



FACT SHEET

Office of Wastewater Management

NPDES Regulations Governing Management Of Concentrated Horse Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated horse feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are horse CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFO) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Horse feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 500 horses.

Smaller horse feeding operations are also considered to be CAFOs if they contain more than 150 horses, AND discharge their wastes into waters of the U.S. through man-made ditches, flushing systems, or similar devices, OR discharge their wastes directly into U.S. waters that originate outside the facility and pass over, across, around, or through the facility, or otherwise come into contact with the animals confined. Areas of the CAFO may include watering systems; washing, cleaning, or flushing pens, and manure stacks or pits. Areas where dust is produced are included because the dust may be composed of particles of manure, litter, or bedding and feedstuffs.

Two operations with the same owner are considered one operation if they share a common border or have a common waste disposal system (wastes are commingled prior to discharge).

Why are some horse feeding operations considered CAFOs, even though they are partially sheltered or temporarily housed?

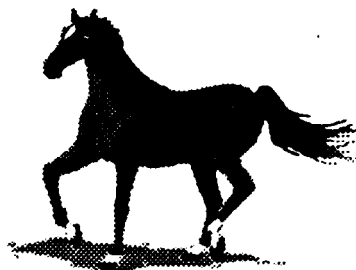
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of horses) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting authority. In partially sheltered operations, the number of animals maintained at the facility for 45 days or more is the combined number of animals in open and sheltered areas of the facility. The entire operation is considered one unit, and all the animals are counted for the purposes of CAFO classification.

Livestock marketing operations also may be subject to CAFO requirements. Auction houses and transfer facilities that meet the regulatory definition of a CAFO must have NPDES permits if they discharge wastewater to U.S. waters.

For example, a livestock market where 550 horses are maintained for four days per month, or 48 days in each 12-month period, is considered a CAFO.

Why the sudden concern for horse CAFOs?

Concern over CAFOs is not new; degradation of ground and surface waters from nitrogen, phosphorus, and pathogens has increased over the years, and has renewed interests from the livestock industry, the public, and regulatory agencies as well. EPA's NPDES program provides a means of addressing the problem by regulating the discharge of pollutants from horse CAFOs by permit. Page 2 lists some sources of information you can obtain to help you understand and interpret the NPDES regulations for horse CAFOs.



Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help you understand the NPDES regulations applicable to CAFOs:

- *Criteria for Determining a Concentrated Animal Feeding Operation, 40 CFR Section 122, Appendix B (1992);*
- *Concentrated Animal Feeding Operations, 40 CFR Section 122.23 (1992);*
- *EPA Effluent Guidelines and Standards for Feedlots, 40 CFR 412 (Revised through July 1, 1991);*
- *National Pollutant Discharge Elimination System and State Program Elements Necessary for Participation: Concentrated Animal Feeding Operations, 40 CFR 54182 (Nov. 20, 1975);*
- *State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System: Concentrated Animal Feeding Operations, 41 FR 11458 (Mar. 18, 1976);*
- *National Pollutant Discharge Elimination System General Permit Requirements for Discharges from Concentrated Animal Feeding Operations (Region 6 Final Notice), 58 FR 7610 (Feb. 8, 1993).*

In addition to these publications, don't forget to request EPA's *Guidance Manual on NPDES Regulations for Concentrated Animal Feeding Operations* (EPA 833-B-95-001; December, 1995), and EPA's other new Factsheets on general application of NPDES regulations to CAFOs, as well as species-specific Factsheets for other animal industries.

Where Can I Go For More Information?

Additional information on NPDES regulations affecting CAFOs can be obtained by contacting the Permits Branch in your nearest EPA Regional Office:

EPA Region I (CT, MA, ME, NH, RI, VT)
JFK Federal Building, Boston, MA 02203
(617) 565-4940

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FOR MORE INFORMATION, CONTACT:

Permitting:

Office of Wastewater Management
Permits Division (4203)
U.S. EPA
401 M Street, SW
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Nonpoint Source:

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FACT SHEET

Office of Wastewater Management

NPDES Regulations Governing Management Of Concentrated Slaughter and Feeder Cattle Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated slaughter and feeder cattle feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are slaughter and feeder cattle CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFO) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Slaughter and feeder cattle feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 1,000 slaughter and feeder cattle.

