

**FINAL DETERMINATION AND NOTICE
REGARDING
SURFACE WATER DISCHARGES FROM
NEW LARGE
CONCENTRATED ANIMAL FEEDING OPERATIONS**

In accordance with the authority vested in me pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, I determine the following:

1. The Final Determination and Notice Regarding Surface Water Discharges from Large Animal Feeding Operations issued on December 11, 2002, was intended to cover existing operations.
2. Subsequent to the December 11, 2002, Final Determination, federal regulations were revised on February 12, 2003, for National Pollutant Discharge Elimination System (NPDES) permit regulations and effluent limitation guidelines and standards for Concentrated Animal Feeding Operations (CAFOs).
3. Large CAFO means an animal feeding operation that stables or confines as many as, or more than, the numbers of animals in any of the following categories:
 - 700 mature dairy cows, whether milked or dry;
 - 1,000 veal calves;
 - 1,000 cattle other than mature dairy cows or veal calves (cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs);
 - 2,500 swine each weighing 55 pounds or more;
 - 10,000 swine each weighing less than 55 pounds;
 - 500 horses;
 - 10,000 sheep or lambs;
 - 55,000 turkeys;
 - 30,000 laying hens or broilers if the facility uses a liquid manure handling system;
 - 125,000 chickens (other than laying hens) if the facility uses other than a liquid manure handling system;
 - 82,000 laying hens if the facility uses other than a liquid manure handling system;
 - 30,000 ducks if the facility uses other than a liquid manure handling system; or
 - 5,000 ducks if the facility uses a liquid manure handling system.
4. New Large CAFO means an animal feeding operation that is newly built and was not in production (i.e., animals were not on site) prior to the date of the Final Determination and Notice. New Large CAFO also means existing facilities where, due to expansion in production, the process or production equipment is totally replaced or new processes are added that are

substantially independent of an existing source at the same site, after the date of the Final Determination and Notice. This does not include replacement due to acts of God or upgrades in technology that serve the existing production.

5. A discharge to the surface waters of the state is prohibited, except as authorized by an NPDES permit.

NOTICE

1. Beginning on the issued date of this Final Determination and Notice, any newly-constructed CAFOs are required to file an application for an NPDES permit 180 days prior to commencing operation. Commencing operation means population of animals on site.
2. A New Large CAFO must apply for an individual NPDES permit if:
 - i) A Large CAFO is constructed to stable or confine at least two times (i.e., 1,400 mature dairy cows) the number of animals that define a large CAFO in any of the categories; or
 - ii) A CAFO will expand to confine at least 3.5 times (i.e., 2,450 mature dairy cows) the number of animals over a five-year period in any of the large CAFO categories; and
 - iii) The CAFO has open manure and wastewater storage structures or land applies liquid manure.
3. All other Large CAFOs must apply for the General NPDES Permit for new CAFOs, including where a CAFO has total enclosure and does not apply liquid manure.
4. Whether a Large CAFO that proposes an alternative or enhanced treatment manure system must apply for an individual NPDES permit or qualifies for a general NPDES permit will be determined on a case-by-case basis by the Department of Environmental Quality.
5. A discharge that causes or contributes to a violation of R 323.1041 through R 323.1117 of the Part 4 Rules, Water Quality Standards, promulgated pursuant to Part 31, is a violation of Part 31.
6. This Final Determination and Notice, or the filing of an application in accordance with this Final Determination and Notice, does not authorize the discharge of storm water, wastewater, or other effluent from any animal feeding operation.
7. A CAFO that fails to meet the applicable filing dates specified in this Final Determination and Notice is in violation of Part 31.

This does not constitute a revision of Michigan's NPDES delegated program.

Issued this 27 day of February, 2004

By: original signed
Steven E. Chester, Director
Michigan Department of Environmental Quality