

NPDES CAFO Rule Implementation Status -- National Summary, Endyear 2011, completed 12/31/11 (as reported by EPA Regions)

State	EPA Region	Total CAFOs: Estimated number of facilities defined as CAFOs under NPDES ¹	CAFOs with NPDES permits ²	Date by which State was to have updated regulations/statutes to reflect 2008 CAFO regulation ³	State's planned date for completing NPDES program revisions to address all provisions of CAFO NPDES regulations ⁴	Expiration date for pre-2008 reg NPDES GP, if any	Date for NPDES GP under 2008 regs	Tech stds submitted by State Director ⁵	Tech stds address 2008 regs ⁵
Connecticut	1	6	0	None needed	None needed	none	IP planned FY 11	In progress	
Maine	1	4	4	None needed	None needed	none	lps only	Y	
Massachusetts	1	1	0	not auth	N/A--State does not have NPDES program authorizator	none	lps only	N/A	
New Hampshire	1	1	0	not auth	N/A--State does not have NPDES program authorizator	none	lps only	N/A	
Rhode Island	1	0	0	no CAFOs	(no CAFOs)	none	n/a	N	
Vermont	1	17	0	None needed	None needed	none	planned 2011	Y	
New Jersey	2	5	5	2010	planned 10/10	exp 5/13	issued 6/08	Y	
New York	2	604	604	2010	TBD	exp 6/30/09	TBD	Y	
Puerto Rico	2	1	0	not auth	N/A--PR does not have NPDES program authorizator	none	lps only	N/A	
Virgin Islands	2	0	0	no CAFOs	(no CAFOs)	none	n/a	N	
Delaware	3	73	2	2009	Regs approved 1/12 (approval of tech standards pending)	none	lps only	Y	
Maryland	3	150	164	2009	Regs approved 1/10 (approval of tech standards pending)	none	Expires 1/2014	Y	
Pennsylvania	3	349	306	2009	TBD	9/11	TBD	Y	
Virginia	3	188	0	2009	Regs approved 6/10 (approval of tech standards pending)	none	lps only	Y	
West Virginia	3	68	0	2010	Regs reviewed 12/11, State's action pending	none	lps only	Y	
Alabama	4	558	487	2/11 (permit)	permit by rule effective since August 2011	exp 2/11	planned 7/10	Y	
Florida	4	100	53	2009	completed 3/10	lps only	lps only	Y	
Georgia	4	828	152	2009	completed 6/12	exp 6/07	No GP	Y	
Kentucky	4	150	67	2009	completed 1/10	exp 10/05	No GP	Y	
Mississippi	4	433	190	2009	completed 1/10	poultry exp 1/09; swine exp 8/10	completed 8/10	Y	
North Carolina	4	1,222	14	2009	completed; effective based on revision filed w/ Senate 3/09	exp 6/12	planned 6/12	Y	
South Carolina	4	201	0	2009	TBD	exp 5/09	State operating permits only	Y	
Tennessee	4	129	79	2009	competed 5/11	exp 8/09	lps for large CAFOs	Y	
Illinois	5	500	31	2009	rulemaking package in sign off at state agency; next step submit package to IPCB	exp 9/14	issued 10/09	Y	
Indiana	5	634	529	2009	rules submitted to AG and governor for final adoption; target April 2012	lps only	lps only	Y	
Michigan	5	220	197	2009	None needed (per State assessment)	exp 4/15	completed 4/10	Y	
Minnesota	5	1,255	1,250	2009	None needed (per State assessment)	exp 1/16	completed 2/10	Y	
Ohio	5	192	35	2009	transfer NPDES CAFO authority to ODA pending	lps only	lps only	Y	
Wisconsin	5	233	233	2010	TBD	exp 3/16	issued 4/11	Y	
Arkansas	6	2,110	0	2009	None needed (per State assessment)	none	issued 10/11	Y	TBD
Louisiana	6	250	5	2009	completed 4/09	lps only	none	Y	TBD
New Mexico	6	171	21	not auth	N/A--State does not have NPDES program authorizator	none	issued 8/09	N/A	N/A
Oklahoma	6	626	0	not auth	N/A--State does not have NPDES CAFO program authorizator	none	issued 1/12	N/A	N/A
Texas	6	1,108	609	2009	planned spring 2013	exp 7/14	planned 2014	Y	EPA/TCEQ coordinating updates
Iowa	7	1,648	150	2009	planned Fall 2012 (after EPA revises duty to apply rule)	lps only	lps only	Y	updating
Kansas	7	447	447	2009	need to revise NSPS only - 12/2012	lps only	lps only	Y	Y
Missouri	7	517	517	2009	Passed 1/2012 effective 4/2012	exp 2/13	planned 2/13	Y	Y
Nebraska	7	862	389	2009	completed 6/25/2011	exp 3/13	planned 4/13	Y	EPA coordinating updates
Indian Country (R7)	7	8	4	not auth	N/A--tribes do not have NPDES program authorizator	lps only	lps only	N/A	N/A
Colorado	8	187	71	2009	planned 1/12	exp 8/10; admin extended	planned 5/12	Y	
Indian Country (R8)	8	4	4	not auth	N/A--tribes do not have NPDES program authorizator	lps only	lps only	N/A	
Montana	8	117	90	2009	planned 12/12	exp 10/31/13	planned 10/13	Y	
North Dakota	8	76	0	2009	TBD	none	tbd	Y	
South Dakota	8	408	408	2009	TBD	exp 10/19/08	tbd	Y	
Utah	8	64	55	2009	planned 3/12	exp 9/30/05	planned 9/12	Y	
Wyoming	8	64	45	2009	planned 6/10; submitted revision package to EPA for review 12/09	lps only	lps only	Y	
Arizona	9	100	2	2009	Rulemaking moratorium--TBD	exp 4/09	(State reg moratorium until 6/10)	Y	
California	9	1,011	188	None needed	No revision--State adopts prospectively	RB7 - exp 6/2013; RB8 - exp 9/6/2012	RB5 dairy GP issued 12/10; RB1 issued GP 1/2012	Y ⁶	see box below
Hawaii	9	1	0	None needed	TBD	none	lps only	N	
Indian Country (R9)	9	1	0	not auth	N/A--no NPDES program authorizator	none	n/a	N/A	
Nevada	9	9	6	2009	None needed (per State assessment)	none	lps only	Y	
Alaska	10	0	0	no CAFOs	(no CAFOs)	none	n/a	N	
Idaho	10	365	103	not auth	N/A--State does not have NPDES program authorizator	current GP administratively extended	planned 03/12	Y	Y
Oregon	10	114	114	TBD	None needed (per State assessment)	exp 5/31/14	issued 6/09	Y	
Washington	10	150	12	TBD	None needed (per State assessment)	exp 7/21/11	planned 12/12	Y	
TOTALS		18,540	7,642						

