COMPLIANCE ASSISTANCE: EXAMPLES OF WHAT'S WORKING

LIVESTOCK
AUCTION
INITIATIVE

Identifying and eliminating unauthorized discharges from

Livestock Auctions

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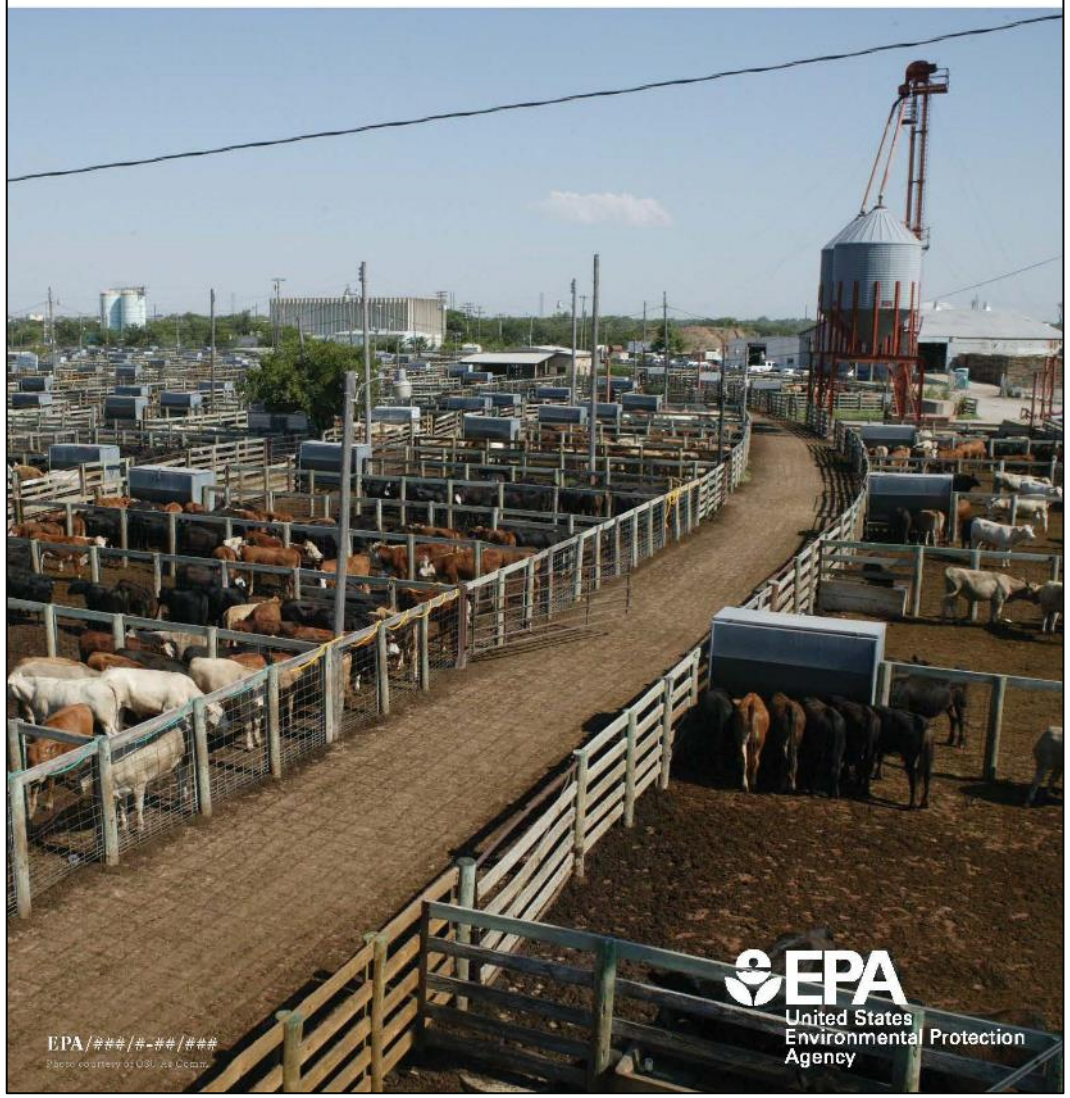
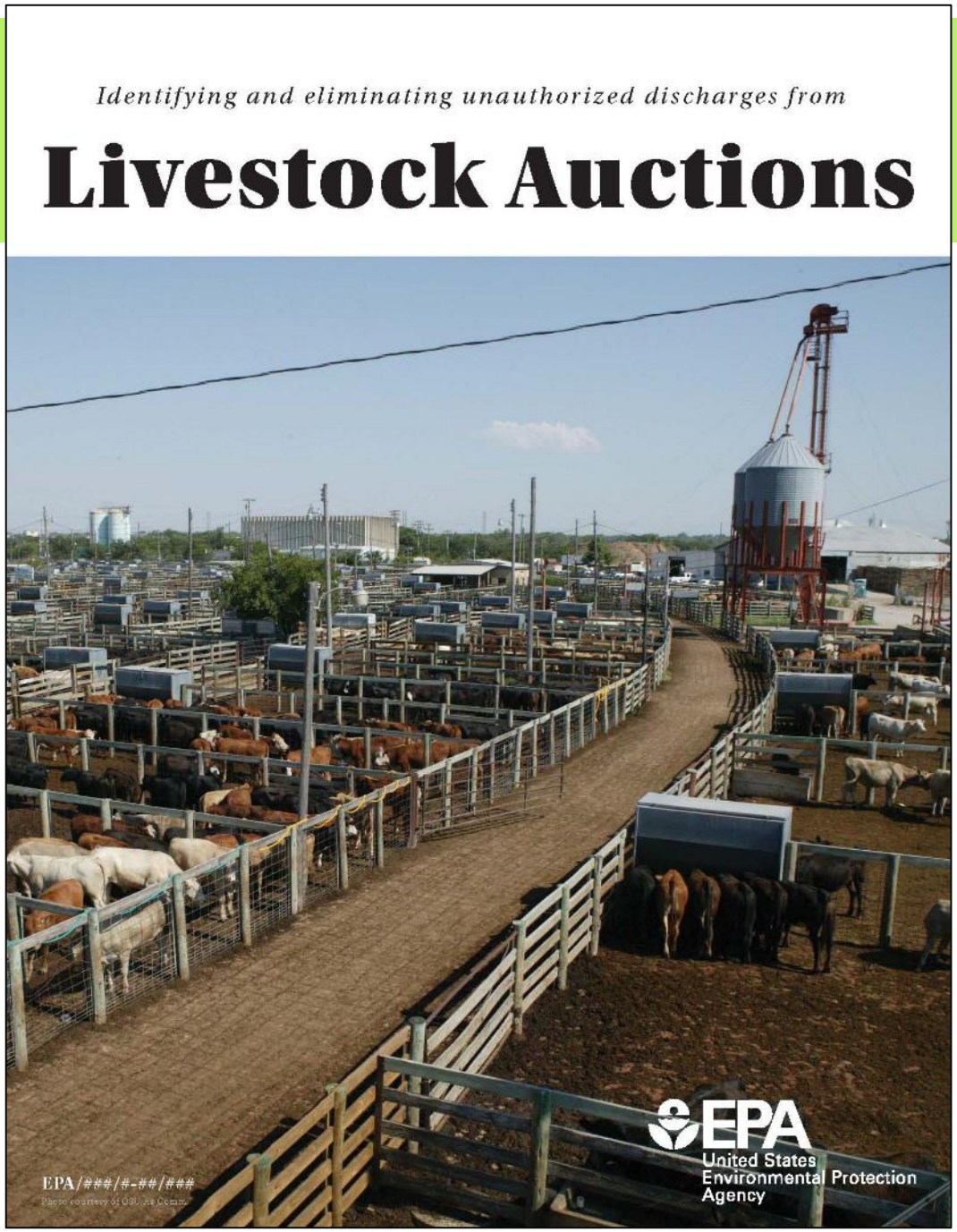
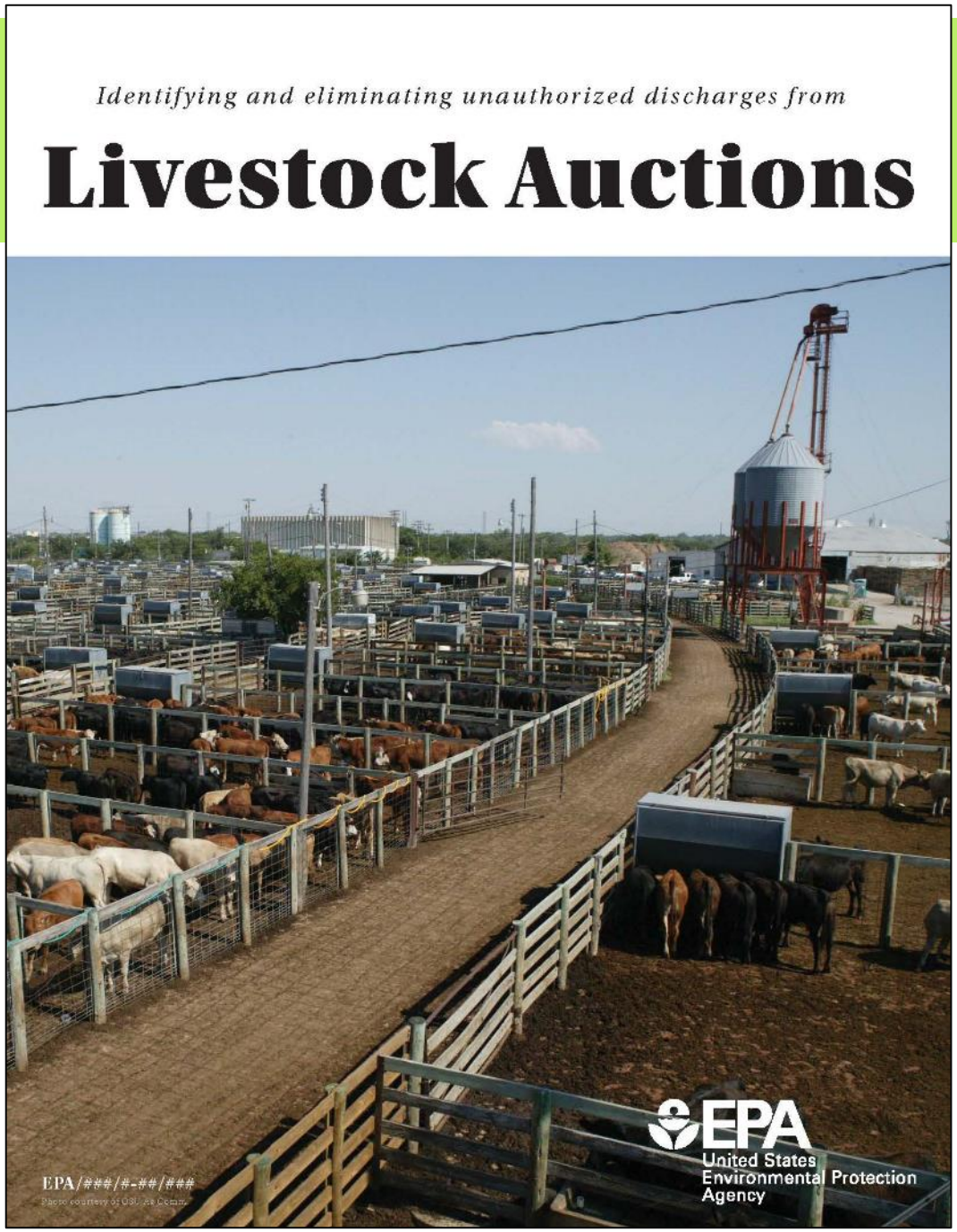


