

## **NJDA Animal Waste Management Rules**

### **FAQ**

#### **Which animal farms are affected by these rules?**

All farms, as defined in the rules, will have to follow the General Requirements of the rules. Operations with 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving or applying 142 or more tons of animal waste per year will be required to develop and implement a self-certified AWMP. Operations with eight or AUs AND animal densities greater than 1 AU per acre of available land (pastures and crop fields) will be required to develop and implement a high-density AWMP submit the AWMP for review and approval to ensure conformance with the New Jersey Field Office Technical Guide (NJ-FOTG). Operations with 300 or more AUs, regardless of animal densities, will need to develop and implement a Comprehensive Nutrient Management Plan (CNMP) and be certified by the NJDA. Operations with 1 to 7 AUs or those receiving or applying less than 142 tons of animal waste per year, are encouraged, but not required to develop a self-certified Animal Waste Management Plan.

#### **What must an operator do to comply with these rules?**

All farms, as defined in the rules, are required to implement the General Requirements of the rules within 12 months of establishing a livestock operation. Operations with 8 to 299 AUs or those receiving or applying 142 or more tons of animal waste per year are required to develop a self-certified or high-density Animal Waste Management Plan within 18 months of the effective date of these rules. The plans must be completely implemented within 36 months of the effective date of these rules. Operations with 300 or more AUs are required to have a CNMP developed and completely implemented within 36 months of the effective date of these rules and must receive certification from the NJDA.

#### **How does an operator develop an Animal Waste Management Plan?**

The NJDA BMP Manual contains a template for operators to develop an AWMP and High Density AWMP. The AWMP may be developed by the owner/operator or in consultation with an NJDA, NRCS or Rutgers Cooperative Extension (RCE) staff person. The self-certified and high-density AWMP template is provided in the NJDA BMP Manual. Upon completion of the AWMP, the declaration page must be completed, signed and filed with your county's Rutgers Cooperative Extension Office.

#### **Why did the NJDA develop these rules?**

The New Jersey Department of Agriculture (NJDA) has been authorized by the Legislature to develop criteria and standards for animal waste management through the Leaf Composting Law of 1989 and the Aquaculture Development Act of 1997. The NJDA is developing these rules to fulfill its legislative mandate and to proactively address non-point source pollution that may emanate from agricultural animal operations.

### **What if the operation already has a CNMP?**

If the CNMP was developed and approved after October 1, 2001, and is still applicable to the operation, implementation of such plan shall deem the operation in compliance. However, the CNMP must be reviewed annually and updated if the number of AUs increases by 25 percent or more.

### **Do the rules require any permits?**

No. However, farms with 300 or more AUs are required to be certified by the NJDA. The NJDA will issue a certification once the required CNMP is approved by the district and submitted to the NJDA.

### **Do the rules require any fees?**

No. There are no fees involved with these rules.

### **Are there any penalties for rule violations?**

Yes, there are penalty provisions in the rules. When non-compliance is found, the NJDA may allow the owner/operator up to 60 days to take corrective action. The NJDA will consider the seriousness of the violation, the conduct of the operator and the type of plan required when determining penalties.

### **Do the rules consider animal densities?**

Yes. Farms with 8 to 299 AUs with animal densities greater than 1 AU per acre are required to have their high-density AWMP reviewed to ensure conformance with the NJ-FOTG, while those with densities less than 1 AU per acre do not. However, animal operations with 300 or more AUs are required to develop and implement a CNMP and be certified by the NJDA, regardless of animal density.

### **Is it necessary to fence along water bodies?**

Animals in “confined areas” – as defined in the rules -- need to be fenced. Although highly recommended, animals in areas that are not “confined” are not required to be fenced from adjacent water bodies.

### **Are the plans required by these rules protected from the Open Public Records Act (OPRA)?**

Self-certified plans will be retained by the owner/operator and are not subject to OPRA. High-density AWMP plans will need to be reviewed to ensure conformance with the NJ-FOTG and must be approved by the local Soil Conservation District. However, they also will be retained by the owner/operator. Owner/operators that are required to develop and implement CNMPs will authorize

their release to the NJDA for certification purposes. A copy of the CNMP and certification will be retained by the NJDA and may be subject to OPRA.

**Do the rules restrict the land application of animal manure?**

No. Land application of animal waste can continue as long as it is performed in accordance with the principles of the NJDA BMP Manual.

**How do the rules apply to aquatic farms?**

Aquatic farms must follow the waste management provisions set forth at N.J.A.C. 2:89 and the Aquaculture Management Practices set forth at 2:76-2(a) 11.