



Livestock and Poultry Environmental Stewardship (LPES) curriculum

CAFO Fact Sheet series

Fact Sheet #21: What is the Agricultural Storm Water Exemption?

Disclaimer

This fact sheet reflects the best professional judgment of the contributing authors and is based on information available as of the publication date. Also, your state may have additional, more stringent requirements than EPA's requirements. Contact your permitting authority for complete information on the regulations that apply to you.

Copyright © 2003.
MidWest Plan Service.
Iowa State University,
Ames, Iowa 50011-3080.

Copyright Permission

For copyright permission, call MidWest Plan Service (MWPS) at 515-294-4337. Organizations may reproduce this fact sheet for non-commercial use, provided they acknowledge MWPS as the copyright owner and include the following credit statement:

Reprinted from Livestock and Poultry Environmental Stewardship curriculum, fact sheet authored by Joe Harrison, Washington State University, courtesy of MidWest Plan Service, Iowa State University, Ames, Iowa, 50011-3080 and your land-grant universities, Copyright © 2003.

By Joe Harrison, Washington State University

Introduction

Animal feeding operations (AFOs) can be defined as concentrated animal feeding operations (CAFOs) and required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency (EPA) or a designated state permitting authority. The likelihood of an AFO being classified as a CAFO will depend, in large part, on whether that operation is considered to be large, medium, or small.

How is the EPA applying the agricultural storm water exemption? EPA has determined that it is appropriate to base the difference between agricultural storm water discharges and regulated point source discharges of manure, litter, and process wastewater from a CAFO on whether the manure and process wastewater (see definition at end of fact sheet) has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater. However, where such practices have not been used, it is reasonable to conclude that land application discharges of manure, litter, or process wastewater are not agricultural storm water but are discharges and considered a point source. When manure and process wastewater is applied in accordance with practices designed to ensure appropriate agricultural utilization of nutrients, it is a beneficial agricultural input.

Dry weather discharges of manure or process wastewater resulting from its application to land area under the control of a CAFO would not be considered an agricultural storm water discharge and would thus be subject to Clean Water Act requirements.

Fact Sheet #21 (continued)

Producer Practices to be Followed

One requirement of CAFOs is to use site-specific nutrient management practices to apply manure and wastewater, ensuring appropriate agricultural utilization of the nutrients in the manure and wastewater.

The specific types of practices that are needed to ensure appropriate agricultural utilization of nutrients are as follows:

1. Identify appropriate site-specific conservation practices to be used, including buffers or equivalent practices, as appropriate, to control runoff of pollutants to waters of the United States.
2. Identify methods for appropriate testing of manure, litter, process wastewater, and soil.
3. Establish methods to land apply manure, litter, or process wastewater according to site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
4. Identify records that will be maintained to document the implementation and management of the minimum components of a nutrient management plan. See *CAFO Fact Sheet #6* for more information about record keeping.

Time Line for Compliance

The owner of a livestock or poultry operation defined as a CAFO has a “Duty to Apply” for an NPDES permit. The deadline for an NPDES permit application is as follows:

Type of Operation	Permit Application Deadline
<i>Existing animal operation historically defined as a CAFO by EPA rules:</i>	
And operating with current NPDES permit.	180 days prior to expiration of current permit

But operating without an NPDES permit.	Immediately
--	-------------

Existing animal operation NOT historically defined as a CAFO by EPA rules:

But now a CAFO.	Deadline set by permit authority but no later than April 13, 2006
Due to its original size but now a CAFO due to expansion.	As soon as possible, but no later than 90 days after expansion
Due to a past exemption under the original CAFO rule (e.g., species exemption) but now a CAFO following expansion.	April 12, 2006 or 90 days after expansion, whichever is later

Newly constructed CAFO:

Large enough to be a CAFO	180 days before beginning operation
---------------------------	-------------------------------------

For additional information on the time line for compliance, see *CAFO Fact Sheet #3: How Soon Must I Comply with NPDES CAFO Regulations?* ●

Definition of Terms

AFO—Animal (livestock or poultry) Feeding Operation

CAFO—Concentrated Animal Feeding Operation. Animal feeding operations classified as large or presenting a high risk to discharge can be classified as CAFOs and are likely required to have an NPDES permit.

NPDES—National Pollutant Discharge Elimination System

Fact Sheet #21 (continued)

Process wastewater—Water directly or indirectly used in the AFO's operation 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 that comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

Author

Joe Harrison, a Nutrient Management Specialist at Washington State University, can be reached at harrison@puyallup.wsu.edu.

Reviewers

The author wishes to thank Wendy Powers, Iowa State University; Nora Mena, Washington Department of Ecology; David Schmidt, University of Minnesota; and John Gillies, Washington Natural Resource Conservation Service, 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

MWPS (MidWest Plan Service), headquartered at Iowa State University, is the primary distributor of LPES curriculum materials. To order the materials online, access their website at <http://www.mwps.org> and visit the catalog section.

Discounts are offered on LPES materials purchased as package deals or in bulk.