

Alternatively, the farm's nutrient management planner is an excellent source for assembling this information, which must be presented in a format that is clear and concise.

How long is a finalized LOP valid?

Finalized permits are valid for 5 years as long as the conditions of the permit are being met. Minimal operational requirements include:

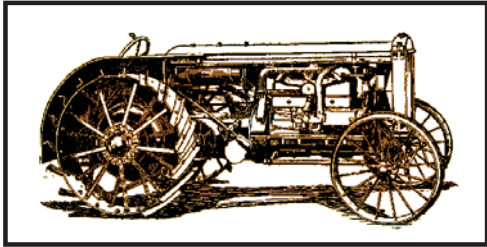
- Compliance with the farm's certified nutrient management plan as submitted to the Department;
- A condition that the operation must prepare and submit to the Department periodic updates of the nutrient management plan as required by the Chapter 565 Rules;
- A condition that the operation must not degrade the quality of ground or surface waters through failure to properly use and maintain best management practices; and
- Any additional requirements deemed appropriate by the Commissioner to protect the environment or other uses in proximity to the farm.



Any livestock operation that is required to have an LOP must obtain a Provisional LOP or a new, finalized LOP before the expiration date of the existing permit.

Under what conditions may an LOP be revoked?

An LOP may be revoked by the Commissioner of Agriculture, Conservation and Forestry if the livestock operation fails to comply with any condition of the permit or if any of the information on which the permit is based is false, misleading or inaccurate. It is ultimately the farmer's responsibility to seek compliance with any applicable laws and rules.



What recourse does a farmer have who receives a revocation notice?

The farmer may request that the Commissioner hold a hearing regarding the revocation at which evidence may be presented that might justify reinstatement of the permit. If still aggrieved, the farmer may appeal the Commissioner's decision to the Nutrient Management Review Board for consideration, which may hold a public hearing. Alternatively, the Commissioner's initial decision may be appealed directly to the Nutrient Management Review Board.

The success of the Nutrient Management Program has been the result of an effective working relationship among many agencies and farmers, particularly the Maine Department of Agriculture, Conservation and Forestry, the University of Maine Cooperative Extension, the U.S.D.A. Natural Resources Conservation Service, the U.S.D.A. Farm Service Agency, county Soil & Water Conservation Districts and others. These cooperating agencies are committed to providing educational, financial, and technical assistance to farmers in a proactive,



practical, efficient manner that helps them achieve their production and environmental goals. It is through this cooperative approach, utilizing best management practices, that enables farmers to protect water quality and comply with regulatory requirements, while meeting business objectives.

*An animal feeding operation is a lot or facility where animals are confined and fed for a total of at least 45 days in a 12 month period and vegetation is not present in the area where the animals are confined.

**A residual is any material generated as a byproduct of a nonagricultural production or treatment process that has value as a source of crop nutrients or soil amendment. A regulated residual is a residual that is used primarily for its nitrogen or phosphorous value as determined by the Department of Agriculture, Conservation and Forestry and is regulated by the Department of Environmental Protection.

For More Information Contact:

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**Maine Department of
Agriculture, Conservation
and Forestry**



**Livestock
Operations
Permits
(LOPs)**

**The Maine Nutrient
Management Program**



Livestock Operations Permits

The Nutrient Management Program was established by the Maine Legislature in 1998. This program was initiated by the Maine Department of Agriculture, local Soil & Water Conservation Districts and interested farmers who shared a proactive interest in the proper storage, management and utilization of farm nutrients. Their goals included management of nutrients that would not only provide protection for Maine's environment, but also have economic benefits for farming operations, yet be attainable and practical. Maine has been a leading state in the nation in the protection of its farmland and natural resources.



Why are Livestock Operations Permits (LOPs) required for certain operations?

Livestock Operations Permits are required in Maine to protect our valuable agricultural land from degradation, to protect public health and the environment, particularly our ground and surface water resources, and to meet State requirements outlined in 7 M.R.S.A Chapter 747 §4205 and Nutrient Management Rules Chapter 565.

