



Overview of the Final CAFO Regulations

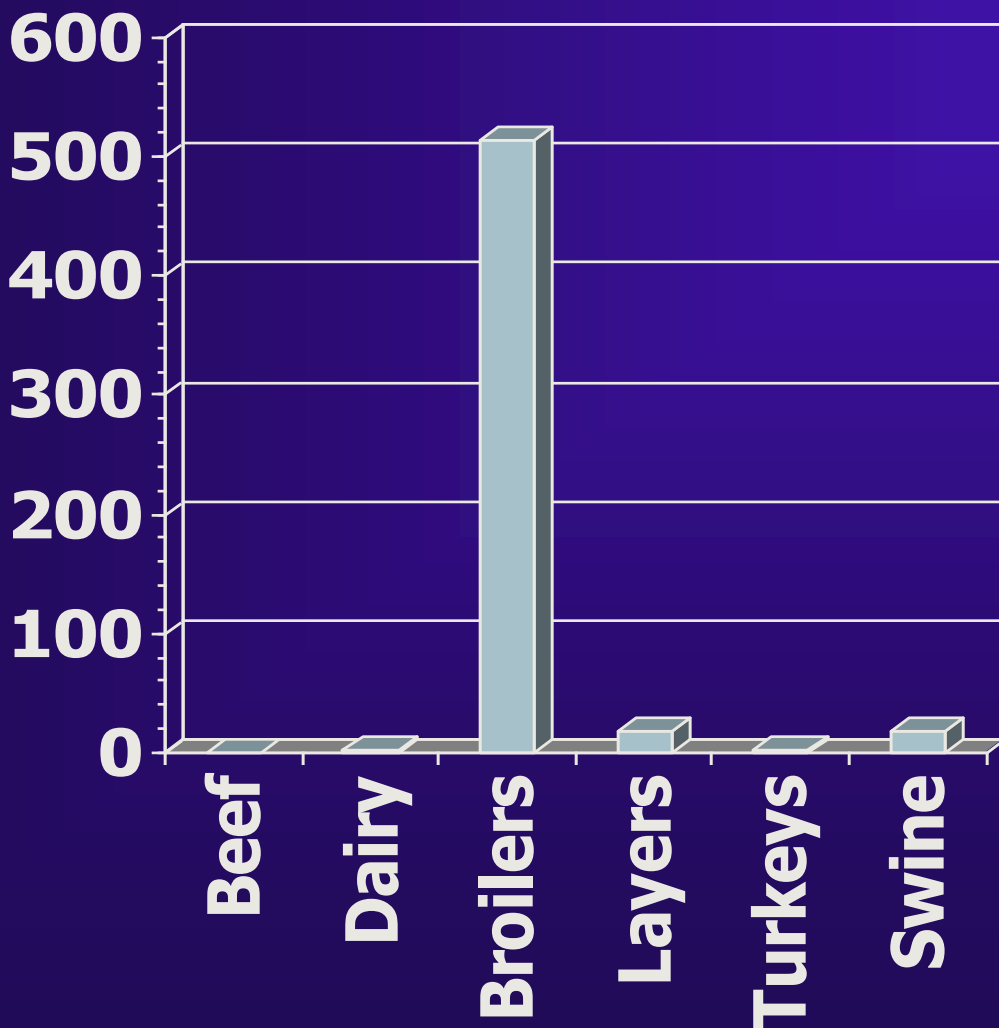
**Atlanta, GA
February 10, 2003**



R4/EPA Representatives here today

- ❑ Sam Sampath PhD, CAFO Permitting
- ❑ Don Joe, CAFO Enforcement
- ❑ Connie Roberts, Agriculture
- ❑ Connie Alexander, Communication & Public Education
- ❑ Curry Jones, TMDL

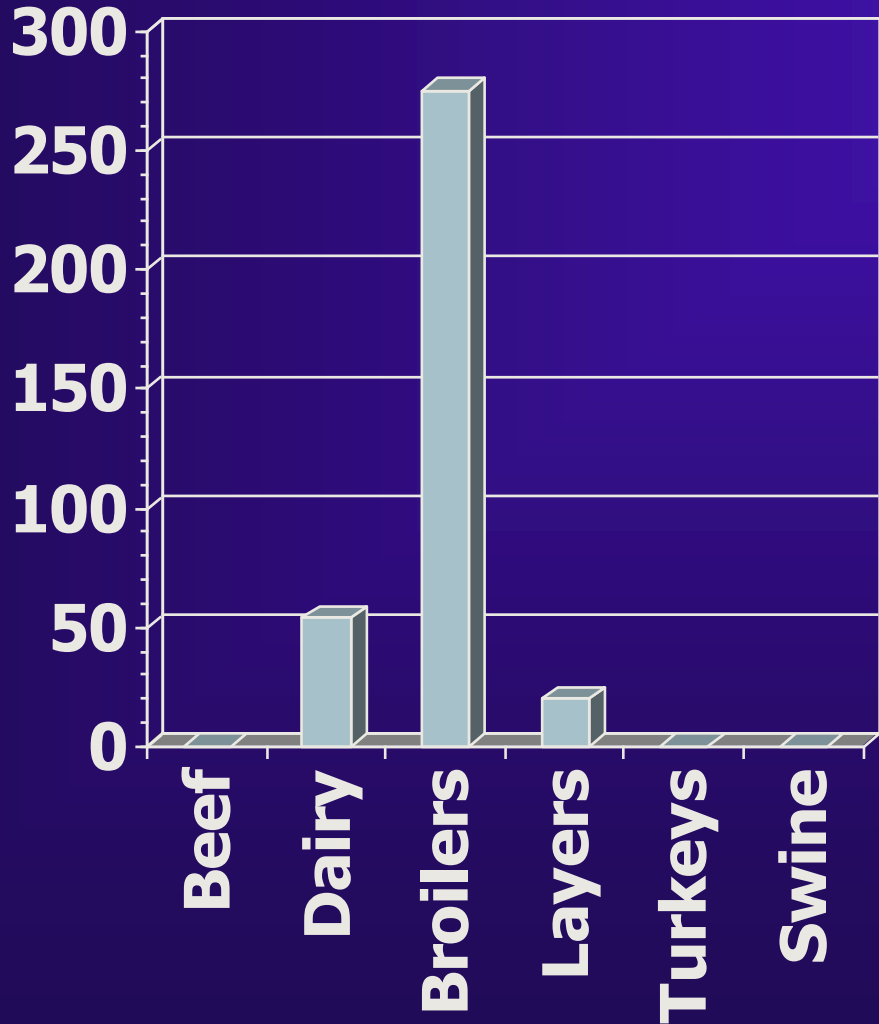
AL Large CAFOs (> 1000 AU) ALL SECTORS



■ AL Large CAFOs (>1000 AU)



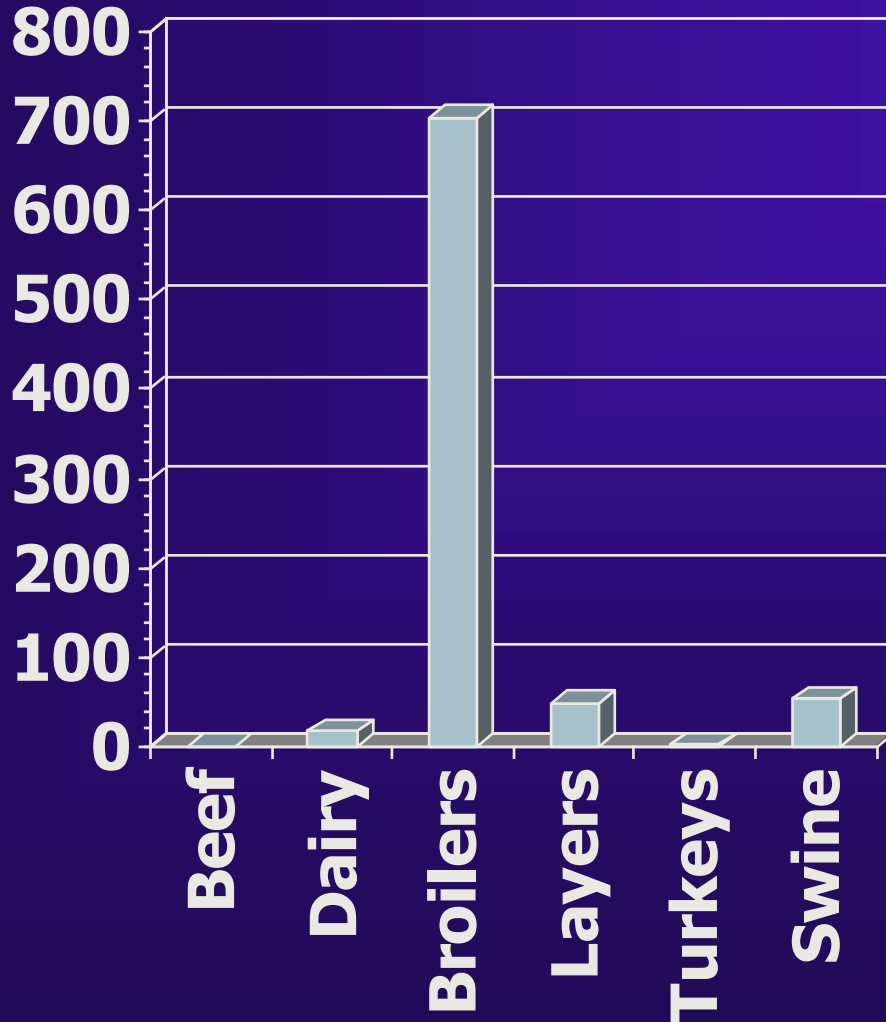
FL Large CAFOs (> 1000 AU) ALL SECTORS



■ FL Large
CAFOs
(>1000 AU)



