




**IMPLEMENTATION TECHNICAL PAPER No. 6**

**TO:** EPA Regional and Authorized State NPDES Permit and Enforcement Coordinators and State Information Technology Staff

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**DATE:** 20 April 2018

**SUBJECT:** Implementation Technical Paper No. 6: Data requirements for NPDES Electronic Reporting Rule CAFO-specific Data Elements

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The NPDES Electronic Reporting Rule (“final rule”) requires the electronic reporting and sharing of NPDES facility and operational information. As part of EPA’s collaboration with the states to move forward with converting the NPDES program from paper to electronic reporting, EPA is developing a series of implementation technical papers to help EPA regions and state NPDES programs make a smooth transition. This is the sixth of these technical implementation papers and this particular draft paper addresses information specific to Concentrated Animal Feeding Operations (CAFO) that have or seek an NPDES permit.

This paper was developed based on recommendations from the EPA-state CAFO Technical Workgroup. This workgroup usually met bi-weekly from April to September 2017 and included 85 subject matter experts from EPA Headquarters, five EPA Regions, and 24 states. EPA distributed the second version of this paper to EPA Regional and state NPDES permitting and enforcement coordinators as well as state information technology staff (the IPT and ICIS-NPDES users).

EPA thanks the commenters for their time and efforts to review this paper and provide feedback. This version incorporates these comments. EPA will publish this paper on its website to assist authorized NPDES programs with implementation of the final rule.<sup>1</sup> EPA also plans to provide updates on the progress states are making in sharing these data through regularly scheduled meetings (e.g., ICIS-NPDES IPT monthly meetings, ICIS-NPDES user monthly meetings), the ECHO “NPDES eRule Readiness and Data Completeness Dashboard,” as well as through e-mail news alerts.<sup>2</sup>

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<sup>1</sup> See: <https://www.epa.gov/compliance/npdes-ereporting>

<sup>2</sup> See: <https://www.epa.gov/compliance/npdes-ereporting-help>

Among other things, the final rule lists the information (“data elements”) to be provided, groups this information by types of reports and identifies the regulatory citations requiring the information. EPA has taken a number of steps to assist the states and regulated community in moving forward with submission of this information. This includes development of electronic reporting forms and outreach efforts to test these forms for ease of submission and accessibility. This paper represents another step in EPA’s effort to aid the electronic reporting effort.

This paper supports implementation of the final rule by providing further information for the data elements identified in the final rule (Appendix A to 40 CFR part 127). In particular, this technical paper provides more detail on electronic formatting and submission of data elements required to be submitted through CAFO annual reports, compliance monitoring activities, and permit applications and Notices of Intent (NOI). These data elements document the measures taken to protect public health and the environment for this NPDES-permitted sector. Members of the workgroup also recommend revising the ICIS-NPDES violation codes to better align them to NPDES electronic reporting and to support better oversight.

Prior to electronic reporting, these data elements were most often reported on paper and in non-standard formats. Paper reporting of these data limited the availability and utility of these data on a national scale as key data from these reports were not generally standardized, aggregated, or publicly available. Upon full implementation of the final rule, authorized NPDES programs, EPA, and the public will be able to better identify and evaluate the measures taken to protect public health and the environment for this sector.

EPA will use this technical paper to develop electronic reporting tools and to update NPDES data sharing protocols and schemas, EPA’s NPDES data system (ICIS-NPDES), and the forthcoming NPDES Noncompliance Report (NNCR).

EPA will work collaboratively with authorized NPDES programs on the recommended actions in this paper. Authorized NPDES programs can request training or data entry help from EPA by sending an email to: [NPDESeReporting@epa.gov](mailto:NPDESeReporting@epa.gov).

**DISCLAIMER:** *This implementation technical paper provides data entry guidance for CAFO-specific data elements. While this document cites statutes and regulations that contain legally binding requirements, it does not itself impose legally binding requirements on EPA, states, tribes, other regulatory authorities, or the regulated community and its content might not apply to a particular situation based upon the circumstances. EPA, state, tribal, and other decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from those provided in this document as appropriate and consistent with statutory and regulatory requirements. This document does not confer legal rights or impose legal obligations upon any member of the public. This document does not constitute a regulation, nor does it change or substitute for any CWA provision or EPA regulations. EPA could update this document as new information becomes available.*

## **Implementation Technical Paper No. 6**

### **Data Entry Guidance for NPDES Electronic Reporting CAFO-specific Data Elements**

#### **1. Overview of CAFO-specific Data Elements**

This technical paper supports implementation of the final rule by providing further information for the data elements identified in the final rule (Appendix A to 40 CFR part 127). In particular, this technical paper provides more detail for data elements specific to CAFOs that are already required to be submitted under NPDES regulations. These data elements are part of the following NPDES Data Groups:

- Core NPDES Permitting, Compliance, and Enforcement Data [40 CFR parts 122, 123, 403, 503];
- General Permit Report: Notices of Intent to discharge (NOIs) [40 CFR 122.28];
- Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)].

These data are gathered as part of the NPDES program. In particular, these data are collected during the following activities:

- NPDES permit applications and notices of intent (individual and general NPDES permits);
- EPA and state compliance monitoring activities (e.g., inspections); and
- CAFO annual program report submissions (self-reported compliance monitoring information).

Animal Feeding Operations (AFOs) are agricultural operations where animals are kept and raised in confined situations. An AFO is a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

AFOs that meet the regulatory definition of a concentrated animal feeding operation (CAFO) are regulated under the NPDES permitting program. The NPDES program regulates the discharge of pollutants from point sources to waters of the United States. CAFOs are point sources, as defined by the Clean Water Act [CWA Section 502(14)]. To be considered a CAFO, a facility must first be defined as an AFO, and meet the criteria established in the federal CAFO regulations at 40 CFR §122.23.

A Large CAFO confines at least the number of animals described in the table below. A Medium CAFO falls within the size range in the table below and either:

- Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
- Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

For more information on CAFO permitting, please see federal CAFO regulations, EPA’s website at <https://www.epa.gov/npdes/animal-feeding-operations-afos-permitting-program>, and consult your state regulations.

Animal Sector	Federal Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs <sup>3</sup>	Small CAFOs <sup>4</sup>
Cattle (not dairy or veal calves) or cow/calf pairs	1,000 or more	300-999	Fewer than 300
mature dairy cattle	700 or more	200-699	Fewer than 200
veal calves	1,000 or more	300-999	Fewer than 300
swine (weighing over 55 pounds)	2,500 or more	750-2,499	Fewer than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000-9,999	Fewer than 3,000
horses	500 or more	150-499	Fewer than 150
sheep or lambs	10,000 or more	3,000-9,999	Fewer than 3,000
turkeys	55,000 or more	16,500-54,999	Fewer than 16,500
laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000-29,999	Fewer than 9,000
chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500-124,999	Fewer than 37,500
laying hens (other than a liquid manure handling systems)	82,000 or more	25,000-81,999	Fewer than 25,000
ducks (other than a liquid manure handling systems)	30,000 or more	10,000-29,999	Fewer than 10,000
ducks (liquid manure handling systems)	5,000 or more	1,500-4,999	Fewer than 1,500

Currently, data related to CAFOs are most often reported on paper or in non-standard formats. This limits the availability and utility of these data on a national scale.<sup>5</sup> Data on permitted CAFOs tracked by states is not integrated at the national level, making it difficult to gain a national-level picture of permitted operations. CAFOs generate significant volumes of animal waste which, if improperly managed, can result in environmental and human health risks such as water quality impairment, fish kills, algal blooms, contamination of drinking water sources, and transmission of disease-causing bacteria and parasites associated with food and waterborne diseases.<sup>6</sup>

The amount of manure generated by large farms that raise animals depends on the type and number of animals raised, but large operations can produce more than 1.6 million tons of manure a year. In addition, according to some agricultural experts, the clustering of large operations in certain geographic areas may result in large amounts of manure that cannot be effectively used as fertilizer on adjacent

<sup>3</sup> Must also meet one of two “method of discharge” criteria specified in EPA regulations to be defined as a CAFO or may be designated on a case-by-case basis.

<sup>4</sup> AFOs are designated as small CAFOs on a case-by-case basis.

<sup>5</sup> U.S. General Accountability Office (GAO), 2008. “Concentrated Animal Feeding Operations, EPA Needs More Information and a Clearly Defined Strategy to Protect Air and Water Quality from Pollutants of Concern,” GAO-08-944, September. Available at: <http://www.gao.gov/assets/290/280229.pdf>

<sup>6</sup> U.S. EPA. “Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality,” EPA 820-R-13-002, July 2013

cropland<sup>7</sup> and could increase the potential of pollutants reaching nearby waters and degrading water quality.<sup>8</sup>

Upon full implementation of the final rule, authorized NPDES programs, EPA, and the public will be able to integrate CAFO data at a national level and thereby better identify and evaluate the measures taken to protect public health and the environment for this sector. Members of the workgroup also recommend revising the CAFO ICIS-NPDES violation codes to better align them to NPDES electronic reporting and to support better oversight (see Attachment 7). EPA will use these CAFO violation codes for the forthcoming NPDES Noncompliance Report (NNCR). EPA will also work with all interested states on how to search, sort, and display the CAFO annual report data in ECHO.

