

Do I Need to Apply for an NPDES CAFO Permit?

When do I need a permit?

Under the Clean Water Act, dry poultry operations over 37,500 birds need to apply for an NPDES Permit, if they discharge or propose to discharge water that contains any pollutants to waters of the United States through a conveyance.

What does propose to discharge mean?

A CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge will occur, including during heavy rains. The presence of conveyance systems to remove water from the production area indicates that it proposes to discharge during wet weather events.

If my poultry operation is well maintained, will there be pollutants in the discharge?

Sources of pollutants can include incidental litter from litter handling activities, bedding, feed, ventilation exhaust, etc. A dry poultry operation that is well maintained and operated will have fewer pollutants in its storm water run-off than a poorly operated and maintained facility. There will be pollutants in its discharge.

What is a water of the United States?

For all practical purposes, waters of the United States are all surface waters (lakes, rivers, streams, runs, etc.) and the wetlands adjacent to them. If you discharge to a ditch that drains to surface water eventually, that is considered a discharge to waters of the United States.

A Quick Test

- Do I raise over 37,500 broilers? Yes No
- Do I have a conveyance system (swales/pipes) that drains the production area? Yes No
- Does the conveyance system discharge run-off directly to waters or to a ditch that leads to waters? Yes No

Answering yes to all of above questions indicate that you likely need a permit.

If you have doubt, please contact your state CAFO contact –

Virginia: Ms. Betsy Bowles, 804-698-4059 or bkbowles@deq.virginia.gov

Maryland: Mr. Gary Kelman, 410-537-4423 or gkelman@mde.state.md.us

Delaware: Mr. Bill Rohrer, 302-698-4555 or William.Rohrer@state.de.us

How Do I Apply for an NPDES CAFO Permit?

The state NPDES CAFO Permit Programs are in various stages of development. The CAFO NPDES regulations allow the state one year to modify their programs to bring them inline with regulatory requirements. EPA will be working with the states to ensure that their programs meet regulatory requirements in that time frame. Until such time, EPA will recognize coverage under existing programs to fulfill the duty to apply requirements.

There may also be difficulty in meeting the nutrient management plan requirements within the specified time frame. EPA and the states have agreed that existing Nutrient Management Plans or Conservation Plans may be submitted provided there is also information submitted regarding when they will be updated to meet federal standards and who will be doing the updating.

If you need to seek permit coverage, you should submit a Notice of Intent to the state permitting agency. In addition to the NOI, you should also submit your current Nutrient Management Plan or Conservation Plan. With this submittal, you should indicate the date that it will be updated and who will be doing the updating.