Fact Sheet #2: Do I Need a NPDES Permit for My Livestock or Poultry Operation

Richard K. Koelsch
University of Nebraska - Lincoln, rkoelsch1@unl.edu

Follow this and additional works at: https://digitalcommons.unl.edu/biosysengpres


This Article is brought to you for free and open access by the Biological Systems Engineering at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Conference Presentations and White Papers: Biological Systems Engineering by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.
Introduction

New U.S. Environmental Protection Agency (EPA) rules that took effect April 14, 2003 indicate that 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 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.

Assessing Your Operation

Use the four-step decision process on page 2 to identify if your livestock or poultry operation needs an NPDES permit.

Step 1. Is my livestock or poultry operation an AFO? The NPDES permit is typically not required for grazing-based animal operations. Operations may be required to have a permit only if the animals are fed or housed in a confined area for more than 45 days in any 12-month period and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Step 2. Is my livestock or poultry operation a Large CAFO? AFOs are grouped into three sizes: Large, Medium, or Small (see Table 1). With very few exceptions, large AFOs are defined as CAFOs.

Step 3. Is my livestock or poultry operation a Medium CAFO? A medium AFO can be defined as a CAFO if animals are in direct contact with surface water running through the confinement area OR it discharges into waters of the United States through a man-made ditch, flushing system, or other similar device, OR the permitting authority determines the facility is a significant contributor of pollutants to waters of the United States and designates the facility as a CAFO.
Step 1. Is my livestock or poultry operation an AFO?

Does livestock or poultry operation house or feed animals in a confined area for more than 45 days in any 12-month period?

YES

Does the animal confinement area sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the lot or facility?

YES

Not an AFO. (No NPDES permit required)

NO

No, My Operation is an AFO.

Step 2. Is my livestock or poultry operation a Large CAFO?

Complete Table 1 for your operation. Are there any checks in Column A?

YES

NPDES permit is required. Producer must submit application.*

NO

* Some large CAFOs may demonstrate no potential to discharge and not need an NPDES permit.

Step 3. Is my livestock or poultry operation a Medium CAFO?

Complete Table 1 for your operation. Are there any checks in Column B?

YES

1. Are animals in contact with waters of the U.S. running through the confinement area? OR
2. Is a man-made ditch or pipe carrying manure or wastewater from animal housing or feeding area to waters of the U.S.? OR
3. Has permitting authority designated operation as a CAFO?

NO to all

No Duty to Apply

YES to any

NPDES permit is required. Producer must submit application.

NO

Step 4. Is my livestock or poultry operation a Small CAFO? (designated by EPA or permitting authority after inspection)

Complete Table 1 for your operation. Are there any checks in Column C?

YES

1. Are animals in contact with waters of the U.S. running through the confinement area? OR
2. Is a man-made ditch or pipe carrying manure or wastewater from animal housing or feeding area to waters of the U.S.?

NO to both

Regulatory Authority has determined that this operation is contributing significant pollutants to surface water?

YES to either

No Duty to Apply

NO

NPDES permit is required. Producer must submit application.
Step 4. Is my livestock or poultry operation a Small CAFO? Small AFOs can be designated as a CAFO only if animals are in direct contact with surface water running through the confinement area OR it discharges into waters of the United States through a man-made ditch, flushing system, or other similar device AND the permitting authority designates the AFO as a CAFO due to its potential to contribute significant pollutants to waters of the United States. The designation of a medium or small AFO as a CAFO has historically been a very rare occurrence. Medium or small AFOs are designated a CAFO only following an on-site inspection.

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:

Table 1. AFOs are classified as small, medium, or large according to the following species animal numbers. Check the number of animals in your AFO.

<table>
<thead>
<tr>
<th>Species</th>
<th>Column A: Large</th>
<th>Column B: Medium</th>
<th>Column C: Small</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beef cattle</td>
<td>1,000 or more</td>
<td>300 to 999</td>
<td>less than 300</td>
</tr>
<tr>
<td>Veal</td>
<td>1,000 or more</td>
<td>300 to 999</td>
<td>less than 300</td>
</tr>
<tr>
<td>Mature dairy cattle</td>
<td>700 or more</td>
<td>200 to 699</td>
<td>less than 200</td>
</tr>
<tr>
<td>Dairy heifers</td>
<td>1,000 or more</td>
<td>300 to 999</td>
<td>less than 300</td>
</tr>
<tr>
<td>Swine (55 lbs or more)</td>
<td>2,500 or more</td>
<td>750 to 2,499</td>
<td>less than 750</td>
</tr>
<tr>
<td>Swine (less than 55 lbs)</td>
<td>10,000 or more</td>
<td>3,000 to 9,999</td>
<td>less than 3,000</td>
</tr>
<tr>
<td>Turkeys</td>
<td>55,000 or more</td>
<td>16,500 to 54,999</td>
<td>less than 16,500</td>
</tr>
<tr>
<td>Laying hens or broilers(^1)</td>
<td>30,000 or more</td>
<td>9,000 to 29,999</td>
<td>less than 9,000</td>
</tr>
<tr>
<td>Laying hens(^2)</td>
<td>82,000 or more</td>
<td>25,000 to 81,999</td>
<td>less than 25,000</td>
</tr>
<tr>
<td>Chickens except laying hens</td>
<td>125,000 or more</td>
<td>37,500 to 124,999</td>
<td>less than 37,500</td>
</tr>
<tr>
<td>Ducks(^1)</td>
<td>5,000 or more</td>
<td>1,500 to 4,999</td>
<td>less than 1,500</td>
</tr>
<tr>
<td>Ducks(^2)</td>
<td>30,000 or more</td>
<td>10,000 to 29,999</td>
<td>less than 10,000</td>
</tr>
<tr>
<td>Sheep or lambs</td>
<td>10,000 or more</td>
<td>3,000 to 9,999</td>
<td>less than 3,000</td>
</tr>
<tr>
<td>Horses</td>
<td>500 or more</td>
<td>150 to 499</td>
<td>less than 150</td>
</tr>
</tbody>
</table>