Smaller feeding operations are also considered to be CAFOs if they contain more than 300 slaughter and feeder cattle AND discharge their wastes into waters of the U.S. through man-made ditches, flushing systems, or similar devices, OR discharge their wastes directly into U.S. waters that originate outside the facility and pass over, across, around, or through the facility, or otherwise come into contact with the animals confined. Areas of the CAFO may include cattle watering systems; washing, cleaning, or flushing pens, and manure stacks or pits. Areas where dust is produced are included because the dust may be composed of particles of manure, litter, or bedding and feedstuffs.

Two operations with the same owner are considered one operation if they share a common border or have a common waste disposal system (wastes are commingled prior to discharge).

Why are some slaughter and feeder cattle feeding operations considered CAFOs, even though they are partially sheltered or temporarily housed?

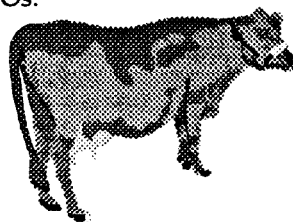
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of cattle) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting authority. In partially sheltered operations, the number of animals maintained at the facility for 45 days or more is the combined number of animals in open and sheltered areas of the facility. The entire operation is considered one unit, and all the animals are counted for the purposes of CAFO classification.

Livestock marketing operations also may be subject to these provisions. Auction houses and transfer facilities that meet the regulatory definition of a CAFO must have NPDES permits if they discharge wastewater to U.S. waters.

For example, a livestock market where 1,500 cattle are maintained for four days per month, or 48 days in each 12-month, is considered a CAFO.

Why the sudden concern for slaughter and feeder cattle CAFOs?

Concern over CAFOs is not new; degradation of ground and surface waters from nitrogen, phosphorus, and pathogens has increased over the years, and has renewed interests from the livestock industry, the public, and regulatory agencies as well. EPA's NPDES program provides a means of addressing the problem by regulating the discharge of pollutants from slaughter and feeder cattle CAFOs by permit. Page 2 lists some sources of information you can obtain to help you understand and interpret the NPDES regulations for cattle CAFOs.



Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help you understand the NPDES regulations applicable to CAFOs:

- *Criteria for Determining a Concentrated Animal Feeding Operation*, 40 CFR Section 122, Appendix B (1992);
- *Concentrated Animal Feeding Operations*, 40 CFR Section 122.23 (1992);
- *EPA Effluent Guidelines and Standards for Feedlots*, 40 CFR 412 (Revised through July 1, 1991);
- *National Pollutant Discharge Elimination System and State Program Elements Necessary for Participation: Concentrated Animal Feeding Operations*, 40 CFR 54182 (Nov. 20, 1975);
- *State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System: Concentrated Animal Feeding Operations*, 41 FR 11458 (Mar. 18, 1976);
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In addition to these publications, don't forget to request EPA's *Guidance Manual on NPDES Regulations for Concentrated Animal Feeding Operations* (EPA 833-B-95-001: December, 1995), and EPA's other new Factsheets on general application of NPDES regulations to CAFOs, as well as species-specific Factsheets for other animal industries.

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FACT SHEET

Office of Wastewater Management

NPDES Regulations Governing Management Of Concentrated Swine Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated swine feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are swine CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFO) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Swine feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 2,500 swine, each weighing over 25 kilograms (55 pounds).

Smaller swine feeding operations are also considered to be CAFOs if they contain more than 750 swine, each weighing over 25 kilograms (55 pounds) AND discharge their wastes into waters of the U.S. through man-made ditches, flushing systems, or similar devices, OR discharge their wastes directly into U.S. waters that originate outside the facility and pass over, across, around, or through the facility, or otherwise come into contact with the animals confined. Areas of the CAFO may include watering systems; washing, cleaning, or flushing pens, and manure stacks or pits. Areas where dust is produced are included because the dust may be composed of particles of manure, litter, or bedding and feedstuffs.

Two operations with the same owner are considered one operation if they share a common border or have a common waste disposal system (wastes are commingled prior to discharge).

