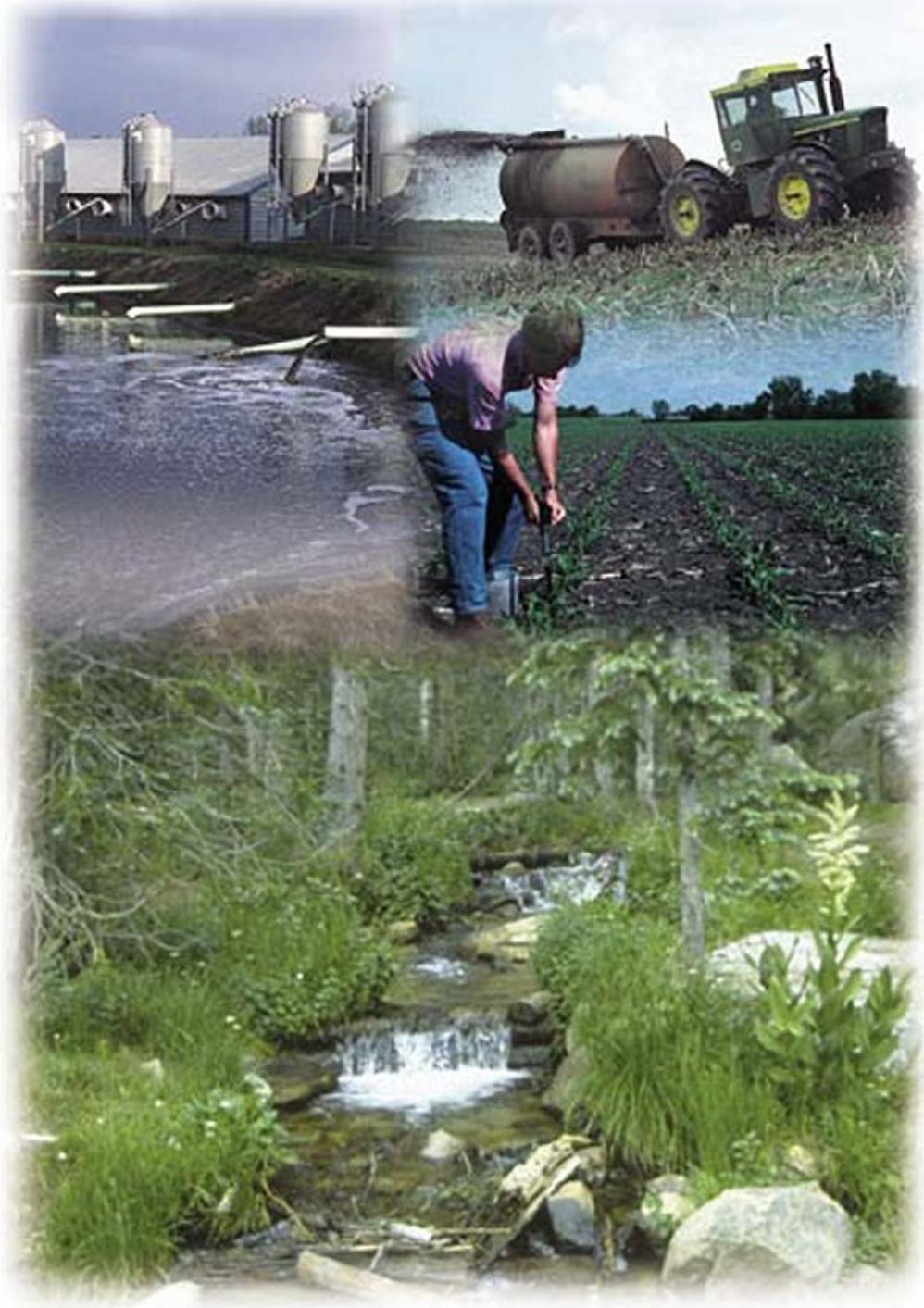




Producers' Compliance Guide for CAFOs

Revised Clean Water Act Regulations for Concentrated Animal Feeding Operations (CAFOs)

A guide to complying with EPA's 2003 revisions to the National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations



The discharge criteria apply to only the parts of the operation where you confine animals, store manure or raw materials, and contain waste. For example, if you dig a ditch or install a pipe that drains water from your confinement area into a stream or lake, your operation would meet the first discharge criterion. Open tile drains in the areas where animals are confined, wastes are collected and stored, or raw materials are kept also meet the first criterion if the tile drains carry pollutants from these areas to surface water. Your operation meets the second discharge criterion if a stream runs through the confinement area and the animals have direct access to the stream.

If you own two or more AFOs that

- Are next to each other **or**
- Use a common waste disposal area or system,

you should count all the animals at all the operations together to determine whether your operations fall within the thresholds for the CAFO size categories. If both of your operations use a common waste disposal area or system, they are counted as one even if they're not next to each other. (Two operations under common ownership are considered to have a common waste disposal system if the manure, litter, or process wastewater from the two operations is mixed before disposal or land application or if the manure, litter, or process wastewater from the two operations is applied to the same land application area. Common waste disposal systems also include any other type of system where the wastes from two operations are commingled for handling or disposal.)

Also, if an operation is entirely located on one site but ownership of the operation is split between two or more people, you should still count all the animals at that operation to know if it falls within the thresholds for the CAFO size categories.

Which AFOs may be designated as CAFOs?

The second way for an AFO to be a CAFO is to be designated as a CAFO. If an AFO doesn't meet the definition of a Large or Medium CAFO but the permitting authority finds it to be a significant contributor of pollutants to surface waters, the permitting authority may designate that operation as a CAFO. To designate an AFO as a CAFO, the permitting authority must inspect the AFO and must find that the operation is a significant contributor of pollutants to surface waters.

Medium CAFOs

AFOs that fall within the size thresholds for Medium CAFOs but don't meet either of the two discharge criteria may be designated as CAFOs by the permitting authority.

An AFO might not meet the definition of a CAFO if

- *It doesn't confine enough animals.*
- *It doesn't meet the discharge criteria (for Medium CAFOs).*
- *It confines a type of animal not included in the Large and Medium CAFO definitions.*

Small CAFOs

AFOs that don't confine enough animals to meet the Medium CAFO size threshold may be CAFOs only by designation. The permitting authority may designate a small AFO as a Small CAFO only if the AFO is a significant contributor of pollutants to surface waters **and** it meets at least one of two discharge criteria:

- A man-made ditch, pipe, or similar device carries manure or process wastewater from the operation to surface water **or**
- The animals come into contact with surface water that runs through the area where they're confined.

EPA and the United States Department of Agriculture (USDA) promote efforts by states to use approaches other than NPDES permitting to help medium and small AFOs to avoid having conditions that would result in those facilities' being defined or designated as CAFOs. For example, the voluntary development and implementation



USDA NRCS

Runoff from this livestock yard could enter a nearby stream and degrade the water quality. Such conditions might be the basis for designating an AFO as a Small CAFO.