WHAT IS A LIVESTOCK AUCTION?

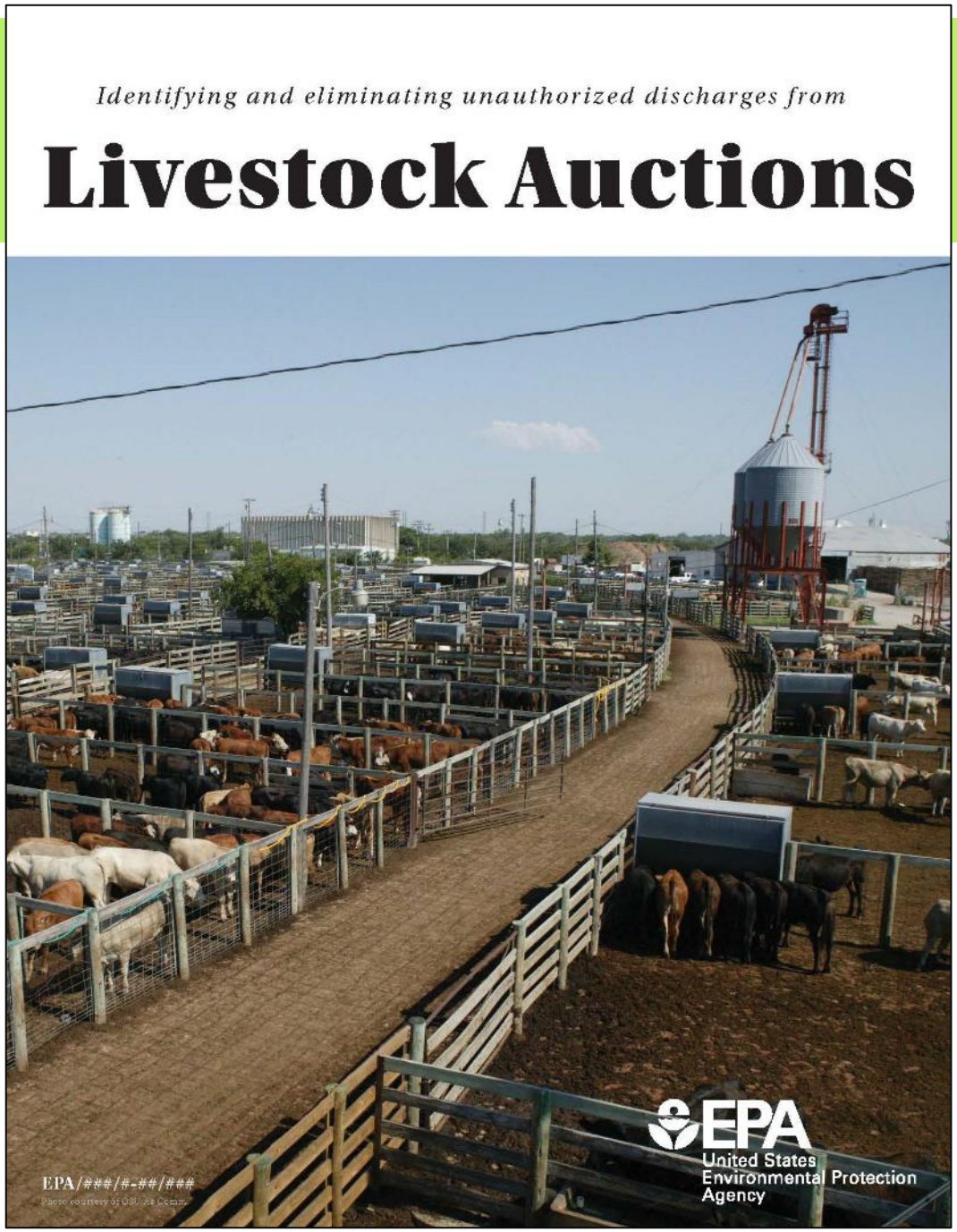


WHAT IS A LIVESTOCK AUCTION?