## **2. Animal Feeding Operation Information Submitted with NPDES Permit Application or Notice of Intent**

Under the CWA, EPA and states, territories, or tribes with authorized NPDES programs issue NPDES permits with terms no longer than five years. See 33 U.S.C. §1342(b)(1)(B). Authorized NPDES programs may have different schedules for permit issuance, but their schedules may be no less stringent than the federal timeframes. AFOs that apply for an individual NPDES permit will use EPA's NPDES Form 2B or a similar state form.<sup>9</sup> CAFOs that seek NPDES permit coverage under a NPDES general permit will submit similar information on a Notice of Intent (NOI) form.

The 2015 NPDES Electronic Reporting rule (NPDES eRule) identified the CAFO data elements to be submitted electronically as well as data sharing requirements for authorized NPDES programs (see 40 CFR 127.23). The NPDES permit and NOI data elements are listed below and in Attachment 1. EPA worked collaboratively with states to develop data entry screen mock-ups for these data elements. See Attachment 2.

- Facility CAAP Designation
- Facility CAFO Type
- CAFO Designation Date
- CAFO Designation Reason
- CAFO Animal Types
- CAFO Animal Maximum Numbers
- CAFO Animal Maximum Numbers in Open Confinement
- CAFO Manure, Litter, and Process Wastewater (MLPW)
- CAFO MLPW Amounts
- CAFO MLPW Amounts Units
- CAFO MLPW Transferred
- Total Number of Acres Available for Land Application
- CAFO MLPW Containment and Storage Type

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<sup>7</sup> [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs143\\_012133.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_012133.pdf)

<sup>8</sup> U.S. EPA. "Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality," EPA 820-R-13-002, July 2013

<sup>9</sup> U.S. Environmental Protection Agency. "Form 2B - Applications for Permit to Discharge Wastewater: Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities." Available at: [https://www.epa.gov/sites/production/files/2015-09/documents/cafo\\_fedregstr\\_form2b.pdf](https://www.epa.gov/sites/production/files/2015-09/documents/cafo_fedregstr_form2b.pdf).

- CAFO MLPW Containment and Storage Maximum Capacity Amounts
- CAFO MLPW Containment and Storage Maximum Capacity Amounts Unit

The authorized NPDES program (under 40 CFR part 122) is responsible for collecting these data as part of its oversight activities for CAFOs. The authorized NPDES programs will collect these data from individual permit applications (often through paper forms) and then electronically share these data with EPA through electronic data transfers or through use of EPA’s national NPDES data system (ICIS-NPDES). General permit covered facilities will electronically submit the required data (CAFO designation date and reason will be submitted by the permitting authority) on their NOIs. The data entry screen mock-up in Attachment 2 identifies the questions that are only to be answered by the authorized NPDES programs and the data elements that are to be submitted by CAFOs. This mock-up screen is intended to visually show what data needs to be collected, stored, and shared with EPA. It is not intended to show how the final, technically-functional form will look. All data elements included in this paper are part of Phase 2 implementation of the NPDES eRule (start date for electronic reporting is no later than 21 December 2020).

### **3. EPA and State Compliance Monitoring Data**

The final rule includes EPA and state compliance monitoring data elements in Appendix A. Authorized NPDES programs are required to share these data with EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). Authorized NPDES programs will share these Appendix A data elements with EPA’s national NPDES data system (ICIS-NPDES).

EPA’s regulations require authorized NPDES programs to have “inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements.” See 40 CFR 123.26(b). EPA’s NPDES Compliance Monitoring Strategy (CMS) also provides compliance monitoring goals for authorized NPDES programs.<sup>10</sup> This means that authorized NPDES programs must inspect CAFOs on a regular basis. The NPDES CMS notes that, “[t]he objective of CAFO inspections is to verify that CAFOs are not illegally discharging to waters of the United States, as well as to verify that permitted CAFOs are in compliance with their NPDES permits.”<sup>11</sup>

The NPDES CMS also provides recommended inspection frequencies for large CAFOs without NPDES permits (Section 2.D.2), medium AFOs without NPDES permits (Section 2.D.3), and small AFOs (Section 2.D.4). It is important to note that the NPDES eRule did not change the requirements for NPDES programs to report information on certain unpermitted facilities to EPA [see 40 CFR 123.41(a) and 123.43(d)]. In order to provide clarity, the preamble to the final rule provided examples that clarify when authorized NPDES programs are required to share NPDES program data on unpermitted facilities with EPA by entering these data in to EPA’s national NPDES data system (ICIS-NPDES) (see 22 October 2015; 80 FR 64078).

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<sup>10</sup> U.S. EPA, 2014. Issuance of Clean Water Act National Pollutant Discharge Elimination System Compliance Monitoring Strategy, Memorandum from Lisa Lund, Director, Office of Compliance, July 21. See <https://www.epa.gov/compliance/clean-water-act-national-pollutant-discharge-elimination-system-compliance-monitoring>.

<sup>11</sup> Ibid. Page 16.

The following information will be generated by EPA and state staff during their compliance monitoring activities (e.g., inspections). These data elements are listed below and a detailed description of these data elements is provided in Attachment 3.

- Animal Types (Inspection)
- Animal Numbers (Inspection)
- Animal Numbers in Open Confinement (Inspection)
- MLPW Containment and Storage Type (Inspection)
- MLPW Containment and Storage Type Within Design Capacity (Inspection)
- CAFO Unauthorized Discharges (Inspection)
- Permit Requirements Implementation (Inspection)

EPA collaboratively worked with states to develop data entry screen mock-ups for these data elements. See Attachment 4. These data entry screen mock-ups are not intended to be used as the final form, but to show what data elements will be collected and the related reference values and business rules. These data elements are part of Phase 2 implementation of the NPDES eRule (start date for electronic reporting is no later than 21 December 2020).

#### **4. Data Elements Specific to the CAFO Annual Program Report [40 CFR 122.42(e)(4)]**

NPDES-permitted CAFOs are required to submit an annual report to the authorized NPDES program (40 CFR 122) in accordance with 40 CFR 122.42(e)(4). The annual report must include operational information including a summary of unauthorized discharges from the production area or land application area. The electronic submission of these annual reports will help permitting authorities collect and process CAFO information more efficiently, and aid in the evaluation of the compliance status of NPDES-permitted CAFOs. In particular, these annual reports help to identify how CAFOs are operating, how many animals of each animal type are being raised at permitted CAFOs, how many permitted CAFOs have had discharges within the previous year, the type and amounts of manure generated by permitted CAFOs in the previous year, and the requirements and controls on these CAFOs.

The final rule standardized reporting requirements for the CAFO annual program report. A detailed description of these data elements is provided in Attachment 5. EPA collaboratively worked with states to develop data entry screen mock-ups for these data elements. See Attachment 6. The use of standardization helps ensure uniformity and consistency of all NPDES permits issued by EPA and authorized NPDES programs. NPDES-permittees must electronically submit these annual reports starting no later than 21 December 2020 (see Table 1 to 40 CFR 127.16). Authorized NPDES programs should provide the necessary data to enable ICIS-NPDES to automatically detect of non-reporting (see Attachment 5).

Additionally, authorized NPDES programs are required to share these data with EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). Authorized NPDES programs will directly share these data elements with ICIS-NPDES or through other electronic data transfers.<sup>12</sup>

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<sup>12</sup> Note: Some authorized NPDES programs uses EPA's NPDES data system (ICIS-NPDES) as their NPDES data system.

Finally, authorized NPDES programs should update the “NPDES Data Group Number” data in ICIS-NPDES so that CAFO annual report filers can be identified with the following filter: “NPDES Data Group Number = G05 (CAFO Annual Program Report).” EPA previously requested that authorized NPDES programs update this data by 1 September 2017.<sup>13</sup> Authorized NPDES programs should also update the “CAFO Permit Component” data field in ICIS-NPDES. The “NPDES Data Group Number” and “Permit Component” data elements are in the ICIS-NPDES schema and they are included in Appendix A to 40 CFR 127 (NPDES eRule). EPA plans to update ECHO so that it uses the CAFO permit component in ICIS-NPDES to identify all NPDES-regulated CAFOs.

## **5. Linkages to Authorized NPDES Programs Compliance Monitoring and Enforcement Actions**

The data elements in this paper will be linkable to compliance monitoring activities (e.g., inspections) and enforcement actions. This will help distinguish between resolved and unresolved violations found through authorized NPDES programs compliance monitoring activities (e.g., inspections) or compliance monitoring reports from permittees (e.g., DMRs, program reports). These linkages will also identify if the authorized NPDES program has taken an enforcement action for any given violation.

