

# **General Permit for Concentrated Animal Feeding Operations (CAFO GP)**

Effective Date: January 1, 2023  
Expiration Date: December 31, 2027

# General Permit for Concentrated Animal Feeding Operations

## Table of Contents

<b>Section 1. Authority</b>	<b>3</b>
<b>Section 2. Definitions</b>	<b>3</b>
<b>Section 3. Authorization Under This General Permit</b>	<b>7</b>
(a) Eligible Activities	7
(b) Requirements for Authorization	8
(c) Geographic Area	9
(d) Effective Date and Expiration Date of this General Permit	9
(e) Effective Date of Authorization	9
(f) Transition to and from an Individual Permit	9
<b>Section 4. Registration Requirements</b>	<b>9</b>
(a) Who Must File a Registration	9
(b) Scope of Registration	10
(c) Contents of Registration	10
(d) Availability of Registration and Plan	12
(e) Where to File a Registration and Other Related Documents	13
(f) Additional Information	14
(g) Action by Commissioner	14
<b>Section 5. Conditions of This General Permit</b>	<b>14</b>
(a) Operating Conditions	14
(b) Comprehensive Nutrient Management Plan	15
(c) Monitoring Requirements	17
(d) Reporting and Record Keeping Requirements	18
(e) Requirements for Land Application Activities Not Under the Control of the Permitted CAFO Operator	19
(f) Additional Requirements for Large CAFOs	19
(g) Recording and Reporting Violations	22
<b>Section 6. General Conditions</b>	<b>22</b>
(a) Regulations of Connecticut State Agencies Incorporated into this General Permit	22
(b) Reliance on Registration	23
(c) Duty to Correct and Report Violations	23
(d) Duty to Provide Information	23
(e) Certification of Documents	23
(f) Date of Filing	24
(g) False Statements	24
(h) Correction of Inaccuracies	24
(i) Transfer of Authorization	24
(j) Other Applicable Law	24
(k) Other Rights	25
<b>Section 7. Commissioner's Powers</b>	<b>25</b>
(a) Abatement of Violations	25
(b) General Permit Revocation, Suspension, or Modification	25
(c) Filing of an Individual Permit Application	25

# General Permit for Concentrated Animal Feeding Operations

## Section 1. Authority

This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes.

## Section 2. Definitions

As used in this general permit:

*“25-year, 24-hour rainfall event”* means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 10, Version 3, Point Precipitation Frequency Estimates (as amended), and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

*“Adequate storage”* means the storage volume of manure, litter, and agricultural wastewater as required by the nutrient management plan and Connecticut NRCS Practice Standard Code 313 “Waste Storage Facility”, as amended. Large CAFOs with earthen waste storage facilities shall have an impermeable liner.

*“Agricultural stormwater discharge”* means a precipitation-related discharge from a land application area, where agricultural wastes and or agricultural wastewater have been applied in accordance with a site-specific nutrient management plan.

*“Agricultural wastes”* means manure, bedding materials, poultry litter, and spilled feed or feed waste.

*“Agricultural 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. Agricultural wastewater also includes any water which comes into contact with agricultural wastes, the production area, an anaerobic digester facility, any raw materials, products or byproducts including manure, litter, feed, milk, eggs or bedding.

*“Anaerobic digester facility”* means a facility that receives and processes agricultural wastes, where such facility typically includes, but is not limited to, a digester tank for anaerobic digestion, waste collection tank, waste unloading area, associated piping and vehicle accessways.

*“Animal feeding operation” or “AFO”* means a feedlot or building or a group of feedlots or buildings (other than an aquatic animal production facility), which is located at a lot or facility, where the following conditions are met: (i) animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (ii) crops, vegetation, forage growth, or post-harvest

residues are not sustained in the normal growing season over any portion of the lot or facility.

“*Approval of registration*” means an approval of registration issued under Section 4 of this general permit.

“*Authorized activity*” means any activity authorized by this general permit.

“*Best management practices*” or “*BMPs*” means recommended practices or procedures designed to prevent, minimize or control environmental impacts. BMPs may include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste storage, or drainage from raw material storage.

“*Catastrophic rainfall event*” is equivalent to a 25-year, 24-hour storm event. Catastrophic events include tornadoes, hurricanes, or other conditions that would cause an overflow from the waste retention structure that is designed, constructed, operated, and maintained to meet all the requirements of this permit.

“*Certified Agricultural Planning Specialist*” means either:

1. An employee of the USDA Natural Resources Conservation Service (NRCS) who is designated by the State Conservationist as a Certified Conservation Planner; or
2. A USDA Certified Technical Service Provider (“TSP”) who is currently listed by the USDA-NRCS TSP online registry system as meeting the criteria to provide Certified Conservation Planning services and Comprehensive Nutrient Management Plan (CNMP) planning and assistance services in Connecticut; or
3. A person who is certified by either:
  - (a) the American Society of Agronomy’s certification programs, including Certified Crop Advisors, Certified Professional Agronomists, Certified Professional Crop Scientists, and Certified Professional Soil Scientists; or
  - (b) Land grant university certification programs; or
  - (c) National Alliance of Independent Crop Consultants; or
  - (d) State certification programs.