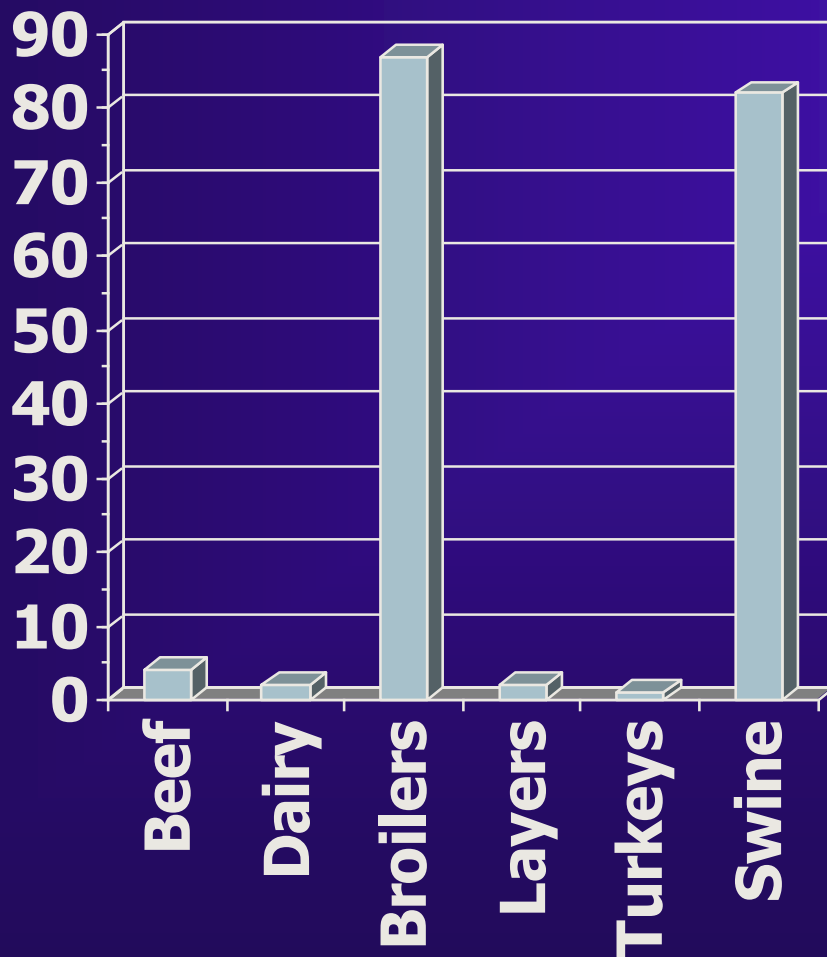
GA Large CAFOs (> 1000 AU) ALL SECTORS



■ GA Large CAFOs (>1000 AU)



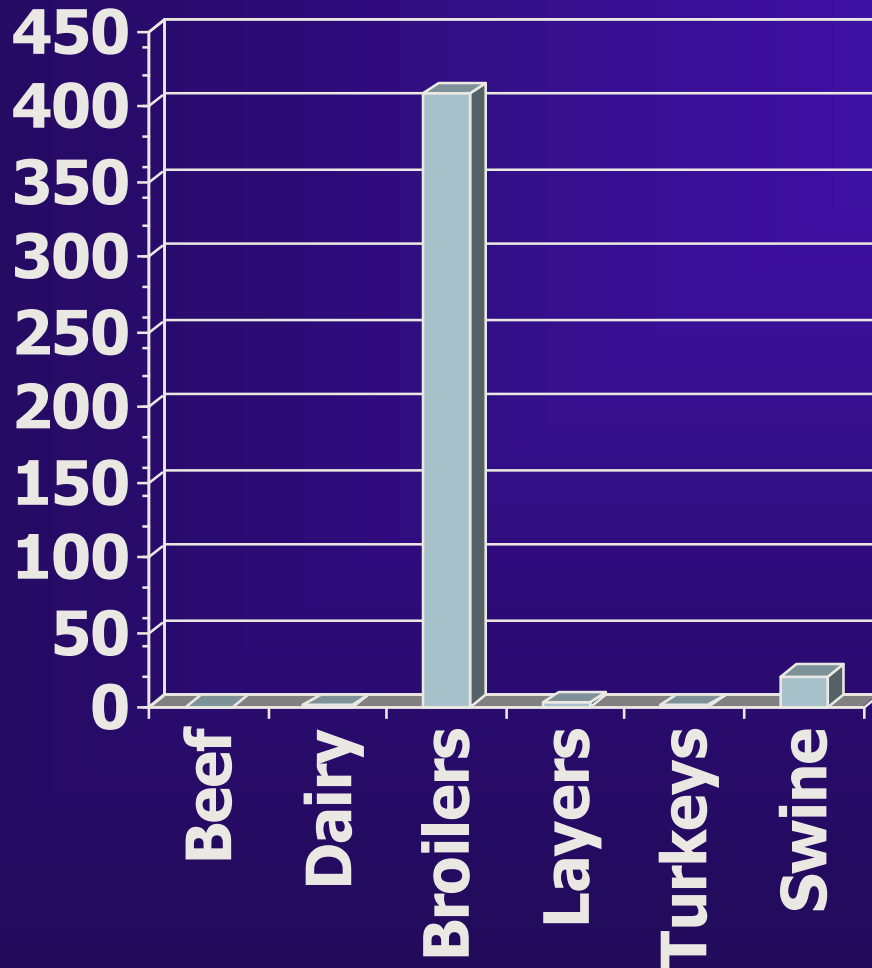
KY Large CAFOs (> 1000 AU) ALL SECTORS



■ KY Large CAFOs (>1000 AU)



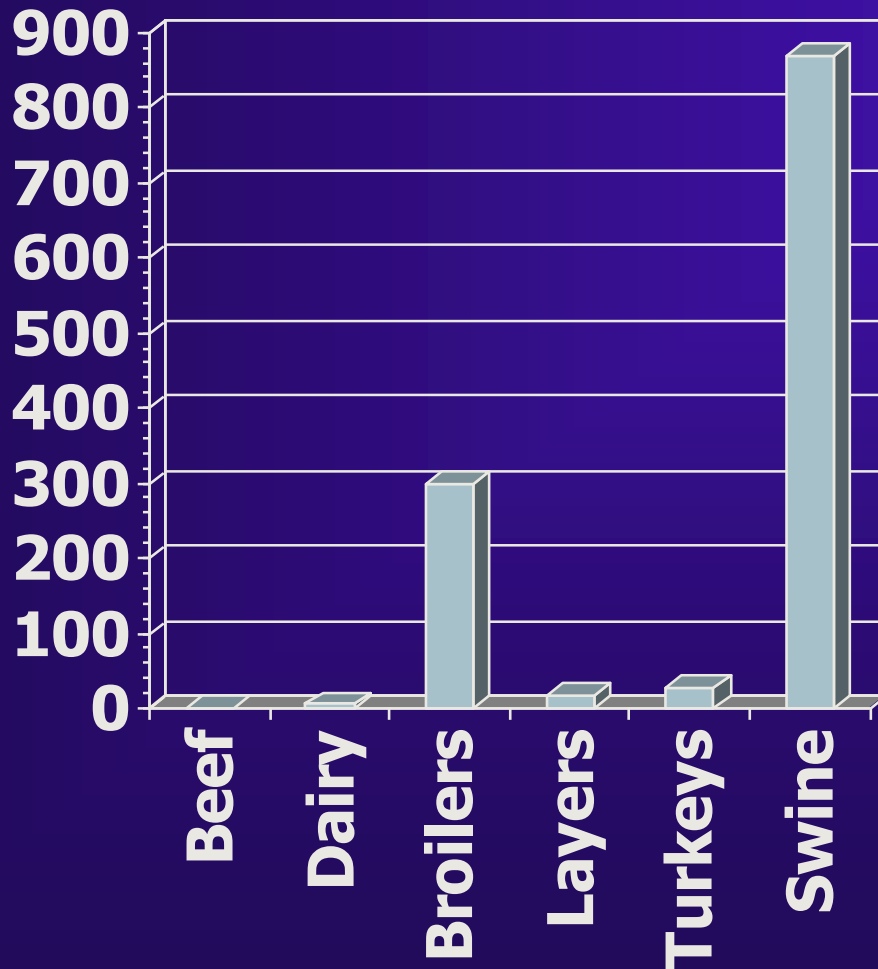
MS Large CAFOs (> 1000 AU) ALL SECTORS



■ MS Large
CAFOs
(>1000 AU)

