



*Partners*  
FOR HEALTHY WATERSHEDS

**Permit in Practice:  
Understanding  
New York's  
Concentrated Animal  
Feeding  
Operation Permit**

# Land Acknowledgement

Cornell University is located on the traditional homelands of the Gayogohó:nq? (the Cayuga Nation). The land in the Cayuga and Seneca Lake watersheds is also located in the traditional homelands of the Onöndowa'ga:' (Seneca Nation). The Gayogohó:nq? and Onöndowa'ga:' are members of the Haudenosaunee Confederacy, an alliance of six sovereign nations with a historic and contemporary presence on this land.

The confederacy precedes the establishment of Cooperative Extension, Cornell University, New York state and the United States of America. We acknowledge the painful history of Gayogohó:nq? and Onöndowa'ga:' dispossession and honor the ongoing connection of Gayogohó:nq? and Onöndowa'ga:' people, past and present, to these lands and waters.

# Agenda

**6:00 | Welcome & Introductions**

Kirsten Workman, Cornell CALS PRO-DAIRY

**6:10 | What is an AFO? What is a CAFO?**

Kirsten Workman

**6:25 | CAFO Permit - How does it work and how does NYSDEC enforce it?**

John Hornberger, DEC Region 8

**6:40 | AEM Certified Planners & the CNMP**

Greg Albrecht, AEM Coordinator

**6:55 | How do we work with non permitted farms?**

Greg Albrecht & John Hornberger

**7:05 | Panel - Permits in Practice**



## **Agency Professionals:**

- **John Hornberger**, NYSDEC Region 8
- **Greg Albrecht**, NYSAGM AEM Coordinator

## **Farmers:**

- **Jeremy Martin**, J-Mar Farms - *Waterloo*
- **William Purdy**, Purdy Family Farm – *Canandaigua, Interlaken*
- **Ryan Akin**, Hemdale Farms – *Seneca Castle*

# Panelists

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**Questions from the Audience**

Or fill out a card  
and hand it to one  
of our volunteers

# Concentrated Animal Feeding Operation Regulations and Comprehensive Nutrient Management Planning in New York State

Carly Bass<sup>1,7</sup>, Kirsten Workman<sup>2,3,7</sup>, Greg Albrecht<sup>4</sup>, Ron Bush<sup>4</sup>, Brendan Jordan<sup>4</sup>, Dale Gates<sup>5</sup>, Josh Hornesky<sup>5</sup>, Sara Latessa<sup>6</sup>, Kristan Reed<sup>7</sup>, Quirine M. Ketterings<sup>3,7</sup>

<sup>1</sup>Masters of Professional Studies in Animal Science, <sup>2</sup>PRO-DAIRY, <sup>3</sup>Nutrient Management Spear Program (NMSP), <sup>4</sup>New York State Department of Agriculture and Markets (NYSAGM), <sup>5</sup>United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), <sup>6</sup>New York State Department of Environmental Conservation (NYSDEC), and <sup>7</sup>Department of Animal Science, Cornell University

December 6, 2023



In conjunction with the **Cornell NMSP Advisory Committees**


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Accessible at: <http://nmsp.cals.cornell.edu/publications/extension/CAFOCNMPNY2023.pdf>

