

Medium Farm Operation General Permit: Response to Comments

Medium Farm Operation General Permit

Section 1. Definitions General

1.1 Animal Feeding Operation (AFO)

No comments received

1.2 Agency

No comments received.

1.3 Animal Type

No comments received.

1.4 Barnyard and Feedlot

No comments received.

1.5 Certified Nutrient Management Planner

No comments received.

1.6 Compost

No comments received

1.7 Conservation Management Unit (CMU)

No comments received

1.8 Conservation Practice

No comments received.

1.9 Crop and Cropland

No comments received.

1.10 Discharge

No comments received.

1.11 Domestic Fowl

No comments received.

1.12 Facility

No comments received.

1.13 Farm

No comments received.

1.14 Groundwater

No comments received.

1.15 Large Farm Operation (LFO)

No comments received.

1.16 Land Application Area

No comments received.

1.17 Livestock

No comments received.

1.18 Medium Concentrated Animal Feeding Operation (Medium CAFO)

No comments received.

1.19 Medium Farm Operation (MFO)

No comments received.

1.20 Non-Sewage Waste

No comments received.

1.21 Nutrient Management

No comments received.

1.22 Nutrient Management Plan (NMP)

No comments received.

1.23 Pasture

No comments received.

1.24 Permittee

No comments received.

1.25 Person

No comments received.

1.26 Production Area

No comments received.

1.27 Realistic Yield Goals

A discussion was held with Nutrient Management Plan Technical Service Providers which lead to revision of the following definition to improve clarity:

1.27 Realistic Yield Goals means crop yield goals established using actual crop yields collected by the MFO and does not include yield goals established by using soil type crop yield potentials. Realistic Yield Goals on fields or conservation management units shall be calculated by

averaging a minimum of three years of actual crop yield data. The MFO cannot use actual crop yields older than five years for this calculation. If Realistic Yield Goals have not been established, crop yield goals based on soil type established by USDA must be used in the NMP.

1.28 Required Agricultural Practices Rule (RAPs)

No comments received.

1.29 Secretary

No comments received.

1.30 Solid Waste

No comments received.

1.31 Surface Water or Waters

No comments received.

1.32 Useable Volume

No comments received.

1.33 Waste or Agricultural Waste

No comments received.

1.34 Waste Generation

No comments received.

1.35 Waste Management System

No comments received.

1.36 Waste Storage Facility

No comments received.

1.37 Waters of the United States

No comments received.

Section 2. Permit Coverage

2(A) Authority and Purpose

No comments received.

2(B) Permit Coverage

No comments received.

2(C) Application for Coverage and Annual Operating Fee

No comments received.

2(D) Termination of Coverage

No comments received.

2(E) Requirement to Obtain an Individual Permit

No comments received.

2(F) Requirement to Obtain a Large Farm Operation (LFO) Permit

No comments received.

2(G) Appeal of Secretary's Permit Decision

Section 3. General Standards and Effluent Limitations and Standards

3(A) General Requirements

Section 3.A.1.e & Section 3.A.1.f were revised for clarity and technical correctness:

e. Operate and maintain all waste storage facilities to ensure there is sufficient freeboard according to the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Waste Storage Facility Practice Code 313 standard; and

f. Demonstrate adequate land base to accept all nutrients generated and imported through a nutrient management plan that meets the requirements of the USDA NRCS Nutrient Management Practice Code 590 standard (590 Standard) and the RAPs

3(B) Nutrient Management Plans and Recordkeeping

Comment Received: How is sediment and erosion managed under the draft MFO General Permit compared to smaller farms or farms without livestock that grow crops for sale?

Response: All farming operations are required to follow the Required Agricultural Practices (RAPs). The RAPs include the following to address soil loss/erosion:

Section 6.04 Soil Health Management; Cover Crop Requirements

(a) Soil management activities that increase organic matter, reduce compaction, promote biological activity, reduce erosion, and maintain appropriate nutrient levels shall be considered and implemented as practicable. Practices that promote these goals include reduced tillage, conservation tillage, avoiding mechanical activities on saturated soils, addition of organic matter using manure, green manures and compost, sod and legume rotations, and the use of cover crops.

(b) Cropland shall be cultivated in a manner that retains soil in the field and promotes soil health while minimizing visible erosion into buffer strips, across property boundaries, or that creates gully erosion. The performance management standard for the soil must result in an average soil loss less than or equal to the soil loss tolerance (T) for the prevalent soil type as calculated through application of the Revised Universal Soil Loss Equation 2 or through the application of similarly accepted models.

(c) Croplands shall be managed to prevent fieldborne gully erosion and reduce or eliminate associated sediment discharges using management strategies that may include the establishment of grassed waterways, filter strips, or other methods deemed appropriate by the Secretary.

Furthermore, Medium Farm Operations and Certified Small Farm Operations that either do or do not have livestock are required to implement a field-by-field nutrient management plan consistent with the requirements of the USDA NRCS Nutrient Management Practice Code 590 or other equivalent standards approved by the Secretary, which includes soil loss/erosion management.

3(C) Imports

No comments received.

3(D) Exports

No comments received.

3(E) Access to Site and Records

No comments received.

Section 4. Annual Reporting Requirements

No comments received.

Section 5. Standard Conditions

5(A) Records Retention

No comments received.

5(B) Monitoring and Reporting

No comments received.

5(C) Duty to Migrate

No comments received

5(D) Duty to Comply

No comments received

5(E) Effect of Permit

No comments received.

General Comments Received:

Comment: Timing of the draft MFO General Permit, and related public hearings and comment period during busy time of year for farming operations.

Response: The Agency understands that the timing of the MFO GP and Public Hearings is a busy time of year for the farming community and those who support the farming community. The Agency's goal of the draft MFO General Permit was to:

- Reduce redundancy,
- Shorten length,
- Simplify and clarify language,
- Ensure it meets current implementation efforts,
- Ensure it meets CAFO equivalency, and
- Ensure it meets statutory and rule requirements.

The Agency feels that these objectives were achieved without major substantive changes to the MFO General Permit. If major substantive changes had occurred, the Agency feels strongly that timing would have been different and additional outreach to the Medium Farm Operation community would have occurred. In addition, there was a 60-day comment period that included program staff contact information to allow for any questions, comments or concerns. No farming operations contacted the Agency.