

# Maintaining Compliance with Mississippi's Dry Litter Poultry General Permit



There is often confusion about Mississippi's Dry Litter Poultry General Permit in terms of what records poultry growers should be keeping and what the permit requires. The goal of this publication is to address some of the confusion and make it easier to understand what is expected of Mississippi poultry growers concerning record keeping.

First, your dry litter permit is a different and separate document from your comprehensive nutrient management plan (CNMP). Your permit is issued through the Mississippi Department of Environmental Quality (MDEQ) and enforced through its Environmental Compliance and Enforcement Agricultural Branch.

The MDEQ is responsible for protecting Mississippi's air, land, and water. In doing so, the MDEQ is also charged with safeguarding the health, safety, and welfare of all Mississippians by protecting, conserving, and improving the environment. As the population of the state grows and livestock numbers increase, more emphasis is being put on protecting and conserving the Mississippi environment.

While rules and regulations are often viewed negatively, especially by those being regulated, most people understand and appreciate why we have them and the role they play in maintaining our society. Currently in Mississippi, regulations require all poultry growers who operate dry litter poultry facilities to obtain coverage under Mississippi's Dry Litter Poultry General Permit. This is one permit that covers the entire state, and operators must apply for coverage.

Regardless of the class of commercial poultry (broilers, pullets, breeder hens), all dry litter poultry operations are covered by the same permit. This means everyone has the same permit requirements and everyone is playing by the same rules. **The Dry Litter General Permit was issued February 1, 2009 and expires (for every permit holder) January 31, 2014.**

Before this expiration date, all poultry operators must apply to MDEQ for a new permit. The intent of MDEQ is to reissue the dry litter general permit. So there will once again be a "general permit" that covers the entire state for dry litter poultry facilities that meet the eligibility requirements of the permit. Each poultry facility will have to submit its own, individual application or notice of intent (NOI). All eligible poultry facilities in the state will continue to be covered under one general permit with the same permit requirements for every facility. To obtain coverage under the newly reissued permit, a dry litter poultry notice of intent (DLPNOI) will have to be submitted in accordance with ACT 2, S-3 of the permit. Applications must be submitted before the existing permit expires (January 31, 2014).

The dry litter general permit in Mississippi is different from your individual comprehensive nutrient management plan (CNMP) that is tailored to your unique farming operation, soil conditions, geographic location, etc. These are two separate but equally important documents, and you must have each to be in compliance with current Mississippi regulations. Your CNMP is good for 5 years from the date it was issued and is not necessarily the same date as your dry litter permit coverage and expiration. If you built a farm last year or 2 years ago, or build a farm in 2013, the dry litter permit coverage will expire on January 31, 2014. However, **your CNMP will expire 5 years from when it was developed.** For example, if you build a farm in 2013, your dry litter permit will expire January 31, 2014, but your CNMP will not expire until 2018.

The dry litter permit covers activities associated with poultry farms, including, but not limited to, land application of poultry litter and compost, incineration, and composting of mortalities. However, to be eligible for coverage under the permit, there must be no discharge of process wastewater at the operation.

Process wastewater is any water used, directly or indirectly, in the operation of the poultry facility that may come in contact with chickens, litter, manure, compost, feed, etc. This includes, but is not limited to, spillage or overflow of poultry watering systems, or wash water from cleaning houses, stacking sheds, composters, de-cakers, and windrowing or other equipment. Process wastewater also includes any storm water (rainfall and storm water runoff) that comes into contact with any raw materials, products, or byproducts, including manure, litter, compost, mortalities, feed, or birds.

You may have questions concerning rainfall events after dry litter has been land applied. Regulations, as well as the permit, allow storm water runoff from fields **only when the litter has been applied in accordance with the operation's nutrient management plan and the permit**. Be aware that the dry litter permit prohibits any dry weather discharges from your land application fields.

As animal feeding operations across the country have become larger and more concentrated, the potential for pollution from these operations has attracted the attention of the federal government. As a result, MDEQ is inspecting an increasing number of animal feeding operations in Mississippi, including poultry facilities. You should now expect your operation to be inspected at least once every 1 to 3 years.

Scheduled inspections are usually done near the beginning of the year. However, complaints to MDEQ are investigated as they are received, regardless of the time of year. All areas of the farming operation are fair game to inspectors. This includes outdoor facilities, composting areas, incinerator sites, stacking sheds or manure storage areas, and land application sites. Generally, however, inspectors do not enter poultry houses or anywhere that could pose a biosecurity risk or disease threat.

Most likely, the inspector will first ask to see your records. **Poor record keeping or no record keeping at all is one of the common violations** inspectors see for permit holders. Make sure accurate records are being kept on your operation. It takes extra time and work and there is always something more important and certainly more exciting to do than paperwork, but without proper documentation, you have likely sealed your fate when inspectors arrive at your farm. Regardless of how well you manage litter, compost, mortalities, and everything else—or how neat

and tidy your operation is—you are likely looking at a fine or penalty on lack of adequate records alone.

A fine and penalty will not be cheap. Be aware that any person found violating any condition of the dry litter poultry permit is subject to significant civil penalties. This also includes the conditions in your nutrient management plan, which, upon approval, becomes an enforceable document. In addition, each day that a violation occurs is considered a separate and additional violation.

Know where your dry litter permit and nutrient management plan are at all times and be able to produce them on short notice (minutes, not hours). Inspectors are not required to give advance notice and may arrive unannounced at your farm. You must have all the required paperwork and be able to produce it for the inspector.

