

<p><b>Table of Contents for the CAFO Final Rule</b>  <b>Published in Federal Register on February 12, 2003</b>  <b>(68 FR 7176)</b></p>
---

<u>CAFO Final Rule Section</u>	<u>FR Page #</u>
A. General information .....	7177
1. What entities are potentially regulated by this final rule? .....	7177
2. How can I get copies of this document and other related information? .....	7178
B. Under what legal authority is this final rule issued? .....	7178
C. How is this preamble organized? .....	7178
D. What is the Comment Response document? .....	7178
E. What other information is available to support this final rule? .....	7179
<b>I. BACKGROUND INFORMATION .....</b>	<b>7179</b>
A. What is the context for this rule? .....	7179
B. Why is EPA revising the existing effluent guidelines and NPDES regulations for CAFOs? ..	7179
C. What are the environmental and human health concerns associated with improper management of manure and wastewater at CAFOs? .....	7180
1. How do the amounts of animal manure compare to human waste? .....	7180
2. What are "excess manure nutrients" and why are they an indication of environmental concern? .....	7180
3. What pollutants are present in animal manure and wastewater? .....	7181
4. How do these pollutants reach surface water? .....	7181
5. How is water quality impaired by animal manure and wastewater? .....	7181
6. What ecological and human health impacts have been caused by CAFO manure and wastewater? .....	7181
D. What are the roles of the key entities involved in the final rule? .....	7181
1. CAFOs .....	7181
2. States .....	7182
3. EPA .....	7182
4. USDA .....	7182
5. Other stakeholders .....	7182
6. The public .....	7182
E. What principles have guided EPA's decisions embodied in this rule? .....	7182

**CAFO Final Rule Section**

**FR Page #**

F. What are the major elements of this final rule? Where do I find the specific requirements? . . . 7182

    1. NPDES Regulations for CAFOs . . . . . 7182

    2. Effluent Limitations Guidelines requirements for CAFOs . . . . . 7182

**II. WHAT EVENTS HAVE LED TO THIS RULE? . . . . . 7184**

A. The Clean Water Act . . . . . 7184

    1. The National Pollutant Discharge Elimination System (NPDES) permit program . . . 7184

    2. Effluent limitations guidelines and standards . . . . . 7185

    3. Effluent guidelines planning process – Section 304(m) requirements . . . . . 7186

B. Existing Clean Water Act requirements applicable to CAFOs . . . . . 7186

    1. Scope and requirements of the 1976 NPDES regulations for CAFOs . . . . . 7186

    2. Scope and requirements of the 1974 feedlot effluent guidelines . . . . . 7186

C. USDA-EPA Unified National Strategy for Animal Feeding Operations . . . . . 7186

**III. HOW WAS THIS FINAL RULE DEVELOPED? . . . . . 7186**

A. Small Business Advocacy Review (SBAR) Panel . . . . . 7187

B. Proposed Rule . . . . . 7187

C. 2001 Notice of Data Availability . . . . . 7187

D. 2002 Notice of Data Availability . . . . . 7187

E. Public comments . . . . . 7187

F. Public outreach . . . . . 7188

    1. Pre-proposal activities . . . . . 7188

    2. Post-proposal activities . . . . . 7188

**IV. CAFO ROLES AND RESPONSIBILITIES . . . . . 7188**

A. Who is affected by this rule? . . . . . 7188

    1. What is an AFO? . . . . . 7188

    2. What is a CAFO? . . . . . 7189

    3. What types of animals are covered by today's rule? . . . . . 7190

    4. Is my AFO a CAFO if it discharges only during large storm events? . . . . . 7195

    5. How are land application discharges of manure and process wastewaters at CAFOs covered by this rule? . . . . . 7196

    6. How Is EPA Applying the Agricultural Storm Water Exemption with respect to land application of CAFO manure and process wastewaters? . . . . . 7197

    7. When and how is an AFO designated as a CAFO? . . . . . 7198

    8. Can EPA designate an AFO as a CAFO where the State is the permitting authority? . 7199

**CAFO Final Rule Section**

**FR Page #**

9. How can States use non-NPDES programs to prevent medium and small operations from being defined or designated as CAFOs? ..... 7199

