

Proposed CAFO Rule **Public Meeting Notes**

Washington, DC
July 12, 2006



CAFO Proposed Rule Stakeholder Meeting Sign-In Sheet
Wednesday, July 12, 2006
US Environmental Protection Agency
1200 Constitution Ave. Room 1153
1pm-4pm

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- I. Opening remarks by Jon Scholl, Counselor to the Administrator on Agricultural Policy USEPA*
- II. Introduction to the CAFO Proposal by Allison Wiedeman, Rural Branch Chief, Office of Wastewater Management US EPA*
- III. Presentation on the Proposed CAFO Rule Revisions by George Utting (Office of Wastewater Management) and Paul Shriner (Office of Science and Technology)*
- IV. Q & A's*
- V. Closing Remarks*

Section I

Opening remarks by Jon Scholl, Counselor to the Administrator on Agricultural Policy, US EPA

- We are pleased to speak with you today about the Concentrated Animal Feeding Operations Proposed Rulemaking, published in the Federal Register on June 30, 2006. This proposed rule is of great significance to animal agriculture producers and the public and your participation in this process is very important to us.
- The purpose of this meeting is to enhance public understanding of the proposed regulation for CAFOs. After a presentation is provided today summarizing the elements of this rule, participants are encouraged to ask clarifying questions. Just to be clear, this meeting is not a mechanism for providing formal comments on the rule. Those must be submitted in writing to the Agency by August 14.
- This meeting is part of a larger agricultural strategy issued by the Agency earlier this year which focused on the increased communications on important issues with the agricultural community. We believe that extended outreach is essential to partnering with the agricultural community to protect the environment.
- The proposed rulemaking seeks comment on a number of issues, one of which is the feasibility (including consideration of legal, technical, and implementation issues) of allowing flexibility in how facilities can meet various programmatic requirements, for instance those of the Clean Air Act and Clean Water Act, in order to achieve greater cross-media pollutant reductions. We are interested in exploring this type of approach for both existing and new CAFOs.

Section II

Introduction to the CAFO Proposal by Allison Wiedeman, Rural Branch Chief, Office of Wastewater Management US EPA

In Ms. Wiedeman's introduction she identified five elements of the Proposed Rule that the agency was soliciting comment on:

Vacatures:

1. Duty to Apply
2. NMP Public Review

Remands:

1. Water Quality-Based Effluent Limits (WQBELs) for production area
2. New Source Performance Standards (NSPS) for veal, pork, and poultry
3. Best Conventional Pollutant Control Technology (BCT) for pathogens

Ms. Wiedeman also informed the public that the majority of the technical regulations are unchanged by the litigation. The proposed revisions relate directly to the court decision and the agency is only soliciting comments on the revisions. The agency is not soliciting comments on the unchanged portions of the regulations.

Ms. Wiedeman reiterated the point made by Jon Scholl that this is a public meeting, not a public hearing, and that the purpose of this meeting is to educate the public on matters regarding the rule's revisions in order for the public to provide more knowledgeable comments.

Ms. Wiedeman added that five more public meetings will be forthcoming in North Carolina, Iowa, Colorado, Texas, and California.

Section III

Presentation on the Proposed CAFO Rule Revisions by George Utting (Office of Wastewater Management) and Paul Shriner (Office of Science and Technology)

Mr. Utting presented on the 2 vacatures:

Vacatures:

1. Duty to Apply
2. NMP Public Review

and the 1 remand:

Remand:

1. Water Quality-Based Effluent Limits (WQBELs) for production area

Mr. Shriner presented on the remaining 2 remands:

Remands:

1. New Source Performance Standards (NSPS) for veal, pork, and poultry
2. Best Conventional Pollutant Control Technology (BCT) for pathogens

Section IV

Questions

[Note – the questions presented below are not verbatim transcripts of the discussions that occurred at the meeting. Rather, the following is a paraphrased summary of the issues raised. The answers will be reflected in a forthcoming response to comments guidance document.]

Q1. How did EPA choose the outreach locations? [Environmental Integrity Project or Sustainable Ag Coalition]

Q2. Is this meeting a hearing or a public outreach meeting? [Stakeholder not identified]

Q3. Will the PowerPoint presentation be available or could EPA send the presentation to those participating on the conference call? [Phone participant not identified]

Q4. A question was raised concerning OMB's redlined document of the Proposed Rule. The commenter noted that OMB struck out the requirement that the facilities that have discharged in the past need a permit. He also noted that EPA has indicated in the Proposed Rule that the facilities that have discharged in the past in fact need a permit. What is EPA's position on this matter? [NRDC]

Q5. A question was raised concerning the content of slide 10 of the PowerPoint –Adding NMPs Provisions to the General Permit Process. How much iteration could go on for public comments? [Stakeholder not identified]

Q6. If a facility needed to change their NMP, how would the process of revising the permit be affected when a draft permit has already been issued and public comments have already been closed? [Stakeholder not identified]

Q7. A question was raised concerning slide 6 of the PowerPoint – Key Vacature Issues for Proposed Rule. The slide states that the operator determines if they have a discharge. Who checks up to make sure the operator is correct? [Stakeholder not identified]

Q8. What does ‘proposed discharge’ mean? [Stakeholder not identified]

Q9. Who from EPA will be attending the other public outreach meetings? Also what is the purpose of the meetings and will there be an opportunity to provide comments? [Stakeholder not identified]

Q10. What defines a CAFO in regard to size? Also would EPA reconsider using 1000 Animal Units (AUs) to classify a Large CAFO? [NRCS]

Q11. For New Source Performance Standards (NSPS), if a facility can meet the no-discharge requirement would they need a permit? Also what about the Agricultural Stormwater exemption? [Stakeholder not identified]

Q12. If there are animals confined under roof, and other animals confined but not under roof, can only the number of animals not under roof be counted for purposes of CAFO designation?

Section V

Closing Remarks

Ms. Wiedeman thanked all the stakeholders and urged the group to formally comment on the Proposed CAFO Rule.