

Part 405 – Comprehensive Nutrient Management Plans

Subpart A – General

405.0 Purpose

This directive establishes the NRCS minimum national policy for comprehensive nutrient management plans (CNMPs).

405.1 Background

A. In 1999, the Unified National Strategy for Animal Feeding Operations directed USDA and the U.S. Environmental Protection Agency (EPA) to work together to address environmental and public health issues associated with animal feeding operations (AFOs). The strategy also defined the CNMP and the relationship between voluntary and regulatory programs.

B. The Clean Water Act (CWA) gives the EPA authority to regulate certain point source dischargers of pollutants into waters of the United States. Agricultural livestock operations, which meet the concentrated animal feeding operation (CAFO) definition or have been designated as a CAFO, that discharge pollutants by 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 CAFO is defined as a point source. Any AFO can be designated as a CAFO if it is a significant contributor of pollutants to waters of the United States.

C. USDA's goal is for AFO/CAFO owners and operators to take voluntary actions to minimize potential water and air 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 byproducts by combining conservation practices and management activities into a conservation system that, when implemented, will control soil erosion and protect water and air quality.

D. If an AFO/CAFO land-applies manure, litter, and process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 40 CFR Section 122.42(e) (vi)–(ix), then any subsequent precipitation-related discharge from the AFO/CAFO's land-application areas is agricultural stormwater (40 CFR Section 122.23(e)).

E. The CNMP may provide acceptable documentation for elements of the NPDES permit requirements. The CAFO decisionmaker (principal controlling producer or landowner) can submit the CNMP as part of an NPDES permit application, but must also fulfill all additional requirements of the NPDES permit.

F. Refer to Title 180, General Manual (GM), Part 409, Section 409.10, for policy regarding conservation planning and the criteria to achieve an NRCS "CNMP Planner" designation.

405.2 Authorities

130-GM, Part 400, Subpart B, Section 400.13, assigns functional responsibilities for NRCS mission and program. 190-GM, Part 405, Subpart C, assigns functional responsibilities for CNMPs.

405.3 Definition

A CNMP is a component plan of a conservation plan that includes structural practices, management activities, and land management practices for an AFO associated with crop or livestock production that collectively ensures that the purposes of crop or livestock production and preservation of natural resources (especially soil erosion and water and air quality as related to nutrient related impacts) are compatible.

405.4 Plan Development

The proper development, implementation, and adoption of a CNMP requires direct communication between and involvement of NRCS staff, the producer, and the technical service provide (TSP) or consultant when contracted by the producer. Because of the importance of communication with all parties and the complexity of a CNMP, the NRCS conservation planning process contained in Title 180, National Planning Procedures Handbook, will be used throughout the development and implementation of CNMPs. The conservation planning process will be used to determine producer's objectives and address all resource concerns relevant to the farmstead animal feeding operation, and associated crop, pasture, range, and other land receiving manure from the farming operation. After alternatives have been reviewed with the producer, document the selected conservation practices for implementation in the CNMP "Record of Decisions." NRCS practice "Implementation Requirements" (i.e., plans and specifications or job sheets) will be developed for each planned practice sequentially according to the planned schedule of implementation. All conservation practices planned in the CNMP must meet NRCS practice standards, where applicable standards exist.