



**Department of  
Environmental  
Conservation**

## Concentrated Animal Feeding Operations

**Pursuant to the April 23, 2018 and June 1, 2018 decisions of the Albany County Supreme Court,** the Department has issued a new CWA CAFO General Permit (GP-0-19-001). The current CWA CAFO General Permit (GP-0-16-002) will be vacated on July 8, 2019 and the effective date of GP-0-19-001 is July 9, 2019. CAFOs with coverage under the current CWA CAFO General Permit (GP-0-16-002), will need to apply for and obtain coverage under either the new CWA CAFO General Permit (GP-0-19-001) or the ECL CAFO General Permit (GP-0-16-001) prior to the date GP-0-16-002 is vacated (July 8, 2019). It is recommended that CAFOs that have permit coverage under the current CWA CAFO General Permit (GP-0-16-002) and are seeking coverage under the new CWA CAFO General Permit (GP-0-19-001), submit their completed Notice of Intent, Nutrient Management Plan, and any supporting documents to the Department at least 60 days prior to the effective date of GP-0-19-001. CAFOs that have permit coverage under the current CWA CAFO General Permit (GP-0-16-002), and who meet the eligibility criteria for coverage under the ECL CAFO General Permit (GP-0-16-001), should submit their complete Notice of Intent to the Department at least 30 days prior to the vacatur date of GP-0-19-001. CAFOs with current permit coverage under ECL CAFO General Permit (GP-0-16-001) are not affected by the issuance of CWA CAFO General Permit (GP-0-19-001).

### Concentrated Animal Feeding Operations (CAFOs) in New York

A Concentrated Animal Feeding Operation (CAFO) is an animal feeding operation (farm) that meets certain animal size thresholds and that also confines those animals for 45 days or more in any 12-month period in an area that does not produce vegetation. New York State has roughly 500 CAFOs, the majority of which are dairy farms with 300 or more cows and associated livestock operations.

### CAFO General Permits History

DEC issued its first SPDES general permit for CAFOs in 1999, as required by federal regulations in place at that time. In response to a change in these federal regulations, the DEC issued a second SPDES general permit in 2009, the Environmental Conservation Law (ECL) CAFO general permit. The ECL CAFO general permit was originally issued as a mechanism to ensure regulatory oversight of an industry that was largely about to be unregulated as a result of a federal lawsuit and subsequent change in federal regulations. NY developed and issued the ECL permit for farms which did not discharge in order to ensure best management practices and nutrient management plans would still be developed and implemented on our largest livestock farms. Since that time, NY's CAFO program has continued to operate by offering two SPDES General Permits for CAFOs.

Following the issuance of the initial ECL version in 2009, farms had a choice, to continue to operate under the 2004 CWA version of the permit which allowed for a discharge from the production area, or to transition to the more restrictive ECL permit, which did not. In 2009, many farms did not have in place the manure

storage and/or other critical practices needed to ensure no discharge, so many elected to stay under the CWA permit. Since that time, the State had dedicated millions of dollars to farms to help them improve conditions at their facilities; has included additional requirements in permit revisions to help better define what farms are expected to achieve under each permit; and has hence seen a shift to the ECL permit.

## Permits

- [Environmental Conservation Law General Permit GP-0-16-001](#): Construction of a point source that is designed, constructed, operated and maintained to **not** discharge manure or process wastewater is deemed eligible for coverage under ECL SPDES general permit GP-0-16-001 and must obtain coverage prior to operation of the CAFO facility.
- [Clean Water Act General Permit GP-0-19-001](#): Construction of a point source that is designed, constructed, operated and maintained to discharge manure or process wastewater must seek coverage under CWA SPDES general permit GP-0-19-001 and must obtain coverage prior to operation of the CAFO facility.

## Supplemental Documents

- NRCS Standards required by the CAFO general permits
  - [Nutrient Management - NY 590 \(01/2013\) \(PDF, 218 KB\)](#)
  - [Waste Storage Facility - NY 313 \(10/2014\) \(PDF, 107 KB\)](#)
  - [Anaerobic Digester- NY 366 \(05/2010\) \(PDF, 144 KB\)](#)
  - [Waste Transfer Standard - NY 634 \(10/2015\) \(PDF, 49 KB\)](#)
  - [Vegetated Treatment Areas - NY 635 \(10/2016\) \(PDF, 262 KB\)](#)
  - [Heavy Use Area Protection - NY 561 \(10/2015\) \(PDF, 35 KB\)](#)
  - [Waste Facility Closure - NY 360 \(10/2013\) \(PDF, 62 KB\)](#)
  - [Karst Sinkhole Treatment - NY 527 \(10/2016\) \(PDF, 202 KB\)](#)
  - [Animal Mortality - NY 316 \(04/2016\) \(PDF, 175 KB\)](#)
  - [Composting Facility - NY 317 \(05/2011\) \(PDF, 37 KB\)](#)
- Cornell Guidelines referenced in the CAFO general permits
  - ["Composting Animal Mortalities" - Cornell Waste Management Institute, 2014 \(PDF, 1.4 MB\)](#)
  - ["Revised winter and wet weather manure spreading guidelines to reduce water contamination risk" - Cornell, 2015 \(PDF, 374 KB\)](#)
  - ["Manure Management Guidelines for Limestone Bedrock/Karst Areas of Genesee County, New York: Practices for Risk Reduction" - Cornell, 2011 \(PDF, 423 KB\)](#)
  - ["Manure and Groundwater: The Case for Protective Measures and Supporting Guidelines" - Cornell, 2004 \(PDF, 31 KB\)](#)
- AEM Tools
  - [Evaluation of Undesigned Waste Storage Facilities \(PDF, 37 KB\)](#)
  - [Evaluation of Existing Vegetated Treatment Areas \(PDF, 102 KB\)](#)
  - [Evaluation of Undesigned Manure and Waste Transfer Systems \(PDF, 60 KB\)](#)

- Recordkeeping Checklist - list of records required to be maintained by the owner/operator
  - [Recordkeeping Checklist \(PDF, 84 KB\)](#)
- Use of Unrecognizable Food Processing Waste (FPW) on a CAFO
  - [Unrecognizable Food Processing Waste \(FPW\) Use on a Farm \(PDF, 134 KB\)](#)
- Frequently Asked Questions
  - [Frequently Asked Questions Pertaining to Permit Requirements of the SPDES General Permits \(GP-0-16-001 & GP-0-16-002\) for Concentrated Animal Feeding Operations \(PDF, 147 KB\)](#)
  - [Frequently Asked Questions Regarding Manure Storage in New York State \(PDF, 892KB\)](#)

If you have questions about the CAFO permit program, contact Doug Ashline at 518-402-8086, or send your question via [email](#).

## More about Concentrated Animal Feeding Operations:

[Environmental Conservation Law CAFO General Permit](#) - Information about the Environmental Conservation Law CAFO general permit.

[Clean Water Act CAFO General Permit](#) - Information about the Clean Water Act CAFO general permit.

[Map of Concentrated Animal Feeding Operations in New York State](#) - Map of CAFOs in New York State.