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JOHNS HOPKINS
BLOOMBERG
SCHOOL *of* PUBLIC HEALTH

Section C: Waste Management Policies

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The Federal Water Pollution Control Act

- The Federal Water Pollution Control Act (Clean Water Act) is the main law for protecting U.S. waters
 - Prohibits discharge of pollutants from a point source to waters of the U.S.
 - National Pollutant Discharge Elimination System (NPDES) permits place limits on the type and quantity of pollutants that can be released

CAFO Rules

- CAFO rules first promulgated in 1974
- Revised and updated CAFO rules promulgated in 2003
 - CAFOs now considered a point source of pollution and must obtain NPDES permits
- 40 percent of waste generated by AFOs is not covered by new CAFO rules

CAFO Rules

- No effluent limitation guidelines for small and medium-sized AFOs
 - Rely heavily on voluntary nutrient management practices
- Regulations do not consider enforcement issues
- No required monitoring of groundwater or surface water
- Rules only consider nutrients
- Farmers left to manage the waste

Waterkeeper Alliance et al. v. EPA (2005)

- Farm petitioners
 - Challenges to permitting scheme
 - ▶ NPDES not required, but you must have a nutrient management plan (NMP) if you claim the storm water exemption

Waterkeeper Alliance et al. v. EPA (2005)

- Farm petitioners
 - Challenges to permitting scheme
 - ▶ NPDES not required, but you must have NMP if you claim the storm water exemption
- Environmental petitioners
 - Challenge to the effluent limitation guidelines
 - ▶ No adequate review of NMPs, and public access was limited to the terms of the NMPs
 - Challenge to the lack of standards for reducing pathogens in food animal biosolids
 - ▶ Remanded back to EPA to set standards