



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Interim Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

FILE COPY

DWQ-2019-010385ch

**CERTIFIED MAIL
(Return Receipt Requested)**

August 28, 2019

Qian Zhang
EPA Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129

Subject: **Reissuance of the UPDES General Permit for CAFOs, Permit NumberUTG080000**

Dear Mr. Zhang:

Enclosed is the public notice for the renewal of the Utah Pollutant Discharge Elimination System (UPDES) General Concentrated Animal Feeding Operation (CAFO) Permit. The current was set to expire on July 31, 2019 but has been administratively extended until the new permit is issued. The CAFO permit will be public noticed for **30 days** on the Utah Department of Environmental Quality website at <https://deq.utah.gov/legacy/permits/water-quality/docs/20014/08AUG/generalpermitCAFO.pdf> and two newspapers with statewide coverage. If significant comments are not received by the Utah Division of Water Quality (DWQ) during public notice that would require permit modification, we anticipate the permit being issued in September or early October. The permit will expire five years from the permit issue date.

Very few changes were made to the CAFO permit for this permit reissuance. However, the new permit includes the requirement for electronic reporting per the new E-reporting rule.

The Utah Division of Water Quality (DWQ) is currently in the process of potentially changing the state CAFO Rule. If the state CAFO Rule is revised, the new CAFO permit may need to be modified to include any rule changes that require permit revision.

Please contact Don Hall (801) 536-4492 or dghall@utah.gov if you have any questions.

Sincerely,

Jeanne Riley, Manager
Storm Water Section
Utah Division of Water Quality

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Qian Zhang
EPA Region VIII

JR/DH/ch

Enclosures: 1. Request for Publication Deseret News & Salt Lake Tribune
 2. Public Notice
 3. Notice of Intent Form
 4. Notice of Termination Form
 5. Annual Report Form
 6. Manure Transfer Form
 7. Fact Sheet and Statement of Basis
 8. General CAFO Permit

cc: Grant Koford, Bear River Health Department
 Nathan Selin, Central Utah Public Health Department
 John Chartier, DEQ District Engineer
 Paul Wright, DEQ District Engineer
 Nathan Hall, DEQ District Engineer
 Scott Hacking, DEQ District Engineer
 Current CAFO Permit Holders (6)
 Jay Olsen, Utah Department of Agriculture and Food
 Kerry Gibson, Commissioner, Utah Department of Agriculture and Food
 Ron Gibson, President, Utah Farm Bureau
 Rhonda Miller, Utah State University Extension
 Mike Kohler, Utah Dairy Producers
 Clayton Schmitz, USDA Natural Resources Conservation Service
 Dan Hall, DWQ
 Jason Gipson, Chief, Utah Regulatory Office, U.S. Corps of Engineers
 Brady Bradford, Southeastern Health Department
 Greg Sheehan, Utah Division of Wildlife
 Royal DeLegge, Ph.D, Salt Lake Valley Health Department
 Dave Spence, Davis County Health Department
 Louis Cooper, Weber-Morgan District Health Department
 Dwight Hill, Wasatch County Health Department
 Bryce Larsen, Utah County Health Department
 Darrin Brown, Tri-County Public Health Department
 Phil Bondurant, Summit County Public Health Department
 Bryan Slade, Tooele County Health Department

DWQ-2019-010385



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August 28, 2019

Deseret News & Salt Lake Tribune

ATTN: Legal Advertising Department
Email: naclegal@utahmediagroup.com
Account #: 9001365712

This letter will confirm authorization to publish the attached NOTICE in Deseret News & Salt Lake Tribune in the first available edition. Please mail the invoice and affidavit of publication to:

Department of Environmental Quality Division of Water Quality
Attn: Jerry Rogers
P.O. Box 144870
Salt Lake City, Utah 84114-4870

If there are any questions, please contact Don Hall at (801) 536-4492. Thank you for your assistance.

Sincerely,

Jeanne Riley, Manager UPDES Storm Water Section

JR:DH:cj

DWQ-2019-010382



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DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

August 29 2019

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE OF REISSUANCE OF THE UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONCENTRATED ANIMAL FEEDING OPERATION GENERAL PERMIT

PURPOSE OF PUBLIC NOTICE

The purpose of this public notice is to declare the state of Utah's intention to issue a Utah Pollutant Discharge Elimination System (UDPES) General Concentrated Animal Feeding Operation (CAFO) Permit under authority of the Utah Water Quality Act

PERMIT INFORMATION

PERMITTEE NAME: UPDES GENERAL CAFO PERMIT
UPDES PERMIT NO.: UTG080000

BACKGROUND

The United States Environmental Protection Agency Region VIII has delegated the Utah Division of Water Quality (DWQ) to implement the Clean Water Act (CWA) in the state of Utah. The CWA includes the CAFO permitting program which must be implemented by DWQ. At this time, DWQ is preparing to issue the General CAFO Permit to reflect the CAFO requirements in the CWA. The CAFO permit is the mechanism to implement the federal requirements at CAFO facilities in Utah. State and federal rules require that this draft CAFO permit be public noticed for public comment and revision, if needed, prior to issuance of the final permit.

PUBLIC COMMENTS

Public comments on the draft CAFO permit are invited any time prior to the deadline of the close of business on September 28, 2019. Written public comments can be submitted to: Don Hall, Storm Water Section, Utah Division of Water Quality, P.O. Box 144870, Salt Lake City, Utah 84114-4870 or by email at: dghall@utah.gov. After considering public comment the Director may execute the permit issuance, revise it, or abandon it. The permit is available for public review at <http://deq.gov/NewsNotices/notices/water/index.htm>. If internet access is not available, a copy may be obtained by calling Don Hall, (801) 536- 44962.

DWQ-2019-010376

NOTICE OF INTENT
 Utah Pollutant Discharge Elimination System,
Concentrated Animal Feeding Operation (CAFO) General Permit,
Permit Number UTG08000

Submission of this Notice of Intent (NOI) with a complete NRCS certified planner approved Nutrient Management Plan (NMP) constitutes application for coverage under this CAFO General Permit. The NOI and NMP must be approved by the Utah Division of Water Quality for permit coverage to be granted under the general permit. Once permit coverage is granted, the permittee is obligated to comply with the requirements and conditions of the permit.

Required NOI Content (Attach additional pages if needed)	<i>(Division Use Only)</i> Assigned CAFO General Permit Number:	
1. Name(s) of responsible owners and operators.	1.	
	2.	
2. Two contact phone numbers, if available.	1.	2.
3. Facility name.		
4. Type of facility (dairy, beef feedlot, etc.).	Street Address:	
	Town/City, State, Zip:	
	Other location: (milepost, etc)	
	County:	
5. Mailing address.	Street Address, PO Box, other:	
	Town/City, State, Zip:	
6. Email address (optional):	1.	
	2.	
7. Latitude and longitude of production area or on-site office.	Location of lat/long (office or production area):	
	Latitude North:	
	Longitude West:	
8. Attach with the NOI, a topographic map of the geographic area in which the CAFO is located showing the specific location of the production area and any nearby surface waters of the state.		
9. The name and location of the nearest surface water. Describe any conveyances to any surface waters of the State (washes, ditches, canals, pipes, culverts, etc.).	Name of nearest surface water:	
	Location of surface water from production area:	
	Conveyances to surface water:	
10. Type of animals (cows, calves, pullets, layers, swine over 55 pounds, swine under 55 pounds, etc.), and average weight of each type.	Type of Animal	Average Weight
	1.	
	2.	
	3.	
	4.	
	5.	
11. Number of animals for each type, and type of containment (housed, open lot, barn, etc.).	Number of Animals for Each Type	Containment Type
	1.	
	2.	
	3.	
	4.	
	5.	

PERMIT APPLICATION INSTRUCTIONS

Please see the CAFO permit application instructions below. Please contact the CAFO Program Coordinator at (801) 536-4492 or dghall@utah.gov, if you have questions.

Who must complete a Notice of Intent (NOI) Form?

Animal feeding operations that are Large CAFOs that discharge or Medium or Designated CAFOs, must submit a NOI for UPDES CAFO General Permit coverage. Please see Part II of the general permit or the CAFO Permit Fact Sheet/Statement of Basis, to determine whether your facility requires a CAFO permit.

How do I apply for permit coverage?

Submit a completed NOI, a certified planner approved NMP, and permit fee to the Utah Division of Water Quality by the facility's required permit application deadline.

When is the permit application due?

Please refer to Part III.A.5 in the permit for permit application deadlines.

Where do I submit the NOI Form, NMP, and permit fee?

Mail:

Attn: Accounts Receivable
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

To submit the application in person:

Department of Environmental Quality
Division of Water Quality
195 North 1950 West (Multi-state Agency Office Building)
Salt Lake City, Utah 84116

Make all checks payable to the Division of Water Quality.

How much does the permit cost?

Please contact the AFO/CAFO Program Coordinator at (801) 536-4492 or email Don Hall at dghall@utah.gov to obtain the permit fee at the time of your permit application submission.

NOTICE OF TERMINATION
 Utah Pollutant Discharge Elimination System,
Concentrated Animal Feeding Operation (CAFO) General Permit,
Permit Number UTG08000

Submission of this Notice of Termination (NOT), upon approval by the Division of Water Quality, terminates permit coverage for UPDES CAFO General Permit Coverage for (Facility Name) _____, CAFO General Permit Number UTG _____.

Required NOT Content (Attach additional pages if needed)			
1. Name(s) of responsible owners and operators.	1.		
	2.		
2. Two contact phone numbers, if available.	1.	2.	
3. Facility name.			
4. Type of facility (dairy, beef feedlot, etc.).			
5. Facility physical address.	Street Address:		
	Town/City, State, Zip:		
	Other location: (milepost, etc)		
	County:		
6. Why is the facility terminating permit coverage?			
7. Is the facility closed or soon to be out of operation?			If Yes, Closure Date:
	Yes	No	
8. Will the facility be open/re-opened within one year of this termination notice?			
	Yes	No	
9. Was the facility sold or transferred to another entity that desires or requires CAFO permit coverage?			If yes, who:
	Yes	No	
10. If the facility has ceased operation, are the waste storage, treatment and handling structures and facilities properly closed to prevent discharge to surface waters of the State?			
11. An annual report must be submitted with this NOT, even if the facility's last year of coverage was less than one year.	Attach the annual Report with this NOT.		

Applicant Signature

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.

I certify that my facility no longer requires coverage under the CAFO General Permit.

