MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration
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GENERAL DISCHARGE PERMIT FOR ANIMAL FEEDING OPERATIONS

Maryland Permit No. 09AF ***NPDES Permit No. MDG01***

Effective Date: December 1, 2009 ***Expiration Date: November 30, 2014***

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, 125, and 412 the Department of the Environment, hereinafter referred to as the "Department," hereby authorizes Animal Feeding Operations registered under this General Permit to discharge animal waste, including manure, poultry litter, and process wastewater, to waters of the State in accordance with the following conditions.

Part I. Applicability and Authorized Discharges

A. Permit Required

1. Every **concentrated animal feeding operation (CAFO)** in Maryland shall have a discharge permit issued by the Department under both State and federal permitting authority. Medium and large **Animal feeding Operations (AFOs)** in the AFO Table in Part I.A.6. of this permit are CAFOs if they discharge or propose to discharge pollutants including but not limited to manure, poultry litter, or process wastewater to surface waters of the State (as defined in paragraph (1) of Part II.JJ of this General Permit). Medium or Large AFOs where contact of confined animals with surface waters occurs are included in the definition of CAFOs and require a discharge permit. Any large AFO that land applies animal waste in a manner not in accordance with a NMP is a CAFO that is discharging or proposing to discharge pollutants to surface waters of the State.

2. A small AFO may be designated a CAFO by the Department after a site inspection if animals or animal waste come into contact with surface water. A small AFO using best management practices designed and approved by the local Soil Conservation District (SCD) to limit animal access to surface water will not be designated a CAFO unless animal waste comes into contact with surface water.

3. Pursuant to federal law, the Regional Administrator from Region III of the Environmental Protection Agency ("RA") may designate an animal feeding operation (AFO) as a CAFO if the RA has determined that one or more pollutants in the AFO's discharge contributes to an impairment in a downstream or adjacent State water that is impaired for that pollutant. If the Environmental Protection Agency (RA) designates an AFO a CAFO, the Department shall also designate the AFO a CAFO.

4. An animal feeding operation that does not meet the criteria of Parts I.A.1 through I.A.3 above but meets the "Large" size category threshold in the **AFO** Table in Part I.A.6 based on either the number of animals or house capacity (ft^2) is a **Maryland animal feeding operation** (MAFO). Every MAFO in Maryland is required to obtain a State discharge permit issued by the Department under state permitting authority.

5. Any medium size AFO may also be designated as a MAFO if the Department determines that the type or location of animal waste storage or animal access to surface water is likely to cause a discharge of pollutants to ground or surface waters of the State.

a. Any AFO consisting of the animal type "chickens (other than laying hens) with dry manure handling" and a house capacity greater than 75,000 ft.^{2}, that is not otherwise categorized as a CAFO or MAFO, is required to submit to the Department a Certification of Conformance as defined under Part II.D of this permit. Existing AFOs meeting this description shall submit the certification within three years of the effective date of this permit. New AFOs meeting this description shall submit the certification prior to beginning operation. The Department shall retain its authority to designate any such facility a MAFO or a CAFO prior to or after the submittal of a Certification of Conformance. Failure to submit the required certification will result in the automatic designation of the facility as a MAFO, and the facility will be subject to enforcement and penalty for operating without a State discharge permit.

b. Any MAFO automatically becomes a CAFO upon the occurrence of a discharge of pollutants to surface waters of the State or when the MAFO proposes to discharge, at which time the former MAFO must begin to comply with all CAFO permit requirements contained herein, including submission to the Department of an updated Notice of Intent (NOI), a current Comprehensive Nutrient Management Plan, and the required NOI fee within 90 days, as detailed in Part III of this General Permit.

6. *AFO Table of Small, Medium, and Large Size Categories*

Animal Type	Size Category - Number of Animals or **House Capacity (ft^2)**		
	Large	Medium	Small
Cattle (**includes** heifers)	≥ 1000 animals	300—999	< 300
Dairy cattle	≥ 700 animals	200—699	< 200
Horses	≥ 500 animals	150—499	< 150
Veal	≥ 1000 animals	300—999	< 300
Swine ≥ 55 pounds	≥ 2500 animals	750—2499	< 750
Swine < 55 pounds	≥ 10,000 animals	3,000—9,999	< 3,000
Sheep and lambs	≥ 10,000 animals	3,000—9,999	< 3,000
Ducks with liquid manure handling*	≥ 5,000 animals	1,500—4,999	< 1,500
Chickens with liquid manure handling	≥ 30,000 animals	9,000—29,999	< 9,000
Ducks with dry manure handling	≥ 30,000 animals	10,000—29,999	< 10,000
Laying hens with dry manure handling	≥ 82,000 animals	25,000—81,999	< 25,000
Chickens (other than laying hens) with dry manure handling	≥125,000 animals or ≥ 100,000 **ft^2**	37,500—124,999 animals and < 100,000 **ft^2**	< 37,500 animals
Turkeys	≥ 55,000 animals	16,500—54,999 animals	< 16,500 animals

* A separate discharge permit is required for large category duck CAFOs.

7. A CAFO or AFO located outside of the State of Maryland may be designated a CAFO and required to obtain a Maryland discharge permit if animal waste storage or any other part of its production or land application area is located in Maryland.

8. An AFO of any size that utilizes a spray irrigation system for wastewater application is required in COMAR 26.08.04 to obtain permit coverage under an individual or general permit and may apply for coverage under this permit.

B. Authorized Discharges

1. Discharges to waters of the State via application of animal waste to the soil are authorized under this General Permit provided such application is performed in accordance with an approved Nutrient Management Plan and Conservation Plan as required herein. For MAFO facilities in existence prior to issuance of this permit, such discharges are allowed provided the facility is operating under a nutrient management plan previously developed and implemented in accordance with COMAR 15.20.06 through 15.20.08 while a Conservation Plan is being developed and submitted for approval by the Department (together with any update to the NMP to meet the permit requirements, including consistency with the Conservation Plan.)

2. No discharge of pollutants to surface waters of the State from CAFO production areas shall be permitted unless it results from a storm event greater than the 25-year, 24-hour storm, as specified in Part IV.B.1. of this Permit, and the production area is constructed, designed, operated and maintained in accordance with the applicable measures in Part IV.A. and IV.B. of this General Permit.

3. No discharge of pollutants to surface waters of the State from MAFO production areas is authorized under this permit, and no discharge of pollutants to ground water shall be permitted unless it results from operations in accordance with the requirements in Part IV.A and IV.B of this permit.

4. This permit does not authorize discharges of pollutants to surface waters during dry weather conditions from land application areas or production areas.

5. The NMP and Conservation Plan are essential parts of this permit, and failure to implement those plans in accordance with the approved specifications and schedules in those plans is a violation of this permit.

