

New Federal CAFO Rules

Adapting State CAFO Programs to Meet New Requirements

The Federal Clean Water Act (CWA) of 1972 established a comprehensive program to protect water quality through a permit program for “point” sources of water pollution. The USEPA created the National Pollution Discharge Elimination System (NPDES) permit program, and defined farms needing a discharge permit as Confined Animal Feeding Operations (CAFOs). Nationally, many States were charged with implementing NPDES permitting, including all 5 Mid-Atlantic States (PA, MD, DE, WV and VA).

In December 2002, the federal water quality rules for Concentrated Animal Feeding Operations (CAFOs) were changed for the first time in 25 years. States with existing CAFO permitting programs will be revising their Statewide CAFO permit programs in the next 2 years to incorporate the new Federal Rules. Since each of the five Mid-Atlantic States have slightly different approaches to implementing the NPDES program for animal operations, including permit requirements for certain sized operations and provisions for nutrient management planning, each State program will be modified differently. Each State permitting agency will be working with stakeholders and the EPA to revise their programs. State program contacts, and web resources for more information on State programs, are listed inside this document.

Web - based Resources on EPA’s CAFO Regulations

Final Federal Rule on Confined Animal Feeding Operations (CAFOs)

<http://cfpub.epa.gov/npdes/afo/cafofinalrule.cfm>

This website contains the federal CAFO rule and EPA factsheets on the CAFO Rule.

Livestock Agriculture: Increased EPA Oversight Will Improve Environmental Program for Concentrated Animal Feeding Operations

<http://www.gao.gov/new.items/d03285.pdf>

This links to a 2003 GAO Report to Congress regarding EPA regulation of CAFOs.



The Mid Atlantic Regional Water Quality Program is a coordinated effort among:

Delaware State
University of Maryland
Virginia Tech

University of Delaware
Penn State University
West Virginia State

University of Maryland, Eastern Shore
Virginia State University
West Virginia University

What exactly is a CAFO?

An animal feeding operation (AFO) is an agricultural facility where animals are kept and raised in confined situations; where feed is brought to the animals and all elements of production, including feed, wastes and dead animals, are concentrated in one area. There are approximately 450,000 AFOs in the United States.

A Concentrated Animal Feeding Operation (CAFO) is usually defined as an AFO with 1000 animal units (1 animal unit = 1000 pounds) or more. “Medium” or smaller AFOs can be considered CAFOs for regulatory purposes if they discharge to surface waters or allow animal contact with surface water running through a confinement area. Under the NPDES program, CAFOs - regardless of size - require a discharge permit. The table below contains approximate animal numbers that would represent “large” or “medium” CAFOs under the Federal definition.

	“Large” (# of animals)	“Medium”
mature swine	2,500	750
immature swine	10,000	3,000
head of beef cattle	1,000	300
head of mature cows	700	200
head of heifers	1,000	300
veal calves	1,000	300
laying hens	82,000	25,000
chickens	125,000	37,500
turkeys	55,000	16,500
ducks (dry manure)	30,000	10,000
ducks (wet manure)	5,000	1,500

The new Federal rules include some important provisions State programs must incorporate, including:

Nutrient Management Plan Requirements. All CAFOs must develop and implement a nutrient management plan that includes adequate manure storage, proper operation and maintenance of storage facilities, animal mortality management, no direct animal contact with surface waters, proper chemical disposal, and conservation practices, and specify the use of proper agronomic rates of nutrient application to meet crop nutrient needs.

Poultry Operations. “Large” poultry operations, regardless of the type of waste disposal system used or whether the litter is managed in dry or wet forms, must be included in State CAFO programs.

Production and Land Application Areas Subject to Permit. The production area (animal confinement, manure storage, raw material storage, and wastewater containment areas) and the application of CAFO manure, litter, or process wastewaters to land under the control of the CAFO (owned, rented, or leased) are subject to NPDES permit requirements.

Immature Animal Stand-Alone Operations. Operations raising immature animals, such as heifer raising operations and swine nurseries, are now included in the Federal CAFO program.

