Archived Publication

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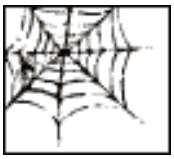

EPA promulgated regulations for Concentrated Animal Feeding Operations (CAFOs) in February 12, 2003 that expanded the number of operations covered by the CAFO regulations and included requirements to address the land application of manure from CAFOs. The rule became effective on April 14, 2003. NPDES-authorized 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.

Introduction

On February 12, 2003, the United States Environmental Protection Agency (EPA) published revisions to its Clean Water Act regulations for concentrated animal feeding operations (CAFOs). EPA has produced this document to help owners and operators of CAFOs understand and comply with the revised regulations.

This document is EPA's official compliance guide for small entities, and it meets the requirements of the Small Business Regulatory Enforcement Fairness Act of 1996. EPA is continually improving its rules, policies, compliance programs, and outreach efforts, so some of the information in this guide might have changed since it was published. You can find out whether EPA has updated or supplemented this guide by checking EPA's Web site at http://www.epa.gov/npdes/cafo/producersguide.

Although this guide fulfills the requirement to publish a guidance for small entities (as defined by the Small Business Administration), the guide applies to all sizes of CAFOs.

Who should use this guide?

You should use this guide if you own or operate a CAFO. It will help you understand the February 2003 revised CAFO regulations. An owner or operator of an animal feeding operation (AFO) can also use the guide to determine whether the operation is a CAFO. See chapter 3 of this guide ("Do these regulations affect me?") for more information about which operations are covered.

Who is in charge of the CAFO permitting program where I live—EPA or the state?

EPA may approve states to run their own regulatory and permitting programs for CAFOs. If EPA has approved your state, the state is the permitting authority and will issue a permit for your CAFO. EPA has approved most states to run the CAFO program. Alaska, Idaho, Massachusetts, New Hampshire, New Mexico, and Oklahoma are states that EPA has not approved to run the permitting program for CAFOs. In those states, Tribal lands, and in all territories except the Virgin Islands, EPA is the permitting authority and will issue permits for CAFOs.

You can find contact information for your permitting authority in the appendix to this guide or on the Internet at http://www.epa.gov/npdes/afo/statecontacts. Also see "Do other laws regulate CAFOs?" on page 5 of this guide. It describes how your state, county, or town might have additional legal requirements that apply to you and that go beyond the requirements described in this guide.

What does this guide cover?

The rest of this guide describes EPA's regulations for CAFOs. These regulations govern whether your operation is a CAFO, whether you need a permit for your operation, how to apply for a permit, and what the permit will require. State permitting authorities use EPA's regulations as a starting point but often add their own requirements in National Pollutant Discharge Elimination System (NPDES) permits. You should always check with your permitting authority to see what the requirements are in your state and to find out exactly what you have to do. The appendix to this guide contains information on how to contact your permitting authority.

How should I use this guide?

You can use this guide to figure out whether your AFO is covered and what you might have to do. Read chapter 2 of the guide ("What are the CAFO regulations?") for basic information on the NPDES permitting program and Effluent Limitations Guidelines (ELGs) for CAFOs.

Always check with your permitting authority to find out exactly what your requirements will be. Your state might have more requirements or more specific requirements than the EPA CAFO regulations.

Then read chapter 3 ("Do these regulations affect me?") to see whether your operation is covered under the revised regulations. If your operation is regulated, you should read chapters 4 ("How do I apply for a permit?") and 5 ("What requirements will my NPDES permit contain?") to learn how to comply. Chapter 6 ("What is the compliance assurance process?") provides information on the assistance available to help you comply with the regulations and what might happen if you don't comply.

Throughout this guide, you'll find boxes that contain important notes, examples, and definitions of italicized terms in the text. At the end of the guide, you'll find a glossary that defines some of the terms used in the guide.

Some chapters have references to the Federal Register *(FR) notice of the final regulations. You can use these references to find the language in the final regulations or the preamble to the final regulations that corresponds with these portions of the guide. (See "How can I get a copy of the federal regulations?" on this page.) The references show section numbers for the corresponding language in the preamble and regulations. The numbers in brackets are the page numbers where the sections can be found in volume 68 of the* Federal Register, *where the regulations are published. For example, "Preamble: Section I.A [68 FR 7179]" means that you should look for section I.A of the preamble, which can be found on page 7179 of volume 68 of the* Federal Register.

If you have trouble understanding any of the information in this guide, ask your permitting authority for help.

How can I get a copy of the federal regulations?

The federal regulations described in this guide are the NPDES Permit Regulation and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations (40 CFR Parts 122 and 412) [68 FR 7176]. (See Chapter 2, "What are the CAFO regulations?" beginning on page 3 of this guide for an explanation of the NPDES and ELG regulations.) You can view or download the text of the regulations as they appear in the *Federal Register* on EPA's Web site at http://www.epa.gov/npdes/caforule. You can also request a copy of the regulations from EPA's National Service Center for Environmental Publications.

Order the federal CAFO regulations from EPA's National Service Center for Environmental Publications

by phone: *1-800-490-9198*

by fax: *(513) 489-8695*

by e-mail: *ncepimal@one.net*

by mail: *U.S. EPA/NSCEP*
P.O. Box 42419
Cincinnati, Ohio
45242-0419

Ask for document 821-03-001.

Your state might have other regulations that apply to you. Contact your permitting authority to find out how to get a copy of your state's CAFO regulations.

"CFR" is an abbreviation for the Code of Federal Regulations, *in which federal laws are published. Title 40 of the CFR contains laws concerning protection of the environment. You can access the CFR on the Internet at http://www.gpoaccess.gov/cfr/index.html.*

In this guide EPA has tried to explain the regulatory language in clear, simple terms. Some of the explanations in this guide are general in nature and might not contain all the details that are in the regulations. Contact your permitting authority for more information on the specific regulations that apply to you. You can find contact information for your permitting authority in the appendix to this guide or on the Internet at http://www.epa.gov/npdes/afo/statecontacts.