

**A UTAH STRATEGY TO ADDRESS WATER
POLLUTION FROM ANIMAL FEEDING OPERATIONS**

**Prepared by
The Utah AFO\CAFO Committee**

March 16, 2001

A Utah Strategy to Address Water Pollution From Animal Feeding Operations

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Introduction and Background

The purpose of this strategy is to outline a process to achieve the goal of addressing existing manure management problems and water quality impacts in a manner that is most appropriate for each operator affected, and which can be implemented with reasonable cost and within reasonable time frames. Voluntary incentive-based approaches will be emphasized, so that other regulatory methods are used only for the largest facilities or where voluntary methods, over time, fail to solve pollution problems. It is important that long term goals and targets be established so everyone can work within those time frames to solve their problems in cost effective ways, such that the sustainability of Utah agriculture can be promoted.

Based upon of water quality monitoring studies and other studies that have been conducted over the years, it has been determined that there are a number of Utah waters which do not meet water quality standards. There are many causes for these water quality impairments, but one source is runoff or other discharges from animal feeding operations. Considerable attention has been given to this issue recently, as evidenced by the recent issuance of a national unified animal feeding operation (AFO) strategy by the Environmental Protection Agency (EPA) and the U. S. Department of Agriculture (USDA).

A State of Utah strategy is important to determine what approach is best for the agencies and producers in Utah to use in addressing this issue. The unified federal strategy is important and is a useful guide to what might be appropriate for Utah, but we also realize that Utah is unique in many respects and the agricultural producers in Utah need to manage animal manure problems in a manner and time frame that is most appropriate here. Our goals are:

- To restore and protect the quality of our water for beneficial uses;
- Maintain a viable and sustainable agricultural industry and;
- To keep the decision making process on these issues at the state and local level.

Definitions

The term “animal feeding operation” (AFO) is defined in the Code of Federal Regulations *40 CFR 122.23 (b)(1)* as a lot or facility where 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 crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.”

An AFO is a “concentrated animal feeding operation” or CAFO if it meets the regulatory definition of CAFO or if it is designated as a CAFO. A CAFO is defined in *40 CFR 122.23 appendix B* as “an animal feeding operation where more than 1,000 ‘animal units’ (as defined by the regulation) are confined at the facility; or more than 300 animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a

man-made ditch, flushing system or other similar man-made device; or pollutants are discharged directly into waters of the United States 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.”

In addition, the NPDES permit issuing agency may, after conducting an on-site inspection, designate an animal feeding operation of any size as a CAFO based on a finding that the facility “is a significant contributor of pollution to waters of the United States.” A facility with 300 animal units or less, however, may not be designated as a CAFO under this authority unless pollutants are discharged from a man-made conveyance or are discharged directly into waters passing over, across or through the facility or that otherwise come into direct contact with the confined animals [40 CFR 122.23 (2)].

The regulations also provide that no animal feeding operation is a CAFO under the regulatory definition if it discharges only in the event of a 25-year, 24-hour or larger storm event.

A joint federal AFO/CAFO strategy has been developed and issued by EPA and USDA. That strategy calls for a general permit for CAFOs over 1000 animal units, but allows some flexibility by states to operate functionally equivalent programs. As per this strategy the State of Utah intends to issue permits to these large operations by September 2001. EPA also intends to revise their NPDES regulations to implement the federal strategy. We believe this state strategy to be functionally equivalent to the federal strategy.

This strategy has been developed by a CAFO Advisory Committee (Attachment I) comprised of representatives of agricultural commodity groups and other farm organizations, state and federal agencies, and other interested parties.

Utah Strategy

The key elements to address water pollution issues related to AFOs include:

- Information, education and training, research and demonstrations;
 - Prioritization of watersheds impaired by pollutants associated with animal manure;
 - Assessment of AFOs and CAFOs within those priority areas to determine which may be sources of pollution and identified as potential CAFOs;
 - Permitting goals and objectives;
 - Compliance milestones;
 - Permit development;
 - Testing, record keeping, and monitoring;
 - Schedules and;
 - Resources.
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- **Information/education/training**

There must be a significant effort to provide information to the agricultural community concerning several issues including, but not limited to:

- definitions of CAFO/AFO and Comprehensive Nutrient Management Plan (CNMP)
- current and proposed regulatory requirements
- what is acceptable and what is not
- methods to implement a CNMP and properly control animal wastes
- time frames available to solve problems
- funding sources and availability of technical assistance
- highlight good examples
- overall program / strategy goals and expectations

This effort must be cooperative including the involved governmental agencies as well as commodity groups to facilitate the flow of information. Farmer to farmer communication should be considered an important part of the information education component.