Cornell University, Ithaca, NY 14853

# Resource

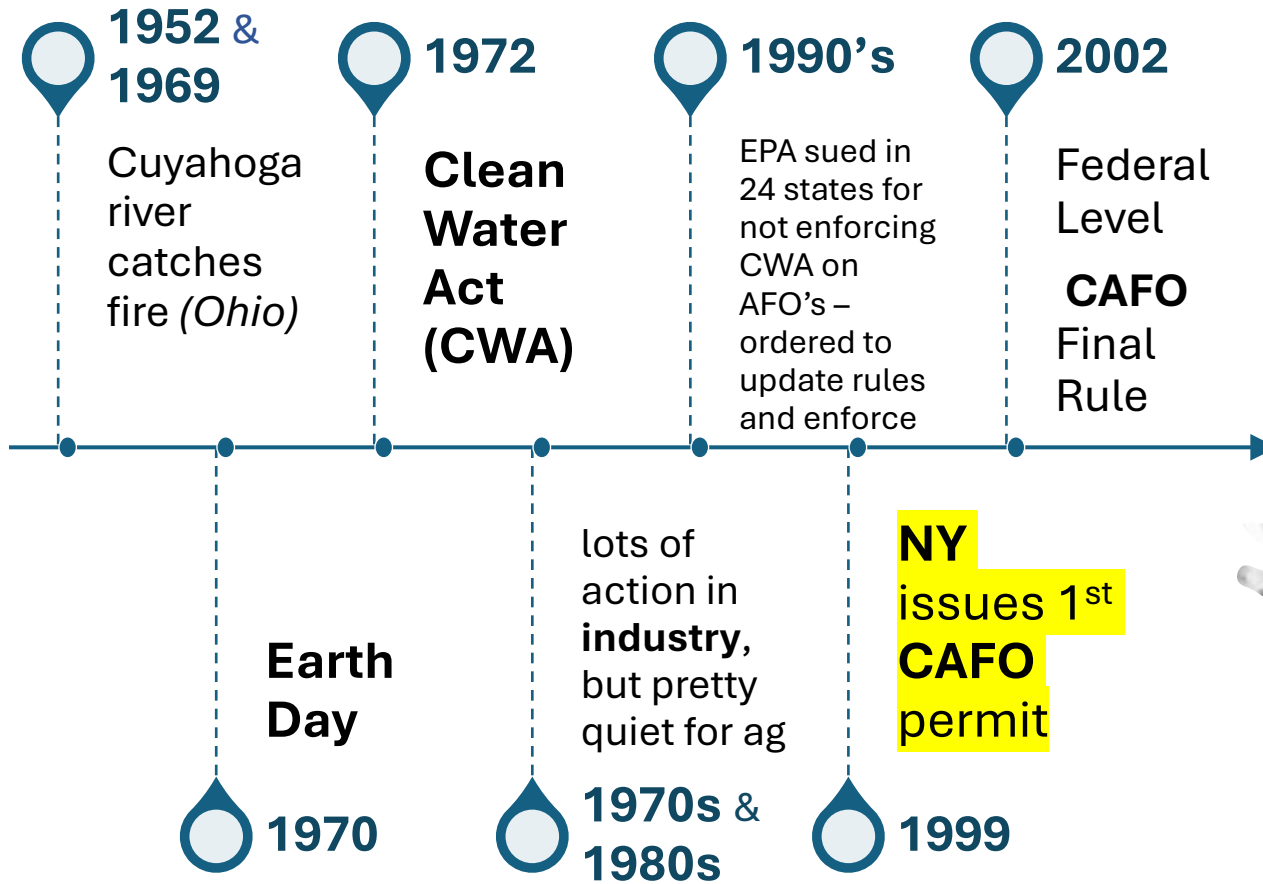
A close-up photograph of a cow's udder being milked by a person wearing white gloves. The cow is standing in a milking parlor, and other cows are visible in the background. The scene is brightly lit, and the floor is dark and reflective.

