

South Dakota Livestock Services Program and CAFO Permitting

May 1, 2024
ACWA CAFO Roundtable



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Livestock Services Program

- In 2021, Governor Noem merged the South Dakota Department of Agriculture and South Dakota Department of Environment and Natural Resources to create the South Dakota Department of Agriculture and Natural Resources.
- The Livestock Services Program was created as part of the merger. It has two teams:
 - Dairy & Egg Team – Milk and Egg Food Safety
 - Concentrated Animal Feeding Operation (CAFO) Permitting

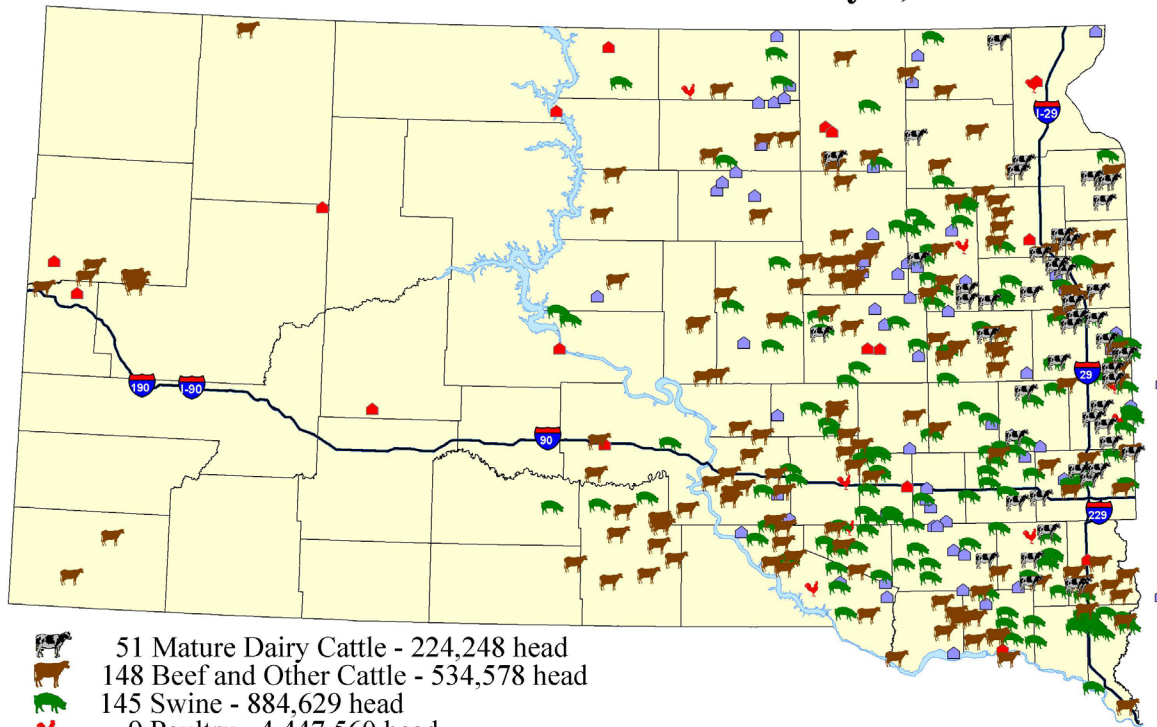








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Permitted CAFOs



SD DANR Permitted CAFOs - January 1, 2024



-  51 Mature Dairy Cattle - 224,248 head
-  148 Beef and Other Cattle - 534,578 head
-  145 Swine - 884,629 head
-  9 Poultry - 4,447,560 head
-  62 Multi Animals - 3,743,785 head
-  17 Livestock Auctions
- 4 CAFOs Located in Another State with Land Application Areas in SD

436 Total Permits

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CAFO Permits

2007 state law requires CAFOs to operate under a general or individual water pollution control permit

- **NPDES Permits**

- 197 General Permit Coverage
- 3 Individual permits
 - 1 no discharge Vegetative Treatment Area
 - 2 converting litter to a commercial fertilizer

