

Randy Smith

I oppose this rule as written.

This pertains to Concentrated Animal Feeding Operations (CAFO) as defined in 40 CFR § 122.23(c). It allows authorities to designate any Animal Feeding Operation (AFO) as a CAFO if they are determined to be a "significant contributor of pollutants to waters of the United States." This rule allows unlimited enforcement of a vague law.

There are explicit definitions of what are CAFOs in the federal statute, for example 150 horses in 40 CFR 122.23(b)(6)(i)(E). State rules are arbitrary and capricious, with no definitions at all. How are we to comply when there is nothing to comply to? Please revise this rule with explicit definitions.