



FY 2008

LEGISLATIVE REPORT ON CFO/CAFO ACTIVITIES

Senate Resolution 2512-2007

The Indiana Department of Environmental Management's (IDEM) Office of Land Quality administers the animal feeding operation regulatory program in Indiana. This program includes permitting, compliance monitoring and enforcement activities for 1,555 Confined Feeding Operations (CFOs) and 656 Concentrated Animal Feeding Operations (CAFOs) for a total of 2,211 operations subject to permitting and inspection.

ORGANIZATIONAL IMPROVEMENTS

Last year's report identified several improvements that had been made or were in the process of being made. Of those, the following have been in place throughout this fiscal year (July 1, 2007 to June 30, 2008):

- **Reassignment of non-CFO/CAFO inspection work from the agriculture and solid waste inspectors**
- **Implementation of compliance assistance inspections to new CFO/CAFOs**
- **Reduction of backlog of staff review of manure management plans**

In addition, the following improvements have been made during the year and are currently in place:

- **Automation of the inspection process**
Significant progress has been made in establishing a digital inspector tool that allows staff to utilize an electronic tablet in the field to fill in an inspection report and allow downloading into a database. The tablets are currently in use and enhancements to the database are being made to allow more user friendly development of reports based on the inspection information.
- **Implementation of activity-based timekeeping**
In October of 2007, a code for work related to CFO/CAFO program activities was put into place to more accurately capture the amount of IDEM resources utilized to support the CFO/CAFO program. The information from the coding system supports previous estimates made and actually indicate that the estimates may be a little lower than the actual resources utilized when all agency activity is taken into account.
- **CFO/CAFO consolidated database**
The contractor is on schedule to have the CFO/CAFO module of the agency-wide database that is in development completed by November of 2008.

In accordance with Senate Resolution 2512 the following information is being provided by the Indiana Department of Environmental Management for the time period July 1, 2007 through June 30, 2008.

**CFO Approval and NPDES CAFO Permit Animal Threshold Numbers and
Number of CFO Approvals and NPDES CAFO Permits* Issued between July 1, 2007 and June 30, 2008**

Species/Sector	Threshold Number of Animals				Number of NPDES Permits* and CFO Approvals Issued			
	Large CAFO	Medium CAFO**	Small CAFO***	CFO	Large CAFO	Medium CAFO**	Small CAFO***	CFO
Beef:				≥300				
Cattle	≥1,000	300-999	<300		0	1	0	1
Cow/Calf Pairs	≥1,000	300-999	<300					
Dairy:				≥300				
Mature Dairy Cow	≥700	200-699	<200		21	0	0	8
Other than Mature Dairy Cows (dairy heifers, dairy calves, veal calves)	≥1,000	300-999	<300					
Swine:				≥600				
Growers/Finishers/Sows (greater than 55lbs)	≥2,500	750-2,499	<750		85	2	0	21
Nursery Pig (less than 55lbs)	≥10,000	3,000-9,999	<3,000					
Chickens:				≥30,000				
Layers/Broilers (liquid manure handling system)	≥30,000	9,000-29,999	<9,000		9	0	0	10
Chickens other than Layers (not in a liquid manure handling system)	≥125,000	37,500-124,999	<37,500					
Layers (not in a liquid manure handling system)	≥82,000	25,000-81,999	<25,000					
Ducks:								
Liquid Manure System	≥5,000	1,500-4,999	<1,500	1	0	0	0	
Not in a Liquid Manure System	≥30,000	10,000-29,999	<10,000					
Others:								
Turkeys	≥55,000	16,500-54,999	<16,500	1	0	0	6	
Horses	≥500	150-499	<150	N/A	0	0	0	
Sheep/Lambs	≥10,000	3,000-9,999	<3,000	≥600	0	0	0	
Totals:					117	3	0	46

*All NPDES CAFO permit applications included (NPDES CAFO General Construction, NPDES CAFO General Coverage, NPDES CAFO General Renewal, NPDES CAFO Individual Construction, and NPDES CAFO Individual Coverage).

**In addition to meeting animal threshold numbers, the operation must also discharge or have discharged pollutants into waters of the state. Medium CAFOs which do not discharge may voluntarily participate in NPDES program.

***In addition to meeting animal threshold numbers, the operation must also discharge or have discharged pollutants into waters of the state and be designated a CAFO.

Permitting Activities

CFO/CAFO Application Details from July 1, 2007 to June 30, 2008

Application Type	Received	Issued	Denied*	Withdrawn
CFO Approval Applications	50	46	0	1
General NPDES CAFO Permit Construction Applications	68	64	1	5
<i>Large CAFOs</i>	68	64	1	5
<i>Medium CAFOs</i>	0	0	0	0
<i>Small CAFOs</i>	0	0	0	0
Individual NPDES CAFO Permit Construction Applications	7	7	1	1
<i>Large CAFOs</i>	7	7	1	1
<i>Medium CAFOs</i>	0	0	0	0
<i>Small CAFOs</i>	0	0	0	0
Construction Applications	125	117	2	7
General NPDES CAFO Permit Coverage Application	23	23	1	0
<i>Large CAFOs</i>	22	22	0	0
<i>Medium CAFOs</i>	1	1	1	0
<i>Small CAFOs</i>	0	0	0	0
General NPDES CAFO Permit Renewal Application	123	26	0	2
<i>Large CAFOs</i>	117	24	0	1
<i>Medium CAFOs</i>	6	2	0	1
<i>Small CAFOs</i>	0	0	0	0
Individual NPDES CAFO Permit Coverage Application	2	0	0	0
<i>Large CAFOs</i>	1	0	0	0
<i>Medium CAFOs</i>	1	0	0	0
<i>Small CAFOs</i>	0	0	0	0
Other NPDES Permit Applications	148	49	1	2
Totals:	273	166	3	9