“*CFR*” means the Code of Federal Regulations.

“*Chronic rainfall*” means a series of wet weather events that prevent the dewatering of properly maintained waste storage structures.

“*Commissioner*” means Commissioner as defined by section 22a-2(b) of the General Statutes.

“*Comprehensive Nutrient Management Plan*” or “*CNMP*” means a site-specific plan to properly manage fertilizers, agricultural wastes, agricultural wastewaters and digestate, including runoff and seepage from land application areas, in order to minimize the impacts of animal feeding operations on water quality.

*“Concentrated animal feeding operation” or “CAFO”* means an AFO that is defined as a Large CAFO, or as a Medium CAFO, or is a “facility designated as a CAFO” as defined in this section. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining whether such AFO is a CAFO based on the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

*“Day”* means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

*“Department”* means the Connecticut Department of Energy and Environmental Protection.

*“Digestate”* means the solid and liquid material remaining after anaerobic digestion.

*“Discharge associated with a CAFO”* means a discharge under catastrophic or chronic rainfall conditions from a facility designed, constructed and operated to hold all agricultural wastes, agricultural wastewater, and the runoff from at least a 25-year, 24-hour rainfall event; and all other discharges to groundwater and surface water in accordance with the approved CNMP.

*“Facility designated as a CAFO”* means that the Commissioner has determined that an AFO is a significant contributor of pollutants to waters of the state. In making this determination to designate a CAFO, the Commissioner shall consider the following factors:

- (1) The size of the AFO (i.e., number of animals), the amount of agricultural wastes or agricultural wastewaters which may be generated or which is discharging or which can reasonably be expected to discharge to the waters of the state;
- (2) The location of the AFO relative to waters of the state;
- (3) The means of conveyance of agricultural waste and agricultural wastewaters into the waters of the state;
- (4) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of agricultural waste, manure and agricultural wastewaters into the waters of the state; and
- (5) Other relevant factors.

*“Individual permit”* means a permit issued to a named permittee under section 22a-430 of the General Statutes.

*“Land application”* means the application of fertilizers, agricultural wastes, agricultural wastewater and/or digestate onto the soil, or its incorporation into the soil.

*“Land application area”* means any land owned, rented, leased or otherwise controlled by the CAFO owner/operator to which fertilizers, agricultural wastes, agricultural wastewater and or digestate are or may be applied.

“*Large concentrated animal feeding operation*” or “Large CAFO”. An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- (1) 700 mature dairy cows, whether milked or dry;
- (2) 82,000 laying hens, if the AFO uses other than a liquid manure handling system.

“*Litter*” means a combination of manure and the bedding material from dry chicken production facilities. The bedding material alone may also be referred to as litter.

“*Manure*” means urine and feces excreted from livestock and other materials comingled with urine and feces including bedding and compost.

“*Medium concentrated animal feeding operation*” or “Medium CAFO” an AFO is defined as a Medium CAFO if:

- (1) The type and number of animals that it stables or confines falls within any of the following ranges:
  - A) 200 to 699 mature dairy cows, whether milked or dry;
  - B) 300 to 999 veal calves;
  - C) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
  - D) 750 to 2,499 swine each weighing 55 pounds or more;
  - E) 3,000 to 9,999 swine each weighing less than 55 pounds;
  - F) 150 to 499 horses;
  - G) 3,000 to 9,999 sheep or lambs;
  - H) 16,500 to 54,999 turkeys;
  - I) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
  - J) 25,000 to 81,999 laying hens (if the AFO uses other than a liquid manure handling system);
  - K) 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); **and**
- (2) Any of the following conditions are met:
  - A) Pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or
  - B) Pollutants are discharged directly into waters of the state or animals confined in the operation come into direct contact with waters of the state; or
  - C) It is a facility designated as a CAFO.

“*NRCS*” means the Natural Resources Conservation Service of the United States Department of Agriculture.

“*Nutrient management plan (NMP)*” means a plan developed to manage the amount, source, placement, form, timing of the application of fertilizers, agricultural wastes, agricultural wastewater, digestate and soil amendments to ensure adequate soil fertility for plant production and to minimize the potential impacts on water quality. A nutrient management plan is a component of a CNMP.

“*Overflow*” means the discharge of manure or agricultural wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, agricultural wastewater, or stormwater can be contained by the structure.

“*Permittee*” means any person to whom the Commissioner has issued an approval of registration under this general permit, the CAFO owner or operator.