Signature
Date
Print Name

**UPDES CAFO GENERAL PERMIT
ANNUAL REPORT**
Due April 1st of each year
(Attach additional sheets if needed)

1. UPDES Permit Number: UTG

2. Facility Name:

3. Reporting period: January 1, 20____ through December 31, 20____.

4. Report submitted by:

5. Type of animals, number of animals, and type of confinement.
(Please report the maximum number of animals confined at any one time for the reporting period)

Animal Type	Number of Animals	Confinement Type (Open Lot, Housed, etc.)
Beef		
Veal Calves		
Broilers		
Layers		
Turkeys		
Swine under 55 lbs.		
Swine over 55 lbs.		
Cows (dry & milking)		
Heifers		
Sheep & Lambs		
Horses		
Other		

6. Summary of the wastes generated and transferred during the year.

- a. Estimated amount of manure generated during the year (tons and /or gallons):
- b. Estimated amount of litter generated during the year (tons):
- c. Estimated amount of compost generated during the year (tons):
- d. Estimated amount of process wastewater generated during the year (gallons):
- e. Estimated amount of manure transferred to other persons during the year (tons and/or gallons):
- f. Estimated amount of litter transferred to other persons during the year (tons):
- g. Estimated amount of compost transferred to other persons during the year (tons):
- h. Estimated amount of wastewater transferred to other persons during the year (gallons):

7. Acres of land application during the year.

- a. Total number of acres for land application covered by the NMP:

<p>b. Total number of acres under control of the CAFO that were used for land application of manure, litter, compost, and process wastewater during the year:</p>
<p>8. Manure, litter, compost, and wastewater discharges and spills from the production area that occurred during the year. (Include any permit-allowed discharges).</p>
<p>a. First Discharge</p>
<p>Date and time of discharge:</p>
<p>Estimated volume of discharge:</p>
<p>Where did the discharge go:</p>
<p>Description of how discharge occurred:</p>
<p>What was done to address the discharge:</p>
<p>b. Second Discharge</p>
<p>Date and time of discharge:</p>
<p>Estimated volume of discharge:</p>
<p>Where did the discharge go:</p>
<p>Description of how discharge occurred:</p>
<p>What was done to address the discharge:</p>
<p>c. Third Discharge</p>
<p>Date and time of discharge:</p>
<p>Estimated volume of discharge:</p>
<p>Where did the discharge go:</p>
<p>Description of how discharge occurred:</p>
<p>What was done to address the discharge:</p>

9. Certified Planner Approval Statement

I certify that the **current** NMP implemented and utilized at my facility was approved by a NRCS approved certified planner.

Operator Signature

Date

10. NMP information and land application summary. (attach additional pages if needed).

a. The actual crop(s) planted and actual yields for each field:

b. The actual nitrogen and phosphorus content of the manure, litter, compost, and process wastewater

c. The results of the calculations conducted in accordance with the Narrative Rate Approach in IX.E of the permit:

IX.E.1.a.

IX.E.1.b.

d. The amount of manure, litter, compost, and process wastewater applied to each field during the previous 12 months:

e. The following information is required for Narrative Rate approach NMPs:

i) The results of any soil testing for nitrogen and phosphorus taken during the previous 12 months:

ii) The data used in calculations to determine maximum amounts of manure, compost, litter, and process wastewater to be land applied at least once each year according to IX.C.1.d:

iii) The amount of any supplemental fertilizer applied during the previous 12 months:

11. Permittee Certification Statement

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.

Operator Signature

Date

**Concentrated Animal Feeding Operation (CAFO)
Manure, Wastewater, Litter, and Compost Transfer Form**

In cases where CAFO-generated manure, litter, compost, or wastewater, is sold or given away to be used for land application activities that are not under the operational control of the permitted CAFO, the permittee shall provide the recipient with accurate information on the nutrient content of the manure to be used in determining the appropriate land application rates.

This form is to be retained for five years.

1. Facility Information

Owner/Operator Name(s) _____

Facility Address _____

UPDES Permit No. _____

2. Entity Accepting Manure

Name of Entity Accepting the Manure _____

Address of Recipient _____

Amount of Manure Transferred to Recipient on an Annual Basis _____ lbs tons gallons

Certification (To be completed by Owner/Operator identified in Section 1. Of this form)

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 gathered and evaluated 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.

Signature

Print Name

Date

General Permit No. UTG08000

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH

AUTHORIZATION TO DISCHARGE UNDER THE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)

GENERAL PERMIT FOR
CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS)

In compliance with provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated (“UCA”) 1953, as amended (the Act), animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) issued coverage under this general permit that are in compliance with this permit, including their nutrient management plan (NMP), are authorized to discharge pollutants to surface waters of the state.

Upon issuance of this permit,

_____,

is authorized to discharge to surface waters of the state under permit allowed conditions and must operate their facility in accordance with effluent limitations, monitoring requirements, nutrient management plan requirements and other provisions set forth herein. A copy of this permit must be retained by the permittee at the production site of the permitted facility.

This general permit will become effective on September , 2019.

This general permit and the authorization to discharge shall expire at midnight September , 2024.

Signed this _____ day of September, 2019.

Erica Brown Gaddis, PhD, Director
Utah Division of Water Quality

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I. PERMIT AREA AND ELIGIBILITY

A. Permit Area

This permit covers all areas of the State of Utah except Indian lands.

B. Eligibility for Coverage

Unless excluded, denied, or revoked from general permit coverage, existing and future animal feeding operations are eligible for this permit. CAFOs covered by Ground Water Protection permits issued by Division of Water Quality (DWQ) are eligible for coverage under this permit. Facilities required to obtain this permit may seek to be excluded from coverage under this permit by obtaining an individual UPDES permit.

II. PERMIT REQUIREMENT AND OPTING FOR PERMIT COVERAGE

A. UPDES Permit Requirement

1. Any animal feeding operation (AFO) within Utah which is a large CAFO that discharges, or meets the definition of a medium CAFO or designated CAFO as defined in R317-8-10.2, must obtain an UPDES general or individual CAFO permit, or other alternate UPDES permit as appropriate, that is approved by the Director. Any CAFO with conditions in Paragraph II.B.1 may be required to obtain an individual permit. AFOs and CAFOs that have conditions or will have conditions found in R317-8-2.2 may not obtain coverage under this general permit or an individual permit.

a. "Large CAFO" means an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

1. Beef, calves, heifers, and/or veal	1,000 or more
2. Cows (milking and dry)	700 or more
3. Layers, broiler (wet system)	30,000 or more
4. Chickens other than layers (dry system)	125,000 or more
5. Layers (dry system)	82,000 or more
6. Turkeys	55,000 or more
7. Swine (55 pounds or more)	2,500 or more
8. Swine (less than 55 pounds)	10,000 or more
9. Sheep and lambs	10,000 or more
10. Horses	500 or more
11. Ducks (dry system)	30,000 or more
12. Ducks (wet system)	5,000 or more

b. "Medium CAFO" means an AFO that confines the number of animals to be classified as a Medium AFO, and where the conditions specified in 40 CFR 122.23(b)(6)(ii) are met.

1. "Medium AFO" means a lot or facility that is an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

i. Beef, calves, heifers, and/or veal	300-999
ii. Cows (milking and dry)	200-699
iii. Layers, broiler (wet system)	9,000-29,999
iv. Chickens other than layers (dry system)	37,500-124,999
v. Layers (dry system)	25,000-81,999
vi. Turkeys	16,500-54,999
vii. Swine (55 pounds or more)	750-2,499
viii. Swine (less than 55 pounds)	3,000-9,999
ix. Sheep and lambs	3,000-9,999
x. Horses	150-499
xi. Ducks (dry system)	10,000-29,999
xii. Ducks (wet system)	1,500-4,999

c. "Designated CAFO" means an AFO that is designated as a CAFO by the Director according to criteria in 40 CFR 122.23(c) and thereby required to obtain a UPDES permit. Only small or medium AFOs can be designated as a CAFO for discharges and conditions that warrant designation.

d. Federal CAFO regulations in 40 CFR do not include large CAFO threshold numbers for AFOs confining other animal species such as; emu, mink, ostrich, bison, elk, deer, etc. The Director will use best professional judgment (BPJ) to determine whether a discharging non-traditional AFO requires a general or individual CAFO permit. Also, operations confining other animal types may be required to obtain a non-CAFO UPDES permit, if conditions warrant such permitting.

B. Individual Permits

1. According to, and in compliance with R317-8-2.1(3) and R317-8-2.5(1)(c), the Director may require an AFO or CAFO facility to apply for and obtain an individual permit. The Director will notify the operator in writing, that an application for an individual permit is required.
2. For CAFOs with general permit coverage seeking coverage under an individual permit, the general UPDES permit is automatically terminated when:

- a. The operator fails to submit the required individual UPDES permit application within the time frame defined by the Director; or
- b. The individual UPDES permit is issued by DWQ.

C. Opting for Permit Coverage

1. Any owner/operator not required to obtain the general CAFO permit or an individual CAFO permit respectively, may voluntarily obtain coverage under the general permit or an individual permit.

III. PERMIT APPLICATION

A. Permit Application Content and Process

1. Business confidential information, such as trade secrets, submitted pursuant to this permit may be claimed as confidential by the submitter. Only information that meets the requirements in R317-8-3.3 will be deemed as confidential. If no claim is made at the time of submission, information may be made available to the public without further notice. Any information determined to be business confidential will not be public information subject to public information requests or public notice of the permit application.
2. To obtain permit coverage under this permit, an AFO or CAFO must submit a notice of intent (NOI) which is available from the Division of Water Quality (DWQ) and a nutrient management plan. Below is the required NOI content:
 - a. Name of responsible owner or operator (when a CAFO is owned by one person but is operated by another, it is the operator's duty to obtain a permit). Please state whether the facility is an integrator facility;
 - b. Contact phone number, (provide two phone numbers, if two numbers are available);
 - c. Facility name;
 - d. Type of facility (dairy, layer operation, heifer lot, feedlot, etc.);
 - e. Facility physical address;
 - f. Facility mailing address;
 - g. Latitude and longitude of the production area or on-site office;

- h. A topographic map of the geographic area in which the CAFO is located showing the specific location of the production area and any nearby surface waters of the State;
 - i. Name and location of the nearest surface water. Describe any conveyances to any surface waters of the State (ditches, canals, pipes, culverts, etc.);
 - j. Type of animals and average weight of each type of animal;
 - k. Number of animals,
 - l. Type of confinement (open lot, housed, etc.);
 - m. Type and number of solid and liquid waste retention, treatment, containment, and storage (anaerobic lagoon, evaporation pond, underfloor pit, concrete pad, storage shed, aerobic pond, bermed compost, manure pit, concrete bunker, etc.);
 - n. Capacity for manure, litter, compost, and process wastewater storage (tons/gallons) of each structure;
 - o. Total number of acres under control of the applicant available for land application of manure, litter, compost, and process wastewater;
 - p. Estimated amounts of manure, litter, compost, and process wastewater generated per year (tons/gallons);
 - q. Estimated amounts of manure, litter, compost, and process wastewater transferred to others persons per year (tons/gallons);
 - r. Owner/operator signature certifying accuracy and completion of the NOI and the signature date, and
 - s. Signature of NRCS Certified Planner that approved the NMP and the date the NMP was approved.
3. By the deadlines in PART III A.5, the owner/operator must submit a NOI and site-specific NMP to DWQ. The NMP must be approved by a Natural Resources Conservation Service (NRCS) certified planner. The NMP must at a minimum satisfy the requirements of R317-8-10.6, R317-8-10.7, and NMP requirements of this permit.
- a. Upon receipt of a NOI and NMP, DWQ will review the NOI and NMP to determine whether they are in compliance with application and NMP requirements.
 - i. Based on review of the NOI and NMP, DWQ may delay

authorization of permit coverage to continue review of submitted materials or to review newly submitted materials.

