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Common Questions Pork Producers Ask Before Building production Facilities

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Extension Extra

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Agriculture and
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COLLEGE OF AGRICULTURE & BIOLOGICAL SCIENCES / SOUTH DAKOTA STATE UNIVERSITY / USDA

Common Questions Pork Producers Ask Before Building Production Facilities

Q.What are the local, state, and federal regulations I need to know when considering my swine production project? Where do I find information related to these regulations?

A. Local regulations and zoning ordinances vary from one county to the next. Therefore, it is best that you contact your county planning and zoning office and ask them for information on local requirements.

There are four separate permits that you may need to obtain from the South Dakota Department of Environment and Natural Resources (SDDENR). These permits are the *general permit* for swine feeding operations, a *stormwater construction permit*, a *water right permit*, or a *groundwater discharge permit*. For further information on SDDENR permits, call (605) 773-3351.

If your project will involve filling or dredging in wetlands or streams, a federal permit from the U.S. Corps of Engineers may be necessary. The permitting office is located in Pierre and may be reached at (605) 224-8531. For information on wetlands related to USDA programs, contact your local Natural Resource Conservation Service (NRCS) office.

Q.What are the factors I need to consider when I select the location for my facility?

A.The key considerations are location and soil type. Locating manure-generating facilities where manure cleanup, storage, and utilization is easy and economical may prevent future problems. Desirable sites are away from towns or other neighbors; away from water supply wells; away from creeks, lakes, and wetlands; on deep, tight clay soils; on a ridge or high, flat area; and adjacent to owned or controlled farmland for construction of facilities and manure utilization. Check county regulations to determine if location is acceptable.

Q.Who do I contact for information on practical solutions to control odor and to establish a manure management plan?

A.The Cooperative Extension Service (CES), the NRCS, and/or private engineering firms can assist in the development of manure management plans and make recommendations for odor control.

Common odor control options may include blowing straw on lagoons, general cleanup and sanitation, enlargement and/or aeration of the lagoon.

The manure management plan will include consideration of the nutrient needs of the crop, testing the manure and soil for nitrogen and phosphorous, and the development of a plan to meet the crop requirements.

Q. Who do I contact for technical assistance with the project?

A. Contact the South Dakota Department of Environment and Natural Resources at (605) 773-3351 for further information related to state permitting requirements and procedures to obtain approval. SDDENR also can provide you with a list of engineers and consultants that may provide technical assistance. Other sources of technical assistance may be available through the Natural Resource Conservation Service or the Extension Service. Please contact your local agent to see if they can provide any assistance.

Q. Who do I contact for cost-share funds?

A.Cost-share assistance is available for manure management systems through the Environmental Quality Incentive Programs (EQIP). Contact the Natural Resources Conservation Service. A priority ranking system will be used for funding of facilities.

Q. Is there a checklist or roadmap to guide me in this process?

A. South Dakota Pork Producers Council (SDPPC) has available a listing of best management practices and a checklist producers should review when considering an expansion of their swine feeding operation. A special task force of pork producers identified key areas such as building design, public relations efforts, and environmental issues producers should consider. To receive a copy of this information, call SDPPC at 1-800-830-7675.

SDDENR is developing a swine permitting guide to be used as a road map to assist producers through the process.

Q. Can SDDENR provide a list of qualified engineers or consultants who can assist me in my project?

A. Yes. Call (605) 773-3351 and SDDENR will provide you with a list of firms who have indicated that they provide engineering and/or geotechnical services related to the design of manure management systems. SDDENR does not certify engineers or consultants, so request and review the credentials and references of firms when making your selection of an engineer for design assistance.

Q. What types of continuing education programs exist for proper training?

A. The Cooperative Extension Service offers educational materials and educational programs on general swine production practices, manure systems and management, livestock buildings and facilities, using manure as a fertilizer, and manure nutrient management plans. Individual consultations and engineering services are available for designing livestock building and facilities.

Extension will be working with SDPPC and SDDENR to develop producer training programs that comply with SDDENR regulations.

SDPPC offers an Environmental Assurance Program (EAP) that meets the training requirements of the state general permit for concentrated swine feeding operations. For more information on these workshops, contact SDPPC at 1-800-830-7675.

Q. What public relations issues should I consider before I begin?

A. The main public relations issue is to be open and honest with your neighbors about your plans. It is not necessary or proper to divulge the financial components of your business plans, but a lot of problems can be avoided if you are up front about the facility you are planning. Do as much of your homework as possible before you even begin talking, and anticipate how you will answer the questions you know will be asked.