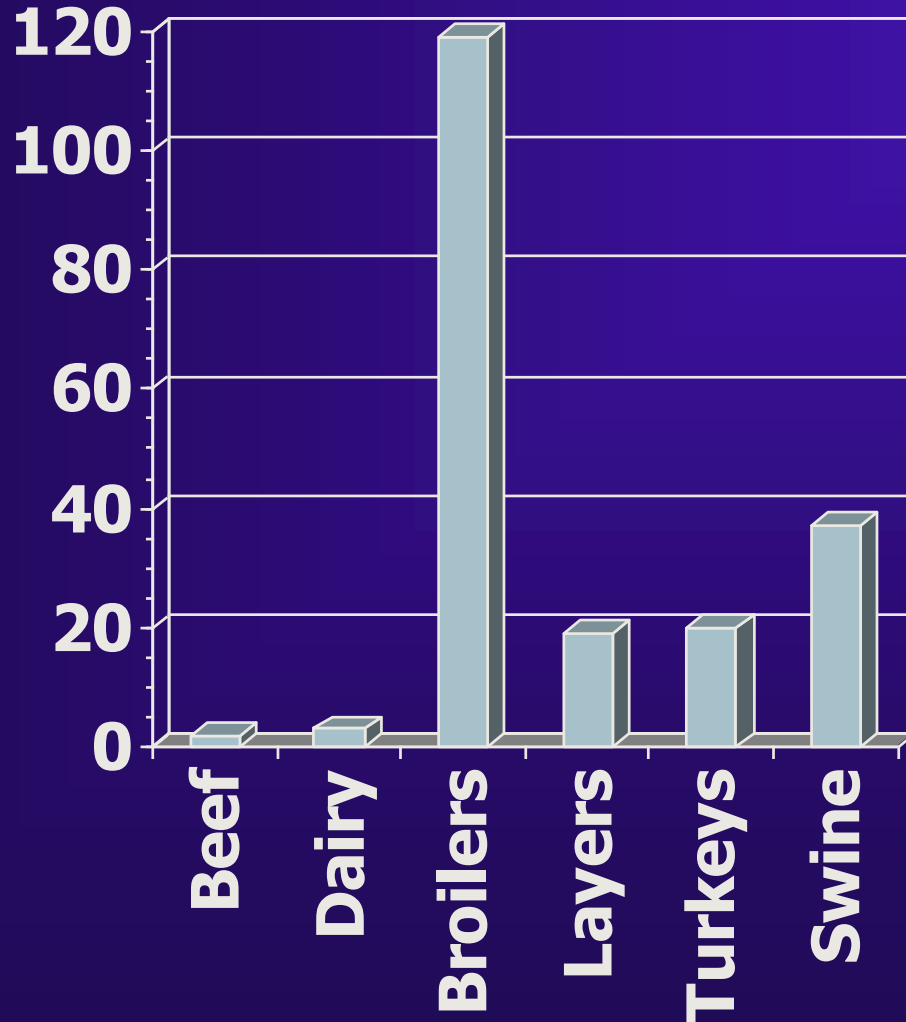


NC Large CAFOs (> 1000 AU) ALL SECTORS



■ NC Large
CAFOs
(>1000 AU)

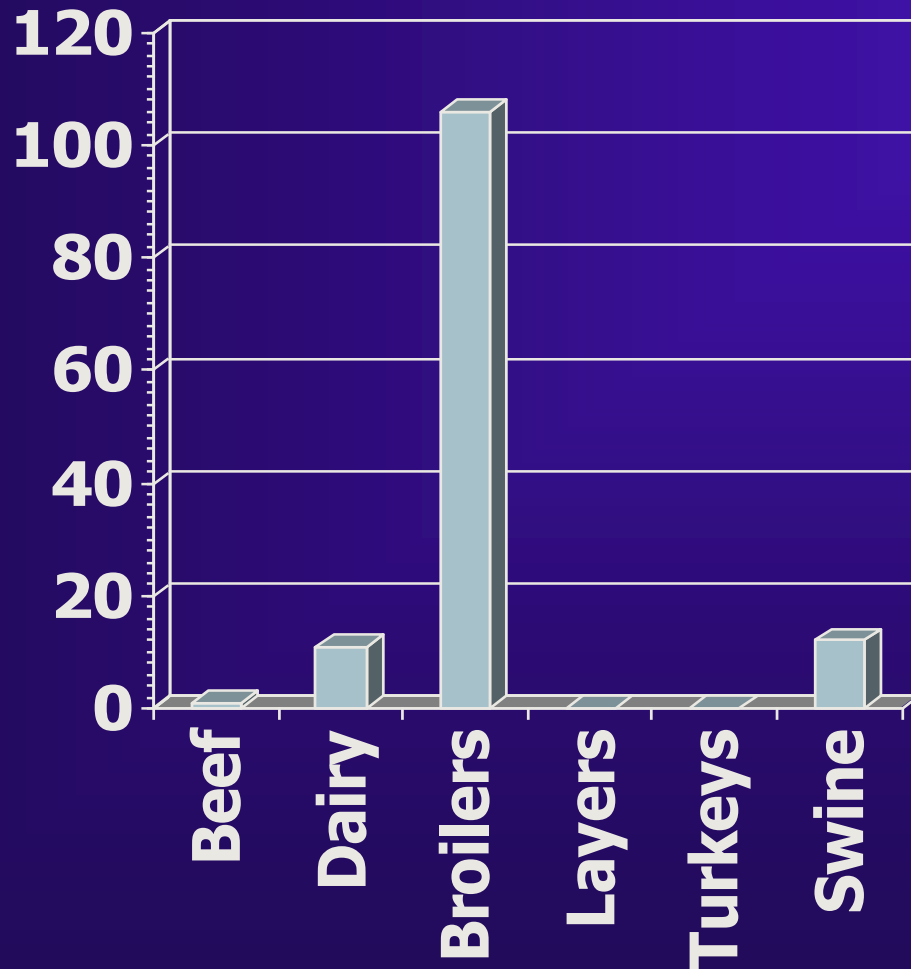
SC Large CAFOs (> 1000 AU) ALL SECTORS



■ SC Large CAFOs (>1000 AU)



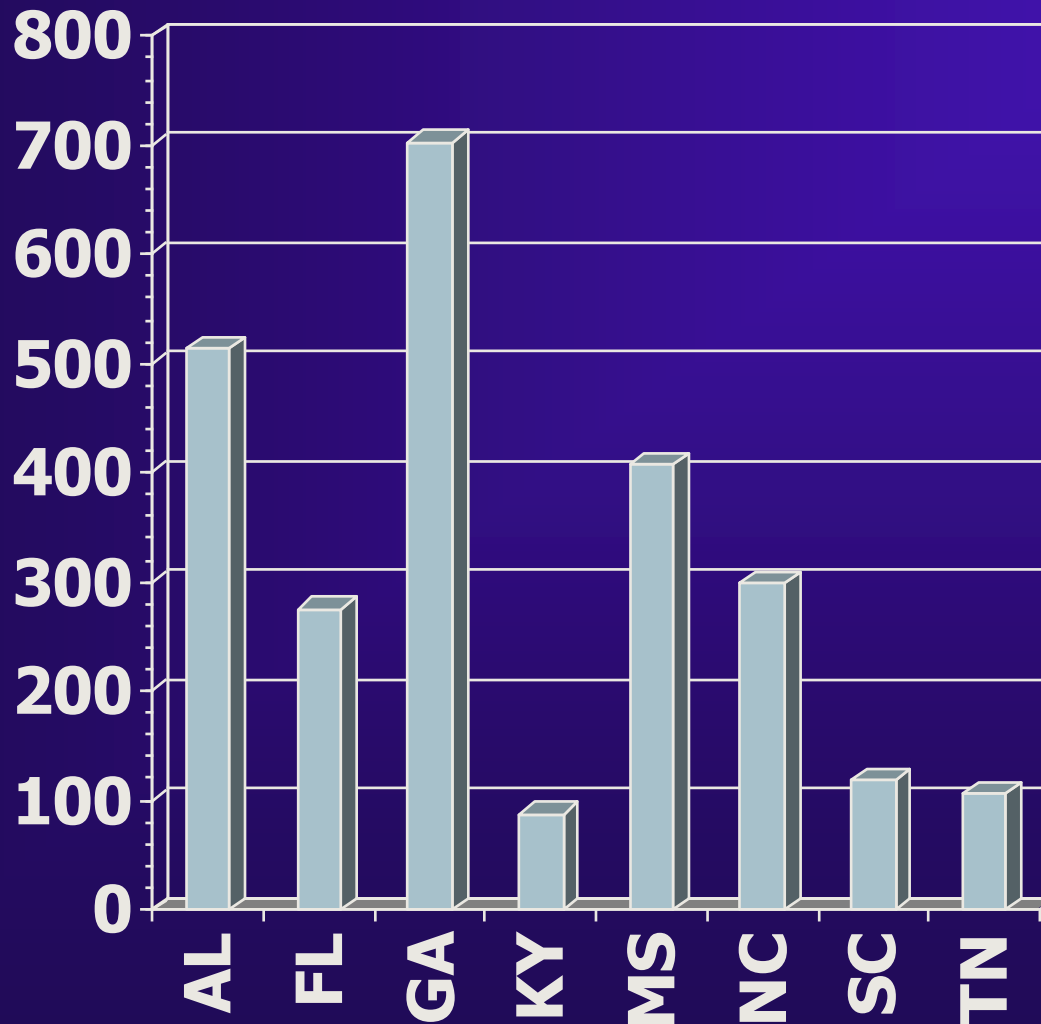
TN Large CAFOs (> 1000 AU) ALL SECTORS



■ TN Large CAFOs (>1000 AU)