“*Person*” means person as defined by section 22a-2(c) of the General Statutes.

“*Production area*” means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, freestall 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 stormwater. 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.

“*Registrant*” means a person who files a registration pursuant to Section 4 of this general permit.

“*Registration*” means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

“*Retention facility or retention structures*” means all ditches, conduits, swales, basins, ponds, and lagoons used to collect and store agricultural wastes, agricultural wastewater and runoff.

“*Runoff*” means collected or uncollected gravity flow overland of water from rain, melted snow, or agricultural or landscape irrigation.

“*Setback*” means a specified distance from surface waters or potential conduits to surface waters where manure, digestate, litter, and agricultural wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: Open tile line intake structures, clean water diversions, and agricultural well heads.

“*Small concentrated animal feeding operation*” or “Small CAFO” means a facility designated as a CAFO which is not a Medium CAFO or a Large CAFO.

“*Stormwater*” means waters consisting of precipitation (rain or snow) runoff.

“*USDA*” means United States Department of Agriculture.

“*Vegetated buffer*” means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

### **Section 3. Authorization Under This General Permit**

#### ***(a) Eligible Activities***

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes discharges associated with a CAFO. Discharges associated with a CAFO means a discharge under catastrophic or chronic rainfall conditions from a facility designed, constructed and operated to hold all agricultural wastes, agricultural wastewater, and the runoff from at least a 25-year, 24-hour rainfall event; and all other discharges to groundwater and surface water in accordance with the approved CNMP.

Any discharge of water, substance or material into the waters of the state other than those specified in this section is not authorized by this general permit, and any person who initiates, creates, originates or maintains such a discharge must apply for and obtain authorization under section 22a-430 of the General Statutes prior to the occurrence of such discharge.

**Agricultural Stormwater Discharge Exemption:** Stormwater discharges from land application areas meeting the definition of agricultural stormwater discharge, i.e., a precipitation-related discharge from a land application area, where agricultural wastes and/or agricultural wastewater have been applied in accordance with a site specific nutrient management plan, are exempt from the requirements of this general permit.

#### ***(b) Requirements for Authorization***

This general permit authorizes each of the activities listed in Section 3(a) of this general permit provided:

##### **(1) Registration**

A completed registration with respect to such activity has been filed with the Commissioner and the Commissioner has issued an approval of registration with respect to such activity.

##### **(2) Coastal Area Management and Permitting**

Such activity is consistent with all-applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes or if such activity is located, wholly or in part, waterward of the coastal jurisdiction line in tidal, coastal or navigable waters of the State or in tidal wetlands, the activity is authorized pursuant to sections 22a-359 through 22a-363f, inclusive, or 22a-28 through 22a-35, inclusive.

##### **(3) Endangered and Threatened Species**

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction or adverse modification of habitat designated as essential to such species.



(4) Aquifer Protection

The CAFO owner or operator shall be aware that if such activity is located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, then the ground water and surface water in this area contribute to a public drinking water supply. Although properly managed CAFOs minimize threats to water resources, the CAFO owner or operator shall take all necessary precautions to prevent spills or other accidental releases of chemicals or agricultural wastes to the ground and/or water. If a spill or accidental release of chemicals or agricultural wastes occurs, the CAFO owner or operator is required to report the spill to CT DEEP's 24-Hour Emergency Spill Reporting line at 860-424-3338.

(5) Conservation and Preservation Restrictions

Such activity, if located within a conservation or preservation restriction area, complies with section 47-42d of the Connecticut General Statutes, by providing the following documentation to the commissioner: proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction.

(6) Water Quality Standards

Such activity shall be consistent with state water quality standards, the waste load allocation and load allocation of any applicable, EPA-approved total maximum daily loads

(7) Flood Management

Such activity shall be consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

**(c) *Geographic Area***

This general permit applies throughout the State of Connecticut.

**(d) *Effective Date and Expiration Date of this General Permit***

This general permit is effective upon issuance by the Commissioner and expires five years from such date of issuance.

**(e) *Effective Date of Authorization***

An activity is authorized by this general permit on the date the Commissioner issues a written approval of registration with respect to such activity.

**(f) *Transition to and from an Individual Permit***

No person shall operate or conduct an activity authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

- (1) *Transition from an Individual Permit to Authorization under this General Permit.* If an activity meets the requirements of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the permittee may seek a modification to the permit to exclude such operation or activity from the individual permit or if the operation or activity is the sole operation or activity authorized by such permit, the permittee shall surrender its permit in writing to the Commissioner. In either event, such permittee's individual permit shall continue to apply and remain in effect until authorization of such operation or activity under this general permit takes effect.
- (2) *Transition from Authorization under this General Permit to an Individual Permit.* If an activity or operation is authorized under this general permit and the Commissioner subsequently issues an individual permit for the same activity, then on the date any such individual permit is issued by the Commissioner, the authorization issued under this general permit shall automatically expire.