There are several items of **paperwork that you are responsible for**, including:

- Dry litter poultry general permit
- Certificate of coverage
- Nutrient management plan (NMP)
- Land application log sheet
- Monthly litter storage structures and/or piles inspections log sheet
- Monthly land application equipment inspections log sheet
- Monthly storm water management structures inspection log sheet
- Litter transfer record form (for litter transferred to other people)
- Daily mortality record keeping log sheet (mortality charts may serve for this)
- Daily incineration record keeping log sheet

For the monthly inspection records listed above, correct any deficiencies found as soon as possible and document corrective actions taken. You are required to keep these records on-site for 5 years. The forms you must use to stay in compliance with the dry litter permit are NOT included in your CNMP. They were mailed when your facility initially received permit coverage. You may also download additional forms from MDEQ's website (<https://www.mdeq.ms.gov/permits/environmental-permits-division/applications-forms/>). See the "Dry Litter Poultry AFO Forms Package" (the first link listed under "Wastewater: General Permit NOI" toward the bottom of

the page). The forms are also available on the Mississippi Poultry Association's website (<http://www.mspoultry.org/>). Click on the "Growers" link and see "MDEQ Compliance Documents."

You will need to demonstrate to the inspector that **you know how much litter you are applying** so as to remain in compliance with your CNMP. You must also have litter analyzed at least once annually for nitrogen and phosphorus so you know what you are applying. Soil must be analyzed at least once every 5 years for phosphorus content. Numerous websites have information on how to determine how much litter you are applying.

**Buffer requirements** come into play when you land-apply litter. Dry litter must remain at least 25 feet from the nearest adjoining property line and at least 150 feet from the nearest unowned occupied dwelling. When transferring litter to a third party, you must keep records of whom it is transferred to, and you must provide them analysis of the litter and guidance for applying it correctly. (See "Management Guidelines for Land Application of Animal Waste" included in the forms packet that was mailed when your facility received permit coverage.)

Once you appropriately transfer litter, you are no longer responsible for it. However, if you deliver and spread litter for someone else, you are responsible for it; and if you place or spread litter where it can pollute the waters of the state, it is your responsibility.

There are buffer zones associated with structures, as well. Any facility (barn, poultry house, compost or stacking shed, etc.) enlarged or significantly altered after February 24, 1994, must be at least 600 feet from the nearest unowned home or business and at least 150 feet from the nearest adjoining property line. In addition, incinerators must be at least 150 feet from any unowned home and any residential or recreational area.

**Common problems that are seen during on-farm inspections** include:

- Raw materials being exposed to the elements
- Piles of feed or feed spills not properly cleaned up
- Material around composter and stacking shed not on a slab or under cover
- Ash and/or mortalities left to accumulate around incinerator
- Excessive odor, flies, and/or mosquitoes

- Tall grass around production areas (contributes to pest problems)
- Drainage issues and standing water problems
- Improper/incomplete composting (disease threat)

Raw materials and spilled feed can create problems (odor, flies, etc.) when they get wet and may contaminate storm water runoff, potentially harming groundwater supplies and surface waters such as ponds and streams.

**Common complaints** are:

- Odor from uncovered litter or manure storage
- Flies
- Dust and odor from clean out and spreading litter
- Piling uncovered manure before spreading
- Buffer zone issues
- Erosion problems
- Improper mortality handling—mixing dead poultry with manure, improper composting

The permit states that a poultry farm must not unreasonably affect human health and well-being, interfere with the use and enjoyment of property, or affect plant or animal life. Keeping litter and compost dry will go a long way in staying in compliance with the permit. Wet litter will lead to odor, flies, and possible runoff issues. People tend to assume there is an environmental problem associated with any odor they find offensive, and decomposing organic material (litter, mortality, and feed) is a prime source of odor on the farm.

If you transfer litter to a third party who piles that litter before spreading it and someone turns in an odor complaint, it could eventually lead back to you. Inspectors follow up on every complaint. They will visit the farmer who received the initial complaint and ask where the litter came from and if you provided a copy of "Management Guidelines for Land Application of Animal Waste" when the litter was transferred. If you did not provide these guidelines, the inspectors will visit you. Make sure you have done everything correctly to protect yourself.

Fly numbers can increase rapidly unless they are controlled. Flies breed in moist soil or partly decomposed organic material (litter, spilled feed, compost). Keep litter and compost dry, clean up feed spills, and limit availability of organic material to flies and larvae. Maintain compost

bins and incinerators, and do not leave dead birds exposed to the environment. Pay special attention to the following **areas of concern**:

- Feed spills around storage bins
- Litter storage areas
- Litter loading areas
- Compost bins
- Litter and compost land application sites

There is one additional permit condition to be aware of. For any aboveground bulk storage tanks with total capacity of more than 1,320 gallons, or any single container greater than 600 gallons, the permit requires that you provide secondary containment or equivalent protective measures in the event of a potential spill. **Secondary containment** can be a clay dike or berm without a liner that will hold a potential spill of the largest tank inside the dike or berm. Additional information concerning spill containment is located at [http://www.epa.gov/osweroe1/content/spcc/spcc\\_ag.htm](http://www.epa.gov/osweroe1/content/spcc/spcc_ag.htm).

Environmental protection will become increasingly important as the population grows and animal feeding operations become larger and more concentrated. Mississippi poultry growers are required to maintain records on the management of dry litter, mortalities, and compost associated with their farming enterprises.

The Mississippi Department of Environmental Quality is charged with protecting the state's air, land, and water. It is MDEQ's responsibility to inspect poultry operations within the state and help growers maintain compliance with environmental rules and regulations. Good record keeping and sound, common-sense management practices will help protect our environment and keep Mississippi poultry operators and their farming enterprises in compliance with environmental protection regulations.

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