If you are planning a facility of considerable size, your neighbors and their crop land can play an important role in your development of a good nutrient management plan. You have the ability to offer them a valuable product.

By communicating your plans to site the facility properly and by building a good manure handling system, you can move people from a neutral or negative opinion of your plans to being a supporter of your plans.

SDPPC offers advice to producers that will help ensure you are operating your facility in an environmentally responsible manner. Such advice includes contacting your neighbors, picking an appropriate location for an expansion or new facility, and monitoring the nutrient value of manure. For more information, contact SDPPC at 1-800-830-7675.

Q. What are the pros and cons of getting a certificate of compliance if I am not required to have one?

A. There are several advantages to getting approval of your manure management system and getting a certificate of compliance.

- If you plan to expand your operation and would then be required to obtain approval for your entire system, it will be easier to do so if you already have approval for the existing portion of your system.
- If SDDENR receives complaints on your operation. It will be easier for them to respond knowing that you have obtained approval.
- It may make it easier to obtain financing, and the lending institution may require one.
- Getting approval will give you some peace of mind knowing you are in compliance with existing requirements.
- If you are ever involved in a nuisance suit, you will have documentation that can be used in your defense.
- The primary disadvantage is that it may take up to 60 days to get state approval of the construction plans and specifications.

Q. How do the new laws passed by the 1997 South Dakota Legislature impact me?

A. Four laws that affect livestock feeding operations and directly impact the hog industry were passed by the South Dakota Legislature.

The first law requires a fee to be paid by all concentrated animal feeding operations that are required to operate under a general or individual water pollution control permit or required to obtain approval of plans and specifications submitted after July 1, 1997. The fee will be charged annually and is based on the number of animal units in the facility:

- Greater than 2,000 animal units — \$250
- Between 1,000 and 1,999 animal units — \$175
- Less than 1,000 animal units — \$100

The second law requires SDDENR to write new regulations for the inspection of animal feeding operations. Who will be inspected? Any concentrated animal feeding operation that is required to operate under a general or individual water pollution control permit, or required to obtain approval of plans and specifications. The content of the inspection and the frequency of the inspection will be determined by SDDENR in a public rule-making process. Public notices will be issued regarding any rules hearings or information meetings.

Existing facilities will not be subject to inspection or the fee. However, if a complaint accusing an existing facility of environmental violations is filed with DENR and the subsequent DENR investigation reveals that a violation actually did occur, the producer would be required to bring their facility into compliance and would be entered into the inspection and fee system.

The third law strengthens the existing "bad actor law." This new law allows SDDENR to reject applications made by individuals who cannot certify that they are suited or qualified to hold a permit.

The fourth law requires a producer to obtain a groundwater discharge permit if an annual feeding facility will be located over a shallow aquifer. A shallow aquifer is defined in the law. Construction of new concentrated animal feeding facilities with capacity of more than 1,000 animal units over shallow aquifers

is prohibited unless a groundwater discharge permit is obtained.

The only exceptions to this law are for existing facilities and for new facilities in counties with zoning ordinances that include wellhead protection provisions. Existing facilities can continue to operate over shallow aquifers and expand, provided they meet local and state criteria placed on facilities built on shallow aquifers.

Since ordinances vary widely from county to county, it is necessary to investigate the requirements of the county in which you intend to locate.

There is other legislation that potentially impacts the hog industry. For more information on these laws, contact SDPPC or the South Dakota Department of Agriculture.

Q. How does the general permit for swine feeding operations affect existing operations?

A. It has no effect on existing operators. However, you are not immune from being an environmentally responsible pork producer. If SDDENR does get a signed complaint form on an existing operation, they will conduct an inspection to determine if the complaint is valid. If it is valid, SDDENR may require an existing operation to obtain coverage under the general permit and will work with the producer to bring the operation into compliance.

If a producer wishes to voluntarily obtain coverage under the general permit, SDDENR will work with that producer to get state approval of the manure management system and coverage under the state general permit.

REMINDER: START EARLY. THE PROCESS MAY TAKE LONGER THAN YOU EXPECT.

For additional information . . .

South Dakota Department of Environment and Natural Resources — (605) 773-3351

South Dakota Pork Producers Council — 1-800-830-7675

South Dakota Department of Agriculture — (605) 773-3375

South Dakota Cooperative Extension Service — (605) 688-5144

Natural Resources Conservation Service — (605) 692-8754

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