6. The permit authorization for a CAFO constitutes NPDES discharge permit authorization under the federal act. The permit authorization for a MAFO does not require and does not constitute NPDES discharge permit authorization under the federal act.

Part II. Definitions.

A. "Animal feeding operation" or "AFO" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: (1) 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 (2) crops, forage, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of

determining the number of animals or house capacity at an operation, if they adjoin each other or if they use a common area or system for the disposal of waste.

B. "Animal Waste" means liquid and/or solid waste from animal feeding, milking, holding, or other animal operations. Animal waste includes all manure, **poultry litter**, offal, and **process wastewater**.

C. "Approved Alternative" means a 35' **vegetated filter strip**, according to the Natural Resource Conservation Service (NRCS) standard 393, or other best management practices or systems as jointly approved by the Maryland Department of Agriculture, the Department, the NRCS, and the University of Maryland Cooperative Extension Service.

D. "Certification of conformance" means the certification provided for in COMAR 26.08.03.09F, and made by a qualifying AFO consisting of the animal type "chickens (other than laying hens) with dry manure handling," that: (1) the AFO has, and is implementing, a current nutrient management plan and a current soil conservation and water quality plan (conservation plan); (2) The AFO's **NMP and Conservation Plan** are consistent with the requirements for MAFOs in Part I.B and Part IV of this permit and incorporate all buffers, setbacks, and storage requirements otherwise applicable to MAFOs as required in this general permit at the time of the certification; (3) The AFO agrees to allow the Department the access necessary to confirm such conformance; and (4) The AFO agrees to provide researchers authorized by the Maryland Department of Agriculture (MDA) and the Department access to study the effectiveness of best management practices for manure management. Such certification shall include the statement and signatories required under Part III.E of this permit.

E. "Concentrated Animal Feeding Operation" or "CAFO" means an **AFO** that is designated as a CAFO in accordance with Part I.A., sections 1 through 3, I.A.6 and I.A.7 of this **General Permit**. A CAFO is required to obtain authorization to discharge pollutants to waters of the State under this General Permit or an individual permit. CAFOs are authorized to discharge under State General Discharge Permit No. 09AF and federal NPDES General Permit No. MDG01, the requirements for both of which are included herein as a single document (referred to as the General Permit).

F. "COMAR" means Code of Maryland Regulations.

G. "Comprehensive Nutrient Management Plan" or "CNMP" describes and documents a conservation system that is unique to an **animal feeding operation**. The CNMP addresses all aspects of the Animal feeding Operation including **animal waste** handling, nutrient management, and conservation practices as described in the Natural Resources Conservation Service National Planning Procedures Handbook, Part 600.5, Amendment 4, March 2003, which is consistent with all requirements of **COMAR** 15.20.07 and 15.20.08 and federal effluent guidelines at 40 CFR 412.31.

H. (reserved - no defined term)

I. "Critical Areas" means all lands and waters defined in Natural Resources Article, §8-1807, Annotated Code of Maryland.

J. "Department" means the Maryland Department of the Environment (MDE).

K. "Field ditch" means a perennial, intermittent, or ephemeral man-made drainage ditch that was never a natural stream. For purposes of this regulation, a field ditch will be distinguished

from a natural stream by its landscape position and associated soil mapping unit(s), as found in the USDA soil survey for the county. A field ditch is:

1. *not within a floodplain soil-mapping unit;*

2. *not within a hydric soil that is mapped as a narrow, elongated feature in a fluvial or floodplain position; and*

3. *not within a soil-mapping unit that has a "B" slope class or steeper.*

L. "Fecal coliform" means a group of bacteria found in the intestinal tract of warm-blooded animals and used as an indicator of pathogens, as measure by the analytical method described in Title 40 CFR § 141.74(a), by the procedure defined in Title 40 CFR § 141.21(f).

M. "Frozen ground" for the application of wastewater means that 1 ½" or more of the top 6" of soil is frozen, or the ground is frozen ½" deep and the air temperature is below 32 degrees F.

N. "General Permit" means a discharge permit issued to a category of dischargers within a geographical area. This General Permit, as a single document, includes requirements for AFOs in Maryland, including **CAFO**s and **MAFO**s.

O. "Ground water" means underground water in a zone of saturation.

P. "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

Q. "Maryland Animal Feeding Operation" ("MAFO") means an **AFO** requiring a State discharge permit as designated under Parts I.A.4 through I.A.6 of this permit.

R. "Nutrient Management Plan (NMP)" means a plan written by a nutrient management planner certified by the Maryland Department of Agriculture (MDA) that meets all requirements of **COMAR** 15.20.07 and 15.20.08.

S. "Nutrient Management Plan (NMP) and Conservation Plan" means the nutrient management and conservation elements (manure and wastewater handling, and storage and land treatment practices) in a CNMP, or, applicable to MAFOs only, a **NMP** and a **Soil Conservation and Water Quality Plan (Conservation Plan).** The NMP and Conservation Plan must together meet all applicable plan requirements specified by the Department under the terms of this permit.

T. "New Source Performance Standards" means additional **CAFO** discharge standards in Part IV.E.2 of this **General Permit** applicable to "new sources" as defined in COMAR 26.08.01.

***U. "Notice Of Intent"* or NOI** means an application notifying the **Department** of a facility's intention to comply with the terms of this **General Permit**.

V. "NRCS Practice Standard" means the latest edition of the Natural Resources Conservation Service (NRCS), Conservation Practice Standard for the practice specified. The conservation practice standard contains information on why and where the practice is applied, and sets forth the minimum quality criteria that must be met during the application of that practice in order for it to achieve its intended purpose(s). Maryland Conservation practice standards are available

through the eFOTG (Electronic Field Office Technical Guide). If no state conservation practice standard is available in the eFOTG, the NRCS National Standard applies.
W. "Permittee" means the person holding a permit issued by the **Department**.

X. "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this State, any county, Municipal Corporation or other political subdivision of this State or any of their units.

Y. "Poultry Litter Manure" *or "litter"* means the fecal and urinary excretion of poultry, including poultry litter and materials used as bedding.

Z. "Process wastewater" means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

AA. "Production area" means that part of an **AFO** that includes the animal confinement area, the manure storage area, the raw materials storage area, the waste containment areas, any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal or mortalities. The animal confinement area includes open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes 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 settling basins, and areas within berms and diversions, which separate uncontaminated storm water.

BB. "Setback" means an area where no **animal waste** is applied between the fertilized field and waters of the State as defined in paragraph (1) of Part II.JJ of this **General Permit**.

CC. "Sinkhole" means a subsidence or collapse of the land surface in an area where the bedrock is comprised of carbonate rock.

