



STATE OF MISSISSIPPI



MULTIMEDIA GENERAL POLLUTION CONTROL PERMIT

**TO MANAGE MANURE AND DISCHARGE STORM WATER
IN ACCORDANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND MISSISSISSIPPI'S AMBIENT AIR QUALITY STANDARDS**

THIS CERTIFIES

**Dairy Concentrated Animal Feeding Operation (CAFO)
facilities granted a Certificate of Permit Coverage under this permit have permission to:**

operate a dairy CAFO and discharge storm water associated with agricultural and construction activities into State waters in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein. This permit is also issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 401(b) of the Federal Water Pollution Control Act.

Mississippi Environmental Quality Permit Board

Mississippi Department of Environmental Quality

Issued: **AUG 26 2008**

Expires: **JUL 31 2013**

Permit No. **MSG21**

Agency Interest **22980**

*** Official MDEQ Permit - Version 1.1 ***

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To Construct and Operate Dairy Concentrated Animal Feeding Operations (CAFOs)

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Subject Item Inventory

Activity ID No.: GNP20060001

Subject Item Inventory:

ID	Designation	Description
ACT1	General Information	NPDES & Air Requirements Applicable Facility Wide
AI22980		
CAFO1	Production Area	NPDES & Air Requirements
CAFO2	Land Application Area	NPDES Requirements
MAFO1	Construction Activity	NPDES Storm Water Requirements
RPNT1	MSG21	Land Application Area Discharging Non-contaminated Storm Water Runoff

KEY

ACT = Activity

AREA = Area

CONT = Control Device

IA = Insignificant Activity

RPNT = Release Point

AI = Agency Interest

CAFO = Concentrated Animal Feeding Operation

EQPT = Equipment

MAFO = Animal Feeding Operation

TRMT = Treatment

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Subject Item: Land Application Area Discharging Non-contaminated Storm Water Runoff
RPNT000000001: MSG21

Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Discharge Limitations							Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Conc. / Quality Minimum	Conc. / Quality Average	Conc. / Quality Maximum	Conc. / Quality Units	Frequency	Sample Type	Which Months
<i>Ammonia Nitrogen, Total (as N) Effluent</i>	*****	*****	*****	*****	Report Annual Average	Report Annual maximum	mg/L	quarterly	grab sampling	Apr-Dec
<i>Fecal coliform Effluent</i>	*****	*****	*****	*****	Report Geometric mean	Report Annual maximum	# of colonies/100 ml	quarterly	grab sampling	Apr-Dec
<i>Flow Effluent</i>	Report Annual Average	Report Annual maximum	million gallons per day	*****	*****	*****	*****	once per discharge event	instantaneous sampling	Apr-Dec
<i>Oxygen Demand, biochemical, 5-day (20 degrees C) Effluent</i>	*****	*****	*****	*****	Report Annual Average	Report Annual maximum	mg/L	quarterly	grab sampling	Apr-Dec
<i>pH Effluent</i>	*****	*****	*****	6.0 Minimum	*****	9.0 Maximum	SU	quarterly	grab sampling	Apr-Dec
<i>Phosphorus (Total) Effluent</i>	*****	*****	*****	*****	Report Annual Average	Report Annual maximum	mg/L	quarterly	grab sampling	Apr-Dec
<i>Solids (Total Suspended) Effluent</i>	*****	*****	*****	*****	Report Annual Average	Report Annual maximum	mg/L	quarterly	grab sampling	Apr-Dec

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ACT1 (General Information) NPDES & Air Requirements Applicable Facility Wide:

Narrative Requirements:

Condition No.	Condition
T-1	<p>Permit Area.</p> <p>This permit covers all areas of the State of Mississippi. [APC-S-2, WPC-1]</p>
T-2	<p>Eligibility.</p> <p>This permit may provide coverage for all new and existing dairy farms classified as a CAFO that fall under Standard Industrial Classification (SIC) 0241 (dairy) and seeking to obtain permit coverage under paragraph(s) (A), (B), and/or (C) below:</p> <p>(A) NPDES permit coverage for dairy farming associated with the operation of a Large Concentrated Animal Feeding Operation ("Large CAFO" - defined in Condition T-16 found on page 13) with no discharge of manure, litter or process wastewater (except as provided for in Condition L-1 on page 7) into waters of the State from the production area.</p> <p>(B) Air emissions associated with the construction and operation of a dairy farm.</p> <p>(C) Storm water from construction activity, including clearing, grading, and excavation disturbing one (1) or more acres. [WPC-1 Chapter One Section I.B(1), APC-S-2 Section I.C(2), 40 CFR 122.23.a, 40 CFR 122.26.(a)]</p>
T-3	<p>Authorization.</p> <p>Applicants must submit a Dairy Concentrated Animal Feeding Operation (CAFO) Notice of Intent (DCNOI) in accordance with the requirements of this permit. Applicants are authorized to operate a dairy CAFO, and discharge storm water associated with construction activity under the terms and conditions of this permit only upon receipt of written notification of approval of coverage by the Mississippi Department of Environmental Quality (MDEQ), Office of Pollution Control (OPC) staff. Upon review of the DCNOI, the staff may deny coverage and require an alternate permit. The OPC staff decisions may be brought before the MDEQ Permit Board for review and reconsideration at a regularly scheduled meeting. Operating a dairy CAFO or discharging storm water from regulated construction activity disturbing one (1) acre or more without written notification of coverage or issuance of an individual National Pollutant Discharge Elimination System (NPDES) Permit is a violation of state law. [WPC-1, APC-S-2]</p>

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ACT1 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	<p>Deadlines for Notification.</p> <p>(A) Persons seeking coverage for a new source under this general permit shall submit a DCNOI form at least 60 days prior to the commencement of a covered activity.</p> <p>(B) Persons seeking coverage for an existing source under this general permit shall submit a DCNOI form no later than October 31, 2008. MDEQ reserves the right to require existing sources to submit a DCNOI form prior to October 31, 2008.</p> <p>DCNOI forms may be obtained from the MDEQ at the address found in Condition No. T-9 found on page 4, or by calling (601) 961-5171. DCNOI forms, as well as the general permit and guidance material, may also be found on the MDEQ website at www.deq.state.ms.us. Coverage under this permit will not be granted until all other required MDEQ permits are satisfactorily addressed. [WPC-1, 40 CFR 122.23.(g), APC-S-2]</p>

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ACT1 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	<p>Signatory Requirements.</p> <p>(A) All DCNOIs submitted to the Permit Board shall be signed as followed:</p> <p>(1) For a corporation: a president, secretary, treasurer, or vice-president of the company or corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the company or corporation;</p> <p>(2) For a partnership, by a general partner; or</p> <p>(3) For a sole proprietorship, by the proprietor.</p> <p>(B) All reports required by this General Permit, and other information requested by the Permit Board shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative when:</p> <ol style="list-style-type: none">1. The authorization is made in writing and submitted to the Permit Board by a person described above, and submitted to the Permit Board;2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as: manager, operator of a well or a well field, superintendent, person of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a specified individual or position.) <p>If an authorization is no longer accurate because a different individual or position has responsibility, a new authorization satisfying the above requirements must be submitted to the Permit Board prior to or together with any reports, information, or applications signed by the representative. [WPC-1 Chapter One II.C, APC-S-2 II.B(10)]</p>
T-6	<p>Certification.</p> <p>Any person signing a document under Condition No. T-5 above, shall make the following certification:</p> <p>"I certify under penalty of law that this document and all attachments were prepared under the 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 or imprisonment for knowing violations." [40 CFR Part 122.22(d)]</p>

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ACT1 (continued):

Narrative Requirements:

Condition No.	Condition
T-7	<p>Contiguous Landowner Notification.</p> <p>For a new or expanding facility, the applicant must notify the contiguous landowners to the proposed facility utilizing Certified-Return Receipt Requested mail. Contiguous landowners shall be notified using the form found in Appendix D. A copy of the completed Appendix D form shall be submitted to MDEQ for informational purposes. Copies of the signed receipts and notification forms shall be submitted with the DCNOI. Failure to notify the contiguous landowners may be cause for denial or revocation of coverage. If the facility was in existence and operating prior to the issuance date of this permit and no expansion of the facility footprint or operating capacity is proposed, contiguous landowner notification is not required. [WPC-1 Chapter One Section III]</p>
T-8	<p>Additional Public Notice Requirements.</p> <p>For a new or expanding facility, the applicant shall be required to submit proof of publication of two (2) public notices in a daily newspaper of local distribution (examples of public notices for the news paper and libraries are shown in Appendix E1 and E2) as part of the DCNOI. The two (2) notices shall be published in the same daily newspaper and there shall be at least seven (7) days separating the publication dates. The facility shall also send the first public notice and a copy of the Dairy CAFO General Permit to the local library and submit the acceptance letter from the librarian as shown in Appendix F. [WPC-1 Chapter One Section III]</p>
T-9	<p>Where to Submit the Dairy CAFO Notice of Intent.</p> <p>Complete and appropriately signed DCNOI Forms must be submitted to:</p> <p>Chief, Environmental Permits Division MS Dept. of Environmental Quality, Office of Pollution Control P.O. Box 2261 Jackson, Mississippi 39225-2261. [WPC-1, APC-S-2]</p>
T-10	<p>Nutrient Management Plan (NMP).</p> <p>The CAFO must develop, implement, and submit to MDEQ an approved nutrient management plan that incorporates the requirements of Condition No. S-2 found on page 29 based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses 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 waters. The approved NMP and all approved modification thereto become an enforceable part of the permit. Approved NMPs may be viewed at the MDEQ offices. [40 CFR Part 412.4(c)(1)]</p>

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ACT1 (continued):

Narrative Requirements:

Condition No.	Condition
T-11	<p>Requirements to Develop and Implement Best Management Practices.</p> <p>Each CAFO that land applies manure, litter, or process wastewater, must do so in accordance with the practices identified in Condition Nos. T-1 through T-14 found on pages 34 through 37. [40 CFR Part 412.4(c)]</p>
T-12	<p>Continuing Education.</p> <p>The applicant/permittee shall annually attend MDEQ approved technical training. MDEQ will establish a CAFO technical training advisory group to identify and recommend appropriate training material to satisfy this requirement. The CAFO technical training advisory group will be comprised of representatives from the MDEQ, dairy industry, non-governmental organizations (NGOs), and academia. MDEQ will utilize existing forums and resources whenever possible to deliver training. The number of hours shall be set by MDEQ in its discretion, after consultation with advisory group, and shall not exceed 8 hours per year. [WPC-1 Chapter One Section IV.A(4)]</p>
T-13	<p>Reopener Clause.</p> <p>Any facility covered or eligible to be covered under a general permit may be required to obtain an individual permit at the discretion of the Permit Board. Any interested person may petition the Permit Board to take action under this paragraph. [WPC-1 Chapter One Section IV.E(1), APC-S-2 Section XI.A(3)]</p>
T-14	<p>Reopener Clause.</p> <p>Any facility covered by a general permit may request to be excluded from such coverage by applying for an individual permit. Coverage under the general permit is terminated upon the effective date of an individual permit. [WPC-1 Chapter One Section IV.E(2), APC-S-2 Section XI.A(5)]</p>
T-15	<p>Reopener Clause.</p> <p>The Permit Board may revoke and/or modify a general permit or coverage under a general permit. [WPC-1 Chapter One Section IV.F(1), APC-S-2 Section XI.A(4)]</p>

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ACT1 (continued):

Narrative Requirements:

Condition No.	Condition
T-16	<p>Intent to be Covered by a Subsequently Issued Permit.</p> <p>This permit shall expire on August 31, 2013. A DCNOI requesting subsequent coverage under the reissuance of this general permit must be submitted no later than the expiration date of the permit. Permittees should state their intent on the last annual report required by this general permit and request that MDEQ accept the report in lieu of an application or DCNOI. MDEQ reserves the right to require additional information prior to granting coverage under any subsequently issued dairy CAFO general permit. [WPC-1 Chapter One Section IV.E, APC-S-2 Section XI.A(7)]</p>
T-17	<p>Intent to be Covered by a Subsequently Issued Permit (continued).</p> <p>If reissuance of this general permit does not occur before its expiration date and the permittee has submitted a timely and complete DCNOI, continued coverage under this permit will be allowed until the effective date of the reissued general permit. If the permittee is notified by MDEQ of the need to submit application forms for an individual permit and a timely and complete DCNOI was submitted, continued coverage under this general permit will be allowed until the effective date of the individual permit issued to the applicable facility. If the initial DCNOI requesting coverage under this permit was submitted within one (1) year of the expiration date of this permit and the information is still current, the permittee may resubmit that DCNOI with a letter explaining their intent. Permittees that fail to notify the Executive Director, during the term of this permit, of their intent to be covered by a subsequently issued permit cannot obtain continued authorization to operate after the expiration date of this permit and will be operating without NPDES permit coverage until they apply for and obtain coverage under the subsequently issued general permit or apply for and receive an effective individual NPDES permit. All DCNOIs requesting coverage under a subsequently issued general permit should be sent by certified mail to the address listed in Condition No. T-9 found on page 4. [WPC-1 Chapter One Section IV.E, APC-S-2 Section XI.A(7)]</p>

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AI22980:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1		<p>Discharge Prohibition for CAFO Production Areas.</p> <p>Except as provided in paragraph (A) below, there must be no discharge of manure, litter or process wastewater pollutants into waters of the State from the production area.</p> <p>(A) Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into U.S. waters provided:</p> <p>(1) The production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event;</p> <p>(2) The production area is operated in accordance with the additional measures and records required by S-3, p 29; S-4, p 30; S-5, p 30; T-1, p 30 and 40 CFR 412.37(a) and (b). [40 CFR Part 412.31(a), 40 CFR Part 412.32(a), 40 CFR Part 412.33(a), 40 CFR Part 412.35(a)]</p>
L-2		<p>Odor.</p> <p>There shall be no odorous substances in the ambient air in concentrations sufficient to adversely and unreasonably:</p> <p>(A) affect human health and well-being;</p> <p>(B) interfere with the use or enjoyment of property; or</p> <p>(C) affect plant or animal life.</p> <p>In determining that concentrations of such substances in the ambient air are adversely and unreasonably affecting human well-being or the use or enjoyment of property of plant or animal life, the factors to be considered by the Commission will include, without limiting the generality of the foregoing, the number of complaints or petitioners alleging that such a condition exists, the frequency of the occurrence of such substances in the ambient air as confirmed by the Department of Environmental Quality staff, and the land use of the affected area. [APC-S-4]</p>

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AI22980 (continued):

Record-Keeping Requirements:

Condition No.	Condition
R-1	<p>Recordkeeping.</p> <p>The applicant/permittee must create, maintain for five years, and make available to the Permit Board, upon request, the following records:</p> <p>(A) All applicable records identified pursuant to Condition No. S-2 found on page 29;</p> <p>(B) In addition, all CAFOs subject to 40 CFR 412 must comply with recordkeeping requirements as specified in 40 CFR 412.37(b) and (c). These requirements are also specified in Condition No. R-1 (production area), page 28 and Condition No. R-1 (land application area), page 33. [40 CFR Part 122.42(e)(2)(i), WPC-1 Chapter One Section IV.A(29)(a)]</p>
R-2	<p>Record Content.</p> <p>For each measurement or sample taken pursuant to the requirements of this permit, the applicant/permittee shall maintain records of all information obtained from such monitoring including:</p> <p>(A) The exact place, date, and time of sampling;</p> <p>(B) The dates the analyses were performed;</p> <p>(C) The person(s) who performed the analyses;</p> <p>(D) The analytical techniques, procedures or methods used; and</p> <p>(E) The results of all required analyses. [WPC-1 Chapter One Section IV.A(29)(a)]</p>
R-3	<p>Requirements Relating to Transfer of Manure or Process Wastewater to Other Persons.</p> <p>All CAFOs must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter, or process wastewater transferred to another person. [40 CFR Part 122.42(e)(3), WPC-1 Chapter One IV.A(29)(a)]</p>

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AI22980 (continued):

Record-Keeping Requirements:

Condition No.	Condition
R-4	Nutrient Management Plan (NMP). A copy of the CAFO's site-specific nutrient management plan must be maintained on site and made available to the Permit Board upon request. [40 CFR Part 122.42(e)(2)(ii), WPC-1 Chapter One IV.A(29)(a)]

Submittal/Action Requirements:

Condition No.	Condition
S-1	Annual Reporting Requirements for CAFOs. The permittee must Submit periodic report: Due annually by the 28th of January to the Permit Board. The annual report must include: (A) The number and type of animals (dairy cows), whether in open confinement or housed under roof; (B) Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous 12 months (tons or gallons as appropriate); (C) Estimated amount of total manure, litter, and process wastewater transferred to other person by the CAFO in the previous 12 months (tons or gallons as appropriate); (D) Total number of acres for land application covered by the nutrient management plan developed in accordance with Condition No. S-2 found on page 29; (E) Total number of acres under control of the CAFO that were used for land application of manure, litter, and process wastewater in the previous 12 months; (F) Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; (G) A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner; (H) The total number of mortality and method of disposal for the previous year; and (I) A statement indicating the permittee's intent to continue the regulated activity into the next reporting period.

Note: Except as provided under condition L-1 on page 7, a discharge of a process wastewater is considered a violation of this permit. [40 CFR Part 122.42(e)(4), 40 CFR 412, WPC-1 Chapter One]

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AI22980 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	Requirements Relating to Transfer of Manure or Process Wastewater to Other Persons. Prior to transferring manure, litter, or process wastewater to other persons, Large CAFOs must provide the recipient of the manure, litter, or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of 40 CFR 412. [40 CFR Part 122.42(e)(3)]

Narrative Requirements:

Definitions:

Condition No.	Condition
T-1	Definitions: Animal Feeding Operation ("AFO"). "AFO" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: (A) 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 (B) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. [40 CFR Part 122.23(b)(1)]
T-2	Definitions: Applicant/Permittee. "Applicant/Permittee" means the owner or operator of any facility or activity subject to any of the regulations cited in this permit. [Small Construction General Permit (MSR15) March 11, 2003]
T-3	Definitions: Best Management Practices ("BMPs"). "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [Small Construction General Permit (MSR15) March 11, 2003]

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AI22980 (continued):

Narrative Requirements:

Definitions:

Condition No.	Condition
T-4	Definitions: "Clean Water Act" (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq. [WPC-1]
T-5	Definitions: Commencement of Construction Activities. "Commencement of Construction Activities" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities. [Small Construction General Permit (MSR15) March 11, 2003]
T-6	Definitions: "Commission" means the Mississippi Commission on Environmental Quality. [WPC-1]
T-7	Definitions: Concentrated Animal Feeding Operation ("CAFO"). "CAFO" means an AFO that is defined as a Large CAFO or as a Medium CAFO, or that is designated as a CAFO in accordance with 40 CFR 122.23(c). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining 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. [40 CFR Part 122.23(b)(2)]
T-8	Definitions: Construction Activity. "Construction Activity" as used in this permit, includes construction activity as defined in 40 CFR part 122.26(b)(14)(x). This includes a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site. [Small Construction General Permit (MSR15) March 11, 2003]
T-9	Definitions: Construction Activity BMPs. "Construction Activity BMPs" are management practices to prevent or reduce the discharge of pollutants, specifically from construction activities, to waters of the State. [Small Construction General Permit (MSR15) March 11, 2003]
T-10	Definitions: Control Measure. "Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State. [Small Construction General Permit (MSR15) March 11, 2003]

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AI22980 (continued):

Narrative Requirements:

Definitions:

Condition No.	Condition
T-11	<p>Definitions: Discharge of Storm Water Associated with Construction Activity.</p> <p>"Discharge of Storm Water Associated with Construction Activity" as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete) are located. [Small Construction General Permit (MSR15) March 11, 2003]</p>
T-12	<p>Definitions: Executive Director.</p> <p>"Executive Director" means the Executive Director of the Department of Environmental Quality. [WPC-1 Chapter One Section I.A(24)]</p>
T-13	<p>Definitions: Facility or Activity.</p> <p>"Facility or Activity" means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program and State of Mississippi air permitting program. [Small Construction General Permit (MSR15) March 11, 2003]</p>
T-14	<p>Definitions: "Final stabilization" means that either:</p> <p>(1) All soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% for the area has been established or equivalent measures have been employed; or</p> <p>(2) For individual lots part of a larger common plan of development or sale in residential or commercial developments, that either: a) the coverage recipient has completed final stabilization as specified in (1) above, or b) the coverage recipient has established temporary stabilization before another property owner assumes operational control for the property AND the coverage recipient for the larger common plan of development has provided the appropriate Notice of Intent or Registration form, the appropriate Construction General Permit, and guidance documents to the new property owner and the new owner assumes control by completing the appropriate NOI or Registration Form. [WPC-1]</p>
T-15	<p>Definitions: Land Application Area.</p> <p>The term "Land Application Area" means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied. [40 CFR Part 122.23(b)(3)]</p>

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Definitions:

Condition No.	Condition
T-16	<p>Definitions: Large Concentrated Animal Feeding Operation ("Large CAFO").</p> <p>An AFO is defined as a "Large CAFO" if it stables or confines as many as or more than 700 mature dairy cows, whether milked or dry. [40 CFR Part 122.23(b)(4)]</p>
T-17	<p>Definitions: Manure.</p> <p>The term "Manure" is defined to include manure, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal. [40 CFR Part 122.23(b)(5)]</p>
T-18	<p>Definitions: Medium Concentrated Animal Feeding Operation ("Medium CAFO").</p> <p>The term "Medium CAFO" includes any AFO which stables or confines between 200 to 699 mature dairy cows, whether milked or dry, and; (A) Either one of the following conditions are met:</p> <p>(1) Pollutants are discharged into waters of the State through a man-made ditch, flushing system, or other similar man-made device; or</p> <p>(2) Pollutants are discharged directly into waters of the State which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation. [40 CFR Part 122.23(b)(6)]</p>
T-19	<p>Definitions: Modification.</p> <p>"Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant emitted by such facility or which results in the emission of any air pollutant not previously emitted, except that:</p> <p>(A) Routine maintenance, repair, and replacement shall not be considered physical changes, and</p> <p>(B) An increase in the production rate or hours of operation shall not be considered a change in the method of operation, unless it is prohibited by a permit. [APC-S-1 Section 2.14]</p>

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Narrative Requirements:

Definitions:

Condition No.	Condition
T-20	<p>Definitions: NPDES.</p> <p>"NPDES" the National Pollutant Discharge Elimination System which is a division of the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued. [WPC-1]</p>
T-21	<p>Definitions: Permit Board.</p> <p>"Permit Board" means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. 49-17-28. [WPC-1]</p>
T-22	<p>Definitions: Pollutant.</p> <p>"Pollutant" is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste. [WPC-1]</p>
T-23	<p>Definitions: Pollution.</p> <p>"Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the State, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance or leak into any waters of the State, unless in compliance with a valid permit issued by the Permit Board. [WPC-1 Chapter One Section I.A(50)]</p>
T-24	<p>Definitions: Process Wastewater.</p> <p>"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. [40 CFR Part 122.23(b)(7)]</p>

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Narrative Requirements:

Definitions:

Condition No.	Condition
T-25	<p>Definitions: Production Area.</p> <p>"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, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities. [40 CFR Part 122.23(b)(8)]</p>
T-26	<p>Definitions: Runoff Coefficient.</p> <p>"Runoff Coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff (see values in Condition No. T-34 found on page 18). [Small Construction General Permit (MSR15) March 11, 2003]</p>
T-27	<p>Definitions: Solid Waste.</p> <p>"Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (42 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014). [APC-S-1 Section 13.2(c)]</p>
T-28	<p>Definitions: Startup.</p> <p>"Startup" means the bringing into operation from a non-operative condition. Relative to fuel-burning equipment, a startup shall be construed to occur only when a unit is taken from a non-fired to a fired state. [APC-S-1 Section 2.31]</p>

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Narrative Requirements:

Definitions:

Condition No.	Condition
T-29	<p>Definitions: State Waters.</p> <p>"State Waters" means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C.1251 et seq.). [WPC-1]</p>
T-30	<p>Definitions: Storm Water.</p> <p>"Storm Water" means rainfall runoff, snowmelt runoff, and surface runoff. [Small Construction General Permit (MSR15) March 11, 2003]</p>
T-31	<p>Definitions: Storm Water Pollution Prevention Plan ("SWPPP").</p> <p>"SWPPP" means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. [Small Construction General Permit (MSR15) March 11, 2003]</p>
T-32	<p>Definitions: Turbidity.</p> <p>"Turbidity" is the presence of suspended material such as clay, silt, finely divided organic material, plankton, and other inorganic material in water. [WPC-1]</p>
T-33	<p>Definitions: Successful Completion.</p> <p>"Successful Completion" of all permanent erosion and sediment controls means when land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring. [Small Construction General Permit (MSR15) March 11, 2003]</p>

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Definitions:

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T-34 Definitions: Values of Runoff Coefficient C:

Lawns:

Sandy soil, flat, 2% 0.05-0.10
Sandy soil, average, 2-7% 0.10-0.15
Sandy soil, steep, 7% 0.15-0.20
Heavy soil, flat, 2% 0.13-0.17
Heavy soil, average, 2-7% 0.18-0.22
Heavy soil, steep, 7% 0.25-0.35

Residential:

Single family areas 0.30-0.50
Multi units, detached 0.40-0.60
Multi units, attached 0.60-0.75

Business:

Downtown areas 0.70-0.95
Neighborhood areas 0.50-0.70

Other:

Parks, cemeteries 0.10-0.25
Playgrounds 0.20-0.35
Railroad yard areas 0.20-0.40
Unimproved areas 0.10-0.30. [Small Construction General Permit (MSR15) March 11, 2003]

Streets:

Asphalt 0.70-0.95
Concrete 0.80-0.95
Brick 0.70-0.85
Drives and walks 0.75-0.85
Roofs 0.75-0.95

Residential:

Suburban 0.25-0.40
Apartment dwelling areas 0.50-0.70

Industrial:

Light areas 0.50-0.80
Heavy areas 0.60-0.90

T-35 Definitions: WPC-1.

"WPC-1" means the State of Mississippi's Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification. [WPC-1]

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Condition No.	Condition
T-36	<p>Penalties.</p> <p>Any person found by the commission violating any of the provisions of Sections 49-17-1 through 49-17-43, or any rule or regulation or written order of the commission in pursuance thereof or any condition or limitation of a permit, except a permit required under the Solid Wastes Disposal Law of 1974 (Sections 17-17-1 through 17-17-47), shall be subject to a civil penalty of not more than Twenty-five Thousand Dollars (\$25,000.00), for each violation, such penalty to be assessed and levied by the commission after a hearing as provided in Section 49-17-33. Each day upon which a violation occurs shall be deemed a separate and additional violation. [Miss. Code Ann. 49-17-17]</p>
T-37	<p>Protection of Confidential Information.</p> <p>Information obtained by the commission concerning environmental protection including but not limited to information contained in applications for air emission equipment construction permits and water permits shall be public information and shall be made available upon proper request. Other information obtained by the commission, department, or permit board in the administration of Sections 49-17-1 through 49-17-43 concerning trade secrets, including, but not limited to, marketing or financial information, processes, devices, methods of manufacture, or production capabilities or amounts shall be kept confidential, if and only if:</p> <ul style="list-style-type: none">(A) A written confidentiality claim is made when the information is supplied;(B) Such confidentiality claim allows disclosure of the confidential information to authorized department employees and/or the United States Environmental Protection Agency (EPA); and(C) Such confidentiality claim is determined by the commission to be valid. <p>If the confidentiality claim is denied, the information sought to be covered thereby shall not be released or disclosed, except to the Environmental Protection Agency, until the claimant has been notified in writing and afforded an opportunity for a hearing and appeal therefrom, as with other orders of the commission. Disclosure of confidential information by the EPA should be governed by federal law and EPA regulations. Anyone making unauthorized disclosure of information determined to be confidential as herein provided shall be liable in a civil action for damages arising therefrom and shall also be guilty of a misdemeanor punishable as provided by law.</p>

See also, Mississippi Water Regulations WPC-1. [Miss. Code Ann. 49-17-39, WPC-1 Chapter One III.F]

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Condition No.	Condition
T-38	<p>Duty to Comply.</p> <p>The applicant/permittee must comply with all conditions of this permit. Any noncompliance with any NPDES wastewater regulations constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application; and/or for requiring an applicant/permittee to apply for and obtain an individual NPDES permit. [WPC-1 Chapter One Section IV.A(2)]</p>
T-39	<p>Compliance Schedules.</p> <p>Within 14 days after either an interim or final date of compliance specified in this permit, the applicant/permittee shall provide the Permit Board with written notice of his compliance or noncompliance with the requirements or conditions specified to be completed by that date. Failure to submit the written notice to the Permit Board shall be considered a violation of the compliance requirements of the permit, for which the Commission may be asked to take enforcement action. [WPC-1 Chapter One Section IV.A(10)]</p>
T-40	<p>Closure Requirements.</p> <p>Should the applicant/permittee decide to permanently close and abandon the premises upon which it operates, it shall provide a Closure Plan to the Permit Board no later than 90 days prior to doing so. This Closure Plan shall address how and when all manufactured products, by-products, raw materials, stored chemicals, and solid and liquid waste and residues will be removed from the premises or permanently disposed of on site such that no potential environmental hazard to the waters of the State will be presented. Closure plan(s) submitted to and approved by Mississippi Department of Environmental Quality for compliance with other environmental regulations will satisfy the closure requirements for those items specifically addressed in the closure plan(s) as long as the closure does not present a potential for environmental hazard to waters of the State. [WPC-1 Chapter One Section IV.A(11)]</p>
T-41	<p>Spill Prevention and Best Management Plans.</p> <p>Any applicant/permittee which has above ground bulk storage capacity, of more than 1,320 gallons or any single container with a capacity greater than 660 gallons, of materials and/or liquids (including but not limited to, all raw, finished and/or waste material) with chronic or acute potential for pollution impact on waters of the State and not subject to Mississippi Hazardous Waste Management Regulations or 40 CFR 112 (Oil Pollution Prevention) regulations shall provide secondary containment as found in 40 CFR 112 or equivalent protective measures such as trenches or waterways which would conduct any tank releases to a permitted treatment system or sufficient equalization or treatment capacity needed to prevent chronic/acute pollution impact. [WPC-1 Chapter One Section IV.A(12)]</p>