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<sup>13</sup> U.S. EPA, 2017. “Implementation Technical Paper No. 3: Implementation Technical Paper No. 3: Data Elements for Tracking Electronic Reporting Progress and Other Phase 1 Data Elements,” John Dombrowski, Director, Enforcement Targeting and Data Division, Office of Compliance, to EPA Regional and Authorized State NPDES Permit and Enforcement Coordinators and State Information Technology Staff.



**Attachment 1: Data Elements for CAFO Designations, Individual Permit Applications, and NOIs (Appendix A to 40 CFR part 127)**

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
Facility CAAP Designation	A unique code ( <i>e.g.</i> , “Yes”, “No”) to indicate whether the facility includes Concentrated Aquatic Animal Production (CAAP).	122.21(i)(2), 122.24, 122.25, 122.28(b)(2)(ii)	1,2
Facility CAFO Type	The unique code/description that identifies whether the facility includes a small, medium, or large Concentrated Animal Feeding Operation (CAFO).	122.21(i)(1), 122.23, 122.28(b)(2)(ii)	1,2
CAFO Designation Date	The date on which the facility is designated as a small or medium Concentrated Animal Feeding Operation (CAFO). The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	122.23	1
CAFO Designation Reason	The reason(s) the State Director or the Regional Administrator used to designate an animal feeding operation as a small or medium CAFO. [Ed note: Large and medium CAFO definitions are in 40 CFR 122.23(b)]. This text field can include the following factors: (1) the size of the AFO and the amount of wastes reaching waters of the United States; (2) the location of the AFO relative to waters of the United States; (3) the means of conveyance of animal wastes and process waste waters into waters of the United States; (4) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes manure and process waste waters into waters of the United States; and (5) other relevant factors.	122.23(c)	1
CAFO Animal Types	The unique code/description that identifies the animal type(s) at the facility ( <i>e.g.</i> , beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other).	122.21(i)(1)(v), 122.28(b)(2)(ii)	1,2
CAFO Animal Maximum Numbers	The estimated maximum number of each type of animal intended to be held in open confinement or housed under roof (either partially or totally) at the facility at any time during the forthcoming permit term. This only includes animals that will be held at the facility for 45 days or more in the forthcoming permit term.	122.21(i)(1)(v), 122.28(b)(2)(ii)	1,2

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
CAFO Animal Maximum Numbers in Open Confinement	The estimated maximum number of each type of animal intended to be held in open confinement at the facility at any time during the forthcoming permit term. This only includes animals that will be held at the facility for 45 days or more in the forthcoming permit term.	122.21(i)(1)(v), 122.28(b)(2)(ii)	1,2
CAFO MLPW	The unique code/description that identifies the type of CAFO manure, litter, and process wastewater generated by the facility.	122.21(i)(1)(viii), 122.28(b)(2)(ii)	1,2
CAFO MLPW Amounts	The estimated maximum amount of CAFO manure, litter, and process wastewater likely to be generated by the facility in any 365-day period during the forthcoming permit term.	122.21(i)(1)(viii), 122.28(b)(2)(ii)	1,2
CAFO MLPW Amounts Units	The unit ( <i>e.g.</i> , dry metric tons, gallons) for the estimated maximum amount of CAFO manure, litter, and process wastewater likely to be generated by the facility in any 365-day period during the forthcoming permit term.	122.21(i)(1)(viii), 122.28(b)(2)(ii)	1,2
CAFO MLPW Transferred	The estimated maximum amount of CAFO manure, litter, and process wastewater likely to be transferred to other persons in any 365-day period during the forthcoming permit term. The units for this data element will be the same as the units for the “CAFO MLPW Amounts” data element.	122.21(i)(1)(ix), 122.28(b)(2)(ii)	1,2
Total Number of Acres Available for Land Application	Total number of acres in a nutrient management plan for land application of manure, litter, and process wastewater.	122.21(i)(1)(vii), 122.28(b)(2)(ii)	1,2
CAFO MLPW Containment and Storage Type	The unique code/description describing the one or more types of CAFO manure, litter, and process wastewater containment and storage ( <i>e.g.</i> , lagoon, holding pond, evaporation pond, anaerobic lagoon, storage lagoon, evaporation pond, aboveground storage tanks, belowground storage tanks, roofed storage shed, concrete pad, impervious soil pad, other) at the facility.	122.21(i)(1)(vi), 122.28(b)(2)(ii)	1,2
CAFO MLPW Containment and Storage Maximum Capacity Amounts	The estimated maximum capacity of each CAFO manure, litter, and process wastewater containment and storage type at the facility.	122.21(i)(1)(vi), 122.28(b)(2)(ii)	1,2
CAFO MLPW Containment and Storage Maximum Capacity Amounts Unit	The unit for the estimated maximum capacity of each CAFO manure, litter, and process wastewater containment and storage type at the facility ( <i>e.g.</i> , gallons).	122.21(i)(1)(vi), 122.28(b)(2)(ii)	1,2

## Attachment 2: Mockup for CAFO Designations, Individual Permit Applications, and NOIs

<**Note:** This mock-up is intended to summarize the thinking and decisions from members of the EPA-state technical workgroup. The final version of this data entry form will collect the same data but will likely be different.>

**Note:** Authorized NPDES programs will provide the data for Questions 1 through 3. The following three questions will be answered by the authorized NPDES program based on information provided by the permittee and any other information obtained by the authorized NPDES program (e.g., information from inspections). These data will be shared with EPA’s national NPDES data system (ICIS-NPDES) through web screens or through electronic data transfers.

### 1. Facility Animal Feeding Operation Type

Select the Concentrated Animal Feeding Operation type for this facility (pick one):


Small CAFO       Medium CAFO       Large CAFO

The authorized NPDES program will use criteria and process outlined in EPA regulations to identify Concentrated Animal Feeding Operations (CAFOs) and their size. See 40 CFR 122.23(c).

<**Note:** These data will be provided by the authorized NPDES program for all permitted CAFOs. This question will not appear on NOIs as only the authorized NPDES program can answer this question. Authorized NPDES programs should use this question to distinguish between the different CAFO types. This question should be left blank if the facility is a CAAP or does not have any animal feeding operations. The regulatory citation for this question is 40 CFR 122.21(i)(1), 122.23, and 122.28(b)(2)(ii).>

## 2. CAFO Designation Date

Select the date on which the authorized NPDES program designated the facility, if appropriate, as a small or medium Concentrated Animal Feeding Operation (CAFO).

Date:  

<**Note:** The authorized NPDES program will use the above data selector to identify the date when the authorized NPDES program designating the facility as a CAFO. This question will not appear on NOIs for NPDES general permit covered CAFOs as only the authorized NPDES program can provide the designation date. This question should only be shown if the CAFO is a “Small CAFO” or “Medium CAFO” (see Question 1). The regulatory citation for this question is 40 CFR 122.23(c). This question does not apply to large CAFOs.>

## 3. CAFO Designation Reason

Use the text box below to describe the reason(s) the State Director or the Regional Administrator designated the facility as a small or medium Concentrated Animal Feeding Operation (CAFO).

<**Note:** The authorized NPDES program will use the above text box to describe the reason(s) for designating the facility as a CAFO. This question will not appear on NOIs for NPDES general permit covered CAFOs as only the authorized NPDES program can provide the reason for designation. This question should only be shown if the CAFO is a “Small CAFO” or “Medium CAFO” (see Question 1). The regulatory citation for this question is 40 CFR 122.23(c). This question does not apply to large CAFOs.>

**Note:** Authorized NPDES programs will provide the following data for individual permits (web screen data entry or electronic data transfers). General permit covered facilities will provide these data thorough NOI submissions.

**4. Facility CAAP Designation**

Select the checkbox if the facility has Concentrated Aquatic Animal Production (CAAP):

<**Note:** These data will be provided by the authorized NPDES program for individually permitted CAAP facilities. This question will also appear on NOIs (or be pre-populated) for CAAP facilities. Authorized NPDES programs should leave this checkbox as unchecked if the facility does not have any CAAP. The collection of these data is currently done through Question I.A.2, NPDES Permit Application Form 2B. The regulatory citation for this question is 40 CFR 122.21(i)(2), 122.24, 122.25, and 122.28(b)(2)(ii).>

**5. Identification of the Type and Maximum Number of Animals at the Permitted CAFO at Any Time During Forthcoming Permit Term**

Please estimate the maximum number of each type of animal intended to be held in open confinement or housed under roof (either partially or totally) at the facility at any time during the forthcoming permit term. Please only count animals that will be held at the facility for 45 days or more in the forthcoming permit term.

Animal Type	Estimated Maximum Number of Animals at Any Time During Forthcoming Permit Term	Estimated Maximum Number of Animals in Open Confinement (Either Partially or Totally) at Any Time During Forthcoming Permit Term *
Mature Dairy Cows (milked or dry)		
Veal Calves		
Other Cattle (includes but is not limited to heifers, steers, bulls and cow/calf pairs)		
Swine (each weighing 55 lbs or more)		

Animal Type	Estimated Maximum Number of Animals at Any Time During Forthcoming Permit Term	Estimated Maximum Number of Animals in Open Confinement (Either Partially or Totally) at Any Time During Forthcoming Permit Term *
Swine (each weighing less than 55 lbs)		
Horses		
Sheep or Lambs		
Turkeys		
Chickens (laying hens)		
Chickens (broilers)		
Chickens (other than laying hens or broilers)		
Ducks		
Other, please specify: _____		

\* The term “Open Confinement” means pens or similar confinement areas with dirt, concrete, or other paved or hard surfaces wherein animals or poultry are substantially or entirely exposed to the outside environment except for small portions of the total confinement area affording protection by windbreaks or small shed-type shade areas. These open confinement pens or areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the lot.

