



Texas State Soil & Water Conservation Board

NOVEMBER 1, 2009

Supplemental Guidance to Water Quality Management Plans

For All Dry-Litter Poultry Operations

BACKGROUND

Historically the federal Concentrated Animal Feeding Operation (CAFO) regulations under the Clean Water Act, administered by the U.S. Environmental Protection Agency (EPA), have not included dry-litter poultry operations. Dry-litter operations were considered “nonpoint” sources, and were therefore not regulated through permits. In 2001, the Texas Legislature passed Senate Bill 1339 requiring **all** poultry operations that were not already required to be regulated under a permit, to implement and maintain a Water Quality Management Plan (WQMP) certified by the Texas State Soil and Water Conservation Board (TSSWCB). In 2003, the EPA revised the federal CAFO rules to define as CAFOs all dry-litter poultry operations that confine 125,000 or more broilers or pullets, 82,000 or more layers or breeders, or 55,000 turkeys for 45-days out of a year. Since the EPA has delegated the administration of the federal CAFO regulations to the Texas Commission on Environmental Quality (TCEQ), the rules in Texas were revised to be consistent with the Federal CAFO regulations. The Texas CAFO rules also designate animal feeding operations as CAFOs in certain counties at lower head count numbers than in the rest of the state. These rules define dry-litter poultry operations as CAFOs in Erath, Bosque, Hamilton, Comanche, Johnson, Hopkins, Wood, or Rains counties when 37,500 or more broilers or pullets, 25,000 or more layers or breeders, or 16,500 turkeys are confined for 45-days out of a year.

NON-PERMIT OPTION

As a result of a federal court decision in 2005, and a subsequent change to the Texas CAFO rules in 2006, dry-litter poultry CAFOs as defined above that do not discharge and do not plan to discharge pollutants to water in the state are **not** required to obtain permit coverage from TCEQ. However, because they are still defined as CAFOs, they must comply with certain requirements in the Texas CAFO rules (Title 30, Texas Administrative Code, Chapter 321, Subchapter B). They must also obtain, implement, and maintain a Water Quality Management Plan certified by the Texas State Soil and Water Conservation Board. The content of this document

provides poultry producers with the information necessary to comply with the CAFO rules without obtaining coverage under the general permit. However, if a producer wishes to obtain coverage under the general permit, there is a separate guidance document available from TSSWCB for information on that process.

RULE COMPLIANCE

All poultry producer’s Water Quality Management Plan (WQMP) certified by the Texas State Soil and Water Conservation Board meets most of the requirements of the CAFO rules. By implementing the following general guidance and the specific guidance in the Water Quality Management Plan (WQMP), all poultry producers can meet the requirements of the CAFO rules and the WQMP Program. **Failure to comply with this document and the WQMP requirements by a poultry facility could result in loss of WQMP certification, penalties, and requirement to obtain permit coverage from TCEQ.**

Mortality Management

All poultry facilities are required by law to manage mortality losses in accordance with Title 30 Texas Administrative Code, Chapter 335, Rule §335.25, *Handling, Storing, Processing, Transporting, and Disposing of Poultry Carcasses*. Specific guidance is included in each facility’s WQMP. **Dumping or burial of carcasses for routine disposal is prohibited by law.** Burial is allowed only in case of catastrophic losses that exceed 0.3% per day of total flock inventory. Guidance for catastrophic losses specific to a particular farm is also included in the WQMP.

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Annual Soil Samples

For land application fields owned, operated, controlled, rented, or leased by the poultry producer, the poultry producer must follow the soil sampling requirements of the WQMP which requires a soil sample from 0-6 inches annually from each field where poultry litter will be land applied during the upcoming year. Sampling is not required on fields where litter will not be applied in the upcoming year. However, samples must be collected and analyzed and the WQMP updated prior to resuming litter application to those fields. Annual soil samples shall be collected at least several weeks prior to land application of litter and composed of 10-15 sub-samples taken randomly throughout each application field and mixed thoroughly to create each composite sample. Each composite sample must be submitted to and analyzed by an approved soil-testing laboratory using the Mehlich III method for phosphorus. The results should be provided to TSSWCB to determine litter application rates for the nutrient management plan.

Annual Litter Samples

Litter samples shall be collected annually, regardless of whether or not litter will be cleaned out that year. Representative samples should be collected from each house on the farm and combined into one composite sample and submitted to the laboratory for analysis. If litter will be land applied, samples should be collected at least several weeks prior to land application to allow time for returned laboratory results. Those results should be made available to any off-site users of the litter and should be provided to TSSWCB for use in updating the nutrient management plan.

