

## CLIENT ALERT

### EPA Issues Notice of Intent to Conduct an EIS for the Proposed Reissuance of CAFO General Permits for Oklahoma and New Mexico

May.18.2006

EPA's Region 6 Office in Dallas announced this week that it intends to prepare a full environmental impact statement (EIS) in connection with the NPDES general permit now being developed for CAFOs. The general permit, which has not yet been formally proposed, will implement EPA's revised NPDES rules for CAFOs issued in February 2003. Although Region 6 covers five states (Louisiana, Arkansas, Oklahoma, Texas and New Mexico) the new general permit will be directly applicable only to CAFOs within Oklahoma and New Mexico — the other states in the Region will issue CAFO NPDES permits themselves. Some have questioned the reasons for preparing an EIS because NPDES permits are exempt from EIS analysis except federal permits for “new sources.” But Region 6 reasons that an EIS makes sense given the large number of CAFOs already in existence. An EIS is not required when a state issues an NPDES permit, so most CAFO NPDES permits will not be subject to the EIS process. The scope of the Region 6 EIS will be decided at meetings to be held in Oklahoma City on June 22 and Las Cruces, N.M. on June 24. [Click here](#) for the full text of EPA's May 18 *Federal Register* notice.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

**Richard E. Schwartz**

Senior Counsel – Washington, D.C.

Phone: +1 202.624.2905

Email: [rschwartz@crowell.com](mailto:rschwartz@crowell.com)