



Archived Publication

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EPA promulgated regulations for Concentrated Animal Feeding Operations (CAFOs) in February 12, 2003 that expanded the number of operations covered by the CAFO regulations and included requirements to address the land application of manure from CAFOs. The rule became effective on April 14, 2003. NPDES-authorized states were required to modify their programs by February 2005 and develop state technical standards for nutrient management. On February 28, 2005, in response to litigation brought by various organizations, the Second Circuit court issued its decision in *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2d Cir. 2005). EPA has updated the CAFO rule to reflect the changes requested by the Court. Visit www.epa.gov/npdes/caforule to view the 2008 CAFO Final Rule and supporting documents.



**APPENDIX F
EXAMPLE
“NO POTENTIAL TO DISCHARGE” DETERMINATION REQUEST
TRACKING FORM**

APPENDIX F. EXAMPLE “NO POTENTIAL TO DISCHARGE” DETERMINATION REQUEST TRACKING FORM

Facility Name or ID _____

- ' Request received
Date _____
Applicable Permit Application Deadline _____
Determination Deadline (90 days from receipt of request) _____
- ' Request Granted _____
- ' Request Denied _____
Date of notification _____
Permit application deadline (30 days from date of notification): _____

Section A

1. Required Information:

- ' Name
- ' Mailing address
- ' Location (including lat/long)
- ' Owner/Operator Information (name, address, and contact information)
- ' Listing of current permits
- ' Topographic map showing location of production area
- ' Number and type of animals confined
- ' Type(s) of containment and storage including total capacity
- ' Total number of land application acres
- ' Amount of manure, litter, process wastewater generated
- ' Amount of manure, litter, process wastewater transferred to other persons

2. Is the “no potential to discharge” determination request complete (all required information included)?

- ' Yes
- ' No

Missing information:

- ' Additional information requested from applicant - Date: _____
- ' Additional information received from applicant - Date: _____
- ' Revised determination deadline (90 days from date when all information is received) - Date: _____

3. Is an on-site inspection required?

- ' No
- ' Yes
 - ' Producer notified of inspection date
 - Date of Inspection _____
 - Inspector _____
 - ' Attach inspection report

4. Is a “No Potential to Discharge” designation appropriate for this facility?

- ' Yes (complete section B)
 - ' No (complete section C)
- Explanation:

5. Attach any supporting information necessary to document the determination.

Section B - Determination Request Granted

- ' Public notice issued with fact sheet
 - Date _____
 - Medium (newspaper, web site, etc.) _____
 - (Attach copy of public notice and copies of all public comments received)
- ' Producer notified of “No Potential to Discharge” determination
 - Date _____

Section C - Determination Request Denied

- ' Producer notified
 - Date of notification _____
 - Permit application deadline (30 days from date of notification) _____