

**GENERAL STATE OPERATING PERMIT
FOR
CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)**

MODIFIED
PERMIT NO. SOPC00000

Issued By

State of Tennessee
Department of Environment and Conservation
Division of Water Pollution Control
401 Church Street
6th Floor, L & C Annex
Nashville, Tennessee 37243

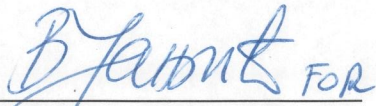
In accordance with the provisions of Tennessee Code Annotated Section 69-3-108 and regulations promulgated pursuant thereto:

Permit SOPC00000 authorizes the operation of concentrated animal feeding operations (CAFOs) that have not discharged and are not designed, constructed, operated or maintained such that a discharge could occur, in accordance with the requirements and conditions set forth herein.

This permit shall become effective on: **July 1, 2010**

This permit shall expire on: **May 31, 2015**

Issuance date: **May 28, 2010**



Paul E. Davis, Director
Division of Water Pollution Control

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Introduction

The following document is a State of Tennessee general State Operation Permit (SOP) that authorizes the operation of a concentrated animal feeding operation (CAFO). The general permit imposes restrictions on how the CAFO will operate in respect to protecting waters of the state.

This permit is a state-issued SOP general permit, with a permit number of SOPC00000. Operations covered under this permit will be assigned permit tracking numbers in the sequence SOPC00001, SOPC00002, etc. A general permit is one designed to apply to a category of sources that involve the same or substantially similar operations and require the same or similar permit conditions and monitoring provisions.

In order to get information regarding the division of Water Pollution Control's (WPC) permitting programs, you may visit the division's web site, located at: <http://www.state.tn.us/environment/wpc/>. Information regarding the CAFO program is located at <http://www.tn.gov/environment/permits/cafo.shtml>. This website contains a copy of the general permit, the permit rationale, the Notice of Determination, and other information related to CAFOs.

You may contact us by sending an E-mail to ask.tdec@tn.gov or if you do not have access to the web or you have other questions, contact us at 1-888-891-8332 (TDEC).

Obtaining coverage under this general permit

To obtain coverage under this permit, an applicant must submit a Notice of Intent (NOI), a closure/rehabilitation plan for the waste system storage structure(s), and a site-specific nutrient management plan (NMP) that meets the requirements of TDEC Rule 1200-4-5-.14. Applications must be submitted to the Tennessee Department of Agriculture (TDA) and the Department of Environment and Conservation, Division of Water Pollution Control (TDEC-WPC). The NMP will be reviewed by the TDA and upon approval the TDA will notify TDEC who will then process the permit application.

Fees

The fees shall be as specified in the Rules of the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Water Quality Control Board, Chapter 1200-4-11 – Environmental Protection Fund Fees, available at: <http://www.state.tn.us/sos/rules/1200/1200-04/1200-04-11.20090630.pdf>.

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1. COVERAGE UNDER THIS GENERAL PERMIT

1.1. Permit Area

This state operation general concentrated animal feeding operation (CAFO) permit covers all areas of the State of Tennessee.

1.2. List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties

EFO Name	EFO Address	List of Counties
Chattanooga	TDEC Division of Water Pollution Control State Office Building, Suite 550 540 McCallie Ave Chattanooga, TN 37402 (423) 634-5745	Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie
Columbia	TDEC Division of Water Pollution Control 1421 Hampshire Pike Columbia, TN 38401 (931) 380-3371	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
Cookeville	TDEC Division of Water Pollution Control 1221 South Willow Ave Cookeville, TN 38506 (931) 432-4015	Cannon, Clay, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, White
Jackson	TDEC Division of Water Pollution Control 1625 Hollywood Dr Jackson, TN 38305 (731) 512-1300	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly
Johnson City	TDEC Division of Water Pollution Control 2305 Silverdale Rd Johnson City, TN 37601 (423) 854-5400	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
Knoxville	TDEC Division of Water Pollution Control 3711 Middlebrook Pike Knoxville, TN 37921 (865) 594-6035	Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
Memphis	TDEC Division of Water Pollution Control 8383 Wolf Lake Drive Bartlett, TN 38133-4119 (901) 371-3000	Fayette, Shelby, Tipton
Nashville	TDEC Division of Water Pollution Control 711 RS Gass Boulevard Nashville, TN 37206 (615) 681-7000	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson

1.3. Activities Covered by this Permit

This concentrated animal feeding operation (CAFO) general state operation permit (SOP) covers all operations defined as CAFOs (per TDEC Rule 1200-4-5-.02) that do not discharge and are not designed, constructed, operated or maintained such that a discharge could occur.

Animal feeding operations (AFOs) meeting the following criteria are considered CAFOs for the purposes of this permit and should seek permit coverage per the requirements of subpart 1.6 below. Animal feeding operations (AFOs) meeting or exceeding the size thresholds in the second column of the table below are considered large (Class I) CAFOs. AFOs within the range given in the third column are considered medium (Class II) CAFOs if any of the following conditions are met:

- a) The AFO is located on a waterbody that has been identified by the department as being impaired for nutrients or pathogens;
- b) The AFO began operation on or after May 1, 1999; or
- c) The AFO expanded its operation on or after the promulgation date of applicable regulations (April 14, 2003).

Animal Type	Class I (Large CAFO)	Class II (Medium CAFO)
Mature Dairy Cows (milked or dry)	700+	200 – 699
Veal Calves	1,000	300 – 999
Cattle ¹	1,000+	300 – 999
Swine	2,500+ (≥ 55 lbs) 10,000+ (< 55 lbs)	750 – 2,499 (≥ 55 lbs) 3,000 – 9,999 (< 55 lbs)
Chickens (liquid ²)	30,000+	9,000 – 29,999
Chickens (dry ³)	125,000+ (non-layers) 82,000+ (layers)	37,500 – 124,999 (non-layers) 25,000 – 81,999 (layers)
Horses	500+	150 – 499
Sheep/lambs	10,000+	3,000 – 9,999
Turkeys	55,000+	16,500 – 54,999
Ducks (liquid ²)	5,000+	1,500 – 4,999
Ducks (dry ³)	30,000+	10,000 – 29,999

- 1 Other than mature dairy cows or veal calves. Cattle includes, but is not limited to heifers, steers, bulls and cow/calf pairs.
- 2 Liquid = Liquid waste management system
- 3 Dry = Dry waste management system

Other AFOs may be designated as CAFOs at the discretion of the Director of the Division of Water Pollution Control (director). Factors to be considered in this determination include the AFO's size, the location of the AFO, the AFO's waste and mortality management practices, and the presence of water features (i.e., streams, wet weather conveyances, wetlands, etc.) on or near the AFO.

