



Cattle Producer's Handbook

Miscellaneous Section

1010

Concentrated Animal Feeding Operation Rules for Cow-Calf Enterprises

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Criteria for CAFO Classification

The Clean Water Act, administered federally by the Environmental Protection Agency, distinguishes between non-point and point-sources of pollution. Non-point source pollution comprises pollutants spread over a large area, such as over-application of fertilizer or potentially harmful components of livestock manure on pasture. Point-sources of pollution are those that discharge pollutants at a discrete point, such as a pipe (e.g., wastewater treatment plant). When animals are confined and concentrated, the facility may be treated as a point-source of pollution under the Concentrated Animal Feeding Operation (CAFO) rules and may be subject to specific permitting requirements.

The CAFO program was intended for confinement facilities that concentrate large quantities of manure, such as feedlots and dairies. However, in defining what a CAFO is, the rule describes facilities that sometimes include cow-calf operations.

Most cow-calf production sites do not “fit” the program, and it is in the producer’s best interest to take measures to avoid designation. CAFO designation necessitates a permitting process that takes time, costs money to implement, and includes annual fees and testing requirements.

Grass-based beef producers prefer to distribute and utilize manure rather than export it to surface water. Larger producers with their own feedlots or backgrounding lots with a large one-time capacity and that are adjacent to surface water may need to apply for a National Pollutant Discharge Elimination System permit.

A confinement area¹ may be at risk of CAFO designation if, on an individual confinement facility, these conditions exist:

1. No vegetation (crops, forage growth, or post-harvest residues) during the growing season;
2. Animals are present for a total of at least 45 days (not necessarily consecutive) during any 12-month period; and
3. Pollutants are discharged to surface water.

The important questions are: what does “significant” mean, who decides, and based on what criteria? Specific regulatory details vary by state and can be investigated further by contacting your state’s permitting authority.

State Permitting Authorities

Arizona Dept. of Environmental Quality
(602) 771-4469

California State Water Resources Control Board
(916) 341-5587

Colorado Dept. of Public Health & Environment
(303) 692-3520

Hawaii Dept. of Health, Environmental Mgmt. Div.
(808) 586-4352

Idaho State Department of Agriculture
(208) 332-8540

¹The regulation looks at an individual confinement site rather than the entire cattle operation; thus, if a producer has 250 cows confined in one location and 80 first-calf heifers in another, these are considered two separate animal feeding operations of less than 300 head rather than one of 330.