

**Department of Environment and Natural Resources (DENR)  
Concentrated Animal Feeding Operation Permit Process  
Application Checklist**

This checklist can assist producers who are planning to obtain general water pollution control permit coverage for a concentrated animal feeding operation with the permitting process.

**Contact your County Zoning Officer to determine the requirements your County has for Animal Feeding Operations.**

Contacted

**1. Does your animal feeding operation need a water pollution control permit?**

You need a permit if:

- you have a livestock confinement operation that is a concentrated animal feeding operation (see definition on page 5);
- your operation, regardless of size, is required to obtain permit coverage by a local government entity – such as a county commission; or
- your operation, regardless of size, is required by DENR to obtain permit coverage to protect the state’s water resources.

Yes    No

**(If No stop here; If Yes continue)**

**2. Contact several consulting engineers and/or the Natural Resources Conservation Service (NRCS) about design services. Talk with them about your existing or proposed location, location standards, and system requirements. For new operations, a properly selected site will speed DENR’s review and save you time and money. Check the engineer’s references for similar systems. Hire an engineer.**

We encourage producers looking for an engineer to design a manure management system to ask the following two questions:

1. How many manure management systems have you designed in South Dakota?
2. How many days did it take to get the construction plans and specifications approved by DENR?

In considering the answers to these two questions, producers need to understand the following:

- a) Producers should talk to other producers who were clients. Ask those other producers what they liked, what they did not like, and if they would hire that engineer again.
- b) Producers still may chose an engineer with little experience designing manure management systems to meet South Dakota requirements, but they should expect approval of those systems to take longer.
- c) The amount of time it takes DENR to approve construction plans is variable and dependent on many factors. However, getting the reviews done as fast as possible has been and remains a priority for DENR staff.
- d) Delays are not always the engineer's fault. For example, many times the producer wants to change something that causes delays. However, a good engineer will be able to work changes into the process to minimize delays.
- e) Producers may call DENR to verify the answers.

With these understandings, the producer will have a better idea of the experience and expertise an engineer has in designing manure management systems in South Dakota, and their ability to get the design done right the first time and avoid unnecessary delays and costs.

Completed.

**3. Consulting engineer and/or NRCS prepares permit application package and reviews these documents with the producer prior to submitting the application to DENR.**

Completed.

**Does your operation need a Water Right Permit?**

You need a permit if you have your own water source and will exceed either 25,920 gallons per day (gpd) or a peak pump rate of 25 gallons per minute (gpm). If yes, submit a water right application. An application can be obtained from the department's internet site ([www.state.sd.us/denr](http://www.state.sd.us/denr)) or by calling (605) 773-3352.

Yes  No

**Does your operation need a Storm Water Permit?**

You need a permit if one or more acres will be disturbed during construction. If yes, submit a storm water permit application. An application can be obtained from the department's internet site ([www.state.sd.us/denr](http://www.state.sd.us/denr)) or by calling 1-800-737-8676.

Yes  No

- 4. Permit application is submitted to DENR at least 60 days prior to anticipated start of construction.**  
 Completed.
- 5. Producer attends approved environmental training program for producers held by the South Dakota Cooperative Extension Service (Contact the Cooperative Extension Service at (605) 688-5144 for dates and locations).**  
 Attend producer training and submit training certification to DENR.
- 6. DENR sends 30-day public notice to local newspaper.**  
 Producer is billed by newspaper and pays for notice.
- 7. DENR Completes Review and sends producer an approval letter. This letter may have conditions that need to be met to keep the approval valid. If a shallow aquifer is present, ground water monitoring or a ground water discharge permit will be required.**  
 If required in the approval letter, submit ground water monitoring information or a ground water discharge permit application.
- 8. All county requirements that apply have been completed.**  
 Yes
- 9. Construction begins.**  
 Prior to starting construction, producer notifies DENR of construction schedule and tentative completion date.
- 10. DENR performs at least one construction inspection.**  
 Completed.
- 11. Consulting engineer or NRCS submits Notice of Completion.**  
 Completed.
- 12. DENR issues permit coverage and certificate of compliance.**  
 Completed.
- 13. Producer populates building and begins keeping records required by the permit.**

