



National Pollutant Discharge Elimination System Permit

Issued to:

Hytone Farm, LLC
2047 Boston Turnpike
Coventry, CT 06238

Location Address: 2047 Boston Turnpike Coventry, CT 06238

Permit ID: CT0030818

Issuance Date: DRAFT

Effective Date: DRAFT

Expiration Date: DRAFT

Receiving Streams: Ash Brook, Baker Brook, Blackledge River, Bolton Pond Brook, Conantville Brook, Coventry Brook, Fenton River, French Brook, Hemlock Brook, Hop River, Knowlton Brook, Lipps Brook, Lowry Brook, Massinger Brook, Mitterholtzer Brook, Olsons Brook, Post Brook, Reed Brook, Skungamaug River, Straddle Brook, Tankerhoosen River, Tunnel Brook and Willimantic River

Stream Segment Numbers: Blackledge River: 4707-00_01; Fenton River: CT3207-00_02; Hop River: 3108-00-01b; Skungamaug River: 3106-00-01a; Tankerhoosen River: 4503-00-02; and Willimantic River: 3100-00-02

SECTION 1: GENERAL PROVISIONS

- (A) This permit is issued in accordance with section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended, and section 402(b) of the Clean Water Act, as amended, 33 USC 1251, *et. seq.*, and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer an N.P.D.E.S. permit program.
- (B) The Permittee is required to develop, maintain, and implement a Comprehensive Nutrient Management Plan (CNMP) that meets the requirements of Title 40 of the Code of Federal Regulations (CFR) Parts 122 and 412. The intent of a CNMP is to prevent the discharge of pollutants from the crop land, waste storage facilities, and the production area to waters of the United States. The CNMP is a written document that is required to be consistent with the federal CAFO requirements found at 40 CFR §§122.42(e)(1) and (2) and the applicable 40 CFR Part 412 effluent limitations and standards. The permittee shall implement the provisions of the most current CNMP.

- (C) Hytone Farm, LLC, ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(10)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

- (a) Definitions
- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty to Comply
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate
- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (l) Conditions Applicable to POTWs
- (m) Effluent Limitation Violations
- (n) Enforcement
- (o) Resource Conservation
- (p) Spill Prevention and Control
- (q) Instrumentation, Alarms, Flow Recorders
- (r) Equalization

Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
- (b) Duty to Reapply
- (c) Application Requirements
- (d) Preliminary Review
- (e) Tentative Determination
- (f) Draft Permits, Fact Sheets
- (g) Public Notice, Notice of Hearing
- (h) Public Comments
- (i) Final Determination
- (j) Public Hearings
- (k) Submission of Plans and Specifications. Approval.
- (l) Establishing Effluent Limitations and Conditions
- (m) Case by Case Determinations
- (n) Permit issuance or renewal
- (o) Permit Transfer
- (p) Permit revocation, denial or modification
- (q) Variances

- (D) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (E) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (F) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection ("Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least thirty (30) days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure, by the transferee, to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.
- (G) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Permittee pursuant to this permit will result in compliance or prevent or abate pollution.
- (H) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (I) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies and section 22a-6f of the Connecticut General Statutes.
- (J) This permit becomes effective on the date of signature.

SECTION 2: DEFINITIONS

- (A) The definitions of the terms used in this permit are extracted and amended from definitions contained in section 22a-423 of the CGS, section 22a-430-3(a) and 22a-430-6 of the RCSA, part 412.2 and part 122.2 of 40 CFR.
- (B) In addition to the above, the following definitions shall apply to this 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 Weather Service in Technical Paper Number 40, “Rainfall Frequency Atlas of the United States,” May 1961, 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. Large CAFOs with earthen waste storage facilities shall have an impermeable liner.

“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.

“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.

“Anaerobic Digester Facility” means process areas which include, but are not limited to, the digester tank, food waste tanker unloading area, 4-chambered manure and food waste collection tank and all associated piping, and the access road.

“Best Management Practices” or “BMPs” means those practices which reduce pollution, and which have been determined by the Commissioner to be acceptable based on, but not limited to, technical, economic and institutional feasibility. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, 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.

“CFR” means the Code of Federal Regulations.

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

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

“Comprehensive Nutrient Management Plan” means a site-specific plan to properly manage agricultural wastes and agricultural wastewaters, 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 as a proposed new operation, or that is designated as a CAFO. 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 Department of Energy and Environmental Protection.