NOTE: CAFOs that discharge or that are designed, constructed, operated or maintained such that a discharge could occur must obtain coverage under an alternate permit per the requirements of subpart 6.7 below (more information is available at <http://www.tn.gov/environment/permits/cafo.shtml>). Facilities that have discharged may retain coverage under this permit only if they institute measures and controls to ensure that the discharge would not reoccur.

1.4. Authorization

This permit authorizes the operation of a CAFO that does not discharge and is not designed, constructed, operated or maintained such that a discharge could occur in the State of Tennessee.

This permit does not authorize the discharge of process wastewater and/or pollutants to waters of the State of Tennessee. CAFOs must have all measures, structures, etc. in place and fully implemented, according to their nutrient management plan (NMP), approved by the Tennessee Department of Agriculture (TDA), on the effective date of coverage under this general permit.

1.5. No Discharge Certification

Coverage under this permit will serve as proof of a No Discharge Certification (and thus CAFOs covered by this permit do not require coverage under an NPDES permit), per the requirements of 40 CFR 122.23(i), provided that in addition to being in compliance with all the terms of this permit, the facility meets the Eligibility Criteria given below:

1.5.1. Eligibility Criteria

In order to use coverage under this permit as proof of No Discharge Certification the owner or operator of a CAFO must document, based on an objective assessment of the conditions at the CAFO, that the CAFO is designed, constructed, operated, and maintained in a manner such that the CAFO will not discharge.

1.5.2. Submission Requirements

In addition to the application requirements of this permit, a CAFO owner or operator must submit the following information:

- a) A statement that describes the basis for the CAFO's certification that it satisfies the eligibility requirements identified in section 1.5.1 above, and
- b) The following certification statement, signed in accordance with the signatory requirements of subpart 2.2 below:

I certify under penalty of law that I am the owner or operator of a concentrated animal feeding operation (CAFO), identified as [insert name of CAFO], and that said CAFO meets the requirements of 40 CFR 122.23(i). I have read and understand the eligibility requirements of 40 CFR 122.23(i)(2) for certifying that a CAFO does not discharge or propose to discharge and further certify that this CAFO satisfies the eligibility requirements. As part of this certification, I am including the information required by 40 CFR 122.23(i)(3). I also understand the conditions set forth in 40 CFR 122.23(i)(4), (5) and (6) regarding loss and

withdrawal of certification. I certify under penalty of law that this document and all other documents required for this certification were prepared under my direction or supervision and that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons directly involved in gathering and evaluating the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

1.5.3. Term of Certification

A certification will become effective upon the effective date of a facility's notice of coverage per section 1.7.1 below. Certification will remain in effect for the entire time the facility is covered by this permit and in compliance with the no discharge requirement. A certification is no longer valid when a discharge has occurred or when the CAFO ceases to meet the eligibility criteria in section 1.5.1 above.

1.5.4. Withdrawal of Certification

If certification becomes invalid due to an unpermitted discharge in accordance with section 1.5.3 above, the CAFO must withdraw its certification within three days of the date on which the CAFO becomes aware that the certification is invalid. Once a CAFO's certification is no longer valid, the CAFO is subject to the requirements of subpart 6.7 below. A CAFO may withdraw its certification by submitting written notification to their local EFO as listed in subpart 1.2 above.

1.6. Obtaining Permit Coverage

Submitting a complete notice of intent (NOI), a site-specific nutrient management plan (NMP), and a closure/rehabilitation plan for the waste system storage/treatment structure(s) is required to obtain coverage under this general permit. Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges the applicant's claim of ability to be in compliance with this permit's terms and conditions.

1.6.1. Notice of Intent (NOI)

Operators wishing to obtain coverage under this permit must submit a completed NOI in accordance with the requirements of part 2 below, using the NOI form provided in Appendix A of this permit (or a copy thereof). The division will review NOIs for completeness and accuracy and, when necessary, investigate the proposed operation for potential impacts to waters of the state. Upon completing NOI review, the division will do one of the following:

- a) Prepare and transmit a notice of coverage (NOC) to the contact indicated to receive correspondence, per the NOI form (see subpart 1.7 below);
- b) Notify the applicant of needed changes to their NOI submittal;
- c) Deny coverage under this general permit (see subpart 6.7 below – *Requiring an Alternative Permit*).

1.6.2. Nutrient Management Plan (NMP)

All CAFOs wishing to obtain coverage under this permit must develop and submit a site-specific NMP with the NOI, in accordance with the requirements of part 3 below.

1.6.3. Closure Plan

Operators wishing to obtain coverage under this permit must also submit a closure/rehabilitation plan for the waste system storage/treatment structures that meets or exceeds NRCS technical standards and guidelines, and at a minimum, addresses maintenance of the facility until proper closure is completed and includes a proposed schedule for closure not to exceed 360 days, in accordance with the requirements of subpart 4.9 below.

1.7. Administrative Procedure for Obtaining Notice of Coverage (NOC)

1.7.1. Notice of Coverage (NOC)

Following review and approval of the nutrient management plan by TDA, the division will review each application for completeness and accuracy.

Within 30 days of receipt of a complete and accurate application, the division will transmit to the permittee a notice of coverage (NOC) under this permit, which shall specify the effective date of coverage under the permit. The term of coverage shall not end later than the expiration date of this general permit.

If the division determines the submitted application to be incomplete, or denies an applicant coverage under this general permit, the division shall notify the applicant of this determination.

1.7.2. Permit Tracking Numbers

CAFOs covered under this permit will be assigned permit tracking numbers in the sequence SOPC00001, SOPC00002, etc.

