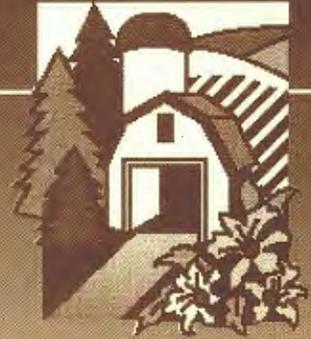


Animal Agriculture

Concentrated Animal Feeding Operations - Livestock Operations Inspection



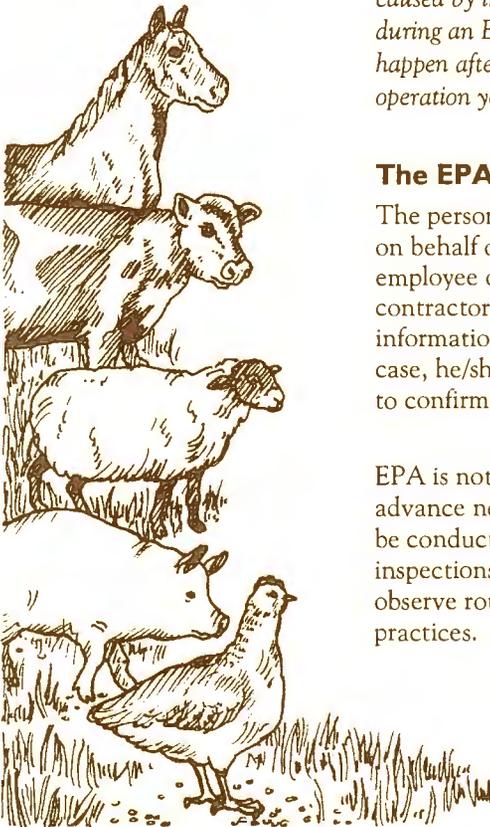
Ag Center

Helping Agriculture Comply with
Environmental Requirements

F O C U S O N

What To Expect When EPA Inspects Your Livestock Operation

The U.S. Environmental Protection Agency inspects livestock facilities to make sure the operators comply with federal environmental laws. Note, EPA may conduct inspections even in States that are authorized to administer (including issuing permits) federal environmental laws. Poorly managed livestock operations can pollute rivers, lakes, estuaries, and groundwater. Where pollution occurs it is most often caused by runoff from feedlots, spills from lagoons, and problems caused by incorrect land application of manure. This fact sheet explains what you can expect during an EPA inspection. It tells you what a typical inspector will be looking for and what may happen afterwards. Not all inspections are the same. Yours will depend on what kind of operation you have and on EPA's reason for conducting the inspection.



The EPA inspector

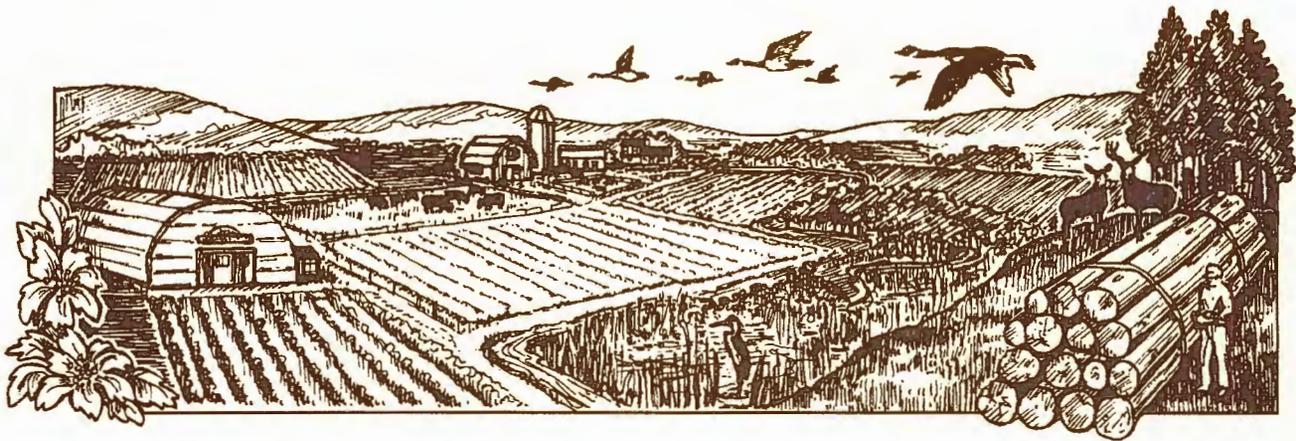
The person who inspects your operation on behalf of EPA will be an EPA employee or a trained, capable contractor hired by EPA to gather information for the Agency. In either case, he/she will show you identification to confirm that the visit is authorized.