These facilities host weekly auctions and serve as the marketplace for livestock buyers and sellers.



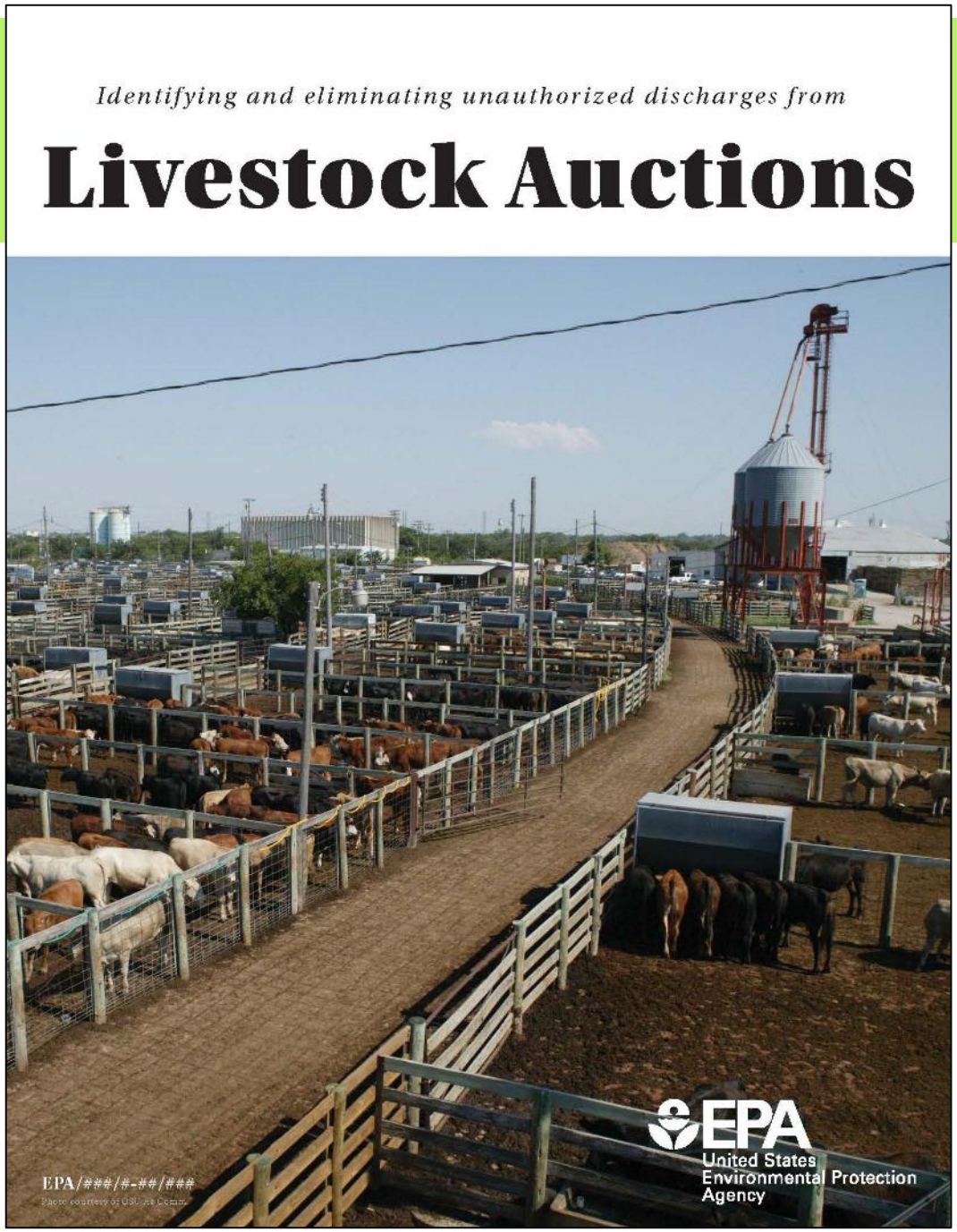
WHY LIVESTOCK AUCTIONS?



