

# Concentrated Animal Feeding Operations: Food & Water Watch, et al. Petition Requesting Clean Water Act Regulation Revisions



**Walter Wright, Jr.**

wwright@mwlaw.com  
(501) 688.8839

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Food & Water Watch, along with a number of other organizations (“Food & Water Watch”) filed a March 8th Petition before the United States Environmental Protection Agency (“EPA”) asking that the agency revise the Clean Water Act Regulations for Concentrated Animal Feeding Operations (“CAFO”).

Arkansas organizations that signed the Petition included the Arkansas Rights Coalition and Ozark River Stewards.

The Petition addresses EPA’s regulation of CAFOs through the Clean Water Act National Pollution Discharge Elimination System permitting program. The organizations argue that:

EPA must take further action to fulfill its CWA obligations, and the Agency’s 2003 and 2008 rulemaking attempts do not in any way lessen this duty. EPA maintains clear authority to strengthen its approach to CAFO regulation in numerous ways, and has amassed a large volume of new information about CAFO pollution since it put forth the 2001 proposal that largely shaped the current regulations. This petition lays out a regulatory course of action for EPA to better use its authority to control CAFO pollution and further the objectives of the Act.

The Petition requests that EPA promulgate new CAFO rules that will effectively implement the CWA’s pollution control mandate. Specifically, Petitioners request the following relief:

1. EPA should establish an evidentiary presumption that certain CAFOs discharge and are either subject to NPDES permitting or must rebut the presumption by demonstrating they do not discharge;
2. EPA should revise its interpretation of the agricultural stormwater exemption such that no discharges resulting from CAFO activities are exempt as non-point source pollution;
3. EPA must ensure that integrators who meet the CWA definition of owner or operator are co-permitted with contract producers, as the statute has always required;
4. EPA should revise certain definitions in the CAFO regulations;
5. EPA should revise the requirements applicable to all CAFOs, including by requiring water quality monitoring in CAFO NPDES permits to ensure compliance with the CWA and permit terms; and
6. EPA should revise the CAFO ELGs to address additional CAFO pollutants of concern, prohibit practices known to harm water quality, and otherwise strengthen existing requirements.

[A copy of the Petition can be downloaded here.](#)