1.8. Termination of Coverage

1.8.1. Notice of Termination

A CAFO covered under this general permit shall notify the division at the address listed in section 1.8.2 below when the CAFO is no longer in operation. The division retains the right to deny termination of coverage under this general permit upon receipt of the necessary notice and information from the permittee. The written notice of termination shall include the following information:

- a) Site Information: Site name, physical location and mailing address of the site for which the notice is submitted;
- b) Operator Information: Permittee name, mailing address, and telephone number of the operator addressed by the notice;
- c) Permit Number: the permit tracking number for the site; and

d) Reason for Termination.

The CAFO operator must retain permit coverage until the facility is properly closed in accordance with the facility's NMP and the requirements established in subpart 4.9 below of this permit.

The division will review termination requests for completeness and accuracy and, when necessary, investigate the CAFO for which termination was requested. If all conditions have been met, the division will notify the permittee of approval of the termination request. If there are deficiencies with the termination request, or if the division has information indicating the permit coverage is not eligible for termination, the division will notify the applicant of needed changes. If all conditions have not been met, the division will deny the request for termination of coverage under this general permit and will provide written notification that permit coverage has not been terminated. Permit coverage termination is not final until accepted by the division.

The division retains the right to deny termination of coverage under this general permit upon receipt of the NOT.

1.8.2. Where to Submit

All written notices of termination shall be submitted to:

**CAFO Notice of Termination
Tennessee Department of Environment and Conservation
Division of Water Pollution Control
6th Floor L&C Annex, 401 Church Street
Nashville, TN 37243**

2. NOTICE OF INTENT (NOI) REQUIREMENTS

2.1. Deadlines for NOI Submittal

2.1.1. Existing Site

Existing operations, including those that were covered under the General NPDES Permit for Class II Concentrated Animal Feeding Operation (permit number TNA000000) that meet the definition of a CAFO and that do not discharge and are not designed, constructed, operated or maintained such that a discharge could occur must seek coverage under this permit per the application requirements of subpart 1.6 above. Applications must be submitted not more than one year following the effective date (June 1, 2010) of this permit. For an existing site presently permitted under an individual permit, an application shall be submitted 180 days before the individual permit expires.

2.1.2. New Site

An operator of a new source must seek to obtain coverage under a permit at least 180 days prior to the time that the CAFO commences operation.

2.1.3. Transfers

Where the operator of a site that is covered by this permit changes, the new operator of the site must submit an NOI in accordance with the requirements of this part at least five days prior to the change. Within five days of the time of sale or transfer of ownership, the new owner must send a completed NOI to the Nashville Central office, Division of Water Pollution Control at the address listed in subpart 2.4 below.

2.1.4. Designations

AFOs designated as CAFOs by the director must seek to obtain coverage under a permit no later than 90 days after receiving notice of the designation.

2.2. Signatory Requirements for the NOI

The NOI must be signed according to signatory requirements of part 6.5 below (Signatory Requirement) of this permit. The NOI must bear an original signature.

2.3. Content of the NOI

2.3.1. Content

An NOI form is provided in Appendix A of this permit. The following information must be included in an NOI:

- a) The legal and official name of the permittee, the address or description of location of the CAFO, the name of the county in which the operation is located, site latitude and longitude;
- b) The name and distance to the nearest receiving water, permit numbers for other state or federal water/wastewater permits obtained for the site;
- c) Type of animals raised at the CAFO, number of animals, number of barns, name of integrator, and the type of animal waste management;
- d) A copy of the site-specific NMP for the CAFO;
- e) A copy of the closure plan for the CAFO;
- f) A copy of the USGS topographical map, a city map, or a county map, identifying the location of the CAFO and any surface waters on or adjacent to the CAFO site;
- g) The name, title or position, mailing address, phone number, and e-mail address of an official contact person, as well as the site contact person (i.e. local contact, if applicable) and an indication of where to send correspondence and invoices; and
- h) Any additional information the division may require.

2.3.2. Operation changes

CAFOs constructed after April 14, 2003, that have not discharged and are not designed, constructed, operated or maintained such that a discharge could occur and that are not subject to new source performance standards must seek coverage under this general permit no later than 180 days prior to the time that the CAFO commences operation.

2.4. Where to Submit the NOI

All CAFOs must submit application information, including the NOI and NMP, to both the Tennessee Department of Agriculture (TDA) and to TDEC-WPC. Original documents should be sent to TDEC-WPC and a copy should be sent to TDA, at the addresses below:

CAFO Notice of Intent TDEC Division of Water Pollution Control 401 Church Street 6th Floor L&C Annex Nashville, TN 37243	CAFO Notice of Intent Water Resources TDA-Ellington Agricultural Center PO Box 40627 Nashville, TN 37204
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3. NUTRIENT MANAGEMENT PLAN (NMP) REQUIREMENTS

3.1. Nutrient Management Plan Contents

All permittees covered under this permit must develop, submit for state approval, implement and keep on site a site-specific nutrient management plan (NMP) that complies with applicable state rules and:

- a) Includes best management practices and procedures necessary to implement applicable effluent limitations and standards,
- b) Ensures adequate storage of manure, litter, and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities,
- c) Ensures proper management of mortalities (i.e., dead animals) so that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities as outlined in NRCS Conservation Practice Standard 316, October 2002 (or the most recent edition) and/or the NRCS Animal Waste Handbook,
- d) Ensures that clean water is diverted, as appropriate, from the production area,
- e) Prevents direct contact of confined animals with waters of the state,
- f) Ensures that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants,
- g) Identifies appropriate site specific conservation practices to be implemented, including, as appropriate, buffers or equivalent practices to control runoff of pollutants to waters of the state (these practices must meet minimum standards set in the NRCS Field Office Practice Standard and/or the NRCS Animal Waste Handbook),
- h) Identifies protocols for appropriate testing of manure, litter, process wastewater, and soil that are approved by the University of Tennessee testing lab for Tennessee conditions,

- i) Establishes protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, and
- j) Identifies specific records that will be maintained to document the implementation and management of the minimum elements described in items a through i above.

