Written by Kris Lancaster
Friday, 13 July 2012 12:25

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(Kansas City, Kan., July 12, 2012) – EPA's initial findings from an informal investigation of the Iowa Department of Natural Resources' (IDNR) permit program for concentrated animal feeding operations (CAFOs) disclose several correctable deficiencies.

EPA's investigation was carried out in response to a petition for withdrawal of the National Pollutant Discharge Elimination System (NPDES) program authorization from IDNR that was filed in 2007 by the Iowa Citizens for Community Improvement, Sierra Club and the Environmental Integrity Project. Federal regulations allow interested parties to file these petitions when they are concerned that a state is not meeting the minimum NPDES program requirements.

EPA's initial findings identify deficiencies in IDNR's NPDES program that the state agency will need to correct. Among others, EPA found that IDNR does not have an adequate program to assess whether unpermitted CAFOs need NPDES permits. The findings also note that IDNR must clarify its authority to issue NPDES permits to confinement (roofed) CAFOs that discharge.

EPA also found that in a number of cases involving Clean Water Act (CWA) violations, IDNR failed to take timely and adequate enforcement actions, and assess adequate penalties. The report containing the initial findings is available at www.epa.gov/region7/water/ .

"Although today's report highlights areas for improvement, IDNR has made substantial strides in identifying large open feedlots and requiring those operators to apply for permits," said Karl Brooks, EPA Region 7 Administrator. "As a national leader in beef, swine and poultry production, with roughly 7,000 animal feeding operations, it is imperative that Iowa have an NPDES permitting, compliance and enforcement program that complies with federal law and protects the quality of Iowa's rivers, lakes and streams.

The issuance of the initial report is the first step in the process in which EPA will work with IDNR to correct the deficiencies. EPA has asked that IDNR provide a written response to the report, within 60 days, describing the actions IDNR has taken or will take to correct the deficiencies, including a proposed plan and timeline to address the deficiencies. EPA intends to provide an opportunity for the public to comment on IDNR proposals to correct the deficiencies.

Any discharge of pollutants into a river or stream is a violation of the Clean Water Act unless the discharge is authorized by an NPDES permit. NPDES, a part of the Clean Water Act, requires CAFOs that discharge to obtain a permit from EPA or authorized states. The Clean Water Act also requires EPA and authorized states to assess whether CAFOs discharge and need an NPDES permit.

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Learn more about EPA's civil enforcement of the Clean Water Act:

http://www.epa.gov/compliance/civil/cwa/index.html

Learn more about the National Pollution Discharge Elimination System (NPDES)

and how it regulates concentrated animal feeding operations (CAFOs):

http://cfpub.epa.gov/npdes/home.cfm?program_id=7

For a summary of how the NPDES regulations define large, medium and small CAFOs:

http://www.epa.gov/npdes/pubs/sector_table.pdf

EPA Region 7 offers 10 tips to help CAFO owners and operators prepare for inspections:

http://www.epa.gov/region07/factsheets/2010/ten_tips_cafo_inspection.htm

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