<Note: The following question will only be shown for CAFOs that manage chickens and/or ducks.>

Will the CAFO likely use a liquid manure handling system in the forthcoming permit term?

Yes  No

<Note: The data for this section will be provided by the authorized NPDES program for individually NPDES permitted CAFOs. This section will also appear on NOIs for NPDES general permit covered CAFOs. Completion of this section is required if the facility is a NPDES permitted CAFO and is optional if the facility is an unpermitted CAFO. The collection of these data is currently done through Question II.A, NPDES Permit Application Form 2B. The regulatory citation for this question is 40 CFR 122.21(i)(1)(v) and 122.28(b)(2)(ii). Members of the EPA-state workgroup note that these categories were based on EPA regulations.>

**6. Identification of the Maximum Manure, Litter, and Process Wastewater (MLPW) at the Permitted CAFO**

Please estimated maximum amount of CAFO manure, litter, and process wastewater likely to be generated by the facility in any 365-day period during the forthcoming permit term. Please also estimate the maximum amount of CAFO manure, litter, and process wastewater to be transferred to other persons in any 365-day period during the forthcoming permit term.

MLPW Type	Maximum Amount of MLPW Generated (in any 365-day period)	Maximum Amount of MLPW Transferred to Other Persons (in any 365-day period)	MLPW Units (Dry Metric Tons, gallons, cubic feet)
Liquid Manure and Process Wastewater			
Solid/Dry Manure and Litter			

<Note: The data for this section will be provided by the authorized NPDES program for individually permitted CAFOs. This section will also appear on NOIs for NPDES general permit covered CAFOs. Completion of this section is required if the CAFO is applying for an NPDES permit. The collection of these data is currently done through Question II.B, NPDES Permit Application Form 2B. The regulatory citation for this question is 40 CFR 122.21(i)(1)(viii), 122.21(i)(1)(ix), 122.28(b)(2)(ii).>

**7. Identification of Land Application Acres**

Total number of acres in a nutrient management plan for land application of manure, litter, and process wastewater.

Acres

<Note: The data for this section will be provided by the authorized NPDES program for individually permitted CAFOs. These data will be provided by the authorized NPDES program for individually permitted CAFOs. This question will also appear on NOIs for NPDES general permit covered CAFOs. Completion of this section is required if the CAFO is applying for an NPDES permit. The collection of these data is currently done through Question II.B, NPDES Permit Application Form 2B. The regulatory citation for this question is 40 CFR 122.21(i)(1)(vii), 122.28(b)(2)(ii).>

**8. CAFO MLPW Containment and Storage**

Please report the types of CAFO manure, litter, and process wastewater containment and storage likely to be used by the permittee during the forthcoming permit term and the associated maximum design capacity less freeboard for each type. If the permittee has more than one unit in a given containment and storage type, please sum the “Maximum Design Capacity Less Freeboard” values across these units and report one value in the table below. For example, if the permittee will likely use two separate lagoons during the forthcoming permit term, each one having a “Maximum Design Capacity Less Freeboard” value of 1 acre-feet, then enter “2 acre-feet” in the “Lagoon” row.

CAFO MLPW Containment and Storage Type	Maximum Design Capacity Less Freeboard	Units (gallons, cubic feet, acre feet)
Lagoon		
Evaporation Pond		
Holding Pond		
Anaerobic Lagoon		
Above Ground Storage Tank/Pit		
Below Ground Storage Tank/Pit		
Roofed Storage		
Stockpile/Dry Stack		
Concrete/Impervious Soil Pad		
Composting Pile for Mortality Management		(tons)
Other, please specify: _____		

**<Note:** The data for this section will be provided by the authorized NPDES program for individually permitted CAFOs. This question will also appear on NOIs for NPDES general permit covered CAFOs. Completion of this section is required if the CAFO is applying for an NPDES permit. The collection of these data is currently done through Question II.D, NPDES Permit Application Form 2B. The regulatory citation for this question is 40 CFR 122.21(i)(1)(vi), 122.28(b)(2)(ii). The units should be in a dropdown list and based on the containment/storage type. Members of the workgroup note that the data entry guide will need to discuss how states and Regions will determine the “maximum design capacity less freeboard.” In general, this is the storage below the freeboard.>



**Attachment 3: Data Elements for AFO/CAFO Inspections (Appendix A to 40 CFR part 127)**

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
Animal Types (Inspection)	The unique code/description that identifies the animal type(s) at the facility at the time of inspection (e.g., beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other).	122.23, 123.26, 123.41(a), and CWA section 308	1
Animal Numbers (Inspection)	The number of each type of animal in open confinement or housed under roof (either partially or totally) which are held at the facility at the time of inspection.	122.23, 123.26, 123.41(a) and CWA section 308	1
Animal Numbers in Open Confinement (Inspection)	The number of each type of animal in open confinement which are held at the facility at the time of inspection.	122.23, 123.26, 123.41(a) and CWA section 308	1
MLPW Containment and Storage Type (Inspection)	The one or more types of containment and storage (e.g., anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) at the facility at the time of inspection.	122.23, 123.26, 123.41(a) and CWA section 308	1
MLPW Containment and Storage Type Within Design Capacity (Inspection)	The one or more unique codes/descriptions that identifies whether or not the facility is operating within the design capacity for each type of containment and storage used by the facility for MLPW at the time of inspection.	122.23, 123.26, 123.41(a) and CWA section 308	1
AFO/CAFO Unauthorized Discharges (Inspection)	A unique code (e.g., “Yes”, “No”) that indicates whether there evidence at the time of inspection of unauthorized discharge(s) of pollutants from the facility’s production area and/or land application area(s) to a water of the U.S.	122.23, 123.26, 123.41(a) and CWA section 308	1
Permit Requirements Implementation (Inspection)	The unique code/descriptions that identifies whether or not the facility is properly implementing its NPDES permit requirements, including the applicable Nutrient Management Plan (NMP) or other nutrient management planning, at the time of inspection.	122.23, 123.26, 123.41(a) and CWA section 308	1

**Attachment 4: Mockup of AFO/CAFO Inspection Data Sharing Form**

<Note: This mock-up is intended to summarize the thinking and decisions from members of the EPA-state technical workgroup. The final form of data collection will be different, but will collect the same data as described below. These data are collected during EPA and state inspections. Current EPA regulations and policy set forth expectations for authorized NPDES programs to provide compliance monitoring data on all permitted facilities, both major and nonmajor facilities, and a limited group of unpermitted facilities. See 22 October 2015; 80 FR 64078. Regulatory authorities must also share these inspection data with EPA’s national NPDES data system (ICIS-NPDES) in a timely fashion (within 40 days of completed inspection report). It is current practice for an EPA or state inspector to document their findings made during an inspection. Typically, their manager will review these findings and decide if any of them warrant identification as violations (see Attachment 7).>

**1. Identification of the Type and Total Number of Animals Held at the Facility at the Time of Inspection**

Use the table below to record the total number of each type of animal held at the facility at the time of inspection.

Animal Type	Total Number of Animals Held at the Facility at Time of Inspection	Total Number of Animals Held at the Facility in Open Confinement (Either Partially or Totally) at Time of Inspection *
Mature Dairy Cows (milked or dry)		
Veal Calves		
Other Cattle (includes but is not limited to heifers, steers, bulls and cow/calf pairs)		
Swine (each weighing 55 lbs or more)		
Swine (each weighing less than 55 lbs)		
Horses		
Sheep or Lambs		
Turkeys		
Chickens (laying hens)		
Chickens (broilers)		
Chickens (other than laying hens or broilers)		
Ducks		
Other, please specify: _____		

\* The term “Open Confinement” means pens or similar confinement areas with dirt, concrete, or other paved or hard surfaces wherein animals or poultry are substantially or entirely exposed to the outside environment except for small portions of the total confinement area affording protection by windbreaks or small shed-type shade areas. These open confinement pens or areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the lot.

<Note: The following question will only be shown for CAFOs that manage chickens and/or ducks.>

Does the CAFO use a liquid manure handling system at the time of inspection?

Yes  No

<Note: Members of the workgroup note that these categories were matched against the regulatory definitions in 40 CFR 122.23(b). This will aid in making the CAFO size determination and to compare against the maximum number of animals (as provided on the permit application or NOI). The regulatory citation for this question is 40 CFR 122.23, 123.26, 123.41(a), and CWA section 308.>

## 2. MLPW Containment and Storage

Please report the types of manure, litter, and process wastewater (MLPW) containment storage at the facility and whether or not the facility is operating within the design capacity for each type of containment and storage used by the facility for MLPW at the time of inspection. As necessary, please describe any “Other” MLPW containment and storage type. Additional comments may also be provided.

