

Subpart A - General

405.0 Purpose

Part 405 establishes the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) national policy for Comprehensive Nutrient Management Plans (CNMP).

405.1 Background

- A. In 1999, the Unified National Strategy for Animal Feeding Operations directed the USDA and U.S. Environmental Protection Agency (EPA) to work together to address environmental and public health issues associated with animal feeding operations (AFO). The Strategy also defined CNMP elements and the relationship between voluntary and regulatory programs.
- B. The Clean Water Act (CWA) gives the EPA authority to regulate point source dischargers of pollutants into waters of the United States. Agricultural operations that discharge pollutants, via a point source, into waters of the United States must have a National Pollutant Discharge Elimination System (NPDES) permit or face the risk of regulatory action. Under the CWA, a concentrated animal feeding operation (CAFO) is defined as a point source.
- C. EPA considers the animal production area of a CAFO (manure storage facilities, animal confinement areas) as a point source.
- D. USDA's goal is for AFO/CAFO owners and operators to take voluntary actions to minimize potential air and water pollutants from storage facilities, confinement areas, and land application areas. The objective of a CNMP is to provide AFO owners and operators with a plan to manage manure and organic by-products by combining conservation practices and management activities into a conservation system that, when implemented, will control soil erosion and protect air and water quality. USDA has an associated goal of assisting CAFOs to develop CNMPs that can be used for NPDES permitting purposes.
- E. The CNMP shall not result in excessive air emissions and/or negative impacts to air quality resource concerns if it is feasible to mitigate these effects.
- F. The CNMP documents agricultural utilization of nutrients according to science-based management strategies and, thus, meets the criteria for the stormwater exemption of the CWA on fields receiving manure or organic by-products.
- G. USDA and EPA have agreed that the CNMP is acceptable documentation for those seeking an NPDES permit, with the addition of chemical handling provisions. The CAFO decisionmaker (principal controlling producer or landowner) can submit the CNMP as part of an NPDES permit application.
- H. The nationally recognized Manure Management Planner (MMP) is the only NRCS-supported technology software for use in developing CNMP output products. MMP uses national CNMP templates, as modified and adopted by each State, to generate CNMP output documents.
- I. Refer to General Manual (GM), Title 180, Part 409 for policy regarding conservation planning. GM-190, Part 405 contains policy for conservation nutrient management planning. GM-190, Part 405, Subpart B, Policy, Section 405.11, Minimum Technical Requirements Essential for Providing CNMP Technical Assistance Associated with Comprehensive Nutrient Management Plans, supersedes/replaces pertinent sections of GM-180, Part 409, Section 409.10.
- J. State Conservationists are allowed discretion in rare and specific cases. (see Section 405.31.) In these cases, the completed plan is not a CNMP, but is acceptable for technical and/or financial assistance. The completed plan is not sufficient documentation for an NPDES permit.

405.2 Authorities

General Manual, Title 130, Part 400, Subpart B, Delegations of Authority, Section 400.13, assigns functional responsibilities for CNMPs. (see GM-190, Part 405, Subpart C, Responsibilities.)

405.3 Definitions

- A. A CNMP is a conservation plan for an AFO that:
- (1) Must include the following:
 - (i) The production area, including the animal confinement, feed and other raw materials storage areas, animal mortality facilities, and the manure handling containment or storage areas.

- (ii) The land treatment area, including any land under control of the AFO owner or operator, whether it is owned, rented, or leased, and to which manure or process wastewater is, or might be, applied for crop, hay, pasture production, or other uses.
 - (2) Meets NRCS Field Office Technical Guide (FOTG) Section III quality criteria for water quality (nutrients, organics, and sediments in surface and groundwater) and soil erosion (sheet and rill, wind, ephemeral gully, classic gully, and irrigation-induced natural resource concerns on the production area and land treatment area).
 - (3) Mitigates, if feasible, any excessive air emissions and/or negative impacts to air quality resource concerns that may result from practices identified in the CNMP or from existing on-farm areas/activities.
 - (4) Complies with Federal, State, Tribal, and local laws, regulations, and permit requirements; and
 - (5) Satisfies the owner/operator's production objectives.
- B. The Producer Activity Document (PAD) is an abbreviated CNMP document for the producer's use that summarizes the day-to-day activities needed to implement the CNMP. The PAD provides a place for the producer to maintain records as part of a recordkeeping system. A template for a PAD is available in the MMP software.