



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?

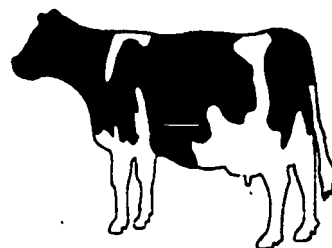
A totally enclosed facility with no discharge of wastes to U.S. waters is not a CAFO. However, a partially-sheltered facility IS a CAFO if it meets the size (number of cattle) and discharge criteria of the NPDES regulations, or if it has been designated a CAFO on a case-by-case basis by the permitting 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);*
- *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) 564-0028

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 30365
(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, 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