

**Water Quality Goal Implementation Team**  
**Clarification on CAFO Loads and TMDL Allocations**  
February 16, 2011

On the January 24, 2011, Water Quality Goal Implementation Team (WQGIT) conference call, there were 3 questions about CAFOs. The following paper provides EPA's response and planned follow-up actions.

1. Clarify why, if CAFO permits are "zero discharge," the Bay TMDL still assigns loads associated with a CAFO production area

- Response: Most Large CAFOs in the Chesapeake Bay watershed are subject to the requirements of 40 CFR 412 Subparts C (dairy and beef cattle) and D (swine, poultry, and veal calves), which establish "no discharge" standards for the production area. Existing Sources in Subparts C and D and New Sources in Subpart C are allowed to have discharges of overflows from the production area so long as the production area is covered by a CAFO permit and is designed, constructed, operated and maintained to contain all manure, litter, or process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event. In other words these sources may have discharges from areas of the CAFO covered by the Effluent Limitations Guidelines (New Sources in Subpart D are subject to a more stringent standard). In addition, there can be discharges from parts of the production area at some CAFOs or other discharges from CAFOs not covered by the "no discharge" standard; e.g., precipitation-based discharges that come in contact with dust, dander, feathers, and/or manure on the ground between the buildings or in ventilation systems. These sources are not contemplated in the effluent limit guidelines, but are considered to be part of a CAFO production area and are subject to effluent limitations based on the permit writer's best professional judgement. For this reason, the TMDL assigns a wasteload allocation to CAFO production areas.
- If further questions, please contact David McGuigan ([mcguigan.david@epa.gov](mailto:mcguigan.david@epa.gov)), Andy Duchovnay ([duchovnay.andrew@epa.gov](mailto:duchovnay.andrew@epa.gov)), or Ashley Toy ([toy.ashley@epa.gov](mailto:toy.ashley@epa.gov)).

2. Should load from a production area that fully complies with a CAFO permit be considered in the TMDL load allocation (LA) or wasteload allocation (WLA)?

- Response: The discharge from the production area should be considered a WLA. The CAFO permit is required to be consistent with any applicable WLA. The nutrient and sediment controls, or BMPs, in the permit are the effluent limits of the permit. Therefore, it is required that the permittee be in compliance with implementing nutrient and sediment controls, which are consistent with the assumptions of the TMDL.
- If further questions, please contact David McGuigan ([mcguigan.david@epa.gov](mailto:mcguigan.david@epa.gov)), Andy Duchovnay ([duchovnay.andrew@epa.gov](mailto:duchovnay.andrew@epa.gov)), or Ashley Toy ([toy.ashley@epa.gov](mailto:toy.ashley@epa.gov)).

3. Are there additional BMPs that could be applied to CAFO production areas to further reduce these loads?

- Response: EPA and the Chesapeake Bay Program believe that there are additional agricultural BMPs that could be applied to the CAFO production areas to further reduce nutrient and sediment loads.
- These BMPs could be existing (already approved by the Chesapeake Bay Program protocol for use in the model), placeholder (proposed by the states in the Ph I WIP process and awaiting approval from the partnership), or new (not yet proposed for use in the Bay models).
- The WQGIT Agriculture Workgroup has prioritized placeholder and new BMPs for review and approval in the coming months, some of which could be applied to AFOs and CAFOs.

- The Agriculture Workgroup will further explore this topic at its next meeting, which is currently being scheduled.
- If further questions, please contact Mark Dubin ([mdubin@chesapeakebay.net](mailto:mdubin@chesapeakebay.net)).