- **State Permits**

- 236 General Permit Coverage



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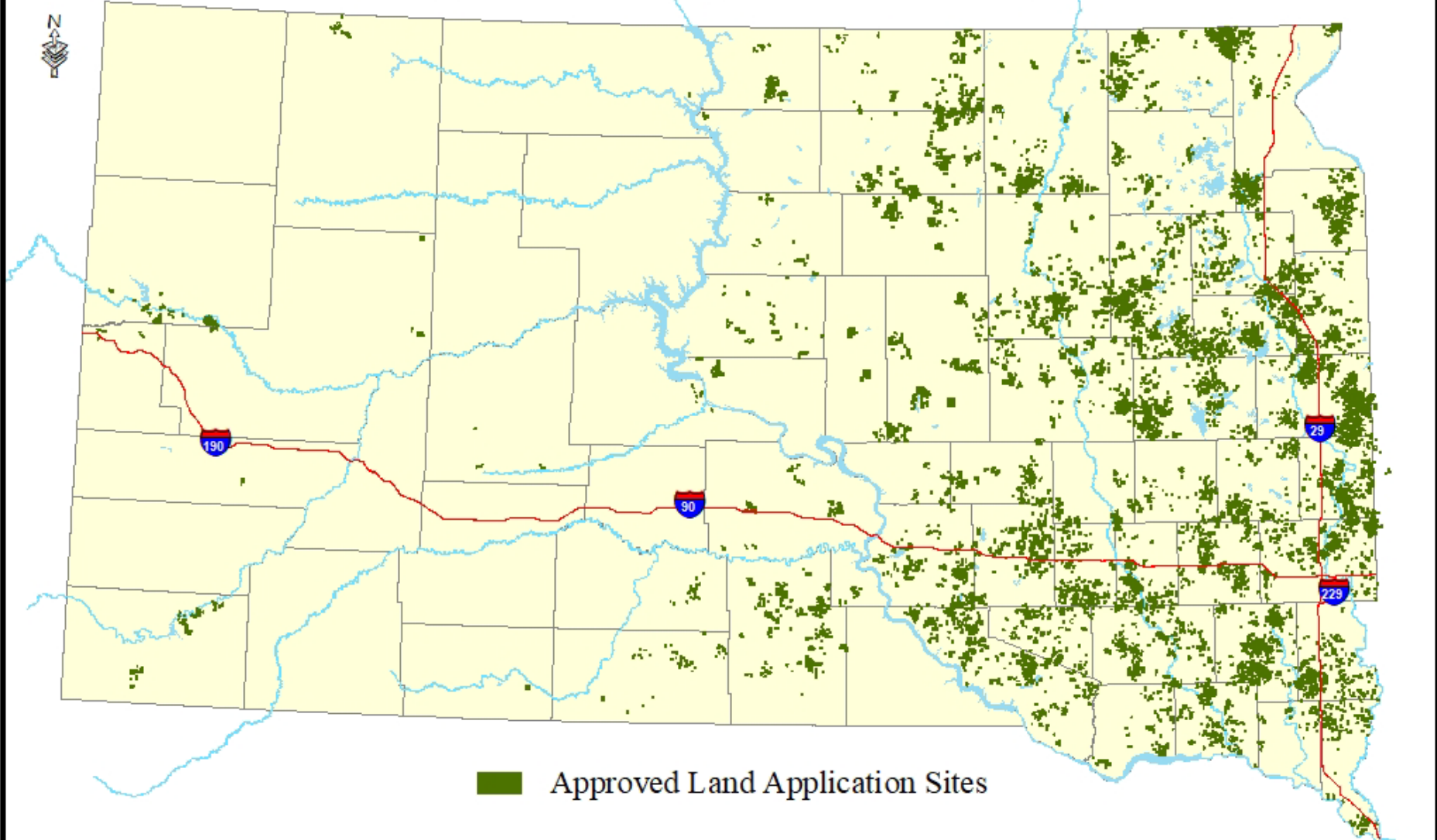
CAFO General Permit

- Permit includes some design standards that exceed SD NRCS design standards
- Permit includes shallow aquifer protection requirements
- Producer is responsible for land application following an approved nutrient management plan (NMP). Cannot sell or give away more than 100 cubic yards of solid manure or any process wastewater
- All land application covered by a NMP. NMP fields can only be in one plan. Phosphorous index table used to determine whether application rate is based on nitrogen need, phosphorous crop removal, or no application is allowed.



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SD DANR Approved Land Application Sites - April 1, 2024



*Permitted operations currently produce approximately 66,104,924 pounds of Nitrogen and 54,585,642 pounds of Phosphorus annually. There are 1,333,329 acres in approved nutrient management plans. Each operation's nutrient management plan shows that the operation has the land necessary for the proper land application of nutrients in the manure or process wastewater they produce. The use of this manure eliminates or reduces the need for the use of commercial fertilizer.

Recent State Legislation

- 2021 – changed state CAFO permit to have up to a 10-year term
- 2023 – digester bill - an operation that processes or stores manure or process wastewater without coverage under a concentrated animal feeding operation's general or individual water pollution control permit and the maximum number of permitted or unpermitted animals from which manure or process wastewater is processed or stored would meet the definition of a large concentrated animal feeding operation must obtain its own general or individual water pollution permit



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Permit Reissuance Challenges

- Employee recruitment and retention
- Database conversion/NPDES e-reporting
- All South Dakota CAFO general permits have had a contested case hearing
- Recent general permit litigation in other states
- Expected Concerns:
 - Some producers want to be able to transfer manure out of the NMP
 - Environmental groups concerns over ground water/shallow aquifer protection requirements
 - Environmental groups want to require tile outlet & instream sampling which will have a cost and not provide representative results



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Questions



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