**What is a CAFO??** Concentrated Animal Feeding Operation

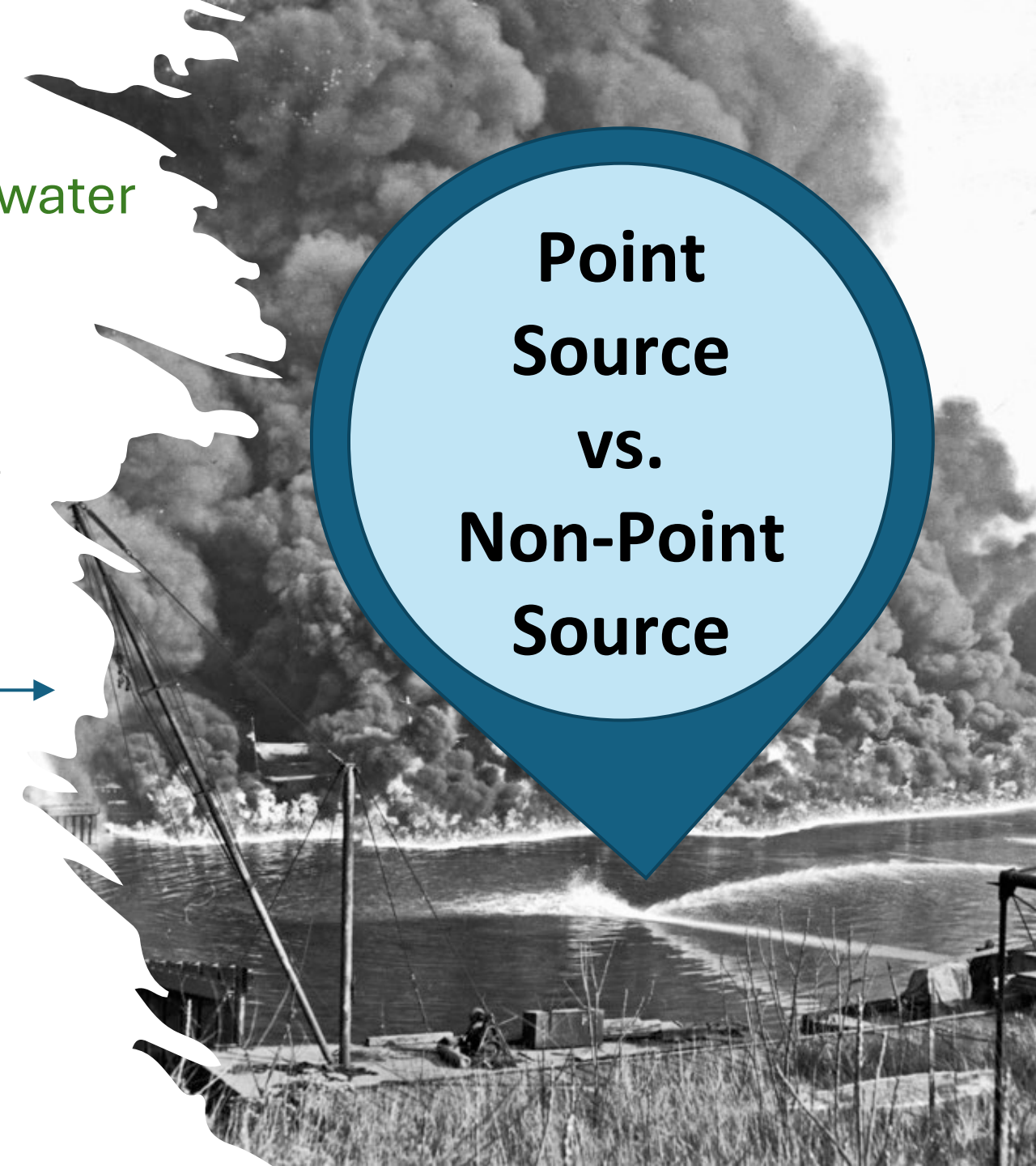
**CAFO is a  
CLEAN WATER ACT  
PERMIT**

# A Little Background:

environmental regulations and clean water



**Point Source vs. Non-Point Source**



# What is a CAFO??

Concentrated Animal Feeding Operation

To be a CAFO you must first be an AFO

## Animal Feeding Operation (AFO):

- a farm that confines animals for at least 45 days per year and the confined area does not support vegetation.
- This can be animals kept in barns or outdoors.

### 2 Key Elements

- AFO + of a certain size
- Discharge to waters of the US

# What is a CAFO??

Concentrated Animal Feeding Operation

## AFO is a CAFO if:

- >700 mature cows (~1000 Animal Units, AU), presumed to discharge (disputed/litigated and now permit needed if discharge in fact)
- >200-699 mature cows (~300-999 AU) + discharge from man-made conveyance

### 2 Key Elements

- AFO + of a certain size
- Discharge to waters of the US

# CAFO FINAL RULE - LARGE CAFO THRESHOLDS

Animal Type	Large CAFO
Dairy Cows	700
Heifers	1,000
Veal Calves	1,000
Beef Cattle	1,000
Swine	2,500 (55 lbs or more) 10,000 (under 55 lbs)
Horses	500
Sheep or Lambs	10,000
Turkeys	55,000
Chickens, liquid manure	30,000
Chickens, other than a liquid manure system	125,000 (not laying hens) 82,000 (laying hens)
Ducks	30,000 (except liquid manure system) 5,000 (liquid manure system)

# CAFO FINAL RULE - MEDIUM CAFO THRESHOLDS

Animal Type	Medium CAFO
Dairy Cows	200 - 699 <b>NY: 300 (2014)</b>
Heifers	300 - 999
Veal Calves	300 - 999
Beef Cattle	300 - 999
Swine	750 - 2,499 (55 lbs or more) 3,000 - 9,999 (under 55 lbs)
Horses	150 - 499
Sheep or Lambs	3,000 - 9,999
Turkeys	16,500 - 54,999
Chickens, liquid manure	9,000 - 29,999
Chickens, other than a liquid manure system	37,500 - 124,999 (not laying hens) 25,000 - 81,999 (laying hens)
Ducks	10,000 – 29,999 (except liquid manure system) 1,500 – 4,999 (liquid manure system)

# What does 'concentrated' mean?

## High-density

Focused on the accumulation of manure, bedding and waste feed in small, non-vegetated areas.