#### **Section 4. Registration Requirements**

##### **(a) Who Must File a Registration**

Any person seeking authorization under this general permit for a discharge associated with a CAFO, regardless of the volume or duration of the discharge, shall file a registration form which meets the requirements of this section, pay the applicable fee according to the size of the operation found in (c) of this section and submit a Comprehensive Nutrient Management Plan, either:

- for an existing Large CAFO or Medium CAFO that is not otherwise a facility designated as a CAFO, on or before 365 days after issuance of this general permit; or
- for a facility designated as a CAFO, on or before 180 days after being notified by the Commissioner that the facility has been so designated; or
- for any proposed CAFO, on or before 180 days prior to initiating a *discharge associated with a CAFO*.

##### **(b) Scope of Registration**

A registrant shall register each CAFO for which the registrant seeks authorization under this general permit on a separate registration form.

##### **(c) Contents of Registration**

###### **(1) Fees**

- (A) A registration fee shall be submitted with a registration form. A registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full. The fee shall be as follows:
  - (i) \$ 100 Registration Fee: Small CAFO
  - (ii) \$ 250 Registration Fee: Medium CAFO
  - (iii) \$ 500 Registration Fee: Large CAFO

(B) The registration fee shall be paid by check or money order payable to the **Department of Energy and Environmental Protection**.

(C) The registration fee is non-refundable.

(2) Registration Form

A registration shall be filed on forms prescribed and provided by the Commissioner and shall include but not be limited to the following:

- (A) Legal name, address, and telephone number of the registrant. If the registrant is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address, and telephone number of the owner of the property on which the CAFO is located.
- (C) Legal name, address, and telephone number of the registrant's attorney or other representative, if applicable.
- (D) Legal name, address, and telephone number of any consultant(s) or engineer(s) retained by the registrant to prepare the registration or to design or construct the subject activity.
- (E) Location address of the CAFO for which the registration is submitted.
- (F) The number and type of animals maintained at the CAFO, whether in open confinement or housed under roof.
- (G) Latitude and longitude of the entrance of the production area.
- (H) The total number of acres under control of the applicant available for land application of manure, litter, digestate, fertilizer or agricultural wastewater.
- (I) The type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter, digestate and agricultural wastewater storage (tons/gallons).
- (J) Estimated amounts of manure, litter, digestate and agricultural wastewater generated per year (tons/gallons).
- (K) Estimated amounts of manure, litter, digestate and agricultural wastewater transferred to other persons per year (tons/gallons).
- (L) The name of the watershed and nearest waterbody to which the CAFO discharges and its Water Quality Classification. Additionally, USGS HUC-12 codes may be provided.

(M) A topographic map (or other map if a topographic map is unavailable) of the geographic area in which the CAFO is located showing the specific location of the production area and one mile beyond the property boundaries of the CAFO depicting the facility, each discharge location, wells, springs, surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. A

(N) The signature of the registrant and of the individual or individuals responsible for actually preparing the registration, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I certify that this general permit registration is on complete and accurate forms as prescribed by the Commissioner without alteration of their text. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(O) The signature of the registrant who shall certify in writing as follows:

“I also certify that I have read the *General Permit for Concentrated Animal Feeding Operations* issued by the Commissioner of the Connecticut Department of Energy and Environmental Protection; and that the discharges which are the subject of this registration are eligible for authorization under such permit; and that I will comply with all schedules and applicable requirements of such permit, including the implementation of a site-specific Comprehensive Nutrient Management Plan, reviewed and signed by a Certified Agricultural Planning Specialist (as defined in Section 2 of this general permit).

(3) Comprehensive Nutrient Management Plan

A Comprehensive Nutrient Management Plan that at a minimum satisfies the requirements specified in section 5(b) of this general permit, including for all Large CAFOs, the additional requirements of section 5(f) of this general permit.

**(d) Availability of Registration and Plan**

By the fifteenth (15th) day of each month, the Commissioner shall post on the DEEP website notice of each Registration which the Commissioner proposes to grant coverage under this general permit. The notice will include a link to the respective Registration form, CNMP, and draft Approval of Registration.

(1) Submitting Public Comments

On or before thirty (30) days from the date the Registration, CNMP, and the

draft Approval of Registration are made available on the DEEP website, a member of the public may submit to the Commissioner written comments on the Registration, CNMP, and draft Approval of Registration, and may request a public informational meeting if no meeting has already been scheduled. A request for a public informational meeting shall be in writing and shall state the nature of the issues proposed to be raised in the meeting.

