

Concentrated Animal Feeding Operation (CAFO)

What is a regulated CAFO?

A Concentrated Animal Feeding Operation (CAFO) is an animal feeding operation that:

- confines animals for more than 30 days during a 12 month period,
- is in an area where crops or vegetation are not sustained in the normal growing season and
- meets threshold listed under state regulations Nevada Administrative Code (NAC) 445a.228 and is regulated by the Nevada Division of Environmental Protection (NDEP):

Animal	Threshold
Cattle	1,000 or more
Mature dairy cattle	700 or more
Horses	500
Swine > 55 lbs.	2500
Swine < 55 lbs.	10,000
Goats/Sheep	10,000
Turkeys	55,000 or more
Chickens	30,000 -125,000

Nevada primarily has a mixture of cattle and dairy CAFOs, but there are a few horse CAFOs and one swine CAFO in the State. Currently there are no poultry CAFOs in Nevada. In addition to CAFOs that meet the criteria listed in NAC 445a.228, NDEP can also issue permits to smaller CAFOs which discharge pollutants to state waters.

What is the "Right to Farm" law?

Regulations exist in Nevada to protect a landowner's right to farm that land. Nevada Revised Statute (NRS) 40.140 outlines that an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding non-agricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has substantial adverse effect on public health or safety.

All 50 states have enacted right-to-farm laws that seek to protect qualifying farmers and ranchers from nuisance lawsuits filed by individuals who move into a rural area where normal farming operations exist and who later use nuisance actions to attempt to stop these ongoing operations.

How is "farmland" determined?

Per NRS 278, zoning in Nevada is primarily deferred to city and/or county jurisdiction to divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of industries located in a given area, as defined in NRS Chapter 278.010 – 278.630.

Who regulates CAFOs, and how does the process protect the environment?

The CAFO permit, as regulated by the NDEP, protects the environment by providing requirements for managing manure and/or the wastewater generated in the CAFO operations. This includes the construction and maintenance of discrete conveyance channels and pipelines which direct wastewater to solids separators and into holding ponds. Additionally, a nutrient management plan is required for CAFOs that use their holding pond water or manure for fertilizing CAFO cropland to ensure it is done in an agronomic manner.

What regulations apply to dairy or livestock operation that doesn't qualify as a CAFO?

Most dairy or livestock regulations in Nevada are for the safety of the animals, ensuring a safe food product for public consumption. Applicable dairy regulations may be found in NRS Chapter 584, and applicable livestock regulations may be found in NRS Chapters 561 – 576.

Why do these regulations apply only to CAFOs?

General pollution control regulations apply to all agricultural operations (no one is allowed to knowingly pollute natural resources). "Concentrated" is the word at play in the CAFO designation. The CAFO permit exists to protect state waters and, by doing so, ensure a well maintained CAFO.

How can I tell if my drinking water is safe?

The Bureau of Safe Drinking Water at NDEP oversees the regulations for safe drinking water for public water systems in Nevada. For private wells, contact your local extension office for assistance on testing the well for drinking water criteria. The Nevada Department of Agriculture tests for pesticide residue in groundwater, and the Nevada Bureau of Water Pollution Control collects data for other parameters via a monitoring well program at regulated CAFOs.

What about air quality?

Although NDEP does not have authority to directly regulate odors from a CAFO, the CAFO permit requires that operations perform sound agricultural practices, including good management of wastewaters and manure. These practices should help to control odor emissions, but it is recognized that even a well-operated CAFO will generate some odors.