DD. "Soil Conservation and Water Quality Plan" or "Conservation Plan" means a plan developed by a Soil Conservation District, MDA, a Natural Resources Conservation Service (NRCS) planner, or a technical service provider certified by the NRCS that is coordinated with the Nutrient Management Plan for the facility, and addresses the Conservation Plan elements detailed in Part IV.A.1 of this permit.

EE. "Spray irrigation," means the distribution of wastewater by a pressurized sprinkler system, piped irrigation or other systems of wastewater application that are designed to function for periods of time without requiring the presence of an operator. Irrigation via a truck or tanker is not spray irrigation under the terms and requirements of this permit.

FF. "State discharge permit" means a discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.
GG. "Surface waters," means all **waters of the State** that are not ground waters.

HH. "Upset," means an exceptional incident in which there is unintentional and temporary noncompliance with the permit limit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

II. "Vegetated Filter Strip "or "Vegetated Buffer" means a setback consisting of a permanent strip of herbaceous vegetation where no **animal waste** is applied as described in **NRCS Practice Standard 393** (Filter Strip), to reduce sediment, particulate organics, sediment adsorbed contaminants, and dissolved contaminants in runoff. The area may be maintained as an alternative to the 100-foot **setback** from **waters of the State**.

JJ. "Waters of the State" includes:

1. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

2. The flood plain of free-flowing waters determined by the Department on the basis of the 100-year flood frequency.

Part III. Application Requirements.

A. Notice of Intent Deadlines

1. MAFO and CAFO owners or operators shall obtain the NOI form described in III.D below and shall provide the information included on the form for all animals in confinement at the operation.

a. Those CAFOs currently registered under the Department's previous general permit 96-AF must submit an NOI, including the comprehensive nutrient management plan (CNMP) required for CAFO permit coverage under this General Permit, within 60 days after the effective date of this General Permit. Compliance with the terms of permit 96-AF must continue until registration under this General Permit is approved or denied, at which time coverage under the previous general permit 96-AF shall be terminated.

b. An existing AFO newly defined as a CAFO under the terms of this General Permit, including poultry CAFOs with dry manure handling, must submit an NOI, including the required comprehensive nutrient management plan (CNMP), no later than February 27, 2009. An existing AFO that is defined as a MAFO under the terms of this General Permit must submit an NOI no later than 90 days after issuance of this General Permit. Thereafter, an AFO newly designated as either a MAFO or CAFO by the Department shall submit an NOI no later than 90 days after receiving written notice of the designation.

c. An existing AFO at the effective date of this permit that later expands to become a MAFO or requires permit coverage as a CAFO shall submit an NOI, including, for a CAFO, the required CNMP, no later than 90 days after becoming a MAFO or CAFO according to the terms

of this permit.

d. A new CAFO or MAFO shall not begin operation prior to receiving written notification from the Department that the AFO is registered under this General Permit. A new AFO meeting the criteria of a CAFO shall apply for a General Permit at least 180 days before beginning operation, and a new MAFO shall apply at least 90 days before beginning operation. New sources shall comply with the permit requirements for an approved NMP and Conservation Plan as of the date of permit coverage.

2. AFOs in existence on the effective date of this permit shall include with any MAFO NOI submittal a copy of their previously required MDA nutrient management plan.

B. CNMPs, NMPs, and Conservation Plans

1. CAFOs and MAFOs are required to develop and implement a NMP and Conservation Plan. CAFOs shall meet these requirements through a Comprehensive Nutrient Management Plan (CNMP) developed and implemented according to the terms of this permit. A CNMP may also be used to satisfy MAFO permit requirements for a NMP and Conservation Plan.

2. A current NMP and Conservation Plan for implementation by the permittee must be submitted to the Department for approval: i) for MAFOs in existence on the effective date of this permit, no later than two years after the effective date of this permit; ii) for new MAFOs, at the time of the required NOI submittal; and iii) for CAFOs, at the time of the required NOI submittal.

3. The current NMP and Conservation Plan must also be made available by the permittee at the facility during routine business hours for inspection by the Department after the required submittal date, and updated as required to reflect changes in operation at the facility.

4. After review of the NMP and Conservation Plan, the Department may notify the permittee, at any time, that the plan does not meet one or more of the minimum requirements of this Permit, or that its implementation schedule is not satisfactory. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification that the required changes have been made. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.

C. Application Approval Process

1. After receipt and/or review of the submitted NOI, the Department may request additional information to determine whether or not the farm or proposed farm is in compliance with applicable regulations.

2. The applicant shall be notified by the Department of the effective date of registration (permit coverage) after acceptance and approval of the required information as follows:

a. A MAFO shall be registered for coverage under this General Permit upon Department acceptance and approval of the NOI.

b. A CAFO may be registered for coverage under this General Permit only upon Department acceptance of the NOI, approval of the required CNMP, and receipt of payment of the NOI fee.

1) If the fee is paid by check that is mailed to the Department, the fee is considered paid on the date of mailing. If the fee is paid to the Department in any other manner than by mailing a check, the effective date of payment is the date the Department receives the payment.

2) If a check does not clear for any reason, the person will be given 30 days to make proper payment including any interest and other charges that are due. If payment is not made within this time, the permit shall be considered void from the outset.

3) In order to establish the effective date of a permit, the permittee should save the canceled check, a copy of the completed NOI, and the letter of registration from the Department, and related documents. These documents shall be kept for five years, and provided to the Department on request.

3. Prior to Department approval of the required plan(s), each NOI, CNMP, NMP and Conservation Plan submitted to the Department will include opportunity for public comment consistent with applicable public participation requirements in COMAR 26.08.04.09N(3), including public access to all submitted plans, opportunity to comment on all plans and NOIs, opportunity to request a public hearing for CAFOs, and opportunity to request a contested case hearing on the content of the approved plans for both CAFOs and MAFOs. CAFOs will not be issued permit coverage prior to completion of the public participation process.

4. Any AFO who fails to submit the required information by the specified due dates will be in violation of federal and/or State regulations for discharging to waters of the State without a permit.

D. Contents of Notice of Intent. The Department's **AFO NOI** form specifies the following submittal requirements: the name of the owner or operator; the facility location and mailing addresses; latitude and longitude of the **production area** (entrance to the production area); a topographic map of the geographic areas in which the AFO is located showing the specific location of the production area; specific information about the number and type of animals whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other); the type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, under floor pits, above ground storage tanks, below ground storage ponds, concrete pad, impervious soil pad, other) and total capacity for **animal waste** storage (tons/gallons); the total number of acres under control of the applicant available for land application of animal waste; estimated amounts of animal waste generated per year (tons/gallons); estimated amounts of animal waste transferred to other persons per year (tons/gallons).