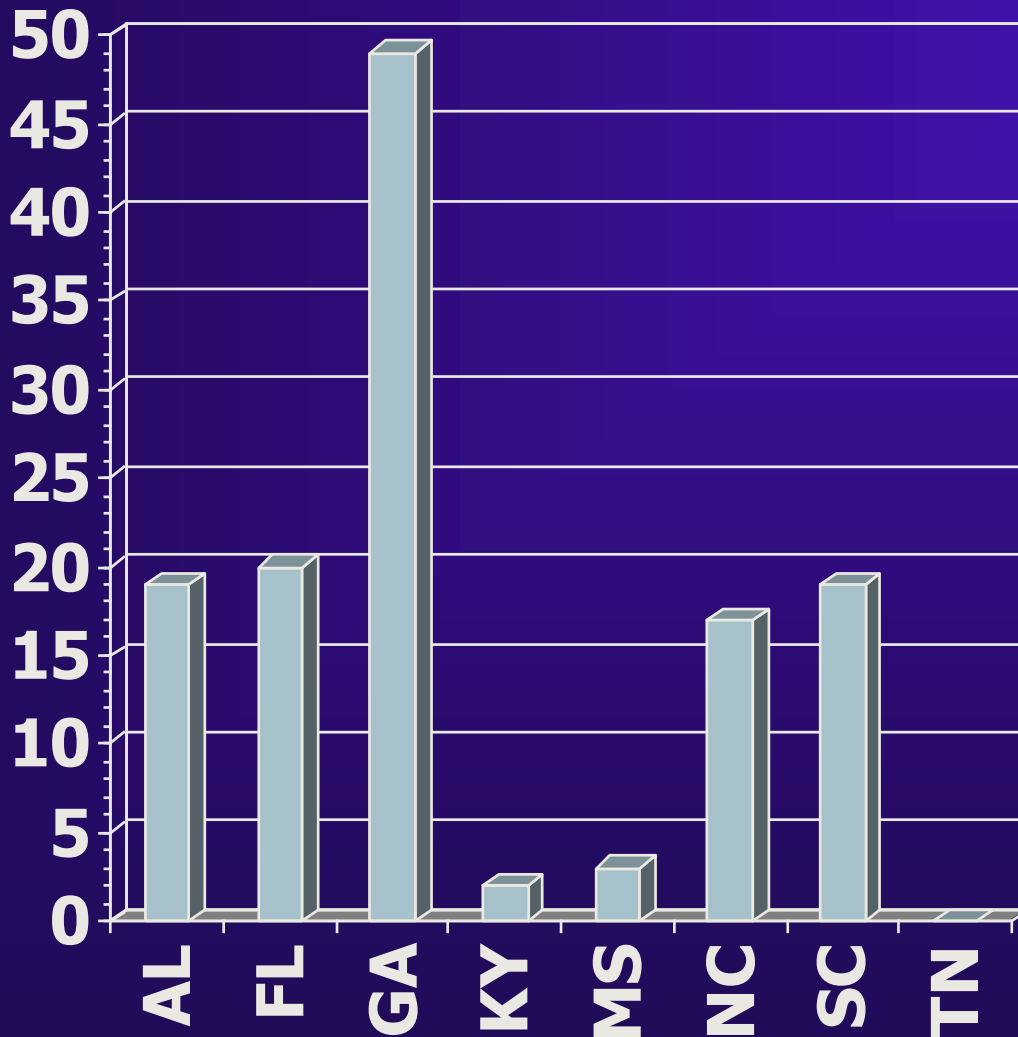


R4 Broiler Large CAFOs (> 1000 AU)



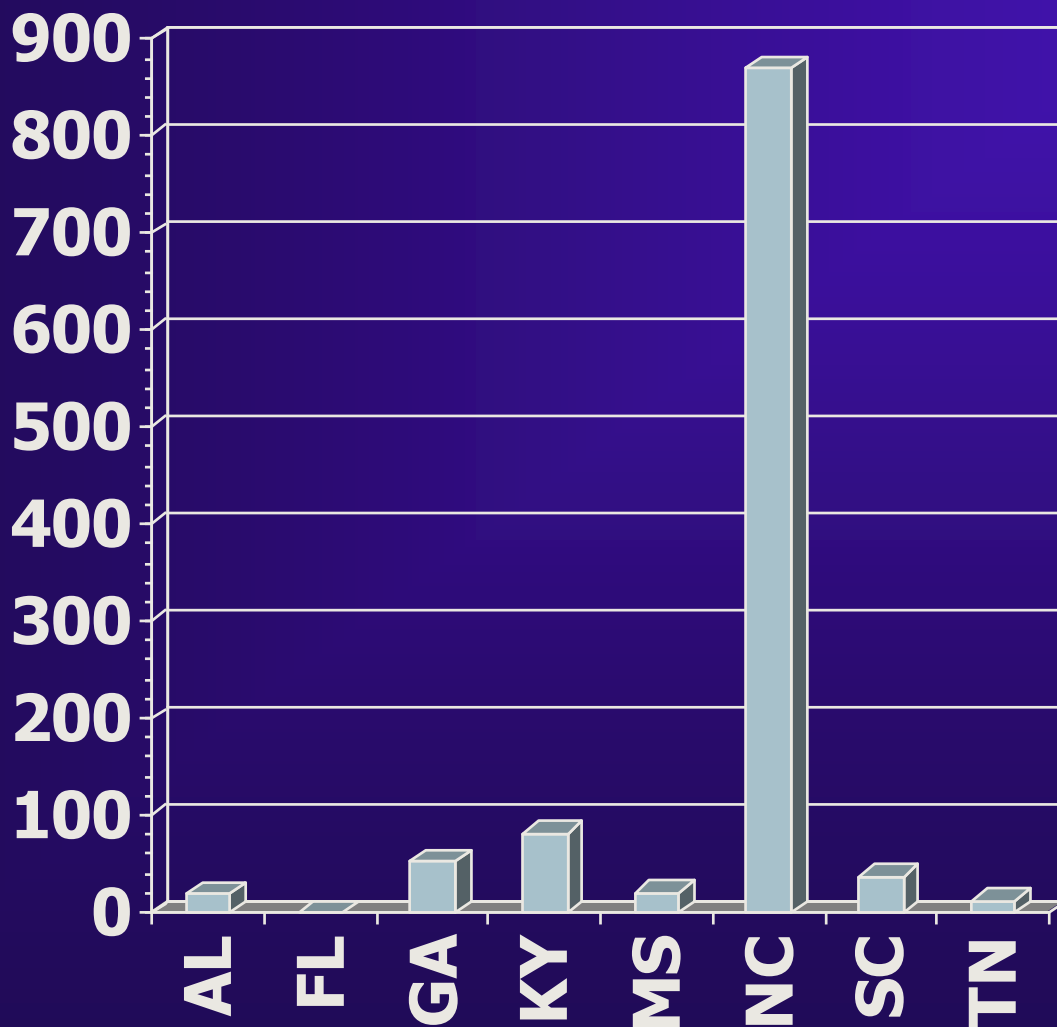
■ Broiler
CAFOs
(>1000AU)

R4 Poultry Layer Large CAFOs (> 1000 AU)



■ Layer
CAFOs
(>1000AU)

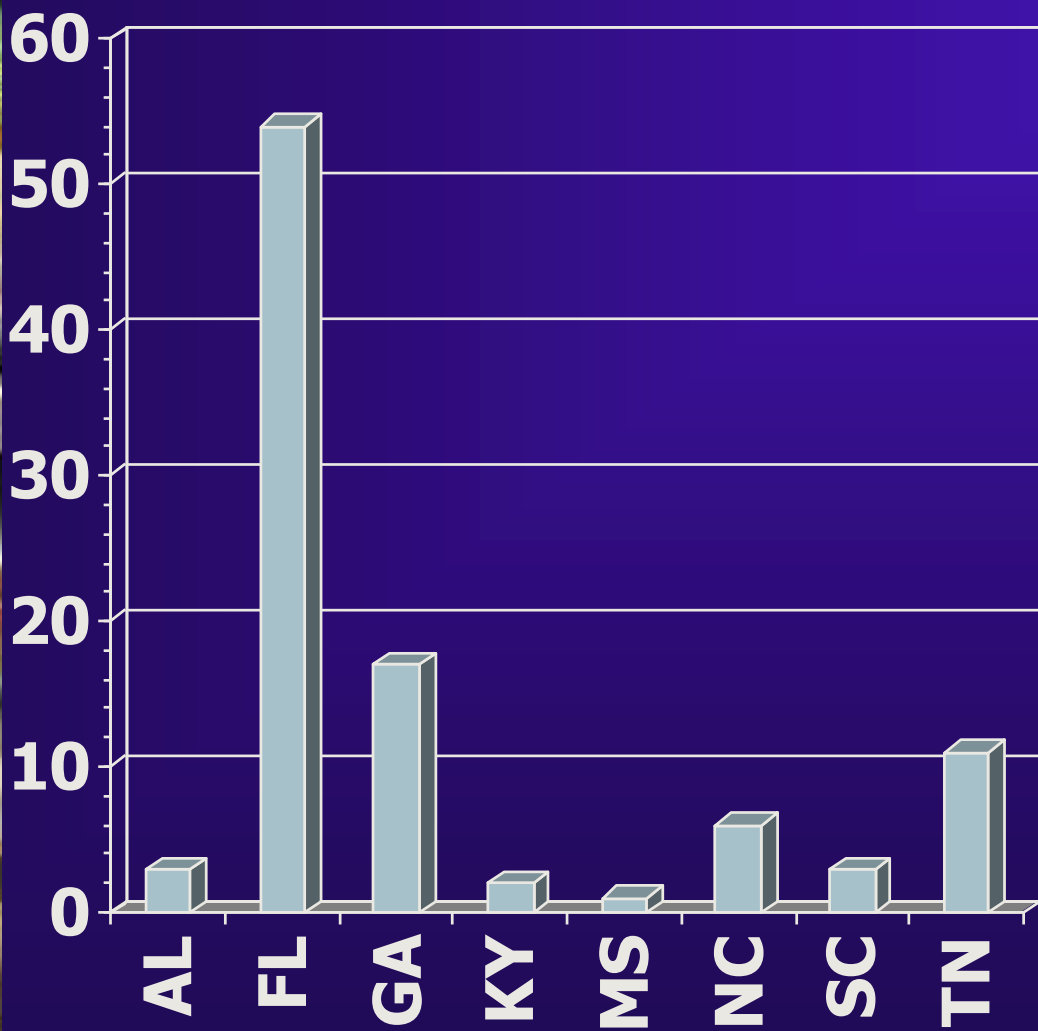
R4 Swine Sector Large CAFOs (> 1000 AU)



■ Swine
CAFOs
(>1000AU)