MLPW Containment and Storage Type	MLPW Containment and Storage Type Within Design Capacity at Time of Inspection	Comments (Optional)
Lagoon		
Holding/Evaporation Pond		
Anaerobic Lagoon		
Above Ground Storage Tank/Pit		

MLPW Containment and Storage Type	MLPW Containment and Storage Type Within Design Capacity at Time of Inspection	Comments (Optional)
Below Ground Storage Tank/Pit		
Roofed Storage or Dry Stack		
Concrete/Impervious Soil Pad		
Composting Pile for Mortality Management		
Other, please specify: _____		

<Note: Members of the EPA-state workgroup recommend the use of the following values for the “MLPW Containment and Storage Type Within Design Capacity” data element: (1) All MLPW containment and storage units of this type operating within design capacity; (2) Some MLPW containment and storage units of this type operating within design capacity; and (3) None of the MLPW containment and storage units of this type operating within design capacity. The regulatory citation for this question is 40 CFR 122.23, 123.26, 123.41(a), and CWA section 308.>

### 3. CAFO Unauthorized Discharges

A. Please indicate whether there is evidence at the time of inspection of unauthorized discharge(s) of pollutants from the facility’s production area to a water of the U.S.

Yes  No

Explanation (optional):

B. Please indicate whether there is evidence at the time of inspection of unauthorized discharge(s) of pollutants from the facility's land application area to a water of the U.S. not caused by a 24-hr, 25-yr rain event.

Yes  No

Explanation (optional):

<Note: The regulatory citation for this question is 40 CFR 122.23, 123.26, 123.41(a), and CWA section 308.>

#### 4. Noncompliance with Permit or Enforcement Order Requirements

EPA's CAFO regulations specify nine minimum requirements that must be included in a Nutrient Management Plan (NMP), to the extent that they are applicable, for any CAFO seeking permit coverage. See 40 CFR § 122.42(e)(1). The permit writer must incorporate conditions that address those NMP requirements into the permit as enforceable permit terms.

Please identify if the facility is not in compliance at the time of inspection with one or more of the nine minimum requirements as required by the permit. Please also describe any other noncompliance at the time of inspection with an enforceable requirements or applicable enforcement order.

- Failure to ensuring proper operations and maintenance of the storage facility (e.g., no depth marker or gauge in a containment or storage unit).
- Failure to manage mortalities to ensure that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.
- Failure to ensure that clean water is diverted, as appropriate, from the production area.
- Failure to prevent direct contact of confined animals with waters of the U.S.

- [ ] Failure to ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
- [ ] Failure to implement appropriate site-specific conservation practices, including as appropriate buffers or equivalent practices, that control runoff of pollutants to waters of the U.S.
- [ ] Failure to implement protocols for appropriate testing of manure, litter, process wastewater, and soil.
- [ ] Failure to manage land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater.
- [ ] Failure to maintain records necessary to show proper management of MLPW as required by the permit (including NMP) or applicable enforcement order.

Other noncompliance with permit requirements or applicable enforcement order. Please provide more information in the text box.

[ ]

Comments:

<Note: The regulatory citation for this question is 40 CFR 122.23, 123.26, 123.41(a), and CWA section 308.>

**Attachment 5: Data Elements for CAFO Annual Program Reports (Appendix A to 40 CFR part 127)**

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
CAFO Animal Types (Program Report)	The unique code/description that identifies the permittee’s applicable animal sector(s) in the previous 12 months. This includes (but not limited to) beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, and turkeys.	122.42(e)(4)(i)	5
CAFO Animal Maximum Number (Program Report)	The estimated maximum number of each type of animal in open confinement or housed under roof (either partially or totally) which are held at the facility for a total of 45 days or more in the previous 12 months.	122.42(e)(4)(i)	5
CAFO Animal Maximum Number in Open Confinement (Program Report)	The estimated maximum number of each type of animal in open confinement which are held at the facility for a total of 45 days or more in the previous 12 months.	122.42(e)(4)(i)	5
CAFO MLPW (Program Report)	The unique code/description that identifies the type of CAFO manure, litter, and process wastewater generated by the facility <i>i.e.</i> in the previous 12 months.	122.42(e)(4)(ii)	5
CAFO MLPW Amounts (Program Report)	The estimated total amount of CAFO manure, litter, and process wastewater generated by the facility in the previous 12 months.	122.42(e)(4)(ii)	5
CAFO MLPW Amounts Units (Program Report)	The unit ( <i>e.g.</i> , dry metric tons, gallons) for the estimated total amount of CAFO manure, litter, and process wastewater generated by the facility <i>i.e.</i> in the previous 12 months.	122.42(e)(4)(ii)	5
CAFO MLPW Transferred (Program Report)	The estimated total amount of CAFO manure, litter, and process wastewater generated by the facility <i>i.e.</i> in the previous 12 months that is transferred to other persons. The units for this data element will be the same as the units for the “CAFO MLPW Amounts (Program Report)” data element.	122.42(e)(4)(iii)	5
Total Number of Acres for Land Application Covered by the Nutrient Management Plan (Program Report)	Total number of acres for land application covered by the current nutrient management plan.	122.42(e)(4)(iv)	5

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
Total Number of Acres Used for Land Application (Program Report)	The total number of acres under control of the CAFO and used for land application in the previous 12 months.	122.42(e)(4)(v)	5
Discharge Type (Program Report)	The unique code/description that identifies for each discharge from the permittee's production area in the previous 12 months whether a 25-year, 24-hour rainfall event was the cause for the discharge. These data are optional if permittee uses a Discharge Monitoring Report (DMR) to provide the permitting authority with information on their discharges.	122.42(e)(4)(vi), 412	5
Discovery Dates of Discharges from Production Area (Program Report)	The date of each discharge from the permittee's production area in the previous 12 months. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day. These data are optional if permittee uses a Discharge Monitoring Report (DMR) to provide the permitting authority with information on their discharges.	122.42(e)(4)(vi)	5
Duration of Discharges from Production Area (Program Report)	The estimated duration time (in hours) of each discharge from the permittee's production area in the previous 12 months. These data are optional if permittee uses a Discharge Monitoring Report (DMR) to provide the permitting authority with information on their discharges.	122.42(e)(4)(vi)	5
Approximate Volume of Discharge from Production Area (Program Report)	The approximate volume (in gallons) of each discharge from the permittee's production area in the previous 12 months. These data are optional if permittee uses a Discharge Monitoring Report (DMR) to provide the permitting authority with information on their discharges.	122.42(e)(4)(vi)	5
Whether NMP Approved or Developed by Certified Planner (Program Report)	The unique code/description that identifies whether the current version of the NMP was approved or developed by a certified nutrient management planner.	122.42(e)(4)(vii)	5
CAFO MLPW Nitrogen Content (Program Report)	The nitrogen content of CAFO manure, litter, and process wastewater used or generated by the facility <i>i.e.</i> in the previous 12 months.	122.42(e)(4)(viii)	5
CAFO MLPW Phosphorus Content (Program Report)	The phosphorus content of CAFO manure, litter, and process wastewater used or generated by the facility <i>i.e.</i> in the previous 12 months.	122.42(e)(4)(viii)	5



Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
CAFO MLPW Nitrogen or Phosphorus Units (Program Report)	The unit(s) (e.g., lbs/ton, lbs/1,000-gallons) for the nitrogen and phosphorus content of CAFO manure, litter, and process wastewater used or generated by the facility <i>i.e.</i> in the previous 12 months.	122.42(e)(4)(viii)	5
CAFO MLPW Nitrogen or Phosphorus Form (Program Report)	The form (e.g., total nitrogen, ammonium-nitrogen, total phosphorus) for the nitrogen and phosphorus content of CAFO manure, litter, and process wastewater used or generated by the facility <i>i.e.</i> in the previous 12 months.	122.42(e)(4)(viii)	5
Field Identification Number (Program Report)	A unique field number to which CAFO MLPW was applied in the previous 12 months. This data element will be used when the term “for each field” is used in the CAFO Annual Program Report. This data element will also be used with the system generated, “Unique Crop ID” data element. The “Unique Crop ID” data element will uniquely identify each combination of “Unique Field ID” and “Actual Crop(s) Planted.” For example, some CAFOs plant two crops on the same field in order to better utilize nutrients over a longer period of time. The use of the “Unique Crop ID” data element will allow EPA and states to disaggregate data regarding these two crops planted on the same field.	122.42(e)(4)(viii)	5
Actual Crop(s) Planted for Each Field (Program Report)	Actual crop(s) planted for each field.	122.42(e)(4)(viii)	5
Actual Crop Yield(s) for Each Field (Program Report)	Actual crop yield(s) for each field.	122.42(e)(4)(viii)	5
Actual Crop Yield(s) for Each Field Units (Program Report)	The unit(s) for the actual crop yield(s) for each field (e.g., bushels per acre).	122.42(e)(4)(viii)	5
Method for Calculating Maximum Amounts of Manure, Litter, and Process Wastewater (Program Report)	The unique code/description that identifies whether the CAFO used the Linear Approach [40 CFR 122.42(e)(5)(i)] or the Narrative Rate Approach [40 CFR 122.42(e)(5)(ii)].	122.42(e)(4)(viii)	5