E. Required Signatures.

1. Certification. *Any person signing an NOI or a Certification of Conformance shall make the following certification as part of the NOI or Certification of Conformance:*

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. ***Signatories***. *All permit applications shall be signed as follows:*

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

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

c. For a municipal, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency; or

(ii) A senior executive office having responsibility for the overall operations of a principal geographic unit of the agency.

F. Where to Submit. CAFOs shall submit a signed copy of the NOI, the **CNMP** and the required fee to the following address:

The Maryland Department of the Environment
P.O. Box 1417
Baltimore, MD. 21203-1417

All other required submittal information (excluding any fee payments) shall be submitted to the following address:

The Maryland Department of the Environment
Land Management Administration
Suite 605
Baltimore, MD. 21230-1719

(Do NOT submit any fees to this address.)

G. CAFO Annual Permit Fee.

1. CAFOs shall pay an annual fee, the first of which shall be submitted to the Department with the NOI form. The annual permit fee for a CAFO is based upon the AFO size category during the previous year as defined in Part I.A.6 of this permit and the Fee Table below. There is no fee for a MAFO, or for a Certificate of Conformance.

Fee Table - CAFOs

CAFO Size Category	Annual Permit Fee
Small	$ 120
Medium	$ 600
Large	$1200

2. After the first year, the Department shall verify the annual permit fee as per G.1 above and will invoice the permittee. The fee shall be paid by the anniversary date of the permit each year after the first. The annual permit fee for those permittees having coverage under this General Permit for less than the full fiscal year shall be prorated for the number of months of the fiscal year during which coverage was in effect, or the number of months in which the AFO was in operation, whichever is longer.

Part IV. Special Conditions

A. Operation of Animal Waste Storage and Distribution Systems.

1. All **animal waste** storage and distribution systems, including land application, shall be operated and maintained as in accordance with a **Comprehensive Nutrient Management Plan** (CNMP) or, for MAFOs, in accordance with either a CNMP or 1) a **Nutrient Management Plan (NMP)** and 2) a **Soil Conservation and Water Quality Plan (Conservation Plan)** developed for the production area in accordance with the **NRCS** National Planning Procedures Handbook. A CNMP is required for CAFOs that addresses all production and land application areas.

a. For MAFOs, the **NMP and Conservation Plan** shall together take into account all animal manure or waste nutrients associated with animal production. The plans shall ensure that appropriate manure management measures are used to store, stockpile, and handle animal manure and waste nutrients associated with animal production to minimize the potential for nutrient loss or runoff. The manure management requirements shall encompass all land where animals are kept and all land used for manure storage, treatment, or utilization that is under the control of the permittee.

1) Piles of litter shall be formed in conformance with NRCS standard practice 633;

2) Other NRCS Practice Standards for stockpiling may also be used as guidance in developing the required plans until such time that Maryland completes an interim or national practice standard for stockpiling.

3) The plans shall also address guidelines for manure management, including but not limited to requirements for temporary field storage, described in the "Maryland Nutrient Management Manual" (Sections I-D and III-C or their successor).

b. The Conservation Plan must be based upon an assessment of possible resource concerns (such as those described in the Maryland Environmental Evaluation Checklist MD-CPA-052), and include scheduled practices that shall be implemented based on applicable NRCS conservation standards in effect upon the date of issuance of this General Permit, and any additional applicable Maryland interim or national NRCS conservation standards at the time of permit registration (if such standards have also been approved by the Department for use in addressing the requirements of this permit). Resource concerns identified in the assessment that must be addressed, include, but are not limited to, the following:

1) storage for animal manure and litter, including the need for any additional storage and/or manure transfer, in accordance with NRCS practice standards 313 and 634;

2) heavy use areas, including any recommendations to provide a stabilized surface in accordance with NRCS practice standard 561;

3) diversion of storm water in accordance with NRCS practice standard 362;

4) vegetation within 35' of the production area in accordance with NRCS practice standard 342;

5) mortality management in accordance with NRCS practice standard 316; and

6) if an existing production area is fewer than 35' from surface water, the use of a filter strip or water control structure, in accordance with NRCS practice standards 393 or 587.

c. In addition to the above requirements, the CNMP for CAFOs must meet the requirements of the NRCS National Planning Procedures Handbook, Part 600.5 - Comprehensive Nutrient Management Planning Technical Guidance, Subpart E Amendment 4, March 2003.

d. The **NMP and Conservation Plan** must also implement the minimum standards specified under Part IV.B of this permit.

e. For facilities that include land application of animal waste, the applicable NMP or CNMP shall be in accordance with a **Nutrient Management Plan** as required in **COMAR** 15.20.07 and 15.20.08. The NMP or CNMP shall also note each field that contains one or more **sinkholes**.

f. The permittee shall implement the applicable CNMP or NMP in accordance with soil, manure, and wastewater testing requirements in the Maryland Department of Agriculture's Nutrient Management Regulations (**COMAR** 15.20.07 and 15.20.08).

g. The approved **NMP and Conservation Plan** shall include a schedule of implementation for all required best management practices and shall be implemented according to the approved schedule.

2. Any impoundment storing animal waste shall be equipped with a depth measuring device visible from the outside or bank of the storage area which indicates the maximum depth at which the 25 year, 24-hour storm can be contained. The level of animal waste in the storage area shall be at least 12" lower than the maximum depth. In addition, the outer embankment and top of the berm for any earthen embankment structure shall be kept free of shrubs, trees, and animal activity. In the case of new sources (for swine, poultry, and veal calves), all open surface manure storage structures associated with such sources must include a depth marker which indicates the maximum depth necessary to contain the maximum runoff and direct precipitation associated with the design storm used in sizing the impoundment for no discharge.

3. **Animal waste** impoundments, excluding dry poultry manure facilities, shall be inspected on a weekly basis to record the depth of the manure and process wastewater as indicated by the depth marker. All earthen embankment structures shall also be inspected for structural stability. Records of inspections and maintenance shall be kept at the **AFO** for inspection by **Department** personnel. Documentation shall include the correction of any deficiencies found as a result of the inspections, and for any deficiencies not corrected within 30 days, an explanation of factors preventing immediate correction.

4. Field application of animal waste shall not take place on frozen ground or snow covered ground without written permission from the Department , which may be granted if an imminent storage failure or other dire emergency exists.

