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UNL's Livestock Environmental Issues Committee
Includes representation from UNL, Nebraska Department of Environmental Quality, Natural Resources Conservation Service, Natural Resources Districts, Center for Rural Affairs, Nebraska Cattlemen, USDA Ag Research Services, and Nebraska Pork Producers Association.

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New EPA Rules Targeting Livestock and Poultry Industry

Rick Koelsch, Livestock Environmental Engineer,
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Congress passed the Clean Water Act (CWA) in 1972 to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Among its core provisions, it prohibits the discharge of pollutants from a point source to waters of the United States except as authorized by an NPDES permit. EPA's regulation of concentrated animal feeding operations (CAFOs) under the CWA dates to the 1970s. EPA established effluent guidelines for feedlots in 1974 based on the best available technology that was economically achievable for the industry. CAFO regulations issued in 1976 determined which animal feeding operations (AFOs) were defined or could be designated as CAFOs under the CWA and therefore subject to NPDES permit regulations.

The new CAFO rules that took affect April 14, 2003 were adopted within the authority of the 1972 CWA to address changes in the animal feeding industries. The final rules are more inclusive of all livestock and poultry sectors, removed several registration exemptions, reflect a greater focus on land application of manure and wastewater, and emphasize accountability, inspections, and record keeping while retaining appropriate state flexibility. The rule eliminates current permitting exemptions and expands coverage over types of animals in three important ways: 1) the rule eliminates the exemption that excuses CAFOs from applying for permits if they only discharge during large storms; 2) the rule eliminates the exemption for operations that raise chickens with dry manure handling systems; and 3) the rule extends coverage to immature swine and immature dairy cows.

The new rule will affect large livestock and poultry operations. Large CAFOs are defined in the rule as operations raising more than 1,000 cattle, 700 dairy cows, 2,500 swine, 10,000 sheep, 125,000 chickens, 82,000 laying hens, and 55,000 turkeys in confinement. The timeline for compliance with these regulations are summarized in the table below:

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Type of Operation	Permit Application Deadline
Existing animal operation historically defined as a CAFO by EPA rules:	
And operating with current NPDES permit.	180 days prior to expiration of current permit
But operating without a NPDES permit.	Immediately
Existing animal operation NOT historically defined as a CAFO by EPA rules:	
But now a CAFO.	No later than April 12, 2006
Due to its original size but now a CAFO due to expansion.	90 days after expansion
Due to the species not being included in the original EPA rule but now a CAFO following expansion.	April 12, 2006 or 90 days after expansion, whichever is later
New animal operation	
Large enough to be a CAFO, thus considered a new source.	180 days before beginning operation

To help these livestock operations meet the rule's requirements, Congress increased funding for land and water conservation programs in the 2002 Farm Bill. The Environmental Quality Incentives Program (EQIP) was authorized nationally at $200 million in 2002 and will ultimately go up to $1.3 billion in 2007; 60 percent of those funds must go to livestock operations. In Nebraska, NRCS has designated 20% of their EQIP funds to specifically assist confinement livestock and poultry operations.

The University of Nebraska is helping the livestock and regulatory communities with the implementation of these new regulations. Key activities hosted to date include the following:

A UNL's Livestock Environmental Issues committee hosted a one-day workshop and planning session with EPA representation for key stakeholder groups in Nebraska (50 people in attendance) including the leadership of the livestock and poultry industry.

A UNL Cooperative Extension in cooperation with agricultural commodity associations sponsored six regionally distributed workshops targeting livestock and poultry producers attended by 215 people and a Feedlot Roundtable series of presentations attended by about 125 feedlot representatives.

A UNL faculty co-leads a four state (EPA Region 7) project that has hosted a two-day workshop, co-sponsored by EPA Region 7, for the regulatory community on CAFO Regulation Implementation. The focus of the workshop was to share land grant university research relevant to four key issues being addressed by the CAFO regulations. Delegations from the state environmental quality agencies in NE, KS, IA, and MO as was as EPA Region 7 and the EPA Ag Compliance Assistance Center (Ag Center) participated. Additional activities targeting CAFO regulations are being planned jointly with EPA Region 7.

A UNL Faculty lead a national effort involving 15 land grant university faculty and several EPA representatives to develop a series of CAFO Regulation Fact Sheets. A

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series of 15 national fact sheets are due to be released July 1, 2003. This collaborative land grant university initiative involves the EPA Ag Center and representatives of the EPA Office of Water, authors of the CAFO regulations.

These regulations will present many challenges to the livestock and poultry communities in Nebraska. University of Nebraska programs are targeting both the regulatory and animal feeding industries with science based information to assist in the implementation of these new regulatory standards.

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