

7. When and how is an AFO designated as a CAFO?
8. Can EPA designate an AFO as a CAFO where the State is the permitting authority?
9. How can States use non-NPDES programs to prevent medium and small operations from being defined or designated as CAFOs?
10. What CAFOs are new sources?
- B. Who needs a permit and when?
1. Who needs to seek coverage under an NPDES permit?
2. How can a CAFO make a demonstration of no potential to discharge?
3. When must CAFOs seek coverage under a NPDES permit?
4. What are the different types of permits?
5. How does a CAFO apply for a permit?
6. What are the minimum required elements of an NOI or application for an individual permit?
- C. What are the requirements and conditions in an NPDES permit?
1. What are the different types of effluent limitations that may be in a CAFO permit?
2. Effluent limitations guidelines for Large CAFOs
3. What technology-based limitations apply to Small and Medium CAFOs?
4. Will CAFOs be required to develop and implement a Nutrient Management Plan?
5. Does EPA require nutrient management plans to be developed or reviewed by a certified planner?
6. What are the special conditions applicable to all NPDES CAFO permits?
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- D. What records and reports must be kept on-site or submitted?
- V. States' Roles and Responsibilities
- A. What are the key roles of the States?
- B. Who will implement these new regulations?
- C. When and how must a State revise its NPDES permit program?
- D. When must States issue new CAFO NPDES permits?
- E. What types of NPDES permits are appropriate for CAFOs?
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- A. How can the public get involved in the revision and approval of State NPDES Programs?
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- A. General Information**
- 1. What Entities Are Potentially Regulated by This Final Rule?*
- This final rule applies to new and existing animal feeding operations (AFOs) that meet the definition of a concentrated animal feeding operation (CAFO), or AFOs that are designated as CAFOs by the permitting authority. CAFOs are defined by the Clean Water Act as point sources for the purposes of the National Pollutant Discharge Elimination System (NPDES) program. (33 U.S.C. 1362). The rule also applies to States and Tribes with authorized NPDES Programs.
- Table 1 lists the types of entities EPA is now aware could potentially be regulated by this final rule. This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the definitions and other provisions of 40 CFR 122.23 and the provisions of 40 CFR Part 412, including the applicability criteria at 40 CFR 412.1. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

TABLE 1.—ENTITIES POTENTIALLY REGULATED BY THIS RULE

Category	Examples of regulated entities	North American industry code (NAIC)	Standard industrial classification code
Federal, State, and Local Government: Industry .....	.....	See below .....	See below