

State of Mississippi
Mississippi Department of Environmental Quality (MDEQ)



Office of Pollution Control
Environmental Permits Division

**RATIONALE/ FACT SHEET
FOR
CONCENTRATED ANIMAL FEEDING
OPERATION (CAFO)
GENERAL PERMIT**

FALL 2026

SUMMARY

MDEQ is authorized by the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) Program in the State of Mississippi, including the issuance of general permits for categories of discharges under the provisions of 40 CFR 122.28, as adopted by reference in the “Mississippi Wastewater Regulations for NPDES Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification”, (11 Miss. Admin. Code, Pt. 6, Ch. 1). Under this authority, MDEQ may issue a single general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures.

Specifically, MDEQ is authorized to issue a general NPDES permit if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same type of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. Are more appropriately controlled under a general permit than under individual permits (in the opinion of the Permit Board).

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Mississippi Air and Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972) and subjects the coverage recipient to the penalties specified therein.

Upon promulgation of the final general permit and request for re-coverage, owners/operators qualified for re-coverage are authorized to discharge under this general permit.

The draft permit conditions are grounded in the following legal and policy frameworks:

- Clean Water Act (CWA) Section 502(14)
- 40 CFR Part 122, which outlines NPDES permit requirements for stormwater discharges
- Mississippi Administrative Code Title 11, Part 6, Chapter 1, which incorporates federal NPDES requirements into state law

The permit conditions are also informed by EPA guidance on Best Management Practices (BMPs), TMDL implementation strategies, and the need to address pollutants of concern in impaired waters.

Explanation of Variances or Alternatives

No variances or alternatives to the standard permit requirements have been requested or granted under this general permit. MDEQ has determined that all regulated CAFOs can meet the permit conditions through implementation of the required Comprehensive Nutrient Management Plan (CNMP). Therefore, no justification for variances or alternatives is necessary.

INTRODUCTION

The CAFO General Permit covers the State of Mississippi and will authorize activities associated with concentrated animal feeding operations that fall under Standard Industrial Classifications (SIC) 0211 (beef cattle feedlots), 0213 (swine), 0214 (sheep and goats), 0241 (dairy), 0251 (broiler, fryer, and roaster chickens), 0252 (chicken eggs), 0253 (turkeys and turkey eggs), 0254 (poultry hatcheries), 0259 (poultry and eggs not elsewhere classified), or 0272 (horses). Such activities may include land application of manure, litter, or process wastewater.

MAJOR CHANGES

Incinerators and related language have been removed. The CAFO Forms Package has been updated to coincide with the removal of incinerators.

NOTICE OF INTENT

To obtain coverage under the CAFO General Permit, regulated entities must submit a complete Notice of Intent (NOI) and CNMP. The NOI must include key information such as the applicant's contact details, type and number of animals, manure/ litter/ wastewater production/ use, containment/ storage/ capacity for manure/litter/process wastewater, CNMP, and construction/ operation of an incinerator.

When an NOI or an updated NMP is received, the NOI or updated NMP Form will be scanned and placed on MDEQ's web site at the following web address www.mdeq.ms.gov for a minimum of 10 days and the most recent version of the NMP will be available for public review at MDEQ's office. [40 CFR Part 122.42 (e)(6)(A), 40 CFR Part 122.42 (e)(6)(B), 11 Miss. Admin. Code Pt. 2, 2.11.C., 11 Miss. Admin. Code Pt. 6, 1.1.4.E(1)., 11 Miss. Admin. Code Pt. 6, 1.1.4.E(2)., 11 Miss. Admin. Code Pt. 6, 1.1.4.F(1).]

Permit coverage is granted only after MDEQ reviews the submission and issues written approval. MDEQ may request additional information, deny coverage, or require an individual or alternative general permit.

ANTI-DEGRADATION PROVISION

MDEQ will conduct the antidegradation review for each activity for which a Notice of Intent (NOI) to discharge is received for coverage under a general permit. The procedures for general permits follow:

1. An application is received for coverage (NOI).
2. The NOI is posted on MDEQ's website at http://opc.deq.state.ms.us/report_gnp_notice.aspx. The notice is posted for at least a 10-day period prior to action on the NOI.
3. The permit manager uses the NOI application and other available data and information to answer a list of questions that relate to a proposed project including alternatives analysis and socio-economic issues.
4. The information in the completed project awareness checklist provides the basis for MDEQ to complete its antidegradation review.
5. If, based on the results of the antidegradation review, MDEQ determines that the applicant can receive coverage under a general permit, notice of coverage by a general permit is posted on MDEQ's website at http://opc.deq.state.ms.us/report_gnp_issued.aspx.
6. If, based on the results of the antidegradation review, MDEQ determines that the applicant can not receive coverage, the applicant must apply for an individual NPDES permit and fulfill the requirements of Section IV of this methodology.

PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

Comment Period

Following review by EPA, The MDEQ will publish a notice in multiple newspapers across the state concerning the reissuance of this general permit and providing a 30-day comment period to the public. Papers with varying distribution areas in the state will be selected. The notice will provide the below address to which interested persons are invited to submit written comments on the permit application or on the Permit Board's proposed determinations.

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

Additional details and a copy of the draft permit will be available to the public by request in writing to Richard Rebich at the Permit Board's address or by calling 601-961-5171. All comments received prior to the end of the 30-day public comment period will be considered in the formulation of final determinations about the reissuance of this general permit.

Public Hearing

The Permit Board may hold a public hearing if there is a significant degree of public interest. Public notice of such a hearing will be circulated in multiple newspapers, as during the comment period, and to those on the agency's mailing list at least 30 days prior to the hearing.

Following the public hearing, the Permit Board may make modifications to the terms and conditions of the proposed permits as may be appropriate and shall issue or deny the permit. Notice of issuance or denial will be circulated to those who participated in the hearing and to appropriate persons on the mailing list.

If no public hearing is held, and, after review of the comments received, the Permit Board's determinations are substantially unchanged, the permit will be issued and become effective immediately.

If no public hearing is held, but there have been substantial changes, public notice of the Permit Board's revised determinations will be made. Following a 30-day comment period, the permit will be issued and become effective immediately, unless a public hearing is granted.