

UPDATE ON CAFO NPDES PERMITTING IMPLEMENTATION

CAFO Roundtable

Tacoma, Washington
September 14, 2007



Date Change Rules

EPA actions to address need to extend deadline to accommodate rule development:

	Original 2003 Rule	2/06 Date Change Rule	7/07 Date Change Rule
Newly defined CAFOs must apply for permits	Feb 13, 2006	July 31, 2007	Feb 27, 2009
Permitted CAFOs must develop and implement NMPs	Dec 31, 2006	July 31, 2007	Feb 27, 2009

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State Activities to Date Pertaining to the *Waterkeeper* Decision

From information provided by ASIWPCA as of 07/2007

- At least 18 States (out of 28 responders) have revised programs/ permits since *Waterkeeper*
 - At least 12 of the 18 are in direct response to *Waterkeeper*

From information provided by EPA Regions as of 04/2007

- 30 States currently require NMPs with permit applications
- 28 States review the NMPs along with the permit applications
- 20 States require public review of NMPs

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Between Now and Final Rule ...

As stated in AA memo from 5/2/07:

- Regions should continue to work with State permitting authorities to implement existing CAFO regulatory and permitting requirements.
- Changes in the compliance dates would not supersede existing state requirements
- Existing CAFOs that were supposed to be permitted prior to 2003 still need permits.
- Currently permitted CAFOs must develop NMPs if stated in permits.
- New Sources that discharge or propose to discharge must seek permit coverage at least 180 days prior to commencement of operations.
- New Source permitted CAFOs must meet land application requirements upon permit issuance.
- NMPs can still be developed now to avoid backlog.

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EPA (OW/OECA) CAFO Implementation Assistance Package

- Based on need expressed in AATF conference call
- Will contain the following information:
 - State activities in response to *Waterkeeper*
 - Information on what States can do while waiting for the Final Rule
 - Preliminary rough estimates of CAFOs with discharges by State under *Waterkeeper*
 - OECA enforcement activities

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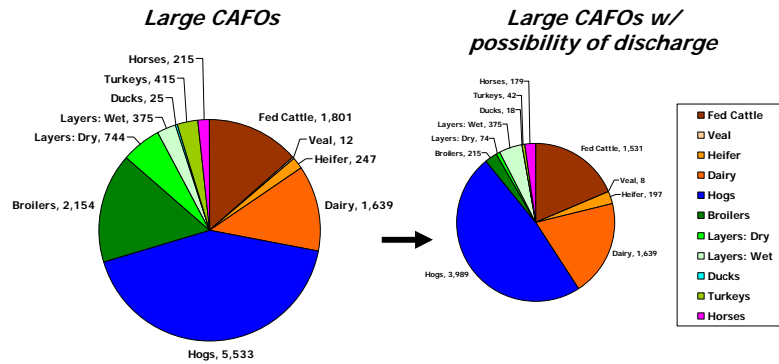
Ongoing Activities

- Manure Management Planner (MMP) software w/ USDA
- NMP training
- Helping States revise programs

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U.S. Distribution of Large CAFOs by Animal Sector (2006)



	CAFOs under 2003 Rule	CAFOs in 2006 (reported by Regions)	Est. CAFOs needing permits under Waterkeeper (w/ discharges)
Estimated Large CAFOs in U.S. (>1,000AU)	10,742	13,400	8,419
Estimated Medium CAFOs in U.S. (300-1,000AU)	4,625	5,600	5,600
Total CAFOs in U.S.	15,367	19,000	14,019



Need State-level picture of CAFO universe post-Waterkeeper

- Need estimates of dischargers by state for GPRA
 - Current GPRA measures: Number, and national percent, of CAFOs covered under NPDES permits
 - OWM needs to convert current measures from “indicators” to “targets”
- Extremely difficult to estimate # of dischargers by State due to uncertainty of how many, where, etc.
- Preliminary estimates (see next slide) are very rough and must be vetted extensively (w/ USDA, EPA Regions, etc.) before being entered as GPRA targets

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Preliminary Estimates of Dischargers by State

States Only:

Contact s.rolland@asiwpc.org at ASIWPCA for table USEPA distributed at meeting.