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Condition No.	Condition
T-42	<p>Facility Expansion and/or Modification.</p> <p>Any facility expansion, production increases, process modifications, changes in discharge volume or location, or other changes in operations or conditions of the applicant/permittee which may result in a new or increased discharge of waste, shall be reported to the Permit Board by submission of a new application for a permit pursuant to Section II.A. of the Mississippi Wastewater Regulations, or if the discharge does not violate effluent limitations specified in the permit, by submitting to the Permit Board a notice of a new or increased discharge. [WPC-1 Chapter One Section IV.A(14)]</p>
T-43	<p>Planned Changes.</p> <p>The applicant/permittee shall give notice to the Permit Board as soon as possible of any planned physical alterations or additions, including but not limited to, a change of operation to the permitted facility. Notice is required in the circumstances that follow:</p> <p>(A) The alteration or addition to a permitted facility may meet one of the criteria for determining whether the facility is a new source in 40 CFR 122.29(b);</p> <p>(B) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to either effluent limitations in the permit or notification requirements under 40 CFR 122.42(a)(1); or</p> <p>(C) The alteration or addition results in a significant change in the applicant's/permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan or an approved nutrient management plan. [WPC-1 Chapter One Section IV.A(15)(a)]</p>
T-44	<p>Anticipated Noncompliance.</p> <p>The applicant/permittee shall give advance notice to the Permit Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. [WPC-1 Chapter One Section IV.A(15)(b)]</p>

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Narrative Requirements:

Condition No.	Condition
T-45	<p>Duty to Provide Information.</p> <p>The applicant/permittee shall furnish to the Permit Board, within a reasonable time, any information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The applicant/permittee shall also furnish to the Permit Board upon request, copies of records required to be kept by the permit. [WPC-1 Chapter One Section IV.A(16), APC-S-2 Section II.B(16)(d)]</p>
T-46	<p>Inspection and Entry.</p> <p>The applicant/permittee shall allow any authorized Commission representative to enter upon the permittee's premises at any reasonable time, to have access to and copy any applicable records, to inspect process facilities, treatment works, monitoring methods or equipment or to take samples, as authorized by Section 49-17-21 of Mississippi Code. [Miss. Code Ann. 49-17-17, WPC-1 Chapter One Section IV.A(17)]</p>
T-47	<p>Biosecurity.</p> <p>MDEQ personnel will attempt to observe all standard biosecurity measures when performing inspections authorized in the above Condition No. T-46 above. [WPC-1 Chapter One Section IV.A(17)]</p>
T-48	<p>Proper Operation and Maintenance.</p> <p>The applicant/permittee shall at all times properly operate, maintain, and when necessary, promptly replace all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the applicant/permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. Proper replacement includes maintaining an adequate inventory of replacement equipment and parts for prompt replacement when necessary to maintain continuous collection and treatment of wastewater. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an applicant/permittee only when the operation is necessary to achieve compliance with the conditions of the permit. The Permit Board may require regular reporting of internal operational and maintenance parameters where necessary to confirm proper operation of a waste treatment system. [WPC-1 Chapter One Section IV.A(18)]</p>
T-49	<p>Duty to Mitigate.</p> <p>The applicant/permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment. [WPC-1 Chapter One Section IV.A(19)]</p>

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Condition No.	Condition
T-50	<p>Bypassing.</p> <p>The applicant/permittee shall comply with the terms and conditions regarding bypass found in 40 CFR 122.41(m). [WPC-1 Chapter One Section IV.A(20)]</p>
T-51	<p>Removed Substances.</p> <p>Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent such materials from entering state waters and in a manner consistent with the Mississippi Solid Waste Disposal Act, the Federal Resource Conservation and Recovery Act, and the Mississippi Water Pollution Control Act. [WPC-1 Chapter One Section IV.A(21)]</p>
T-52	<p>Power Failure.</p> <p>If electric power is required, in order to maintain compliance with the conditions and prohibitions of the permit, the applicant/permittee shall either:</p> <p>(A) Provide an alternative power source to operate the wastewater control facilities; or, if such alternative power source is not in existence, and no date for its implementation appears in the permit,</p> <p>(B) Halt, reduce, or otherwise control production and/or all wastewater flows upon reduction, loss, or failure of the primary source of power to the wastewater control facilities. [WPC-1 Chapter One Section IV.A(22)]</p>
T-53	<p>Oil and Hazardous Substance Liability.</p> <p>Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the applicant/permittee from any responsibilities, liabilities, or penalties to which the applicant/permittee is or may be subject to under Section 311 of the Federal Act or the applicable provisions under Mississippi law pertaining to the transportation, storage, treatment, or spillage of oil or hazardous substances. [WPC-1 Chapter One Section IV.A(23)]</p>

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Narrative Requirements:

Condition No.	Condition
T-54	<p>Criminal and Civil Liability.</p> <p>(A) Any person who violates a term, condition, or schedule of compliance contained within the permit or the Mississippi Water Pollution Control Law is subject to the actions defined by law.</p> <p>(B) Except as provided in permit conditions on "By-passing" and "Upsets" (WPC-1 Section IV.A.20 and 27) nothing in a permit shall be construed to relieve the applicant/permittee from civil or criminal penalties for noncompliance.</p> <p>(C) It shall not be the defense of the applicant/permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. [WPC-1 Chapter One Section IV.A(24)]</p>
T-55	<p>Severability.</p> <p>The provisions of a permit are severable. If any provision of a permit, or the application of any provision of a permit to any circumstances, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby. [WPC-1 Chapter One Section IV.A(25), APC-S-2 Section I.C(7), APC-S-1 Section 11]</p>
T-56	<p>Toxic Pollutants.</p> <p>The applicant/permittee shall comply with any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) established under Section 307(a) of the Federal Water Pollution Act. The applicant/permittee shall comply with the applicable provisions of 40 CFR 122.42. [WPC-1 Chapter One Section IV.A(26)]</p>

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T-57 Upsets.

The permittee shall meet the conditions of 40 CFR 122.41(n) regarding "Upsets" and as follows:

(A) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the applicant/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.

(B) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (C) of this section are met. Any determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, shall not constitute final administrative action subject to judicial review.

(C) Conditions necessary for demonstration of upset. An applicant/permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The applicant/permittee submitted notice of the upset as required in 40 CFR 122.41(L)(6)(ii)(B)(24-hour notice of noncompliance); and
- (4) The applicant/permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).

(D) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof. [WPC-1 Chapter One Section IV.A(27)]

T-58 Test Procedures.

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Federal Water Pollution Control Act, as amended or alternative procedures approved and/or promulgated by EPA. For those parameters listed in Exhibit D of the Mississippi Wastewater Permit Regulations, the applicant/permittee shall use approved methods with minimum quantification levels as sensitive as those found in Exhibit D of the regulations. [WPC-1 Chapter One Section IV.A(28)(d)]

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Condition No.	Condition
T-59	<p>Monitoring and Records.</p> <p>Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater. [WPC-1 Chapter One Section IV.A(28)(e)]</p>
T-60	<p>Availability of Records.</p> <p>Except for data determined to be confidential under the Mississippi Water Pollution Control Law, all reports prepared in accordance with the terms of this permit shall be available for public inspection and copying during normal business hours at the office of the Mississippi Department of Environmental Quality Office of Pollution Control. [WPC-1 Chapter One Section II.F(2), APC-S-2 Section IV.D]</p>
T-61	<p>Falsifying Reports.</p> <p>Any applicant/permittee who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Permit Board to be maintained as a condition in a permit, or who alters or falsifies the results obtained by such devices or methods and/or any written report required by or in response to a permit condition, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for a violation of a permit condition pursuant to Section 49-17-43 of Mississippi Code. [WPC-1 Chapter One Section IV.A(29)(d)]</p>

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Condition No.	Condition
T-62	<p>Twenty-Four Hour Reporting.</p> <p>(A) The applicant/permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the applicant/permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the applicant/permittee becomes aware of the circumstances. The written submission 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/or prevent recurrence of the noncompliance.</p> <p>(B) The following shall be included as information which must be reported within 24 hours under this paragraph.</p> <ol style="list-style-type: none">(1) Any unanticipated bypass which exceeds any effluent limitation in the permit.(2) Any upset which exceeds any effluent limitation in the permit.(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Permit Board in the permit to be reported within 24 hours. [WPC-1 Chapter One Section IV.A(29)(e), 40 CFR 122.41(I)(6)]
T-63	<p>Other Noncompliance.</p> <p>The applicant/permittee shall report all instances of noncompliance not reported under Condition No. T-62 above, at the time monitoring reports are submitted or within 30 days from the end of the month in which the noncompliance occurs. The reports shall contain the information listed in Condition No. T-62(A). [WPC-1 Chapter One Section IV.A(29)(f)]</p>
T-64	<p>Other Information.</p> <p>Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permit Board, it shall promptly submit such facts or information. [WPC-1 Chapter One Section IV.A(29)(g)]</p>

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AI22980 (continued):

Narrative Requirements:

Condition No.	Condition
T-65	<p>Transfer of Ownership or Control.</p> <p>Coverage granted under this permit is not transferable to any person except after proper notice and approval by the Permit Board. In the event of any change in control or ownership of facilities from which the authorized activities emanate, the applicant/permittee shall notify the Mississippi Environmental Quality Permit Board at least thirty (30) days in advance of the proposed transfer date. The notice should include a written agreement between the existing and new applicants/permittees containing a specific date for the transfer of permit responsibility, coverage, and liability. [WPC-1 Chapter One Section V.C(2), APC-S-2 Section XIII]</p>
T-66	<p>Property Rights.</p> <p>A permit issued by the Permit Board 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 any infringement of Federal, State, or local laws or regulations. [APC-S-2 Section II.B(16)(c), WPC-1 Chapter One Section V.E]</p>
T-67	<p>All engineering plans and specifications required by MDEQ must bear the signature, registration number, and seal of a professional engineer registered in the State of Mississippi. [APC-S-2 Section III.A, WPC-1 Chapter One Section VI.B(7)]</p>
T-68	<p>It is the responsibility of the applicant/permittee to obtain all other approvals, permits, clearances, easements, agreements, etc., which may be required including, but not limited to, all required local government zoning approvals or permits. [APC-S-2 Section I.C(6), WPC-1 Chapter One Section V.E]</p>
T-69	<p>New facilities shall not be constructed in Waters of the State. [WPC-1]</p>
T-70	<p>There shall be no contamination of drinking water wells due to waste handling at the permitted facility. Facility wastewater retention facilities, holding pens or waste/wastewater disposal sites shall not be located closer to public or private water wells than the distances specified by State regulations or health codes or State issued permits for that facility. [WPC-1]</p>
T-71	<p>Waste handling, treatment, and management shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or contribute to the taking of endangered or threatened species of plant, fish, or wildlife. [WPC-1]</p>

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CAFO1 (Production Area) NPDES & Air Requirements:

Record-Keeping Requirements:

Condition No.	Condition
R-1	<p>Record Keeping Requirements for the Production Area.</p> <p>Each CAFO must maintain on-site for a period of five years from the date they are created a complete copy of the information required by 40 CFR 122.21(i)(1) and 40 CFR 122.42(e)(1)(ix) and the records specified in paragraphs (A) through (F) below. The CAFO must make these records available to the Executive Director and, in an authorized State, the Regional Administrator, or his or her designee, for review upon request.</p> <p>(A) Records documenting the inspections required under Condition No. S-3 found on page 29; (B) Weekly records of the depth of manure and process wastewater in the liquid impoundment as indicated by the depth marker required in Condition No. S-4 found on page 30; (C) Records documenting any actions taken to correct deficiencies required under Condition No. S-5 found on page 30. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction; (D) Records of mortalities management and practices used by the CAFO to meet the requirements of Condition No. T-1 found on page 30. (E) Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity; and (F) Records of the date, time, and estimated volume of any overflow. [40 CFR 412.37(b)]</p>

Submittal/Action Requirements:

Condition No.	Condition
S-1	<p>Requirements to Develop and Implement a Nutrient Management Plan (NMP).</p> <p>New and expanding CAFOs must submit an updated NMP along with the DCNOI for consideration. Existing CAFOs must Submit a plan: Due once within 6 months (180 days) after effective date. [40 CFR Part 122.42(e)(1)]</p>

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CAFO1 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	<p>Requirements to Develop and Implement a Nutrient Management Plan (NMP).</p> <p>At a minimum, a nutrient management plan must include best management practices and procedures necessary to implement applicable effluent limitations and standards. The nutrient management plan must, to the extent applicable:</p> <ul style="list-style-type: none">(A) Ensure adequate storage of manure, litter, and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities;(B) Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;(C) Ensure that clean water is diverted, as appropriate from the production area;(D) Prevent direct contact of confined animals with waters of the State;(E) Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;(F) Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the State;(G) Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;(H) Establish protocols to land apply manure, litter, or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in manure, litter, or process wastewater; and(I) Identify specific records that will be maintained to document the implementation and management of the minimum elements described in items (A) through (H) of this condition. [40 CFR Part 122.42(e)(1)]
S-3	<p>Visual Inspections.</p> <p>There must be routine visual inspections of the CAFO production area. At a minimum, the following must be visually inspected:</p> <ul style="list-style-type: none">(A) Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channelling contaminated storm water to the wastewater and manure storage and containment structure;(B) Daily inspections of water lines, including drinking water or cooling water lines; and(C) Weekly inspections of the manure, litter, and process wastewater impoundments. [40 CFR Part 412.37(a)(1)]

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CAFO1 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-4	Depth marker. All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. [40 CFR Part 412.37(a)(2)]
S-5	Corrective Action. Any deficiencies found as a result of the inspections required in Condition No. S-3 found on page 29, must be corrected as soon as possible. [40 CFR Part 412.37(a)(3)]

Narrative Requirements:

Condition No.	Condition
T-1	Mortality Handling. Mortalities must not be disposed of in any liquid manure or process wastewater system, and must be handled in such a way as to prevent the discharge of pollutants to surface water, unless alternative technologies pursuant to 40 CFR 412.31(a)(2) and approved by the Executive Director are designed to handle mortalities. [40 CFR Part 412.37(a)(4)]
T-2	Mortality Handling. Mortalities must be disposed in accordance with all applicable requirements as set forth by the State Board of Animal Health. [WPC-1]

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Facility Requirements

Activity ID No.: GNP20060001

CAFO1 (continued):

Narrative Requirements:

Condition No.	Condition
T-3	<p>Lagoon Requirements.</p> <p>Prior to October 1 of each year the lagoon shall be pumped down to the four-foot minimum depth to provide for winter storage of rainfall and waste. Pump-out shall be performed only when the moisture condition of the soil is below field capacity and effluent shall be applied at rates that prevent runoff. Application shall not be made prior to prediction of heavy rainfall or immediately after large rains. Effluent application is prohibited between November 1 and March 31. The facility may apply effluent during the month of October only when October effluent application is specifically addressed in the NMP. [WPC-1]</p>
T-4	<p>Lagoon Requirements.</p> <p>Wastewater retention facilities or holding pens may not be located in the 100-year flood plain unless the facility is protected from inundation and damage that may occur during that flood event. [WPC-1]</p>
T-5	<p>Best Management Practice (BMP) for the Production Area.</p> <p>Open lots and associated wastes shall be isolated from outside surface drainage by ditches, dikes, berms, terraces, or other such structures designed to carry peak flows expected from the applicable statistical rainfall event. [WPC-1]</p>
T-6	<p>Best Management Practice (BMP) for the Production Area.</p> <p>No Waters of the State shall come into direct contact with the animals confined on the Concentrated Animal Feeding Operation. Fences may be used to restrict such access. [WPC-1]</p>
T-7	<p>Best Management Practice (BMP) for the Production Area.</p> <p>The operator shall prevent the discharge of pesticide contaminated waters into waters of the State. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any significant pollutants from entering the waters of the State. [WPC-1]</p>

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CAFO1 (continued):

Narrative Requirements:

Condition No.	Condition
T-8	<p>Best Management Practice (BMP) for the Production Area.</p> <p>Appropriate measures necessary to prevent spills and to clean up spills of any toxic pollutant shall be taken. Where potential spills can occur materials handling procedures and storage shall be specified. Procedures for cleaning up spills shall be identified and the necessary equipment to implement a cleanup shall be available to personnel. [WPC-1]</p>
T-9	<p>General Requirement.</p> <p>Facilities shall not expand operations, either in size or numbers of animals, prior to amending or enlarging the waste handling procedures and structures to accommodate any additional wastes that will be generated by the expanded operations. The facility shall not be expanded without Permit Board approval. [WPC-1]</p>
T-10	<p>General Requirement.</p> <p>Solids, sludges, manure, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent significant pollutants from being discharged into waters of the State. [WPC-1]</p>
T-11	<p>General Requirement.</p> <p>Wastewater retention facilities shall be equipped with either irrigation or evaporation systems capable of dewatering the retention facilities, or the applicant shall provide for a regular schedule of wastewater removal by a contract hauler. [WPC-1]</p>
T-12	<p>Production Area Buffer Zone Requirements.</p> <p>Any new or expanding facility for the treatment or disposal of animal wastes or the housing of a concentrated and confined animal growing operation, must be at least 1000 feet from the nearest unowned (by the applicant) occupied dwelling or commercial establishment and at least 300 feet from the nearest adjoining property line. In the event new treatment facilities are proposed for an existing confined animal operation, the Permit Board will consider requests for exceptions to, or variances from, the buffer zone requirements, and the requirements of WPC-1, Section I.C.2.e., based upon such factors as the relative distances and age of the existing operation. [WPC-1 Chapter One I.C(2)c.]</p>

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CAFO2 (Land Application Area) NPDES Requirements:

Record-Keeping Requirements:

Condition

No. Condition

R-1 Recordkeeping Requirements for the Land Application Areas.

Each CAFO must maintain on-site a copy of its site specific nutrient management plan. Each CAFO must maintain on-site for a period of five years from the date they are created a complete copy of the information required by 40 CFR 412.4 (conditions T-2, T-3, T-4 & T-5; pp 34 & 35) and 40 CFR 122.42(e)(1)(ix) (condition S-2; p 29) and the records specified in paragraphs (A) through (J) below. The CAFO must make these records available to the Executive Director and, in an authorized State, the Regional Administrator, or his or her designee, for review upon request.

