



DEQ Regulation and Programs Update

DCR Nutrient Management
Continuing Education Meeting
Blackstone, VA
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Presentation Overview

- Amendments to Virginia Pollution Abatement Animal Feeding Operations (VPA AFO) General Permit
- Small Animal Feeding Operations Evaluation and Assessment Strategy
- Biosolids and Industrial Residuals – 2015 Legislation
- US EPA Waters of the United States Rule
- DEQ Water Withdrawal Reporting



Amendments to VPA Animal Feeding Operations Regulation and General Permit



VPA AFO Amendments

- The VPA General Permit (GP) Regulation for AFOs governs the pollutant management activities of animal wastes at AFOs:
 - having 300 or more animal units; and
 - utilizing a liquid manure collection and storage system
- First ten year permit term began in 1994
- Second permit term ended November 15, 2014
- Third permit term now effective



VPA AFO Amendments

- Definitions, Terms and Reissuance
 - Add, amend and remove definitions to ensure consistency with other regulations governing AFOs
 - Amend dates to reissue the GP for another 10 year term
- Amended registration statement (application)

VPA AFO Amendments

Significant changes made to the GP and Regulation upon adoption of amendments.

- The Permittee will be allowed to :
 - Transfer Animal Waste
 - Receive Off-Site Generated Waste (materials)
 - Construct and Operate Alternative Manure Treatment Technologies (digester)

VPA AFO Amendments

- Requirements for Proper Construction and Operation of Alternative Manure Treatment Technologies
 - New storage/treatment facilities - constructed in accordance with appropriate practice standard adopted by United States Department of Agriculture - Natural Resource Conservation Service
 - DEQ also approves construction



VPA AFO Amendments

- Requirements for the Receipt Off-Site Generated Waste (Materials) for the purpose of feeding an on-farm digester or other manure treatment technology
 - Allow the permitted AFO owner to manage imported waste materials in accordance with the conditions of the VPA GP including additional recordkeeping
 - DEQ will approve the treatment process

VPA AFO Amendments

- Requirements for the Transfer of Waste
 - Allow the permitted AFO owner to transfer waste off-site
 - Establish a threshold to trigger requirements
 - more than 10 tons of solid or semi-solid or
 - more than 6,000 gallons of liquid

VPA AFO Amendments

- Requirements for the Transfer of Waste
 - Establish end-user technical requirements
 - Storage
 - Utilization
 - Recordkeeping
 - Developed an Animal Waste Fact Sheet
 - summarizes technical requirements for End-Users

Requirements for End-Users

- Modeled after the VPA Regulation and GP for Poultry Waste Management (9VAC25-630-10 et seq.) established in 2009.
- End-Users must comply
- Equally as enforceable as the permit coverage

Requirements for End-Users

- End-User is not required to obtain a permit unless non-compliance with the technical regulations is identified
- If permit coverage is necessary – additional requirements shall be met:
 - soils and waste monitoring, nutrient management plans, animal waste transfer recordkeeping, DEQ compliance inspections and training



Requirements for End-Users

- Four options to determine land application rate
 - 1 – Phosphorus Crop Removal
 - 2 – Apply once every 3 years no more than 80# P
 - 3 – Soil Test Recommendations
 - 4 - Nutrient Management Plan
- Land application timing and buffer zones
 - Identical to those in the General Permit

Requirements for End-Users

- Storage
 - Identical to requirements in the General Permit
- Recordkeeping
 - Land application activities
 - Animal waste transactions

Small AFO Evaluation and Assessment Strategy



Small AFO Strategy

Small AFOs are operations that fall below the animal number thresholds which require permit coverage.

Small AFO Strategy

- Chesapeake Bay Watershed Implementation Plan (WIP)
 - Approx. 800 small dairy and small poultry AFOs were identified
 - does not account for other livestock, equine or exotic/non-traditional agricultural animal operations
- Collaborative effort between DEQ and Virginia Department of Agriculture and Consumer Services (VDACS) to develop a Strategy to evaluate and assess Small AFOs for site specific risks/impacts to surrounding water quality



DEQ and VDACS

DEQ	<i>VDACS - Agricultural Stewardship Program</i>
Specific pollutant management activities	Complaint based, issue specific
AFOs and CAFOs with a duty to apply for permits	Non-permitted agricultural operations including AFOs
Discharges or potential discharges to state waters	Water quality problems: nutrients, sediment, toxins from agricultural activities

Small AFO Strategy

- Voluntary Participation
- Work one-on-one with the owner/operator
- Self-Assessment Tool

Small AFO Strategy

- Evaluations
 - Is it an AFO?
 - Is there potential for a discharge?
- On-Site Assessments
 - Scheduled with owner/operator
 - Owner/operator present during assessment
 - Are there issues related to discharges or potential discharges that need to be addressed?

Small AFO Strategy

- Four options if issues need to be corrected
 - Voluntary implementation of BMPs
 - DEQ or VDACS
 - Identify local resources for Cost-Share and Technical Assistance
 - Memorialized with a letter
 - VDACS Agricultural Stewardship plan
 - DEQ permit: VPA AFO
 - DEQ permit: VPDES CAFO



Small AFO Strategy

- Goal: complete 800 evaluations of Dairy/Poultry farms by December 2015
 - As of June 2015: 73% of WIP Goal met
 - Another 324 operations have been evaluated (not identified in WIP - beef, swine, etc.)

Small AFO Strategy

- On-Site Assessments : 167 completed
- Corrective Action Plans: required at 24 farms
- All corrective actions to date are being addressed through voluntary implementation or Ag Stewardship actions (no DEQ permits)

Biosolids and Industrial Residuals 2015 Legislation



Biosolids

- 2015 Budget Bill
- Land Application fee changes
 - Class B: \$7.50 per dry ton
 - Exceptional Quality: \$3.75 per dry ton
 - Effective October 1, 2015
- Blue Plains biosolids treatment converted to EQ
 - thermal hydrolysis followed by anaerobic digestion
 - ~50% volume reduction
 - Historically ~60% of biosolids in VA

Industrial Residuals

- House Bill 1364 / Senate Bill 1413
- Authorizes monitoring by local governments and collection of fee by DEQ
- Fee: \$5.00 per dry ton in counties with local monitoring ordinances
- Effective January 1, 2016

**US EPA &
Army Corps of Engineers
Clean Water Rule: Definition of
Waters of the United States**



Waters of the US Rule

- Defines scope of waters protected under the Clean Water Act
- Final rule reflects response to extensive public comments
- Does not establish any regulatory requirements
- Fewer waters will be defined as “waters of the United States” under the rule than under the existing regulations
- 8 categories of jurisdictional waters
- Maintains existing exclusions for certain categories of waters
- Adds additional categorical exclusions
- Case-specific analyses still an option
- Effective August 28, 2015



DEQ Water Withdrawal Reporting



Water Withdrawal Reporting

- The Virginia Water Withdrawal Regulation requires the reporting of any withdrawal (groundwater or surface water) for crop irrigation if:
 - withdrawals for any single month meet or exceed one million gallons.
- All other agricultural production withdrawals (e.g. livestock watering, cooling, and facility cleaning) require reporting of any withdrawal (groundwater or surface water) if:
 - the daily average withdrawal during any single month exceeds 10,000 gallons per day.



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