“Discharge” means the emission of any water, substance or material into the waters of the state, whether or not such substance causes pollution as defined in section 22a-423 of the Connecticut General Statutes.

“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 in accordance with the CNMP.

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

“Federal Water Pollution Control Act” means the federal Water Pollution Control Act, 33 USC Section 466 et seq.

“Fats, oils and grease” or “FOG” means any fats, oils and grease generated from the food preparation process.

“Food Waste” means for the purpose of this permit, Source Separated Organic Material.

“Ground waters” means those waters of the state which naturally exist or flow below the surface of the ground and waters flowing through earth materials beneath the ground surface.

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

“Land Application” means the application of agricultural wastes and or agricultural wastewater onto, or incorporation into, the soil.

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

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

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

“Non-point source” means any unconfined and diffuse source of pollution such as stormwater or snowmelt runoff, atmospheric deposition, or ground water not conveyed to a surface water discharge point within a discrete conveyance.

"NPDES Permit" means a permit authorizing a discharge to the surface waters of the state either directly, or indirectly by means other than through a POTW or the ground waters, which is issued by the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes.

“Nutrient Management Plan” or “NMP” means a plan developed to manage the amount, source, placement, form, timing of the application of 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.

“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.

"Person" means person as defined by section 22a-423 of the General Statutes, any individual, partnership, association, firm, limited liability company, corporation, or other entity, except a municipality, and includes the federal government, the state or any instrumentality of the state, and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company.

“Permittee” means any person operator, SP-1 or SP2 licensed contractor, or municipality which is authorized by this general permit.

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include agricultural stormwater discharges and return flows from irrigated agriculture.

“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.

“Runoff” means collected or uncollected gravity-induced overland flow of water from rain, melted snow, 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.

“Source Separated Organic Material” or “SSOM” means for the purpose of this permit, the following materials which have been separated at the point or source of generation from nonorganic material: food scraps; food processing residue; fats, oils and grease; and soiled or unrecyclable paper.

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

“Surface Waters” means those waters of the state which are not ground water and the waters of Long Island Sound, its harbors, embayments, tidal wetlands and creeks; rivers and streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, federal jurisdictional wetlands, and other natural or artificial, public or private, vernal or intermittent bodies of water. Surface water does not include ground water.

“Surface water discharge” means any discharge which is discharged directly to a surface water body or stormwater collection system, including, but not limited to, direct pipe discharges and ground surface run-off discharges which are not totally absorbed by the soil.

“USDA” means United States Department of Agriculture.

“Waters” means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof.

“Watercourse” means watercourse as defined in section 22a-38 of the General Statutes.

“Wetland” means both tidal wetland as that term is defined in section 22a-29(2) of the General Statutes and inland wetlands as that term is defined in section 22a-38(15) of the General Statutes.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has issued a final determination and found that the proposed system to treat such discharge will protect the waters of the state from pollution. The Commissioner's decision is based on Application No. 202202022 for permit, issuance, received on March 1, 2022, and the administrative record established in the processing of that application.
- (B) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) There shall be no discharge of agricultural waste, digestate or agricultural wastewater into the waters of the state from the production areas except as provided in the Permittee's Comprehensive Nutrient Management Plan received March 1, 2022, which is hereby approved (collectively "CNMP"), as amended.
- (B) There shall be no discharge from the post anaerobic digester concrete manure storage unless it is in compliance with the CNMP.
- (C) 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.
- (D) The Permittee shall assure that the surface water affected by the subject discharge shall conform to the Connecticut Water Quality Standards.

SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (A) The Permittee shall implement its CNMP, which incorporates the following best management practices:
 - 1. Adequate storage
Ensure adequate storage of manure, agricultural wastewater, and digestate, including procedures to ensure proper operation and maintenance of all storage components in accordance with the CNMP.