- (A) Expected crop yields;
- (B) The date(s) manure, litter, or process waste water is applied to each field;
- (C) Weather conditions at time of application and for 24 hours prior to and following application;
- (D) Test methods used to sample and analyze manure, litter, process wastewater, and soil;
- (E) Results from manure, litter, process wastewater, and soil sampling;
- (F) Explanation of the basis for determining manure application rates, as provided in the technical standards established by the Executive Director.
- (G) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;
- (H) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
- (I) The method used to apply the manure, litter, or process wastewater; and
- (J) Date(s) of manure application equipment inspection. [40 CFR Part 412.31(b)2, 40 CFR Part 412.37(c), 40 CFR Part 412.32(b), 40 CFR Part 412.33(b), 40 CFR Part 122.42.(e)(1)(ix)]

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CAFO2 (continued):

Narrative Requirements:

Condition No.	Condition
T-1	<p>Best Management Practices: Specialized Definitions.</p> <p>(A) "Setback" means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: open tile line intake structures, sinkholes, and agricultural well heads.</p> <p>(B) "Vegetated Buffer" means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.</p> <p>(C) "Multi-Year Phosphorus Application" means phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus applications, no additional manure, litter, or process wastewater is applied to the same land in subsequent years until the applied phosphorus has been removed from the field via harvest and crop removal. [40 CFR Part 412.4(b), 40 CFR Part 412.31(b)(1), 40 CFR Part 412.32(b), 40 CFR Part 412.33(b)]</p>
T-2	<p>Best Management Practices: Determination of Application Rates.</p> <p>Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the technical standards for nutrient management established by the Executive Director. Such technical standards for nutrient management shall:</p> <p>(A) Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters, and address 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 waters; and</p> <p>(B) Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the Executive Director. [40 CFR Part 412.4(c)(2), 40 CFR Part 412.31(b)(1), 40 CFR Part 412.32(b), 40 CFR Part 412.33(b)]</p>

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CAFO2 (continued):

Narrative Requirements:

Condition No.	Condition
T-3	<p>Best Management Practices: Manure and Soil Sampling.</p> <p>Manure must be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil analyzed a minimum of once every five years for phosphorus content. The results of these analyses are to be used in determining application rates for manure, litter, and other process wastewater. [40 CFR Part 412.4(c)(3), 40 CFR Part 412.31(b)(1), 40 CFR Part 412.32(b), 40 CFR Part 412.33(b)]</p>
T-4	<p>Best Management Practices: Inspect land application equipment for leaks.</p> <p>The operator must periodically inspect equipment used for land application of manure, litter, or process wastewater. [40 CFR Part 412.4(c)(4), 40 CFR Part 412.31(b)(1), 40 CFR Part 412.32(b), 40 CFR Part 412.33(b)]</p>
T-5	<p>Best Management Practices: Setback Requirements.</p> <p>Unless the CAFO exercises one of the compliance alternatives provided for in paragraph (A) or (B) below, manure, litter, and process wastewater may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters.</p> <p>(A) Vegetated Buffer Compliance Alternative. As a compliance alternative, the CAFO may substitute the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited.</p> <p>(B) Alternative Practices Compliance Alternative. As a compliance alternative, the CAFO may demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback. [40 CFR Part 412.4(c)(5), 40 CFR Part 412.31(b)(1), 40 CFR Part 412.32(b), 40 CFR Part 412.33(b)]</p>
T-6	<p>Best Management Practices: General Requirements.</p> <p>The farm's land application area discharge path(s) shall be modified with a small berm or diversion to collect storm event runoff. A plan for collection of samples shall be developed which may include collection at the beginning, mid-point, and near the end of runoff hydrograph shall be required to identify the full distribution of parameter concentration and to calculate the total parameter volume transferred by the runoff. [WPC-1]</p>

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CAFO2 (continued):

Narrative Requirements:

Condition No.	Condition
T-7	Best Management Practices: General Requirements. Samples shall be taken during rainfalls which will result in any runoff amount and at the frequency described in the "Effluent Limitations and Monitoring Requirements" table. [WPC-1]
T-8	Best Management Practices: General Requirements. Wastewater shall not be applied when the ground is frozen, saturated, or during rainfall events. [WPC-1]
T-9	Best Management Practices: General Requirements. Irrigation practices shall be managed so as to reduce or minimize ponding or puddling of wastewater on the site, prevent contamination of ground or surface water, and prevent the occurrence of nuisance conditions such as odors and flies. [WPC-1]
T-10	Best Management Practices: General Requirements. Adequate equipment and/or land application area shall be available for removal of such waste and wastewater as required to maintain the retention capacity of the facility for compliance with this permit. [WPC-1]
T-11	Best Management Practices: General Requirements. Waste application shall occur only between 30 minutes after sunrise and 30 minutes before sunset unless authorized in writing by MDEQ. [WPC-1]
T-12	Best Management Practices: General Requirements. Operators shall consider wind direction and other relevant conditions before spray application occurs. [WPC-1 , APC-S-2]
T-13	Best Management Practices: General Requirements. Waste application on weekends should be minimized. [WPC-1 , APC-S-2]

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CAFO2 (continued):

Narrative Requirements:

Condition No.	Condition
T-14	Land Application Area Buffer Zone Requirements. Land application of animal waste must be at least 50 feet from the nearest adjoining property line and at least 300 feet from the nearest unowned (by the applicant) occupied dwelling. [WPC-1 Chapter One I.C(2)d.]

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MAFO1 (Construction Activity) NPDES Storm Water Requirements:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1		Limitation Requirements: Storm water discharges shall be free from: (1) debris, oil, scum, and other floating materials other than in trace amounts, (2) eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) suspended solids, turbidity and color at levels inconsistent with the receiving waters, (4) chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [WPC-1]

Record-Keeping Requirements:

Condition No.	Condition
R-1	Retention of Records: All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least 3 years from the date that the document(s) was generated. The inspections described in S-6, page 41 must be documented on copies of the Monthly Inspection Report and Certification Form provided in Appendix A and be kept with the SWPPP. [WPC-1]

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MAFO1 (continued):

Record-Keeping Requirements:

Condition

No. Condition

R-2 Suspension of Weekly Inspections and Monthly Record Keeping:

Coverage recipients under this general permit may suspend weekly inspection and monthly reporting requirements, if the coverage recipient certifies that:

- (1) land disturbing activities have temporarily ceased
- (2) no further land disturbing activities are planned for a period of at least 6 months
- (3) the site is stable with no active erosion
- (4) vegetative cover has been established

Color photographs representative of the site must be submitted with the Inspection Suspension Form provided in Appendix B. The coverage recipient shall notify the MDEQ once construction activities are resumed and the weekly inspections shall commence immediately and as required in S-6 on page 41. The coverage recipient is still responsible for all permit conditions during the suspension period and nothing in this condition shall limit the rights of the MDEQ to take enforcement or other actions against the coverage recipient. [WPC-1]

Submittal/Action Requirements:

Condition

No. Condition

S-1 Construction Storm Water Pollution Prevention Plan:

A construction Storm Water Pollution Plan (SWPPP) is required for initial construction including clearing, grading, and excavation, that result in the disturbance of one acre or more of land (see conditions T-2 through T-11 on pp 43 through 45 and SWPPP definition - condition T-31 on p 16). [WPC-1]

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MAFO1 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	<p>Additional Submittals May Include The Following:</p> <ol style="list-style-type: none">(1) appropriate Section 404 documentation from U.S. Army Corps of Engineers(2) appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction(3) appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements. [WPC-1]
S-3	<p>Implementation Requirements:</p> <p>The coverage recipient shall:</p> <ol style="list-style-type: none">(1) implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available. Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection.(2) ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of construction.(3) if notified at any time by the Executive Director of the MDEQ that the SWPPP does not meet the minimum requirements, amend the SWPPP and certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within 15 days.(4) amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to state waters; or the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted within 30 days of amendment.(5) install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction.(6) install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site.(7) minimize off-site vehicle tracking of sediments. [WPC-1]

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MAFO1 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-4	<p>Implementation Requirements (continued):</p> <p>(8) comply with applicable State or local waste disposal, sanitary sewer or septic system regulations.</p> <p>(9) maintain all erosion controls. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach 1/3 to 1/2 the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow.</p> <p>(10) if, after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation. [WPC-1]</p>
S-5	<p>Compliance With Local Storm Water Ordinances:</p> <p>(1) The SWPPP shall be in compliance with all local storm water ordinances.</p> <p>(2) When storm water discharges into an MS4 (municipal separate storm sewer system), the owner or operator shall make the SWPPP available to the local authority upon request. [WPC-1]</p>
S-6	<p>Inspection Requirements:</p> <p>Inspection of all erosion controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in Appendix A, and inspections shall be performed:</p> <p>(1) at least weekly for a minimum of four inspections per month; and</p> <p>(2) as often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and determine if additional or alternative control measures are required. The MDEQ strongly recommends that coverage recipients perform a "walk through" inspection of the construction site before anticipated storm events. [WPC-1]</p>

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MAFO1 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-7	Within 30 days of final stabilization (see Definition of Final Stabilization (1)) for a covered project, a completed Notice of Termination (NOT) of Coverage form (provided in the Appendices) shall be submitted to the Permit Board. Upon receiving the completed NOT the MDEQ staff will inspect the site. If no sediment and erosion control problems are identified and adequate permanent controls are established the owner or operator will receive a termination of construction letter. Coverage for construction activity is not terminated until done so in writing. Failing to submit a NOT is a violation of permit conditions. [WPC-1]

Narrative Requirements:

Condition No.	Condition
T-1	<p>Allowable Non-Storm Water Discharges:</p> <p>Discharges from fire-fighting activities</p> <ul style="list-style-type: none">(A) Fire hydrant flushing;(B) Water used to control dust;(C) Potable water including uncontaminated water line flushing;(D) Routine external building wash down that does not use detergents;(E) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;(F) Uncontaminated air conditioning or compressor condensate;(G) Uncontaminated ground water or spring water;(H) Foundation or footing drains where flows are not contaminated with process materials such as solvents;(I) Uncontaminated excavation dewatering; and/or(J) Landscape irrigation. [WPC-1]

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MAFO1 (continued):

Narrative Requirements:

Condition No.	Condition
T-2	<p>SWPPP Development:</p> <p>A SWPPP shall be developed and implemented by each owner or operator subject to this permit. A SWPPP shall be prepared in accordance with sound engineering practices and shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with construction activity. The SWPPP shall describe and ensure the implementation of best management practices, which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. [WPC-1]</p>
T-3	<p>Erosion and Sediment Controls. The owner or operator shall list and describe controls appropriate for the construction activities as well as the procedures for implementing such controls.</p> <p>The controls should to the extent practicable:</p> <ol style="list-style-type: none">(1) divert up-slope water around disturbed areas of the site;(2) limit the exposure of disturbed areas to the shortest amount of time as possible;(3) minimize the amount of surface area that must be disturbed;(4) implement best management practices to mitigate adverse impacts from storm water runoff;(5) remove sediment that would contribute to or cause adverse impacts to state waters from storm water before it leaves the site. [WPC-1]
T-4	<p>As a minimum, the controls must be in accordance with the standards set forth in the most current edition of the " Planning and Design Manual for the Control of Erosion, Sediment & Stormwater" or other recognized manual of design. The SWPPP shall address the following minimum components.</p> <ol style="list-style-type: none">(1) Vegetative practices shall be designed to preserve existing vegetation where possible and re-vegetate disturbed areas as soon as practicable after grading or construction. Such practices may include, but are not limited to, surface roughening, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, and protection of trees. When a disturbed area will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices shall be implemented within 7 calendar days.(2) Structural practices shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include, but are not limited to, construction entrance/exit, straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls. [WPC-1]

To Construct and Operate Dairy Concentrated Animal Feeding Operations (CAFOs)

Dairy CAFO General Permit
Facility Requirements

Activity ID No.: GNP20060001

Page 44 of 46

MAFO1 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	<p>(3) For drainage locations (a drainage point at boundary of land disturbing activity) that serves an area with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing at least 3600 cubic feet (133 cubic yards) of storage per acre drained shall be provided until final stabilization of the site. Sediment basins must be installed before major site grading.</p> <p>(4) A description of any post-construction control measures. Post-construction control measures should be installed to control pollutants in storm water after construction is complete. These controls include, but are not limited to, one or more of the following: on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow. [WPC-1]</p>
T-6	<p>Non-Storm Water Discharge Management:</p> <p>The SWPPP must identify all allowable sources of non-storm water discharges, except for flows from fire fighting activities, which are combined with storm water discharges associated with construction activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate best management practices for the non-storm water component of the discharge. [WPC-1]</p>
T-7	<p>Housekeeping Practices:</p> <p>The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from construction sites because of poor housekeeping. The owner or operator shall designate areas for equipment maintenance and repair; concrete chute wash off; provide waste receptacles at convenient locations and provide regular collection of waste; provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials; and provide adequately maintained sanitary facilities. [WPC-1]</p>
T-8	<p>Prepare Scaled Site Map(s):</p> <p>The owner or operator shall prepare a scaled site map showing original and proposed contours (if practicable), drainage patterns, adjacent receiving water bodies, north arrow, all erosion & sediment controls (vegetative and structural), any post-construction control measures, and location of housekeeping practices. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), a scaled site map is not required, however standard diagrams (e.g., cross sections showing dimensions and labeled components) of erosion and sediment controls to be used must be submitted. [WPC-1]</p>

To Construct and Operate Dairy Concentrated Animal Feeding Operations (CAFOs)

Dairy CAFO General Permit

Facility Requirements

Activity ID No.: GNP20060001

MAFO1 (continued):

Narrative Requirements:

Condition No.	Condition
T-9	<p>Implementation Sequence:</p> <p>The owner or operator shall prepare an orderly listing which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project. [WPC-1]</p>
T-10	<p>Implementation of Controls:</p> <p>The SWPPP shall require the owner or operator, in disturbing an area, to implement controls as needed to prevent erosion and adverse impacts to state waters. [WPC-1]</p>
T-11	<p>Maintenance and Weekly Inspections:</p> <p>The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all erosion controls are inspected weekly for a minimum of four inspections per month (see S-6, page 41). [WPC-1]</p>

To Construct and Operate Dairy Concentrated Animal Feeding Operations (CAFOs)

Dairy CAFO General Permit

Facility Requirements

Activity ID No.: GNP20060001

RPNT1 (MSG21) Land Application Area Discharging Non-contaminated Storm Water Runoff:

Submittal/Action Requirements:

Condition	Condition
S-1	<p>For the parameters identified in the Effluent Liminations & Monitoring Requirements table located on page ii of ii, The Permittee shall submit analytical results on an annual Discharge Monitoring Report (DMR): Due annually by the 28th of January for preceding calendar year.</p> <p>Under normal operating conditions, lagoon effluent may be applied to application areas beginning in April and ending in October. Samples should be representative of storm water runoff events occurring during the approved months of application. Samples shall be collected for a minimum of one event per quarter during the second, third, and fourth quarter of each calendar year resulting in a minimum total of three samples per year. When no storm water runoff occurs during a quarter, no sample is required. [WPC-1 Chapter One Section IV.A(15)c]</p>

Keep a Copy Available at the Construction Site or Locally Available
Submit the Inspection Reports Only if Requested by the Mississippi Department of Environmental Quality (MDEQ)

INSPECTION SUSPENSION FORM

UNDER LARGE CONSTRUCTION STORM WATER

MULTIMEDIA DAIRY CAFO GENERAL NPDES PERMIT MSG21



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

INSTRUCTIONS

Coverage recipients under Mississippi's Large Construction Storm Water General Permit may temporarily suspend required weekly inspections of erosion and sediment controls by submission of this form. Inspections may be suspended only when land disturbing activities have ceased, no further land disturbing activities are planned for a period of at least 6 months, the site is stable with no active erosion, and vegetative cover has been established. The coverage recipient is responsible for all permit conditions during the suspension period and nothing in this condition shall limit the rights of the MDEQ to take enforcement or other actions against the coverage recipient. Once land disturbing activities resume the MDEQ must be notified and all inspections and record keeping required by the permit must also resume. Color photographs, representative of the construction site, must be submitted with this form.

COVERAGE RECIPIENT INFORMATION

COVERAGE RECIPIENT CONTACT PERSON: _____
COMPANY NAME: _____
STREET OR P.O. BOX: _____
CITY: _____ STATE: _____ ZIP: _____
PHONE # (INCLUDE AREA CODE): _____

PROJECT INFORMATION

MULTIMEDIA DAIRY CAFO GENERAL PERMIT COVERAGE NUMBER: **MSG21** _____
FACILITY NAME: _____
CITY: _____ COUNTY: _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. **I further certify that: land disturbing activities have ceased, no further land disturbing activities are planned for a period of at least 6 months, the site is stable with no active erosion, and vegetative cover has been established.**

Signature (must be signed by coverage recipient)

Date

Printed Name

Title

Please submit this form to:

Chief, Environmental Permits Division
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225-2261

Notice of Termination (NOT) of Coverage

(Use this form to request coverage termination, after construction or disturbance activities have ceased and upon successful completion of all permanent erosion and sediment controls.)

Multimedia Dairy CAFO General NPDES Permit No. MSG21 _____ County: _____
(Fill in your certificate of coverage number & county where project is located.)
(Please Print)

Owner Name: _____

Company Name: _____

Mailing Address (Street/P.O. Box): _____

City: _____ State _____ Zip _____

Tel. # (_____) _____

Prime Contractor Name (please print): _____

Company Name: _____

Mailing Address (Street/P.O. Box): _____

City: _____ State _____ Zip _____

Tel. #: (_____) _____

Project Name: _____

Physical Project Location: Street: _____

City: _____ County: _____

Date of successful completion of all permanent erosion and sediment controls (site stabilized): _____

CERTIFICATION: Based upon inspection(s) of the permitted site which I or personnel under my direct supervision conducted, I certify under penalty of law that construction or disturbance activities have ceased, all erosion and sediment controls have been implemented and maintained, that disturbed soils have been stabilized, all temporary erosion and sediment control measures have been removed and all permanent erosion and sediment controls have been successfully completed. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with construction activity by Mississippi's Construction NPDES Storm Water General Permit, and that discharging pollutants in storm water associated with construction activity, not authorized by coverage under Mississippi's Construction NPDES Storm Water General Permit, to waters of the United States is unlawful under the Clean Water Act. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of Mississippi's Construction NPDES Storm Water General Permit or the Clean Water Act. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Permittee/Authorized Name [Print] (_____) Telephone Number _____ Signature _____ Date

This form shall be submitted to: Chief, Environmental Permits Division
Mississippi Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225-2261

Contiguous Landowner Notification of a Dairy Concentrated Animal Feeding Operation (CAFO) Facility

(See page 4, Condition T-7)

I, _____, (Please Print Authorized Name of Company) am proposing to construct and operate a Dairy Concentrated Animal Feeding Operation (CAFO) at _____ (Complete Address with County). Such construction and operation will involve the management of animal waste, and may involve the discharge of storm water involving the clearing, grading, and excavation of land or air emissions associated with the construction and operation of a dairy farm. This notification is to provide you with an opportunity to comment to the Mississippi Department of Environmental Quality Permit Board regarding the granting of coverage under the General Permit MSG21 for Dairy Concentrated Animal Feeding Operations (CAFOs). This notice has been sent to you by Certified Mail - Return Receipt Requested. If you have no comments regarding this proposed facility, no response is necessary and the permitting process will continue toward making a decision on granting coverage. If you have any comments, they must be received by the Mississippi Department of Environmental Quality within 14 days of receipt of this correspondence. **The Department of Environmental Quality is limited in its review of this project to those environmental issues in which statutory authority has been given.** Comments are to be mailed to the following address:

**Chief, Environmental Permits Division
Mississippi Department of Environmental Quality
P. O. Box 2261
Jackson, Mississippi 39225-2261**

Appendix E1

Public Notice
Mississippi Environmental Quality Permit Board
P. O. Box 10385
Jackson, MS 39289-0385
Telephone No. (601) 961-5171

(Date Notice Begins in Area Paper)

(Name): _____ at (Facility Address: Street, City, Zip) _____ has applied to the Mississippi Department of Environmental Quality for coverage and/or modification under General Permit MSG21 to construct and operate a Dairy Concentrated Animal Feeding Operation (CAFO). Such construction and operation will involve the management of animal waste, and may involve the discharge of stormwater involving the clearing, grading, and excavation of land or air emissions associated with the construction and operation of a dairy farm.

