

## **NPDES PERMIT AND STATE PERMIT**

### **Issued to**

Oakridge Dairy, LLC  
76 Jobs Hill Road  
Ellington, CT 06029

**Location Address:** 11 and 33 Jobs Hill Road, 115 Meadow Brook Road  
and 8 Hoffman Road, Ellington, CT

**Permit ID:** CT0030801

**Issuance Date:** **DRAFT**

**Receiving Stream:** Broad Brook

**Effective Date:** Upon issuance

**Stream Segment Number:** 4206-00-2

**Expiration Date:** 5 years from effective date

### **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) Oakridge Dairy, 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
  - (r) Secondary Treatment Requirements
  - (s) Treatment Requirements for Metals and Cyanide
  - (t) Discharges to POTWs - Prohibitions
- (C) 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.
- (D) 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.
- (E) 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.

- (F) 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.
- (G) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (H) 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.
- (I) This permit becomes effective on the date of signature.

## **SECTION 2: DEFINITIONS**

- (A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and section 22a-430-3(a) and 22a-430-6 of the RCSA
- (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, digestate, 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 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) 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.

“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.

“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.

“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.

“Department” means the department of energy and environmental protection.

“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.

“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.

“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.

“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.

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

“USDA” means United States Department of Agriculture.

### **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. 202104694 for permit, issuance, received on April 9, 2021 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 April 9, 2021, and the additional documents received September 7, 2021, which are hereby approved (collectively “CNMP”).

- (B) There shall be no discharge from the lined storage lagoon unless it is a discharge associated with a CAFO under catastrophic or chronic rainfall conditions and operated to retain all digestate, agricultural waste and agricultural wastewater.

## **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.
2. Mortalities management-  
Ensure that mortalities 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-  
Diversion of clean water 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, agricultural wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other 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. Nutrient Management -  
Establish land application procedures for manure, litter, digestate and agricultural wastewater in accordance with the Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management dated May 2013), and phased implementation of phosphorus-based nutrient management.

- (B) 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, 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 the Permittee shall minimize nitrogen and phosphorus transport from the field to surface and groundwaters in accordance with Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management dated May 2013).
3. Digestate, manure, and soil sampling-  
Composite samples of digestate and manure shall be collected according to the CNMP specifications for sampling of liquid manure during spring and fall land application and analyzed for the following parameters: total nitrogen, organic nitrogen, ammonia nitrogen, total phosphorus or P205, and pH. Soil shall be analyzed a minimum of once every 3 years for phosphorus.
4. Inspect land application equipment for leaks-  
The Permittee shall inspect all equipment used to land apply digestate, manure, and agricultural wastewaters quarterly.
5. Setback requirements-  
The Permittee shall implement setbacks as delineated in the CNMP when land applying digestate, manure, and agricultural wastewaters.

(C) The Permittee shall implement the following best management practices for the production area:

1. Visual inspections  
Perform 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 structures;
  - (ii) Daily inspection of water lines, including drinking water or cooling water lines;
  - (iii) Daily inspections of low flow silage leachate and stormwater collection inlets during the ensiling of grass or corn and continuing for four (4) weeks after filling is done;
  - (iv) Weekly inspections of the manure, and agricultural wastewater impoundments; the inspection will note the level in liquid impoundments as indicated by the depth marker.
2. Corrective actions  
Any deficiencies found as a result of these inspections must be corrected as soon as possible.
3. The silage leachate low flow storage/containment shall be emptied when full or at a minimum after each storm event until such time that the upgraded silage leachate collection system has been installed in accordance with Subsections 9(A) and 9(B) of this permit.
4. The heavily bedded calf manure from the Calf Division, separated manure solids in excess of bedding needs for the milking herd from the Main Facility, cow pack manure from the Main Facility, and second stage mortality compost, shall be windrow composted in the designated

composting area until such time that the long-term solid manure management practice has been installed in accordance with Subsection 9(C) of this permit.

(D) The Permittee shall maintain records for the production area.

The permittee must maintain on-site, for a period of five years from the date they are created, a complete copy of the application, the specific records identified in the CNMP to be maintained to document implementation and management, and the records specified in paragraphs (D)(1) through (D)(6) below. The Permittee must make the following records available to the commissioner, or his or her designee, for review upon request:

1. Records documenting the visual inspections;
2. Weekly records of the depth of the manure and agricultural wastewater in the liquid impoundment as indicated by the depth marker;
3. 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;
4. Records of mortalities management and practices used by the Permittee.
5. 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; and
6. Records of the date, time and estimated volume of any overflow.

(E) The Permittee shall maintain records of land application areas.

The Permittee must maintain on-site a copy of its site-specific Nutrient Management Plan. The Permittee 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 Permittee 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, handling, and land application. In addition, records specified in paragraphs (E)(1) through (E)(10) of this section must be maintained. The Permittee must make the following records available to the commissioner, or his or her designee, for review upon request:

1. Expected crop yields;
2. The date(s) manure, litter, digestate or agricultural wastewater is applied to each field;
3. Weather conditions at time of application and for 24 hours prior to and following application;
4. Test methods used to sample and analyze manure, litter, digestate, agricultural wastewater, and soil;
5. Results from manure, litter, digestate, agricultural wastewater, and soil sampling;



6. A statement that the basis for determining manure application rates is in accordance with the Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management dated May 2013);
  7. Data tables showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, digestate or agricultural wastewater;
  8. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
  9. The method used to apply the manure, litter, digestate or agricultural wastewater;
  10. Date(s) of manure application equipment inspection.
- (F) The Permittee shall monitor and inspect each structural management practice in accordance with the operation and maintenance plan in the CNMP.