Thank you.

1. As reported by EPA Regions as of 3/31/07.
2. Rural Branch derived these State-level estimates of CAFOs that could be discharging through a series of analytical steps. First, Rural Branch started with the number of CAFOs by animal sector by State that OWM/OST had estimated for the 2003 rule analysis. Second, to update this estimate to 2005, Rural Branch applied the growth factors for each separate animal sector that OWM/OST had developed for the proposed 2006 Waterkeeper rule analysis to adjust for industry growth from 2002 to 2005. These growth factors reflected trendlines from NAHMS species reports, the 2003 Demographics Report, and 2002 Census of Agriculture. Third, Rural Branch then applied estimates that OWM/OST had developed for the 2006 proposed rule of percentages of discharging facilities in each operational category to project the number of facilities out of the total CAFOs of each animal type in each State that might experience a discharge.



On-going Grants

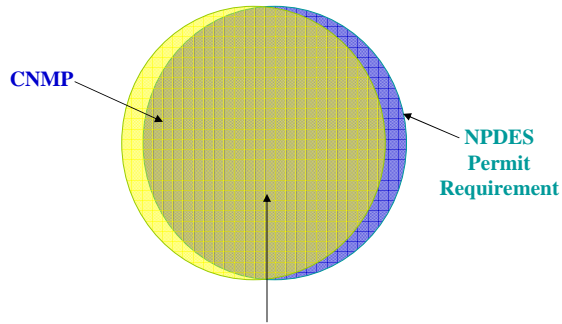
Grantee	Subject	Funding Level	Project End
Iowa Cattlemen's Assn	Monitoring of alternative technologies at open beef feedlots	\$498,389	6/30/07
Minnesota Dept of Ag	Standardization of manure testing	\$352,100	9/30/06
Purdue Univ	MMP refinements	\$334,200	1/31/08
Univ of Missouri	System-based weather info for CAFOs	\$142,054	9/30/06
LSU	Treatment alternatives; bio-energy	\$116,276	9/30/06
MD Dept of Ag	Demonstration and outreach on waste management practices at poultry CAFOs	\$90,250	3/31/08
Sustainable Conservation	Technology and conservation practice outreach to CA dairies	\$60,000	9/30/06

→ New \$8mill grant to offer environmental assessments and NMPs to CAFOs.

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CNMP vs. NPDES-NMP

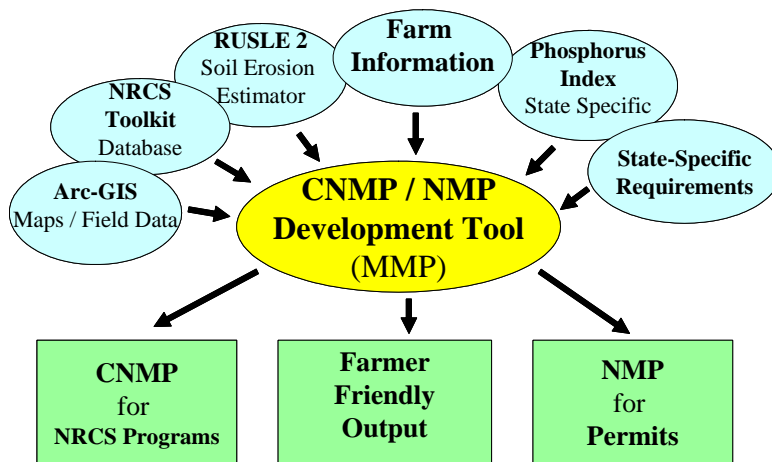


CNMP and NPDES Overlap

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“One Stop Shop”– Nutrient Management Planning Using MMP



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