EPA is not required to, but may provide advance notice that an inspection will be conducted. In fact, unannounced inspections allow the inspector to better observe routine site conditions and practices.

Purpose of the inspection

EPA conducts two primary types of inspections of animal feeding operations (AFOs):

- to help decide whether a facility requires a permit because it qualifies as a Concentrated Animal Feeding Operation (CAFO)
- to determine whether a CAFO is complying with federal environmental laws including federal permits.



The EPA inspector's goal is to gather enough information to determine if federal environmental laws or permit requirements are being followed.

The inspector will gather information to help EPA judge whether your operation meets the qualifications of a CAFO, should be designated as a CAFO, or is classified as an AFO.

Is your facility an AFO or a CAFO?

Generally, an operation is defined as an AFO under federal regulations if:

- animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

The revised regulations, published February 12, 2003, state that a **large** CAFO is an AFO with at least:

- 700 mature dairy cows
- 1,000 beef cattle or heifers
- 2,500 swine (each 55 lbs or more)
- 10,000 swine (each under 55 lbs)
- 30,000 ducks (other than liquid manure handling systems)
- 5,000 ducks (liquid manure handling systems)
- 30,000 laying hens or broilers (liquid manure handling systems)
- 125,000 chickens except laying hens (other than liquid manure handling systems)
- 82,000 laying hens (other than liquid handling systems)

- 1,000 veal calves
- 500 horses
- 10,000 sheep or lambs
- 55,000 turkeys

Your operation is a **medium** CAFO if:

- Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
- Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the confined animals. (For example, if your animals come into contact with surface water running through the area where they are confined.)

And your operation has at least:

- 200 mature dairy cows
- 300 beef cattle or heifers
- 750 swine (each 55 lbs or more)
- 3,000 swine (each under 55 lbs)
- 10,000 ducks (other than liquid manure handling systems)
- 1,500 ducks (liquid manure handling systems)

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If you have any questions about the inspection or enforcement process, contact your inspector or EPA regional office.

- 9,000 chickens (liquid manure handling systems)
- 37,500 chickens except laying hens (other than liquid manure handling systems)
- 25,000 laying hens (other than liquid manure handling systems)
- 300 veal calves
- 150 horses
- 3,000 sheep or lambs
- 16,500 turkeys

EPA (or States/Tribes where authorized) may also designate an operation as a CAFO if the inspection determines that the operation, regardless of its size, is a significant source of pollution. This determination considers a number of factors including slope, vegetation, and the proximity to surface waters.

Does your CAFO comply with the law?

If your facility is a CAFO, you must apply for a permit. A limited number of large CAFOs may be able to avoid a permit application if they can demonstrate “no potential to discharge.” The term “no potential to discharge” means that there is no potential for any CAFO manure, litter, or wastewater to be added to water of the United States from an operation’s production or land application areas, without question.

For operations defined as CAFOs prior to April 14, 2003, you should already have a permit. If you do not have a permit you should contact your permitting authority and apply immediately.

Operations defined as CAFOs as of April 14, 2003 that were not defined as CAFOs prior to that date should seek a permit as specified by the permitting authority but no later than April 13, 2006.

For newly constructed, or expanding facilities, or for designated CAFOs, consult your permitting authority for applicable time frames.

During an EPA inspection of a permitted CAFO, the inspector will check for compliance with the requirements of the permit. The inspector will examine mainly your manure management systems and any areas where manure is applied to fields.