Why are some swine feeding operations considered CAFOs, even though they are partially sheltered or temporarily housed?

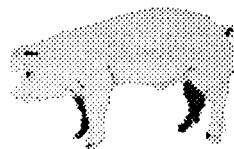
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of swine) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting authority. In partially sheltered operations, the number of animals maintained at the facility for 45 days or more is the combined number of animals in open and sheltered areas of the facility. The entire operation is considered one unit, and all the animals are counted for the purposes of CAFO classification.

Livestock marketing operations also may be subject to these CAFO requirements. Auction houses and transfer facilities that meet the regulatory definition of a CAFO must have NPDES permits if they discharge wastewater to U.S. waters.

For example, a livestock market where 2,700 mature swine (each over 55 pounds) are maintained for four days per month, or 48 days in each 12-month period, is considered a CAFO.

Why the sudden concern for swine CAFOs?

Concern over CAFOs is not new; degradation of ground and surface waters from nitrogen, phosphorus, and pathogens has increased over the years, and has renewed interests from the swine industry, the public, and regulatory agencies as well. EPA's NPDES program provides a means of addressing the problem by regulating the discharge of pollutants from swine CAFOs by permit. Page 2 lists some sources of information you can obtain to help you understand and interpret the NPDES regulations for swine CAFOs.



Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help you understand the NPDES regulations applicable to CAFOs:

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- *Concentrated Animal Feeding Operations, 40 CFR Section 122.23 (1992);*
- *EPA Effluent Guidelines and Standards for Feedlots, 40 CFR 412 (Revised through July 1, 1991);*
- *National Pollutant Discharge Elimination System and State Program Elements Necessary for Participation: Concentrated Animal Feeding Operations, 40 CFR 54182 (Nov. 20, 1975);*
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FACT SHEET

Office of Wastewater Management

NPDES Regulations Governing Management Of Concentrated Sheep Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated sheep feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are sheep CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFO) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Sheep feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 10,000 sheep or lambs.

Smaller sheep feeding operations are also considered to be CAFOs if they contain more than 3,000 sheep or lambs AND discharge their wastes into waters of the U.S. through man-made ditches, flushing systems, or similar devices, OR discharge their wastes directly into U.S. waters that originate outside the facility and pass over, across, around, or through the facility, or otherwise come into contact with the animals confined. Areas of the CAFO may include watering systems; washing, cleaning, or flushing pens, and manure stacks or pits. Areas where dust is produced are included because the dust may be composed of particles of manure, litter, or bedding and feedstuffs.

Two operations with the same owner are considered one operation if they share a common border or have a common waste disposal system (wastes are commingled prior to discharge).

Why are some sheep feeding operations considered CAFOs, even though they are partially sheltered or temporarily housed?

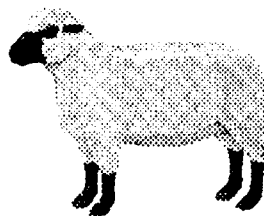
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of sheep) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting authority. In partially sheltered operations, the number of animals maintained at the facility for 45 days or more is the combined number of animals in open and sheltered areas of the facility. The entire operation is considered one unit, and all the animals are counted for the purposes of CAFO classification.

Livestock marketing operations also may be subject to these CAFO requirements. Auction houses and transfer facilities that meet the regulatory definition of a CAFO must have NPDES permits if they discharge wastewater to U.S. waters.

For example, a livestock market where 11,000 sheep or lambs are maintained for four days per month, or 48 days in each 12-month period, is considered a CAFO.

Why the sudden concern for sheep CAFOs?

Concern over CAFOs is not new; degradation of ground and surface waters from nitrogen, phosphorus, and pathogens has increased over the years, and has renewed interests from the livestock industry, the public, and regulatory agencies as well. EPA's NPDES program provides a means of addressing the problem by regulating the discharge of pollutants from sheep CAFOs by permit. Page 2 lists some sources of information you can obtain to help you understand and interpret the NPDES regulations for sheep CAFOs.



