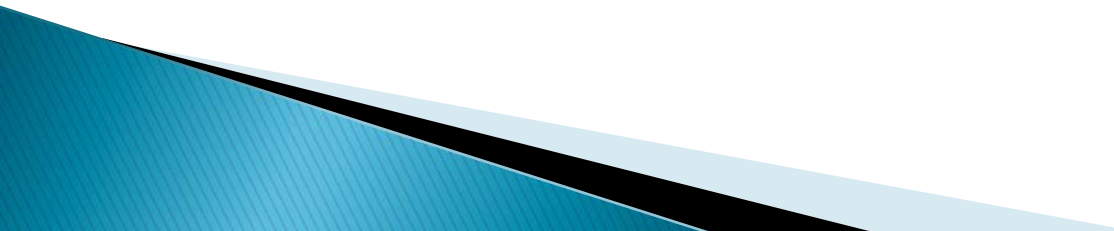


CAFO Rule Update

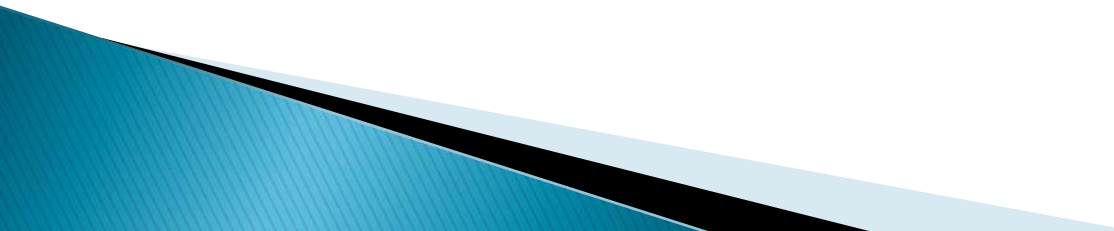
Proposed Major Revisions

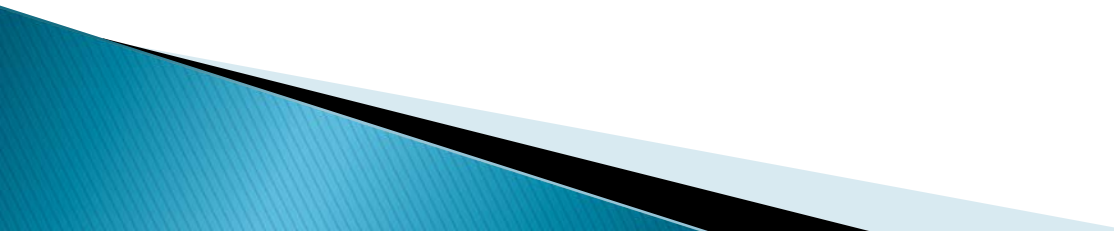
- §321.32. Definitions
- §321.36. Texas Pollutant Discharge Elimination System General Requirements for Concentrated Animal Feeding Operations (CAFOs)
 - No Discharge Certification Option
 - Terms of the NMP

Definitions Removed

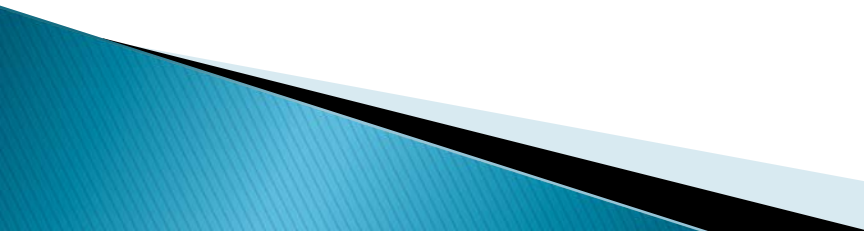
- Air Contaminant
 - One Hundred Year, 24 Hour Rainfall Event
 - Significant Concentrated Animal Feeding Operation (CAFO) Expansion
- 

Definitions Added

- Bypass – The intentional diversion of waste streams from any portion of a treatment facility.
 - Dry Litter Poultry Operation – A poultry animal feeding operation that does not use a liquid manure handling system.
- 

- Upset – An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 

Definitions Revised

- Catastrophic Conditions – Conditions that cause structural or mechanical damage to the AFO from natural events including high winds, tornados, hurricanes, or other natural disasters **including devastation from foreign and emerging animal diseases**, other than rainfall events.
 - Certified Nutrient Management Specialist – An organization in Texas or an individual who is currently certified as a nutrient management specialist through a United States Department of Agriculture–Natural Resources Conservation Service, **Texas Certified Crop Advisor’s Board** or **Texas AgriLife Extension Service** recognized certification program.
- 