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
CAFO MLPW Land Application to Each Field (Program Report)	The unique code/description that identifies for each field the type of CAFO manure, litter, and process wastewater used for land application in the previous 12 months.	122.42(e)(4)(viii)	5
CAFO MLPW Land Application Maximum Amount for Each Field (Program Report)	The maximum amount of CAFO manure, litter, and process wastewater used on each field for land application in the previous 12 months. The maximum amounts of CAFO manure, litter, and process wastewater is calculated in accordance with procedures described in the Linear Approach [40 CFR 122.42(e)(5)(i)(B)] or the Narrative Rate Approach [40 CFR 122.42(e)(5)(ii)(D)].	122.42(e)(4)(viii)	5
CAFO MLPW Land Application Actual Amount for Each Field (Program Report)	The actual amount of CAFO manure, litter, and process used for land application on each field in the previous 12 months.	122.42(e)(4)(viii)	5
CAFO MLPW Land Application for Each Field Unit (Program Report)	The unit ( <i>e.g.</i> , dry metric tons, gallons) for the maximum and actual amount of CAFO manure, litter, and process wastewater used for land application on each field in the previous 12 months.	122.42(e)(4)(viii)	5
Nitrogen Soil Test Measurement (Narrative Rate Approach) (Program Report)	For each field used for land application, the results of the most recent soil nitrogen analysis during the preceding 12 months ( <i>i.e.</i> , amount of nitrogen in the soil). This data element is only applicable to facilities using the Narrative Rate Approach as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5
Phosphorus Soil Test Measurement (Narrative Rate Approach) (Program Report)	For each field used for land application, the results of the most recent soil phosphorus analysis during the preceding 12 months ( <i>i.e.</i> , amount of phosphorus in the soil). This data element is only applicable to facilities using the Narrative Rate Approach as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5
Soil Test Measurement Form (Narrative Rate Approach) (Program Report)	The form ( <i>e.g.</i> , total nitrogen, ammonium-nitrogen, total phosphorus) for each soil test measurement. This data element is only applicable to facilities using the Narrative Rate Approach as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5
Soil Test Measurement Unit(s) (Narrative Rate Approach) (Program Report)	The unit(s) for the amounts of nitrogen and/or phosphorus for any soil test results. This data element is only applicable to facilities using the Narrative Rate Approach, as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5

Data Name	Data Description	CWA, Regulatory (40 CFR), or Other Citation	NPDES Data Group Number (see Table 1)
Nitrogen Content of Any Supplemental Fertilizer Applied (Program Report)	For each field used for land application, provide the amount of nitrogen in supplemental fertilizer applied in the previous 12 months. This data element is only applicable to facilities using the Narrative Rate Approach as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5
Phosphorus Content of Any Supplemental Fertilizer Applied (Program Report)	For each field used for land application, provide the amount of phosphorus in supplemental fertilizer applied in the previous 12 months. This data element is only applicable to facilities that are using the Narrative Rate Approach as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5
Supplemental Fertilizer Applied Units (Program Report)	The unit(s) for the amount(s) of nitrogen and/or phosphorus in any supplemental fertilizer applied in the previous 12 months ( <i>e.g.</i> , ppm, pounds per acre). This data element is only applicable to facilities using the Narrative Rate Approach, as described in 40 CFR 122.42(e)(5)(ii).	122.42(e)(4)(viii)	5

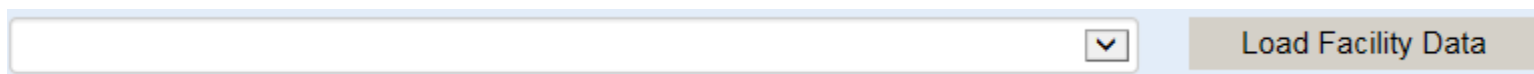
## Attachment 6: Mock-up of CAFO Annual Report Form

<Note: This mock-up is intended to summarize the thinking and decisions from members of the EPA-state technical workgroup. The final version of this data entry form will collect the same data but will likely be different. This form is submitted by NPDES-permitted CAFOs.>

**INSTRUCTIONS:** EPA’s concentrated animal feeding operation (CAFO) regulations require permitted CAFOs to annually file a report [see 40 CFR 122.42(e)]. This is the electronic form for this CAFO annual report. Please also note that Please note that your state and/or EPA may contact you after you submit this report for more information regarding your facility. Please note that EPA may make that information available to the public without further notice [see 40 CFR 123.41(a)].

### 1. Identification of the Permitted CAFO

Please select the NPDES ID number below for this permitted CAFO:





The screenshot shows a horizontal form element. On the left is a white rectangular input field with a light blue border. To its right is a small square button with a downward-pointing chevron icon. Further right is a grey rectangular button with the text "Load Facility Data" in white.

<Note: The user selects the NPDES ID from a picklist, which is pre-populated as they enter username and password into EPA’s CDX. Once the user selects a NPDES ID and clicks on the “Load Facility Data” button, the following example un-editable information is shown to the user.>

**NPDES ID:** NY1000267  
**Facility Name:** ABC DAIRY FARM  
**Street:** COUNTY ROUTE 33  
**City:** MADRID  
**State:** NY  
**Zip Code:** 13660

Please select the start and end date for this reporting period. Please note that EPA’s CAFO regulations requires this form to be submitted on an annual basis (once every 365 days).

Reporting Period Start and End Dates	
Start Date of Reporting Period	End Date of Reporting Period
01-01-2016 	12-31-2016 

<Note: The annual report form will also automatically generate the following Appendix A data, which are used to properly manage these submissions. This means that these data do not need to be entered by the filer.

- NPDES Data Group Number (Program Report) [which is equal to “5” for this report.]
- Electronic Submission Type (Compliance Monitoring Activity)
- Program Report Event ID

The following Appendix A data element will be generated by the EPA or state NPDES system that receives these submissions:

- Program Report Received Date.

The permitting authority should identify the due date for these program reports by using the “Narrative Conditions and Permit Schedules Information” data elements found in Appendix A, 40 CFR 127. These data elements identify CAFO Annual Report with a unique code (“Permit Narrative Condition Code” data element must have value of “PR003 – CAFO Annual Report”) and the due date for each report (“Required Report Received Date”). EPA plans to link the “Required Report Received Date” data element with the above “Program Report Received Date” data element to determine compliance with the permit reporting requirement. As discussed in Attachment 7, EPA is proposing to create a new violation code (“Failure to submit the annual report to the permitting authority within 30 days of applicable due date - R007C”) to tracking noncompliance with this permit requirement.>

## 2. Identification of the Type and Maximum Number of Animals at the Permitted CAFO During the Reporting Period

Please report the **maximum** number of each type of animal stabled, confined, fed, or maintained in housed or open lots at the facility during the reporting period for 45 days or more.

Animal Type	Maximum Number of Animals During the Reporting Period	Maximum Number of Animals in Open Confinement (Either Partially or Totally) During the Reporting Period *
Mature Dairy Cows (milked or dry)		
Veal Calves		
Other Cattle (includes but is not limited to heifers, steers, bulls and cow/calf pairs)		
Swine (each weighing 55 lbs or more)		
Swine (each weighing less than 55 lbs)		
Horses		
Sheep or Lambs		
Turkeys		
Chickens (laying hens)		
Chickens (broilers)		
Chickens (other than laying hens or broilers)		
Ducks		
Other, please specify: _____		

\* The term “Open Confinement” means pens or similar confinement areas with dirt, concrete, or other paved or hard surfaces wherein animals or poultry are substantially or entirely exposed to the outside environment except for small portions of the total confinement area affording protection by windbreaks or small shed-type shade areas. These open confinement pens or areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the lot.

<Note: The following question will only be shown for CAFOs that manage chickens and/or ducks.>

Did the CAFO use a liquid manure handling system during the reporting period?

Yes  No

<Note: Members of the workgroup note that these categories were matched against the regulatory definitions in 40 CFR 122.23(b). This will aid in making the CAFO size determination. The regulatory citation for this question is 40 CFR 122.42(e)(4)(i).>

### 3. Total Amounts of Manure, Litter, and Process Wastewater (MLPW) at the Permitted CAFO During the Reporting Period

Please report the total amount of manure, litter, and process wastewater (MLPW) generated as well as MLPW generated and transferred to other persons by the facility during the reporting period.

MLPW Type	Total Amount of MLPW Generated During the Reporting Period	Total Amount of MLPW Transferred During the Reporting Period	MLPW Units (Dry Metric Tons, gallons, cubic feet)
Liquid Manure and Process Wastewater			
Solid/Dry Manure and Litter			

<Note: The regulatory citation for this question is 40 CFR 122.42(e)(4)(ii), 122.42(e)(4)(iii). The amounts reported as “generated” and “transferred” must be in the same units.>

**4. Identification of Land Application Acres**

Please report the following information for your permitted CAFO.