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FACT SHEET

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NPDES Regulations Governing Management Of Concentrated Poultry Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated poultry feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are poultry CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFO) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Poultry feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 55,000 turkeys, 100,000 laying hens or broilers on a continuous flow watering system; 30,000 laying hens or broilers on a liquid manure system, or 5,000 ducks.

Smaller poultry feeding operations are also considered to be CAFOs if they contain more than 16,500 turkeys, or 30,000 laying hens or broilers on a continuous watering system; 9,000 laying hens or broilers on a liquid manure system; or 1,500 ducks, AND discharge their wastes into waters of the U.S. through man-made ditches, flushing systems, or similar devices, OR discharge their wastes directly into U.S. waters that originate outside the facility and pass over, across, around, or through the facility, or otherwise come into contact with the birds confined. Areas of the CAFO may include poultry watering systems; washing, cleaning, or flushing pens, and manure stacks or pits. Areas where dust is produced are included because the dust may be composed of particles of manure, litter, or bedding and feedstuffs.

Why are some poultry feeding operations considered CAFOs, even though they are partially sheltered or temporarily housed?

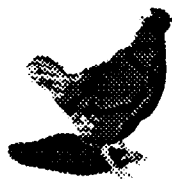
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of birds) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting authority. In the case of some poultry rearing operations, such as turkeys housed in separate units on one facility, the entire operation is considered one unit, and all the birds are counted for the purposes of CAFO classification.

For example, a turkey operation with 60,000 birds with 10,000 birds each housed in six individual totally-enclosed facilities that collects its dry waste three times a year and stores it in another completely closed structure for later application to fields as fertilizer is not a CAFO, because there is no potential for the waste to be discharged from the operation until it is applied to the fields. This evaluation assumes that the wastes are applied at accepted agronomic rates. If the waste is over-applied or applied in excessive frequencies, any resulting addition of pollutants to nearby waters would be considered to be from a CAFO.

Similarly, the stacking of dry poultry litter in a manner that exposes it to precipitation or runoff may produce transport and entry of pollutants into nearby waters, thus rendering the system a crude type of liquid manure system for process wastewater, and would be subject to the NPDES regulations for CAFOs. These facilities would be point sources under the NPDES program if the number of birds confined at the facility meets the regulatory definition as outlined in paragraph 2, or if the facility has been designated a CAFO on an individual basis.

Why the sudden concern for poultry CAFOs?

Concern over CAFOs is not new; degradation of ground and surface waters from nitrogen, phosphorus, and pathogens has increased over the years, and has renewed interests from the poultry industry, the public,



and regulatory agencies as well. EPA's NPDES system provides a means of addressing the problem by regulating the discharge of pollutants from poultry CAFOs by permit. This page lists some sources of information you can obtain to help you understand and interpret the NPDES regulations for poultry CAFOs.

Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help you understand the NPDES regulations applicable to CAFOs:

- *Criteria for Determining a Concentrated Animal Feeding Operation, 40 CFR Section 122, Appendix B (1992);*
- *Concentrated Animal Feeding Operations, 40 CFR Section 122.23 (1992);*
- *EPA Effluent Guidelines and Standards for Feedlots, 40 CFR 412 (Revised through July 1, 1991);*
- *National Pollutant Discharge Elimination System and State Program Elements Necessary for Participation: Concentrated Animal Feeding Operations, 40 CFR 54182 (Nov. 20, 1975);*
- *State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System: Concentrated Animal Feeding Operations, 41 FR 11458 (Mar. 18, 1976);*
- *National Pollutant Discharge Elimination System General Permit Requirements for Discharges from Concentrated Animal Feeding Operations (Region 6 Final Notice), 58 FR 7610 (Feb. 8, 1993).*

In addition to these publications, don't forget to request EPA's *Guidance Manual on NPDES Regulations for Concentrated Animal Feeding Operations* (EPA 833-B-95-001, December, 1995) and EPA's other new Factsheets on general application of NPDES regulations to CAFOs, as well as species-specific Factsheets for other animal industries.

FOR MORE INFORMATION, CONTACT:

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Where Can I Go For More Information?

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FACT SHEET

Office of Wastewater Management

NPDES Regulations Governing Management Of Concentrated Dairy Cattle Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated dairy cattle feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are dairy cattle CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFO) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Dairy cattle feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 700 mature dairy cattle.

