



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF WATER

**MEMORANDUM**

**SUBJECT:** COVID-19 Related Disposal of Surplus Milk

**FROM:** Anna Wildeman  
Principal Deputy Assistant Administrator

**TO:** Regional Administrators, Region 1-10

Due to the COVID-19 national health emergency, there are bottlenecks at various points in supply and distribution chains for fluid and other dairy products. While continuing their efforts to feed the nation, dairies and dairy co-ops are attempting to address the short-term oversupply challenges by redistributing milk to the extent possible and reducing milk production. However, in some situations, there may be more milk being generated than these chains can manage. As a result, there is excess milk at many dairies that may need to be disposed of on-site or off-site. There are also some instances where milk has been transported from dairies but cannot be off-loaded at creameries or other receiving stations.

The Administration is actively providing information and resources to support producers and processors through these challenging times. In April, the U.S. Department of Agriculture announced \$16 billion in direct support to farmers and ranchers and a new \$3 billion program for perishable food products to be purchased and distributed to those in need. More information on these programs is available [here](#).

Additionally, several states have developed guidance, listed below, that may help producers, processors and third-party haulers address product management challenges while adhering to applicable regulatory requirements. As a reminder, milk and related products should not be discharged into waters of the United States without a permit or into any waterbody or groundwater where such discharges are prohibited under state law.

The EPA recommends that dairies take appropriate measures to hold excess milk in containment systems, waste storage facilities and/or land dispose of milk as appropriate, in accordance with nutrient management planning and other conservation practices. For dairies subject to Clean Water Act permitting, including concentrated animal feeding operations (CAFOs), such measures are addressed in the applicable National Pollutant Discharge Elimination System (NPDES) permit. Milk may be land-applied as process wastewater, so long as it is done in accordance with the CAFO's Nutrient Management Plan. Other dairies, processors, third-party haulers, and related industry partners should check appropriate state and local regulations for additional guidance.

As described in EPA's [March 26, 2020 temporary enforcement policy](#), EPA expects all regulated entities to continue to manage and operate their facilities in a manner that is safe and that protects the public and the environment. In all cases, including the dairy industry, facilities that are subject to

NPDES permitting should make every effort to assure that they comply with the conditions of the permit. For noncompliance that occurs while the temporary enforcement policy is in effect, and that results from the COVID-19 national health emergency, the EPA's March 26, 2020 enforcement policy may apply in lieu of an otherwise applicable EPA enforcement response policy. However, any enforcement discretion for unpermitted discharges or discharges that exceed permit limits would be determined on a case-by-case basis. In addition, facilities should contact the appropriate implementing authority (EPA region, authorized state, or tribe) if facility operations impacted by the COVID-19 national health emergency may create an acute risk or an imminent threat to human health or the environment.

For additional information, please visit the EPA's websites at [www.epa.gov/npdes/animal-feeding-operations-afos](http://www.epa.gov/npdes/animal-feeding-operations-afos) and [www.epa.gov/coronavirus](http://www.epa.gov/coronavirus) or contact your EPA regional or applicable state NPDES program contact. Additional guidance and information regarding excess milk disposal can be found at the following websites:

- The Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources have developed [Emergency Disposal of Milk for Dairy Farms During the COVID-19 Public Health Emergency](#), the [COVID-19 Toolkit](#), and guidance on [Emergency Disposal of Milk and Processed Milk Products from Dairy Processing Facilities](#). The University of Wisconsin has developed presentation materials and a fact sheet on [Considerations when landspreading milk or manure/milk mixtures](#).
- The Central Valley Regional Water Quality Board of California has also provided guidance to dairy owners and operators on [Emergency Disposal of Waste Milk](#).
- The New York State Department of Agricultural Markets, in partnership with the New York State Department of Environmental Conservation and Cornell University, issued [Provision Guidance: Using Surplus Milk as Fertilizer Due to the COVID-19 Emergency](#).
- The Michigan Department of Agriculture and Rural Development has issued [Guidance for Emergency Management of Raw Milk](#).
- The Texas Council on Environmental Quality has developed the [COVID-19 and Milk Disposal Q&A](#).

cc: Regional Water Division Directors  
Regional Ag Advisors