5. Animal waste shall not be applied within 100' of a sinkhole, or directly onto an outcropping.

6. Data describing all land application of animal waste shall be kept in a logbook by the permittee and shall be maintained on-site for five years. The log shall be available for inspection by Department personnel upon request.

a. The logbook shall include a notation of periods when the facility is not in operation, and shall describe the following information for all periods when the **AFO** is operating, with records of land application data for each day that land application occurs:

1) Fields where **animal waste** is distributed;

2) Application method, rate, time, and date;

3) Soil conditions, including instances of ponding or runoff, saturated soil, and frozen ground or snow covered ground;

4) Weather conditions, including precipitation and temperature at the time of application and precipitation 24 hours prior to and following application;

and

5) A record of mortality disposal including number of animals and method of disposal.

b. For all AFOs with liquid manure and all CAFOs, the logbook shall also include:

1) A weekly record of the liquid level in all impoundments;

2) A record of weekly inspections of all wastewater facilities, including pumps; and

3) A record of daily inspections for all outdoor water lines, and those located inside buildings with grated floors.

c. For **CAFO**s the following additional records shall also be maintained:

1) Test methods used to sample and analyze manure, litter, process wastewater, and soil;

2) Results from manure, litter, process wastewater, and soil sampling;

3) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied; and

4) Date(s) of manure application equipment inspection.

5) Documentation for all manure, litter, and wastewater storage structures including the following information:

i) volume for solids accumulation;

ii) Design treatment volume;

iii) total design storage volume;

iv) days of storage capacity.

d. Documentation to comply with the requirements specified above shall include any deficiencies noted in the manure handling system, including application equipment, and actions taken to correct such deficiencies. For any deficiencies not corrected within 30 days, an explanation of factors preventing immediate correction shall be included.

7. The permittee shall record the name and address of any recipient of transferred animal waste, including the date and the quantity of animal waste transferred. The permittee shall supply the recipient of the animal waste with the most recent annual nutrient analysis of the animal waste.

B. Nine Minimum Standards to Protect Water Quality. The permittee's **NMP and Conservation Plan** shall meet the following standards:

1. Ensure adequate storage capacity. Design, construct, operate, and maintain the production area and all animal waste storage structures to contain all animal waste, including any runoff or direct precipitation from a 25-year, 24-hour storm. Store dry manure in a way that prevents polluted runoff. Properly operate and maintain all storage facilities.

2. Ensure proper management of mortalities to prevent the discharge of pollutants into waters of the State. Do not dispose of mortalities in an animal waste or other storage or treatment system that is not specifically designed to treat animal mortalities without written permission from the Department, which may be granted if the Department determines catastrophic circumstances.

3. Divert clean water, as appropriate, from the production area to keep it separate from process wastewater. For CAFOs, conduct daily inspections of all outdoor water lines, and those located inside buildings with grated floors, on all days the CAFO is in operation. Correct any deficiencies found as a result of the inspections as soon as possible, and maintain a log of deficiencies found and corrected. The log must contain records of any deficiencies not corrected within 30 days and an explanation of the factors preventing immediate correction.

4. 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, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants. No pesticides, cleaning agents, or fuels shall be stored in any animal operations area, unless directly necessary for animal care and public health. These products shall not be allowed to enter waters of the State. The permittee shall notify the Department of any spills or other discharges as detailed under Part V.F. "Noncompliance Notification."

6. Conservation practices to control nutrient loss, including site-specific conservation practices.

a. An **AFO** shall maintain a setback of 100' or a 35' **vegetated filter strip** between stored **poultry litter** and **manure** and **waters of the State**, including field ditches. For existing permanent storage structures, an alternative to this requirement is provided in paragraph IV.A.1.b.6 of this permit.

b. For a CAFO, permit condition IV.B.1. applies to the storage of poultry litter manure. In addition, poultry manure stored for more than 14 days in the field, where manure may be

applied as nutrients for crop growth under a nutrient management plan, shall be separated from ground water and storm water to prevent leaching or runoff of pollutants through the use of both a plastic liner and cover, at least 6 millimeters thick, or an equivalent method approved by the NRCS (if a standard is adopted by NRCS that meets federal requirements for CAFOs and is approved by the Department).

c. For a MAFO, MDA and NRCS requirements apply to the field storage of poultry litter manure. The following additional requirements for poultry litter manure field storage areas do not include authorization to discharge pollutants to surface waters of the State:

i) Beginning no later than six months after the issuance of this permit, MAFO **poultry litter manure** stored for more than 90 days in the field shall be separated from ground water and storm water to prevent leaching or runoff of pollutants through the use of both a plastic liner and cover, at least 6 millimeter thick, or an equivalent method approved by the NRCS.

ii) Beginning no later than three years after the permit effective date, **MAFO** poultry litter manure stored for more than 30 days in the field shall be separated from ground water and storm water to prevent leaching or runoff of pollutants through the use of both a plastic liner and cover, at least 6 millimeter thick, or an equivalent method approved by the NRCS.

iii) If reputable research is performed, based on a plan approved by the Department and MDA, resulting in data that indicates that 30 days is more restrictive than necessary to protect water quality, and/or other more effective approaches to controlling discharges from poultry manure stockpiles are recommended and available as a result of the study, the 30 day requirement shall be automatically stayed and the permit reopened to implement appropriate permit revisions through a public process.

7. Protocols for manure and soil testing. Identify specific animal waste sample collection and analysis protocols to include at least annual analysis for phosphorus and nitrogen content. Include analysis of soil samples for pH and phosphorus content at least once every three years for all fields where animal waste may be applied. Protocols shall be consistent with Maryland's technical standards at COMAR 15.20.07 and 15.20.08.

8. Protocols for the Land Application of Manure and Wastewater. Follow protocols for development of a nutrient management plan and for the land application of animal waste in COMAR 15.20.07 and 15.20.08, which specify who is eligible to develop a Nutrient Management Plan; determination of limiting nutrient, nutrient recommendations, acreage, and expected yield for each field. Animal waste shall not be applied at a rate higher than agronomic requirements in accordance with the Maryland Nutrient Management Manual. Animal waste shall be prevented from entering field ditches, adjacent properties, and other waters of the State, or conduits to waters of the State, except floodplains. In addition, the following requirements for setbacks shall be maintained:

a. A **setback** of at least 100' from waters of the State, including field ditches, other conduits, intermittent streams, and drinking water wells, shall be maintained; or an **approved alternative** may be substituted for the 100' setback.

b. A setback of at least 100' from property lines shall be maintained, unless an approved alternative setback for property lines is established with the consent of the adjacent property owner.

c. Alternative Setback Requirements Applicable to Poultry MAFOs. For slopes of 2% or less, a MAFO may satisfy the land application setback and buffer requirements of this permit by maintaining 1) a vegetated filter strip at least ten feet wide along field ditches and in the final 35 feet of the field ditches (applicable to ditch embankments and, to the maximum extent practicable, the channel) adjoining the receiving waters or the facility boundary, whichever occurs first, and 2) a 35' vegetated filter strip or a 50' setback from all other surface waters of the State, as defined in Part II.JJ.1. In Critical Areas, other alternative setbacks may be required by the Department.