Provided the above referenced facility meets the eligibility requirements of General Permit MSG21 and complies with the constraints and limitations contained therein, the staff of the Department believes the project will operate within all State and Federal air and water pollution control laws and standards and will protect health and welfare. Therefore, the staff of the Board has preliminarily decided, based on available information, to recommend to the Board that coverage be issued containing numerous regulatory constraints specifically stated in General Permit MSG21. However, before proceeding further with the staff evaluation, public comments are being solicited. The staff recommendation to the Board, as well as the Board decision, will be made only after a thorough consideration of all public comments.

Persons wishing to comment upon or object to the proposed determinations are invited to submit comments in writing to Chief, Environmental Permits Division at the above Permit Board address no later than fourteen (14) days from the date of publication of this notice. All comments received by that date will be considered in the formulation of final determinations regarding the application. A public hearing will be held if the Permit Board finds a significant degree of public interest in the proposed permit. The Permit Board is limited in the scope of its analysis to environmental impact. Any comments relative to zoning or economic and social impacts are within the jurisdiction of local zoning and planning authorities and should be addressed to them.

Additional details about the application, including a copy of the permit, are available by writing or calling the Chief, Environmental Permits Division at the above Permit Board address and telephone number. This information is also available for review at the following location(s) during normal business hours.

Mississippi Department of Environmental Quality
Office of Pollution Control
515 East Amite Street
Jackson, MS 39201

Local Library

Please bring the foregoing to the attention of persons whom you know will be interested.

Appendix E2

Public Notice
Mississippi Environmental Quality Permit Board
P. O. Box 10385
Jackson, MS 39289-0385
Telephone No. (601) 961-5171

(Date Notice Begins in Area Paper)

(Name): _____ at (Facility Address: Street, City, Zip) _____ has applied to the Mississippi Department of Environmental Quality for coverage and/or modification under General Permit MSG21 to construct and operate a Dairy Concentrated Animal Feeding Operation (CAFO). Such construction and operation will involve the management of animal waste, and may involve the discharge of stormwater involving the clearing, grading, and excavation of land or air emissions associated with the construction and operation of a dairy farm.

Provided the above referenced facility meets the eligibility requirements of General Permit MSG21 and complies with the constraints and limitations contained therein, the staff of the Department believes the project will operate within all State and Federal air and water pollution control laws and standards and will protect health and welfare. Therefore, the staff of the Board has preliminarily decided, based on available information, to recommend to the Board that coverage be issued containing numerous regulatory constraints specifically stated in General Permit MSG21. However, before proceeding further with the staff evaluation, public comments are being solicited. The staff recommendation to the Board, as well as the Board decision, will be made only after a thorough consideration of all public comments.

Persons wishing to comment upon or object to the proposed determinations are invited to submit comments in writing to Chief, Environmental Permits Division at the above Permit Board address no later than seven (7) days from the date of publication of this notice. All comments received by that date will be considered in the formulation of final determinations regarding the application. A public hearing will be held if the Permit Board finds a significant degree of public interest in the proposed permit. The Permit Board is limited in the scope of its analysis to environmental impact. Any comments relative to zoning or economic and social impacts are within the jurisdiction of local zoning and planning authorities and should be addressed to them.

Additional details about the application, including a copy of the permit, are available by writing or calling the Chief, Environmental Permits Division at the above Permit Board address and telephone number. This information is also available for review at the following location(s) during normal business hours.

Mississippi Department of Environmental Quality
Office of Pollution Control
515 East Amite Street
Jackson, MS 39201

Please bring the foregoing to the attention of persons whom you know will be interested.

Appendix F1

Library Form

DATE

Dear _____:

Re: Name of Facility
Permit Number
City, County, Mississippi

Enclosed is a copy of the public notice for comment on the request by _____ for coverage under the State of Mississippi's Dairy Concentrated Animal Feeding Operation (CAFO) Multimedia General Permit at the facility in _____, Mississippi. Please post this notice in the library.

Also, enclosed is a copy of information pertinent to _____ request. This information should be kept on hand for review by the public until **fourteen (14) days following the publication date of the attached public notice**, after which it may be discarded. The public may photocopy all or any portion of this information, but it should not leave the library.

Finally, enclosed please find a duplication of this letter with a place for your signature and the date acknowledging your receipt of the package and your agreement to carry out our request. A self-addressed stamped envelope is enclosed for your convenience.

We are attempting to keep the public informed of and involved in the Office's actions regarding permitting of new and expanding industry. Since access to the public library is so convenient for so many we hope to use these facilities as often as possible. Your cooperation in this matter is greatly appreciated.

If you have any questions, please contact me at _____ or contact the Agricultural Branch of the Mississippi Department of Environmental Quality at (601) 961-5171.

Very truly yours,

Attachment

Acknowledgement Library Form

DATE

Dear _____:

Re: Name of Facility
Permit Number
City, County, Mississippi

Enclosed is a copy of the public notice for comment on the request by _____ for coverage under the State of Mississippi's Dairy Concentrated Animal Feeding Operation (CAFO) Multimedia General Permit at the facility in _____, Mississippi. Please post this notice in the library.

Also, enclosed is a copy of information pertinent to _____ request. This information should be kept on hand for review by the public until **fourteen (14) days following the publication date of the attached public notice**, after which it may be discarded. The public may photocopy all or any portion of this information, but it should not leave the library.

Finally, enclosed please find a duplication of this letter with a place for your signature and the date acknowledging your receipt of the package and your agreement to carry out our request. A self-addressed stamped envelope is enclosed for your convenience.

We are attempting to keep the public informed of and involved in the Office's actions regarding permitting of new and expanding industry. Since access to the public library is so convenient for so many we hope to use these facilities as often as possible. Your cooperation in this matter is greatly appreciated.

If you have any questions, please contact me at _____ or contact the Agricultural Branch of the Mississippi Department of Environmental Quality at (601) 961-5171.

Very truly yours,

Attachment

Received & Agreed to By:

(Name and Title)

(Date)



Mississippi Department of Environmental Quality

Office of Pollution Control – Environmental Permits Division

POST OFFICE BOX 2261 • JACKSON, MS 39225-2261

TEL: (601) 961-5171 • FAX: (601) 961-5703

www.deq.state.ms.us



DAIRY CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) NOTICE OF INTENT (DCNOI) FOR COVERAGE UNDER THE MULTIMEDIA GENERAL PERMIT INCLUDING NPDES REQUIREMENTS FOR DAIRY CAFO OPERATIONS GENERAL PERMIT NUMBER MSG21_ _ _ _ _ (Number to be assigned by State)

INSTRUCTIONS

Applicant must be the owner and/or operator of the property associated with the regulated activity. All submittals must include the following:

- A USGS quad map or a copy showing the site location. Quad maps can be obtained from the Office of Geology (601/961-5523). If a copy is submitted, provide the name of the quadrangle map that is found in upper right hand corner.
- A site drawing.
- An updated Nutrient Management Plan (NMP). See the Dairy CAFO General Permit (condition T-10, p. 4 of 46) for more information.

USGS quad maps submitted must extend at least one mile beyond the property boundaries of the facility showing the specific location of the production area and must clearly show all springs and surface water bodies in the area, plus all drinking water wells within ¼ mile of the facility. Additionally, all public drinking wells within one mile of the facility must be identified.

The site drawing must show the property boundaries, production area and must indicate the approximate location of each existing and proposed structure (barn, lagoon, incinerator, dead box, land application field, composting area, etc). The site drawing must include a compass direction header.

Additional submittal may include:

- A construction Storm Water Pollution Plan (SWPPP) is only required for initial construction of facilities including clearing, grading, and excavation, that result in the disturbance of one acre or more of land. See the Dairy CAFO General Permit (conditions S-1 & S-2 pp. 39 - 40 of 46) for more information.

All forms must be submitted to: Chief, Environmental Permits Division, Mississippi Department of Environmental Quality, P.O. Box 2261, Jackson, Mississippi 39225-2261.

All questions must be answered. For this application to be considered, all questions on this form must be

I. GENERAL INFORMATION:

CONTACT AND FACILITY INFORMATION

Is the Applicant the Owner or Operator? (Circle one or both)

Name of Owner: _____

Name of Operator (if different than owner): _____

Facility Name: _____

Mailing Address:

Street or P.O. Box: _____

City: _____ State: _____ Zip: _____

Physical Site Address: (If the physical address is not available indicate the nearest named road or intersection.)

Street (can not be a P.O. Box) _____

City: _____ State: _____ Zip: _____

County: _____

Provide latitude and longitude of the production area (entrance to production area):

Latitude (degrees/min/sec): _____

Longitude (degrees/min/sec): _____

Nearest named receiving stream: _____

Facility Telephone No. (Include Area Code): _____

II. CONCENTRATED DAIRY FEEDING OPERATION CHARACTERISTICS:

NUMBER OF DAIRY COWS & DAIRY HEIFERS (SIC 0241): _____

LIST ALL APPLICABLE TYPES OF CONTAINMENT, STORAGE, AND CAPACITIES	
Type of Storage	Total Capacity for Manure, Litter and Process Wastewater (gallons or tons)
<input type="checkbox"/> Anaerobic Lagoon	
<input type="checkbox"/> Roofed Storage Shed	
<input type="checkbox"/> Storage Pond	
<input type="checkbox"/> Under Floor Pits	
<input type="checkbox"/> Above Ground Storage Tanks	
<input type="checkbox"/> Below Ground Storage Tank	
<input type="checkbox"/> Concrete Pad	
<input type="checkbox"/> Impervious Soil Pad	
<input type="checkbox"/> Other, Specify: _____	
Total number of acres from process area contributing to drainage: _____ acres	

III. CERTIFICATION

Note: This application shall be signed according to the General Permit, page 3, as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.

I certify that to the best of my knowledge and belief formed after reasonable inquiry, the statements and information in this application are true, complete, and accurate, and that as a responsible official, my signature shall constitute an agreement that the applicant assumes the responsibility for any alteration, additions, or changes in operation that may be necessary to achieve and maintain compliance with all applicable Rules and Regulations. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature of Responsible Official

Date

Name of Responsible Official (Printed or Typed)

Title