Total number of acres for land application covered by the current nutrient management plan

Total number of acres under control of the CAFO and used for land application in the reporting period.


<Note: The regulatory citation for this question is 40 CFR 122.42(e)(4)(iv), 122.42(e)(4)(v).>

**5. Summary of Production Area Discharges**

Please use this table to report information about discharges from your production area during the reporting period.

Discovery Dates of Discharges from Production Area	Was this discharge a result of a 25-year, 24-hour rainfall event? (Yes/No)	Estimated Duration of Discharges from Production Area (hours)	Estimated Volume of Discharge from Production Area (gallons)

<Note: The regulatory citation for this question is 40 CFR 122.42(e)(4)(vi), 40 CFR part 412.>



## 6. Nutrient Management Plan

Was the current version of this facility’s NMP prepared or approved by a certified nutrient management planner such as a Technical Service Provider or state-approved planner?    Yes  No

<Note: The regulatory citation for this question is 40 CFR 122.42(e)(4)(vii).>

## 7. Summary Information Related to Land Application

**INSTRUCTIONS:** Please use the following table to report the average concentration of nitrogen and phosphorous in manure, litter, and process wastewater using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorous. Report the form of nitrogen and phosphorus [e.g., total nitrogen, ammonium nitrogen, Total Kjeldahl Nitrogen (TKN), total phosphorous, P205] used for nutrient management planning purposes in the “Nitrogen or Phosphorus Form” column. Large CAFOs using the linear approach and all CAFOs using the narrative rate approach must report results taken within 12 months of the date of land application of the manure, litter, and process wastewater.

MLPW Type	Nitrogen or Phosphorus Form	Average Concentration	Average Concentration Unit

[ADD ROW]

<Note: The filer will have the ability to add additional rows if there are more than one combination of “MLPW Type” and “Nitrogen or Phosphorus Form.” At least one nitrogen and one phosphorus parameter must be reported for each “MLPW Type.” The options for “MLPW Type” include: (1) Liquid Manure and Process Wastewater; (2) Solid/Dry Manure and Litter; and (3) Other. The options for “Nitrogen or Phosphorus Form” include: (1) total nitrogen; (2) ammonium nitrogen; (3) Total Kjeldahl Nitrogen (TKN); (4) Total Phosphorus; and (5) P205. The “Average Concentration Unit” will be a defined list (e.g., ppm, lbs/ton). Members of the EPA-state workgroup recommend that the user be able to bulk upload these data into the electronic reporting form. The regulatory citation for this question is 40 CFR 122.42(e)(4)(viii).>

**INSTRUCTIONS:** For each field to which CAFO manure, litter, and process wastewater (MLPW) was applied in the reporting period, please report the actual crop(s) planted, the actual crop yield(s) and units along with method for calculating maximum amounts of MLPW (i.e., “Linear Approach” or “Narrative Rate Approach”) in the NMP. Please only provide information on fields that are under your control, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area was applied in the reporting period.

Unique Crop ID	Unique Field ID	Actual Crop(s) Planted	Actual Crop Yield(s)	Actual Crop Yield Units	Linear or Narrative Rate Approach Used in the NMP
*	001				

[ADD ROW]

<Note: The filer will have the ability to add additional rows if there are more than one crop. The “Unique Crop ID” data element will be system generated (e.g., 001, 002) and be able to uniquely identify each combination of “Unique Field ID” and “Actual Crop(s) Planted.” For example, some CAFOs plant two crops on the same field in order to better utilize nutrients over a longer period of time. The use of the “Unique Crop ID” data element will allow EPA and states to disaggregate data regarding these two crops planted on the same field. Members of the EPA-state workgroup recommend that the fields for “Actual Crop(s) Planted,” “Actual Crop Yield(s),” and “Actual Crop Yield Units” be selected from pick lists. Members of the EPA-state workgroup recommend that the user be able to bulk upload these data into the electronic reporting form. The regulatory citation for this question is 40 CFR 122.42(e)(4)(viii). If states or regions want underlying data, it could be collected (optionally) as PDF attachments.>

**INSTRUCTIONS:** Please report the calculated maximum amount of manure, litter, and process wastewater (MLPW) that can be land applied to each field in accordance with the NMP methodology for this permitted CAFO in the reporting period. Please also report the total actual amount of manure, litter, and process wastewater (MLPW) applied to each field in the reporting period. Please use the units provided in the column headers. Please only provide information on fields that are under your control, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area was applied in the reporting period.

Unique Field ID	Calculated Maximum Amount of MLPW for Each Field for the Reporting Period in Accordance with the NMP		Total Actual Amount of CAFO MLPW Applied to Each Field in the Reporting Period	
	Liquid Manure and Process Wastewater (gallons)	Solid/Dry Manure and Litter (dry metric tons)	Liquid Manure and Process Wastewater (gallons)	Solid/Dry Manure and Litter (dry metric tons)
*				

\* The “Unique Field ID” in this table will be prepopulated using the list of “Unique Field ID” values in the preceding table.

<**Note:** Members of the EPA-state workgroup recommend that the user be able to bulk upload these data into the electronic reporting form. The regulatory citation for this question is 40 CFR 122.42(e)(4)(viii). If states or regions want underlying data, it could be collected (optionally) as PDF attachments.>

**INSTRUCTIONS:** For each field used for land application using the narrative rate approach, report the results of the most recent soil nutrient analyses. Report the form of nitrogen and phosphorus used for nutrient management planning purposes. The following two tables must be filled out from the most recent soil test, upon which nutrient budgets for the year in the NMP were based. Please only provide information on fields that are under your control, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area was applied in the reporting period.

Unique Field ID	Nitrogen or Phosphorus Form In Soil Sample	Soil Sample Nutrient Concentration	Soil Sample Nutrient Concentration Units (e.g., ppm)	Soil Sample Analytical Method (optional)	Soil Sample Depth (ft) (optional)	Soil Sample Collection Date [MM/DD/YYYY] (optional)
*						

[ADD ROW]

\* The “Unique Field ID” in this table will be prepopulated using the list of “Unique Field ID” values in the preceding table.

<Note: A “Unique Field ID” will only be shown in this table if the filer selects “Narrative Rate Approach” in the preceding crop table. Members of the EPA-state workgroup recommended the inclusion of the following optional data elements to better understand how the facility is managing nutrients in the NMP: (1) “Analytical Methods,” (2) “Soil Sample Depth (ft),” and (3) “Soil Sample Collection Date.” The “Analytical Methods” field will include the following options: (1) MEHLICH-3; (2) OLSEN; and (3) and BRAY-PI. If the filer does not use the “Narrative Rate Approach” for any of the fields, then this table is not shown. The regulatory citation for this question is 40 CFR 122.42(e)(4)(viii). If states or regions want underlying data, it could be collected (optionally) as PDF attachments.>

Unique Field ID	Nitrogen and Phosphorus from Supplemental Fertilizer in the Reporting Period	
	Total Nitrogen (pounds/acre)	Total Phosphorus (pounds/acre)
*		

[ADD ROW]

\* The “Unique Field ID” in this table will be prepopulated using the list of “Unique Field ID” values in the preceding table.

<Note: A “Unique Field ID” will only be shown in this table if the filer selects “Narrative Rate Approach” in the preceding crop table. If the filer does not use the “Narrative Rate Approach” for any of the fields, then this table is not shown. The regulatory citation for this question is 40 CFR 122.42(e)(4)(viii). If states or regions want underlying data, it could be collected (optionally) as PDF attachments.>


## 8. Additional Information and Attachments

**INSTRUCTIONS:** Please enter any additional information in the comment box below (limit to 3,900 characters) that you would like to provide. Please select the button below to add any necessary attachments.

Additional Information

Please enter any additional information in the comment box below (limit to 3,900 characters) that you would like to provide.

Additional Attachments

  
Click to Upload Attachment

## 9. Electronic Certification and Submission

Certification Information

I certify, under penalty of law, that the information in this report was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.

Submit Now	When you have completed this form, click this button to submit the form for processing. You will then be provided with further instructions should you have to provide supporting documentation.
Save to NeT	To save a partially completed form for completion at a later date from a different computer, click the 'Save to NeT' button. Clicking this button will cause you to exit the form. You can then logon to NeT with your username and password at any time to complete this transaction.
Cancel	Click this button to cancel filling out the form and return to the form page.

## **Attachment 7: Recommended ICIS-NPDES Violation Codes Reference Values**

### **Overview**

This list of reference values is intended to be a comprehensive list of CAFO-related violation codes which will exist within the ICIS-NPDES database. The following table of violation codes apply to violations identified through EPA or state inspections.