Use of Poultry Litter

Poultry litter is typically land applied as a soil amendment/nutrient supplement on hay or pasture fields. No less than 100 feet of well vegetated ground cover shall be maintained between manure/litter application areas and creeks, streams, ponds, lakes, and other water ways and no less than 150 feet for private water wells and 500 feet for public water wells. Application rates must be in accordance with the nutrient management plan included in the WQMP. Site-specific information is found in the WQMP.

Storage of Poultry Litter

It is highly recommended that litter be stored in a roofed litter storage facility, preferably one that meets the design criteria of the Natural Resource Conservation Service's (NRCS) Waste Storage Facility-Code 313. Outdoor uncovered litter storage is discouraged, but if litter is stored unroofed, it shall not exceed 30 days, and the litter must be covered with impermeable material, protected from external rainfall, or bermed to protect from runoff. Runoff from litter storage piles must be retained on site. Site-specific information is included in the WQMP.

Water Wells

Litter application or mortality burial shall not be within 150 feet of private wells or 500 feet of public wells. Maps within the WQMP should clearly identify all wells and buffer zones. A licensed water-well driller must perform the construction of new water-wells and all abandoned and unusable wells must be plugged in accordance with Texas Administrative Code, Title 16, Chapter 76, and any technical or record keeping requirements of the local Ground Water Conservation District.

Spill Prevention and Recovery

The poultry producer is responsible for taking appropriate measures to prevent spills and responsible for cleaning up spills of any toxic pollutant. A poultry producer's integrator company may have specific measures for addressing such situations and should be consulted for guidance.

Air Quality Authorization

All poultry CAFOs are required to operate under an Air Quality Authorization. In accordance with Texas Administrative Code, Title 30, Chapter 106, Rule §106.161(7), all housed poultry operations are authorized by rule when wood shavings or similar material is used as bedding in litter.

Discharge Notification, Monitoring, and Analysis

The CAFO producer electing not to obtain coverage under the general permit can not discharge any pollutants to water in the state. If a discharge occurs, the CAFO producer is subject to penalties and permitting and the CAFO producer is responsible for

notifying TCEQ, taking samples, and obtaining analyses of all discharges of pollutants to surface water in the state. Refer to §321.44(a) & (b) of the CAFO rules if this circumstance occurs. However, if the poultry producer is following the guidance in the WQMP, discharges to water in the state from the poultry facility should not occur.

Record Keeping

The poultry producer must keep records for at least 5 years from the date the record was created. Records which must be kept include:

- Water Quality Management Plan which includes a nutrient management plan;
- Soil sampling locations and analyses, updated annually at least a few weeks prior to litter application;
- Annual litter analyses, updated a few weeks prior to litter clean-out, or at other time each year if no clean-out planned;
- A log of amounts of all litter/cake and manure utilized on-farm showing dates, locations, acres, and weather conditions during land application 24 hours before and after land application;
- A log, for at least the last 2 years, of name and address of off-site recipient(s) of poultry litter, physical destination of the litter, date(s) litter was removed from facility, and amount of litter removed from facility;

These records should be available for review upon site inspection of the facility.

Poultry Site Inspections

The poultry producer must inspect the facilities on a regular basis. Mortality management systems, litter application equipment, chemical storage and disposal sites, shall be inspected by the poultry producer at least monthly for proper maintenance and operation. A complete site inspection shall be conducted by the poultry producer each year including (1) identification of potential pollutant sources that exist onsite, (2) inspection of all controls, practices, and operations outlined in the WQMP to reduce potential for pollutants to be transported off-site, and (3) updating the WQMP to reflect current conditions. Poultry facilities are subject to inspections by staff from TSSWCB or the local Soil and Water

Conservation District for compliance with this guidance document and the WQMP.

CHANGES TO WQMP

Anytime a significant deviation from planned activities takes place, it is important for producers to seek technical assistance and revise the WQMP to reflect the changes. In a case where a TSSWCB-certified WQMP is being used to meet the technical requirements of the CAFO rules, it is extremely important to revise the WQMP and have it re-certified by the TSSWCB. The poultry producer must have the WQMP revised and receive plan approval from TSSWCB:

- Before any change in the number or configuration of land management units (LMUs, for dry poultry operations referred to as litter application fields);
- Before any increase in maximum number of animals;
- Before any new construction or modification of control facilities (ie: poultry houses, litter storage barn, composter, etc.);
- Before any change which has a significant effect on the potential for the discharge of pollutants to surface water in the state;
- If the WQMP is not effective in achieving the general objectives of preventing pollutants in discharges from the poultry facility;
- If any acreage changes or land use changes have occurred;
- If any conservation practices need to be added to or deleted from the WQMP;
- If an ownership change occurs.