(2) Public Informational Meetings

The Commissioner may hold a public informational meeting prior to approving or denying a Registration if, in the Commissioner's sole discretion, the public interest will be best served thereby, or when such a meeting might clarify one or more issues pertaining to the Registration, CNMP or draft Approval of Registration. Notice of any public informational meeting shall be published on the DEEP website at least thirty (30) days prior to the scheduled date for such meeting. The public informational meeting will be limited solely to the collection of oral or written comments and data submitted by interested members of the public regarding the Registration, CNMP, or the draft Approval of Registration. As may be specified by the Commissioner or Commissioner's designee at the public informational meeting, reasonable limits may be set upon the time allowed for oral comments, and the submission of oral comments in writing may be required. The public comment period shall automatically be extended to the close of any public informational meeting held pursuant to this section, and such comment period may be further extended as may be specified by the Commissioner or Commissioner's designee at the public informational meeting. A tape recording of the public informational meeting shall be made available to the public.

(3) Obligation to Raise Issues and Provide Information During the Public Comment Period and Informational Public Meeting

All persons, including applicants, submitting written comments during the public comment period, or oral or written comments during any public informational meeting which may be held, who believe the Registration, CNMP or any condition of the draft Approval of Registration is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period; or the close of the public informational meeting or such other date as may be specified by the Commissioner or the Commissioner's designee at such public informational meeting, if such meeting is held. Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, or other generally available reference materials. Commenters shall make supporting materials not already included in the administrative record available to DEEP as directed by the Commissioner or Commissioner's designee. The Commissioner may grant additional time as may be necessary to give commenters a reasonable opportunity to comply with the requirements of this section, provided that each commenter who requests additional time demonstrates the need for such time.

(4) Response to Comments and Final Determination Regarding General Permit Coverage

All such written comments shall be considered in making the final determination regarding the Registration, CNMP and the draft Approval of Registration. After consideration of all public comments received, the Commissioner may require the CAFO owner or operator to revise the CNMP to be granted general permit coverage. If determined appropriate by the Commissioner, CAFOs will be granted coverage under this general permit upon the Commissioner's issuance of a written Approval of Registration. The Commissioner will identify any terms of the CNMP to be incorporated for granting permit coverage in such Approval of Registration. At the time the Commissioner issues such Approval of Registration, a written response to comments will be prepared specifying any changes to the CNMP or such Approval of Registration, and the reasons for such changes; and briefly describe and respond to all significant comments on the CNMP or draft Approval of Registration raised during the public comment period, or during any public informational meeting. Such written response to comments and a copy of the Commissioner's final Approval of Registration shall be made available on the DEEP website.

**(e) *Where to File a Registration and Other Related Documents***

A registration shall be filed with the Commissioner at the following address:  
CENTRAL PERMIT PROCESSING UNIT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

**(f) *Additional Information***

The Commissioner may require a registrant to submit additional information, which the Commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

**(g) *Action by Commissioner***

- (1) The Commissioner may reject a registration if the registration is not accompanied by the required fee or the Commissioner determines that the registration does not include the information required in Section 4(c) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The Commissioner may deny a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Denial of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The Commissioner may approve a registration with reasonable conditions. If the Commissioner approves a registration with conditions, the permittee shall

be bound by such conditions as if they were a part of this general permit.

- (5) Rejection, denial, or approval of a registration shall be in writing.

## **Section 5. Conditions of This General Permit**

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

### ***(a) Operating Conditions***

- (1) There shall be no discharges of agricultural wastes or agricultural wastewater except:
  - (A) when catastrophic or chronic rainfall events cause an overflow from a waste treatment or storage facility designed, constructed, maintained and operated to contain all agricultural wastes and agricultural wastewater plus the runoff from a 25 year, 24-hour rainfall event, **or**
  - (B) in accordance with an approved CNMP.

### ***(b) Comprehensive Nutrient Management Plan***

- (1) Development of the CNMP

A CAFO-specific CNMP shall be developed for the facility that is the subject of the registration for this general permit. The CNMP shall be reviewed and signed by a Certified Agricultural Planning Specialist as defined in Section 2 of this general permit. The CNMP shall be prepared in accordance with the goals of the NRCS Title 190, General Manual, Part 405- Comprehensive Nutrient Management Plans, as amended, except that Best Professional Engineering Judgement may be used in the design of waste collection, storage and treatment facilities. The CNMP may incorporate by reference any applicable existing document and shall describe the implementation of best management practices which are to be used to comply with the conditions of this permit.