Smaller dairy cattle feeding operations are also considered to be CAFOs if they contain more than 200 mature dairy cattle AND discharge their wastes into waters of the U.S. through man-made ditches, flushing systems, or similar devices, OR discharge their wastes directly into U.S. waters that originate outside the facility and pass over, across, around, or through the facility, or otherwise come into contact with the animals confined. Areas of the CAFO may include watering systems; washing, cleaning, or flushing pens, and manure stacks or pits. Areas where dust is produced are included because the dust may be composed of particles of manure, litter, or bedding and feedstuffs.

Two operations with the same owner are considered one operation: if they share a common border or have a common waste disposal system (wastes are commingled prior to discharge).

Why are some dairy cattle feeding operations considered CAFOs, even though they are partially sheltered or temporarily housed?

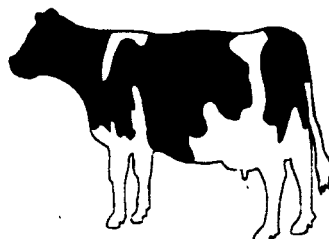
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of cattle) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting authority. In partially sheltered operations, the number of animals maintained at the facility for 45 days or more is the combined number of animals in open and sheltered areas of the facility. The entire operation is considered one unit, and all the cattle are counted for the purposes of CAFO classification.

This is in contrast to the situation where an operation has an enclosed facility and an open lot facility where the two facilities are not adjoining and have separate waste management systems. In facilities that use both pasture and confined areas where the animals are concentrated, the confined area may be a CAFO; the pasture is not subject to NPDES regulations, and the animals that remain at pasture would not be counted for classification purposes.

For example, a dairy operation feeds 1,200 cows at pasture throughout the year. The operation has a holding area where the cows gather two times a day, 365 days a year before entering the milking barn. The holding area has no vegetative growth. The holding area is a CAFO and is covered by the NPDES regulations.

Why the sudden concern for dairy cattle CAFOs?

Concern over CAFOs is not new; degradation of ground and surface waters from nitrogen, phosphorus, and pathogens has increased over the years, and has renewed interests from the livestock industry, the public, and regulatory agencies as well. EPA's NPDES program provides a means of addressing the problem



by regulating the discharge of pollutants from dairy cattle CAFOs by permit. Page 2 lists some sources of information you can obtain to help you understand and interpret the NPDES regulations for dairy cattle CAFOs.

Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help you understand the NPDES regulations applicable to CAFOs:

- *Criteria for Determining a Concentrated Animal Feeding Operation, 40 CFR Section 122, Appendix B (1992);*
- *Concentrated Animal Feeding Operations, 40 CFR Section 122.23 (1992);*
- *EPA Effluent Guidelines and Standards for Feedlots, 40 CFR 412 (Revised through July 1, 1991);*
- *National Pollutant Discharge Elimination System and State Program Elements Necessary for Participation: Concentrated Animal Feeding Operations, 40 CFR 54182 (Nov. 20, 1975);*
- *State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System: Concentrated Animal Feeding Operations, 41 FR 11458 (Mar. 18, 1976);*
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In addition to these publications, don't forget to request EPA's *Guidance Manual on NPDES Regulations for Concentrated Animal Feeding Operations* (EPA 833-B-95-001; December, 1995), and EPA's other new Factsheets on general application of NPDES regulations to CAFOs, as well as species-specific Factsheets for other animal industries.

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FACT SHEET

Office of Wastewater Management

NPDES Regulations Governing Management Of Concentrated Animal Feeding Operations

NPDES and how it affects the maintenance and operation of concentrated animal feeding operations.

NPDES stands for EPA's National Pollutant Discharge Elimination System. The NPDES program provides a system for regulating the discharge of pollutants from "point" (or discreet) sources into the waters of the United States by allowing discharges only under certain conditions specified by the permit. The NPDES program was established under the Amendments to the Clean Water Act (CWA) of 1972. Section 502 of the Act defined "concentrated animal feeding operations" (CAFOs) as point sources subject to regulation under the Act. As a result, NPDES regulations were written and published in 1976 defining CAFOs and the conditions under which they are required to obtain an NPDES permit.