9. Record Keeping. Maintain all records necessary to document the development and implementation of the NMP and Conservation Plan and all other requirements of Parts IV and V of this permit. These records shall be maintained for five years.

C. Additional Requirements for Facilities Land Applying Process Wastewater. For facilities land applying process wastewater, the **CNMP** shall be consistent with sections 1 through 3 below.

1. The annual average hydraulic loading rate shall not exceed two inches per week, and process wastewater applied shall not exceed the long-term soil infiltration rate or result in surface runoff or ponding.

2. Distribution of process wastewater shall not take place during periods of precipitation or high winds, or on frozen ground or snow covered ground or saturated soil and shall be consistent with COMAR 15.20.07 and 15.20.08.

3. The permittee shall provide adequate means to prevent spray droplets from entering adjacent properties, either by direct application or wind carry-over. These means shall include a setback that is:

a. Two hundred (200) feet from the wetted perimeter of the **spray irrigation** site to property lines in an open area or one hundred (100) feet in an area with a **vegetated filter strip**;

b. Five hundred (500) feet from the wetted perimeter of the **spray irrigation** site to houses or other occupied structures in an open area or two hundred fifty (250) feet in an area with a **vegetated filter strip**; and

c. One hundred (100) feet from down gradient **surface waters** of the State, including intermittent streams; or

d. Approved by the **Department** as suitable to control the movement of spray onto adjacent land.

D. Other Best Management Practices.

1. The permittee shall calibrate, inspect for leaks, and perform maintenance on all animal waste storage and application equipment at least annually to insure accuracy of measurements.

2. The permittee shall conduct weekly inspections of the animal waste storage areas and storm water routing structures.

3. The facility shall be operated at all times to minimize nuisance odors associated with process wastewater treatment and storage operations from escaping the facility boundaries.

E. New and Modified Facilities.

1. Lagoon bottoms and the inner slopes of embankments designed or constructed or modified after the effective date of the permit shall be designed and built in accordance with a **CNMP** and all applicable NRCS standards and lined with impervious material such as clay, bentonite, or other sealing material to preclude pollution of ground water by seepage. The permeability of the liner shall be 10^{-7} cm/sec or less, and for materials other than synthetic liners, the liner shall be a minimum thickness of two feet.

2. New Source Performance Standards for Swine, Poultry, and Veal Calves: For new sources, not withstanding other requirements within this permit for waste management and storage, there shall be no discharge of animal waste or other pollutants into waters of the State from the production area. Waste management and storage facilities must be designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including runoff and direct precipitation.

F. Change in Permitted Operations.

1. The permittee shall submit a new NOI and any required fee for any anticipated CAFO or MAFO changes requiring an updated Nutrient Management Plan according to COMAR 15.20.08.04.G(2). Based on its evaluation of the NOI, the Department may:

a. Continue to authorize the discharge under this **General Permit**; or

b. Require the permittee to apply for an individual State discharge permit.

2. The permittee shall notify the Department in writing before making any changes not anticipated in the current approved plans that have the potential to result in a violation of this permit. If changes are made in herd or flock size, animal waste handling methods, runoff management, or land available for application of animal waste, the permittee shall consult the local SCD about necessary adjustments in available storage, treatment and distribution facilities or the operation of existing facilities. Any adjustments determined necessary by the SCD shall be implemented within 60 days.

3. If the permittee anticipates any changes not expected in the approved plans, excluding short term (less than two weeks) reductions in animal numbers, such as decreases in the number of animals of 20 percent or more, process modifications or any other change that will not result in a violation of this permit, the permittee shall report the change to the Department in writing within 30 days after the change.

4. If a CAFO has completed physical and/or operational improvements to prevent wastewater discharges to surface water, the permittee may request that the Department revise its discharge permit authorization. The Department shall reduce an AFO's permit authorization

category from CAFO to MAFO only if it determines, and the Department agrees, that there is no remaining potential to discharge animal waste to surface waters of the State.

G. Water Quality Protection. Any unauthorized discharges resulting from the operation of a facility covered by this General Permit shall constitute a violation of the Permit and shall be subject to applicable penalties. If the Department documents an unauthorized discharge or the potential for a discharge from the design or operation of the CAFO or MAFO not addressed in the required approved plans, the permittee shall immediately seek consultation with the local SCD or the NRCS for a review of the existing systems and practices and submit a plan of correction within 30 days. If the permittee fails to submit an acceptable plan for revisions to the systems and practices within thirty days, the Department may require the permittee to implement additional measures as necessary to monitor and protect water quality.

Part V. Monitoring, Record Keeping and Reporting

A. Monitoring

1. To evaluate the effectiveness of the **CNMP**, **NMP**, or **Conservation Plan**, the Department may notify the permittee and require submittal of a sampling plan to determine whether there is a discharge to waters of the State from land application areas or **production areas**. The plan shall address collection of grab samples of surface discharge, including overflows or spills from waste storage structures or spray fields. The samples shall be analyzed for **fecal coliform** bacteria, biochemical oxygen demand, total suspended solids, total nitrogen, and any pesticide which the permittee has reason to believe could be in the discharge. The Department may also require the permittee to implement additional monitoring of effluent, soils, and/or monitoring wells either through the issuance of an individual discharge permit to the permittee or through formal noncompliance enforcement procedures where appropriate.

2. For each measurement or sample taken to satisfy the requirements of this part, the permittee shall record the following information:

   a. The exact place, date, and time of sampling or measurement;

   b. The person(s) who performed the sampling or measurement;

   c. The dates and times the analyses were performed;

   d. The person(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of all required analyses.

3. The sampling and analytical methods used shall conform to procedures for the analysis of pollutants as identified in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

B. Record Keeping. All records and information resulting from the monitoring, record keeping, application equipment inspection, and reporting activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, and including records from the

development and implementation of any CNMP, shall be retained for a minimum of five (5) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

C. Annual Report

1. Each MAFO shall submit annually to the Department, by March 1, a copy of the completed MDA Nutrient Management Annual Implementation Report addressing the previous calendar year.

