

CAFO RULE FACT SHEET

National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations

Revisions to the Concentrated Animal Feeding Operations (CAFO) rules were announced by the U. S. Environmental Protection Agency (EPA), December 15, 2002. **THESE REVISED RULES WILL AFFECT LIVESTOCK MARKETS and DEALER HOLDING PENS.**

Is My Marketing Operation Subject to the CAFO Rules?

For a livestock facility to be considered a CAFO, it must first meet the animal feeding operation (AFO) definition. An AFO is generally defined as a place where animals are confined, fed or maintained for 45 days or more in any 12-month period. An AFO does not include animals grazing or otherwise feeding in pastures, fields, or on rangeland. (EPA considers an animal on a facility for any portion of a day to be there for a full day. Also, the animals do not have to be the same animals for 45 days nor do the 45 days have to be consecutive. Also, the 12-month period does not have to correspond to the calendar year. For example, June 1 to the following May 31 would constitute a 12-month period.)

EPA interprets “maintained” in the AFO definition to mean that the animals are confined in an area where waste is generated and/or concentrated. Maintained can also mean that the animals in the confined area are watered, cleaned, groomed, or medicated. **This interpretation gives EPA or State CAFO permitting authorities the ability to regulate animal operations such as dairy farms, stockyards, and auction markets where animals may not be fed, but are confined temporarily.** (EPA 2000 CAFO Guidance Document.)

What is a CAFO?

CAFOs are referred to in the revised rules as large or medium CAFOs. Which is your facility?

Large CAFOs

Your operation is a Large CAFO if it has at least

- 700 mature dairy cows • 1,000 veal calves • 1,000 beef cattle or heifers • 500 horses
- 2,500 swine (each 55 lbs or more) • 10,000 swine (each under 55 lbs) • 10,000 sheep or lambs

Medium CAFOs

Your operation is a Medium CAFO if

A man-made ditch or pipe carries manure or wastewater from your operation to surface water **or** your animals come into contact with surface water running through the area where they're confined

And your operation has at least

- 300 beef cattle or heifers • 200 mature dairy cows • 300 veal calves • 150 horses
- 750 swine (each 55 lbs or more) • 3,000 swine (each under 55 lbs) • 3,000 sheep or lambs

Designated CAFOs

No matter what size your operation is, if it is an AFO, it may be designated a CAFO. If the permitting authority inspects your operation and finds that it's adding pollutants to surface waters, you might need a CAFO permit.

My marketing operation is a CAFO. What do I have to do?

Under the revised rules you have a duty to apply to your permitting authority for a permit. Most states have the authority to manage CAFO programs and issue permits. State CAFO programs are based on the revised national CAFO regulation. You should contact your permitting authority to find out what your *state-specific* requirements are and how to apply for a permit.

What will my operation's permit require?

Your CAFO permit will require you to meet certain conditions for the areas where animals are confined and manure stored and land application areas. The specific requirements of your permit will depend on whether your operation is a Large, Medium, or designated CAFO.

You can expect your permit to require you to:

- **Implement a nutrient management plan.** A typical plan for beef cattle must include provisions for: (1) assuring adequate manure storage capacity; (2) proper handling of dead animals and chemicals; (3) diverting clean water from the confinement area; (4) keeping animals out of surface water, such as ponds and water holes; (5) using site-specific conservation practices; (6) developing ways to test manure and soil; (7) assuring appropriate use of nutrients when you spread manure (When **transferring manure to other persons** you must keep records for at least 5 years on the date, recipient, amount, and nutrient content of the manure you transferred and information about the nutrient content of your manure must be given to the recipient.); and (8) keeping records of your nutrient management practices.
- **Submit annual reports to your permitting authority**
- **Keep your permit current until you completely close your operation and remove all manure**
- **Keep records of your nutrient management practices for at least 5 years** (See the EPA pamphlet: *What Are the Federal Record-Keeping and Reporting Requirements?*)

For additional information go to EPA's website on the revised CAFO rules at: <http://cfpub.epa.gov/npdes/afo/cafofinalrule.cfm>; contact your state CAFO permitting authority; and/or call Nancy Robinson at LMA at 800-821-2048.

