

events cause an overflow from a facility designed, constructed, and operated to contain all process wastewaters plus the runoff from a 25-year, 24-hour rainfall event. In addition, the ELGs that require land application at the CAFO must be at rates that minimize phosphorus and nitrogen transport from the field to surface waters in compliance with technical standards for nutrient management established by the Director. The ELGs also establish certain best management practice (BMP) requirements that apply to the production and land application areas.

b. New sources. For new large beef and dairy operations, the ELGs establish

production area requirements that are the same as those for existing sources. In the case of large swine, veal, and poultry operations that are new sources, a new zero discharge standard is established. The rule also clarifies that where waste management and storage facilities are designed, constructed, operated and maintained to contain all manure, litter and process wastewater, including the runoff and direct precipitation from a 100-year, 24-hour rainfall event, and is operated in accordance with certain other requirements, this will satisfy the new standard. Land application requirements for both groups are

identical to those established for existing sources.

Table 1.1 provides an annotated summary of the key elements of these final regulations as well as the specific regulatory citation for each change. The chart is intended only to provide a summary and roadmap to the regulations and is not a definitive description of all regulatory requirements. Table 1.2 provides a summary of the time frames for the implementation and complying with the requirements of today's rulemaking.

TABLE 1.1.—REGULATORY SUMMARY

Topic	Regulatory cite (40 CFR)
Definitions	
Animal Feeding Operation (AFO)	122.23(b)(1)
Concentrated Animal Feeding Operation (CAFO)	122.23(b)(2)
Production Area	122.23(b)(8)/412.2(h)
Land Application Area	122.23(b)(3)/412.2(e)
Large CAFOs	122.23(b)(4)
Manure	122.23(b)(5)
Medium CAFOs	122.23(b)(6)
Process Wastewater	122.23(b)(7)/412.2(d)
Overflow	412.2(g)
10-year, 24-hour and 25-year, 24-hour storm	412.2(i)
Setback	412.4(b)(1)
Vegetated buffer	412.4(b)(2)
Multi-year phosphorus application	412.4(b)(3)
Who Needs an NPDES Permit?	
Designated CAFOs	122.23(c)
Duty to apply	122.23(d)
Land application discharges from a CAFO are subject to NPDES requirements	122.23(e)
No Potential to Discharge determinations	122.23(f)
When Must CAFOs Apply for Coverage Under an NPDES Permit?	
Sources covered under prior regulations	122.23(g)(1)
Newly covered CAFOs	122.23(g)(2)
New sources and new dischargers	122.23(g)(3) and (4)
Designated CAFOs	122.23(g)(5)
How Do CAFOs Apply for an NPDES Permit?	
Permit application requirements—Individual or general permits	122.21(i)(1) and 122.28(b)(2)(ii)
What Is Required in NPDES Permits Issued to CAFOs?	
Effluent limitations	122.42(e)(1)
Requirements for CAFOs subject to the ELGs (Part 412):	
Subpart C—Dairy and Beef Cattle Other Than Veal	412.30
Subpart C—Dairy and Beef Cattle Other Than Veal: Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).	412.31
Subpart C—Dairy and Beef Cattle Other Than Veal: Effluent limitations attainable by the application of the best control technology for conventional pollutants (BCT).	412.32
Subpart C—Dairy and Beef Cattle Other Than Veal: Effluent limitations attainable by the application of the best available control technology economically achievable (BAT).	412.33
Subpart C—Dairy and Beef Cattle Other Than Veal: New source performance standards (NSPS)	412.35
Subpart D—Swine, Poultry, and Veal	412.40
Subpart D—Swine, Poultry, and Veal: Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).	412.43
Subpart D—Swine, Poultry, and Veal: Effluent limitations attainable by the application of the best control technology for conventional pollutants (BCT).	412.44