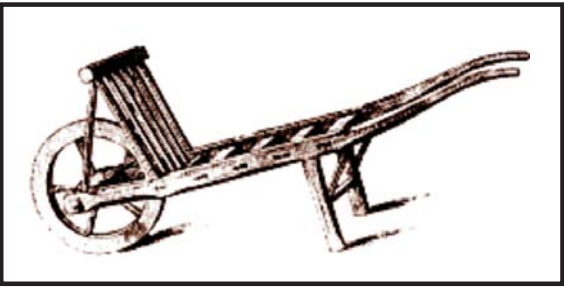
Which farms in Maine must obtain an LOP?

An animal feeding operation* (AFO) in Maine must obtain a Livestock Operations Permit (and perhaps other permits) if it meets one or more of the following criteria:

1. It is a new operation started after April 15, 1998 with 300 or more animal units (one animal unit equals 1000 pounds of live animal);
2. It is an operation that had fewer than 300 animal units on April 15, 1998 and expanded to 300 or more animal units after April 15, 1998;
3. It is an operation that has 1000 or more animal units regardless of any prior animal unit numbers at any time;
4. It is an operation that plans to expand beyond its current land base capacity for spreading manure or beyond its current capacity for storing manure.
5. It is an operation that has been designated a Concentrated Animal Feeding Operation (CAFO).

How does a farm owner obtain an LOP?

An application packet is available from the Department, which includes the application form, an application procedure guide, a checklist outlining specific information that must be submitted, a time line describing the sequence of events that will occur during this process, a sample land use agreement form and a copy of the Chapter 565 Nutrient Management Rules. After a farmer sends application material to the Department, a determination will be made regarding completeness of the information. If additional information is required, the farmer will be provided with a detailed list of deficiencies. If the application is determined to be complete, the review will begin and, subsequently, Department staff or other designee will inspect the farm to determine if the operation has an adequate nutrient management



plan and is following that plan. This inspection procedure may vary somewhat depending on whether the farm is an existing operation or is a new venture. The entire process requires approximately 120 days from the time the farmer submits a complete application until the permit is issued, provided all permitting requirements have been met.

What is the inspection procedure for new operations?

Prior to construction, a site visit to the proposed location will be made to determine that the plans for the proposed operation will adequately deal with impacts on the environment and other uses in the area. After the facility has been constructed and is in operation, another inspection will be conducted to determine that the operation is being managed in accordance with the nutrient management plan, and that adequate provisions have been made for the storage, handling, and spreading of all nutrients generated or used on the farm.

Are public hearings or notices required prior to issuance of an LOP?

Special permitting conditions may be required for new or existing operations with more than 1000 animal units, and may include a requirement for a public hearing or meeting prior to issuance of the LOP.

What happens if the review determines that the farm does not meet all criteria for issuance of a finalized LOP?

In some cases, a Provisional LOP may be issued if all conditions specified in a proposed finalized LOP cannot be met at the time the application is reviewed. Provisional LOPs are valid for one year from the date of issuance.

What information must be submitted with the LOP application?

Most of the information required for submission with the application already is available in the farm's nutrient management plan or in other documents or files available on the farm. Specific information required includes:

- A copy of the farm's nutrient management plan or comprehensive nutrient plan;
- Copies of current soil test reports for each field farmed, whether leased or owned;
- Copies of current manure test reports;
- Soil and location maps for each field;
- Maps identifying water bodies, wells and other sensitive areas in relation to farm buildings/livestock housing areas and fields;
- Information regarding past and planned manure/other fertilizer or residual** usage;
- Crop yields;
- Soil erosion provisions;
- An animal carcass disposal plan;
- An emergency action plan for spills;
- Calculations of crop nutrient requirements and balances;
- Manure or residuals storage capacities and locations;
- Livestock manure production data;
- Map depictions of setbacks and field locations; and perhaps other requirements.

An application fee must be submitted - \$50 for operations with fewer than 1000 animal units, \$200 for operations with 1000 animal units or more.

The farm owner or operator may compile and submit the required information with the application.