- ii. Should a NMP need revision, the applicant must revise and re-submit their NMP within a reasonable timeframe given by DWQ. Any revisions to the NMP must be approved by a certified planner and DWQ.
 - b. Once DWQ has approved the NMP for a facility, the NMP will be public noticed on DWQ's website for **30 days** for public comment. Any significant public comment received during the comment period may require revision of the NMP. DWQ will notify the applicant should the NMP need revision.
 - c. When permit coverage is granted, DWQ will notify the permit applicant in writing of permit coverage and the facility's general permit number.
4. As part of the application, the owner/operator seeking permit coverage must sign a certification verifying the accuracy and completeness of the permit application and NMP submitted. In addition, any report or electronic report submitted to the Director must include the certification statement.
 - a. Certification statement:

“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.”
 - b. The person signing the certification statement, NOI, and all forms and reports needed for permit compliance must be signed by a person that meets the signatory requirements in XIII.A.21.

5. Below are the required permit application deadlines:
- a. Existing facilities. An existing AFO or CAFO at the date of permit promulgation that have an operational change or discharge that result in a requirement to obtain a CAFO permit shall submit their NOI and NMP no later than **90 days** after the time a facility has conditions that require permit coverage, unless an alternate timeframe is otherwise directed by DWQ or the facility meets conditions in paragraph d. below.
 - b. New CAFOs. New CAFOs established after permit issuance, unless a designated CAFO, that require permit coverage must submit an NOI and NMP to DWQ no later than **180 days** prior to the time a facility commences operations with conditions that require permit coverage.
 - c. CAFOs voluntarily obtaining permit coverage. Unless currently permitted, AFOs or CAFOs that do not require permit coverage may submit an NOI and NMP at any time to obtain permit coverage under the general permit or an individual permit.
 - d. Designated CAFOs and CAFOs requiring an individual permit. Facilities designated as CAFOs must submit an NOI and NMP for this permit or an individual permit within **60 days** of designation unless otherwise directed by DWQ. Facilities requiring an individual permit must submit an NOI and NMP within **60 days** of notification by DWQ, unless otherwise directed by DWQ.
 - e. Permit renewal. A permitted CAFO that requires permitting or a permitted facility voluntarily seeking permit coverage under a new permit must submit an NOI and NMP to DWQ no later than **180 days** before the expiration of the permit.

B. Annual Permit Fee

Coverage under this permit requires submission of the permit fee to the Utah Division of Water Quality. Annual permit fee payments will be according to Utah Department of Environmental Quality Permit Fee Schedule. Permit fees are subject to change, however fees comply with the permit fee schedule that is approved annually by the Utah Legislature. On an annual basis, DWQ will mail each permittee a billing statement with the amount due and a permit fee due date. As of permit issuance, the annual permit fee is \$110 per year.

2. Submit the NOI, certified planner approved NMP, and permit fee by the required deadline to:

CAFO Program Coordinator

Utah Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

3. Checks should be made out to the Division of Water Quality.
4. For questions or assistance regarding the permit fee, please contact DWQ's CAFO Program Coordinator at (801) 536-4492.

C. Electronic Submission of NOIs

Sometime after December 21, 2020, but prior to the scheduled termination of this permit in July 2024, applicants will be required to submit NOIs to DWQ electronically. Only electronic submission of NOIs to DWQ will be accepted once electronic submission is required.

IV. PERMIT COVERAGE TERMINATION and PERMIT TRANSFERS

A. Permit Extension and Termination

1. If this permit is not replaced with a new permit prior to the expiration date, this permit may be administratively extended by the DWQ in accordance with R317-8-3.1(4)(d). Any extended permit will remain in force and effect until a new permit is issued or the permit is terminated.

B. Terms of Permit Termination

1. Permit coverage is terminated when:
 - a. A new CAFO permit is issued or a formal decision by Division of Water quality is made not to reissue a general CAFO permit. Should DWQ decide not to reissue a new general CAFO permit, the permittee is required to obtain coverage under an individual permit if the facility is required to have permit coverage;
 - b. Issuance of an individual permit in-lieu of general permit coverage;or
 - c. The permittee submits a complete notice of termination (NOT) form that DWQ accepts as valid termination of permit coverage.

C. Transfer of Ownership

- a. This permit may be automatically transferred to a new permittee if:

- b. the current permittee notifies DWQ no less than **30 days** in advance of the proposed transfer date;
 - i. the notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
- c. DWQ does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit. If the notice from DWQ is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph a. above.

D. Electronic Submission of NOTs

Sometime after December 21, 2020, but prior to the scheduled termination of this permit in July 2024, permit holders will be required to submit NOTs to DWQ electronically. Only electronic submission of NOTs to DWQ will be accepted once electronic submission is required.

V. PERMIT COMPLIANCE AND ENFORCEMENT

A. Producer Compliance Responsibility

- 1. The operator(s) and/or owner(s) of the permitted facility are responsible for compliance to permit requirements and may be held liable for non-compliance. Compliance to conditions and requirements of this permit and a facility's NMP is required once permit coverage is obtained. During permit coverage, the permittee is responsible for any permit non-compliance, including discharge, even if the facility is inactive or closed. No condition of this permit shall release the permittee from any responsibility or requirements under other federal, state, or local statutes or regulations.

B. Enforcement for Illegal Discharges

- 1. Except for discharges allowed by permit conditions and allowed penalty exemptions under UAC R317-8, all discharges of pollutants to surface waters of the State are illegal and subject to enforcement.
 - a. When appropriate, illegal discharges of pollutants are subject to civil and criminal penalties. The Utah Water Quality Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of criminal violation. Any person convicted under

UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day.

VI. CIVIL PENALTY EXEMPTIONS UNDER R317-8-10.9

A. Penalty Fee Exemptions for Large Weather Event Discharges

1. When a CAFO has an agriculture discharge from a large weather event, it is allowed a penalty exemption for that discharge when the facility meets the conditions in R317-8-10.9.

VII. EFFLUENT LIMITATIONS AND STANDARDS, AND PRODUCTION AREA BMPs

A. Required Compliance with State Water Quality Standards for all facilities

1. All facilities are prohibited from discharging from the production area or land application area in violation of the State's Numeric Water Quality Standards in R317-2-7.1 and R317-2-14 or the Narrative Water Quality Standards in R317-2-7.2.

B. Production Area Effluent Limitations and Standards for All Operations (new and existing), Except New (as of December 4, 2008) Poultry, Swine, or Veal

1. From any point source, there shall be no discharge of manure, litter, compost, process wastewater, or other pollutants into surface waters of the State except when:
 - a. The production area is properly designed, constructed, operated, and maintained to contain all manure, litter, compost, process wastewater, and other pollutants plus runoff and direct precipitation from the 25-year, 24-hour storm event for the CAFO.

Retention, treatment, containment, and storage facilities and structures for manure, litter, compost, process wastewater, and other pollutants must be designed, constructed, operated, and maintained according to applicable practices and standards of Utah Natural Resources Conservation Service, requirements of this permit, and the facility's NMP.

- b. The design storage volume is adequate to contain all manure, litter, compost, process wastewater, and other pollutants accumulated considering, at a minimum, the following:
 - i. The volume of manure, litter, compost, process wastewater, and other pollutants accumulated during the proper storage period;
 - ii. Normal precipitation less evaporation during the storage period;
 - iii. Normal runoff during the storage period;
 - iv. The direct precipitation from the 25-year, 24-hour storm for the area;
 - v. The runoff from the 25-year, 24-hour storm event from the production area;
 - vi. Residual solids in structure;
 - vii. Necessary freeboard to maintain structural integrity (minimum freeboard of one foot); and
 - viii. A minimum treatment volume, in the case of treatment lagoons.
 2. The production area is operated in compliance with this permit, the NMP, and applicable NRCS practices and standards identified and required in the NMP.
 3. The facility manages the production area to be in compliance with best management practices (BMPs) established under the NMP and this permit.
- C. Production Area Effluent Limitations and Standards for New Poultry, Swine, or Veal (facilities commencing operation as of (December 4, 2008))
1. From any point source under this paragraph C, there shall be no discharge of manure, litter, compost, or process wastewater, or other pollutants into surface waters of the State unless allowed by C.2 through C.4 below.
 2. Any CAFO subject to paragraph C may request that the Director establish permit best management practice effluent limitations designed to ensure no discharge of manure, litter, or process wastewater based upon a site-specific evaluation of the CAFO's open surface manure storage structure.

The permit best management practice effluent limitations must address the CAFO's entire production area. In the case of any CAFO using an open surface manure storage structure for which the Director establishes such effluent limitations, "no discharge of manure, litter, or process wastewater pollutants," as used in this section, means that the storage structure is designed, operated, and maintained in accordance with best management practices established by the Director on a site-specific basis after a technical evaluation of the storage structure. The technical evaluation must address the following elements:

- a. Information to be used in the design of the open manure storage structure including, but not limited to, the following: minimum storage periods, additional minimum capacity for chronic rainfalls, applicable technical standards that prohibit or otherwise limit land application to frozen, saturated, or snow-covered ground, planned emptying and dewatering schedules consistent with the CAFO's nutrient management plan, additional storage capacity for manure intended to be transferred to another recipient at a later time, and any other factors that would affect the sizing of the open manure storage structure.
- b. The design of the open manure storage structure as determined by the most recent version of the National Resource Conservation Service's Animal Waste Management (AWM) software. CAFOs may use equivalent design software or procedures as approved by the Director.
- c. All inputs used in the open manure storage structure design including actual climate data for the previous 30 years consisting of historical average monthly precipitation and evaporation values, the number and types of animals, anticipated animal sizes or weights, any added water and bedding, any other process wastewater, and the size and condition of outside areas exposed to rainfall and contributing runoff to the open manure storage structure.
- d. The planned minimum period of storage in months including, but not limited to, the factors for designing an open manure storage structure listed in paragraph 2.a. of this section. Alternatively the CAFO may determine the minimum period of storage by specifying times the storage pond will be emptied consistent with the CAFO's Nutrient Management Plan.
- e. Site-specific predicted design specifications including dimensions of the storage facility, daily manure and wastewater additions, the size and characteristics of the land application areas, and the total calculated storage period in months.