\(^1\) Only applicable to poultry operations with liquid manure systems

\(^2\) Other than a liquid manure system

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
NPDES–National Pollutant Discharge Elimination System

Author
Rick Koelsch, a Livestock Environmental Engineer, at the University of Nebraska, can be reached at rkoelsch1.unl.edu.

Reviewers
The author wishes to thank Dennis Heitmann, Alan Rosenboom, and Gary Buttermore, Nebraska Department of Environmental Quality, for their review of this fact sheet.
## For More Information

<table>
<thead>
<tr>
<th>State Contacts</th>
<th>Nebraska</th>
<th>Kansas</th>
<th>Iowa</th>
<th>Missouri</th>
<th>National and Regional</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EPA CAFO Phone Line</strong></td>
<td>202-564-0766</td>
<td>202-564-0766</td>
<td>202-564-0766</td>
<td>202-564-0766</td>
<td>202-564-0766</td>
</tr>
<tr>
<td>State Environmental Regulatory Agency</td>
<td>Gary Buttermore (402)-471-4255 <a href="mailto:gary.Buttermore@ndeq.state.ne.us">gary.Buttermore@ndeq.state.ne.us</a></td>
<td>John Harsch (785) 296-0075 <a href="mailto:jharsch@kdhe.state.ks.us">jharsch@kdhe.state.ks.us</a></td>
<td>Gene Tinker (515) 281-3103 <a href="mailto:gene.tinker@dnr.state.ia.us">gene.tinker@dnr.state.ia.us</a></td>
<td>Randy Kixmiller (573) 751-6568 <a href="mailto:nrkixmr@dnr.state.mo.us">nrkixmr@dnr.state.mo.us</a></td>
<td>Ralph Summers (913) 551-7418 <a href="mailto:summers.ralph@epa.gov">summers.ralph@epa.gov</a></td>
</tr>
<tr>
<td>State Cooperative Extension</td>
<td>Rick Koelsch 402-472-4051 <a href="mailto:rkoelsch1@unl.edu">rkoelsch1@unl.edu</a></td>
<td>Joel DeRouchey (785) 532-2280 <a href="mailto:jderouch@oznet.ksu.edu">jderouch@oznet.ksu.edu</a></td>
<td>John Lawrence (515) 294-6290 <a href="mailto:jdlaw@iastate.edu">jdlaw@iastate.edu</a></td>
<td>John Lory (573) 884-7815 <a href="mailto:LoryJ@missouri.edu">LoryJ@missouri.edu</a></td>
<td>State Cooperative Extension contacts <a href="http://www.reeusda.gov/1700/statepartners/usa.htm/">http://www.reeusda.gov/1700/statepartners/usa.htm/</a></td>
</tr>
<tr>
<td>State Natural Resources Conservation Service (NRCS)</td>
<td>Mike Kucera (402) 471-4102 <a href="mailto:Michael.Kucera@ne.usda.gov">Michael.Kucera@ne.usda.gov</a></td>
<td>Lyle Frees (785) 823-4553 <a href="mailto:lyle.frees@ks.usda.gov">lyle.frees@ks.usda.gov</a></td>
<td>Chris Murray (515) 284-4370 <a href="mailto:chris.murray@ia.usda.gov">chris.murray@ia.usda.gov</a></td>
<td>Troy Chockley 573-876-9394 <a href="mailto:troy.chockley@mo.usda.gov">troy.chockley@mo.usda.gov</a></td>
<td></td>
</tr>
<tr>
<td>USDA Farm Bill Resources</td>
<td><a href="http://farmbill.unl.edu/">http://farmbill.unl.edu/</a></td>
<td>See national site</td>
<td>See national site</td>
<td>See national site</td>
<td><a href="http://www.nrcs.usda.gov/programs/farmbill/2002/">http://www.nrcs.usda.gov/programs/farmbill/2002/</a></td>
</tr>
</tbody>
</table>

**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.**

MWPS (MidWest Plan Service), headquartered at Iowa State University, is the primary distributor of LPES curriculum materials. To order the materials on-line, access their website at http://www.mwpshq.org and visit the catalog section. Discounts are offered on LPES materials.