2. Each CAFO shall submit annually to the Department, by March 1, an annual report consisting of the information listed in Appendix A, "CAFO Annual Report," including a summary of daily data collected from the previous calendar year and the information described below:

a. The type and maximum number of animals kept on site during the year on any given day, including the dates of delivery and shipment when the number of animals on site changes by 10% or more;

b. The estimated amount of waste generated by the animals each month, or for dry manure, the quantity of waste removed from the house each month, at each crust out, and the quantity removed upon the most recent clean-out;

c. The amount of waste that was land applied and fields used by month;

d. The amount of waste transported off site by month, listing each recipient with address, and the amount received, and

e. For any facility with liquid impoundment(s), the amount of freeboard in the waste storage structure on the same day of each month.

f. Total number of acres used for land application, including total crop acres used for land application under the permittee's control;

g. Summary of manure, litter, and process wastewater discharges from the production area during the previous year;

h. Information that confirms that the current NMP was developed by a certified planner;

D. Signatures on Reports

1. All reports required by permits, and other information requested by the Department shall be signed by a person described in Part III.E.2 of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III.E.2;

b. The authorization specifies either an individual or position having overall responsibility for environmental matters for the company; and

c. The written authorization is submitted to the Department.

2. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the AFO, a new authorization satisfying the requirements of Part III.E.2 must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

E. Report Submission. Required logbooks and monitoring results shall be maintained on site. The annual report described in Part V.C. shall be submitted to:

The Maryland Department of the Environment
CAFO Unit, STE 605
Land Management Administration
1800 Washington Blvd.
Baltimore, MD 21230-1719

F. Noncompliance Notification.

1. Any discharge to surface or groundwaters of the State that is not in accordance with Part I.B of this permit is prohibited and shall be reported to the Department, including but not limited to any discharge to surface waters from the production area for MAFOs, or any discharge from the production area not resulting from greater than a 25 year storm event for CAFOs, and any discharge from the land application area that is not related to a precipitation event. Such discharges shall be reported by telephone, within 24 hours of discovery of the noncompliance, to the Department at (410) 537-3375.

2. Within 5 days, the permittee shall also provide the Department with the following information in writing to:

Maryland Department of the Environment
CAFO Unit STE 605
Land Management Administration
1800 Washington Blvd.
Baltimore, MD 21230-1719
Fax (410) 537-3842

a. A description of the violation, including the date, time, estimated discharge volume, name of receiving water, and impact on the receiving water;

b. The cause of the violation;

c. The anticipated time the cause of the violation is expected to continue, or, if the condition has been corrected, the duration of the period of the discharge or other violation;

d. Steps taken by the permittee to eliminate the discharge or correct the violation;

e. Steps planned or implemented by the permittee to prevent the recurrence of the discharge or other violation;

f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of any discharge.

3. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of the State or to human health from a violation of any permit conditions. In addition, any discharge of liquid manure to waters of the State that poses an imminent threat to the safety of a drinking water supply shall be reported to the office of the local county Environmental Health Director as soon as possible but not later than 24 hours.

G. Demonstration of an Upset. An **upset** shall constitute an affirmative defense to an action brought for noncompliance with the (technology-based) effluent limitations of this permit only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

2. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operational and maintenance procedures;

3. The permittee submitted notification of upset within 24 hours. If the notification was given orally, the permittee submitted written notification to the Department including documentation to support and justify the upset within five calendar days following the oral notification; and

4. The permittee complied with any remedial measures required to minimize adverse impact.

Part VI. Violation of Permit Conditions

A. Civil and Criminal Liability. In issuing or reissuing this permit, the **Department** does not waive or surrender any right to proceed in administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or reissuance of this permit. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, or penalties for violation of Title 9 of the Environment Article, Annotated Code of Maryland or any local or other State law or regulation or the federal Clean Water Act.

B. Penalties for Violations of Permit Conditions. Title 9 of the Environment Article, Annotated Code of Maryland, provides that any person who violates a permit condition implementing the requirements of Title 9 is subject to criminal and civil penalties under Sections §9-342 and 9-343 for violations of State water pollution control laws. The **NMP and Conservation Plan** are essential parts of this permit, and failure to implement those plans in accordance with the approved specifications and schedules in those plans is a violation of this permit.

C. Penalties for Tampering. Section §9-343 of the Environment Article, Annotated Code of Maryland, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D. Penalties for Falsification of Reports. Section §9-343 of the Environment Article, Annotated Code of Maryland, provides that any person who knowingly makes any false statement, representation, or certification in any records or other document submitted or

required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

Part VII. General Conditions.

A. Compliance with This General Permit and Water Pollution Abatement Statutes. The permittee shall comply at all times with the terms and conditions of this permit, the **NMP and Conservation Plan,** the provisions of Title 7, Subtitle 2, and Title 9, Subtitles 2 and 3 of the Environment Article, Annotated Code of Maryland, and the federal Clean Water Act.

B. Right of Entry. The permittee shall permit the Secretary of the **Department**, or authorized representatives, including researchers authorized by the Department and approved by MDA, upon the presentation of credentials:

1. To enter, at reasonable times, upon the permittee's production and land application areas where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;

2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;

4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;

5. To sample, at reasonable times, any discharge of pollutants;

6. To install and collect samples from ground water monitoring wells;

7. To take photographs; and

8. To conduct research regarding the relative effectiveness of various alternative Best Management Practices for manure management, including establishing and maintaining on-site data collection and monitoring systems.

9. The Department and authorized representatives shall comply with appropriate biosecurity measures in accordance with the recommendations and guidelines established by the Maryland Department of Agriculture.

C. Property Rights/Compliance with Other Requirements. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of State or local laws or regulations.

D. Duty to Provide Information. The permittee shall furnish to the **Department**, within the time frame stipulated by the Department, any information that the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

E. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the **Department**, he or she shall submit, within 30 days, the facts or information.

F. Availability of Reports. Except for data determined to be confidential under §10-617 of the State Government Article, Annotated Code of Maryland, all submitted data shall be available for public inspection at the **Department**.

G. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

H. Oil and Hazardous Substances Prohibited. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under the Federal Act or under the Annotated Code of Maryland.

I. Water Construction and Obstruction. This permit does not authorize the construction or placing of physical structures, facilities, or debris or the undertaking of related activities in any waters of the State.

J. Reopener Clause For Permits

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in this permit or

2. Controls any wastewater pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

K. Total Maximum Daily Loads. Permit requirements are consistent with existing Total Maximum Daily Loads (TMDLs) for impaired water bodies. Additional TMDLs and waste load allocations (WLAs) will be determined for nutrients in tidal waters. If that or a later assessment of the wastewater discharged from these facilities indicates that WLAs are required, additional or alternative controls or monitoring may be required.

L. Severability. The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

M. Individual or General MAFO/CAFO Permit Coverage, Termination, and Closure

1. Each MAFO and CAFO shall be registered either under this General Permit or an individual, site-specific discharge permit. All applications for General Permit coverage shall be submitted in accordance with the requirements of Part III.A. of this Permit.

2. If the Department, in its sole discretion, determines that this general discharge permit is not adequately protective of state waters at an operation, the Department may require any person authorized by this permit to apply for an individual State discharge permit. If a person fails to submit an application for an individual State discharge permit as required by the Department, the owner's authorization to discharge under this General Permit is automatically terminated at the end of the day specified by the Department as the deadline for individual permit application submittal.