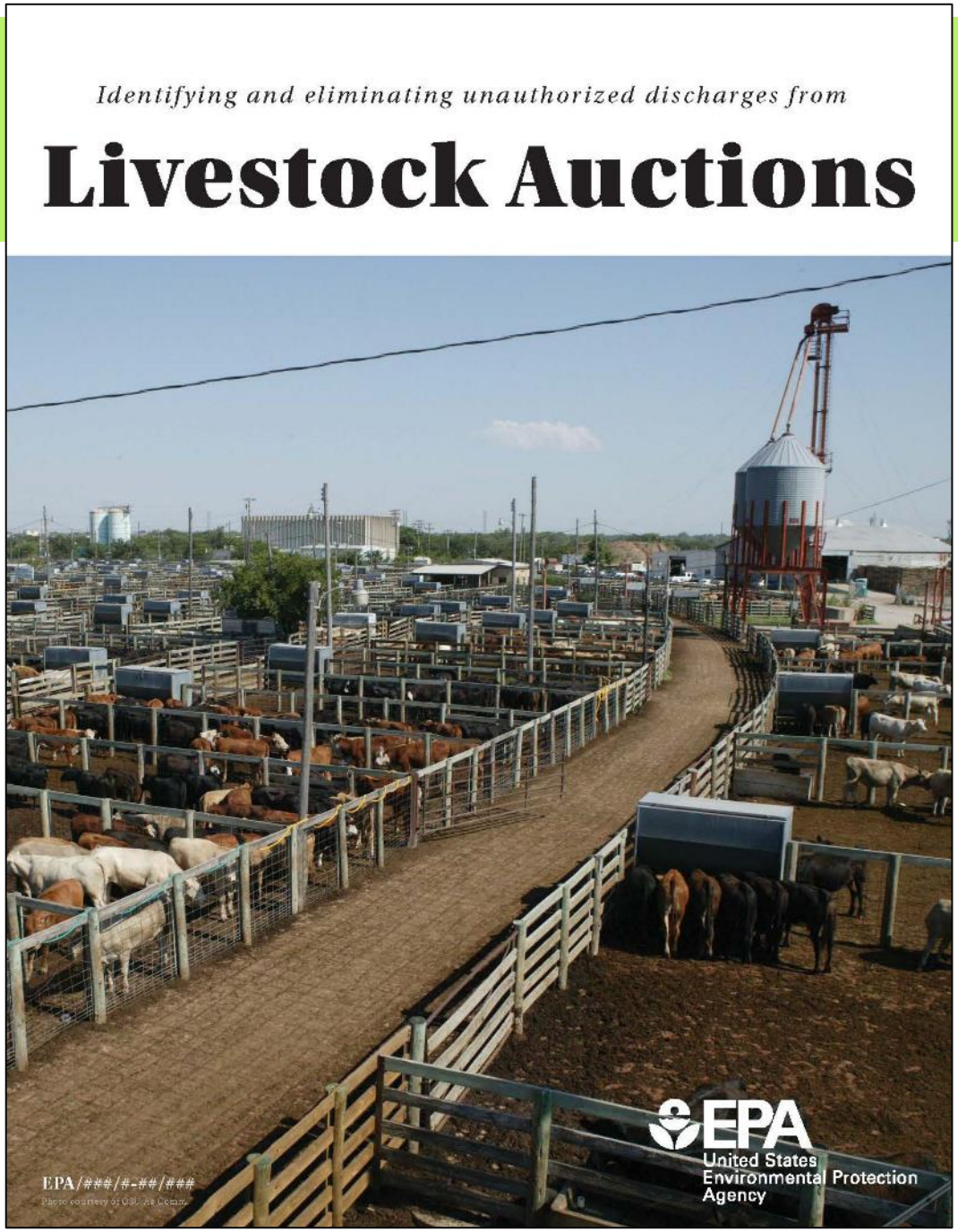
WHY LIVESTOCK AUCTIONS?

Our inspections revealed some consistent issues across the industry:

- Livestock Auctions are largely unpermitted facilities even though practically all livestock auctions are AFOs by definition and many meet the definition of a CAFO
- Widespread lack of understanding of the CAFO regulations and to what facilities they apply
- Pervasive mishandling of manure which resulted in unauthorized discharges