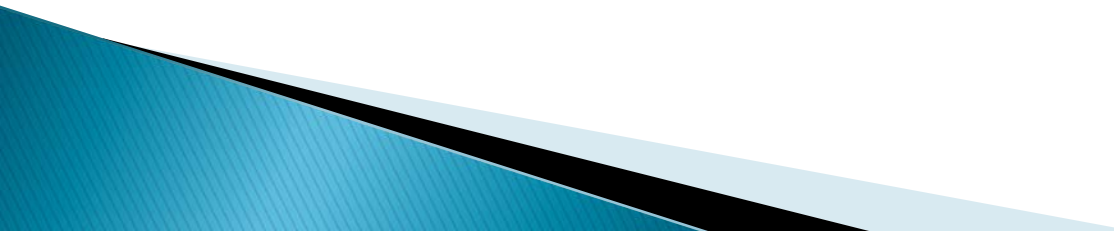
Definitions Revised

- **Nutrient Management Plan** – **A plan based on the Natural Resources Conservation Service Practice Standard Code 590, Texas, July 2007, to address the amount, source, placement, form, and timing of the application of all nutrients and soil amendments.**
- **Retention Control Structures (RCS)** – **Any basins, ponds, pits, tanks, conveyances, and lagoons used to store and/or treat manure, litter, wastewater, and sludge, including cooling ponds located in the production area of a CAFO. The term RCS does not include structures with a depth of impoundment of 2 feet or less, or conveyance systems such as irrigation piping or ditches that are designed and maintained to convey manure, litter, or water.**

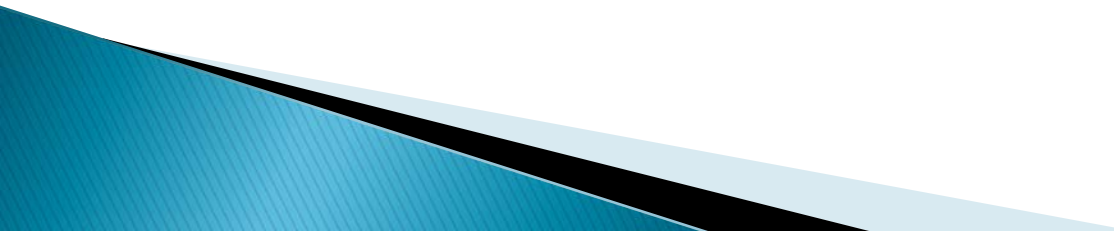
Definitions Revised

- State-Only CAFO – An AFO that falls within the range of animals in subparagraph (B) of this paragraph and that is located in the dairy outreach program areas or **an AFO** designated by the executive director as a CAFO because it is a significant contributor of pollutants into water in the state. **A state- only CAFO is authorized under state law.**
- (ii) falls within the range of animals in subparagraph (A) of this paragraph and the owner or operator certifies to the executive director that the AFO does not discharge or propose to discharge. (Section removed)

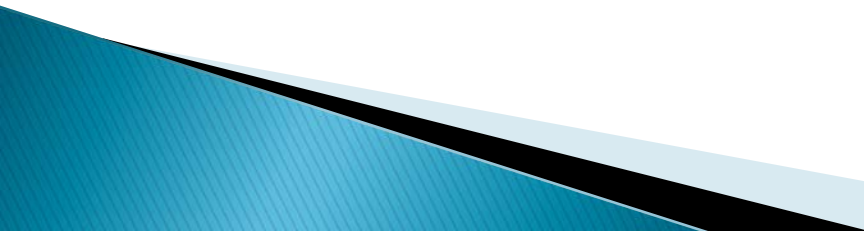
Terms of the NMP

- The Terms of the NMP
 - Changes to NMP
 - Substantial Changes
 - Public Notice
- 

Terms of the NMP

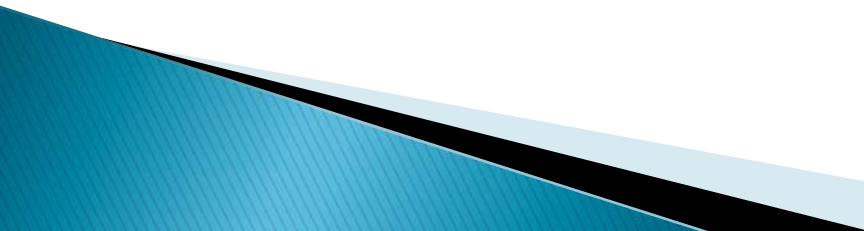
- The terms of the NMP shall include all crops identified in the NMP with associated phosphorus risk index ratings and maximum application rates
 - The crops must be listed by the land management unit (LMU) identification number including total application acreage for each LMU
 - Realistic yield goals for each crop must be included in the NMP.
 - All methodology must be consistent with §321.36(c)(1)
- 

