

CHANGES IN FEDERAL CAFO REGULATIONS

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TIMELINE

2008 Rules passed by EPA in December

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2010

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2012

Court Rulings in 2012

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2014

State Implementation of Rule in 2014

KEY CHANGES (2008 RULE)

No Exemptions for Discharges Regardless of Storm Size unless have a Permit

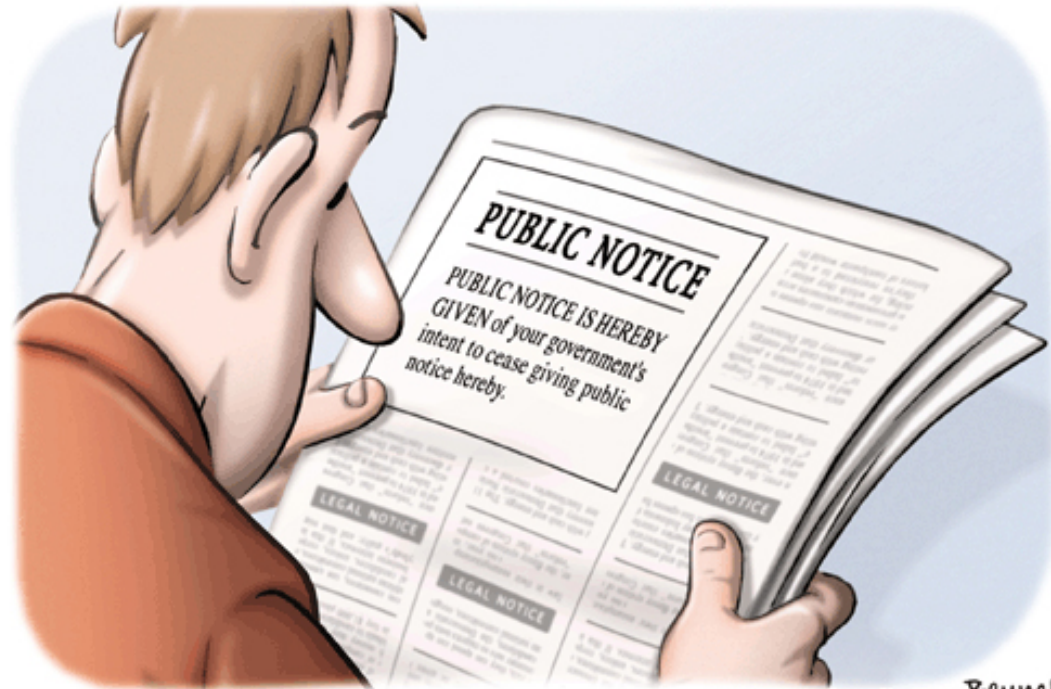
- Affects both AFOs and CAFOs



KEY CHANGES (2008 RULE)

Public Notice of NMP for CAFO Permit

- **Affects CAFOs**



Chattanooga Times Free Press *Bennett*

Source: <http://www.elkvalleytimes.com/?p=1559>

KEY CHANGES (2008 RULE)

CAFOs must follow nutrient management planning to have agricultural stormwater (field runoff) exemptions

- **Essential Elements (6-8)**
- **Affects CAFOs**



KEY CHANGES (COURT RULING)

“Propose to Discharge” overturned
(could potentially discharge)

**No Requirement to have a
Permit until a Discharge**

- **Affects CAFOs**



Source: <http://www.elkvalleytimes.com/?p=1559>

KEY CHANGES (STATE RULE)

Large Weather Event – Allows exemptions for chronic weather events

- Affects AFOs & CAFOs



KEY CHANGES (STATE RULE)

Permit-by-Rule – provides coverage for large storm event discharges for AFOs if following plan

- **Affects AFOs**



SUMMARY

CAFOs

CAFOs & AFOs

AFOs

GOOD

No Permit Required
Unless a Discharge

Exemption for
Discharges due to
Large Weather Event

Permit-by-Rule

BAD

Restrictions on
Agricultural
Stormwater
Exemption

UGLY

Public Notice of
NMP

No Discharges
Allowed Regardless
of Storm Size Unless
have a Permit