**DENR staff will conduct an inspection of the operation in the first 18 months of operation, and yearly if your operation has 2,000 animal units (see table below for animal unit equivalents) or at least every three years for all smaller operations. During these inspections, DENR staff will look at the manure management system, manure management cropping plan, and records required by the permit to ensure the operation remains in compliance with the permit.**

**By August 1<sup>st</sup> of each year the department will send you a bill to collect money to help pay for our feedlot activities. The fee is two hundred fifty dollars for operations with two thousand or more animal units, one hundred seventy-five dollars for operations with one thousand to one thousand nine hundred ninety-nine animal units, and one hundred dollars for operations with less than one thousand animal units. The fee is due September 30<sup>th</sup>. (See the table below for animal unit equivalents.)**

Equivalent - 1,000 Animal Units
- 1,000 slaughter or feeder cattle;
- 1,000 dairy heifers;
- 700 mature dairy cattle;
- 2,500 finisher swine;
- 10,000 nursery swine;
- 2,130 production sows;
- 270-sow farrow to finish unit;
- 500 horses;
- 10,000 sheep or lambs;
- 30,000 chickens;
- 55,000 turkeys;
- 5,000 ducks;
- 5,000 geese; or
a combination of animals
totaling 1,000 animal units

**At the beginning of the calendar year, the department will also send you an annual report form. The form must be completed and returned no later than March 28<sup>th</sup> of each year.**

## Definition of Concentrated Animal Feeding Operation

A “**Concentrated Animal Feeding Operation**” is a lot or facility that stables or confines and feeds or maintains animals for a total of 45 days or more in any 12-month period and meets the following criteria for a large, medium, or small concentrated animal feeding operation:

1. A large concentrated animal feeding operation as described in Table 1 below.
2. A medium concentrated animal feeding operation as described in Table 1 below and meets one of the following conditions: 1) Pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or 2) Pollutants are discharged directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.
3. A small concentrated animal feeding operation as described in Table 1 and designated as a concentrated animal feeding operation by the Secretary.

Table 1. Number of Animals to Define Large, Medium, and Small Concentrated Animal Feeding Operations			
Type of Animal Feeding Operation	Concentrated Animal Feeding Operations		
	<u>Large</u> Animal numbers equal to or more than:	<u>Medium</u> Animal numbers equal to:	<u>Small</u> Animal numbers less than:
Dairy cows (mature – milked or dry)	700	200 to 699	200
Veal Calves	1,000	300 to 999	300
Cattle other than mature dairy cows or veal calves <sup>1</sup>	1,000	300 to 999	300
Swine (weighing more than 55 pounds)	2,500	750 to 2,499	750
Swine (weighing less than 55 pounds)	10,000	3,000 to 9,999	3,000
Horses	500	150 to 499	150
Sheep or Lambs	10,000	3,000 to 9,999	3,000
Turkeys	55,000	16,500 to 54,999	16,500
Laying hens or broilers <sup>2</sup>	30,000	9,000 to 29,999	9,000
Chickens, other than laying hens <sup>3</sup>	125,000	37,500 to 124,999	37,500
Laying hens <sup>3</sup>	82,000	25,000 to 81,999	25,000
Ducks <sup>2</sup>	5,000	1,500 to 4,999	1,500
Ducks <sup>3</sup>	30,000	10,000 to 29,999	10,000
Geese	30,000	10,000 to 29,999	10,000

<sup>1</sup> Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.

<sup>2</sup> Animal feeding operation uses a liquid manure handling system.

<sup>3</sup> Animal feeding operation uses other than a liquid manure handling system.

**NOTE:** Other animal types not listed in the above table may be considered on a case-by-case basis.