*\*A good example of this is a feedlot with very dense stocking rates, and little or no cropland associated with the facility.*

However...in NY, most of our CAFO farms have manageable animal densities that balance cropland acres with animal numbers, which allows agronomic allocations of manure and other organic byproducts associated with raising livestock.

**2024 Cornell Nutrient Management Spear Program** Nutrient Mass Balance data shows of the NY Farms participating (>20% of the NY milk supply) our average animal density is **1.17 animal units/acre** (with a range of 0.32 – 2.38)



# CAFO Misconceptions

1. “New York’s permit is less strict than the federal permit”
2. “Manure storages are not safe and impact drinking water”
3. “Farmers can spread manure under any weather conditions”
4. “New York regulations allow phosphorus to be applied to fields even when the crop does not need it”
5. “Farmers pay AEM Certified Planners, therefore plans are biased”
6. “Only large dairy farms are regulated”



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# CAFO Regulation - Federal to State Level

## How is NY's Permit more restrictive?



- 1 • No discharge from their production areas (farmsteads) through a 100-year, 24-hour storm compared to the federal no discharge standard which is for a 25-year, 24-hour storm. (5" vs 3.6" in CNY)
- 2 • AEM Certified Planner required for CNMP planning
- 3 • NRCS Practice Standards required
- 4 • Soil sample every 3 years (vs. 5 years)
- 5 • Must manage soil erosion below T for the crop rotation
- 6 • Winter and wet weather manure application guidelines must be followed  
• Facilities – Winter Wet Weather SOPs
- 7 • New structural practices need to consider future flood risk related to climate change
- 8 • Active waste transfers must be monitored
- 9 • NY 590 & Land Grant University guidelines require accounting for nitrogen (soil, manure, crop rotation, etc.)



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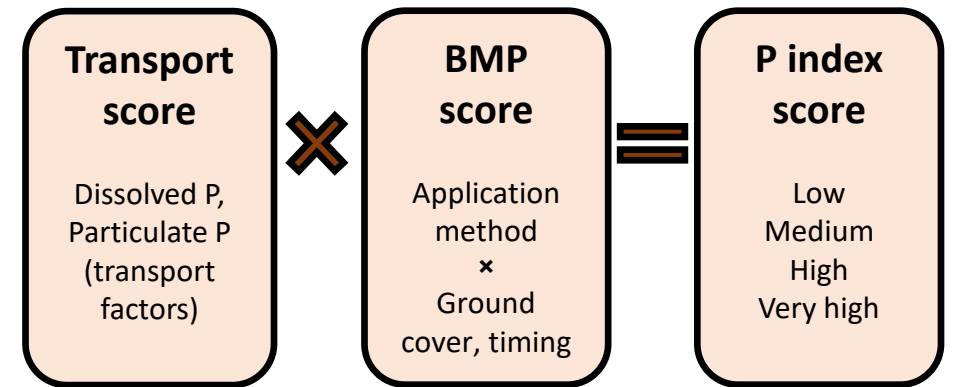
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## NY-Phosphorus Runoff Risk Index 2.0



PI categories	PI score	Cornell Morgan-extractable soil test P (lbs P/acre)			
		< 40	40-100	101-160	> 160
Low	< 50	N-based	N-based	P-based	Zero P
Medium	50 to 74	N-based	P-based	Zero P	Zero P
High	75 to 99	P-based	P-based	Zero P	Zero P
Very High	≥100	Zero P	Zero P	Zero P	Zero P



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# Is there an Upside to the CAFO permit??



**Perceptions are often negative...**

industrial, commercial, factory, big business, corporate



**Reality is positive:**

Badge of honor??

Well-regulated & under scrutiny

Proactive (not discharging)

Big = work-life balance, multiple generations working TOGETHER, profitable

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# J-Mar Farm

# Purdy Family Farm Interlaken, NY



# Purdy Family Farm Canandaigua, NY



# Hemdale Farms & Greenhouses Seneca Castle, NY



**Thank you for  
Joining!**

Our final installment of  
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**Please complete a  
quick evaluation.**



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**We welcome your feedback.**