- (2) The main elements of the CNMP shall include the following, as applicable:
  - (A) Animal outputs. Document adequate storage, collection, treatment, and transfer of manure, litter, digestate and agricultural wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;
  - (B) Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, stormwater, or agricultural wastewater storage or treatment system that is not specifically designed to treat animal mortalities;
  - (C) Ensure that clean water is diverted, as appropriate, from the production area;

- (D) Prevent direct contact of confined animals with waters of the state;
- (E) Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, digestate, agricultural wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
- (F) Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state;
- (G) Identify protocols for appropriate testing of manure, litter, digestate, agricultural wastewater, and soil in accordance with land-grant university guidance;
- (H) Implement a nutrient management plan. Establish land application procedures for manure, litter, digestate and agricultural wastewater in accordance with the Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management) and 633 (Waste Recycling), as amended, and phased implementation of phosphorus-based nutrient management.
- (I) Establish records of CNMP implementation including as-builts of structural practices, operation and maintenance records, and records associated with land application procedures.
- (J) Establish records documenting inputs to animals and nutrient balance in animal diets to maintain health, growth, and production of animals while reducing the quantity of nutrients in excreted manure.
- (K) Other waste utilization activities or options including but not limited to off-site transfers or composting operations.

(3) Interim Management Measures

The permittee shall implement any management measures deemed necessary by the Commissioner prior to full implementation of the CNMP.

(4) Implementation of the CNMP

The permittee shall implement the CNMP in accordance with the schedule contained in the plan approved by the Commissioner, or any alternate schedule approved by the Commissioner.

(5) Failure to Prepare or Amend the CNMP

In no event shall failure to complete or update a CNMP in accordance with this general permit relieve a permittee of responsibility to implement actions required to protect the waters of the state, complete any actions that would have been required by such plan, and to comply with all conditions of the permit.



(6) Changes to the CNMP

The permittee shall be responsible for keeping the CAFO's CNMP current to prevent pollution of the waters of the state. The Commissioner has the authority to request modification of the CAFO's CNMP.

If changes are made to the CNMP previously submitted to the Commissioner, the permittee must provide the Commissioner with the most current version of the CAFO's CNMP and identify changes from the previously submitted version. The results of calculations to determine the maximum amounts of manure, litter, digestate and agricultural wastewater to be land applied each year does not constitute a change.

- (A) When changes to a CNMP are submitted to the Commissioner, the Commissioner will review the revised CNMP to ensure that it meets the requirements of this general permit. If the Commissioner determines that the changes to the CNMP necessitate revision to the terms of the CNMP incorporated into the permit issued to the CAFO, the Commissioner will determine whether such changes are substantial as defined by 40 CFR 122.42(e)(6). Substantial changes to the terms of a CNMP incorporated as terms and conditions of a permit table include, but are not limited to the following :
- i. Addition of new land application areas not previously included in the CAFO's CNMP;
  - ii. Any changes to the maximum field-specific annual rates of application or to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop;
  - iii. Addition of any crop or other uses not included in the terms of the CAFO's CNMP and corresponding field-specific rates of application;
  - iv. Changes to site-specific components of the CAFO's CNMP, where such changes are likely to increase the risk of nitrogen and phosphorus transport from the field to waters of the state.
- (B) If the Commissioner determines that the changes to the terms of the CNMP are not substantial, the Commissioner will make the revised CNMP publicly available and include it in the permit file, revise the terms of the CNMP incorporated into the permit, and notify the permittee and the public of any changes to the terms of the CNMP that are incorporated into the permit.
- (C) If the Commissioner determines that the changes to the terms of the CNMP are substantial, the Commissioner will make the changes to the CNMP and the information submitted by the permittee available for public review and comment as outlined in section 4(d).

**(c) *Monitoring Requirements***

- (1) The permittee shall monitor and inspect each structural management practice per the operation and maintenance plan as indicated in the approved CNMP.
- (2) The permittee shall maintain records of land application activities in accordance with the approved CNMP.

**(d) *Reporting and Record Keeping Requirements***

(1) Annual Report

- (A) The permittee shall submit an Annual Report to the Commissioner on or before January 31<sup>st</sup> on forms prescribed by the Commissioner, which includes:
  - i. The number and type of animals, whether in open confinement or housed under roof;
  - ii. Estimated amount of total manure, litter, digestate and agricultural wastewater generated or received by the CAFO in the previous 12 months (tons/gallons);
  - iii. Estimated amount of total manure, litter, digestate and agricultural wastewater transferred to other person by the CAFO in the previous 12 months (tons/gallons);
  - iv. Total number of acres available for land application and covered by the nutrient management plan developed in accordance with section 5(b) of this general permit;
  - v. Total number of acres under control of the CAFO that were used for land application of manure, litter, digestate and agricultural wastewater in the previous 12 months;
  - vi. Summary of all manure, litter, digestate and agricultural wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;
  - vii. A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a Certified Agricultural Planning Specialist as defined in Section 2 of this general permit; and
  - viii. The actual crop(s) planted and actual yield(s) for each field, the actual nitrogen and phosphorus content of the manure, litter, digestate and agricultural wastewater, the amount of manure, litter, digestate and agricultural wastewater to be applied, and the amount of manure, litter, digestate and process wastewater applied to each field during the previous 12 months; and the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months, verification that CT NRCS Conservation Practice Standard 590 Nutrient

Management, as amended, was used in calculating the amount of nitrogen and phosphorus from all sources to be land applied, and the amount of any supplemental fertilizer applied during the previous 12 months.