3.2. NMP Implementation

The following NMP requirements apply to all CAFOs covered under this general permit:

- a) All permittees covered under this permit must comply with the terms of the site-specific NMP as identified in subpart 3.1 above.
- b) All permittees covered under this permit must have all measures, structures, etc., of their NMP in place and fully implemented upon the effective date of their NOC.
- c) In addition to NRCS technical standards, NMPs must address facility maintenance until all manure and/or litter is transferred to a third party or land applied in accordance with the NMP.
- d) Permittees must review their NMP annually and whenever there have been significant changes that affect the amount of manure produced, such as the number of animals on site; changes to the land application areas; changes in how the manure is handled, stored, transferred, or land applied; or changes to how animal mortalities are handled. The permittee shall submit the changes to the division per subpart 6.6 below. Such changes must be reviewed and approved by the state.
- e) A copy of the NMP must be kept on site at all times.

4. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

The permittee shall attain the limitations and requirements of this permit as of the effective date of this permit for the following areas.

4.1. Land Use Requirements

4.1.1. Production Areas

All wastewater discharges from a CAFO production area to waters of the State of Tennessee are prohibited and will constitute a violation of this permit. Permitted facilities must be properly designed, constructed, maintained, and operated to contain all process wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.).

4.1.2. Land Application Areas

Discharges of agricultural stormwater from land application areas are allowed so long as they meet the following requirements:

- a) The NMP must be fully implemented by the effective date of the NOC.
- b) Inspections and records shall be maintained as specified in part 5 below.

4.2. Rainfall Monitoring

A rain gauge shall be kept on site and properly maintained. Amounts of rainfall shall be recorded for all rainfall events, as defined in part 7 below.

4.3. Dry Waste Storage

At no time shall litter or manure be stored in a manner which would allow rain/stormwater to come in contact with the dry litter or manure removed from the houses/barns.

4.4. Schedule of Compliance

Full compliance and operational levels shall be attained from the effective date of a permittee's Notice of Coverage.

4.5. Reopener Clause

If an applicable standard or limitation is promulgated under TDEC Rule 1200-4-5 and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

4.6. Best Management Practices (BMPs)

4.6.1. General Requirements

The following best management practices (BMPs) are required for all CAFOs covered under this general permit and should be implemented through the nutrient management plan:

- a) The owner/operator shall prevent discharge of pesticide-contaminated waters into retention structures. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the management of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent pollutants from entering the retention structures or waters of the state.
- b) All waste transfers to under floor waste pits shall be composed entirely of wastewater from the proper operation and maintenance of a CAFO. The disposal of any materials (other than waste transfers associated with proper operation and maintenance of the CAFO) into the containment structures is prohibited by this permit.
- c) Chemicals, manure, litter, and/or process wastewater shall be managed to prevent spills. Procedures for cleaning up spills shall be developed and the necessary equipment to implement clean up shall be available to facility personnel.
- d) The operator shall notify the division in the event of any significant fish, wildlife, or migratory bird/endangered species kill or die-off on or near retention ponds or in fields where waste has been applied.
- e) Where employees are responsible for work activities which relate to permit compliance, those employees must be regularly trained in the proper operation and maintenance of the facility and waste disposal. Training shall include topics as appropriate such as land

- application of wastes, proper operation and maintenance of the facility, good housekeeping and material management practices, necessary record-keeping requirements, and spill response and clean up. The permittee is responsible for determining the appropriate training frequency for personnel and the nutrient management plan shall identify periodic dates for such training.
- f) Uncontaminated stormwater runoff shall be diverted away from manure, litter, process wastewater, waste retention structures, and mortality management areas, i.e. under floor pits, composters, etc.

4.6.2. Land Application of Animal Waste

All CAFOs that land apply manure, litter, or process wastewater must do so in accordance with the following best management practices (BMPs) that are implemented through their site-specific nutrient management plan (NMP):

- a) Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters. Nutrient management must be in compliance with applicable technical standards that:
- i. Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters. The field-specific assessment must address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters;
 - ii. Employs the Tennessee Phosphorus Index (a tool developed by the University of Tennessee Extension and the NRCS to assess the risk of phosphorus movement from the application area to waters of the state); and
 - iii. Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the director;
- b) Annual manure analysis for nitrogen and phosphorus content, using procedures outlined in NRCS Conservation Practice Standard 590, and soil analysis at a minimum of once every five years for phosphorus content (the results of these analyses are to be used in determining application rates for manure, litter, and other process wastewater);
- c) Periodic inspection of equipment used for land application of manure, litter and other process wastewater;
- d) Application of manure, litter, and process wastewater that:
- i. Is applied no closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural wells, or other conduits to surface waters unless,
 - (1) The CAFO substitutes the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited; or
 - (2) The CAFO demonstrates that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific

conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback;

- ii. Is applied in accordance with setbacks established in NRCS Conservation Practice Standard 590 for any potable well, public or private, and
- e) For new CAFOs that are located adjacent to high quality streams (as identified by the department), leave in place a minimum 60-foot natural riparian buffer between the stream and the land application area.
- f) There must not be land application of nutrients, including manure, litter or process waste water, within 24 hours of a precipitation event that may cause runoff from the land application area. The operator shall not land apply nutrients to frozen, flooded, or saturated soils.

4.7. Liquid Waste Management System Requirements

In order for a CAFO with a liquid waste management system to be eligible for coverage under this permit, the liquid waste management system must be designed to exclude all stormwater and must not contain any design allowances for a discharge from the liquid waste management system.