3. Any person authorized by this General Permit may request to be excluded from the coverage of this permit by applying for an individual State discharge permit. The request may be granted by issuing an individual State discharge permit if the reasons cited by the owner are adequate to support the request.

4. If an individual discharge permit for a MAFO or CAFO is issued to a person already covered under this permit, then coverage under this General Permit is automatically terminated on the effective date of the individual State discharge permit.

5. The Department may terminate coverage under this General Permit for an existing permittee by notifying the permittee of termination and providing an opportunity to request a contested case hearing if the Department finds that:

a. The Notice of Intent (NOI) contained false or inaccurate information;

b. Conditions or requirements of the discharge permit have been or have the potential to be violated;

c. The **MAFO** or **CAFO** is not in compliance with requirements of the applicable **Comprehensive Nutrient Management Plan**, **Nutrient Management Plan**, or **Conservation Plan**;

d. The Department has been refused entry to the site for the purpose of inspecting to insure compliance with the permit, or has been denied access to records or to take samples;

e. A change in conditions exists that requires temporary or permanent reduction or elimination of the permitted discharge;

f. Any State water quality stream standard has been violated as a result of the **MAFO** or **CAFO**'s operation; or

g. Any other conditions at the site cause a water quality or public health concern.

6. Former MAFO**s or** CAFO**s (Closure).** A permittee shall maintain compliance with applicable permit requirements until the Department terminates the permit registration or a new permit for the same activity is issued to a succeeding person. The Department shall terminate permit registration if there is no remaining potential for a discharge of animal waste that was generated while the operation was a MAFO or CAFO.

a. If all animals and all animal waste have been removed from the site, and no additional animals are to be placed on the site, or the number of animals housed has been reduced and the AFO is no longer a MAFO or CAFO, then the permittee shall certify that fact to the Department, in writing. Such certification shall be accompanied by a letter of recommendation to terminate the permit from a representative of the Soil Conservation Services or the Maryland Department of Agriculture. Upon receiving such certification from the permittee, the Department shall, within 30 days, either:

1) request a site inspection to verify that the AFO no longer requires a permit, or

2) terminate the permit registration.

b. If the Department conducts a site inspection, then the Department shall, within thirty days, notify the permittee in writing that

1) the permit registration has been terminated; or,

2) the permittee shall implement certain actions to eliminate the potential to discharge animal waste.

c. If the Department is unable to conduct a site inspection within 90 days through no fault of the permittee, the permit will terminate within 90 days of receipt of certification, unless the permittee waives this provision in its request. Any such automatic termination does not relieve the facility from responsibility for any unauthorized discharges and the penalties associated with discharging without a permit.

N. Conversion from Individual Permit. A person currently covered under an individual State discharge permit may choose to request coverage under this **General Permit** by submitting an NOI and fee in accordance with the requirements of this Part.

O. Permit Renewal. Within 60 days after the renewal and reissuance of this **General Permit** with new effective and expiration dates, the permittee is required to submit to the **Department**:

1. Notice of intent to cease discharging by the expiration date of this permit; or

2. A new NOI and any fee required by the new general permit.

P. Continuation of an Expired General Permit. A permittee wishing to continue to be covered by the general permit after its renewal shall submit a request for continuing coverage at least sixty days before the permit expires. Once a request for continuing coverage has been filed, an expired general permit continues in force and effect until a new general permit is issued and any deadline for opportunity to register under the new permit is reached or the general permit is revoked or withdrawn.

Q. Transfer of Authorization.

1. The authorization under this permit is not transferable to any person except in accordance with this section.

2. Authorization to discharge under this permit may be transferred to another person if:

a. The current permittee notifies the Department (Solid Waste Program, CAFO Unit) in writing of the proposed transfer;

b. A written agreement signed by both parties, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities and liabilities of the current and new permittee for compliance with the terms and conditions of this permit, is submitted to the Department;

c. The new permittee signs the existing nutrient management plan and conservation plan, for a MAFO, or the existing comprehensive nutrient management plan, for a CAFO, and sends the cover page(s) to the Department; and

d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items VII.Q.2.a through c above, of intent to revoke the existing authorization to discharge or modify the terms of the existing approved plans.

3. If the new permittee needs a new nutrient management plan, conservation plan, and/or a new CNMP, the permittee must submit a new Notice of Intent with the appropriate plans(s).

Part VIII. Authority to Issue General NPDES Permits

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the federal Clean Water Act, 33 U.S.C. Section 1342.On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a **General Permit** program.

Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

Horacio Tablada, Director
Land Management Administration

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration
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APPENDIX A – CAFO PERMIT ANNUAL REPORT

Animal Types and Location

Type of Animals	Number of Animals	Location	Flocks per year

Nutrient Management Plan Developer: _____
Certification: _____

Manure Generated and Stored

Manure Generated - Please circle the units used

Solid manure generated (gallons/tons) _____ per (day/year) _____% solids

Liquid wastewater generated (gallons/tons) _____ per (day/year) _____% solids

Litter generated (gallons/tons) _____ per (day/year/flock) _____% solids

Poultry - total cleanout date(s) _____ and quantity _____tons

Treatment for reduction of manure volume or nutrients? _____(yes/no)

Describe_____

_____

Total Available storage volume: _____ **Date installed:** _____

Method of volume determination _____ Open to precipitation? _____

Number of structures? ___ Location(s)? _____

Manure Currently Stored

Contained: Solid manure _____(tons) Litter _____ (tons)

Liquid manure _____ (gallons) current gauge measurement? _____

Freeboard_____(inches) Days of storage available_____

Uncontained: Solid manure _____(tons) Litter _____ (tons)

Locations: _____

Manure Nutrient Content: most recent analysis, with units:
% solids
Total nitrogen
Total phosphorus as P_2O_5

Use of Nutrients (please circle units)

A. Solid manure transferred offsite: (tons) _____ ; % solids_____; date (s)_____

Name and address of largest recipient: _____

_____

B. Liquid manure transferred offsite: (gallons/tons) _____ ; % solids ___; date/frequency _____

Name and address of largest recipient _____

C. Land application of animal waste

1. Total crop acres under permittee's control on which animal waste is applied: _____ acres
2. Total acres for land application covered by the nutrient management plan ____ acres
3. Total solid manure land applied: _____ gallons/tons
4. Total liquid manure land applied: _____ gallons/ton

Field	Size	Crop	Residual nutrients (N-P-K)	Crop requirements (N-P-K)	Manure application rate	Other fertilizer

List all discharges of animal waste from the production area during the past year:

Date	Time	Quantity	Source