- (2) All records required by this general permit and the CNMP shall be maintained on-site for a period of at least five (5) years and shall be made available upon request to the Commissioner or during any on-site inspection.
- (3) A copy of the CAFO's site-specific Comprehensive Nutrient Management Plan. must be maintained on site and made available to the Commissioner upon request.

***(e) Requirements for Land Application Activities Not Under the Control of the Permitted CAFO Operator***

- (1) The permittee shall do the following:
  - (A) Maintain records showing the amount of manure or manure products that leaves the permitted operation;
  - (B) Large CAFOs must record the approximate amount of manure or manure product, the transfer date and the name and address of the recipient;
  - (C) Large CAFOs must provide the recipient with the current nutrient analysis of the manure or manure products;
  - (D) Inform the recipient of his/her responsibility to properly manage the land application of the manure to prevent discharge of pollutants to waters of the state.

***(f) Additional Requirement for Large CAFOs***

- (1) Each Large CAFO that land applies manure, litter, digestate or agriculture wastewater must do so in accordance with the following practices:

***(A) Manure and soil sampling***

Manure must be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil analyzed a minimum of once every five years for phosphorus content. The results of these analyses are to be used in determining application rates for manure, litter, digestate and other agricultural wastewater.

***(B) Inspect land application equipment for leaks***

The operator must inspect equipment used for land application of manure, litter, digestate or agricultural wastewater before each use.

(C) *Setback requirements*

Unless the CAFO exercises one of the compliance alternatives outlined below, manure, litter, digestate and agricultural wastewater may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, clean water diversions, agricultural well heads, or other conduits to surface waters.

(i) *Vegetated buffer compliance alternative.*

As a compliance alternative, the CAFO may substitute the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, digestate or agricultural wastewater are prohibited.

(ii) *Alternative practices compliance alternative.*

As a compliance alternative, the CAFO 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 to or better than the reductions that would be achieved by the 100-foot setback.

(2) Each Large CAFO must implement the following additional requirements:

(A) *Visual inspections*

There must be routine visual inspections of the CAFO production area. At a minimum, the following must be visually inspected:

- (i) Weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure;
- (ii) Daily inspection of water lines, including drinking water or cooling water lines;
- (iii) Weekly inspections of the manure, litter, and agricultural wastewater impoundments; the inspection will note the level in liquid impoundments as indicated by the depth marker.

(B) *Depth marker*

All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.

(C) *Corrective actions*

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

(D) *Mortality handling*

Mortalities must not be disposed of in any liquid manure or agricultural wastewater system, and must be handled in such a way as to prevent the discharge of pollutants to surface water.

(3) Record keeping requirements for the production area:

Each Large CAFO must maintain on-site for a period of five years from the date they are created a complete copy of the registration, the specific records identified in the CNMP to be maintained to document implementation and management, and the records specified in paragraphs (3)(A) through (3)(F) below. The Large CAFO must make these records available to the Commissioner, or his or her designee, for review upon request.

- (A) Records documenting the visual inspections;
- (B) Weekly records of the depth of the manure and agricultural wastewater in the liquid impoundment as indicated by the depth marker;
- (C) Records documenting any actions taken to correct deficiencies found as a result of inspections. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction;
- (D) Records of mortalities management and practices used by the CAFO.
- (E) Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
- (F) Records of the date, time, and estimated volume of any overflow.

(4) Recordkeeping requirements for the land application areas:

Each Large CAFO must maintain on-site a copy of its site-specific nutrient management plan. Each Large CAFO must maintain on-site for a period of five years from the date they are created a complete copy of the information input into the NMP. The operation must also maintain on-site all necessary records to document that the NMP is being properly implemented with respect to manure and wastewater generation, storage and handling, and land application. In addition, records must be maintained to demonstrate that the development and implementation of the CNMP is in accordance with the minimum practices defined in 40 CFR part 122.42(e) and the records specified in paragraphs (f)(4)(A) through (f)(4)(J) of this section. The Large CAFO must make the following records available to the Commissioner, or his or her designee, for review upon request:

- (A) Expected crop yields;

- (B) The date(s) manure, litter, digestate or agricultural wastewater is applied to each field;
- (C) Weather conditions at time of application and for 24 hours prior to and following application;
- (D) Test methods used to sample and analyze manure, litter, digestate, agricultural wastewater, and soil;
- (E) Results from manure, litter, digestate, agricultural wastewater, and soil sampling;
- (F) A statement that the basis for determining manure application rates is in accordance with the Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management) and 633 (Waste Recycling).
- (G) Data tables showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, digestate or agricultural wastewater;
- (H) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
- (I) The method used to apply the manure, litter, digestate or agricultural wastewater;
- (J) Date(s) of manure application equipment inspection.

