

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT  
DISCHARGE ELIMINATION SYSTEM (NPDES) FOR CONCENTRATED ANIMAL  
FEEDING OPERATIONS (CAFO)

General Permit No.: IDG010000

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. 1251  
*et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act":

Owners and operators of CAFOs except those sites excluded from coverage in  
Part I of this NPDES permit, are authorized to discharge in accordance with effluent  
limitations, monitoring requirements, and other provisions set forth herein.

**A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE OF THE  
CAFO AT ALL TIMES.**

This permit will become effective May 27, 1997

This permit and the authorization to discharge under the National Pollutant  
Discharge Elimination System shall expire May 27, 2002

Signed this 3rd day of April 1997.

/s/ Phillip G. Millam  
Philip G. Millam  
Director  
Office of Water

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## I. PERMIT COVERAGE

### A. Who needs to be covered by this permit?

A permit is required for discharges of process wastewater from all operations classified as a Concentrated Animal Feeding Operation (CAFO).

### B. What constitutes a discharge?

This permit does not allow the discharge of process wastewater except in accordance with Part II.A. of this permit.

A discharge of process wastewater is the release of pollutants from a CAFO which enters surface waters such as a river, stream, creek, lake, or other waters of the United States. Process wastewaters include, but are not limited to, the following:

- Runoff from corrals, stock piled manure, and silage piles;
- Overflow from storage ponds; and
- Runoff from irrigated fields in which wastewater is applied at excessive rates which allow runoff of applied wastewater to enter waters of the United States.

### C. How to determine if your animal feeding operation is a CAFO?

Review the following questions to determine if your facility is a CAFO.

1. Do you operate a facility where animals are confined and fed or maintained?  
**If yes, proceed to next question. If no, your facility is not a CAFO.**
2. Are animals confined and fed or maintained for a total of 45 days or more in any 12 month period?  
**If yes, proceed to next question. If no, your facility is not a CAFO.**
3. Are any crops, vegetation forage growth, or post-harvest residues sustained in the normal growing season over any portion of the lot or facility?  
**If no, proceed to next question. If yes, your facility is not a CAFO.**

4. Does your facility confine greater than the following number of animals:
  - 700 mature dairy cattle,
  - 1000 slaughter or feeder cattle, or
  - 1000 animal units (See Appendix A for details)?**If yes, your facility is a CAFO. If no, proceed to next question.**
  
5. Does your facility confine the following number of animals:
  - between 200 and 700 mature dairy cattle,
  - between 300 and 1000 slaughter or feeder cattle, or
  - between 300 and 1000 animal units (See Appendix A for details)?**If yes, proceed to question 7. If no, proceed to next question.**
  
6. For facilities with less than the animals established in Question 5. above, have you been notified by EPA, after an inspection, that your facility has been designated a CAFO? See Appendix B for details on significant contributors of pollution.  
**If yes, your facility is a CAFO.**
  
7. Does your facility discharge directly into rivers, streams, creeks or other waters of the United States?  
**If yes, your facility is a CAFO. If no, proceed to next question.**
  
8. Does your facility discharge through a man-made device such as a pipe, ditch, or field overflow from land application, into a river, stream, creek or other waters of the United States?  
**If yes, your facility is a CAFO. If no, your facility is not a CAFO.**
  
9. Have you been otherwise notified by EPA that your facility is a CAFO? **If yes, your facility is a CAFO.** (The Regulations state that "the Director may designate any animal feeding operation as a CAFO upon determining that is it a significant contributor of pollution to the waters of the United States.")

If you answered **YES** to questions 4, 6, 7, 8 or 9 above, your facility is a **CAFO**.

**See Part VII. of this permit for more details on the definition of a CAFO.**

**D. Permit Coverage**

1. Owners or operators of CAFOs must submit an application (also known as a Notice of Intent) to the Environmental Protection Agency (EPA) to obtain coverage under this permit. A list of information required for a complete application can be found in Appendix C of this permit.
2. The application shall be signed by the owner or other authorized person in accordance with Part VI.F. of this permit.
3. The application must be submitted to EPA at least 90 days prior to discharge. Coverage under this permit requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to the CAFO.
4. Signed copies of the application shall be sent to:

U.S. EPA Region 10  
OW-133 CAFO NOI  
1200 Sixth Avenue  
Seattle, Washington 98101

5. CAFOs in Idaho must also send a copy of the application to:

Idaho State Division of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255

**E. Permit Expiration**

Coverage under this permit will expire five (5) years from the date of issuance.

**II. PERMIT REQUIREMENTS**

**A. Discharge Limitations**

There shall be no discharge of process wastewater to waters of the United States except when precipitation events cause an overflow of process wastewater from a control facility properly designed, constructed, maintained, and operated to contain:

1. All process generated wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.); **plus**,
2. All the contaminated runoff from a 25-year, 24-hour rainfall event;

**plus,**

3. a. Three inches of runoff from the accumulation of winter precipitation; **or**
- b. The amount of runoff from the accumulation of precipitation from a one in five year winter.

