



# National/Regional EPA Program Information

*May 1, 2024*

# Outline

- Office of Water
  - Office of Wastewater Management
  - Office of Science and Technology
- Office of Enforcement and Compliance
- Region 3
- Region 7
- National Agriculture Center



# Office of Wastewater Management

Office of Water



# Response to Stakeholder Petitions

- On Aug 15, 2023, EPA denied two stakeholder petitions asking EPA to revise CWA regs for the NPDES CAFO Program.
- As part of the denial, EPA announced it will conduct a comprehensive evaluation of the CAFO program which would consist of:
  - Conducting a study of CAFO effluent limitation guidelines
  - Establishing the Animal Agriculture and Water Quality (AAWQ) Subcommittee
    - <https://www.epa.gov/faca/frrcc-0>

# Additional CAFO Team Updates

- Support the Regional CAFO Programs
  - Answer CAFO regulatory questions
  - Review draft EPA and State CAFO permits
- Provide administrative support
- Collaborate with other EPA offices and USDA-NRCS





# Office of Science and Technology

Office of Water

# EPA pending petitions

Petitions specifically requesting improvements to the CAFO regulations:

- E. Brotzman. 2015. *Rulemaking Petition to lower the threshold that qualifies animal feeding operations as concentrated animal feeding operations and thereby point sources under § 402 of the Clean Water Act.*
- Food and Water Watch, et al. 2017. *Petition to Revise the Clean Water Act Regulations for Concentrated Animal Feeding Regulations.*
- Food and Water Watch. 2021. *Petition for review of EPA's statement determining that revisions of the ELGs for the Concentrated Animal Feeding Operation industrial point source category is not appropriate at this time.*
- Public Justice Foundation, et al. 2021. *Petition to List Industrial Dairy and Hog Operations as Source Categories Under Section 111(b)(1)(A) of the Clean Air Act.*



# Effluent Guidelines- Program Plan 15

- ELG Program Plan 15 Factsheet gives a great, but quick, overview of the announcements and updates including announcement of the CAFO Detailed Study.
- The commencement and pace of the study depends on the agency's Fiscal Year 2023 and 2024 appropriations and operating plan.
- CAFOs Detailed Study conducted in manner similar to other industry studies; see Program Plan 15.
- The information that will be collected is the appropriate course of action to make an informed, reasoned determination whether the potential environmental benefits of undertaking rulemaking justify devoting the significant resources that are required for such a rulemaking.
- CAFOS Detailed Study timeline is approximately two years.
  - If the EPA determines an Information Collection Request (ICR) is necessary, study will take longer.
  - EPA has and continues to encourage states, tribes, environmental groups and the public to submit data and information pertaining to the CAFO study.

# CAFOs Detailed Study

- EPA intends to gather information about many aspects of implementation of the existing CAFOs ELG and discharges from the production area and land application area.
- Primary focus is ELG and statutory considerations as they pertain to CAFOs:
  - discharges from CAFOs and the impacts of those discharges on waters of the U.S.
  - whether or not those discharges are reportedly in compliance with the ELGs
  - new technologies and practices for reducing discharges from both the CAFO production area and land application area
  - financial health of the agriculture industry as a whole and by sector, to the extent possible
- This information will help shed light on the appropriateness of ELG revision in light of the statutory standards for effluent guidelines, including that they reflect the best available technology (BAT) economically achievable, after consideration of factors specified in the Clean Water Act.



# Office of Enforcement and Compliance



# Region 3

Philadelphia, PA

Covering PA, MD, DE, VA, WV, and DC

# Chesapeake Bay

- 1970s: CB was found to contain one of the planet's first identified marine dead zones
- Impaired for nitrogen, phosphorus, and sediment
- Over 87,000 farms in watershed
- Agriculture runoff is the largest source of pollution into the Bay
  - Responsible for 48% of N loading and about 27% of P loading



# Ag Assessments

- R3 conducts assessments of animal agriculture programs in each of the six Bay jurisdictions
  - First reports published in 2015, currently working on publishing updates for each state
- First review as part of EPA oversight responsibilities under CWA to focus exclusively on animal ag
  - Fulfills settlement agreement with CBF (Fowler et al. vs. EPA)
- Examining available programs, operation universes, staffing and funding, interagency comms, and WIP goals
- Identify successes and challenges of state animal regulatory programs and make recommendations

# AFO Conservation Efforts

- Multi-divisional effort to identify and address significant pollutant discharges from animal ag operations to meet WQ objectives
- Selected farms based on several factors
  - Proximity to surface waters, concentration of AFOs in subwatershed, distance from downstream jurisdiction
  - Used AFO Explorer GIS Map
- Site visits included WQ sampling, review of plans and records, and general inspection
- Observed multiple instances of improper manure storage and management, as well as animals with free access to streams
- One farm met the federal definition of a CAFO but was not permitted as such



# Region 7

Enforcement & Compliance Assurance Division



# Livestock and Poultry Production in R7

## Nationally R7 produces:

- 45% of Cattle (6.5 million)
- 44% of Hogs (34.5 million w/ 25.1 in Iowa)
- 16% of Layers (61.7 million)
- 13% of Turkeys (28.2 million)

## State Rankings:

### Iowa

- #1 Hogs
- #1 Egg Layer
- #4 Cattle on Feed
- #12 Dairy

### Missouri

- #5 Turkeys
- #7 Hogs
- #8 Broilers
- #15 Egg Layers

### Kansas

- #3 Cattle on Feed
- #10 Hogs
- #16 Dairy

### Nebraska

- #2 Cattle on Feed
- #6 Hog Producer
- #13 Egg Layer

# Region 7 Activities with CAFOs

- Livestock and poultry production continues to be a significant industry in our Region.
- R7 administrator has prioritized addressing environmental impacts from CAFOs
- Continue to focus on addressing unauthorized discharges from large and medium CAFOs.
- Continuing permitting/compliance activities on tribal lands.
- Looking at new tools for identifying impacts from CAFOs (qPCR).



# National Agriculture Center

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)

# Questions?

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