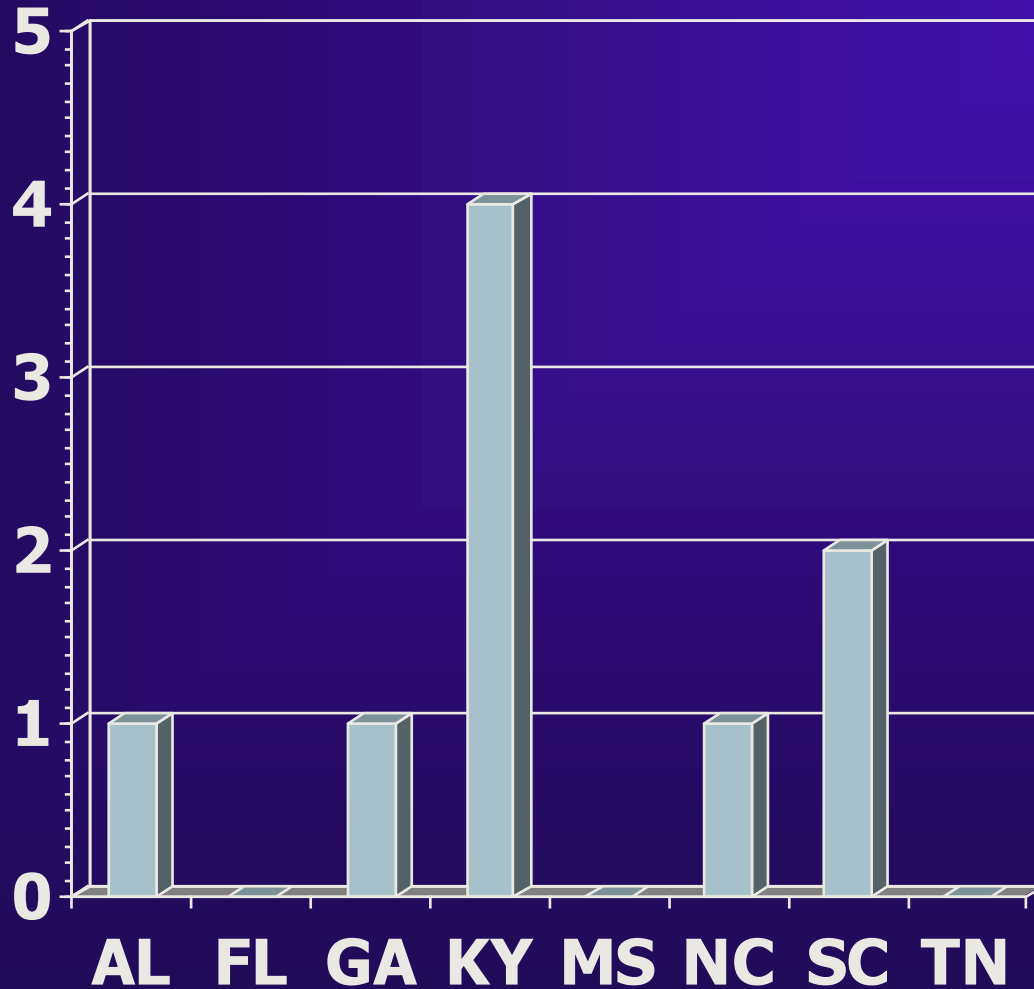
R4 Dairy Sector Large CAFOs (> 1000 AU)



■ DAIRY
CAFOs
(>1000AU)

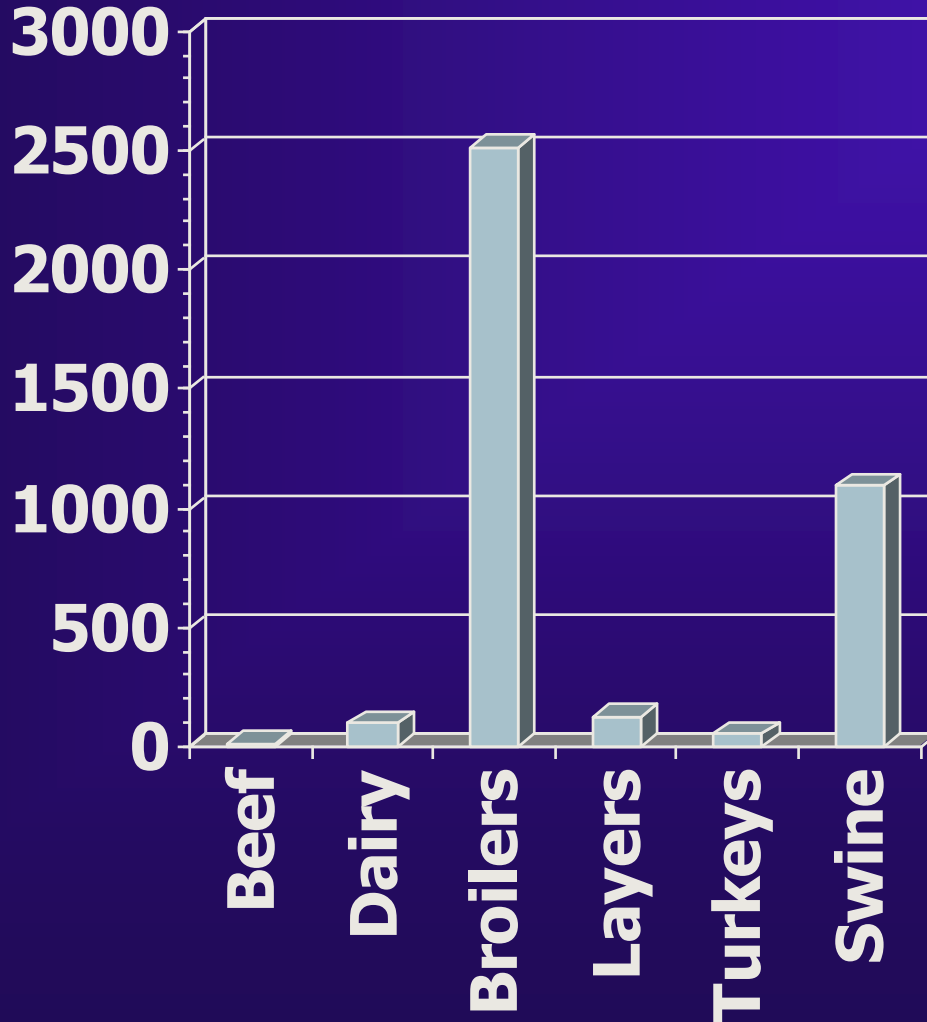


R4 Beef Sector Large CAFOs (> 1000 AU)



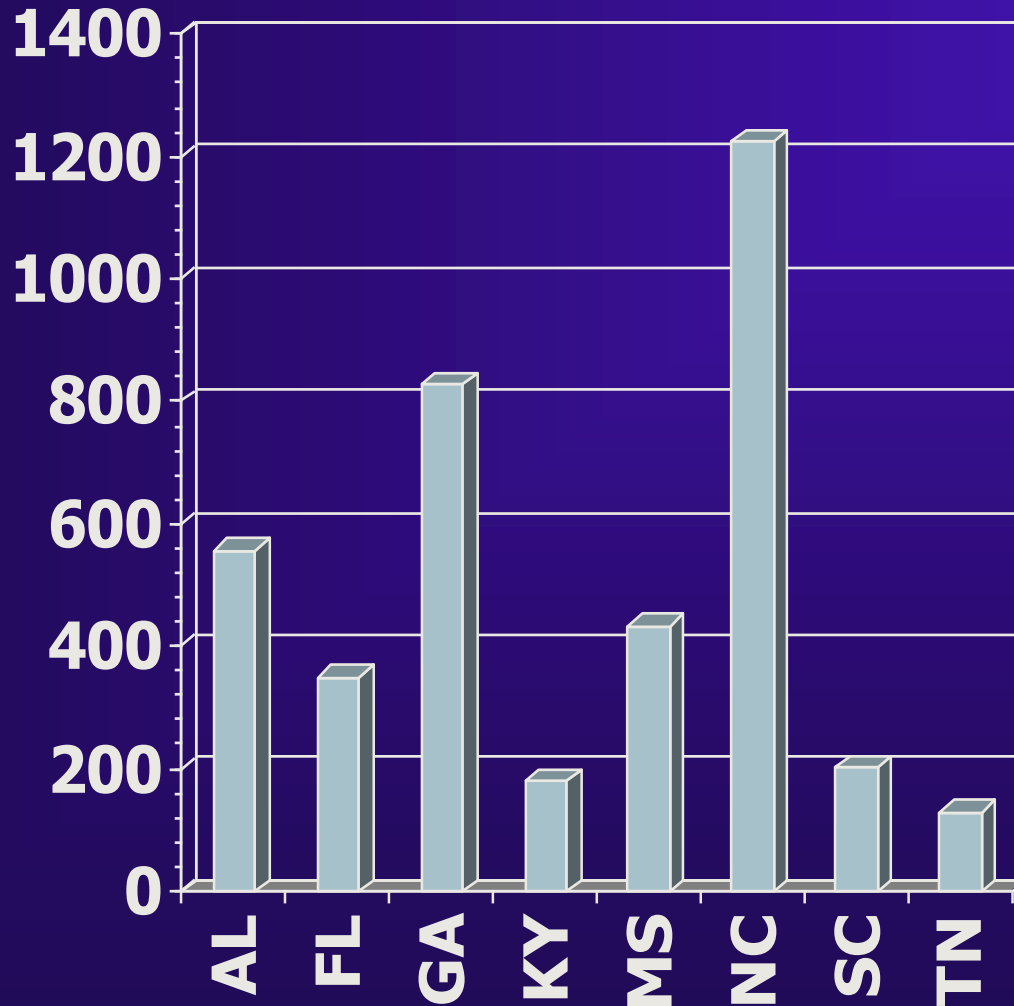
■ Beef CAFOs (>1000AU)