For all facilities, the inspector will make sure that manure has been managed, handled, and applied in accordance with your permit requirements. These requirements allow for overflows in some cases and discharges from land application areas where manure has been applied in accordance with your permit (see “For More Information” below). For unpermitted CAFO facilities, no discharges are allowed.

Animal Health Concerns

Inspectors know there is a potential that they could pass animal diseases from one feeding facility to another. To minimize that risk, the inspector will follow biosecurity procedures appropriate to your facility. Before the inspector enters the confinement area, let the inspector know of any contagious disease your animals have, any biosecurity procedures

you follow, and discuss with the inspector any concerns you have about the effect of the visit on the health of your animals.

The inspection

Most inspectors begin an inspection by writing down some basic information, such as:

- weather conditions
- date
- facility name and address
- name of the owner/operator
- phone number.

You may be asked if you have a state or federal permit and, if so, what it includes. You may be asked if you have filed a Notice of Intent to be covered under a CAFO general permit (if applicable).

Under the February 12, 2003 regulations, CAFO permits will require the operation to meet certain conditions, including implementing a nutrient management plan, submitting annual reports, and keeping records.

The inspector will invite you to accompany him/her on the inspection. It is a good idea for you to go with the inspector, take notes, and ask questions. The inspector will take notes and record the latitude and longitude of your facility so it can be plotted on a map. He/she may also take photographs, video recordings, and water samples.

To help determine whether your facility is a CAFO or should be designated as a

CAFO, you may be asked for basic facility information such as:

- type of operation
- kinds of animals
- number of animals
- the location of drains, irrigation ditches, and waterways nearby.

To determine whether your facility has had a discharge or if there are factors present that could lead to future discharges, you may be asked specific questions including:

- Is any manure being discharged to surface water, or is there any sign of a recent discharge?
- How is manure handled? Is there too much manure in the corrals, fields, or along flush alleys? Is a discharge likely because of the way the manure is being handled?
- Do animals have direct access to surface water, including irrigation canals and drainage ditches?
- Are adequate records maintained?
- How is silage handled? Is runoff controlled?
- How are dead animals handled?
- Is manure being land-applied? What kind of crops? How often and when? Is a discharge to surface waters likely because of the way the manure is being applied?
- Is there a lagoon? If so, is it made to comply with any requirements that apply? How much freeboard (distance between the contents of the lagoon and the top) is there? Is the lagoon in good condition and properly maintained? When was the last time it was dredged?

- Are there any pipelines or other routes that allow manure to be discharged to ditches, canals, streams, or other waterways?
- How is storm water handled? Are roof drains and gutters well maintained? Is the clean storm water diverted around the animal containment areas and manure piles? Are the corrals well graded?
- How many days of storage are available in lagoons and other wastewater containment structures?

The EPA or contract inspector generally will not be able to tell you whether violations were found. These decisions are made by an EPA compliance officer who reviews the inspection report.

Confidential information

During the inspection, you may be asked to give business information that you do not want the public to be able to get from EPA's files. If so, you may make a claim of confidentiality. For EPA to uphold your claim, you will need to show that the information, if made public, would reveal trade secrets or should for other reasons be considered confidential. The confidential parts of the report can be kept from public view. (Some information is not eligible for confidential treatment by law.)

Possible Actions

If you are found to have violations, there is a range of possible actions EPA can take depending on factors including the number and seriousness of the violations. Possible actions include:

- You may get a *notice of violation*. This will inform you of violations and direct you to correct them. If you have trouble correcting a violation, notify EPA right away.
- You may be issued an *administrative order with or without a proposed*

administrative penalty. If an administrative penalty is proposed, you may contact the Agency and ask for a settlement conference, to which you may bring an attorney or consultant.

- For more serious violations or a history of violations, EPA may begin a *civil suit*, asking a court to require you to stop or correct the violation and to impose a penalty.
- If EPA suspects that you have willingly, knowingly, or negligently violated federal law, it may conduct a *criminal investigation*.