2. Mortalities management
Installation of an animal mortality composting structure in accordance with Connecticut NRCS Conservation Practice Standard 316. 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.
 3. Clean water diversion
Ensure that clean water is diverted, as appropriate, from the production area.
 4. Direct water contact
Prevent direct contact of confined animals with waters of the State.
 5. Chemical handling
Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, agricultural wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals or contaminants.
 6. Records
Establish and maintain records of CNMP implementation including as-builts of structural practices, operation and maintenance records, and records associated with land application procedures.
 7. Depth marker
Installation of a depth marker in all open surface liquid impoundments. The depth marker must clearly indicate the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.
- (C) Land application of manure, agricultural wastewaters, and digestate shall be performed in accordance with the following best management practices developed and incorporated in the CNMP:
1. Nutrient Management Plan
Implement the nutrient management plan based on a field-specific assessment of the potential for nitrogen and phosphorus transport from each field and the form, source, amount, timing, placement and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface and groundwaters.
 2. Determination of application rates
Application rates for manure, agricultural wastewaters, and digestate applied to land under control of Hytone Farm, LLC shall minimize nitrogen and phosphorus transport from the field to surface and groundwaters in accordance with Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management) and 633 (Waste Recycling).
 3. Visual inspections and corrective actions
The Permittee shall conduct inspections in accordance with the CNMP: water lines

daily; runoff and stormwater diversions, and manure and wastewater storage structures weekly; and correct any deficiencies identified during the visual inspections.

4. Setback requirements

The Permittee shall implement setbacks as required in 40 CFR 412.4(c)(5). Discharges shall terminate at least 100 feet from the edge of an established watercourse, unless such termination has been determined by a qualified professional to be impractical. In areas where the 100-foot separation is not possible, the discharge shall be controlled so that the flow energy is dissipated, thereby lessening the impact on nearby watercourses.

(D) The Permittee shall maintain records of land application activities in accordance with the CNMP.

(E) The Permittee shall implement the following best management practices to minimize the discharge of pollutants in stormwater from areas associated with the operation and maintenance of the anaerobic digester, including but not limited to, sand separator, the digester tank, the food waste tanker unloading area, the manure and food waste collection tank and all associated piping, and the access road. Such discharge shall not cause in the receiving stream, a visible oil sheen or floating solids, or cause visible discoloration or foaming in the receiving stream, or cause acute or chronic toxicity.

1. Maintain a clean, orderly facility (e.g. sweeping at regular intervals, appropriate storage practices, proper garbage and waste management, dust control measures, etc.) in all areas that are exposed to rainfall and are potential sources of pollutants.
2. Minimize the potential for leaks and spills, identify procedures for containing and cleaning up leaks and spills, and maintain spill response equipment necessary to prevent pollutants from entering the stormwater drainage system.
3. At least monthly, visually inspect material handling areas and other potential sources of stormwater pollution for evidence of, or the potential for, pollutants entering the stormwater drainage system. Inspections shall be made during rainfall events if possible. Records of monthly inspections identifying the date(s) of the inspection, personnel making the inspection, major observations and actions taken in response, shall be made and retained on site for at least five years.
4. At least semi-annually, visually inspect the stormwater inlet structures and outlet structures, drainage swales, and the detention basin for evidence of accumulated sediments and other pollutants. Areas of erosion within the drainage swales and detention basin shall be identified and repaired. Accumulated sediments and other pollutants shall be removed where found to be in excess of 50% of design capacity. Inspections shall be made during rainfall events if possible.
5. Records of monthly and semi-annual inspections identifying the date(s) of the inspection, personnel making the inspection, major observations and actions taken in response to the inspection, shall be made and retained on site for at least five years.

Inspection reports shall be signed by the Permittee.

6. Ensure that all employees whose activities may affect stormwater discharge quality receive training within ninety (90) days of employment and at least once a year thereafter. Training shall address good housekeeping and materials management practices, inspections requirements, emergency equipment location, and spill response management practices. Written records of employee training shall be maintained on site.

SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

(A) The Permittee shall collect, handle, and analyze digestate, manure, and soil samples in accordance with the following:

1. Digestate and Manure
 - a. Composite samples of digestate and manure from each storage structure must be collected and analyzed annually in accordance with the CNMP. Manure samples should be analyzed for the following parameters: % Solids, Total Nitrogen, Organic Nitrogen, NH_4 or NH_3 , P_2O_5 , K_2O , and pH. See Section 6 below for guidance on manure sample testing.
 - b. Consistent with Connecticut NRCS Conservation Practice Standards 590 digestate and manure shall be collected, prepared, stored, and shipped, following land-grant university ("LGU") guidance, or industry practice when recognized by LGU. Samples are to be analyzed at a laboratory that meet the requirements and performance standards of the Manure Testing Laboratory Certification program such as the University of Connecticut's Soil Nutrient Analysis Laboratory.
2. Soil
 - a. Soil sample must be collected and analyzed once every three years in accordance with the CNMP. Samples must be analyzed for pH, Organic Matter, Phosphorus and Potassium levels.
 - b. All soil samples shall be collected and prepared in a manner recognized by the University of Connecticut Soil Nutrient Analysis Laboratory. Laboratories performing soil test analyses shall meet the performance standards and requirements of the North American Proficiency Testing Program-Performance Assessment Program under the auspices of the Soil Science Society of America and the USDA Natural Resources Conservation Service.

SECTION 7: PROHIBITIONS

- (A) The Permittee shall not land apply undigested source separated organic material.
- (B) The Permittee shall not receive more than 9,000 gallons per day of source separated organic material until such time as additional documentation is received, reviewed, and approved in writing by the Commissioner demonstrating a phosphorus balance as part of the Comprehensive Nutrient Management Plan for the farm that incorporates the additional volume.

SECTION 8: ANNUAL REPORT AND RECORDKEEPING REQUIREMENTS

- (A) The Permittee must submit an annual report as an attachment to the NetDMR submission on or before January 31st of each year. The report shall be submitted as an attachment to the January DMR. The report shall including:
 - 1. The number and type of animals, whether in open confinement or housed under roof;
 - 2. Estimated amount of total manure, digestate and agricultural wastewater generated or received by the CAFO in the previous 12 months (tons/gallons);
 - 3. Estimated amount of total manure, digestate and agricultural wastewater transferred to other person by the CAFO in the previous 12 months (tons/gallons);
 - 4. Total number of acres for land application covered by the nutrient management plan;
 - 5. Total number of acres under control of the CAFO that were used for land application of manure, digestate and agricultural wastewater in the previous 12 months;
 - 6. Summary of all manure, digestate and agricultural wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;
 - 7. A statement indicating whether the current version of the CNMP was developed or approved by a certified nutrient management planner;
 - 8. The actual crop(s) planted and actual yield(s) for each field for the previous 12 months;
 - 9. The actual nitrogen and phosphorus content of the manure, digestate, and agricultural wastewater, the amount of manure, digestate, and agricultural wastewater to be applied, and the amount of manure, digestate, and agricultural wastewater applied to each field during the previous 12 months;
 - 10. The results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months;
 - 11. Verification that CT NRCS Conservation Practice Standard 590 Nutrient Management was used in calculating the amount of nitrogen and phosphorus from all sources to be land applied; and

12. The amount of any supplemental fertilizer applied during the previous 12 months; If the DMRs, attachments, and reports are required to be submitted in hard copy form, they shall be received at this address by the last day of the February:

Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division (Attn: CAFO Coordinator)
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

- (B) All records required by this 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.
- (C) A copy of the CNMP shall be maintained on site and made available to the Commissioner upon request.
- (D) The Permittee shall perform the following requirements for land application activities not under the control of the Permittee:
 1. Maintain records showing the amount of digestate or manure that leaves the Permittee's operation;
 2. Record the approximate amount of digestate or manure, the transfer date and the name and address of the recipient;
 3. Provide the recipient with the current nutrient analysis of the digestate, manure or manure products;
 4. Inform the recipient of his/her responsibility to properly manage the land application of the digestate and manure to prevent discharge of pollutants to waters of the state.

SECTION 9: REPORTING REQUIREMENTS

- (A) The annual report required by this permit shall be submitted electronically using NetDMR. Monitoring results shall be reported at the monitoring frequency specified in this permit. Discharge Monitoring Reports ("DMRs"), attachments, and reports, shall continue to be submitted electronically in accordance with Section 8(E) below. However, if the DMRs, attachments, and reports are required to be submitted in hard copy form, they shall be received at this address by the last day of the month following the month in which samples are collected:

Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division (Attn: DMR Processing)
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