Many agencies and other groups are and will be involved in information and education for the agricultural community. For example, the Utah Association of Conservation Districts (UACD) has a statewide water quality specialist assigned to help the local districts more effectively deal with water quality issues. They have adopted a clean water strategy which will assist Utah's soil conservation districts to be proactive in providing local leadership to assist private land owners to reduce nonpoint source pollution.

The Utah Farm Bureau Federation has hired an on-farm assessment specialist to help producers evaluate their operations, identify solutions and implement improvements where appropriate.

An Education Committee has been formed to prepare an education plan and associated materials. The Education Committee includes the following groups: USU Extension Service (Chair), UDAF, UACD, NRCS, and DEQ. Workshops are being provided at various locations around the state to help producers understand the strategy, identify on-farm problems, identify technical and financial assistance and implement appropriate corrective actions where needed.

Research/Demonstration Projects. Ways need to be found to make animal manure a more useful resource. One idea being pursued in Cache Valley is a regional composting facility.

Other areas deserving further attention include land application at proper agronomic rates, methods and the use of manure as an energy source.

- **Prioritize Watersheds**

Because resources are limited, focus should be on areas where there are the most severe

water quality problems, where the number of animal manure problems are the greatest, and where the most can be accomplished for the resource investment. The state's 303(d) list and the Unified Watershed Assessment will be the beginning point to identify watersheds with significant problems, as well as data from other agencies indicating areas that should be high priority for initial action. Those involved in selecting priority areas include the Division of Water Quality (DWQ), State Department of Agriculture and Food, Natural Resource Conservation Service (NRCS), USU Extension Service, producer groups such as Dairymen's Association, Farm Bureau, Poultry Association, Cattlemen's Association, Utah Farmers Union, Utah Association of Conservation Districts, local soil conservation districts, and others as appropriate.

- **Assessment of On-farm Conditions**

Before any formal assessment is undertaken, producers in the State will be contacted to inform them of this effort. It is projected that all large operations (1000 au's or more) will initially be identified throughout the state. Also, an assessment of AFO's will be conducted first within the geographic areas that are identified as high priority, and then within the rest of the state. This assessment will focus on large operations and those which are or may be significant contributors of pollution. This would include all operations with greater than 300 animal units, and any other operations immediately adjacent to streams or other water bodies. The assessment will include location, types of animals, number of animal units, proximity to nearest water body, potential pollution loading, receiving water, waste storage type and capacity, type of confinement, age of facility, etc. Producers would be notified of their status and what resources are available to assist them to take appropriate steps to address any issues that exist on their operation.

A subcommittee has been formed to develop a plan (Attachment II) for conducting the assessment. Membership of this subcommittee includes representatives from UACD (Chair), Dairymen's Association, Poultry Producers, Pork Producers, Cattlemen's Association, Farm Bureau, UDAF, DEQ, NRCS, and the Utah Farmers Union. This assessment will be carried out using Section 319 funding. Producer groups and SCDs will be asked to assist with this assessment. On-farm assessors will receive training so they can all consistently identify unacceptable conditions which would make an operation a potential CAFO. They will also receive training in how to sell the Utah strategy and the importance of proper manure management. Their training will include gaining information on technical and financial resources to help producers. The assessment will include the severity of any water quality problems known to exist. In some cases, inspection of facilities which may be significant sources of pollution will be scheduled and conducted later. The overall goal will be to update the assessment every five years, which could coincide with the watershed monitoring and planning cycle of the DWQ Watershed Approach, as resources allow.

The assessment will be completed according to the subcommittee's workplan within a period of two years. It is important that all potentially significant sources of pollution be identified for the program to be successful. The assessment will gather enough information to determine whether a facility may be a CAFO potential CAFO, or an AFO.

Those facilities identified in the initial assessments as having the greatest potential of pollution will be notified of the need for action and notified of technical and financial assistance that is available. Time frames should be roughly consistent with the joint federal strategy, however, some modifications may be necessary for the Utah situation. Up to five years will be allowed, after which designation as a CAFO would follow if problems are not resolved. It is proposed that each plan would be tailored to the individual producer, but in general, up to two years would be the time frame to complete a plan to correct unacceptable conditions and up to three years after the plan is prepared to implement the plan. An AFO/CAFO inventory summary progress report will be submitted to DWQ annually during the inventory period. The progress report will be provided to DWQ annually to document progress of potential CAFOs in voluntarily solving unacceptable pollution problems.

- **Permitting Goals and Objectives**

It has been mentioned that all of the larger CAFO's (>1000 au's) and some of the smaller operations with specified conditions will be required to obtain a Utah Pollutant Discharge Elimination (UPDES) Permit. The primary impetus for the issuance of these permits is to require good management practices and the development of a CNMP at the operations fitting the definition of a CAFO (*Utah Administrative Code, UAC R317-8-3.5*). The UPDES permit will require a nutrient-management plan, manure testing, record keeping and elimination of polluted runoff. The State recognizes that many of these operations are already operating with good environmental practices; however, it is still necessary to issue permits to all of the facilities fitting the definition of a CAFO in order to ensure that equality for all operations of this type has been established and to provide the protection to the producers of being legally covered by a permit.