No CAFO liquid waste management system shall be constructed, modified, repaired, or placed into operation after April 13, 2006 unless it is designed, constructed, operated, and maintained in accordance with final design plans and specifications which meet or exceed standards in the NRCS Field Office Technical Guide and other guidelines as accepted by the Departments of Environment and Conservation, or Agriculture, per TDEC Rule 1200-4-5-.14. Specifically, plans must include the following:

- a) Any new or additional confinement buildings, waste/wastewater handling system, waste/wastewater transport structures, waste/wastewater treatment structures, settling basins, lagoons, holding ponds, sumps, or pits, and other agricultural waste containment/treatment structures constructed after April 13, 2006 shall be located in accordance with NRCS Conservation Practice Standard 313.
- b) A subsurface investigation for earthen holding pond, pit, sump, treatment lagoon, or other earthen storage/containment structure suitability and liner requirements shall be a component of the system design. The subsurface investigation will include a detailed soils investigation with special attention to the water table depth and seepage potential. The investigation must evaluate soils to a depth of two feet below the planned bottom grade of the storage structure. Deeper investigations may be required in karst regions. A soils/geologic investigation shall be performed by a soil scientist and qualified geologist. A qualified geologist is defined as an individual who is a Registered Professional Geologist licensed by the State of Tennessee or an individual who meets the requirements for the title of Certified Professional Geologist, as defined by the American Institute of Professional Geologist. Unless relevant information is available to the contrary, compliance with this provision during design and construction of the facility will normally demonstrate that the hydrologic connection does not exceed a maximum allowable specific discharge of 0.0028 ft/day (1×10^{-6} cm/sec).

4.8. Transfer to Third Party

In cases where CAFO-generated manure, litter, or process wastewater is sold or given away in its entirety to be used for land application activities that are not under the control of the permitted CAFO, land application does not need to be addressed in the permitted CAFO NMP. However, for operations that transfer more than 100 tons of manure, litter or process wastewater per year to a third party for disposal, the CAFO must:

- a) Provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis, consistent with 40 CFR § 412; and
- b) Ensure that the recipient sign the Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO using the form in Appendix B below. The permitted CAFO must keep a copy of the signed Agreement along with other records required by this permit, per subpart 5.2 below.

In addition, CAFOs that transfer 100 tons of manure, litter or process wastewater to a third party must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to a third party using the form in Appendix C below.

4.9. Closure Plan

The permittee must fully implement the closure/rehabilitation plan for the waste system storage/treatment structure(s) within 12 months of ceasing operation.

In addition to NRCS technical standards, the plan must address facility maintenance until proper closure and include the following:

- a) No earthen basin, including under floor pits, shall be permanently abandoned;
- b) Earthen basins, and under floor pits, shall be maintained at all times until closed in compliance with this subpart;
- c) All earthen basins must be closed if the permittee ceases operation. In addition, any earthen basin that is not in use for a period of twelve consecutive months must be closed unless the permittee is viable, intends to resume use of the structure at a later date, and; maintains the structure as though it were actively in use, to prevent compromise of structural integrity; or removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner. In either case, the permittee shall notify the division of the action taken and shall conduct routine inspections, maintenance, and record keeping as though the structure were in use. Prior to restoration of use of the structure, the permittee shall notify the division and provide the opportunity for inspection;
- d) All closure of other earthen basins must be in accordance with NRCS standards (Field Technical Guide No. 360, Closure of Waste Impoundment). Consistent with NRCS standards, the permittee shall remove all waste materials to the maximum extent practicable and dispose of them in accordance with the permittee's nutrient management plan, unless otherwise authorized by the division.
- e) Unless otherwise authorized by the division, completion of closure for earthen basins shall occur as promptly as practicable after the permittee ceases to operate or, if the permittee has

not ceased operations, 12 months from the date on which the use of the structure ceased, unless the requirements above are met.

4.10. Mortality Management

The permittee must ensure proper management of mortalities (i.e. dead animals) so that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities. Mortalities must be handled in such a way as to prevent the discharge of pollutants to surface water. At a minimum, the requirements of NRCS conservation practice standards 316 (Animal Mortality Facility) and 317 (Composting Facility) must be followed, as applicable.

5. RETENTION, ACCESSIBILITY, AND SUBMISSION OF RECORDS

5.1. Inspections

Daily inspections of all water lines, including drinking and cooling water are required.

Weekly inspections are required for all stormwater diversion devices, runoff diversion structures and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure.

Weekly inspections are also required for the manure, litter, and process wastewater containment structures (ex: under-barn pits, covered lagoons) noting the liquid level in the containment structure.

Any deficiencies found as a result of these inspections must be corrected as soon as possible.

5.2. Record Keeping

The following records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained on site for a minimum of five years, or longer, if requested by the division:

- a) All applicable records documenting the implementation and management of the minimum elements of the NMP, as listed in part 3 above.
- b) A copy of the CAFO's site-specific NMP and records of its annual review;
- c) Records documenting the following visual inspections:
 - i. Weekly inspections of all stormwater diversion devices, including runoff diversion structures and devices channeling uncontaminated stormwater away from the wastewater and manure storage and containment structure(s);
 - ii. Daily inspections of water lines, including drinking or cooling water lines; and
 - iii. Weekly inspections of the manure, litter, and process wastewater containment structures noting the liquid level in the containment structures.

- d) Weekly records of the depth of the manure and process wastewater in the liquid containment structure as indicated by the required depth marker. Note that the depth marker in the liquid waste containment structure will not include any storage volume for a design storm as no stormwater is allowed to enter the liquid waste containment structure.;
- e) Records documenting any corrective actions taken (if deficiencies are not corrected within 30 days of notice of deficiency, the records must include an explanation of the factors preventing immediate correction);
- f) Records of mortalities management and practices used to comply with the nutrient management plan and NRCS Conservation practice Standards 316 and 317, per the requirements of TDEC Rule 1200-4-5-.14;
- g) Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
- h) Expected and actual crop yields;
- i) The date(s) manure, litter, or process wastewater is applied to each field;
- j) Weather conditions at time of application and for 24 hours prior to and following application;
- k) Test methods used to sample and analyze manure, litter, and/or process wastewater and soil,
- l) Results from annual manure, litter, and/or process wastewater sampling;
- m) Results from most recent soil sampling;
- n) Explanation of the basis for determining manure application rates, as provided in the technical standards established by the NRCS or as otherwise approved by the director or the Tennessee Department of Agriculture;
- o) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;
- p) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
- q) The method used to apply the manure, litter, or process wastewater;
- r) Date(s) of manure application equipment inspection and calibration; and
- s) A log of all measurable rainfall events.