2. Permitted CAFOs that apply manure, litter, wastewater, or other nutrients to cropland must comply with NRCS Practice 590, that is effective January 2013, and must comply with the facility's NMP that is in accordance with 40 CFR 122.42(e)(1)(vi)-(viii).
3. Where manure, litter, wastewater, or other nutrients have been applied in accordance with a permitted CAFO's NMP, a precipitation-related discharge of manure, wastewater, or other pollutant from land application areas is an allowable agriculture storm water discharge. Where a precipitation-related discharge occurs from cropland to surface waters of the State that is not in accordance with the facility's NMP, the discharge is an illegal storm water discharge.
4. Manure, litter, compost, or process wastewater must not be land applied closer than 100-feet to any downgradient surface water of the State, open tile line intake structures, sinkholes, agricultural well heads, or other conduits or conveyances to waters of the State. The permittee may elect to use a 35-foot vegetated buffer where applications of manure, litter, compost, or process wastewater are prohibited as an alternative to the 100-foot setback to meet this requirement.
 - a. As a compliance alternative, the permittee may demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback.
 - b. Required setbacks for drinking water source wells are established in R309-600 and must be followed when applicable to a CAFO's land application area. Please call (801) 536-4200, for questions regarding setback requirements of the Division of Drinking Water.

E. Duck CAFOs

1. In addition to the applicable effluent limitations and standards and BMPs in VII.A, VII.B, VII.D, and VII.G, duck CAFOs must comply with the Fecal coliform and BOD5 effluent limitations established by the best practicable control technology (BPT) in 40 CFR 412.22.

F. Other CAFOs

1. Any non-traditional AFOs such as emu, mink, ostrich, bison, elk, deer, etc. that require permit coverage as notified by the Director or that voluntarily obtain the permit, must comply with applicable effluent limitations and standards and BMPs in VII.A, VII.B, VII.D, and VII.G.
- G. Production Area Required Best Management Practices (BMPs) and Prohibitions Applicable to all CAFOs
1. Perform weekly visual inspections of all stormwater run-on diversion devices, runoff diversion structures, animal waste storage structures and devices channeling process wastewater to impoundments or tanks.
 2. As required by federal requirements, perform daily visual inspections of water lines, including drinking water or cooling water lines looking for leaks that could create process wastewater that would require containment or treatment of the contaminated leaked water.
 3. Install depth markers in all open liquid impoundments and terminal storage tanks to indicate the maximum elevation to maintain capacity necessary to contain the facility's required storm event amount, and in addition provide a one-foot freeboard elevation above the containment freeboard of the facility's required storm event. The depth markers shall be marked at a maximum of one-foot increments.
 4. Perform weekly inspections of impoundments and tanks and record the process wastewater elevation levels in the structures as indicated by the depth marker(s).
 5. Correct any deficiencies found as a result of daily and weekly inspections as soon as possible, but no later than 30 days after identifying the deficiency, unless:
 - a. Factors preventing correction within 30 days have been documented.
 - b. Any deficiency where storage structure freeboard or structure integrity is insufficient to contain the required storm event, must be corrected immediately and is not given the 30-day timeframe to correct a problem.
 6. Remove accumulations of liquids, solids, and manure from impoundments and tanks as necessary to maintain the capacity of the structures to retain the storage volume for the required storm event.
 7. Maintain on-site records documenting the implementation of these required BMPs in Paragraph G. All records shall be maintained and retained on-site for five-years from the date they were created and must be made available during inspections by DWQ or authorized agent.

8. A CAFO's production area may not be located within a 100-year flood plain, unless the production area is protected from inundation damage and discharges that may as a result of 100-year flood waters or flow.
9. There shall be no discharge of manure, litter, or process wastewater from the production area to groundwater with direct hydrologic connection to surface waters of the State.

VIII. NUTRIENT MANAGEMENT REQUIREMENTS

A. NMP Requirements

1. A permitted facility is required to implement a site-specific NMP that is approved by a certified planner. Once a permit is issued, a NMP or subsequently revised NMP must be fully and continuously implemented during permit coverage. Nutrient planning and management on cropland must be at a maximum on a field-specific basis.
2. The NMP must specifically identify and describe the physical facilities for proper containment, management, and treatment of wastes, applicable NRCS practices, best management practices, and other practices and procedures that will be implemented to assure compliance with effluent limitations and standards, and conditions of this permit.
3. When needed, the NMP must be revised and the revision must be approved by a certified planner. Revised NMPs must be signed by the planner and the operator.
4. NMP terms are part of the permit. Once the permit is issued, a NMP revision of terms under paragraph IX.C may be subject to permit modification. Please see paragraph X.B for examples of significant changes that require permit modification.
5. The NMP must be retained on site and made available for inspection by DWQ.

IX. NUTRIENT MANAGEMENT PLAN CONTENT, PLANNING APPROACH, AND TERMS AND CONDITIONS

A. NMP Content

1. Ensure adequate storage of manure and process wastewater, including procedures to ensure proper operation and maintenance of the impoundments and structures. The procedures shall include, but not be limited to:
 - a. Proper storage capacity for the permittee's required storm event shall be maintained.
 - i. Manure and process wastewater stored in impoundments shall be removed as necessary to maintain a minimum freeboard of one foot or more, in addition to maintenance of the freeboard needed for the required storm event.
 - ii. Whenever the storage capacity of impoundments is less than the volume required to store runoff from the required storm event specified under Effluent Limitations and Standards in VII, the structures shall be properly dewatered to a level that restores the required capacity and freeboard. During dewatering, land application sites must have water holding capacity and containment to receive process wastewater.
 - b. CAFOs constructing new wastewater retention facilities or modifying existing retention facilities shall ensure that all retention structure design and construction will, at a minimum, be in accordance with all applicable NRCS practices and standards, this includes NRCS Practice 313. The permittee must comply with the design and construction NRCS standards that are current and in effect at the time of impoundment construction.
2. Ensure proper management of animal mortalities (i.e., dead animals) to prevent discharge of pollutants to surface waters of the State. Mortalities shall be managed to ensure that they are not disposed of in any liquid manure, storm water, or process wastewater storage system or other structure that is not specifically designed to treat and/or dispose of animal mortalities.
 - a. Mortality management and disposal shall be according to NRCS practices and any applicable state, county, or local requirements.
 - b. Properly dispose of dead animals in a timely manner. Animals shall be disposed of in a manner to prevent contamination of surface waters of the State or creation of a public health hazard.
3. Ensure that clean water is diverted, as appropriate, from the production area.

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- a. All operations except new swine, poultry, and veal, shall prevent run-on and clean water contact and contamination with open lots, process wastewater ponds, manure, litter, compost and other pollutants up to, and including, the 25-year, 24-hour storm event. Any clean water that contacts feed, manure, wastewater, litter, runoff, milk, bedding, compost, mortalities, etc., must be properly contained or treated.
 - b. All new (as of December 4, 2008) swine, poultry, and veal shall prevent run-on and clean water contact and contamination with open lots, process wastewater ponds, manure, litter, compost and other pollutants according to VII.A, C, D, and G above. Any clean water that contacts feed, manure, wastewater, litter, runoff, milk, bedding, compost, mortalities, etc, must be properly contained or treated. No discharges are allowed unless following VII. above.
4. Prevent direct contact of confined animals with surface waters.
- a. Surface waters of the State are not allowed to flow through animal confinement areas.
 - b. Animals are not allowed access, including for watering purposes, to surface waters of the State.
 - c. New facilities shall not be built in surface waters of the state.
5. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, storm water, or process wastewater storage system unless specifically designed to treat such chemicals and other contaminants.
- a. Chemicals and other contaminants under paragraph 5 above include chemicals such as; animal dips, pesticides, cleaning and disinfection agents, foot bath chemicals, pharmaceuticals, fertilizers, fuel, oil, cooling water, etc.
 - b. Resulting from the normal operation of the CAFO, only manure, litter, compost, process wastewater, and precipitation are allowed in storage and retention structures.
6. Identify site-specific conservation practices that will be implemented, including as appropriate, buffers or equivalent practices, to control runoff of pollutants to surface water. Such practices shall include, but are not limited to:

- a. Solid manure shall be incorporated as soon as possible after application, unless the application site has perennial vegetation (such as alfalfa) or is no-till cropped, and where the nutrient management plan adequately demonstrates that surface water quality will be protected where manure is not immediately incorporated.
 - b. Process wastewater to furrow or flood-irrigated land application sites shall be applied in a manner that prevents any process wastewater runoff into surface waters of the State.
 - c. When process wastewater is sprinkler or drip applied, the soil water holding capacity of the soil shall not be exceeded.
 - d. Process wastewater shall not be applied to frozen, snow covered, or saturated land application sites unless according to NRCS practice 590, Utah Manure Application Risk Index (UMARI) or other NRCS practices.
 - e. Where applicable of the following, the greatest setback distance of land applied manure and process wastewater applies;
 1. 100 feet (or 35-foot vegetated buffer as appropriate) of surface waters of the State,
 2. 100 feet of domestic water supply wells,
 3. setbacks or vegetative buffers established through UMARI or other NRCS practices, and
 4. setbacks otherwise required by UAC R309-600, as it pertains to drinking water source protection.
7. Identify the protocols for appropriate sampling and testing of manure, process wastewater and soil.
- a. NRCS Practice 590 and Utah State University (USU) Extension soil and manure sampling protocols and guidelines must be followed.
 - b. Representative soil samples shall be collected according to a schedule established in the NMP and according to NRCS practices and USU guidelines. NRCS practices will be used to determine soil sampling frequency. At a minimum, soil must be analyzed once a year for annual crops and once every three years for perennial crops. The samples must be analyzed for nitrogen and phosphorus content.
 - c. At a minimum, soil samples will be collected on a field specific basis. Based on NRCS practices, certified planners will determine any special soil monitoring protocols for a CAFO that are more stringent than monitoring on a field-specific basis and include those protocols in the NMP.

- d. Manure samples representative of the nutrient content must be collected on an annual basis. In addition on an annual basis, wastewater, litter, and compost must be analyzed if land applied. The samples must be analyzed to determine nitrogen and phosphorus content.
8. Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater. Such protocols shall include, but are not limited to:
 - a. Compliance to NRCS Practice 590, Nutrient Management, January 2013.
 - b. In association with Practice 590, USU guidelines and protocols must be followed.
 - c. No application of manure or process wastewater shall be made to a land application site at a rate that will exceed the capacity of the soil and the agronomic nutrient uptake of the planned crops and yields. Manure and wastewater shall be applied to useful crops. Manure shall not be applied to bare ground or other areas where a crop will not be grown for 12 months or more following the application.
 - d. Manure and process wastewater shall be applied as uniformly as possible with properly calibrated equipment. Any feed runoff, pen or corral runoff, or other process wastewater applications to fields shall be evenly distributed throughout the field.
 - e. Operators must inspect annually and calibrate as needed, any equipment used for land application of manure, litter, compost, or process wastewater.
 - f. Direct land application of mortalities, blood, animal by-products, waste feed, waste milk, or other products or materials is prohibited unless the nutrient applications are accounted for in the NMP and DWQ approves the NMP which includes such specific applications.