**B. Best Management Practice (BMP)**

At a minimum, the management practices established in the Idaho State Waste Management Guidelines for Animal Feeding Operations and the BMPs listed below shall be implemented to prevent contamination of waters of the United States:

**1. Design of Control Facilities**

All control facilities constructed after the issuance date of this permit or any existing control facility which is redesigned and modified in any way after the issuance of this permit **shall** be designed, constructed and maintained in accordance with the Idaho State Waste Management Guidelines for Animal Feeding Operations, 1993 and the Natural Resource Conservation Service (NRCS) National Handbook of Conservation Practices and associated State Addenda, SCS Technical Note #716, September 1993. Plans and specifications for control facilities (except those at dairy operations) shall be submitted to the Idaho Department of Health and Welfare Division of Environmental Quality (IDHW-DEQ) for review and approval prior to construction. Plans and specifications for control facilities at dairy operations shall be submitted to the Idaho Department of Agriculture for review and approval prior to construction.

**2. Facility Expansion**

CAFO operations shall not be expanded, either in size or numbers of animals, unless the waste handling procedures and structures are adequate to accommodate any additional wastes that will be generated by the expanded operations. Such expansion shall be consistent with the Idaho State Waste Management Guidelines for Animal Feeding Operations, 1993.

**3. Chemical Handling**

All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutants from entering the waters of the United States.

**4. Access Restriction**

No flowing surface waters (e.g. rivers, streams, or other waters of the United States) shall come into direct contact with the animals confined on the CAFO. Fences may be used to restrict such access.

**5. Land Application**

In order to ensure protection of groundwater from nutrient contamination, the land application rates, of both process wastewater and manure, will be applied at recommended agronomic rates for the crop(s) grown on the land application site(s).

**6. Emergency Operation and Maintenance**

It shall be considered "Proper Operation and Maintenance" for a control facility which has been properly maintained and is otherwise in compliance with the permit, and that is in danger of imminent overflow due to chronic or catastrophic rainfall, to discharge process wastewaters to land application sites for filtering. The volume discharged during such an event shall be limited to that amount reasonably expected to overflow from the waste storage pond. Such discharges shall be reported to EPA in accordance with Part IV of the permit.

**C. Prohibitions**

1. The discharge of any materials or substance other than process wastewater is strictly prohibited by this permit.
2. Discharges of process wastewaters to waters of the United States by means of a hydrologic connection is prohibited.
3. The discharge or drainage of land applied wastes (solid or liquid) from land applied areas to waters of the United States is prohibited. This includes discharges of land applied wastes from land applied areas, regardless of whether such discharges occur on rainy days, where rain is not the sole cause of the discharge.



**D. Discharge Monitoring and Notification**

If, for any reason, there is a discharge to a water of the United States, the permittee is required to monitor and report as established in Part IV. of this permit.

Discharge flow and volume from a CAFO may be estimated if measurement is impracticable.

**III. LIMITATIONS OF THE GENERAL PERMIT**

**A. Limitations on Coverage**

The following CAFOs are not covered by this permit:

1. CAFOs which have been notified by the Director to file for an individual permit in accordance with Part III.B. of this permit.
2. CAFOs that discharge all process wastewater to a publicly owned sanitary sewer system which operates in accordance with an NPDES permit.
3. Concentrated Duck feeding operations established prior to 1974.

**B. Requiring an Individual Permit**

1. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. The Director will notify the owner or operator in writing that an individual permit application is required. If an owner or operator fails to submit the permit application by the date specified in the Director's written notification, then coverage by this general permit is automatically terminated.
2. Any owner or operator covered by this permit may request to be excluded from the permit coverage by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2B) to the Director with reasons supporting the request.
3. When an individual NPDES permit is issued to an owner or operator otherwise covered by this permit, coverage by this permit is automatically terminated on the effective date of the individual permit.
4. When an individual NPDES permit is denied to an owner or operator otherwise covered by this permit, coverage by this permit is automatically reinstated on the date of such denial, unless

otherwise specified by the Director.

IV. **MONITORING, REPORTING AND RECORDING REQUIREMENTS**

A. **When to Report?**

If, for any reason, there is a discharge to a water of the United States, the permittee is required to:

1. verbally notify the EPA of the discharge at (206) 553-1846 **within 24 hours**, and
2. notify the EPA and the State of the discharge in writing **within 5 days** of the discharge. Written notification shall be sent to the addresses identified in Part I.D. of this permit.

B. **What to report?**

The information required for notification shall include:

1. A description and cause of the discharge, including a description of the flow path to the receiving water body. Also, an estimation of the duration of the flow and volume discharged.
2. The dates and times of the discharge, and, if not corrected, the anticipated time the discharge is expected to continue, as well as procedures implemented to prevent the recurrence of the discharge.
3. If caused by a precipitation event(s), information from the National Weather Service concerning the size of the precipitation event.
4. If any samples are collected and analyzed the written report shall also include the following:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The analytical techniques or methods used; and
  - e. The results of such analyses.
5. The Director may waive the written report on a case-by-case basis if an oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553-1669.
6. Any reports submitted to EPA must be signed by the owner or authorized person in accordance with Part VI.F. of the permit.