## **SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES**

### **(A) Digestate, Manure, and Soil, Analysis-**

1. Consistent with Connecticut NRCS Conservation Practice Standards 590 samples of digestate and manure shall be collected, prepared, stored, and shipped, following land-grant university guidance. Samples are to be analyzed at laboratories and using testing requirements recognized by the University of Connecticut Soil Nutrient Analysis Laboratory.
2. 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: REPORTING AND RECORD KEEPING REQUIREMENTS**

- (A) The Permittee shall report to the Bureau of Materials Management and Compliance Assurance (Attn: CAFO Coordinator) on an annual basis on or before JANUARY 31st, an annual report 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 Comprehensive Nutrient Management Plan was developed or approved by a certified nutrient management planner; and
8. The actual crop(s) planted and actual yield(s) for each field, 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; 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 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; and
9. The submission of the report shall be in writing to the following address and electronically to NetDMR in accordance with Paragraph (E) below:

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.
- (E) NetDMR Reporting Requirements

1. Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit discharge monitoring reports (DMRs) and other required reports through a secure internet connection. Unless otherwise approved in writing by the Commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- (a) Submittal of *NetDMR Subscriber Agreement*

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee's discharge monitoring reports ("Signatory Authority") as described in RCSA Section 22a-430-3(b)(2) shall contact the Department at [deep.netdmr@ct.gov](mailto:deep.netdmr@ct.gov) and initiate the NetDMR subscription process for electronic submission of Discharge Monitoring Report (DMR) information. Information on NetDMR is available on the Department's website at [www.ct.gov/deep/netdmr](http://www.ct.gov/deep/netdmr). On or before ninety (90) days after issuance of this permit the Permittee shall submit a signed copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the Department.

- (b) Submittal of Reports Using NetDMR

Unless otherwise approved by the Commissioner, on or before one-hundred and eighty (180) days after issuance of this permit, the Permittee and/or the Signatory Authority shall electronically submit DMRs and reports required under this permit to the Department using NetDMR in satisfaction of the DMR submission requirement in paragraph (A) of this Section of this permit.

DMRs shall be submitted electronically to the Department no later than the 30th day of the month following the completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department 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 the Department. Permittee shall also electronically file any written report of non-compliance described in paragraph (A) of this Section and in the following Section of this Permit as an attachment in NetDMR. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

- (c) Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting DMRs and reports, the Commissioner may approve the submission of DMRs and other required reports in hard copy form ("opt-out request"). Opt-out requests must be submitted in writing to the Department for written approval on or before fifteen (15) days prior to the date a Permittee would be required under this permit to begin filing DMRs and other reports using NetDMR. This demonstration

shall be valid for twelve (12) months from the date of the Department's approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department using NetDMR unless the Permittee submits a renewed opt-out request and such request is approved by the Department.

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](mailto:deep.netdmr@ct.gov):

Attn: NetDMR Coordinator  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

#### **SECTION 8: RECORDING AND REPORTING OF VIOLATIONS,**

- (A) The Permittee shall, within two (2) hours of becoming aware of the circumstances, and 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 permit 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.
- (B) In the event that the Permittee becomes aware that it did not or may not comply, with any requirement of the CNMP, the Permittee shall notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, 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 which 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 stated by the Commissioner in writing.

#### **SECTION 9: COMPLIANCE SCHEDULE**

- (A) On or before September 1, 2022, the Permittee shall submit for the Commissioner's review and written approval, plans and specifications for an upgrade of the bunk silage leachate and stormwater control system for the feed storage area at the Main Facility. The leachate and stormwater collection system must provide gross particle screening, low flow collection of silage leachate, and collection with retention of all stormwater exceeding the low flow condition up to and including the 25-year, 24-hour storm event.
- (B) On or before one (1) year after the Commissioner's written approval issued under paragraph (A) above, the Permittee shall submit a written report demonstrating that it has performed all actions, in accordance with such approval, for the upgrade of the bunk silage leachate and stormwater control

system for the feed storage area at the Main Facility.

- (C) On or before one (1) year after the proposed onsite anaerobic digester becomes operational, the Permittee shall submit for the Commissioner's review and written approval, a comprehensive report documenting the quantity of: 1) separated manure solids produced after anaerobic digestion in excess of bedding needs for the facility; 2) heavily bedded calf manure from the Calf Division; 3) cow pack manure from the Main Facility; and 4) mortality compost. The report shall identify a preferred long-term solid manure management practice and include a schedule to implement the preferred best management practice. The preferred best management practice shall be implemented on or before December 31, 2026.

This permit is hereby issued on

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Betsey Wingfield  
Deputy Commissioner  
Department of Energy and Environmental Protection

BW/JW