Composting of mortalities, blood, and animal by-products requires approval from the Division of Waste Management and Radiation Control (DWMRC). Please contact DWMRC at (801) 536-0200, for more detail regarding animal composting requirements.

9. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements.

- a. The NMP will outline the records that must be maintained and retained on-site. Records must be retained for 5 years from date of record creation. As applicable, the following is a list of required records which include, but are not limited to; soil sampling results, manure sampling results, freeboard level readings, manure application records, manure transfer records, mortality records, waste storage structural integrity inspection records, and daily water line inspection records.

B. NMP Planning Approach

1. Unless the permittee otherwise desires to utilize the Linear Approach as outlined in 40 CFR 122.42(e)(5)(i), the Narrative Rate Approach will be utilized for determining application rates of nutrients to crop fields and appropriate pastures.

C. Nutrient Management Plan Permit Terms

1. NMPs conditions under this paragraph C are incorporated into the permit and must be public noticed with the permit application. Compliance to these permit NMP terms is required. The NMP must include:
 - a. the fields available for land application;
 - b. field specific rates of application properly developed to ensure appropriate agricultural utilization of the nutrients in the manure, litter, compost, or process wastewater;
 - c. any timing limitations identified in the nutrient management plan concerning land application on fields available for land application;
 - d. description of the rates of application of manure, litter, and process wastewater to be land applied according to the following specifications:
 - i. maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan in pounds per acre for each field;
 - ii. the outcome of field specific assessment of potential for nitrogen and phosphorus transport to surface waters of the State for each field, using UMARI or alternate NRCS practice or model that is equivalent or more stringent than UMARI;
 - iii. the crops to be planted in each field or any other uses such as fallow fields and alternative crops;
 - iv. the realistic yield goal for crop and alternative crop or use identified for each field;
 - v. the nitrogen and phosphorus recommendation for each crop, alternative crop, or other use for each field.

- vi. The methodology (including calculations, sources of data, protocols for making determination, etc.) and actual data that will be used to account for the amounts of manure, litter, and process wastewater to be land applied:
 - a) results of soil tests;
 - b) credits for all nitrogen in the field that will be plant-available;
 - c) The amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied;
 - d) consideration of multi-year phosphorus application;
 - e) accounting for all other additions of plant-available nitrogen and phosphorus to the field;
 - f) the form and source of manure, litter, and process wastewater;
 - g) the timing and method of land application; and
 - h) volatilization of nitrogen and mineralization of organic nitrogen.
 - e. For alternate crops identified in the NMP that are not in the planned crop rotation:
 - i. the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field;
 - ii. the realistic crop yield goals, and the nitrogen and phosphorus recommendations; and
 - iii. maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure, litter, and process wastewater to be applied must be determined in accordance with the methodology described above.
- D. Projections that are not permit NMP terms under the NMP, that must be submitted to DWQ, are:
- 1. The CAFO's planned crop rotations for each field for the period of permit coverage;
 - 2. The projected amount of manure, litter, or process wastewater to be applied;
 - 3. Projected credits for all nitrogen in the field that will be plant-available;
 - 4. Consideration of multi-year phosphorus application;
 - 5. Accounting for other additions of plant-available nitrogen and phosphorus to the field; and

6. The predicted form, source, and method of application of manure, litter, and process wastewater for each crop.

E. Required Calculations

1. Utilizing NRCS Practice 590 and current soil and manure monitoring results, CAFOs must calculate and determine the maximum amounts of manure, litter, and process wastewater to be land applied on a field-specific basis, at least once each year based on the following data:
 - a. A determination of nitrogen and phosphorus available in soil that will be available during the growing season. This includes nitrogen mineralization from previous land applications.
 - b. The results of most recent representative manure, litter and process wastewater test for nitrogen and phosphorus taken within 12 months or less of the date of land application, in order to determine the amount of nitrogen and phosphorus in the manure, litter and process wastewater to be applied.

X. CHANGES TO THE NMP

A. DWQ Notification Requirement

1. When a CAFO makes changes to an approved NMP, the CAFO owner or operator must provide the DWQ with the most current version of the CAFO's nutrient management plan and identify changes from the previous version. For changes that do not revise the NMP terms of the permit, DWQ will notify the CAFO that the CAFO may implement the NMP without any permit modification.

B. Permit Modification Requirement

1. For substantial changes to the terms of the NMP listed below, DWQ will post the proposed NMP changes on the UDEQ website for **30 days** to receive comment on the changes.
2. Once the changes are incorporated into the permit, DWQ will notify the CAFO and the public of the permit change. Substantial changes to the terms of the NMP that require permit modification include:

- a. Addition of new land application areas not previously included in the CAFO's NMP. Except that if the land application area that is being added to the NMP is covered by the terms of a NMP incorporated into an existing permit, and that CAFO applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area.
 - b. Reduction in the acreage of land application areas.
 - c. For Narrative Rate Approach NMPs, any changes to the annual maximum amounts of nitrogen and phosphorus derived from all sources for each crop.
 - d. Addition of any crop or other uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application. It is suggested that the certified planner include alternate crop planning in the NMP when a facility's NMP is being developed to help avoid the need for future permit modification.
 - e. Changes to site-specific components of the CAFO's nutrient management plan, where such changes are likely to increase the risk of nitrogen and phosphorus transport to surface water based on NRCS Practice 590 and UMARI or NRCS equivalent to UMARI.
3. If the changes to the terms of the NMP are not substantial, DWQ will include the revised NMP in the permit record.

XI. OTHER PERMIT REQUIREMENTS

A. Transfer of Manure, Litter, and Process Wastewater To Other Persons

1. When manure, litter, compost, or process wastewater is sold or given away, the permittee must comply with the following conditions:
 - a. maintain records showing the date and amount of manure, litter, compost and/or process wastewater that leaves the permitted operation on an annual basis;
 - b. record the name and address of the recipient;
 - c. provide the recipient(s) with representative information on the phosphorus and nitrogen content of the manure, litter, compost and/or process wastewater; and

- d. for a period of five years, permit-related records are to be retained on-site and made available for review upon request. Also, records are to be submitted to DWQ upon request.

B. Annual Reporting Requirements

1. The permittee must submit an annual report to DWQ by April first of each year covering permit coverage during the previous calendar year. The reporting requirements and April first deadline also applies to facilities with partial years of permit coverage. Sometime after December 21, 2020, submission of annual reports must be submitted electronically to DWQ. Permit holders will be notified when electronic submission is required.
2. All discharges and instances of noncompliance, including those discharges required to be reported within 24 hours, shall be reported in the annual report.
3. The annual report may be submitted using the form in Addendum C or may be compiled separately. The annual report must include the following information:
 - a. any discharges or non-compliance under paragraph number 2 above;
 - b. the number and type of animals, whether in open confinement or housed under roof;
 - c. estimated amount of total manure, litter, compost and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);
 - d. estimated amount of total manure, litter, compost and process wastewater transferred to other person by the CAFO in the previous 12 months (tons/gallons);
 - e. total number of acres for land application covered by the NMP;
 - f. total number of acres under control of the CAFO that were used for land application of manure, litter, compost and process wastewater in the previous 12 months;
 - g. summary of all manure, litter, compost and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;
 - h. a statement indicating whether the current version of the CAFO's NMP was approved by a certified nutrient management planner; and

- i. The following nutrient management planning information:
 - i. the actual crop(s) planted and actual yield(s) for each field;
 - ii. the actual nitrogen and phosphorus content of the manure, litter, compost, and process wastewater;
 - iii. the results of the calculations conducted in accordance with the Narrative Rate Approach;
 - iv. the amount of manure, litter, compost, and process wastewater applied to each field during the previous 12-months;
 - v. for CAFOs utilizing the Narrative Rate Approach, the following information must be included in the Annual Report:
 - A. the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months,
 - B. the data used in calculations to determine maximum amounts of manure, compost, litter, and process wastewater to be land applied at least once each year using Paragraph IX.C.1.d., and
 - C. the amount of any supplemental fertilizer applied during the previous 12 months.

C. Facility Closure

The following conditions shall apply to the closure of lagoons and other earthen or synthetic lined basins and other manure, litter, compost, or process wastewater storage and handling structures:

1. Closure of Lagoons and Other Surface Impoundments.
 - a. All lagoons and other earthen or synthetic lined basins must be properly closed if the facility ceases operation. In addition, any lagoon or other earthen or synthetic lined basin that is not in use for a period of twelve consecutive months must be properly closed unless the facility intends to resume use of the structure at a later date and maintains the structure as though it were actively in use. The permittee shall notify DWQ of the action taken and shall conduct required routine inspections, maintenance, and record keeping during the inactive period. No manure, litter, compost, or process wastewater storage and handling structure shall be abandoned.

- b. For proper closure, closure of lagoons and other earthen or synthetic lined basins must be consistent with Utah NRCS Closure of Waste Impoundments Practice Standard Code 360. Consistent with this standard, the permittee shall remove all waste materials to the maximum extent practicable and utilize or dispose of them in accordance with the permittee's NMP. The permittee is responsible for any discharge of pollutants.
- c. CAFOs which have ceased operation shall maintain permit coverage until all manure, litter, compost, or process wastewater storage and handling structures have been properly closed.

D. Emergency Spill and Discharge Response Plan

- 1. CAFOs shall develop, an Emergency Spill and Discharge Response Plan. CAFOs have a duty to mitigate any environmental damage and clean-up contamination to the extent possible as follows:
 - a. The plan must include procedures for expeditiously stopping, containing, and cleaning up leaks, spills, discharges, or other releases both on and off CAFO property.
 - b. Employees who may deal with a release must be trained in these procedures and have necessary spill response equipment available.
 - c. The plan must include procedures for immediate notification of emergency response agencies and regulatory agencies. Any discharge must be reported within 24-hours according to the CAFO Program Coordinator (801) 536-4492, unless the discharge is a threat to the environment or threatens human health. In any case of threat to the environment or human health, DWQ must be immediately notified by calling the DEQ Incident Hotline at (801) 536-4123.

E. Required Discharge and Noncompliance Reporting

- 1. The permittee shall orally report any discharge to surface waters of the State within 24 hours from the time the permittee first became aware of the discharge by calling the CAFO Program Coordinator at (801) 536-4300. Any discharge or other noncompliance that may endanger health or the environment shall be reported immediately (sooner than 24 hours) by calling the DEQ 24-hour Incident Hotline (801) 536-4123.
 - a. In addition, a written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

- i. a description of the noncompliance and its cause;
 - ii. the period of noncompliance, including exact dates and times;
 - iii. the estimated time noncompliance is expected to continue if it has not been corrected;
 - iv. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
 - v. steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
- b. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality.
 - c. Reports shall be submitted to: CAFO Program Coordinator, 195 North 1950 West, PO Box 144870, Salt Lake City, Utah 84114-4870.

