

land application of manure, litter and process wastewater in the previous 12 months;

(vi) Summary of all manure, litter and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and

(vii) A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner.

Appendix B to Part 122 [Removed and Reserved]

6. Remove and reserve Appendix B to part 122.

PART 123—STATE PROGRAM REQUIREMENTS

1. The authority citation for part 123 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

2. Add a new § 123.36 to read as follows:

§ 123.36 Establishment of technical standards for concentrated animal feeding operations.

If the State has not already established technical standards for nutrient management that are consistent with 40 CFR 412.4(c)(2), the Director shall establish such standards by the date specified in § 123.62(e).

Part 412 is revised to read as follows:

PART 412—CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) POINT SOURCE CATEGORY

Sec.

412.1 General applicability.

412.2 General definitions.

412.3 General pretreatment standards.

412.4 Best management practices (BMPs) for land application of manure.

Subpart A—Horses and Sheep

412.10 Applicability.

412.11 [Reserved]

412.12 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

412.13 Effluent limitations attainable by the application of the best available control technology economically achievable (BAT).

412.14 [Reserved]

412.15 New source performance standards (NSPS).

Subpart B—Ducks

412.20 Applicability.

412.21 Special definitions.

412.22 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

412.23–412.24 [Reserved]

412.25 New source performance standards (NSPS).

412.26 Pretreatment standards for new sources (PSNS).

Subpart C—Dairy Cows and Cattle Other Than Veal Calves

412.30 Applicability.

412.31 Specialized definitions.

412.32 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

412.33 Effluent limitations attainable by the application of the best control technology for conventional pollutants (BCT).

412.34 [Reserved]

412.35 New source performance standards (NSPS).

412.36 [Reserved]

412.37 Additional measures.

Subpart D—Swine, Poultry, and Veal Calves

412.40 Applicability.

412.41–412.42 [Reserved]

412.43 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

412.44 Effluent limitations attainable by the application of the best control technology for conventional pollutants (BCT).

412.45 Effluent limitations attainable by the application of the best available control technology economically achievable (BAT).

412.46 New source performance standards (NSPS).

412.47 Additional measures.

Authority: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, 1361.

§ 412.1 General applicability.

This part applies to manure, litter, and/or process wastewater discharges resulting from concentrated animal feeding operations (CAFOs). Manufacturing and/or agricultural activities which may be subject to this part are generally reported under one or more of the following Standard Industrial Classification (SIC) codes: SIC 0211, SIC 0213, SIC 0214, SIC 0241, SIC 0251, SIC 0252, SIC 0253, SIC 0254, SIC 0259, or SIC 0272 (1987 SIC Manual).

§ 412.2 General definitions.

As used in this part:

(a) The general definitions and abbreviations at 40 CFR part 401 apply.

(b) *Animal Feeding Operation (AFO)* and *Concentrated Animal Feeding Operation (CAFO)* are defined at 40 CFR 122.23.

(c) *Fecal coliform* means the bacterial count (Parameter 1) at 40 CFR 136.3 in Table 1A, which also cites the approved methods of analysis.

(d) *Process wastewater* means water directly or indirectly used in the

operation of the CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

(e) *Land application area* means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.

(f) *New source* is defined at 40 CFR 122.2. New source criteria are defined at 40 CFR 122.29(b).

(g) *Overflow* means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure.

(h) *Production area* means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

(i) *Ten (10)-year, 24-hour rainfall event, 25-year, 24-hour rainfall event, and 100-year, 24-hour rainfall event* mean precipitation events with a probable recurrence interval of once in ten years, or twenty five years, or one hundred years, respectively, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or