5.3. Annual Report

The permittee must submit an annual report between January 1 and February 15 that includes:

- a) The number and types of animals on site whether in open confinement or housed under roof;
- b) Estimated amount of total manure and/or litter generated by the CAFO in previous calendar year (tons/gallons);
- c) Estimated amount of total manure, and/or litter transferred to a third party by the CAFO in the previous calendar year (tons/gallons);
- d) Total number of acres for land application covered by the nutrient management plan;
- e) Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous calendar year;
- f) A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner.

Annual reports must be submitted to the division at the appropriate TDEC EFO for the county where the CAFO is located, as is shown in subpart 1.2 above, and to the Nashville Central Office Enforcement and Compliance Section at the address listed below.

**Tennessee Division of Water Pollution Control
Enforcement and Compliance Section
Attention: Compliance Review
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243**

5.4. Falsifying Reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act.

5.5. Electronic Submission of NOIs and Reports

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the world wide web) of electronic forms or other report options that become available at a later date (e.g., electronic submission of forms), the operators may take advantage of those options to satisfy the application and reporting requirements of this permit.

6. STANDARD PERMIT CONDITIONS

6.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

6.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit according to the application deadlines specified by the new permit.

6.3. Continuation of the Expired General Permit

This permit expires on May 31, 2015. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees that choose, or are required, to obtain an individual state operation permit must submit an application, including the NOI and NMP as required in subpart 1.6 above and a letter explaining the intent and reasons for applying for an individual permit, 180 days prior to expiration of this general permit. Permittees who are eligible and choose to be covered by a new general permit must submit an NOI and any necessary supplemental application materials by the date specified in that permit.

6.4. Duty to Provide Information

The permittee shall furnish to the commissioner, within a reasonable time, any information which the commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the commissioner upon request, copies of records required to be kept by this permit.

6.5. Signatory Requirement

All Notices of Intent (NOI), nutrient management plans (NMPs), requests for termination of permit coverage, reports, certifications or information submitted to the director or that this permit requires be maintained by the permittee, shall be signed and dated.

6.5.1. Signatory Requirements

All NOIs, reports, or information submitted to the commissioner shall be signed and certified as follows:

- a) For a corporation:
 - i. by a responsible corporate officer, i.e., a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
 - ii. by a manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility to assure long term environmental compliance with environmental laws and regulations; or
 - iii. by a person in a corporate position to which signatory authority has been delegated by a corporate officer.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c) For a municipality, state, federal, or other public agency:

- i. a principal executive officer (i.e. the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency); or
- ii. ranking elected official.

6.5.2. Changes to Authorization

If an authorization under subpart 6.5 above is no longer accurate because a different individual or position has responsibility for the overall operation of the site, a new authorization satisfying the requirements of subpart 6.5 above must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.5.3. Certification

All NOIs, reports, or information submitted to the commissioner shall be signed and certified by the persons identified in 1200-4-5-.05(6)(a-c), making the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

6.6. Planned Changes

The permittee shall give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility is considered a new source per 1200-4-5-.02 (54).

6.7. Requiring an Alternative Permit

6.7.1. Requiring an NPDES Permit

When conditions at a CAFO which meets the size criteria for a Class I facility per subpart 1.3 above, change such that either the CAFO discharges or is designed, constructed, operated or maintained such that a discharge could occur the owner/operator of the CAFO must seek NPDES Permit coverage. The owner/operator shall submit an individual NPDES permit application (Forms 1 and 2B) and a nutrient management plan according to the requirements of TDEC Rule 1200-4-5-.14.

6.7.2. Individual/Alternative General Permit Issuance

When an individual SOP is issued to an owner or operator otherwise subject to this general permit, or the owner or operator is authorized for coverage under an alternative SOP general permit, the applicability of this permit to the individual SOP permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

6.8. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to

achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6.9. Inspection and Entry

The permittee shall allow the commissioner, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

- a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the commissioner.

6.10. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Causes for such permit action include but are not limited to the following:

- a) Violation of any terms or conditions of the permit;
- b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and
- c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

6.11. Penalties for Violations of Permit Conditions

Pursuant to T.C.A. § 69-3-115 of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part (T.C.A. § 69-3-101, et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;
- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class E felony

and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

6.12. Penalties for Falsification of Reports

Knowingly making any false statement on any report or form required by this permit may result in the imposition of criminal penalties as provided for in Section 309 of the Clean Water Act and in T.C.A. §69-3-115 of the Tennessee Water Quality Control Act.

6.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6.14. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.15. Property Rights

This permit does not convey property rights of any sort, or any exclusive privilege.

6.16. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the director, he or she shall promptly submit such facts or information.

6.17. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

6.18. Noncompliance

If for any reason, there is a discharge to a water body of the state or an overflow or discharge from a waste retention structure, the permittee shall make immediate oral notification within 24-hours to the Division of Water Pollution Control (division) by calling 1-888-891-TDEC and shall notify the division's local EFO (as listed in subpart 1.2 above) in writing within five working days of the discharge from the facility. The written notification must include a description of the discharge (including the cause and flow path of the discharge), volume of discharge, time of discharge, and the cause of the discharge.

In the case of any noncompliance which could cause a threat to human health or the environment, the permittee shall report the noncompliance to the commissioner within 24 hours from the time the permittee becomes aware of the circumstances. A written submission must be provided

within five days of the time the permittee becomes aware of the noncompliance. The permittee shall provide the following information:

- a) A description of, and the cause of the noncompliance;
- b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- c) The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

6.19. Liabilities

6.19.1. Civil and Criminal Liability

Except as provided in permit conditions nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act.

6.19.2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act, as amended.

7. DEFINITIONS AND ACRONYMS

An **animal feeding operation** (AFO) is a facility that (1) stables, confines and feeds or maintains animals (other than aquatic animals) for a total of 45 days or more in any 12-month period and (2) does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the facility. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

For the purpose of this permit, **annually** is defined as a monitoring frequency of once every twelve (12) months beginning with the date of issuance of this permit so long as the following set of measurements for a given 12 month period are made approximately 12 months subsequent to that time.

For this purpose of this permit, an **application** includes a Notice of Intent (NOI) and either a comprehensive nutrient management plan (CNMP) or a site-specific nutrient management plan (NMP).