It is important to note that Single Event Violations (SEVs) include one-time events as well as violations with longer durations. These are violations that are generally not automatically flagged by the data system (e.g., inspection identified violations, sewer overflow, spill of industrial waste, discharges without an NPDES permit). These violation determinations are often manually generated by the authorized NPDES program as opposed to violations that can be system created or generated (e.g., effluent exceedances of permit limits are automatically flagged by ICIS-NPDES). The NPDES eRule requires authorized NPDES programs to share SEV data on all facilities (major and non-major). However, this requirement does not include SEV data generated from construction stormwater inspections where the regulatory authority did not take a formal enforcement action. As noted in preamble to the final rule, EPA made this distinction based on the large number of facilities in this segment of the NPDES universe (approximately 200,000 new construction sites each year). See 22 October 2015; 80 FR 64079. Prior to the NPDES eRule, states only had to share data on SEVs from majors.

The violations that are found through an inspection start with “F” and will be manually entered by the regulatory authority. Violations reported on the annual report will automatically create violation codes that starts with an “R”. These two sets of sewer overflow/bypass violation codes end with “C”.

Noncompliance Identified by State or EPA

EPA’s regulations require authorized NPDES programs to have “inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements.” See 40 CFR 123.26(b). Noncompliance that is detected during an inspection will have a violation code that starts with “F” and end with a “C” as shown in the table below. Regulatory authorities will share these violation data with EPA’s NPDES data system (ICIS-NPDES) in a timely fashion (within 40 days of violation determination).

Violation Description	Notes	Recommended Violation Code (EPA/State Inspections)
Number of animals at the facility at the time of inspection exceeded maximum number of animals allowed by the permit	The maximum number of each type of animal stabled, confined, fed, or maintained in housed or open lots at the facility for 45 days or more in the most recent 12-month period is specified in the permit. This compliance determination will be done separately by each animal type [e.g., Mature Dairy Cows (milked or dry), Chickens (laying hens)]. This violation should be identified if there is an exceedance of the actual number of animals (at time of inspection, by animal type) as compared to the maximum allowable number of animals (specified in the permit, type). Only one violation code will be generated per inspection or annual report submission if there are exceedances in two or more animal types.	F001C

Violation Description	Notes	Recommended Violation Code (EPA/State Inspections)
<p>Number of animals at the facility in open containment at the time of inspection exceeded maximum number of animals in open containment allowed by the permit</p>	<p>The maximum number of each type of animal stabled, confined, fed, or maintained in open containment at the facility for 45 days or more in the most recent 12-month period is specified in the permit. This compliance determination will be done separately by each animal type [e.g., Mature Dairy Cows (milked or dry), Chickens (laying hens)]. This violation should be identified if there is an exceedance of the actual number of animals in open containment (at time of inspection, by animal type) as compared to the maximum allowable number of animals in open containment (specified in the permit, type). Only one violation code will be generated per inspection or annual report submission if there are exceedances in two or more animal types. Open Confinement means pens or similar confinement areas with dirt, concrete, or other paved or hard surfaces wherein animals or poultry are substantially or entirely exposed to the outside environment except for small portions of the total confinement area affording protection by windbreaks or small shed-type shade areas. These open confinement pens or areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the lot.</p>	<p>F002C</p>
<p>Facility is not operating within the design capacity for one or more containment and storage units used by the facility for MLPW at the time of inspection</p>	<p>The NPDES permit will identify the maximum capacity for each containment and storage unit at the permitted facility. Only one violation code will be generated if there are exceedances in two or more containment and storage units.</p>	<p>F003C</p>
<p>Evidence of unauthorized discharge(s) of pollutants from the facility's production area to a water of the U.S.</p>	<p>A 'F004C' violation code will be generated when there is evidence of unauthorized discharge(s) of pollutants from the facility's production area to a water of the U.S.</p>	<p>F004C</p>



<b>Violation Description</b>	<b>Notes</b>	<b>Recommended Violation Code (EPA/State Inspections)</b>
Evidence of unauthorized discharge(s) of pollutants from the facility's land application area to a water of the U.S.	A 'F005C' violation code will be generated when there is evidence of unauthorized discharge(s) of pollutants from the facility's land application area to a water of the U.S. not caused by a 24-hr, 25-yr rain event.	F005C
Failure to manage land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater	This noncompliance is tracked on an inspection report and is also reported on the annual report.	F006C
Failure to submit the annual report to the permitting authority within 30 days of applicable due date		F007C
Failure to ensuring proper operations and maintenance of the storage facility (e.g., no depth marker or gauge in a containment or storage unit)		F008C

Violation Description	Notes	Recommended Violation Code (EPA/State Inspections)
Failure to manage mortalities to ensure that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities		F009C
Failure to ensure that clean water is diverted, as appropriate, from the production area		F010C
Failure to prevent direct contact of confined animals with waters of the U.S.		F011C
Failure to ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants		F012C

Violation Description	Notes	Recommended Violation Code (EPA/State Inspections)
Failure to implement appropriate site-specific conservation practices, including as appropriate buffers or equivalent practices, that control runoff of pollutants to waters of the U.S.		F013C
Failure to implement protocols for appropriate testing of manure, litter, process wastewater, and soil		F014C
Failure to maintain records necessary to show proper management of MLPW as required by the permit (including NMP) or applicable enforcement order		F015C
Other noncompliance with permit requirements or applicable enforcement order		F016C
Evidence of discharges to waters of the U.S. without an NPDES permit		F017C

<b>Violation Description</b>	<b>Notes</b>	<b>Recommended Violation Code (EPA/State Inspections)</b>
Failure to submit required NPDES permit application to permitting authority		F018C
Failure to Develop or Update NMP		F019C
Failure to inform permitting authority of significant NMP changes		F020C
Failure to provide complete and accurate information as required by permit (including NMP) or applicable enforcement order (not related to annual report)		F021C
Failure to provide complete and accurate information as required by CWA Section 308 Information Request		F022C

Violation Description	Notes	Recommended Violation Code (EPA/State Inspections)
Failure to conduct self-inspections		F023C
Failure to allow a State or EPA inspector entry onto the premises to conduct an inspection pursuant to CWA Section 308(a)(B)(i)	CWA 308(a)(B)(i) gives the Administrator or authorized representative a right of entry to any premises in which an effluent source is located or in which any records required to be maintained are located	F024C

Noncompliance Reported by Permittee

As described in this paper, CAFOs are required to submit an annual report to their permitting authority. Noncompliance that is reported on the annual report will automatically generate a violation code that starts with “R” and end with an “C” as shown in the table below. Regulatory authorities that initially receive these data will share these violation data with EPA’s NPDES data system (ICIS-NPDES) in a timely fashion (within 40 days of receipt of the report from the permittee).

Violation Description	Recommended Violation Code Description (CAFO Annual Report)	Business Rules for violation determinations based on CAFO Annual Report Submissions
Number of animals at the facility at the time of inspection exceeded maximum number of animals allowed by the permit	R001C	A 'R001C' violation code will be generated when the reported maximum number of total animals exceeds the allowable maximum number of animals as specified in the NPDES permit.
Number of animals at the facility in open containment at the time of inspection exceeded maximum number of animals in open containment allowed by the permit	R002C	A 'R002C' violation code will be generated when the reported maximum number of animals in open confinement exceeds the allowable maximum number of animals in open confinement as specified in the NPDES permit.
The total number of acres under control of the CAFO and used for land application in the reporting period exceeds the total number of acres for land application covered by the current nutrient management plan	R003C	A 'R003C' violation code will be generated when the total number of acres under control of the CAFO and used for land application in the reporting period exceeds the total number of acres for land application covered by the current nutrient management plan.
Evidence of unauthorized discharge(s) of pollutants from the facility’s production area to a water of the U.S.	R004C	A 'R004C' violation code will be generated when there is a discharge from the production area not during a 25-year, 24-hour rainfall event. Only one violation code will be generated per annual report submission if there aren two or more unauthorized discharges.

Violation Description	Recommended Violation Code Description (CAFO Annual Report)	Business Rules for violation determinations based on CAFO Annual Report Submissions
Failure to provide a statement on the annual report indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner	R005C	A 'R005C' violation code will be generated if the annual report filer selects "No" for the following question: "Was the current version of this facility's NMP prepared or approved by a certified nutrient management planner such as a Technical Service Provider or state-approved planner?"
Failure to manage land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater	R006C	A 'R006C' violation code will be generated if the 'CAFO MLPW Land Application Actual Amount' exceeds the 'Calculated Land Application Maximum Amount'.
Failure to submit the annual report to the permitting authority within 30 days of applicable due date	R007C	The permitting authority should identify the due date for these program reports by using the "Narrative Conditions and Permit Schedules Information" data elements found in Appendix A, 40 CFR 127. These data elements identify CAFO Annual Report with a unique code ("Permit Narrative Condition Code" data element must have value of "PR003 – CAFO Annual Report") and the due date for each report ("Required Report Received Date"). EPA plans to link the "Required Report Received Date" data element with the above "Program Report Received Date" data element to determine compliance with the permit reporting requirement. If the "Program Report Received Date" is 30 days or more after the "Required Report Received Date," then the system will create a 'R007C' violation code. This noncompliance will be tracked as a "Permit Schedule Violation."