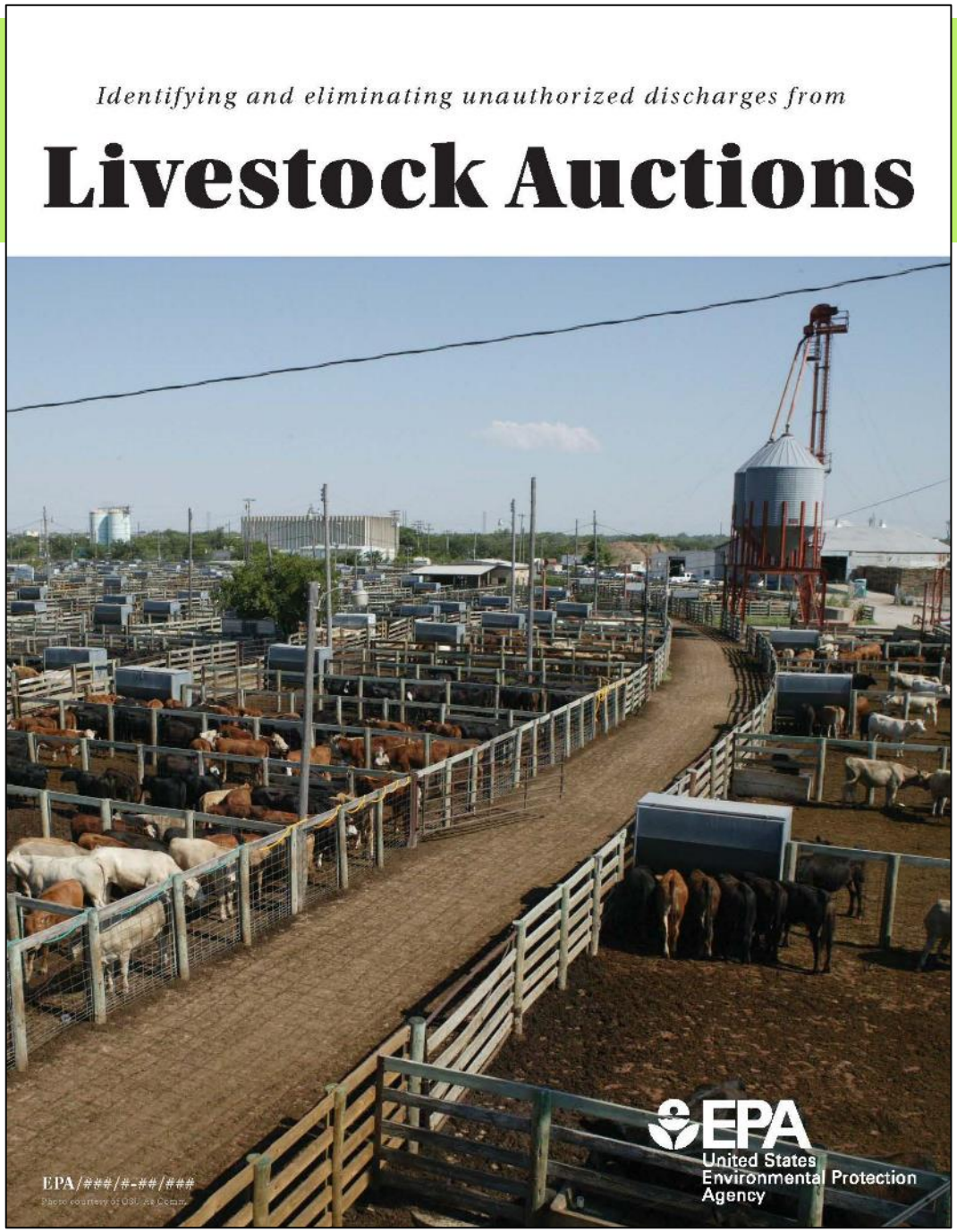
WHY CREATE A BROCHURE?



WHY CREATE A BROCHURE?

- Allows EPA to clear up common misunderstandings about the regs as well as educate operators who may have no knowledge of the regs whatsoever.

- Provides clear and specific examples of issues that inspectors see and how facilities can prevent those issues in the first place.



WHY CREATE A BROCHURE?

SOME ADDITIONAL PERKS:

- These brochures can be widely disseminated in hardcopy and digital formats.
- Reminds industry of regulatory presence.
- Builds bridges between EPA and industry.

BROCHURE AT A GLANCE

IDENTIFYING AND ELIMINATING UNAUTHORIZED DISCHARGES

IS YOUR FACILITY AN AFO OR A CAFO?

Does your facility meet the regulatory definition of an AFO or a CAFO?

WHAT IS AN UNAUTHORIZED DISCHARGE?

What counts as an unauthorized discharge according to the EPA CAFO regs?

MOST COMMON SOURCES OF UNATHORIZED DISCHARGES

What pollutant sources have we seen in our inspections that would likely cause unpermitted discharges?

EPA'S RECOMMENDED BEST MANAGEMENT PRACTICES

BMPs to prevent unauthorized discharges and examples of facilities already implementing these practices.

When is a livestock auction defined as an AFO?

As indicated in 40 CFR 122.23(B)(1), an AFO is a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

> (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days[4] or more in any 12-month period, and
>
> (ii) 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 interprets "maintained" to mean that the animals are confined in an area where waste is generated and/or concentrated and where crops/vegetation are not grown or sustained, or simply put, where manure is generated in lots and pens unable to support vegetative cover. Therefore, EPA interprets most livestock auction facilities in the U.S. to be AFOs.

IS YOUR FACILITY AN AFO OR A CAFO?

When is a livestock auction defined as a CAFO?

An AFO is a Large CAFO or a Medium CAFO if it meets animal threshold numbers shown in Table 1, as indicated in 40 C.F.R. 122.23(b)(4). In addition to the animal threshold numbers shown in Table 1, an AFO must also meet the discharge criteria described at 40 C.F.R. 122.23(b)(6) to meet the definition of a Medium CAFO.[5] A Small AFO that does not meet the minimum animal threshold numbers in Table 1 may also be designated by the permitting authority as a Small CAFO if it is a significant contributor of pollutants to navigable waters (40 C.F.R. 122.23(b)(9); 122.23(c)).

