

## Animal Feeding Operations: Do I Need a Permit?

- Definition of Animal Feeding Operation • Criteria for Determining Permit Requirements
- Wintering Operations • Available Assistance

### Do I need a permit for my animal feeding operation?

Whether or not a permit is needed depends on the size, location, and type of livestock operation. For example, a permit is not required for pasture operations, but a permit may be required for facilities defined as “animal feeding operations.” An animal feeding operation (AFO) is defined as a lot or facility where the following conditions are met:

1. Animals are or will be stabled or confined or fed or maintained for 45 days or more during any 12-month period; and
2. Livestock are concentrated such that crops, vegetation, forage growth, or post-harvest residues are not sustained in the regular growing season over any portion of the lot or facility.

Due to their size, large concentrated animal feeding operations (CAFOs) are required to obtain an individual state-issued permit known as a North Dakota State Issued Permit. Animal feeding operations may qualify for a North Dakota Permit Discharge Elimination System (NDPDES) permit if they choose to operate a discharge system.

The following table provides examples of large, medium, and small AFOs.

### Feeding Operations by Size

Large CAFO	Medium AFO	Small AFO
CAFO with greater than or equal to:  700 dairy cows 1,000 veal calves 1,000 beef cattle (heifers, steers, bulls, & cow-calf pair) 2,500 swine > 55 lbs 10,000 swine < 55 lbs 500 horses 10,000 sheep or lambs 55,000 turkeys <sup>1</sup> 30,000 laying hens or broilers <sup>2</sup>	AFO with:  200 to 699 dairy cows 300 to 999 veal calves 300 to 999 beef cattle (heifers, steers, bulls, & cow-calf pair) 750 to 2,499 swine > 55 lbs 3,000 to 9,999 swine < 55 lbs 150 to 499 horses 3,000 to 9,999 sheep or lambs 16,500 to 54,999 turkeys <sup>1</sup>	AFO with fewer livestock than a medium AFO.

Large CAFO	Medium AFO	Small AFO
125,000 chickens (other than laying hens) <sup>3</sup> 82,000 laying hens <sup>3</sup> 30,000 ducks <sup>3</sup> 5,000 ducks <sup>2</sup>	9,000 to 29,999 laying hens or boilers <sup>2</sup> 37,500 to 124,999 chickens (other than laying hens) <sup>3</sup> 25,000 to 81,999 layer hens <sup>3</sup> 10,000 to 29,999 ducks <sup>3</sup> 1,500 to 4,999 ducks <sup>2</sup>	

<sup>1</sup> Poultry operations with wet-manure handling systems have different criteria. Contact the North Dakota Department of Environmental Quality for more information.

<sup>2</sup> If the animal feeding operation uses a liquid manure handling system.

<sup>3</sup> If the animal feeding operation uses other than a liquid manure handling system.

### **What if I have fewer livestock in my AFO than the numbers listed for a large CAFO?**

Different criteria come into play for medium and small AFOs. For example, a medium AFO beef feeding operation with 300 to 999 animals is required to obtain a North Dakota state livestock permit if:

1. The medium AFO where manure or process wastewater from the operation causes or is likely to cause water pollution and;
2. Is located within ¼ mile of a stream or surface water that contains water, except for infrequent periods of severe drought.

Waters that are completely contained on an owner's property and do not combine or affect a junction with natural surface or underground waters are not included.

### **My medium AFO is more than a ¼ mile from any surface water. Do I still need a permit?**

Only medium AFOs located more than ¼ mile from surface water must apply for a permit if they pollute or are determined to have the potential to pollute surface or groundwater.

### **Are there any requirements for small AFOs?**

A small AFO will require a permit if the department determines that the operation is polluting or has the potential to pollute surface or groundwater.

### **What if I operate a medium or small AFO but only feed animals during the winter months? Do I still need a permit?**

A permit may be required if a wintering operation is polluting or likely to cause surface or groundwater pollution and meets the definition of an AFO (refer to page 1).

### **Where can I get assistance or more information?**

Contact the Division of Water Quality, North Dakota Department of Environmental Quality, 4201 Normandy Street, Bismarck, ND 58503-1324; phone: 701-328-5210; or visit the department's website at: [https://deq.nd.gov/WQ/2\\_NDPDES\\_Permits/1\\_AFO\\_CAFO/AC.aspx](https://deq.nd.gov/WQ/2_NDPDES_Permits/1_AFO_CAFO/AC.aspx).