



FACT SHEET

Office of Wastewater Management

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 discrete) 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:

Permitting:

Office of Wastewater Management
Permits Division (4203)
U.S. EPA
401 M Street, SW
Washington, DC 20460
(202) 260-9537/FAX (202) 260-1460

Nonpoint Source:

Office of Wetlands, Oceans
and Watersheds
U.S. EPA
Fairchild Bldg.
499 South Capitol Street, SW
Washington, DC 20024
(202) 260-7040/FAX (202) 260-7024

Compliance/Enforcement:

Office of Enforcement and
Compliance Assurance
U.S. EPA
Ariel Rios Bldg.
1200 Pennsylvania Ave., NW
Washington, DC 20044
(202) 564-2280/FAX (202) 5664-0028

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

EPA Region II (NJ, NY, PR, VI)
26 Federal Plaza, New York, NY 10278
(212) 264-9894

EPA Region III (DC, DE, MD, PA, VA, WV)
841 Chestnut Building, Philadelphia, PA 19107
(215) 597-9078

EPA Region IV (AL, FL, GA, KY, MS, NC, SC, TN)
345 Courtland Street, NE, Atlanta, GA 330365
(404) 347-2019

EPA Region V (IL, IN, MI, OH, MN, WI)
230 West Jackson Blvd., Chicago, IL 60604-3507
(312) 353-2079

EPA Region VI (AR, LA, OK, NM, TX)
1445 Ross Avenue, Dallas, TX 75202
(214) 655-7171

EPA Region VII (IA, KS, MO, NE)
726 Minnesota Avenue, Kansas City, KS 66101
(913) 551-7034

EPA Region VIII (CO, MT, ND, SD, UT, WY)
999 18th Street, Denver, CO 80202-2413
(303) 293-1623

EPA Region IX (AS, AZ, CA, HI, GU, HI, NV)
75 Hawthorne Street, San Francisco, CA 94105
(415) 744-1877

EPA Region X (AK, ID, OR, WA)
1200 Sixth Avenue, Seattle, WA 98101
(206) 553-1728