R4 Large CAFOs (> 1000 AU) by Sector



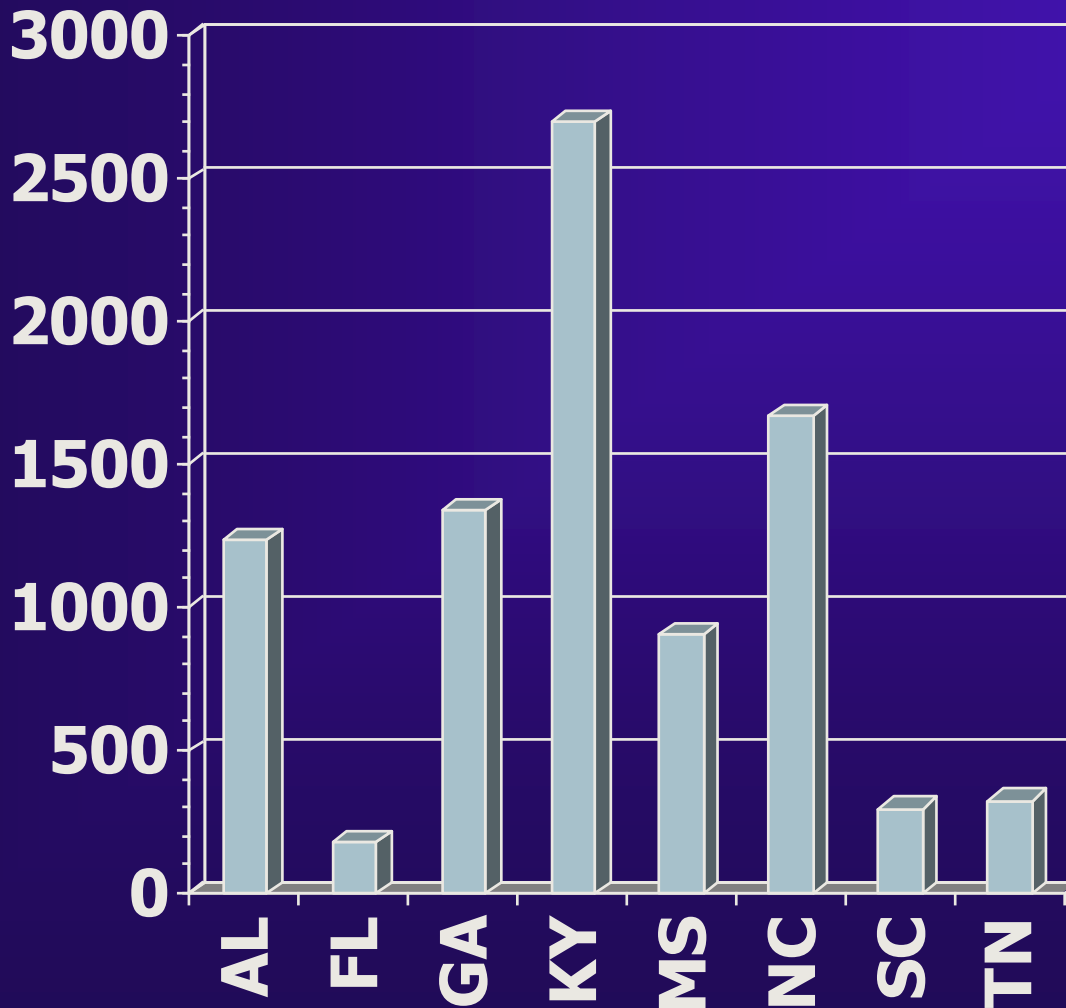
■ R4 Large
CAFOs
(>1000 AU)
by Sector

R4 Large CAFOs (> 1000 AU) ALL 8 STATES



■ # of Large
CAFOs
(>1000 AU)

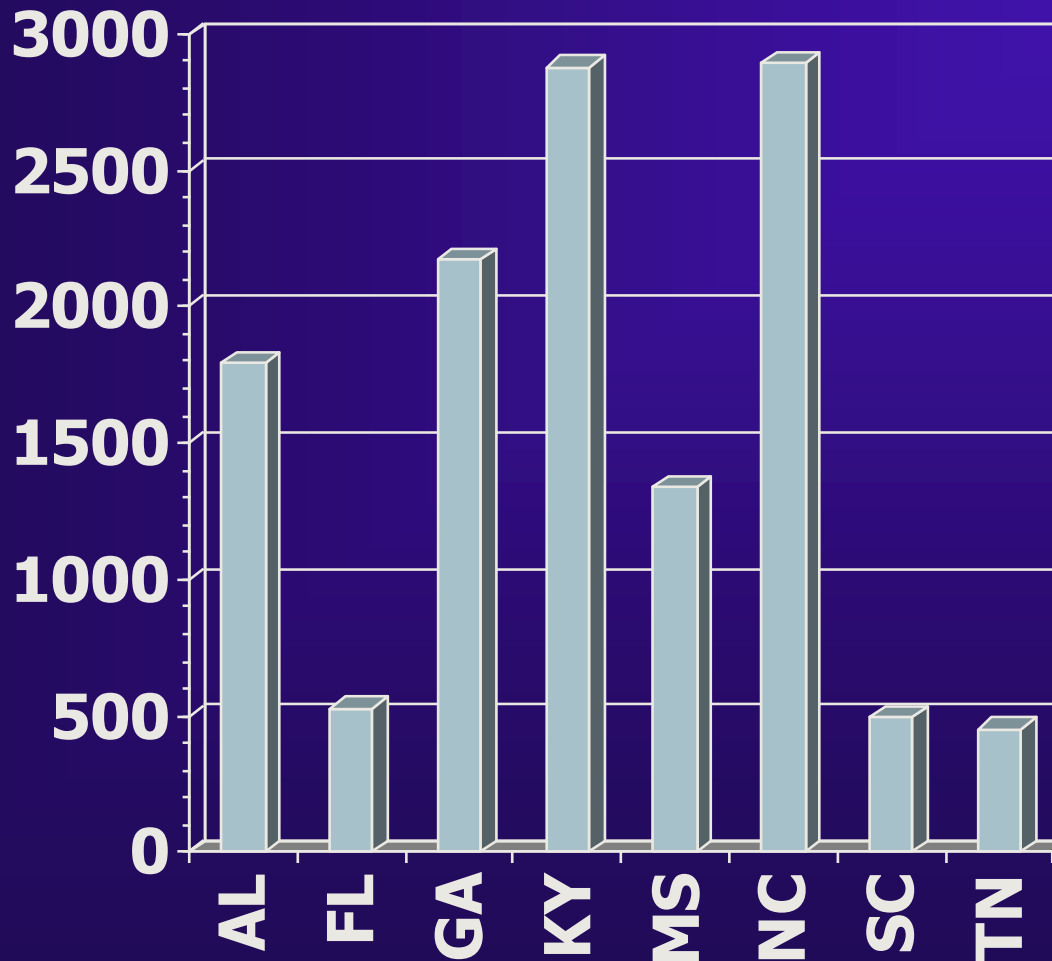
R4 Medium CAFOs (300 - 1000 AU)



■ # of Medium CAFOs (300-1000AU)



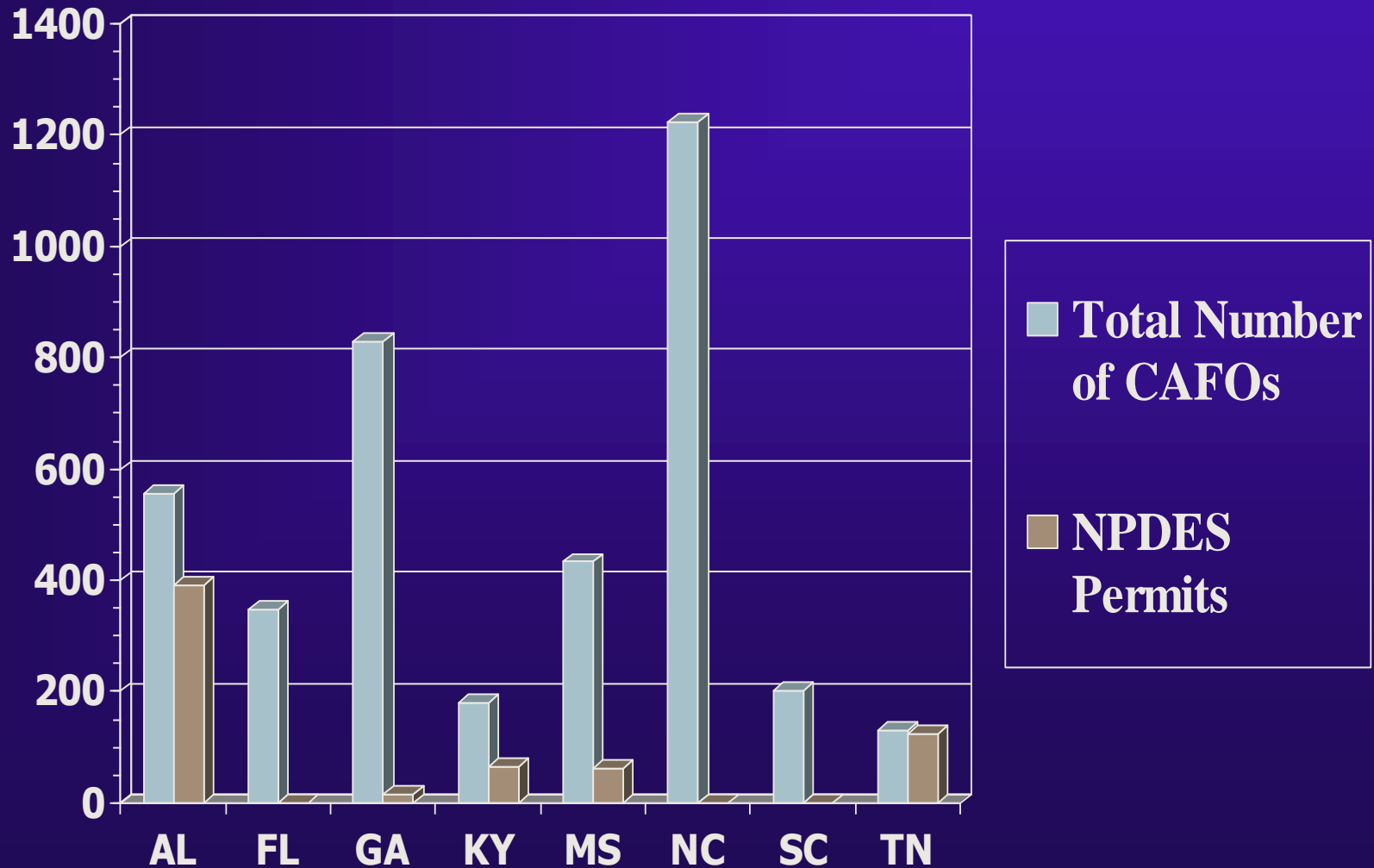
R4 Large & Medium CAFOs (> 300 AU)