For the purpose of this permit, a **calendar day** is defined as any 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight-to-midnight time period.

A **catastrophic event** is a rainfall event greater than the 24-hour, 25-year storm for existing CAFOs or new dairy or cattle CAFOs, or the 100-year, 24-hour rainfall event for a new hog or poultry CAFOs, or

the occurrence of a tornado or other severe event as determined by the division which would cause an overflow from the waste retention structure that is designed, constructed, operated, and maintained to meet all the requirements of this permit.

A **comprehensive nutrient management plan (CNMP)** is a conservation plan that is unique to animal feeding operations. It is a grouping of conservation practices and management activities which, when implemented as part of a conservation system, will help to ensure that both production and natural resource protection goals are achieved. Guidance for developing a CNMP is located in USDA-NRCS's National Planning Procedures Handbook.

A **concentrated animal feeding operation (CAFO)** is an AFO that either meets the large (Class I) CAFO size criteria of Rule 1200-04-05-.14, the medium (Class II) criteria of Rule 1200-04-05-.14 or has otherwise been designated as a CAFO by the director.

Discharge or discharge of a pollutant refers to the addition of pollutants to waters from a source.

Land application area means the land under the control of an AFO owner or operator to which manure, litter or process wastewater from the AFO production area is or may be applied.

A **large CAFO** (Class I CAFO) is an AFO that confines greater than or equal to the number of animals specified in table 1200-4-5-.14.1.

The term **manure** is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

A **medium CAFO** (Class II CAFO) is an AFO that confines greater than or equal to the number of animals specified in table 1200-4-5-.14.1 and also meets the criteria of 1200-4-5-.14.

NMP means a site-specific nutrient management plan, as described in part 3 above.

NOI means Notice of Intent.

The **NRCS** is the United States Department of Agriculture, Natural Resources Conservation Service.

Owner or operator means any person who owns, leases, operates, controls or supervises a source.

Production Area means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas.

- The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways associated with barns or barnyards, and stables.
- The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. If an AFO stores manure in the field (i.e., manure or litter piled for more than several days before land application occurs), the field storage is considered to be a production area. Note that manure or litter stored uncovered for more than two weeks is not considered to be short-term or temporary storage, and is included in the definition of production area.

- The raw materials storage area includes but is not limited to feed silos, silage bunkers, and organic bedding materials.
- The waste containment area includes but is not limited to settling basins, and areas within berms and diversions that separate uncontaminated stormwater.
- The production area also includes any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

Process wastewater means water that comes in contact with a production process, its raw materials, products or byproducts. This includes spillage, wash-water, and overflow from animal watering systems or contact-cooling water. In the case of AFOs, process water would include water that contacts manure, litter, feed, milk, eggs or bedding.

A **rainfall event** is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event. Ten -year, 24-hour rainfall event, 25-year, 24-hour rainfall event, and 100-year, 24-hour rainfall event are mean precipitation events with a probable recurrence interval of once in 10 years, or 25 years, or 100 years, respectively, as defined by the National Weather Service in Technical Paper No. 40, “Rainfall Frequency Atlas of the United States,” May, 1961, or equivalent regional or state rainfall probability information developed from this source.

Setback means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: open tile line intake structures, sinkholes, and wells.

SOP means state operation permit.

TDA is the Tennessee Department of Agriculture.

Unavailable Conditions exist where water quality is at, or fails to meet, the criterion for one or more parameters.

Waters means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

APPENDIX A

Notice of Intent (NOI) Form



Tennessee Department of Environment and Conservation
 Division of Water Pollution Control
 401 Church Street, 6th Floor L & C Annex, Nashville, TN 37243
 (615) 532-0625

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)
 STATE OPERATING PERMIT (SOP)
 NOTICE OF INTENET (NOI)**

Type of permit you are requesting: SOPCD0000 (designed to discharge) SOPC00000 (no discharge) Unknown, please advise
 Application type: New Permit Permit Reissuance Permit Modification
 If this NOI is submitted for Permit Modification or Reissuance provide the existing permit tracking number: _____

OPERATION IDENTIFICATION

Operation Name:		County:
Operation Location/ Physical Address:		Latitude:
		Longitude:
Name and distance to nearest receiving water(s):		
If any other State or Federal Water/Wastewater Permits have been obtained for this site, list those permit numbers:		
Animal Type: <input type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Other _____		
Number of Animals:	Number of Barns:	Name of Integrator:
Type of Animal Waste Management:	<input type="checkbox"/> Dry <input type="checkbox"/> Liquid <input type="checkbox"/> Liquid, Closed System (i.e. covered tank, under barn pit, etc.)	
Attach the NMP <input type="checkbox"/> NMP Attached	Attach the closure plan <input type="checkbox"/> Closure Plan Attached	Attach a topographic map <input type="checkbox"/> Map Attached

PERMITTEE IDENTIFICATION

Official Contact (applicant):		Title or Position:		<input type="checkbox"/> Correspondence <input type="checkbox"/> Invoice
Mailing Address:		City:	State: Zip:	
Phone number(s):		E-mail:		
Optional Contact:		Title or Position:		<input type="checkbox"/> Correspondence <input type="checkbox"/> Invoice
Address:		City:	State: Zip:	
Phone number(s):		E-mail:		

APPLICATION CERTIFICATION AND SIGNATURE (must be signed in accordance with the requirements of [Rule 1200-4-5-.05](#))

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and title; print or type	Signature	Date
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STATE USE ONLY

Received Date	Reviewer	EFO	T & E Aquatic Fauna	Tracking No.
	Impaired Receiving Stream	High Quality Water		NOC Date

CAFO NOTICE OF INTENT INSTRUCTIONS

Background. All operations defined as CAFOs (concentrated animal feeding operation) must seek coverage under a permit. Operations that meet the Class II size criteria (TDEC Rule 1200-4-5-.14) and that discharge or that propose to discharge (...if designed, constructed, operated or maintained such that a discharge will occur) need coverage under the General State Operating Permit (SOP) for Concentrated Animal Feeding Operations, Permit Number SOPCD0000. Operation meeting the size criteria for either a Class I or Class II operation that do not discharge and that do not propose to discharge, but otherwise meet criteria in state rules need coverage under the General State Operating Permit (SOP) for Concentrated Animal Feeding Operations (CAFOs), Permit Number SOPC00000. AFOs (animal feeding operations) meeting or exceeding the size thresholds in column 1 of table 1200-4-5-.14-.1 are considered large (Class I) CAFOs. Class I CAFOs that propose to discharge must apply for an individual NPDES permit (application forms are available at: <http://www.state.tn.us/environment/permits/h2ofoms.shtml>). All other CAFOs must apply for a state permit using this form. This form must be submitted at least 180 days before a CAFO commences operation.