An AFO that has	is a	by
at least 1,000 cattle, dairy heifers, cow/calf pairs, or veal calves	Large CAFO	regulatory definition
from 300 to 999 cattle, dairy heifers, cow/calf pairs, or veal calves and meets one of the medium category discharge criteria	Medium CAFO	
from 300 to 999 cattle, dairy heifers, cow/calf pairs, or veal calves and has been designated by the permitting authority	Medium CAFO	delegation
fewer than 300 cattle, dairy heifers, cow/calf paris, or veal calves and has been designated by the permitting authority	Small CAFO	

Table 1: Definitions of Large, Medium and Small CAFOs

WHAT IS AN UNAUTHORIZED DISCHARGE?

What constitutes an unauthorized discharge to a navigable water?

The CWA and federal regulations prohibit the discharge of pollutants, such as process wastewater, from a CAFO to a water of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit (or similar state permit system), except under very limited circumstances. Generally, Medium CAFOs with NPDES permits can only discharge to navigable waters when the permit allows; the permit writer will use their best professional judgement to determine applicable conditions and limitations in permits for Medium CAFOs. Generally, Large CAFOs with NPDES permits can only discharge from the production area to navigable waters whenever precipitation causes an overflow of manure, litter, or process wastewater to be discharged, provided that: (1) the production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event; and (2) the production area is operated in accordance with additional measures and records required by 40 CFR 412.37(a) and (b)[6] and 40 C.F.R. 412, Subpart C. A 25-year, 24-hour storm event is the maximum 24-hour rainfall event with a probable recurrence interval of once in 25 years. For example, in New Orleans, LA, this event is currently 10.6 inches of rain in 24 hours, and in Albuquerque, NM it is currently about 3.5 inches.[7]

To comply with the CWA, operators of unpermitted CAFOs must ensure that no water that comes in contact with manure, bedding, feed, or other raw materials in areas where animals are confined, fed, or maintained is discharged to a water of the U.S. (40 C.F.R. 122.23(e), 122.23(b)(8)). These areas are part of the production area (Figure 1), and runoff from all these areas is process wastewater (40 C.F.R. 122.23(b)(7)). All discharges, including discharges of process wastewater, from an unpermitted CAFO to a water of the U.S., violate section 301(a) of the CWA and the CWA permitting regulations at 40 CFR 122.21(a).[8]

