

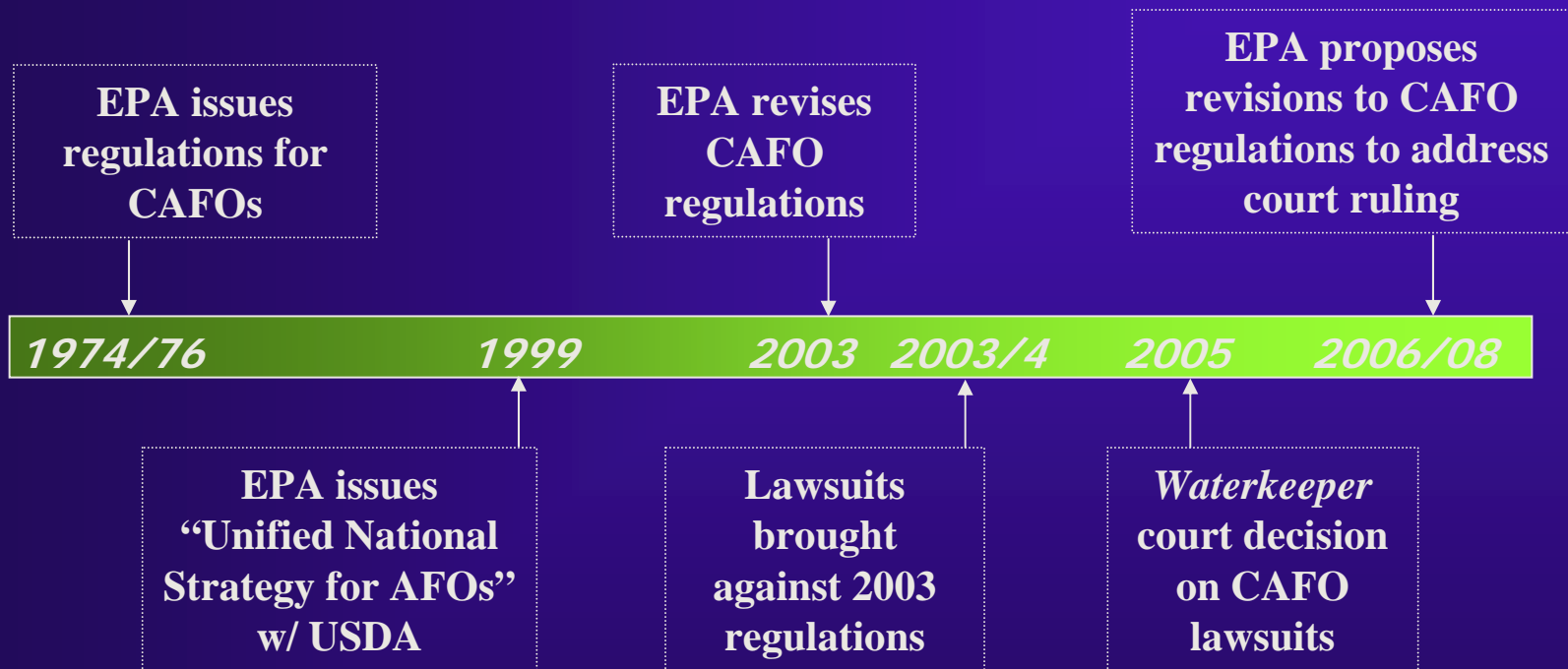


Update on the CAFO NPDES Permit Regulation Development Program

March 13, 2008



Regulatory History for CAFOs





Major Emphasis in NPDES CAFO Permitting

- Addressing water quality impacts from CAFOs due to surface water runoff
- EPA's 2003 CAFO NPDES regulations estimated to reduce:
 - *Phosphorus by 56 mill lbs annually*
 - *Nitrogen by 100 mill lbs annually*
 - *Sediment by over two bill lbs annually*



Waterkeeper court case

- Both environmental and industry groups filed suits against the 2003 CAFO NPDES regulations
 - *Waterkeeper* court decision -- February 28, 2005



EPA's *Waterkeeper* Rulemaking

- The revised rule will address the court's mandate to:
 - *Remove the unilateral requirement for all CAFOs to get permits*
 - *Make NMPs part of the permitting process*
- EPA proposed rules published June 30, 2006, and March 7, 2008.



Extensive stakeholder outreach

- ❑ Consultation with USDA in rule development
- ❑ Coordination with USDA on implementation of “Manure Management Planner”
- ❑ \$8 mill grant for technical assistance to livestock operators



Moving towards a comprehensive approach

- ❑ EPA solicited public comment on multimedia approach in 2006 CAFO permitting proposal – feedback indicated general support but contained limited practical suggestions
- ❑ Challenges arise because statutes do not readily lend themselves to integration:
 - *Clean Water Act prescribes 5-year permit terms*
 - *Clean Water Act prescribes specific process for public involvement*
 - *Clean Water Act allows general permits (GPs) for broad classes of facilities—these categories may not overlap across statutes*