Complete the form. Type or print clearly, using black or blue ink; not markers or pencil. Answer each item or enter "N/A," for not applicable. If you need additional space, attach a separate piece of paper to the NOI. Applicants must submit a NMP (Nutrient Management Plan), and a closure plan along with this NOI. **The application will be considered incomplete without supplying all of the required information.**

Operation Identification. Describe and locate the project, use the legal or official name of the facility or site. Provide the latitude and longitude (expressed in decimal degrees) of the center of the site, which can be located on USGS quadrangle (i.e. topographic) maps. Topographic maps may be obtained at the USGS website: <http://store.usgs.gov>. Attach a copy of a portion of a 7.5 minute quad map (i.e. 1:24,000-scale topographic map), showing location of site, with boundaries at least one mile outside the site boundaries.

Permittee Identification. Official Contact – Provide the name, telephone number, address, and E-mail address of the person or corporation which proposes to operates or operates and/or profits from this AFO. **Facility Contact** – Provide the name, telephone number, address, and E-mail address of the person most familiar with the operation and with the facts reported in the NOI. This person may be contacted by the division, if necessary. Indicate where to send correspondence and invoices.

Fees. There is no application fee for this permit. An annual maintenance fee may be required and you will be invoiced at a later date.

Submitting the form and obtaining more information. Note that this form must be signed by the chief executive officer, owner, or highest ranking elected official. Submit a complete application to both the Tennessee Department of Agriculture (TDA) and to TDEC-WPC; keep a copy for your records. Original documents should be sent to TDEC-WPC and a copy should be sent to TDA, at the addresses below:

CAFO Notice of Intent TDEC Division of Water Pollution Control 401 Church Street 6th Floor L&C Annex Nashville, TN 37243	CAFO Notice of Intent Water Resources TDA-Ellington Agricultural Center PO Box 40627 Nashville, TN 37204
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Upon receipt of the required items the division will conduct a review of the material, and notify the applicant of any deficiencies. Notification may also come from the Tennessee Department of Agriculture, which reviews the NMP. When all the deficiencies have been corrected, the division will process the NOI and issue permit coverage.

The division has the right to inspect a facility when deemed necessary. In addition, the division has the right to revoke or suspend any permit for violation of permit conditions or any other provisions of the Tennessee Water Quality Control Act and other water pollution control rules.

The division is responsible for regulating any activity, which involves a potential discharge in order to protect waters of the State from pollution and to maintain the highest possible standards in water quality.

Obtaining more information/assistance For more information or assistance, contact your local Environmental Field Office (EFO), toll-free, at 1-888-891-8332 (TDEC) or at the number listed below.

EFO	Street Address	City	Zip Code	Telephone
Chattanooga	540 McCallie Avenue STE 550	Chattanooga	37402	(423) 634-5745
Columbia	1421 Hampshire Pike	Columbia	38401	(931) 380-3371
Cookeville	1221 South Willow Ave.	Cookeville	38506	(931) 432-4015
Jackson	1625 Hollywood Drive	Jackson	38305	(731) 512-1300
Johnson City	2305 Silverdale Road	Johnson City	37601	(423) 854-5400
Knoxville	3711 Middlebrook Pike	Knoxville	37921	(865) 594-6035
Memphis	8383 Wolf Lake Drive	Bartlett	38133	(901) 371-3000
Nashville	711 R S Gass Boulevard	Nashville	37216	(615) 687-7000

APPENDIX B

Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO

The conditions listed below help to protect water quality. These conditions apply to litter, manure and/or process wastewater removed from an AFO. This agreement is for (amount of waste removed, i.e. tons, gallons, etc.)

_____ of waste, removed on (date) _____, from the facility owned by _____ and located at _____.

- A. The litter, manure and/or process wastewater must be managed to ensure there is no discharge of litter, manure and/or process wastewater to surface or groundwater.
- B. When removed from the facility, litter, manure and/or process wastewater should be applied directly to the field or stockpiled and covered with plastic or stored in a building.
- C. Litter, manure and/or process wastewater must not be stockpiled near streams, sinkholes, wetlands or wells.
- D. Fields receiving litter, manure and/or process wastewater should be soil tested at least every two or three years.
- E. A litter, manure and/or process wastewater nutrient analysis should be used to determine application rates for various crops.
- F. Calibrate spreading equipment and apply litter, manure and/or process wastewater uniformly.
- G. Apply no more nitrogen or phosphorus than can be used by the crop.
- H. A buffer zone is recommended between the application sites and adjacent streams, lakes, ponds, sinkholes and wells. The following non-application buffer widths, taken from NRCS Conservation Practice Standard 590, should be used when applicable:

Object, Site	Buffer Width, feet	Situation
Wells	150	Up-slope of application site
	300	Down-slope of application site, if conditions warrant application
Waterbody	30-100	Depending on the amount and quality of vegetation and slope
Public Use Area	300	All
Residences	300	Other than producer

- I. Do not apply litter, manure and/or process wastewater when the ground is frozen, flooded, saturated or on steep slopes subject to flooding, erosion or rapid runoff.
- J. Cover vehicles hauling litter, manure and/or process wastewater on public roads.
- K. Keep records of locations where poultry litter will be used as a fertilizer.

I, _____ am the person receiving litter, manure, and/or process wastewater and do understand the conditions listed above.

(signature)

(date)

(address)

(phone)

APPENDIX C

**Names of Persons and/or Firms that Remove Litter, Manure
and/or Process Wastewater from an AFO**

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
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Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____

Phone No.: _____
Tons Removed: _____
Date: _____