- (B) NetDMR Reporting Requirements: The Permittee shall continue reporting electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports through a secure internet connection. Specific requirements regarding NetDMR, submittal of reports using NetDMR, and submittal of reports in hard copy form, are described below:
- (1) Submittal of *NetDMR Subscriber Agreement*: The Permittee has submitted a signed copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the DEEP.
 - (2) Submittal of Reports Using NetDMR: The Permittee and/or the signatory authority shall continue to electronically submit DMRs and reports required under this permit to the DEEP using NetDMR in satisfaction of the DMR submission requirement of Section 8(A) of this permit.
 - i. DMRs shall be submitted electronically to the DEEP no later than January 31st of each year. All reports required under the permit shall be submitted to the DEEP as an electronic attachment to the DMR in NetDMR. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to DEEP. The Permittee shall also electronically file any written report of noncompliance described in Section 9 of this permit as an attachment in NetDMR. NetDMR is accessed from: <http://www.epa.gov/netdmr>.
 - (3) All opt-out requests and requests for the NetDMR subscriber form should be sent to the following address or by email at: deep.netdmr@ct.gov

Attn: NetDMR Coordinator
Connecticut Department of Energy and Environmental Protection
79 Elm Street

SECTION 10: RECORDING AND REPORTING OF VIOLATIONS

- (A) In addition to any other written reporting requirements, the Permittee shall report any instances of noncompliance with this permit with its DMR. Such reporting shall be due no later than the last day of the month following the reporting period in which the noncompliant event occurred. The information provided in the DMR shall include, at a minimum: the type of violation, the duration of the violation, the cause of the violation, and any corrective action(s) or preventative measure(s) taken to address the violation.
- (B) The Permittee shall notify the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, within 72 hours and in writing within thirty days of the discharge of any substance listed in the application if the concentration or quantity of that substance exceeds two times the level listed in the application.
- (C) If any sample analysis indicates that an aquatic toxicity effluent limitation in Section 5 of this permit has been exceeded, or that the test was invalid, another sample of the effluent shall be collected and tested for aquatic toxicity and associated chemical

parameters, as described above in Section 7, and the results reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing), at the address listed above, within 30 days of the exceedance or invalid test. Results of all tests, whether valid or invalid, shall be reported.

- (D) If any two consecutive test results or any three test results in a twelve-month period indicate that an aquatic toxicity limit has been exceeded, the Permittee shall immediately take all reasonable steps to eliminate toxicity wherever possible and shall also submit a report, for the review and written approval of the Commissioner, which describes in detail the steps taken or that shall be taken to eliminate the toxic impacts of the discharge on the receiving water and it shall also include a proposed schedule for implementation. Such report shall be submitted in accordance with the timeframe set forth in Section 22a-430-3(j)(10)(C) of the RCSA. The Permittee shall implement all actions in accordance with the approved report and schedule.

SECTION 11: COMPLIANCE SCHEDULE

- (A) The Permittee shall perform the approved actions in accordance with the approved schedule. Within fourteen days after completing such actions, the Permittee shall certify to the Commissioner in writing that the actions have been completed as reviewed/approved.
- (B) The Permittee shall use best efforts to submit to the Commissioner all documents required by this section of the permit in a complete and approvable form. If the Commissioner notifies the Permittee that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Permittee shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty days of the Commissioner's notice of deficiencies. In approving any document or other action under this Compliance Schedule, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this section of the permit. Nothing in this paragraph shall excuse noncompliance or delay.
- (C) Dates. The date of submission to the Commissioner of any document required by this section of the permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this section of the permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this section of the permit means calendar day. Any document or action which is required by this section only of the permit, to be submitted, or performed, by a date which falls on, Saturday, Sunday, or, a legal Connecticut or federal holiday, shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or legal Connecticut or federal holiday.
- (D) Notification of noncompliance. Except as otherwise provided in this permit, in the event that the Permittee becomes aware that it did not or may not comply, or did not or may not

comply on time, with any requirement of this section of the permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates that may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

- (E) Notice to Commissioner of changes. Within fifteen days of the date the Permittee becomes aware of a change in any information submitted to the Commissioner under this section of the permit, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Permittee shall submit the correct or omitted information to the Commissioner.
- (F) Submission of documents. Any document, other than a discharge monitoring report, required to be submitted to the Commissioner under this section of the permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

DEEP.WaterPermittingEnforcement@ct.gov with the subject line " CT0030818"

and

NPDES Compliance and Enforcement
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division
79 Elm Street
Hartford, CT 06106-5127

This permit is hereby issued on DATE.

Emma Cimino
Deputy Commissioner
Department of Energy and Environmental
Protection