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January 19, 2012

Water Docket

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Via email: [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov)

**Re: Docket ID No. EPA-HQ-OW-2011-0188**

The National Association of Clean Water Agencies (NACWA) is pleased to provide comments regarding the Environmental Protection Agency's (EPA) proposed National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule ("CAFO Reporting Rule"). NACWA's public wastewater treatment agency members treat and reclaim a majority of the wastewater generated each day nationwide. Many NACWA members have adopted advanced approaches to control nutrients and other pollutants when necessary under Clean Water Act (CWA) obligations. In some locations, however, clean water utilities will have a limited impact on water quality improvement because publicly owned treatment works (POTWs) are not the major source of pollutants. In these cases, the major sources of water quality problems may be CAFOs and other agricultural operations.

NACWA agrees with EPA's statement in the proposed CAFO Reporting Rule that "complete and accurate information allows governments, regulated communities, interest groups, and the public to make more informed decisions regarding ways to protect the environment." This information is best collected for CAFOs using Option 1 in the proposal, which would apply to all CAFOs in the U.S. If Option 2, collecting information only from CAFOs in certain watersheds, is adopted, a complete cross-section of data that will provide for comparisons of CAFO operations across the country will not be obtained. Option 2 is also likely to cause more confusion about which CAFOs should report information, rather than a clear and consistent requirement that all CAFOs in the country comply. As EPA notes in the proposed rule, complete information about CAFOs is not currently available from states and other government agencies. Therefore, the alternatives listed in the proposal to gather information from other sources are very unlikely to produce a quality set of data about waste management at CAFOs.

NACWA also recommends that the 14 information items listed in the settlement agreement between EPA and environmental groups be requested from all CAFOs under Option 1, instead of the five items listed in the proposal for this option. For a CAFO to provide data on these 14 items would not be burdensome – the 14 items seek only basic information about CAFO operations and waste management that should be readily available to all CAFOs. Reducing this list to the five proposed items will prevent EPA from collecting important information, including the quantity of manure, process wastewater, and litter generated by the CAFO; the nutrient management and record-keeping practices used by the CAFO if it land-applies its waste; and alternate uses of CAFO waste. Omitting this information means that EPA will not develop a database of “complete and accurate information” about CAFOs, which the Agency stated in the proposed Reporting Rule would allow for informed decisions about environmental protection. Compared to the information required from POTWs and other point sources, these 14 items in the settlement agreement are certainly not overly onerous.

EPA cites a potential security risk to CAFOs related to some of the information that will be collected. These risks are extremely small and should not be a factor in determining the information that is needed from CAFOs to help EPA begin addressing water quality problems from these facilities. Given the wide-spread availability of satellite images, locating CAFOs is not difficult for anyone sufficiently motivated to do so. The information that will be requested from CAFOs is no different than the type of information publicly available about POTWs and other point sources, which likely would involve greater security concerns due to the chemicals often stored and used at these facilities.

NACWA urges EPA to move forward with collecting all of the 14 information items in the settlement agreement from all CAFOs. Water quality in the U.S. cannot improve unless all pollution sources are addressed. Collecting complete information from CAFOs will be an important step to making appropriate decisions on how to control pollution from these point sources.

Thank you for your consideration of our comments on the proposed CAFO Reporting Rule. Please contact me at 202/296-9836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org) if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cynthia A. Finley". The signature is fluid and cursive, with the first name "Cynthia" being more prominent.

Cynthia A. Finley  
Director, Regulatory Affairs