How the States are Responding

Each of the 5 Mid Atlantic States - Delaware, Maryland, Pennsylvania, Virginia and West Virginia - have delegated regulatory authority for CAFOs within their States. Therefore, these States each must update their existing programs, in order to incorporate recent changes to the Federal regulations. Each State's process will be different; contact your State's permitting authority for specific information about regulation changes and public involvement.

Delaware

Delaware's Nutrient Management Commission (NMC), Department of Natural Resources and Environmental Control (DNREC) and Department of Agriculture are jointly working to revise the CAFO permitting program. A CAFO task force was established and began meeting in March of 2003. Draft CAFO regulations will be presented to the agricultural community during the summer of 2004. The State is scheduled to adopt standards by March of 2005. For more information, contact William R Rohrer Jr. with the NMC at William.Rohrer@state.de.us, or visit the NMC website at <http://www.state.de.us/deptagri/nutrients/index.htm> or contact Kevin Donnelly with DNREC at kdonnelly@state.de.us.

Maryland

In Maryland, the Maryland Department of the Environment (MDE) has facilitated the revision of its CAFO regulatory program through a small working group made up of State and local agencies and members of the agricultural community. For more information, contact Jim Dieter at MDE: jdieter@mde.state.md.us.

Pennsylvania

The Pennsylvania Department of Environmental Protection (DEP) created a stakeholder-driven working group to update the State's CAFO regulatory program. Information from workgroup meetings is available at <http://www.dep.state.pa.us/dep/subject/stakeholders/CAFO/cafo.htm>. For more information, contact Cedric Karper at PA DEP: ckarper@state.pa.us. The Penn State Cooperative Extension has developed a detailed guide to the new Federal rules, as well as the existing State regulations. This publication is available at <http://agenvpolicy.aers.psu.edu/Publications/CAFO2003%20414CX.pdf>.

Virginia

The Virginia Department of Environmental Quality formed a technical advisory committee of stakeholders to revise and reissue the CAFO and poultry general permits and include requirements from the recent federal rule change. Draft regulations have been completed and are going to the state water control board for approval prior to release for public comment. Information about the permitting program can be viewed at <http://www.deq.state.va.us/vpa/homepage.html> or by contacting Jon van Soestbergen at jvansoestbergen@deq.state.va.us.

West Virginia

The WV Department of Environmental Protection - Division of Water & Waste Management has assembled a workgroup of State, University and producer representatives to revise WV's CAFO program. A draft permit will be released for public review by April 2004. For more information about the permit or the process, contact Bob Bates at (304) 558-4086 or bbates@wvdep.org.

For more information on CAFOs and the CAFO Rule:

The EPA Ag Center

<http://www.epa.gov/agriculture/anafoidx.html>

This website contains information about environmental requirements specific to livestock operations.

Animal Feeding Operations: Laws, Regulations, Policies, and Guidance

<http://www.epa.gov/agriculture/anafolaw.html>

This website features information about State laws and regulations affecting animal feeding operations.

CAFO Fact Sheets - Livestock and Poultry Environmental Stewardship (LPES)

<http://www.lpes.org/CAFO.html>

This website contains 24 fact sheets designed to answer questions about how the Federal CAFO rule affects livestock and poultry operations.

Confined Animal Production and Manure Nutrients

<http://www.firstgov.gov/fgsearch/index.jsp?mw0=CAFO&rn=96&in0=domain&dom0=usda.gov+fs.fed.us+ag.gov>

This links to a USDA Economic Research Service Report on the land application of manure nutrients from confined animal production.

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Land Grant Universities and USDA's Cooperative State Research, Education and Extension System (CSREES), working with USEPA Region 3, have formed a partnership to advance water quality protection and restoration efforts in the Mid-Atlantic by providing water quality science support, training and education.

**To learn more about the
Mid-Atlantic Regional Water Quality Program
visit our website at:**

<http://www.mawaterquality.org>

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