



Livestock and Poultry Environmental Stewardship (LPES) curriculum

CAFO Fact Sheet series

Fact Sheet #14: Pasture-Based Operations: Could Part of My Operation Be an AFO?

Disclaimer

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By Chris Henry, University of Nebraska-Lincoln

Introduction

A pasture-based operation is generally not required to obtain an NPDES permit. However, if the operation includes a confinement area, this part of the operation may be considered an Animal Feeding Operation (AFO). This fact sheet explains the conditions under which an operation would be considered an AFO. To avoid the possible need for a permit, pasture-based operations should manage facilities and feeding areas to reduce the likelihood of being considered an AFO.

Operations that pasture cattle in crop fields or grass pasture must first be defined as an AFO before they can be considered a Concentrated Animal Feeding Operation (CAFO). If livestock are kept and fed in a field that does not annually sustain crops, vegetation, or forage growth, or contain post-harvest residues, this area would be considered "confined." If the animals were confined for more than 45 days in a 12-month period, the operation would be an AFO. It then could be considered a CAFO depending on factors including the number of animals confined at that location, surface water contact, and man-made conveyance of runoff. Only operations that meet the definition of a CAFO are required to apply for an NPDES permit.

AFO Situations

The Environmental Protection Agency (EPA) or the state regulatory agency defines an AFO as a lot or facility where 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**. Animals are not considered to be stabled or confined when they are in areas such as pastures or rangeland that sustain crops or forage growth during the entire time that animals are present.

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EPA does not intend to require pasture-based livestock operations to apply for NPDES permits. However, as with any regulations, states can have more stringent requirements than EPA.

A pasture-based operation, where animals wander freely to and from areas for food and shelter, is not considered an AFO. However, some pasture- and grazing-based operations may have confinement areas that qualify as an AFO. Incidental vegetation, such as weeds, in a clear area of confinement, such as a feedlot or pen, would not exclude an operation from meeting the definition of an AFO.

In the case of a winter-feeding situation, the “no vegetation” criteria in the AFO definition is to be evaluated during the winter. Therefore, use of a winter feeding area to grow crops or other vegetation during periods of the year when animals are not present *would not exclude* the area from meeting the definition of an AFO, if animals are confined in the area for more than 45 days in a 12-month period.

Conversely, a feeding area in a pasture that does not confine the animals (i.e., gate is open) and allows free access to rangeland or pasture would not qualify as a confined feeding area and would not be considered an AFO, regardless of the surface condition of the lot.

Assessing Your Operation

Use the following decision process to identify if your pasture or grazing operation could require a permit. This decision process is shown graphically on page 3.

Step 1. Is any field where animals spend time devoid of vegetation? If the field is not cropped or maintains vegetation, this area may be considered a confined feeding area.

Step 2. Are animals confined for more than 45 days during any 12-month period? If livestock are not kept in the confined area for more than 45 days, they would not be considered an AFO. Confinement of more than 45 days would define the operation as an AFO. For the pur-

poses of this determination, any part of a day counts as a whole day.

How to Avoid Being an AFO

To avoid meeting the definition of an AFO, you will need to manage facilities so that they are considered pasture-based operations. This management may require keeping things mobile, such as hospital facilities, working chutes and penning, and feeding facilities, or utilizing these areas for less than 45 days during any 12-month period. Do not allow animals to destroy the vegetation in an area that could be considered a confinement.

Tips to Avoid Becoming an AFO

Do

- Keep gates open and allow free access to pastures and rangeland.

Do *not*

- Confine animals for more than 45 days in a 12-month period.
- Allow animals to completely destroy vegetation in a lot or confined area that could be considered a confinement.