XII. GENERAL INSPECTION, MONITORING, AND RECORD KEEPING REQUIREMENTS

A. Facility and Records Access

1. The permittee shall allow DWQ, or authorized representative of DWQ and the EPA, or authorized representative of EPA, upon presentation of credentials and other documents required by law, to:
 - a. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under conditions of this permit. Except for data determined to be confidential under UAC R317-8-3.3, all reports and records prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. Permit applications, permits, NMPs, and effluent data shall not be considered confidential;
 - c. Inspect, at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
 - d. Take photos, videos, or other visual and audio recordings and documentation of facilities, equipment, production area, land application areas, discharges, and site-conditions, as needed to demonstrate compliance or non-compliance to this permit;

- e. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location; and
- f. If needed, sample and monitor during non-business hours any discharge to surface waters of the state.

B. Record Content

Records of sampling of soils, manure, litter, process wastewater, or discharge monitoring shall include the following information for sampling or measurement at the CAFO:

1. The date, location, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The sampling methods used;
4. The analytical methods used (the NMP must include the methodology used). The methodology used must comply with 40 CFR 136.3. Tables 1A and 1B) and,
5. The results of the monitoring.

C. List of Required Records for Permit Compliance

As applicable, the following records are required and must be kept onsite:

1. Current copy of NMP;
2. Copy of NOI or other permit application;
3. Copies of annual reports;
4. Manure transfer records per XI.A;
5. Records needed to document implementation of IX. A, essential NMP requirements;
6. Records of mortality management;
7. Records of overflows or discharges to surface waters of the state with the date, time, and estimated volume of any overflow;
8. Land application records;
 - a. Dates of applications,

- b. Weather conditions (i.e. wind and precipitation) at time of application and 24 hours prior to application,
 - c. Amount of manure, litter, compost, or process wastewater applied.
9. Methods and protocols used to sample and analyze soil, manure, litter, compost, or process wastewater;
 10. Results of soil, manure, litter, compost, or process wastewater monitoring;
 11. Expected and actual crop yield records;
 12. Records of daily water line inspections;
 13. Description for the basis for determining application rates;
 14. Calculations showing the total nitrogen and phosphorus applied to each field, including sources other than manure, litter, compost, or process wastewater;
 15. Methods used to apply manure, litter, compost, and process wastewater;
 16. Dates of manure application equipment inspections and calibrations;
 17. Weekly inspections of structures and impoundments;
 18. Weekly freeboard readings;
 19. Records documenting corrective actions. Deficiencies not corrected within **30 days** must be accompanied by an explanation of the factors preventing immediate correction; and
 20. Records documenting the current design of any manure, litter, compost, and process wastewater storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.

D. Recordkeeping Tables

Table XII.D.1: Daily CAFO Permit Record Keeping Requirements		
Requirement/Parameter	Units	Frequency
Water line inspections. Look for leaks, corrosion, at troughs, pipes, etc.	N/A	Inspect and document inspection daily.

Table XII.D.2: Weekly CAFO Permit Record Keeping Requirements		
Requirement/Parameter	Units	Frequency
1. Inspect all waste storage and treatment structure freeboards.	Feet or inches.	Inspect and document inspection weekly.
2. Inspect all structures for stormwater, runoff, waste storage, treatment, land application pipelines, and other waste handling structures. Look for cracks, seepage, erosion, vegetation, gopher holes, plugged pipes and culverts, corroded pipes, leaking gates, etc.	N/A	Inspect and document inspection weekly.

Table XII.D.3: Annual, One-time, and As-needed CAFO Permit Record Keeping Requirements		
Requirement/Parameter	Units	Frequency/Requirement
1. Manure Transfer records.	N/A	As needed. Retain manure transfer records.
2. Records of essential NMP requirement implementation.	N/A	As needed. Retain records documenting and showing compliance to IX.A
3. Keep records of mortality management.	N/A	As needed. Retain records of mortality management.
4. Records documenting overflows from structures or discharges to surface waters of the State.	N/A	As needed. Retain records of any overflows or discharges.
5. Land application records.	Tons, gallons, pounds per acre	As needed. Retain required records on a field by field basis.
6. Methods and protocols used to monitor and analyze soil, manure, litter, compost, and process wastewater.	N/A	One-time, unless procedure changes. Retain description of monitoring protocols and any deviations from protocol. Provide parameters tested and methods used.
7. Results from monitoring.	PPM, mg/l, lbs/acre, etc	As needed. Retain all monitoring results from lab reports.
8. Expected and actual crop yields.	Bu/acre, cwt/acre, tons/acre	As needed. Retain yield estimates and actual crop yields.
9. Records of basis for determining application rates.	N/A	As needed. Retain basis and calculations for application rate determination
10. Provide calculations showing nitrogen and phosphorus applied for all sources and actual amount of nitrogen and phosphorus applied to each field.	Pounds/acre	As needed. Retain calculations showing the amount of nutrients land applied. Retain actual amount of nutrients applied.
11. Methods used to apply manure, litter, compost, or process wastewater.	N/A	One-time. Retain records showing methods of applications including equipment, timing, etc.

12. Dates of manure application equipment inspections and calibrations.	N/A	As needed. Retain dates of inspections and calibration.
13. Records documenting corrective actions resulting from producer inspections, measurements, and observations of facilities and practices.	N/A	As needed. Retain documentation of corrective actions taken to resolve problems observed during self-inspections.
14. Records documenting adequate design treatment, storage, etc. from storage and treatment structures.	N/A	One-time. Retain records of storage structures.
15. NMP retention.	N/A	One-time. Retain current version of NMP on site.
16. NOI retention.	N/A	One-time. Retain copy of NOI submitted to DWQ.
17. Annual report retention.	N/A	Annual. Retain copies of annual reports submitted to DWQ.

XIII. STANDARD PERMIT CONDITIONS

A. General Conditions

1. **Duty to Comply:** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
2. **Planned Changes:** The permittee shall give notice to DWQ as soon as possible of any planned physical alterations or NMP changes.
3. **Permit Actions:** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
4. **Duty to Reapply:** If the permittee wishes or is required to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit according to R317-8-10.4.
5. **Property Rights:** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State/Tribal or local laws or regulations.
6. **Duty to Provide Information:** The permittee shall furnish to DWQ within deadlines provided by the Director or if no deadline is given, within a reasonable time, any information which DWQ 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 Director, upon request, copies of records required to be kept by this permit.

7. **Criminal and Civil Liability:** Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the permit may subject the permittee to criminal enforcement pursuant to Utah Code Annotated (UCA), 19-5.
8. **State/Tribal Laws:** 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/Tribal law or regulation under authority preserved by Section 510 of the Act.
9. **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.
10. **Duty to Mitigate:** The permittee shall take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
11. **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.
12. **Bypass:** Bypass discharges are prohibited and enforcement action may be pursued by the Director unless the permittee complies with the requirements in R317-8-4.1(13)
13. **Upset:** When a permittee believes that an upset discharge has occurred, the permittee may claim the discharge was an upset incident. The requirements in R317-8-4.1(14) must be followed to allow the permittee an affirmative defense for permit non-compliance.
14. **Anticipated Noncompliance:** The permittee shall give advance notice to the Director regarding any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
15. **Reopener Provision:** At any time during the duration of this general permit, this permit may be reopened and modified (following proper

administrative procedures) per R317-8, to include any applicable provisions and requirements under R317-8 and Utah statute.

16. Penalties for Falsification of Reports: The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports, annual reports, or other reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
17. Proper Operation and Maintenance: The permittee shall, at all times, properly operate and maintain all facilities and systems of containment, 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 includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
18. Representative Sampling: Samples and measurements taken in compliance with this permit shall be representative of the monitored activity. This includes, but is not limited to: soil sampling, manure sampling, process wastewater sampling, litter sampling, rain gauge measurements, and storage pond freeboard readings.
19. Penalties for Tampering: The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
20. Retention of Records: The permittee shall retain sampling results, records, forms, reports, etc. required for permit compliance for a period of at least five years from the date of the record's origin.
21. Signatory Requirements: All applications, reports or information submitted to the Director shall be signed and certified with the certification statement in III.A.4.a.

- a. All permit applications shall be signed by owner, operator, partner, proprietor, principal executive officer, or responsible elected or delegated official that is responsible for management and decision-making at the facility, or has primary financial interest in the operation.
- b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i. The authorization is made in writing by a person described above and submitted to the Director, and,
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.
 - iii. If the authorized person is no longer valid because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of section IV must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

XIV. DEFINITIONS

1. "25-year, 24-hour storm event" means the 25-year, 24-hour storm event defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service. NOAA publishes 25-year, 24-hour storm values for Utah which can be found at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ut
2. "100-year, 24-hour storm event" means the 100-year, 24-hour storm event defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service. NOAA publishes 100-year, 24-hour storm values for Utah which can be found at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ut
3. "Act" means the Utah Water Quality Act as amended, found at 19 UCA 5.

4. "Agriculture discharge" means
 - a. the release of agriculture water from the property of a farm, ranch, or feedlot that:
 1. pollutes a surface body of water, including a stream, lake, pond, marshland, watercourse, waterway, river, ditch, and other water conveyances system of the state;
 2. pollutes the ground water of the state; or
 3. constitutes a significant nuisance on urban land; and
 - b. does not include:
 1. runoff from a farm, ranch, or feedlot or return flows from irrigated fields onto land that is not part of a body or water; or
 2. a release into a normally dry water conveyance to an active body of water, unless the release reaches the water of a lake, pond, stream, marshland, river, or other active body of water.
5. "Agriculture water" means
 - a. water used by a farmer, rancher, or feedlot for the production of food, fiber, or fuel;
 - b. return flows from irrigated agriculture; and
 - c. agricultural storm water runoff.
6. "Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:
 - a. animals have been, are, or will be stabled, housed, or confined and fed or maintained for a total of 45 days or more in any 12-month period,
 - b. crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility, and
 - c. two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the storage or disposal of waste.
7. "Best management practices" (BMPs means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
8. "Concentrated animal feeding operation (CAFO)" means:

- a. an AFO which is a Large CAFO;
 - b. an AFO that is a Medium CAFO; and
 - c. an AFO that is a Small or Medium AFO that is a designated CAFO.
9. "Director" means the Director of the Utah Division of Water Quality.
 10. "Discharge" means for this permit, the addition of any pollutant to any surface waters of the state.
 11. "DWQ" means the Utah Division of Water Quality.
 12. "EPA" means United States Environmental Protection Agency, Region XIII.
 13. "Freeboard" means the vertical distance measured from the liquid surface level (elevation) in an impoundment, basin, or tank to the top elevation of the impoundment, basin, or tank (for example, berm or wall).
 14. "Integrator facility" means an AFO or a CAFO where the owner of the facility contracts to produce animals for another entity, where the contractor (non-facility owner) has significant operational control and decision making authority for the facility, such as; providing feed, owning the animals, the processing of slaughtered animals, and the marketing of animals produced at the integrator facility.
 15. "Land application" means the application of manure, litter, compost, process wastewater, chemical fertilizer, or other sources of nitrogen and phosphorus nutrients on to or into the soil where crops or pasture will grow and be harvested.
 16. "Land application area" means land under the control of an CAFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, compost, or process wastewater from the production area is or may be applied.
 17. "Large weather event" for purposes of this permit and UCA 19-5-105.5(3)(b)(iii) means a single event or a series of precipitation events, including snow, received at an AFO (including a CAFO) during any consecutive thirty day period that:
 - a. Occurs in a manner that does not allow an AFO or CAFO to appropriately dewater waste storage, treatment or containment structures; and
 - b. Yields precipitation in an amount greater than the total of:

1. The area's monthly average precipitation for the period of the precipitation event(s); and
 2. For a poultry, swine, or veal AFO or CAFO, a 100-year, 24-hour storm for the area; or
 3. For all other AFOs or CAFOs, a 25-year, 24-hour storm event for the area.
18. "Liquid manure handling system" means a system that collects and transports or moves waste material with the use of water, such as in washing of pens and flushing of confinement facilities. This would include the use of water impoundments for manure and/or wastewater treatment.
19. "Manure" means manure, litter, bedding, compost and raw materials or other materials commingled with manure or set aside for land application, disposal, or other use.
20. "Notice of Intent (NOI)" means a form submitted by the owner/operator applying for coverage under a general permit.
21. "Process wastewater" means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes pen and corral runoff, and any water which comes into contact with or is a constituent of raw materials, finished products, other waste products, or byproducts including manure, litter, feed, compost, milk, eggs, bedding.
22. "Production area" means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, compost treatment and storage area, and the waste containment areas. The animal containment area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, 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. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

23. “Reasonable measures” for purposes of UCA 19-5-105.5(3)(b)(iii) and this permit mean the measures described in UAC R317-8-10.9.
24. “Setback” means a specified distance from potential conduits to surface and ground waters where manure, litter, and process wastewater may not be applied. Examples of these conduits and actual waters include; sloughs, agricultural or drinking water source wellheads, springs, open tile drains, sinkholes, wetlands, washes, irrigation drainage ditches, etc.
25. “Small AFO” means a lot or facility that is an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:
 - a. Beef, calves, heifers, and/or veal 1-299
 - b. Cows (milking and dry) 1-199
 - c. Layers, broilers (wet system) 1-8,999
 - d. Other than layers (dry system) 1-37,499
 - e. Layers (dry system) 1-24,999
 - f. Turkeys 1-16,499
 - g. Swine (55 pounds or more) 1-749
 - h. Swine (less than 55 pounds) 1-2,999
 - i. Sheep 1-2,999
 - j. Horses 1-149
 - k. Ducks (dry system) 1-9,999
 - l. Ducks (wet system) 1-1,499
26. “Surface Waters of the State” for purposes under R317-8-10 and this permit means waters of the State as defined in R317-8-1, that are not ground water, except ground water that has hydrologic connection to surface waters of the state.
 - a. “Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this State and does not include bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, a public health hazard or a menace to fish and wildlife.
27. “UMARI” means Utah Manure Application Risk Index which is used to determine nutrient application restrictions and setbacks for a given crop field.

28. “Upset” means an exception event, which is not precipitation-related, in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
29. “Vegetative Buffer” means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of the slope of the field for the purposes of slowing runoff, enhancing water infiltration, catching solid particles, and minimizing the risk of nutrients from leaving the field and reaching surface waters of the State.

PND DRAFT

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH

FACT SHEET/STATEMENT OF BASIS

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)
GENERAL PERMIT FOR
CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

UPDES Permit Number UTG080???

INTRODUCTION AND BACKGROUND

In 2003 the Environmental Protection Agency (EPA) issued the federal CAFO Rule. The rule was taken to court by farm industry groups and environmental groups. In February 2005, the Second Circuit Court ruled on the petitions of the 2003 rule. As a result of the Second Circuit Court ruling, EPA was required to amend the 2003 rule. In 2008, EPA issued a final rule to follow the 2005 Second Circuit Court decision. The CAFO Rule again was taken to court when industry groups took elements of the 2008 CAFO rule to the Fifth Circuit Court. In July 2012, EPA issued a final rule to implement the Fifth Circuit Court decision. The most significant result of the court proceedings was that only discharging CAFOs, regardless of the storm event size, require a National Pollutant Discharge Elimination System (NPDES) CAFO permit.

APPROPRIATENESS OF THE GENERAL PERMIT

The Division of Water Quality (DWQ) is authorized by EPA to implement Clean Water Act, including the NPDES CAFO Program, which is referred to as the UPDES permit and program in Utah. As such, DWQ must implement the federal CAFO requirements in the state. In July 2013, DWQ issued a state rule that reflects the federal CAFO requirements. On August 1, 2014 issued a CAFO General permit which was set to expire on July 31, 2019, but it has been administratively extended until a new permit is issued. At this time, DWQ is issuing a new general permit to comply with state and federal CAFO requirements for CAFOs that require a permit. The coverage area of the permit is the State of Utah, except Indian lands.

Utah Administrative Code (UAC) R317-8-2.5 and R317-8-10 authorizes the issuance of this general permit. The purpose of this permit is to protect water quality from potential pollution sources resulting from the operation of CAFOs in the state.

CAFO GENERAL PERMIT REQUIREMENT

Permit coverage is required for animal production facilities that are animal feeding operations (AFOs) and are: 1) large CAFOs that discharge, 2) medium CAFOs, or 3) small or medium AFOs that are designated CAFOs. In addition, large CAFOs that discharge storm water to surface waters of the state from land application areas may require a permit. Illegally discharging non-traditional AFOs such as emu, mink, ostrich, bison, elk, deer, etc. will require a CAFO permit if DWQ determines the facility needs a permit. Without established large CAFO threshold numbers, DWQ will use best professional judgment to determine whether a permit is needed for a non-traditional CAFO. In addition, AFOs and CAFOs not required to obtain the permit may voluntarily obtain permit coverage if they so desire.

Land Application Area Discharges

All large CAFOs, permitted and un-permitted, are subject to the requirements of 40 CFR 122.23(e) and 40 CFR 122.42(e) where storm water from land application areas discharge to surface waters of the state. Storm water runoff to surface waters of the state from land application areas without proper nutrient management per 40 CFR 122.23(e) and 122.42(e)(1)(vi)-(ix) will require the CAFO permit or an UPDES Storm Water permit. Examples of proper nutrient management include the application of nutrients at crop agronomic rates and the monitoring of soils and manure for phosphorus and nitrogen content.

AFO and CAFO Facility Definitions

“Animal feeding operation” means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

1. animals have been, are, or will be stabled, housed, or confined and fed or maintained for a total of 45 days or more in any 12-month period,
2. crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility, and
3. two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the storage or disposal of waste.

“Large CAFO” means an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

- | | |
|--|-----------------|
| 1. Beef, calves, heifers, and/or veal | 1,000 or more |
| 2. Cows (milking and dry) | 700 or more |
| 3. Layers, broiler (wet system) | 30,000 or more |
| 4. Chickens other than layers (dry system) | 125,000 or more |
| 5. Layers (dry system) | 82,000 or more |

6. Turkeys	55,000 or more
7. Swine (55 pounds or more)	2,500 or more
8. Swine (less than 55 pounds)	10,000 or more
9. Sheep and lambs	10,000 or more
10. Horses	500 or more
11. Ducks (dry system)	30,000 or more
12. Ducks (wet system)	5,000 or more

“Medium AFO” means a lot or facility that is an AFO that stables, houses, or confines the type and number of animals that fall within any of these ranges:

1. Beef, calves, heifers, and/or veal	300-999
2. Cows (milking and dry)	200-699
3. Layers, broiler (wet system)	9,000-29,999
4. Chickens other than layers (dry system)	37,500-124,999
5. Layers (dry system)	25,000-81,999
6. Turkeys	16,500-54,999
7. Swine (55 pounds or more)	750-2,499
8. Swine (less than 55 pounds)	3,000-9,999
9. Sheep and lambs	3,000-9,999
10. Horses	150-499
11. Ducks (dry system)	10,000-29,999
12. Ducks (wet system)	1,500-4,999

“Medium CAFO” means an AFO that confines the number of animals to be classified as a Medium AFO, and where the following conditions are found:

1. Pollutants are discharged into surface waters of state through a man-made ditch, flushing system, or other similar man-made device; or
2. Pollutants are discharged directly into surface waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

“Designated CAFO” means an AFO that is designated as a CAFO by the Director according to criteria in 40 CFR 122.23(c) and is thereby required to obtain a UPDES permit. Only small or medium AFOs that discharge can be designated as a CAFO for discharges and other conditions that warrant designation.

CAFO PERMIT APPLICATION

In order to obtain the CAFO permit, facilities must submit the permit application. The CAFO permit application consists of: 1) a completed notice of intent (NOI) form; 2) a Natural Resources Conservation Service (NRCS) certified planner approved nutrient management plan (NMP); and (3) the annual permit fee..

Notice of Intent and Nutrient Management Plan Submission

A NOI may be obtained on the DWQ website at <https://deq.utah.gov/water-quality/forms-updes-permits>. The form must be completed and signed by the operator or owner of the facility, or other person authorized to sign the NOI.

The NMP submitted must be approved by a NRCS certified planner. In addition, DWQ must approve the NMP prior to permit coverage for the facility. If deficiencies are found following DWQ's review of the NMP, DWQ will notify the producer that the NMP requires revision. The producer will be given a specific amount of time to correct any deficiencies in the NMP.

The NOI, and NMP, must be submitted to:

CAFO Program Coordinator
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

Permit Application Public Notice and Issuance

Once the application is approved by DWQ, the NOI and NMP will be public noticed on the DWQ website <https://deq.utah.gov/public-notices-archive/water-quality-public-notices> for a thirty day period to receive public comment on the NMP. Once the permit application is approved by DWQ, the CAFO will be assigned a permit number and a letter will be sent to the facility informing the owner/operator of permit coverage. Once permit coverage is issued, the facility is responsible for compliance to the permit and all its requirements.

Annual Permit Fee

Once the CAFO permit coverage has been approved, the new CAFO permittee will be sent an invoice for the CAFO permit fee. Currently, the annual CAFO permit fee is \$110 and is billed around August of each year with 30 days to remit payment. The permit fee is subject to change.

PERMIT APPLICATION DEADLINES

CAFOs have different application deadlines depending on the type of facility and when the CAFO commenced operation. Please see Utah Administrative Code R317-8-10.4.

Existing AFOs and CAFOs

An AFO or CAFO operation that discharges or has an operational change that results in a requirement to obtain a UPDES CAFO permit shall submit an application no later than 90 days after the time a facility has conditions that require CAFO permit coverage.