What are CAFOs and how are they defined?

Basically, CAFOs are animal feeding operations (AFOs) that meet or exceed numbers of animals (according to species) established for animal feeding operations. A facility is considered to be an animal feeding operation if it stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period, and does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing season over any portion of the facility. Animal feeding operations are considered to be CAFOs if they meet these two criteria and, in addition, house more than 1,000 animal units; house between 301 and 1,000 animal units and meet or may meet certain discharge requirements; or have been designated a CAFO by the permitting authority on a case-by-case basis. "Animal units" are defined by species under the Code of Federal Regulations (CFR), at 40 CFR 122, Appendix B(a). Method of discharge requirements are set forth under 40 CFR 122, Appendix B(b). Permitting authority on case-by-case bases is described under 40 CFR 122.23(c).

Why are CAFOs of concern in terms of water pollution?

CAFOs may potentially contaminate nearby creeks, streams, rivers, lakes, and estuaries from runoff and discharges during normal operations. Additionally, CAFOs are of special concern during periods of excessive precipitation, because animal waste collection devices and holding facilities are likely to be overwhelmed during these events.

Impact of severe weather conditions on CAFOs under the NPDES Program.

Animal feeding operations that are designated as CAFOs that experience excessive rainfall events and discharge animal wastes during these events are subject to a specific exemption from NPDES regulations according to the criteria defining a 25-year, 24-hour storm. These criteria are a statistical calculation of the National Weather Service, and define the maximum 24-hour precipitation expected per event, with a probability of the event recurring once in 25 years. Maps published by the Service show the amount of rainfall that constitute the 25-year, 24-hour storm event for every location in the United States. Similar catastrophic events include tornadoes, hurricanes, floods, and other events that would cause an overflow from the required waste retention structure into surrounding waters. A chronic rainfall event is a series of wet weather conditions that preclude dewatering of a properly maintained waste retention structure.

Simply put, an AFO discharging animal wastes only during such a catastrophic event does not violate the CWA. However, CAFOs without NPDES permits authorizing discharges under any other condition than the 25-year, 24-hour storm event would be in violation of the CWA because, absent a permit, they are not authorized to discharge wastes at any time or in any capacity.

What Information is Available on NPDES Regulations Governing CAFOs?

EPA's Office of Wastewater Management has published the *Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations*, (EPA 833-B-95-001; December, 1995). Other useful EPA publications include:

- *Treatment and Ultimate Disposal of Cattle Feedlot Wastes*, EPA 660/2-75-013. 1975;
- *Development Document for Effluent Limitations Guidelines and New Source Performance Standard for the Feedlots Point Source Category*, EPA 440/1-74-004-a. 1974;
- *Feedlots Case Studies of Selected States*, EPA Feedlots Workgroup. 1993;
- *Guidance for Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*, EPA, Office of Water. January 1993.

Information on NPDES regulations governing CAFOs (con't. from p. 1):

- *Summary of Water Pollution from Feedlot Waste: An Analysis of its Magnitude and Geographic Distribution, EPA Feedlots Workgroup, 1993.*

Additional Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help understand the NPDES regulations applicable to CAFOs:

- *Criteria for Determining a Concentrated Animal Feeding Operation, 40 CFR Section 122, Appendix B (1992);*
- *Concentrated Animal Feeding Operations, 40 CFR Section 122.23 (1992);*
- *EPA Effluent Guidelines and Standards for Feedlots, 40 CFR 412 (Revised through July 1, 1991);*
- *National Pollutant Discharge Elimination System and State Program Elements Necessary for Participation: Concentrated Animal Feeding Operations, 40 CFR 54182 (Nov. 20, 1975);*
- *State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System: Concentrated Animal Feeding Operations, 41 FR 11458 (Mar. 18, 1976);*
- *National Pollutant Discharge Elimination System General Permit Requirements for Discharges from Concentrated Animal Feeding Operations (Region 6 Final Notice), 58 FR 7610 (Feb. 8, 1993).*

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FACT SHEET

Office of Wastewater Management

Concentrated Animal Feeding Operations (CAFOs) and Their Effect on Water Pollution

What are CAFOs ?

