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## 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](http://www.epa.gov/npdes/caforule) to view the 2008 CAFO Final Rule and supporting documents.



## Glossary

**AFO**—*animal feeding operation*  
**BMP**—*best management practice*  
**BPJ**—*best professional judgment*  
**CAFO**—*concentrated animal feeding operation*  
**CNMP**—*comprehensive nutrient management plan*  
**CRP**—*Conservation Reserve Program*  
**ELG**—*effluent limitations guideline*  
**EPA**—*[United States] Environmental Protection Agency*  
**EPA OECA**—*EPA’s Office of Enforcement and Compliance Assurance*  
**EPA OWM**—*EPA’s Office of Wastewater Management*  
**EQIP**—*Environmental Quality Incentives Program*  
**FIFRA**—*Federal Insecticide, Fungicide, and Rodenticide Act*  
**FSA**—*[USDA’s] Farm Service Agency*  
**NOI**—*Notice of Intent*  
**NPDES**—*National Pollutant Discharge Elimination System*  
**NRCS**—*[USDA’s] Natural Resources Conservation Service*  
**NSPS**—*New Source Performance Standards*  
**SBREFA**—*Small Business Regulatory Enforcement Fairness Act*  
**SPCC**—*Spill Prevention, Containment, and Countermeasure*  
**USDA**—*United States Department of Agriculture*

This glossary contains definitions of some of the terms used in the *Producers’ Compliance Guide for CAFOs*. Many terms are also defined throughout the guide. The NPDES regulations include definitions of additional terms at 40 CFR Parts 122.2, 122.23(b), 412.2, 412.4(b), and 412.21.

### **10-year, 24-hour storm; 25-year, 24-hour storm; 100-year, 24-hour storm**

The CAFO regulation defines these terms as a mean precipitation event with a probable recurrence interval or once in 10 years, or 25 years, or 100 years, respectively, as defined by the National Weather Service in Technical Paper No. 40, “Rainfall Frequency Atlas of the United States,” May 1961, or equivalent regional or state rainfall probability information developed from this source [40 CFR 412.2(i)].

### **agricultural storm water discharge**

According to the CAFO regulation, where manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 40 CFR 122.42(e)(1)(vi)–(ix), a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO is an *agricultural storm water discharge*. [40 CFR 122.23(e)]

### **animal feeding operation (AFO)**

The CAFO regulation defines *AFO* as a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- a. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. [40 CFR 122.23(b)(1)]

### **best management practice (BMP)**

The NPDES regulations define *BMPs* as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [40 CFR 122.2]

### **concentrated animal feeding operation (CAFO)**

The CAFO regulation defines *CAFO* as an AFO that is defined as a Large CAFO or as a Medium CAFO in the regulations, or that is designated as a CAFO by the permitting authority. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes. [40 CFR 122.23(b)(2)]

### **discharge criteria**

When used in this guide, *discharge criteria* refers to conditions established in the CAFO regulations to describe the circumstances under which a medium-sized AFO is defined as a CAFO or a small-sized AFO may be designated as a CAFO. These conditions are the following:

1. Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device.
2. Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation. [40 CFR 122.23(b)(6)(ii)]

### **effluent limitations**

The NPDES regulations define *effluent limitations* as follows: Any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the contiguous zone, or the ocean. [40 CFR 122.2]

### **effluent limitations guideline (ELG)**

An *ELG* is a technical EPA document that sets effluent limits for a given industry and its pollutants. [<http://www.epa.gov/OCEPaterms/>]

### **land application area**

The CAFO regulation defines *land application area* as land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied. [40 CFR 122.23(b)(3)]

**National Pollutant Discharge Elimination System (NPDES)**

The *NPDES* program is a program under the Clean Water Act that prohibits the discharge of pollutants into waters of the United States unless a special permit is issued by EPA; a state; or, where delegated, a tribal government on an Indian reservation. [<http://www.epa.gov/OCEPAterms/>]

**Notice of Intent (NOI)**

An *NOI* is a notification submitted to a permitting authority to indicate that a discharger intends to be covered under a general permit and will comply with the permit conditions. For CAFOs, a *notice of intent* to be covered under a general permit must include the information specified in 40 CFR 122.21(i)(1) and any other information specified by the permitting authority in the general permit.

**NPDES permit**

An *NPDES permit* is an authorization, license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES regulations; for example, a permit to operate a CAFO.

**permitting authority**

A *permitting authority* is a state agency (or other governmental entity such as a tribal government) that has received authority from EPA to administer the NPDES program. For states that have not received authority from EPA to administer the NPDES program, the EPA Regional Administrator is the permitting authority. (See the Appendix to this guide for a list of NPDES permitting authorities.)

**process wastewater**

The CAFO regulation defines *process wastewater* as water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or by-products including manure, litter, feed, milk, eggs or bedding. [40 CFR 122.23(b)(7)]

**production area**

The CAFO regulation defines *production area* as the part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of *production area* is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities. [40 CFR 122.23(b)(8)]

**surface water**

Where this guide says *surface water*, it means “waters of the United States.” (See the definition of “waters of the United States” on page 48 of this guide.)

## **waters of the United States**

The Code of Federal Regulations defines *waters of the United States* as follows:

- a. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- b. All interstate waters including interstate wetlands;
- c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  3. Which are used or could be used for industrial purposes by industries in interstate commerce;
- d. All impoundments of waters otherwise defined as waters of the United States under this definition;
- e. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- f. The territorial sea; and
- g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. [At 45 FR 48620, July 21, 1980, the Environmental Protection Agency suspended until further notice in § 122.2, the last sentence, beginning "This exclusion applies . . ." in the definition of "Waters of the United States."] Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA. [40 CFR 122.2]

[Note: EPA and the U.S. Army Corps of Engineers issued an Advance Notice of Proposed Rulemaking on the regulatory definition of waters of the United States on January 15, 2003 [68 FR 1991]. Information on the proposed rulemaking and any changes in the definition of waters of the United States is available on the Internet at <http://www.epa.gov/owow/wetlands/swanccnav.html>.]