Permitted CAFOs

No later than 180 days before the expiration of a permit, or as provided by the Director, a permitted CAFO must submit an application to renew its permit, unless the CAFO will not discharge upon expiration of the permit.

New CAFOs

CAFOs constructed after December 4, 2008 and that require permit coverage must apply for permit coverage no later than 180 days prior to the time that coverage is required.

Designated CAFOs or CAFOs with Individual CAFO Permit

Designated CAFOs or CAFOs with an individual permit must submit a permit application no later than 60 days after the date that the facility was notified by DWQ of CAFO designation or individual permit requirement.

EFFLUENT LIMITATIONS GUIDELINES (ELGs) AND BEST MANAGEMENT PRACTICES (BMPs)

Compliance to State Water Quality Standards by All CAFOs

All facilities are required to comply with water quality standards in R317-2-7.1, R317-2-14, and R317-2-7.2.

Production Area ELGs for all CAFOs, Except New Poultry, Swine, and Veal

No discharges of manure, litter, compost, wastewater, or other pollutants are allowed except following a 25-year, 24-hour storm event from a permit compliant facility. The production area must be properly designed, constructed, operated, and maintained to prevent discharge of pollutants to surface waters of the state up to a 25-year, 24-hour storm event. Waste containment structures must be properly managed to maintain freeboard for the 25-year, 24-hour storm event. The permittee is required to manage the production area such that the facility complies with permit requirements, permit BMPs, and the NMP developed for the facility.

Production Area ELGs for all New Source Poultry, Swine, and Veal (constructed after 12/4/08)

No discharges of manure, litter, compost, wastewater, or other pollutants are allowed. New source poultry, swine, and veal CAFOs must demonstrate that they have designed their open containment systems to comply with the no discharge requirement of the federal rule through the use of the most recent version of NRCS Animal Waste Management (AWM) software or equivalent, and the most recent version of NRCS Soil Plant Air Water (SPAW) Hydrology Tool or an equivalent model.

Land Application Area Effluent Limitations and Standards for All CAFOs

There shall be no discharge of pollutants to surface waters of the state from land applications except when land application areas are managed in accordance with the facility's NMP. This includes no land application to saturated, frozen, or snow-covered ground unless NRCS Practice 590, Nutrient Management and Utah Manure Application Risk Index (UMARI) are followed. All permitted CAFOs must land apply manure, litter, compost, wastewater, or other nutrients according NRCS Practice 590 and 40 CFR 122.42(e)(1)(vi)-(viii).

Duck CAFOs

Any duck CAFOs must comply with the Fecal coliform and Biological Oxygen Demand (BOD5) effluent limitations established by the best practicable control technology (BPT) in 40 CFR 412.22.

Production Area Best Management Practices and Prohibitions Applicable to all CAFOs

All CAFOs must do the following:

1. Perform weekly visual inspections of waste structures;
2. Perform daily visual inspections of water lines;
3. Install depth markers in waste storage structures;
4. Perform weekly inspections of impoundments and tanks;
5. Correct deficiencies found during inspections;
6. Maintain proper freeboard;
7. Maintain records required to document compliance to the BMPs;
8. Prevent 100-year flood event inundation and flow into the production area;
9. Prevent discharge of pollutants into groundwater with hydrologic connection to surface waters of the state.

NUTRIENT MANAGEMENT PLAN CONTENT AND REQUIREMENTS

A nutrient management plan is required by permitted CAFOs per 40 CFR 122.23(h) and 122.42 (e). NMPs must follow all applicable NRCS practices pertaining to NMP and permit requirements. Compliance to the NRCS Practice 590, Nutrient Management, is required for all CAFOs. Specific NMP content and provisions are provided below.

Required NMP Content

The following is required for all NMPs:

1. Ensure adequate storage of manure and process wastewater, including procedures to ensure proper operation and maintenance of the impoundments and structures.
2. Ensure proper management of animal mortalities to prevent discharge of pollutants to surface waters of the state. Mortalities shall be managed to ensure

that they are not disposed of in any liquid manure, storm water, or process wastewater storage system or other structure that is not specifically designed to treat and/or dispose of animal mortalities.

3. Ensure that clean water is diverted, as appropriate, from the production area.
4. Prevent direct contact of confined animals with surface waters.
5. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, storm water, or process wastewater storage system unless specifically designed to treat such chemicals and other contaminants.
6. Identify site-specific conservation practices that will be implemented, including as appropriate, buffers or equivalent practices, to control runoff of pollutants to surface water. Depending on proximity to surface waters or wells, required setbacks may need to be established in the NMP.
7. Identify the protocols for appropriate sampling and testing manure, process wastewater, and soil.
8. Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.
9. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements.

Required NMP Planning Approach

The federal CAFO Rule provides two types of NMP planning approaches; linear and narrative. DWQ recommends utilizing the narrative approach because it provides greater flexibility in nutrient management planning. The requirements for the narrative rate approach are outlined in the permit and this fact sheet. For any CAFO that selects the linear approach, guidelines are found in 40 CFR 122.42(e)(5)(i).

Required Nutrient Management Plan Content that are Permit Terms

Certain NMP terms are required to be incorporated into the permit as permit conditions. These NMP elements must be public noticed as part of the permit upon permit issuance and any permit modifications. Required permit elements are outlined in the permit, Sections IX and X.

CHANGES TO NUTRIENT MANAGEMENT PLANS

Nutrient management plans must be revised when needed. CAFOs must implement a NMP that reflects current practices, facilities, and conditions at the CAFO. Certain NMP changes will require public notice and permit modification since certain NMP requirements are permit conditions per federal rule.

Notification Requirement

When a CAFO makes changes to an approved NMP, the CAFO owner or operator must notify DWQ of the changes. Certain NMP changes require public notice for comment while some changes will require permit modification. DWQ will notify the CAFO when a public notice or permit modification is required. When required, DWQ will post proposed NMP changes on the UDEQ website for 30 days to receive public comment on the changes.

Permit Modification Requirement

For substantial changes to the terms of the NMP, a permit modification is required since certain NMP terms are incorporated into the permit as permit requirements. DWQ will notify the CAFO when a permit modification is needed. Specific NMP content changes that require permit modification are found in Section X of the permit.

OTHER PERMIT REQUIREMENTS

Transfer of Manure, Litter, Compost, and Process Wastewater to Other Persons

When manure is sold or given away, the permittee must:

1. Maintain records of the date and amount of manure, litter, compost, and wastewater that leave the operation on an annual basis;
2. Record the name and address of the recipient;
3. Provide the recipient with representative information on phosphorus and nitrogen content; and
4. Retain the records for five years.

Annual Report Requirements

Prior to April first 1st of each year, an annual report must be submitted to DWQ. The annual report must report the following information:

1. All discharges and instances of noncompliance, including those discharges required to be reported within 24 hours;
2. The number and type of animals, whether in open confinement or housed under roof;
3. Estimated amount of total manure, litter, compost and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);

4. Estimated amount of total manure, litter, compost and process wastewater transferred to other persons by the CAFO in the previous 12 months (tons/gallons);
5. Total number of acres for land application covered by the NMP;
6. Total number of acres under control of the CAFO that were used for land application of manure, litter, compost and process wastewater in the previous 12 months;
7. A statement indicating whether the current version of the CAFO's NMP was approved by a certified nutrient management planner; and
8. The following nutrient management planning information:
 - a. the actual crop(s) planted and actual yield(s) for each field;
 - b. the actual nitrogen and phosphorus content of the manure, litter, compost, and process wastewater;
 - c. the results of the calculations conducted in accordance with the Narrative Rate Approach;
 - d. the amount of manure, litter, compost, and process wastewater applied to each field during the previous 12-months;
 - e. for CAFOs utilizing the Narrative Rate Approach, the following information must be included in the annual report:
 - i. the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months,
 - ii. the data used in calculations to determine maximum amounts of manure, compost, litter, and process wastewater to be land applied at least once each year using Paragraph IX.C.1.d., and
 - iii. the amount of any supplemental fertilizer applied during the previous 12 months.

Facility Closure

CAFOs must properly close waste storage facilities and the CAFO so that discharges will not occur. CAFOs must follow NRCS Practice 360 for facility closure.

Emergency Spill and Discharge Response Plan

The permit requires CAFOs to develop an Emergency Spill and Discharge Response Plan. CAFOs have a duty to mitigate any environmental damage and clean-up contamination to the extent possible. The Emergency Spill and Discharge Response Plan outlines what will be done to address discharges from a CAFO.

All discharges must be reported within 24-hours to DWQ and the AFO/CAFO Program Coordinator (801) 536-4300, unless the discharge is a threat to the environment or threatens human health. In any case of threat to the environment or human health, DWQ

must be immediately notified by calling the DEQ Emergency Reporting Line at (801) 536-4123.

Required Discharge and Noncompliance Reporting

When a discharge to surface waters of the state occurs or other release, the permittee must report the discharge to DWQ:

1. The permittee shall orally report any discharge to surface waters of the State within 24 hours from the time the permittee first became aware of the discharge by calling DWQ and the AFO/CAFO Program Coordinator at (801) 536-4300. Any discharge or other noncompliance that may endanger health or the environment shall be reported immediately (earlier than 24 hours) by calling the DEQ Emergency Reporting Line at (801) 536-4123.
2. In addition, a written report shall be provided within five days of the time that the permittee becomes aware of the discharge.
 - a. Reports shall be submitted to:
CAFO Program Coordinator
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, Utah 84114-4870.

GENERAL INSPECTION, MONITORING, AND RECORD KEEPING REQUIREMENTS

Facility and Records Access

The permittee shall allow DWQ, or authorized representative of DWQ, upon presentation of credentials and other documents required by law access to the facility and relevant records.

Required Records for Permit Compliance

Specific records that must be maintained onsite are listed in section XII C. of the permit.

SIGNIFICANT CHANGES FROM PREVIOUS PERMIT ISSUED IN 2014

The new permit provides some clarifications and updates some website addresses and phone numbers that have changed since the last permit was issued. There is only one significant change. Sometime after December 21, 2020, notice of intents, annual reports, and notice of terminations must be submitted electronically to DWQ.

PERMIT DURATION

This permit is scheduled to be effective for five (5) years from date of permit issuance.

PUBLIC NOTICE INFORMATION

Began:

Ended:

Public Notice Publication: Deseret News, Salt Lake Tribune, and DWQ's website.

This permit has been prepared in compliance to the federal CAFO rule in 40 CFR and the state CAFO rule in *Utah Administrative Code R317-8-10*.

The permit was submitted to Environmental Protection Agency, Region 8, for review.

The permit was drafted by Don Hall, CAFO Program Coordinator, Utah Division of Water Quality, June 12, 2019.

For questions or assistance regarding the permit or this fact sheet, please contact Don Hall at (801) 536-4492.