

# CONSIDERATIONS WHEN PLANNING TO CONSTRUCT A SWINE OPERATION WITH LESS THAN 2,500-HEAD

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The Department of Environment and Natural Resources' *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* does not require swine operations with less than 2,500 swine weighing 55 pounds or more to get permit coverage unless they are found to be causing water pollution. An operation with less than 2,500 swine may be required to obtain permit coverage under the general permit if the following apply:

- Two or more swine operations, under common ownership and within one mile of each other or using a common manure containment system or land application fields, together have 2,500 swine with swine weighing 55 pounds or more. In this case, these operations are considered one operation; or
- Local government requires the operation to get general permit coverage, generally through zoning.

Operations below the 2,500-head threshold can also voluntarily get general permit coverage.

## **Requirements that may still apply to an operation with less than 2,500 swine:**

- A storm water construction permit is required if one or more acres of land will be disturbed during construction of the animal feeding operation or the manure management system. For more information on storm water permit requirements, please call 1-800-SDSTORM (1-800-737-8676).
- If the operation has sources that release air contaminants to the ambient air, it may need an air quality permit. Examples of equipment that may be regulated under an air quality permit are boilers, emergency generators, and incinerators. **If an air quality permit is required, the facility will need to obtain an air quality permit from DENR's Air Quality Program before construction begins.** Please contact the department's Air Quality Program at (605) 773-3151 for a permit application, additional information, or if you have any questions.
- The operation may need to report certain air emissions. More information can be found at [www.epa.gov/animalwaste](http://www.epa.gov/animalwaste).
- If an operation will encroach, damage or destroy any of the historic sites identified at the following website: <http://history.sd.gov/preservation/nationalregisterofhistoricplaces.aspx> the producer shall first contact the State Historic Preservation Office at (605) 773-3458.
- If manure application will involve placing hoses or other equipment in a state highway right of way (for example, in a road ditch or through a culvert), the producer must first obtain a Permit to Occupy Right of Way. Application for this permit may be made through the local South Dakota Department of Transportation area office. In addition, please contact your county highway superintendent to determine if your county has similar requirements.
- The producer is responsible for contacting the local planning and zoning office to determine if there are any local ordinances or requirements with which you need to comply.

## **Future Expansions to Unpermitted Swine Barns:**

In the future, you may wish to expand your swine operation to confine 2,500 or more swine weighing 55 pounds. Any swine operation that proposes to confine 2,500 or more swine weighing 55 pounds or more is a large concentrated animal feeding operation CAFO. A large CAFO is required by South Dakota law to obtain permit coverage before the expansion occurs and any additional barns are constructed.

Section 1.2.2.2. on page 9 of the general permit (<http://denr.sd.gov/des/fp/documents/2017GeneralPermit.pdf>) contains the requirements for submitting a permit application for an operation that meets this criteria.

One of the difficulties these operations have is documenting the existing barn was constructed to meet the general permit's standards for concrete design for process wastewater and manure containment structures. Specific items of concern are the use of adequate structural reinforcement to minimize cracking of the concrete and to ensure the structural integrity of the containment structure to minimize or prevent seepage or leakage. Also, it is difficult to add capacity to an existing pit, if it was not constructed with the required storage volume.

**Because of these issues, we recommend swine producers who think they may expand their operation in the future, increasing their animal numbers to where they need permit coverage, hire an engineer to design, oversee, and document construction of the manure concrete pit so the producer has the design and construction documentation to submit so it can more easily be permitted in the future.**