

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Animals Division

02.04.32 – Rules Governing Poultry Operations

Who does this rule apply to?

All poultry animal feeding operations.

What is the purpose of this rule?

In order to ensure that manure and process wastewater associated with poultry operations are handled in a manner that protects the natural resources and waters of the state, this rule governs the design, function and management practices of waste systems on poultry concentrated animal feeding operations. This rule also establishes the procedures and requirements for issuance of a permit to construct, operate, or expand poultry concentrated animal feeding operations.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

- [25-4012, Idaho Code](#) – Authority to Promulgate Rules for the Poultry Environmental Act

Who do I contact for more information on this rule?

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02.04.32 – RULES GOVERNING POULTRY OPERATIONS

000. LEGAL AUTHORITY.

Section 25-4012, Idaho Code.

(7-1-24)

001. SCOPE.

These rules govern the management practices of waste systems on poultry concentrated animal feeding operations.

(7-1-24)

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following document is incorporated by reference and a copy of this document may be obtained from the Idaho State Department of Agriculture central office.

(7-1-24)

01. 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 https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf.

(7-1-24)

005. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply:

(7-1-24)

01. 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.

(7-1-24)

02. 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.

(7-1-24)

011. ABBREVIATIONS.

01. AFO. Animal Feeding Operation.

(7-1-24)

02. CAFO. Concentrated Animal Feeding Operation.

(7-1-24)

03. NMP. Nutrient Management Plan.

(7-1-24)

04. NRCS. United States Department of Agriculture, Natural Resources Conservation Service.

(7-1-24)

05. USGS. United States Geological Survey.

(7-1-24)

012. -- 109. (RESERVED)

110. PERMIT APPLICATION.

01. Contents of Application. Poultry CAFO permit applications must include all required information and be submitted on a form approved by the Administrator.

(7-1-24)

02. Nutrient Management Plan. Permit applications must include an NMP that was prepared in conformance with IDAPA 02.04.30, "Rules Governing Environmental and Nutrient Management," and approved by the Department.

(7-1-24)

03. Wastewater Storage and Containment Facilities. For a poultry CAFO permit to be granted or renewed, all permitted facilities shall have a wastewater storage and containment facility included in the NMP that are designed, constructed, operated, and maintained pursuant to IDAPA 02.04.30, "Rules Governing Environmental

and Nutrient Management.” (7-1-24)

111. -- 129. (RESERVED)

130. PERMIT CONDITIONS.

The following conditions will apply to all permittees: (7-1-24)

01. Maintenance of the Facility. The permittee must ensure that maintenance of the facility is according to the approved NMP, and comply with the following: (7-1-24)

a. Provisions of approved NMPs must be adhered to and amended in accordance with IDAPA 02.04.30.000 et seq. “Rules Governing Environmental and Nutrient Management.” (7-1-24)

02. Construction Commencement. If a permittee fails to begin construction or expansion of a facility within five (5) years of the effective date of the permit, the director may void the permit and require a new permit application. (7-1-24)

03. Permit Renewal. If a permittee intends to continue operation of the permitted facility after expiration of an existing permit, the permittee must apply for a new permit at least one hundred eighty (180) days prior to the expiration of the permit. (7-1-24)

131. -- 139. (RESERVED)

140. FEES AND ASSESSMENTS.

01. Annual Fees or Assessments. The director may establish annual fees or assessments for each permittee of no more than three cents (\$0.03) per square foot of containment area. (7-1-24)

02. Payment of Annual Fees or Assessments. Annual fees or assessments are due annually by January 20th of the next calendar year. (7-1-24)

141. -- 149. (RESERVED)

150. PERMIT MODIFICATION.

01. Modifications. Permit modifications that are not limited to the correction of errors, transfer of ownership or operational control, or minor changes in operational conditions that do not affect state water resources, must be submitted to the Department as a new permit application. (7-1-24)

151. -- 159. (RESERVED)

160. TRANSFER OF PERMITS.

01. Transfer Application. A new owner or operator of a facility must submit a transfer application to the Department on an approved form that includes all required information and any change of conditions at the facility resulting from the permit transfer. (7-1-24)

02. Transfer Application Review. If the transfer application is denied, the applicant will be provided specific reasons for the denial, the steps necessary to meet the requirements for a permit transfer, and the opportunity to request a hearing. (7-1-24)

161. -- 199. (RESERVED)

200. WASTE STORAGE AND CONTAINMENT FACILITIES.

Construction, operation, and maintenance shall be in accordance with IDAPA 02.04.30, “Rules Governing Environmental and Nutrient Management.” (7-1-24)

201. -- 249. (RESERVED)

250. NUTRIENT MANAGEMENT.

01. Designated Poultry CAFOs. Any poultry AFO which is designated as a CAFO by the Department in accordance with Section 400 must submit an NMP within forty-five (45) days of designation. (7-1-24)

251. NUTRIENT MANAGEMENT PLAN RETENTION.

All NMP records must be maintained by the CAFO permittee for a minimum of five (5) years and made available to the Department upon request. (7-1-24)

252. -- 259. (RESERVED)

260. GROUND WATER QUALITY MONITORING.

At least annually, the department will sample and test the facility's production well water for nitrogen. (7-1-24)

261. -- 299. (RESERVED)

300. PROHIBITED DISCHARGES.

Discharges or unauthorized discharges of manure or process wastewater from poultry CAFO or land application sites owned or controlled by a poultry CAFO are prohibited. (7-1-24)

301. -- 309. (RESERVED)

310. NOTIFICATION OF DISCHARGE.

Within twenty-four (24) hours of learning of a discharge, the operator of a poultry CAFO must notify the Department. (7-1-24)

311. -- 999. (RESERVED)