The permitting system will include provisions for enforcement response at facilities which are not in compliance with the State rules and regulations. The major objective of the enforcement response is to serve as a deterrent to negligent facilities for continuing an illegal procedure as well as removing any economic benefit for non-compliance. Failure to undertake the necessary provisions to be in compliance must be penalized in order to maintain a level playing field and give credence to those facilities who do act in compliance with State and Federal law.

Another element of the permitting system is the maintenance of documentation. The permit outlines requirements for compliance with State rules, including onsite documents which must be maintained, and required submission of documentation to the DWQ (General Permit enclosed as Attachment III). Also, any documentation prepared in association with permitting requirements is public information.

National estimates, as documented in the "Joint Strategy", are that only 5 percent of AFOs will be designated as CAFOs and be required to enter the regulatory system. If this is the case there will need to be extensive support from local resources (agricultural groups, Soil Conservation Districts, Extension Service, etc.) to support the voluntary program. It is hoped that these same local agencies will assist with the regulatory program in inspections and CAFO designation as well as sharing information and building a solid program. Facilities

less than 1,000 au's can avoid a regulatory, permitting program entirely by voluntarily bringing their operations into compliance with State and federal rules. The Utah strategy emphasizes this voluntary compliance option and will provide time and technical assistance to accomplish it.

For some large non-discharging CAFOs in Utah, ground water discharge permits have been issued by the Division of Water Quality. These are considered to be functionally equivalent to a UPDES permit, and are more comprehensive and protective than a UPDES permit would be. The ground water permits prohibit the unauthorized discharge of pollutants to surface water or ground water. This permit requires installation of best available technology to prevent release of pollution, ground water monitoring to measure performance and nutrient management plans for land application of wastes. Therefore, when a groundwater permit is in place, an additional separate UPDES permit may not be required.

Response to complaints would continue to be handled as per the current procedure. If a complaint is received with respect to an AFO, the individual producer would be contacted by the local health department or DEQ to determine the validity of the complaint. In the case of a serious problem, the agricultural partners (UDAF, DEQ, local health department, NRCS, a local soil conservation district representative, and UACD), would make a joint site inspection. If unacceptable conditions are found to exist, voluntary cooperation and correction would be sought from the producer, and a time frame would be given for correction. A follow up inspection would be made by the local health department, agriculture partners or DEQ to determine that the problem is either being corrected or that the agreed time frame for compliance is being met. If problems are not corrected within a reasonable amount of time, a notice of violation may be issued by DWQ. If there is a complaint on a facility which is permitted under an existing permit, a site visit would be conducted as described above. If a discharge is occurring in violation of the permit, a notice of violation would be issued by DWQ.

- **Compliance Milestones**

All large operations, except as stated above (greater than 1000 au's), will be required to maintain a general UPDES permit coverage. These operations are considered under the federal strategy to be a significant risk of pollution based on size alone. These permits would not have specific numeric effluent limits, but would require the implementation of a CNMP and prohibit any discharge of manure to waters of the State except in the event of a 25-year 24-hour storm event. For large facilities, or in drinking water source protection areas, ground water permits and/or construction permits could also be required.

Other facilities, between 300 and 1000 a.u.'s, which are significant potential sources of pollution, or smaller if there is a direct discharge (potential CAFOs as determined in the assessment process) would be so notified. These facilities would be given a time frame from the time of notification (two years) to prepare a plan to properly manage their animal manure. Then up to another three years will be provided to implement that plan and eliminate the potential for water pollution. This would provide time for the producer to take advantage of voluntary non-regulatory means to prepare and implement appropriate practices to correct

unacceptable conditions. If these milestones are not met, then a more formal compliance program would be initiated via an individual permit or a general discharge permit coverage.

Immediate compliance action may be necessary when severe pollution problems exist anywhere in the State. These would include facilities with current discharges of wastewater to waters of the State. These operations would currently be in violation of the Clean Water Act and would be a high priority resolve their problems. Such action would be especially warranted where there have been problems over a long period of time or where there has been a failure to utilize assistance from available programs. The issuance of a Notice of Violation should be a last resort because if formal enforcement action is taken, that facility may become ineligible for most forms of federal government financial assistance, including 319 and EQIP.

AFOs will be encouraged to complete CNMPs under a voluntary program, as outlined in the federal strategy. CAFOs will be required to complete and implement CNMPs.

