



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).*

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

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