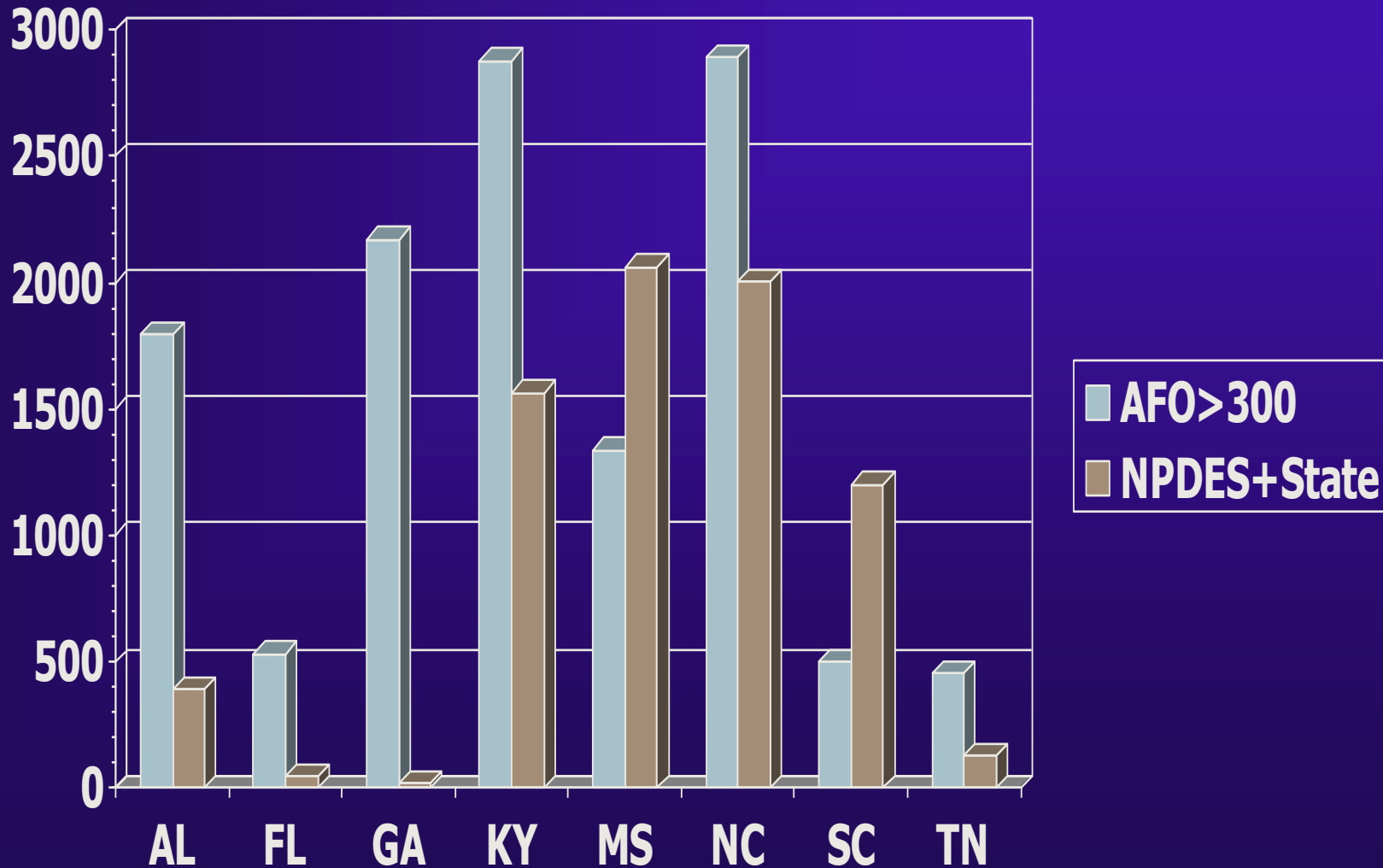
■ # of Large & Medium CAFOs (>300 AU)



R4 States NPDES Permit Exposure Large CAFOs (> 1000 AU)

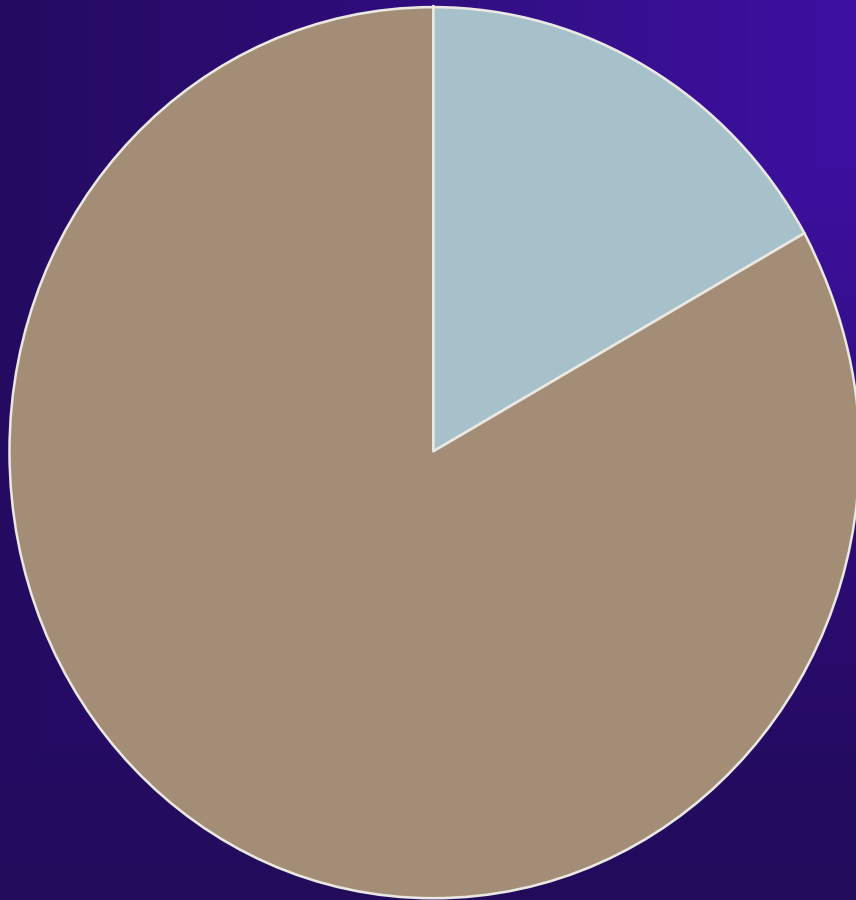


R4 States Combined NPDES and State Operational Permit Exposure Large and Medium CAFOs (> 300 AU)



