
EPA Proposes Approving Ohio Request on CAFOs

State of Ohio Request

October 2008

Public hearing set

EPA Region 5 has scheduled an open house and a formal public hearing on Ohio's application to transfer control of the NPDES program for CAFOs from Ohio EPA to Ohio Department of Agriculture:

Tuesday, Nov. 18

Open House: 3 – 5:30 p.m.

Public Hearing: 7 – 9:30 p.m.

The Fawcett Center

2400 Olentangy River Road

Columbus

EPA encourages public comments on the application, either at the hearing, by mail or on a special Web site. Mail comments to EPA Region 5 at the address below. Submit electronic comments at <http://www.epa.gov/region5/water/npdestek/odacafo.htm>. Comments must include the commenter's postal mailing address.

The public comment period runs until Dec. 16. Comments must be postmarked no later than 11:59 p.m. on Dec. 16.

For more information

If you need additional information, please contact:

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A proposed change in the way Ohio administers an important federal water pollution program is pending approval by U.S. Environmental Protection Agency Region 5. The public has until December 16 to comment on the proposal, and EPA's decision could depend on that input.

At issue is administration of a specific portion of the National Pollutant Discharge Elimination System, or NPDES program, which was established by the Clean Water Act. While the Clean Water Act is a federal law, it allows EPA to give states the responsibility of issuing NPDES permits to any facility that discharges pollutants into a body of water, such as a river, stream or lake. The permits are designed to protect water quality by keeping pollutants out of a body of water, or by limiting pollutants to an amount so small that water quality is not affected.

Ohio EPA currently runs the NPDES program in Ohio. The state has asked EPA to allow Ohio Department of Agriculture to administer the part of the NPDES program that deals with concentrated animal feeding operations, known as CAFOs (see box, Page 2). Ohio EPA would continue to issue all other NPDES permits. Clean Water Act regulations allow such splitting of programs.

EPA would like to hear what the people of Ohio think about the state's proposal. We will hold a formal public hearing on the proposal. EPA, Ohio EPA and ODA will be available before the hearing to answer questions. We will accept comments on the proposal through December 16 (see box, left).



The NPDES program minimizes nutrient runoff from CAFOs through controls on manure application, such as from this broadcast spreader.

Background

In January 2007, Ohio asked EPA to allow its Department of Agriculture to run the NPDES program for concentrated animal feeding operations in Ohio. This request was in response to legislation enacted by Ohio in 2000. EPA will approve the request if we find that the state program meets requirements of the Clean Water Act and NPDES regulations.

In April and November 2007 letters, EPA told ODA that its proposed program appeared to meet most, but not all, of those requirements. In response, ODA committed to make necessary changes. EPA believes these changes will result in ODA having all of the authority and standards it needs to run the program. Subject to any issues raised by the public during the comment period, EPA considers the application approvable provided that the state adopts the specified statutory and regulatory changes.

Next steps

Following the public comment period, EPA will consider all comments received. EPA will then either approve or disapprove the state's request.

See the proposal

You may view Ohio's application and related documents at these locations:

- EPA Region 5 office (see box, Page 1), 8:45 a.m. to 4:45 p.m. weekdays, except federal holidays.
- ODA's Livestock Environmental Permitting Program office in Reynoldsburg, weekdays from 8 a.m. to 5 p.m. Call 614-387-0908 for an appointment.
- Auglaize Soil and Water Conservation District Office, 110 Industrial Drive Suite G in Wapakoneta. Call 419-738-4016 for an appointment.
- Wayne SWCD, 428 West Liberty St., Wooster. Call 330-262-2836 for an appointment.
- <http://www.epa.gov/region5/water/npdestek/odacafo.htm>.

To request the application on compact disc, call Matt Gluckman at 800-621-8431, Ext. 66089.

What's a CAFO?

CAFO is an acronym for Concentrated Animal Feeding Operation. CAFOs must have state-issued NPDES permits to lawfully discharge manure, litter, or process wastewater pollutants into lakes, rivers or streams.

First, let's define the term "animal feeding operation." These are places where animals are kept in confined situations. You'll typically find animals, feed, manure, dead animals and production operations all together on a small area of land. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures. These operations can pose problems when manure, litter or wastewater enters bodies of water. Discharges can occur in a variety of ways – through overflow or failure of waste storage structures, failure of manure or wastewater handling equipment, or inadequate containment of water that has come in contact with manure, litter, feed or dead animals. They can also occur from liquid manure or wastewater entering drains that are often located beneath agricultural land, or inappropriate practices for land application of manure.



An animal feeding operation is a lot or facility (other than an aquatic animal production facility) where:

- Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.
- Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

EPA defines a concentrated animal feeding operation based principally on the actual number of animals being kept, and the threshold is different for different animals. For example, 700 or more dairy cows would be considered a large CAFO, while it would take at least 2,500 pigs weighing 55 pounds or more to meet the definition.