

# Our Water

*Keeping it Clean*

North Dakota Department of Health

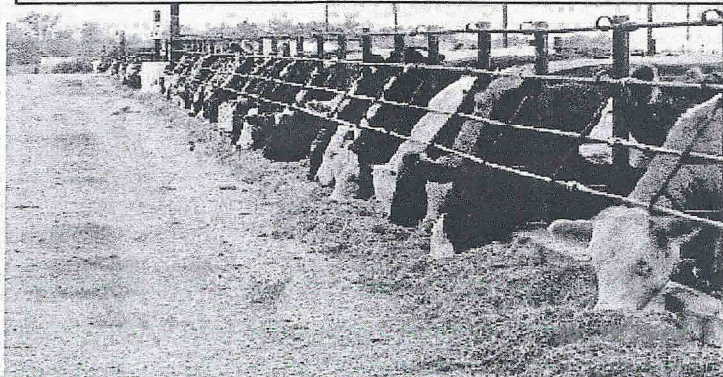
Environmental Health Section

In December 2002, the U.S. Environmental Protection Agency

Administrative Code Chapter 33-16-01, North Dakota Pollutant

recommendations for site selection standards, design criteria for

## Department of Health Animal Feeding Operation Rules Under Review



announced new federal requirements for concentrated animal feeding operations (CAFOs) under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) regulations. These regulations went into effect April 14, 2003.

States were given one year to revise their NPDES regulations or until April 14, 2004. If legal changes were required, states were given an additional year.

When the EPA rules were published in the Federal Register in February 2003, the Division of Water Quality of the North Dakota Department of Health began drafting necessary revisions to the state rules for animal feeding operations.

The department proposed revisions to North Dakota

Discharge Elimination System, adopting the EPA regulations by reference. It also proposed extensive revisions to

NDAC Chapter 33-16-03, Control of Pollution from Certain Livestock Enterprises, renaming it Control of Pollution from Animal Feeding Operations. In addition, the division drafted a design manual for controlling livestock waste. It will be incorporated by reference in the rules.

The revised rules address requirements for the designation of CAFOs, "no potential to pollute" determinations, permit requirements, permit application content and procedures, facility requirements, record keeping and reporting requirements, enforcement and compliance, departmental inspection, prohibited activities and public participation.

The design manual includes requirements and

manure systems, operation and maintenance plans, nutrient management plans and emergency action plans for spills.

These revisions were sent to stakeholders for review prior to preparing final drafts for the public hearing and 60-day comment period on the proposals.

The public comment period began in February 2004 and ends in April 2004. Three public hearings were held in March.

The rule revisions and design manual will take effect July 1, 2004. To view a copy of the final rules after July 1, please visit the department's website at:

<http://www.health.state.nd.us/wq/AnimalFeedingOperations/AFOProgram.htm>