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; ( )

**151. 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 or containment facility. (3-16-01)

**162. Non-Compliance.** A practice or condition that causes an unauthorized discharge, or a practice or condition, that if left uncorrected, will cause an unauthorized discharge. (3-16-01)

**17. Nutrient Management Plan (NMP).** 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 ~~or~~ and soil amendments. (4-6-05) ( )

**184. 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. (3-16-01)

**195. Operate.** Confining and feeding slaughter and feeder cattle in the state of Idaho. (4-6-05)

**2016. Operator.** The person who has power or authority to manage, or direct, or has financial control of a beef cattle animal feeding operation. (3-16-01)

**2117. 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. (3-16-01)

**2218. Process Wastewater.** Liquid containing beef cattle manure, ~~process~~ process-generated wastewater and any precipitation which comes into direct contact with livestock manure and facility products or by-products. (4-6-05) ( )

**23. Runoff.** Any precipitation that comes into contact with manure, compost, bedding, or feed on a beef cattle animal feeding operation. (3-15-02)

**2024. Slaughter and Feeder Cattle.** All cattle except those cattle located on a dairy farm permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste." (4-6-05)

**25. Small Concentrated Animal Feeding Operation.** An AFO that is designated as a CAFO and is not a medium or large CAFO. ( )

**2621. Unauthorized Discharge.** A discharge of process wastewater or manure from a beef cattle animal feeding operation to state surface waters ~~of the state that is not authorized by a National Pollutant Discharge Elimination System permit issued by the United States Environmental Protection Agency, or the release of process wastewater or manure from a beef cattle animal feeding operation, to waters of the state,~~ that does not meet the

requirements of the these rules ~~act~~ or water quality standards. (3-16-01)(\_\_\_\_\_)

**272. Wastewater Storage and Containment Facility.** That portion of a beef cattle animal feeding operation 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.(3-16-01)

**283. Waters of the State.** All accumulations of water, surface and underground, water-natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon located within the boundaries of the state, or boundary streams, rivers and lakes except for private waters as defined in Title 42, Chapter 2, Idaho Code. (3-16-01)(\_\_\_\_\_)

#### 011. ABBREVIATIONS.

**01. AFO.** Animal Feeding Operation (\_\_\_\_\_)

**02. CAFO.** Concentrated Animal Feeding Operation. (\_\_\_\_\_)

**03. IPDES.** Idaho Pollutant Discharge Elimination System. (\_\_\_\_\_)

~~**0404. NMP.** Nutrient Management Plan. (4-6-05)(\_\_\_\_\_)~~

~~**02. NPDES.** National Pollutant Discharge Elimination System. (4-6-05)~~

**0305. NRCS.** United States Department of Agriculture, Natural Resources Conservation Service.(4-6-05)(\_\_\_\_\_)

#### (BREAK IN CONTINUITY OF SECTIONS)

#### 050. AUTHORITY TO INSPECT.

The Director is authorized to inspect any animal feeding operation that confines slaughter or feeder cattle in accordance with Title 22, Chapter 49, Idaho Code, to ensure compliance with these rules. The Director shall comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to: (4-6-05)

**01. Entry.** Enter and inspect at reasonable times the premises or land application site(s) of a beef cattle animal feeding operation. (4-6-05)

**02. Access to Records.** Review or copy any records that must be kept in accordance with these rules. (4-6-05)

**03. Sample or Monitor.** Sample or monitor at reasonable times, substances or parameters directly related to compliance with these rules or an ~~NPDES~~ IPDES permit.

#### (BREAK IN CONTINUITY OF SECTIONS)

#### 052. ADMINISTRATION OF IPDES PROGRAM.

The Director of the department of agriculture and the director of the department of environmental quality shall, as appropriate, establish an agreement relating to the administration of an IPDES program that recognizes the expertise of the department of agriculture. (\_\_\_\_\_)

#### 053. COMPLIANCE WITH IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES

**01. Discharges to Waters of the U.S.** The department of environmental quality shall be solely responsible and authorized to determine whether the discharge of pollutants from a Beef Cattle Feeding Operation is required to be authorized by an IPDES permit. The provisions of this rule do not define when a Beef Cattle Feeding Operations is required to obtain a permit for a discharge, do

not exempt a Beef Cattle Feeding Operation from permitting requirements for such discharges or alter the authority of DEQ with respect to such discharges.

**054052 -- 079. (RESERVED)**