C. **Other Noncompliance Reporting** Instances of noncompliance not required to be reported in Part IV.A. of this permit shall be reported in writing within 5 days after the permittee becomes aware of the violation. The reports shall contain the information listed in Part IV.B. of this permit.

D. **Inspection and Entry** The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

V. **COMPLIANCE RESPONSIBILITIES**

- A. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. **Penalties for Violations of Permit Conditions.**
1. **Administrative Penalty.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to an administrative penalty, not to exceed \$10,000 per day for each violation.
  2. **Civil Penalty.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$25,000 per day for each violation.
  3. **Criminal Penalties:**
    - a. **Negligent Violations.** The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
    - b. **Knowing Violations.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
    - c. **Knowing Endangerment.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
    - d. **False Statements.** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.
- Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. **Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.
- F. **Removed Substances.** Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.
- G. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

VI. **GENERAL REQUIREMENTS**

- A. **Anticipated Noncompliance.** The permittee shall also give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- C. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit by resubmitting the information in Appendix C of this permit. The application should be submitted at least 180 days before the expiration date of this permit.
- D. **Duty to Provide Information.** The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- E. **Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- F. **Signatory Requirements.** All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer.
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
    - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
  2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and
    - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
  3. Changes to authorization. If an authorization under paragraph VI.F.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph VI.F.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
  4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- G. **Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- H. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- I. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- J. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- K. **State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- L. **Paperwork Reduction Act.**

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of this permit have already been approved by the Office of Management and Budget in submission made for the NPDES permit program under the provisions of the CWA.

## VII. DEFINITIONS

- A. **25-Year, 24-Hour Rainfall Event** means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States", May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.
- B. **Administrator** means the Administrator of the United States Environmental Protection Agency, or an authorized representative.
- C. **Animal feeding operation** means 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, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other, or if they use a common area or system for the disposal of wastes.
- D. **Animal unit** means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle and dairy heifers multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- E. **Application** means a written "notice of intent" pursuant to 40 CFR 122.28.
- F. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States". BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- G. **Concentrated Animal Feeding Operation (CAFO)** means an "animal feeding operation" which meets the criteria in 40 CFR Part 122, Appendix B, or which the Director designates as a significant contributor of pollution pursuant to 40 CFR 122.23 (c). Animal feeding operations defined as "concentrated" in 40 CFR 122 Appendix B are as follows:
  - 1. New and existing operations which stable or confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers of animals specified in any of the following categories:
    - a. 1,000 slaughter or feeder cattle;
    - b. 700 mature dairy cattle (whether milkers or dry cows);
    - c. 2,500 swine weighing over 55 pounds each;
    - d. 500 horses;
    - e. 10,000 sheep or lambs;
    - f. 55,000 turkeys;
    - g. 100,000 laying hens or broilers when the facility has unlimited continuous low watering systems;
    - h. 30,000 laying hens or broilers when facility has liquid manure handling system;
    - i. 5,000 ducks; or
    - j. 1,000 animal units.

2. New and existing operations which discharge pollutants into waters of the United States either through a man-made ditch, flushing system, or other similar man-made device, or directly into waters of the United States, and which stable or confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers or types of animals in the following categories:
- a. 300 slaughter or feeder cattle;
  - b. 200 mature dairy cattle (whether milkers or dry cows);
  - c. 750 swine weighing over 55 pounds;
  - d. 150 horses;
  - e. 3000 sheep or lambs;
  - f. 16,000 turkeys;
  - g. 30,000 laying hens or broilers when the facility has unlimited continuous flow watering systems;
  - h. 9000 laying hens or broilers when facility has a liquid manure handling system;
  - i. 1,500 ducks; or
  - j. 300 animal units (from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep).

Provided, however, that no animal feeding operation is a CAFO as defined above if such animal feeding operation discharges only in the event of a 25-year, 24- hour storm event.

- H. **Control Facility** means any system used for the retention of all wastes on the premises until their ultimate disposal. This includes the retention of manure, liquid waste, and runoff from the feedlot area.
- I. **Director** means the Regional Administrator of EPA.
- J. **Feedlot** means a concentrated, confined animal or poultry growing operation for meat, milk, or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.
- K. **Ground Water** means any subsurface waters.
- L. **Hydrologic Connection** means the flow between surface impoundments and surface water by means of a subsurface conveyance.
- M. **Land Application** means the removal of wastewater and waste solids from a control facility and distribution to, or incorporation into the soil.
- N. **Process Wastewater** means any process generated wastewater directly or indirectly used in the operation of a feedlot (such as spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, direct contact swimming, washing, or spray cooling of animals; and dust control) and any precipitation which comes into contact with any manure or litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry or direct products (e.g., milk, eggs).
- O. **Severe Property Damage** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonable be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- P. **The Act** means Federal Water Pollution Control Act as amended, also known as the Clean Water Act, found at 33 USC 1251 et seq.
- Q. **Toxic Pollutants** mean any pollutant listed as toxic under section 307(a)(1) of the Act.
- R. **Waters of the United States.** See 40 CFR 122.2.