Changes to the NMP

- Changes to a NMP: Any changes, except changes resulting from annual recalculation, must be submitted to the Executive director
 - The NMP will be reviewed by the Executive Director to determine if changes require revisions to the terms of the NMP
 - Revisions to terms of the NMP can be substantial or non-substantial
- 

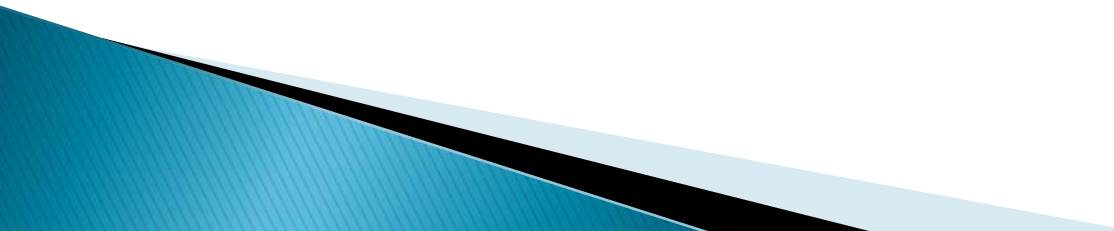
Substantial Changes

Substantial changes include:

- The addition of land application acres not in the CAFO's NMP
 - Change in the maximum amounts of nitrogen and phosphorus derived from all sources
 - Addition of crops not included in the CAFO's NMP
 - Change in the PI Rating
- 

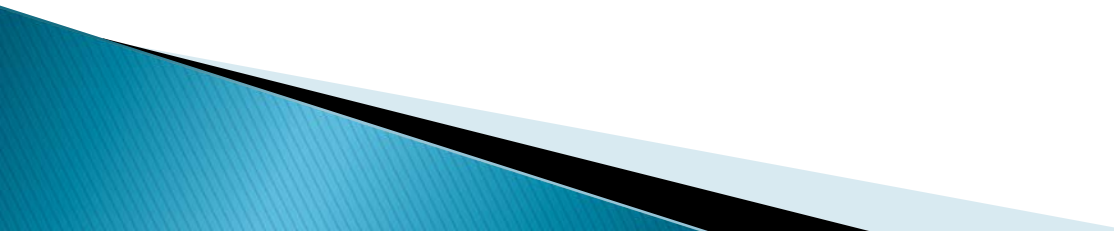
Public Notice

If a substantial change in the NMP has been determined:

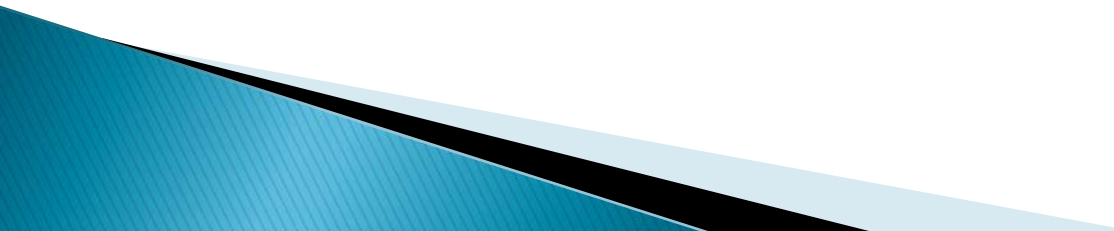
- The changes must be incorporated in the draft permit
 - The NMP will be made publicly available through the public notice process
- 

CAFO Rule – Tentative Timeline

- Stakeholder Meeting: September 5, 2012
 - Comments from Stakeholders Due September 19, 2012
 - EPA Rule Review: October – December 2012
- 

- Public Meeting/Comment Period:
June 2013
 - TCEQ Rule Adoption Process:
August – November 2013
- 

CAFO GP Renewal Tentative Timeline

- Stakeholder Meeting: November 2013
 - Receive Comments from Stakeholders
 - EPA Permit Review: December/February 2014
- 

- Public Meeting/Comment Period:
January/February 2014
 - Permit Issuance: Agenda June 2014
- 