MOST COMMON SOURCES OF UNATHORIZED DISCHARGES

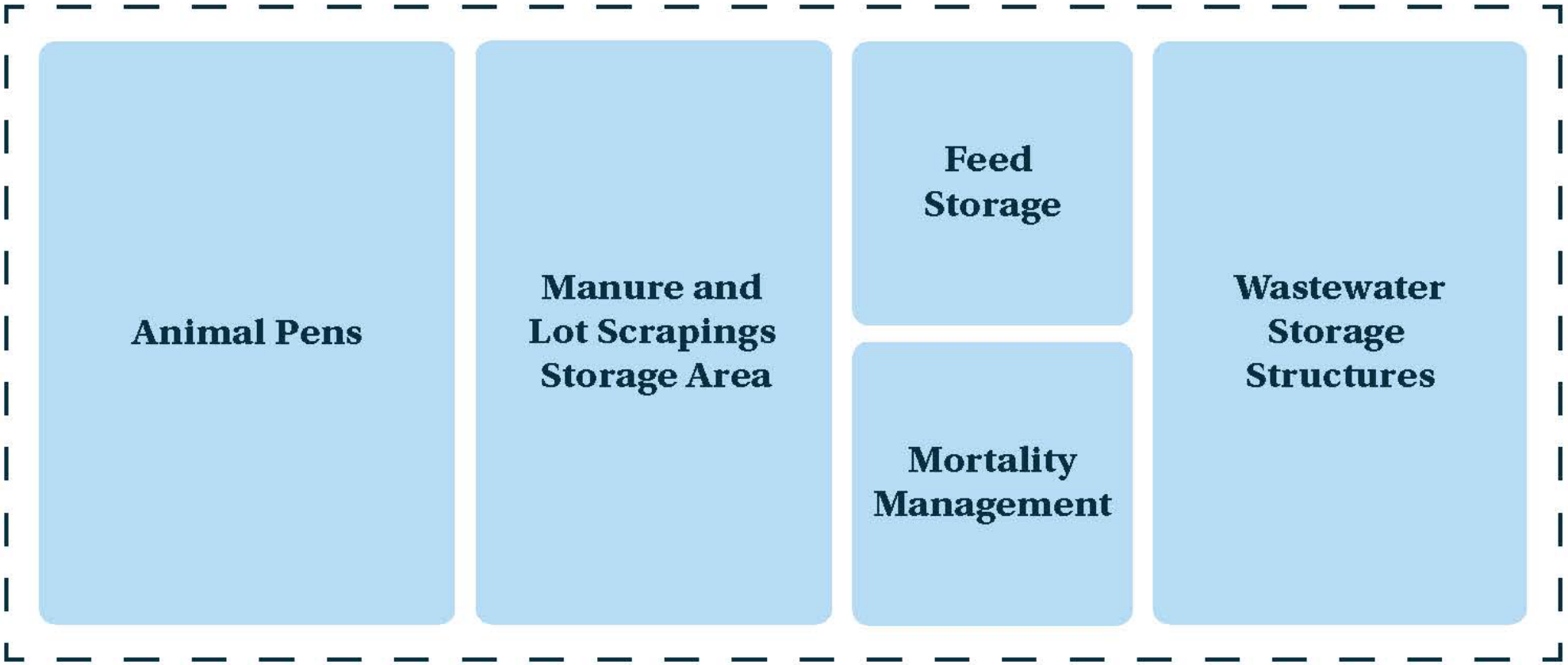


Figure 1: Example diagram of a livestock auction CAFO production area

MOST COMMON SOURCES OF UNATHORIZED DISCHARGES

Unauthorized Discharges from Lot Scrapings and Manure Piles

Historically, manure piles have been the primary source of unauthorized discharges at livestock auction CAFOs in Region 6. For example, in 2006, EPA inspectors observed a discharge from manure piles (Photos 1 and 2) that had been formed over a period of about ten years. These manure piles were located next to a creek and contaminated runoff (process wastewater) discharged directly into the creek, which is a water of the United States. EPA surveyed these manure piles (Photo 1) and produced contour maps showing the exact locations and sizes of the piles. Based on the survey, the total volume of the manure piles was estimated to be 409 cubic yards. A detailed modeling study was undertaken to determine how much manure from these piles was discharged into the adjacent creek. The modeling results indicated that 4.29 tons of manure were discharged into the creek over a period of five years, in violation of Section 301(a) of the CWA and the federal permitting regulations at 40 C.F.R. 122.21(a). EPA initiated enforcement actions that resulted in the removal of these manure piles.

MOST COMMON SOURCES OF UNATHORIZED DISCHARGES

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EPA'S RECOMMENDED BEST MANAGEMENT PRACTICES

Recommended BMPs to Prevent Unauthorized Discharges

If your facility meets the definition of a CAFO that discharges pollutants to a navigable water, you are required to seek NPDES CAFO permit authorization. The conditions of the permit will provide the specific measures needed for your facility to comply with the CWA. For all other non-permitted facilities, EPA recommends utilizing the following BMPs to prevent unauthorized discharges of process wastewater to navigable waters:

1. Store manure and lot scraping piles under a roofed structure (Photo 6).
2. Store manure piles in areas that are graded in such a way that all process wastewater that emanates from them will be contained within a properly designed, constructed, and maintained retention control structure (e.g., lagoon).
3. Construct berms around manure piles to contain any process wastewater that might emanate from them.

EPA'S RECOMMENDED BEST MANAGEMENT PRACTICES

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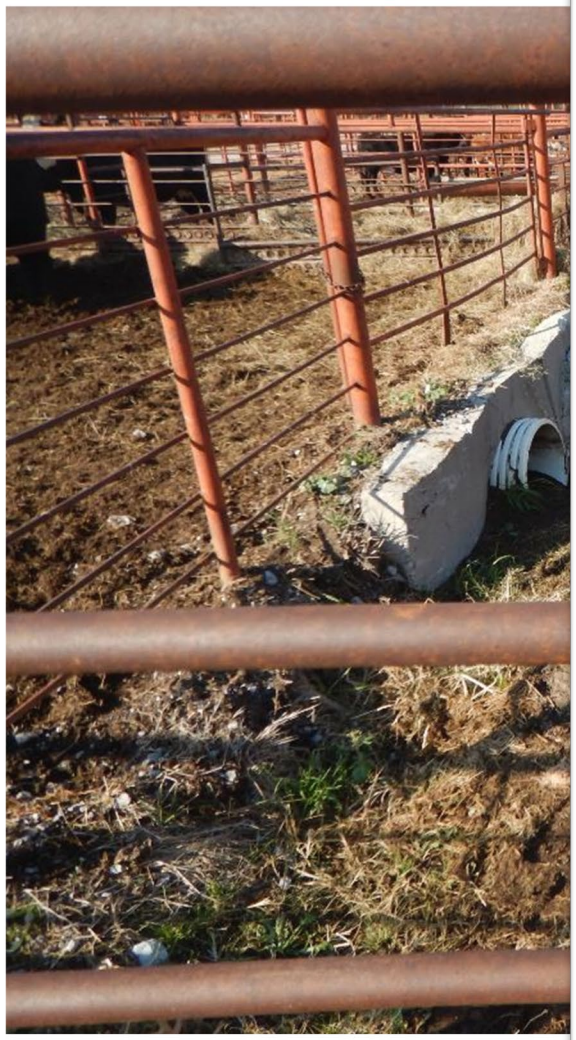

EPA'S PLAN FOR DISSEMINATION & ROLLOUT

"EPA Region 6 plans to work with its state partners and livestock auction technical providers, including livestock marketing associations, to disseminate this tool and provide compliance assistance to livestock auction facilities. Additionally, Region 6 plans to present the brochure to national EPA CAFO workgroups to increase awareness and compliance industry-wide."


Q&A