* General NPDES CAFO Permit Construction Application denied for applicant's refusal to submit requested additional information.

Individual NPDES CAFO Permit Construction Application denied for applicant's repeated failure to comply with state/federal rules/laws.

General NPDES CAFO Permit Coverage Application denied and discharger required to submit individual NPDES application instead.

CAFO and CFO Inspections

Inspection Dates July 1, 2007 to June 30, 2008

Facility Type	Inspection Reason (definitions of following page)	Number of Inspections
CAFO	Paperwork (CoC) Follow-Up	2
CAFO	Compliance Assistance	117
CAFO	Construction	132
CAFO	Complaint Inspection	8
CAFO	Follow-Up Inspection	41
CAFO	Routine Inspection	44
CAFO	Spill Response Inspection	3
CAFO	Voidance	4
	Total CAFO:	351
CFO	Paperwork (CoC) Follow-Up	1
CFO	Compliance Assistance	32
CFO	Construction	25
CFO	Complaint Inspection	20
CFO	Follow-Up Inspection	71
CFO	Routine Inspection	229
CFO	Spill Response Inspection	3
CFO	Voidance	45
	Total CFO:	426
TOTAL	Paperwork (CoC) Follow-Up	3
TOTAL	Compliance Assistance	149
TOTAL	Construction	157
TOTAL	Complaint Inspection	28
TOTAL	Follow-Up Inspection	112
TOTAL	Routine Inspection	273
TOTAL	Spill Response Inspection	6
TOTAL	Voidance	49
	Total CFO/CAFO:	777

DEFINITIONS

CoC Follow-up – For some violations, the farm may provide documentation that they have corrected the violation through a Certificate of Compliance (CoC).

Compliance Assistance – The first time a farm is inspected after the passage of the NPDES rules (including new farms) a compliance assistance inspection is conducted to identify any deficiencies in operation or recordkeeping without the threat of enforcement action.

Construction – New and expansion activities that involve construction of any manure storage units are required to notify IDEM prior to construction. Two engineers on staff conduct inspections during construction activities to verify that approved construction plans are being followed.

Complaint Inspection – An inspection resulting from a citizen complaint.

Follow-Up Inspection – An inspection conducted to verify that previous violations have been corrected.

Routine Inspection – A routine scheduled inspection.

Spill Response Inspection – A follow-up inspection conducted immediately following a spill event that resulted in a discharge to surface water.

Permitting – In some cases, the compliance inspector will accompany a permit writer on a visit to a proposed new or expansion site.

Voidance – Before permitting staff will void an existing approval for a site (usually a CFO) he asks the field inspector to do an inspection to verify that the farm is not operating or is operating with fewer than the number of animals required to have a CFO approval.

ANNUAL INSPECTION ACTIVITY

FY 2008 saw a significant increase (nearly 34%) in inspection activity. Most of the activity was relative to conducting compliance assistance inspections at all newly permitted CFO/CAFOs as well as a follow-up routine inspection within 6 months of the compliance assistance inspection. With the increase in inspection activity, each CFO and CAFO is being inspected once every five years on average. New facilities are receiving a compliance assistance inspection within the first 6 months of operation and a follow –up routine inspection within 6 months after the compliance assistance inspection.

Violations

Violations cited between July 1, 2007 to June 30, 2008

Facility Type	Citation (Violation)	Total
CAFO	Approval and Performance Standards	2
CAFO	Discharge & Spill Requirements	20
CAFO	Land Application Records	111
CAFO	Operating Records	189
CAFO	Operational Standards	133
	Total:	455
CFO	Approval and Performance Standards	13
CFO	Discharge & Spill Requirements	26
CFO	Land Application Records	204
CFO	Operating Record	172
CFO	Operational Standards	119
	Total:	534
	Total Violations Cited:	989

ENFORCEMENT ACTIONS

Notices of Violation Issued	19
Agreed Orders Adopted	19

FINES AND CIVIL PENALTIES

The following is a summary of the penalties assessed through Agreed Orders (AOs) and a brief description of the type of violation involved:

<u>Number of AOs</u>	<u>Violation</u>	<u>Penalty</u>
10	Water Quality (Spill)	\$65,665
6	Construction Affidavit	\$5,000
2	Operating Records	\$3,750
1	Construction w/o Permit	<u>\$6,800</u>
	TOTAL	<u>\$81,215</u>

CRIMINAL ACTIONS

No criminal actions were filed during the timeframe specified.