Basically, CAFOs are animal feeding operations (AFOs) that confine or house livestock or poultry prior to the animals being sent to market for sale, or to processing plants for slaughter and packaging for consumption. CAFOs can range in size of operation from less than 100 individual animals to several thousand, depending on species and type. The designation of an AFO to that of a CAFO is dependent on the number of animal units (AUs), the length of time the animals are maintained at the facility, and the method of confinement (barns, open pasture, etc.) and means of waste containment and disposal used by the facility.

What are "animal units" (AUs)?

The term "animal unit" refers to a unit of measurement used to standardize measurements of size of AFOs. The number of AUs is determined by multiplying the number of animals of each species (other than poultry) by an equivalency factor and adding the totals. Species equivalency factors for mammalian livestock are:

<u>Species</u>	<u>Factor</u>
Horses	2.0
Mature dairy cattle	1.4
Slaughter/Feeder cattle	1.0
Swine (>55lbs.)	0.4
Sheep or lambs	0.1

How are AFOs defined, and when do they become CAFOs?

An animal feeding operation, or AFO, is a facility where animals are, have, or will be confined and fed or maintained for a total of 45 days or more in any 12-month period. These confinement areas (barns, sheds, yards, etc.) do not sustain crops or forage growth in the normal growing season. If the AFO houses more than a total of 1,000 animal units, 55,000 or more turkeys, 100,000 or more laying hens or broilers with continuous overflow watering, 30,000 or more hens or broilers on a liquid manure system, or 5,000 or more ducks, then the facility meets the definition of a CAFO.

If the facility has more than 300 total animal units; 16,16,500 turkeys, 30,000 laying hens or broilers on continuous overflow watering, 9,000 laying hens or broilers on a liquid manure system, or 1,500 ducks, and discharges pollutants into nearby waters by means of a man-made ditch, flushing system, or other similar man-made device, or discharges pollutants directly into

nearby waters that originate outside of or pass over, across, or through the facility, or otherwise come into direct contact with the animals confined there, then these facilities are also considered to be CAFOs.

In addition to the above criteria, any AFO may be designated as a CAFO based on water quality concerns. Factors used in making this determination include the size of the operation, the amount of waste entering nearby waters, the location of the facility in relation to nearby waters, the means of conveyance used to carry process-generated wastewater into nearby water bodies, site-specific factors such as slope, vegetation, and rainfall, and the type and frequency of discharge into nearby waters.

Why are CAFOs of concern in terms of water pollution?

CAFOs may potentially contaminate nearby creeks, streams, rivers, lakes, and estuaries from runoff and discharges during normal operations. Additionally, CAFOs are of special concern during periods of excessive precipitation, because animal waste collection devices and holding facilities are likely to be overwhelmed during these events, allowing large volumes of wastewater to enter nearby surface water bodies.

Public concern over the contamination of surface and ground water from animal agricultural waste is currently renewing interest on the part of both the livestock industry, the public, and regulatory agencies in developing strategies for reducing and eliminating this source of water pollution. Of particular concern are degradation of surface and ground waters from nitrogen, phosphorus, and pathogens. EPA estimates that animal agriculture contributes about one-third to one-half of all the nonpoint surface water pollution in the United States, primarily from the improper application of animal wastes from confinement operations and grazing.

What is being done to help solve the problem?

EPA's National Pollutant Discharge Elimination System (NPDES) program provides a means of addressing the problem by regulating the discharge of pollutants from CAFOs by permit. Under criteria set forth in the Code of Federal Regulations (CFR),

Information on NPDES regulations governing CAFOs (con't. from p. 1):

- *Summary of Water Pollution from Feedlot Waste: An Analysis of its Magnitude and Geographic Distribution, EPA Feedlots Workgroup, 1993.*

Additional Information from the Code of Federal Regulations and citations in the FEDERAL REGISTER can help understand the NPDES regulations applicable to CAFOs:

- *Criteria for Determining a Concentrated Animal Feeding Operation, 40 CFR Section 122, Appendix B (1992);*
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