State permits

EPA has authorized most States to administer the federal NPDES permitting program. In addition, States may have their own, non-federal permit requirements or other legal requirements for CAFOs. Your EPA regional contact can help you find the appropriate state contact.

Self disclosure of violations

Through its Audit Policy and Small Business Compliance Incentives Policy, EPA encourages you to voluntarily disclose and correct violations. If you meet policy conditions, you may be eligible for penalty reductions and waivers and other benefits. The Small Business Policy is for companies with 100 or fewer employees. You may obtain copies of these documents from the Ag Center or on the internet at: <http://www.epa.gov/compliance/incentives/smallbusiness/index.html>

Compliance assistance contacts

- **EPA's Ag Center**
The Ag Center has many free compliance assistance resources, including fact sheets on CAFO regulations, the EPA/USDA animal feeding operations strategy, Small Business Incentives Policy, etc. You can find Ag Center materials online at <http://www.epa.gov/agriculture> and acquire them toll-free at 1-888-663-2155.
- **EPA Regional Offices**
Region 1 (CT, MA, ME, NH, RI, VT):
(617) 918-1111 or (888) 372-7341
Region 2 (NJ, NY, PR, VI):
(212) 637-3000
Region 3 (DE, DC, MD, PA, VA, WV):
(215) 814-5000 or (800) 438-2474
Region 4 (AL, FL, GA, KY, MS, NC, SC, TN):
(404) 562-9900 or (800) 241-1754
Region 5 (IL, IN, MI, MN, OH, WI):
(312) 353-2000 or (800) 621-8431
Region 6 (AR, LA, NM, OK, TX):
(214) 665-2200 or (800) 887-6063
Region 7 (IA, KS, MO, NE):
(913) 551-7000 or (800) 848-4568
Region 8 (CO, MT, ND, SD, UT, WY):
(303) 312-6312 or (800) 227-8917
Region 9 (AZ, CA, HI, NV):
(415) 947-8021
Region 10 (AK, ID, OR, WA):
(206) 553-1200 or (800) 424-4372

Technical assistance contacts

- **Natural Resources Conservation Service (NRCS)**
NRCS can provide help with manure management. For listings of offices near you, visit:
<http://offices.usda.gov/> or
<http://www.nrcs.usda.gov/>
- **Cooperative State Research, Education, and Extension Service (CSREES)**
U.S. Department of Agriculture
Washington, D.C. 20250-0900
(202) 720-3029
<http://www.reeusda.gov/>
- **National Association of State Departments of Agriculture (NASDA)**
1156 15th Street, NW, Suite 1020
Washington, D.C. 20005
(202) 296-9680
<http://www.nasda-hq.org/>
- **National Association of Conservation Districts (NACD)**
509 Capital Court, NE
Washington, D.C. 20002-4946
(202) 547-6223
<http://www.nacdnet.org/>

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Livestock Operations Inspection

*The Ag Center
welcomes
comments on this
document and its
other services.*

For more information

This fact sheet provides only a general overview of how EPA inspects livestock operations. To learn more about EPA or state requirements and how they may apply to you, read the federal and state regulations or contact your EPA regional office or state government.

EPA's publications, "Will My Operation Be Regulated?" (EPA 833-F-02-006) and "What Are the Federal Record-Keeping and Reporting Requirements?" (EPA-833-F-02-013) provide more detail on how CAFOs are defined and what is required of CAFOs.

To order these and other CAFO-related publications, call the Ag Center's toll-free number, 1-888-663-2155, or visit the publications page at the Ag Center web site: <http://www.epa.gov/agriculture/publications.html>. All publications are available by mail, and some can be downloaded from the web site. For a complete publications list, request document 10001, "Ag Center Publications."

If you are a small business, EPA's Office of Enforcement and Compliance Assurance offers a fact sheet on Small Business Resources that can provide a variety of compliance assistance tools to assist you in complying with federal and state environmental laws. This fact sheet is available through the Ag Center; please ask for document number 50017, "U.S. EPA Small Business Resources."

National Agriculture Compliance Assistance Center

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