Summary

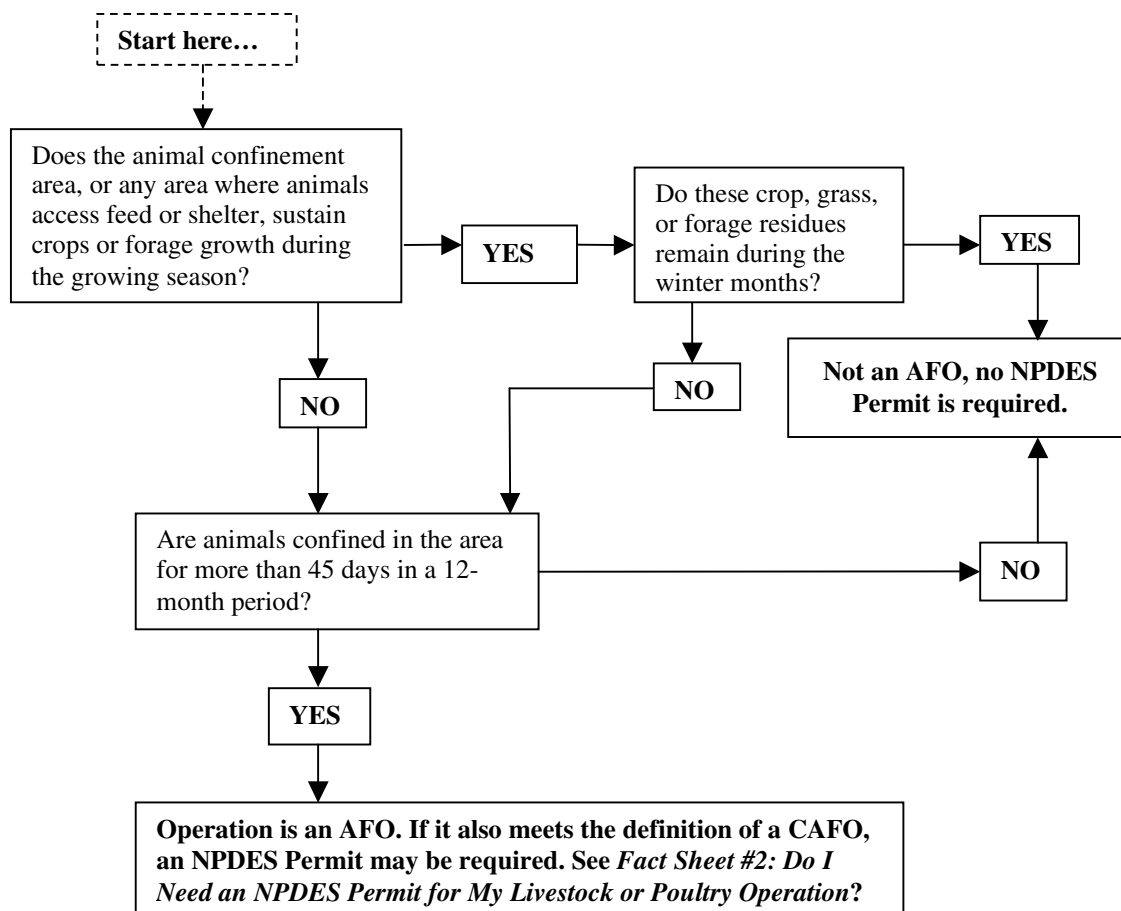
To avoid the potential requirement for an NPDES permit, pasture-based livestock producers should manage their operations so that they will not meet the definition of an AFO. This may require taking a different approach, than in the past, to managing confined feeding areas on cropland, pastures, and rangeland and limiting the amount of time livestock spend in confined areas. Mitigating impact to surface waters and maintaining vegetation in confined areas is key to being excluded from the CAFO regulations. ●

Definition of Terms

AFO—Animal Feeding Operation. This can be either livestock or poultry.

Fact Sheet #14 (continued)

A m I a n A F O ?



Definition of Terms (continued)

CAFO—Concentrated Animal Feeding Operation. An AFO that meets the definition of a CAFO must apply for an NPDES permit.

EPA—Environmental Protection Agency.

NPDES—National Pollutant Discharge Elimination System. The permit program that regulates CAFOs.

State Permitting Authority—In many states, the state regulatory agency has the authority to administer federal permit programs such as the NPDES permit.

Authors

Chris Henry, an Extension Engineer at the University of Nebraska-Lincoln, can be reached at chenry1@unl.edu.

Reviewers

The author wishes to thank Ralph Summers, EPA Region 7; Gary Buttermore and Alan Rosenboom, Nebraska Department of Environmental Quality; and Claudia Elkins, Kansas Department of Health and Environment, for their review of this fact sheet.

For More Information

Environmental Regulations Related Resources

EPA CAFO Phone Line–202-564-0766

<http://www.epa.gov/npdes/caforule/>–To obtain copy of regulations

<http://www.epa.gov/npdes/afo/statecontacts/>–To obtain state environmental agency contacts

<http://www.epa.gov/agriculture/animals.html/>–To obtain compliance assistance information from EPA

http://cfpub.epa.gov/npdes/contacts.cfm?program_id=7&type=REGION/–To obtain EPA Region Animal Feeding Operation contacts

Land-Grant University Resources

The local contact for your land-grant university Cooperative Extension program is listed in the phone book under “Cooperative Extension” or “(county name) County Cooperative Extension.”

<http://www.reeusda.gov/1700/statepartners/usa.htm/>–To obtain state Cooperative Extension contacts

<http://www.lpes.org/>–To view the Livestock and Poultry Environmental Stewardship (LPES) curriculum resources

USDA Farm Bill Resources

To obtain more information about the Farm Bill 2002, see the USDA-NRCS website at <http://www.nrcs.usda.gov/programs/farmbill/2002/>. You can also contact your local USDA Service Center, listed in the phone book under “U.S. Department of Agriculture,” or your local conservation district.



The LPES educational materials were developed with support from the USDA-CSREES, the U.S. EPA’s National Agriculture Compliance Assistance Center, and the University of Nebraska Cooperative Extension at Lincoln, under Cooperative Agreement Number 97-EXCA-3-0642.



MidWest Plan Service
122 Davidson Hall, ISU
Ames, IA 50011-3080

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