10. What CAFOs are new sources? ..... 7200

B. Who needs a permit and when? ..... 7200

1. Who needs to seek coverage under an NPDES permit? ..... 7200

2. How can a CAFO make a demonstration of no potential to discharge? ..... 7201

3. When must CAFOs seek coverage under a NPDES permit? ..... 7203

4. What are the different types of permits? ..... 7205

5. How does a CAFO apply for a permit? ..... 7205

6. What are the minimum required elements of an NOI or application for an individual permit? ..... 7206

C. What are the requirements and conditions in an NPDES permit? ..... 7207

1. What are the different types of effluent limitations that may be in a CAFO permit? . 7207

2. Effluent limitations guidelines for Large CAFOs ..... 7207

3. What technology-based limitations apply to Small and Medium CAFOs? ..... 7226

4. Will CAFOs be required to develop and implement a Nutrient Management Plan? .. 7226

5. Does EPA require nutrient management plans to be developed or reviewed by a certified planner? ..... 7228

6. What are the special conditions applicable to all NPDES CAFO permits? ..... 7229

7. Standard conditions applicable to all NPDES CAFO permits ..... 7229

D. What records and reports must be kept on-site or submitted? ..... 7230

**V. STATES' ROLES AND RESPONSIBILITIES ..... 7231**

A. What are the key roles of the States? ..... 7231

B. Who will implement these new regulations? ..... 7231

C. When and how must a State revise its NPDES permit program? ..... 7231

D. When must States issue new CAFO NPDES permits? ..... 7232

E. What types of NPDES permits are appropriate for CAFOs? ..... 7232

F. What flexibility exists for States to use other programs to support the achievement of the goals of this regulation? ..... 7232

**VI. PUBLIC ROLE AND INVOLVEMENT ..... 7233**

A. How can the public get involved in the revision and approval of State NPDES Programs? ... 7233

B. How can the public get involved if a State fails to implement its CAFO NPDES permit program? ..... 7233

**CAFO Final Rule Section**

**FR Page #**

C. How can the public get involved in NPDES permitting of CAFOs? ..... 7233

D. What information about CAFOs is available to the public? ..... 7233

**VII. ENVIRONMENTAL BENEFITS OF THE FINAL RULE ..... 7234**

A. Summary of the environmental benefits ..... 7234

B. What pollutants are present in manure and other CAFO wastes, and how do they affect human health and the environment? ..... 7235

    1. What pollutants are present in animal waste? ..... 7235

    2. How do these pollutants reach surface waters? ..... 7236

    3. How is water quality impaired by animal wastes? ..... 7237

    4. What ecological and human health impacts have been caused by CAFO wastes? .... 7238

C. How will water quality and human health be improved by this rule? ..... 7238

    1. What reductions in pollutant discharges will result from this rule? ..... 7238

    2. Approach for determining the benefits of this rule ..... 7239

    3. Benefits from improved surface water quality ..... 7240

    4. Benefits from improved ground water quality ..... 7241

D. Other (non-water quality) environmental impacts and benefits ..... 7242

**VIII. COSTS AND ECONOMIC IMPACTS ..... 7242**

A. Costs of the final rule ..... 7243

    1. Method for estimating the costs of this rule ..... 7243

    2. Estimated annual costs of the final CAFO regulations ..... 7243

B. Economic Effects ..... 7244

    1. Effects on the CAFO operation ..... 7244

    2. Market analysis ..... 7248

C. Cost-Benefit and Cost-Effectiveness analyses ..... 7249

    1. Cost-Benefit analysis ..... 7249

    2. Cost-Effectiveness analysis ..... 7249

**IX. COORDINATION WITH OTHER FEDERAL PROGRAMS ..... 7250**

A. How does today's rule function in relation to other EPA programs? ..... 7250

    1. Water quality trading ..... 7250

    2. Total Maximum Daily Load (TMDL) ..... 7250

    3. Watershed permitting ..... 7250

    4. Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) ..... 7251

    5. Clean Water Act section 319 Program ..... 7251

**CAFO Final Rule Section**

**FR Page #**

6.	Source Water Protection Program . . . . .	7251
7.	What is EPA's position regarding Environmental Management Systems? . . . . .	7252
B.	How is EPA coordinating with other federal agencies? . . . . .	7252
<b>X.</b>	<b>STATUTORY AND EXECUTIVE ORDER REVIEWS . . . . .</b>	<b>7252</b>
A.	Executive Order 12866: Regulatory Planning and Review . . . . .	7252
B.	Paperwork Reduction Act . . . . .	7253
C.	Regulatory Flexibility Act . . . . .	7254
1.	Background . . . . .	7254
2.	Summary of Final Regulatory Flexibility Analysis . . . . .	7254
3.	Compliance Guide . . . . .	7256
4.	Use of Alternative Definition . . . . .	7256
D.	Unfunded Mandates Reform Act . . . . .	7256
1.	Private costs . . . . .	7257
2.	State, Local, and Tribal government Costs . . . . .	7257
3.	Funding and technical assistance available to CAFOs . . . . .	7257
4.	Funding available to States . . . . .	7257
E.	Executive Order 13132: Federalism . . . . .	7257
F.	Executive Order 13175: Consultation and Coordination with Indian Tribal Governments . . .	7257
G.	Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks . . . . .	7258
H.	Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use	7258
I.	National Technology Transfer and Advancement Act . . . . .	7258
J.	Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations . . . . .	7259
K.	Congressional Review Act . . . . .	7259
	<b>APPENDIX - FORM 2B . . . . .</b>	<b>7260</b>
	<b>Part 122—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System . . . . .</b>	<b>7265</b>
	<b>PART 412—Concentrated Animal Feeding Operations (CAFO) Point Source Category . . . . .</b>	<b>7269</b>