***(g) Recording and Reporting Violations***

The permittee shall, within 2 hours of becoming aware of the circumstances, or at the start of the next business day if he or she becomes aware of the circumstances outside normal business hours, notify the Commissioner of any actual or anticipated noncompliance with the terms and conditions of this general permit and/or the scheduled practices and interim measures of the CNMP and shall submit a written report to the Commissioner within five days thereafter. Such report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Actual or anticipated noncompliance may include, but not be limited to, a leak, breach, overflow or other structural failure of a storage facility not caused by a catastrophic event but due to improper operation, maintenance or design, or a discharge due to manure releases related to the improper handling of liquid or solid manure. In the event of such noncompliance, the permittee shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, minimized to the greatest extent possible.

## Section 6. General Conditions

### *(a) Regulations of Connecticut State Agencies Incorporated into this General Permit*

The permittee shall comply with all laws applicable to the subject discharges, including but not limited to, the following Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein:

(1) Section 22a-430-3:

**Subsection (b) General** - subparagraph (1)(D) and subdivisions (2),(3),(4),(5)

**Subsection (c) Inspection and Entry**

**Subsection (d) Effect of a Permit** - subdivisions (1) and (4)

**Subsection (e) Duty to Comply**

**Subsection (f) Proper Operation and Maintenance**

**Subsection (g) Sludge Disposal**

**Subsection (h) Duty to Mitigate**

**Subsection (i) Facility Modifications, Notification** - subdivisions (1) and (4)

**Subsection (j) Monitoring, Records and Report Requirements** - subdivisions (1),(6),(7),(8),(9) and (11) (except subparagraphs (9)(A)(2) and (9)(c))

**Subsection (k) Bypass**

**Subsection (m) Effluent Limitation Violations**

**Subsection (n) Enforcement**

**Subsection (p) Spill Prevention and Control**

**Subsection (q) Instrumentation, Alarms, Flow Recorders**

**Subsection (r) Equalization**

(2) Section 22a-430-4

**Subsection (p) Revocation, Denial, Modification**

**Subsection (t) Prohibitions**

**Appendices**

### *(b) Reliance on Registration*

When evaluating a registration, the Commissioner relies on information provided by the registrant. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the Commissioner may take any other legal action provided by law.

### *(c) Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report such violation within two hours of becoming aware of the circumstances and in writing within five (5) days of the permittee's learning of such violation to the Commissioner. Such report shall be certified in accordance with Section 6(e) of this general permit.

**(d) *Duty to Provide Information***

If the Commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, or with the permittee's approval of registration, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with section 6(e) of this general permit.

**(e) *Certification of Documents***

Any document, including but not limited to any notice, which is submitted to the Commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

**(f) *Date of Filing***

For purposes of this general permit, the date of filing with the Commissioner of any document is the date such document is received by the Commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

**(g) *False Statements***

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

**(h) *Correction of Inaccuracies***

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commissioner. Such information shall be certified in accordance with section 6(e) of this general permit. The provisions of this subsection shall apply both while a request for approval of registration is pending and after the Commissioner has approved such request.



**(i) *Transfer of Authorization***

An approval of registration under this general permit is transferable only in accordance with the provisions of section 22a-60 of the General Statutes. Any person proposing to transfer an approval of registration shall submit a license transfer form to the Commissioner to transfer the previous permit authorization to a new registrant. The new registrant is not authorized by this general permit until the transfer is approved by the Commissioner. The new permittee may adopt by reference the Plan developed by the previous permittee. The new permittee shall amend the Plan as required by the Section 5(b)(6) of this general permit.

**(j) *Other Applicable Law***

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

**(k) *Other Rights***

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

## **Section 7. Commissioner's Powers**

**(a) *Abatement of Violations***

The Commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The Commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the Commissioner by law.

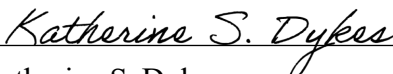
**(b) *General Permit Revocation, Suspension, or Modification***

The Commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

**(c) *Filing of an Individual Permit Application***

If the Commissioner notifies a permittee in writing that such permittee must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual permit within sixty (60) days of receiving the Commissioner's notice. While such application is pending before the Commissioner, the permittee shall comply with the terms and conditions of this general permit and the subject approval of registration. Nothing herein shall affect the Commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued: 12/6/2022

  
\_\_\_\_\_  
Katherine S. Dykes  
Commissioner  
Department of Energy and Environmental Protection