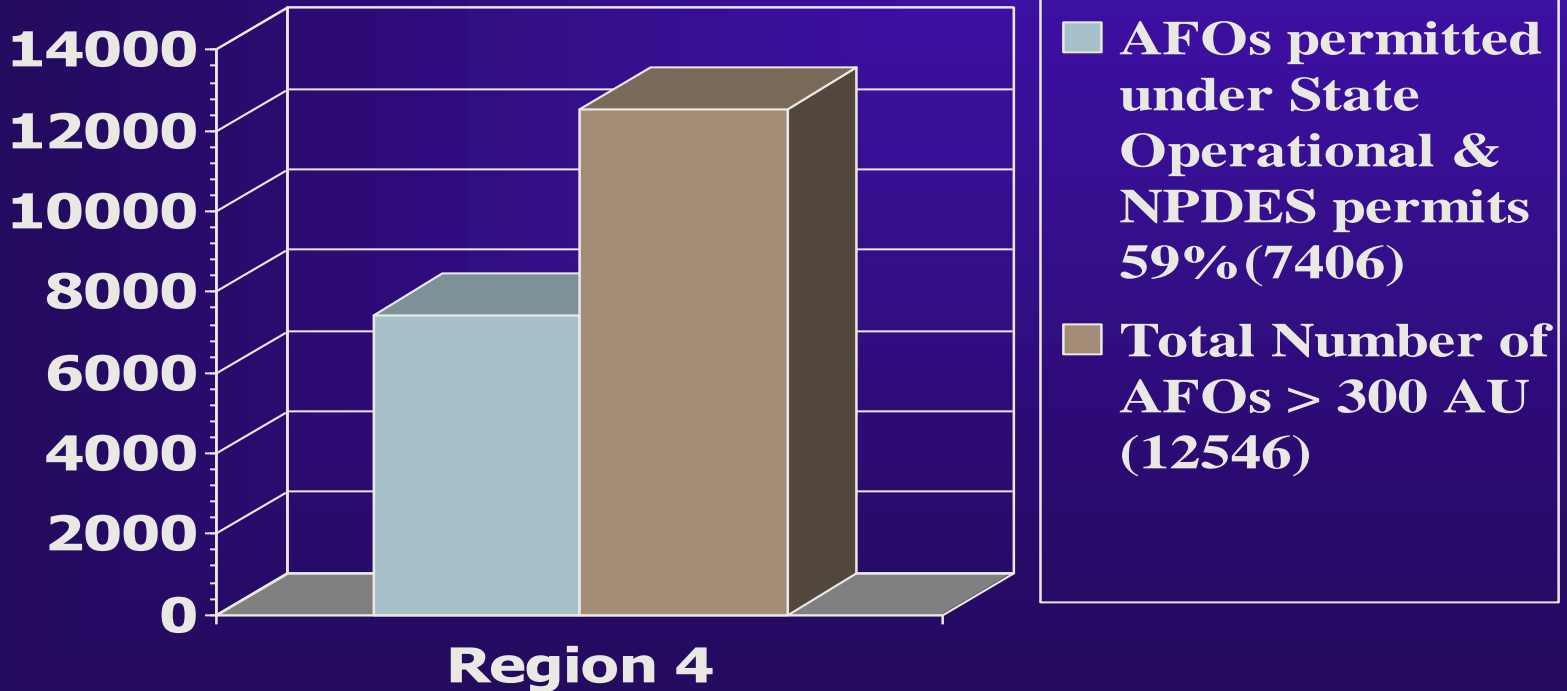
Summary: R4 Total NPDES Permit Exposure

Large CAFOs (> 1000 AU)



- CAFOs permitted under NPDES permits
17% (661)
- Total Number of Expected CAFO Permits
83% (3238)

Summary: R4 Combined State Operational and NPDES Permits Large & Medium CAFOs (> 300AU)





STATE CONTACTS FOR CAFO PERMITTING in REGION 4

| <u>STATE</u> | <u>CONTACT</u> | <u>EMAIL ADDRESS</u> | <u>PHONE #</u> |
|--------------|-----------------|--|----------------|
| AL | Richard Hulcher | rfh@adem.state.al.us | (334) 394-4309 |
| FL | Vince Seibold | vince.seibold@dep.state.fl.us | (850) 921-9387 |
| GA | Tom Hopkins | Tom_Hopkins@mail.dnr.state.ga.us | (404) 362-4916 |
| KY | Bruce Scott | bruce.scott@mail.state.ky.us | (502) 564-3410 |
| MS | Bryan Collins | bryan_collins@deq.state.ms.us | (601) 961-5239 |
| NC | Dennis Ramsey | dennis.ramsey@ncmail.net | (919) 733-5083 |
| SC | Marion Sadler | msadler@columb32.dhec.state.sc.us | (803) 898-4167 |
| TN | Saya Qualls | saya.qualls@state.tn.us | (615) 532-0633 |

Why did EPA revise the CAFO regulations?

- ❑ Address water quality problems
- ❑ Update the 25-year old regulations
- ❑ Improve CAFO Program Implementation
- ❑ Address a court order





CAFO Rule Guiding Principles

- ❑ Simplify and clarify
- ❑ Flexibility for States
- ❑ Promote manure management practices
- ❑ Complement USDA efforts
- ❑ Promote new technologies
- ❑ Emphasis on large CAFOs
- ❑ Foster voluntary efforts for medium and small AFOs



CAFO Rule History

- ❑ CWA: CAFOs are point sources
- ❑ 1974/1976 CAFO regulations
- ❑ EPA/USDA Unified National Strategy for AFOs – 1999
- ❑ Proposed Rule – 2000
 - *9 Public Meetings*
 - *Notices of Data Availability (2)*
 - *13,000 public comments*
- ❑ Final Rule (NPDES and ELG signed December 15, 2002)



Major Rule Elements

- All Large Operations Must Apply
 - *Permit Exemption Eliminated*
 - *Dry Poultry Included*
 - *No potential to discharge determination*
- Effluent Limitation Guideline (ELG)
 - *No Discharge exc. large rainfall (e.g. 25/24)*
 - *Land Application Requirements (N and P)*
 - *Alternative Performance Standards*
- Nutrient Management Plan Required
 - *Implement by December 2006*
- Annual Report Required

Key definitions

□ Animal Feeding Operation

- *Confines animals for 45 days in 12 months*
- *Sustains no vegetation in confinement area*

□ Concentrated Animal Feeding Operation

- *Large*
- *Medium*
 - Stream running through confinement area
 - Man-made conveyance to surface water
- *Small (Designation)*
 - Same criteria as Medium
 - Significant contributor of pollutants
 - On-site inspection





How many operations will be regulated?

- 15,500 CAFOs will require NPDES permits
 - *11,000 Large facilities*
 - *4,500 Medium facilities defined as CAFOs*
- A limited number of small facilities may be designated
- This captures 60 percent of all AFO manure

Large CAFO Thresholds



| INDUSTRY THRESHOLDS | |
|---|--|
| Animal Type | Large CAFO |
| Dairy Cows | 700 |
| Veal Calves | 1,000 |
| Beef Cattle | 1,000 |
| Other Cattle (e.g. Heifers) | 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) |

Medium CAFOs Thresholds

INDUSTRY THRESHOLDS

| Animal Type | Medium CAFO |
|---|---|
| Dairy Cows | 200 - 699 |
| Veal Calves | 300 - 999 |
| Beef Cattle | 300-999 |
| Other Cattle (e.g. Heifers) | 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 (exc. liq. manure system) 1,500 – 4,999 (liquid manure system) |



Effluent Guideline Requirements

- **Existing** Large Beef, Dairy, Swine, Veal Calf, Poultry, and **New** Beef and Dairy CAFOs
 - *Production area BMPs and design requirements (No discharge except if storage for 25 yr/24hr event)*
 - *Land application area BMPs*
- **New** Large Swine, Veal Calf, and Poultry CAFOs
 - *Different production area design (No discharge except if storage for 100/24)*

Other Final Rule Changes

- ❑ New permitting thresholds for immature swine, heifer, and some poultry operations
- ❑ Eliminates “animal units” and mixed animal calculation
- ❑ Manure transfer recordkeeping
- ❑ Annual report



Nutrient Management Plan Elements

- ❑ Adequate storage
- ❑ Mortality management
- ❑ Divert clean water
- ❑ Prevent direct contact
- ❑ Proper chemical handling
- ❑ Site-specific conservation practices
- ❑ Manure/soil testing
- ❑ Land application
- ❑ Records and documentation





Annual Report Requirements

- ❑ Number/type of animals
- ❑ Amount of manure/wastewater generated
- ❑ Amount of manure/wastewater transferred
- ❑ Land application acres covered by nutrient management plan
- ❑ Land application acres used in previous 12 months
- ❑ Summary of production area discharges
- ❑ Indicate whether NMP was developed by certified planner

What proposals were not adopted?

- ❑ Mandatory co-permitting requirements
- ❑ Mandatory ground water requirements
- ❑ Required use of certified nutrient management planners
- ❑ Certification from persons receiving CAFO manure
- ❑ Lowering of CAFO thresholds





State Flexibility

- ❑ No potential to Discharge Determination
- ❑ Flexibility to address medium and small operations
- ❑ Permitting Approach
 - *Individual, General, Watershed-based*
- ❑ Alternative Performance Standards
- ❑ State Technical Standards and Nutrient Management



What is the implementation schedule?

- ❑ Signature – 12/15/02
- ❑ Publication date (2/12/03)
- ❑ Effective date – 60 days after publication
- ❑ ELG Production area requirements effective for existing large CAFOs – 120 days after publication
- ❑ State NPDES program revised – 1 year; 2 years if legal authority change required



Implementation Schedule

| Duty to Apply | |
|---|--|
| TYPE OF OPERATION | APPLICATION TIMES |
| Existing CAFOs | Ongoing duty to apply prior to and following |
| Newly regulated operations | As specified by the permitting authority, but no later than 3 years after |
| New dischargers | Within 90 days after the time the AFO meets the conditions of being defined a CAFO |
| New sources | 180 days prior to the time the CAFO commences operation |
| Designated CAFOs | 90 days after receiving notice of designation |
| Nutrient Management Plan Implementation | By December 31, 2006 |



Implementation Next Steps

- ❑ Comprehensive National Implementation Plan
- ❑ Continue to partner with USDA and State Ag Agencies
- ❑ Support state implementation plans
- ❑ Update State NPDES Programs
- ❑ Issue NPDES Permits
 - *Nutrient Management Plans*
 - *Annual Reports*
- ❑ Measures of success/assess environmental results



More information

- ❑ CAFO regulations and outreach materials:
www.epa.gov/npdes/caforule
www.epa.gov/ost/guide/CAFO/
- ❑ Compliance assistance:
www.epa.gov/agriculture
- ❑ USDA programs: www.usda.gov
- ❑ EPA Office of Wastewater Management:
(202) 564-0766

Alternative Performance Standards

- **Existing** Large Beef, Dairy, Swine, Veal Calf, Poultry, and **New** Beef and Dairy CAFOs
 - *Equal to or less than the quantity of pollutants discharged from the production area under baseline*
- **New** Swine, Poultry, and Veal CAFOs
 - *Overall environmental performance of entire operation better than baseline*
 - multimedia
 - land application areas