¹ All AFOS with numbers of animals above the size thresholds set out for large CAFOs are defined as CAFOs under the NPDES federal regulations. In some cases, such as Arkansas and Louisiana, the numbers have not yet been confirmed by the State.

² The NPDES CAFO regulations require CAFOs that discharge to have NPDES permit coverage (40 CFR 122.23(d)(1)). As a consequence, the portion of CAFOs in each State that need NPDES coverage can vary from State to State.

³ Under the terms of federal NPDES regulations at 40 CFR 123.62(e), authorized States that need to revise their regulations to conform to updated federal regulations are allocated 1 year to complete the revisions; states that need statutory revisions to conform to amended federal regulations are allocated 2 years to complete the necessary revisions.

⁴ Status indicated reflects current plans. In some cases, plans are still under discussion.

⁵ Technical standards were submitted for each Regional Board with the exception of 2, 4, 6 and 9. These RBs either do not have CAFOs or do not have CAFOs that land apply manure.

⁶ EPA is reviewing State technical standards to ensure they address the requirements of the 2008 rule. EPA is in the process of posting State standards that address the 2008 rule on the EPA website.

RB1 - no changes needed
RB3 - pending OWM/TT review
RB5 - no changes needed?
RB7 - submitted evaluation to RB staff
RB8 - submitted evaluation to RB staff