- **Permit Development**

The Utah State CAFO permit is based upon the Federal effluent guidelines as established in 40 CFR. The general provisions will require development of a CNMP and regulation of land application (nutrient balance). The general permit is included as an attachment III to this strategy.

Public notice of the preparation of the draft general permit has provided 30 days for public comment. The draft permit was reviewed by the CAFO committee and by the Division of Water Quality. The purpose of the public notice was to ensure that all parties had the ability to comment on the actions of the permitting agency.

An individual permit is specifically tailored for a single facility. Upon submitting the appropriate applications, the permitting authority develops a permit for that particular operation based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). A general permit is developed and issued to cover numerous similar operations. General permits are a cost-effective option for agencies because of the large number of operations that can be covered under a single permit. Facilities would be required to submit a brief "Notice of Intent" application to the Division if they wish to obtain coverage under the general permit. The facility would then need to be in compliance with the permit conditions in order for the permit coverage to be authorized. These permits can be issued more quickly and with less expense than an individual permit.

The initial round of permits for large operations may be covered under a general permit or may require individual permits. It is anticipated that general permits will comprise the vast majority of permits issued. This would depend on the historical compliance of the facility as well as significant environmental concerns that the DWQ may have with a given operation. Individual permits would include specific compliance schedules to address problems at a specific location. Individual permits may also be issued to facilities smaller than 1,000 au's in an impaired watershed.

All CAFO permits issued in Utah will be consistent with Clean Water Act requirements. Utah will try to issue permits addressing the concerns of the joint strategy within the constraints of these requirements

- **Testing/Monitoring & Record Keeping (CNMP's)**

The CNMP development process will determine the testing and monitoring schedule for each individual facility. Common to all facilities are the following:

First, the producer will conduct certain testing under the CNMP to document and verify that the nutrient management plan is successful. This included periodic testing of manure for nitrogen and phosphorus, as well as similar testing of the soils where the manure is applied. Testing of manure will be yearly, and soil testing will occur as per the CNMP. Also, lagoons or storage structures will be monitored and inspected. Records of all the testing and monitoring will be kept on site for a period of three years unless otherwise determined by the Executive Secretary of the Utah Water Quality Board. The producer must also keep records of the amounts of manure produced and applied to the land.

Secondly, the cooperating agencies will conduct periodic follow-up reviews to verify that the CNMP is being implemented and to provide assistance as appropriate. Regular reporting

by the producer to a government agency would not be required unless a producer comes under a formal discharge permit.

Thirdly, DEQ may monitor adjacent surface waters to verify and document any improvement in the quality of those waters resulting from implementation of manure management practices. Under the DWQ's watershed monitoring program, each watershed in the state will be monitored intensively every five years.

Any additional testing, record keeping and monitoring for each individual facility will be determined during the CNMP process.

- **Implementation Schedule**

Plan and implement additional outreach training and technical assistance-	Fall 1999 and continuing
Complete prioritization of watersheds -	May 2000
Training of AFO/CAFO Assessors-	May 2000
Final CNMP Guidance-	June 2000
Final General Permit-	September 2000
Develop large CAFO permittee list-	April 2001
Assessment of CAFOs (larger than 1000 au's) -	January 2000 to April 2001
Round I UPDES permits issued as required for large CAFOs -	September 2001
Assessment of other AFOs-	October 2000 to April 2003

Producer planning to correct unacceptable conditions-	January 2000 and ongoing
Round II UPDES permits issued as needed-	January 2005 and ongoing
Completion of implementation activities to correct unacceptable conditions-	June 2007
Implement correction of unacceptable conditions in other watersheds -	December 2008
Initiate compliance activities as necessary -	ongoing

- **Implementation Resources**

Obtaining resources to implement this strategy in Utah is a major issue, both for the producer as well as administrative agencies. Sufficient time must be provided for producers to determine and implement solutions to any problems, resulting in the most cost effective and protective solutions to assure the continued economic viability of the producers. The resources of administering agencies to provide education and technical assistance is limited, and the time frames for assessing, developing CNMPs, and providing assistance to develop those plans, must be such to recognize those available resources. Because of the administrative burden of issuing and administering UPDES discharge permits, as well as in recognition of the burden placed on permittees, the strategy is structured to minimize the number of permits which might need to be issued, and the number of producers under such permits. The resources of not only the state and federal agencies are important, but many other groups should assist in this program, especially in education and helping to develop CNMPs.

A major concern has been the ability of NRCS or others to assist in correcting unacceptable conditions and in preparing the many CNMPs that will be needed. One solution to this dilemma may be to provide training to others, including producers themselves, in the preparation of such plans and allow producers themselves to prepare plans which could then be reviewed by NRCS and others. This type of streamlining will be needed even to meet the time frames outlined above. In addition, at least one year will be needed to develop training programs and criteria and provide training of specialists.

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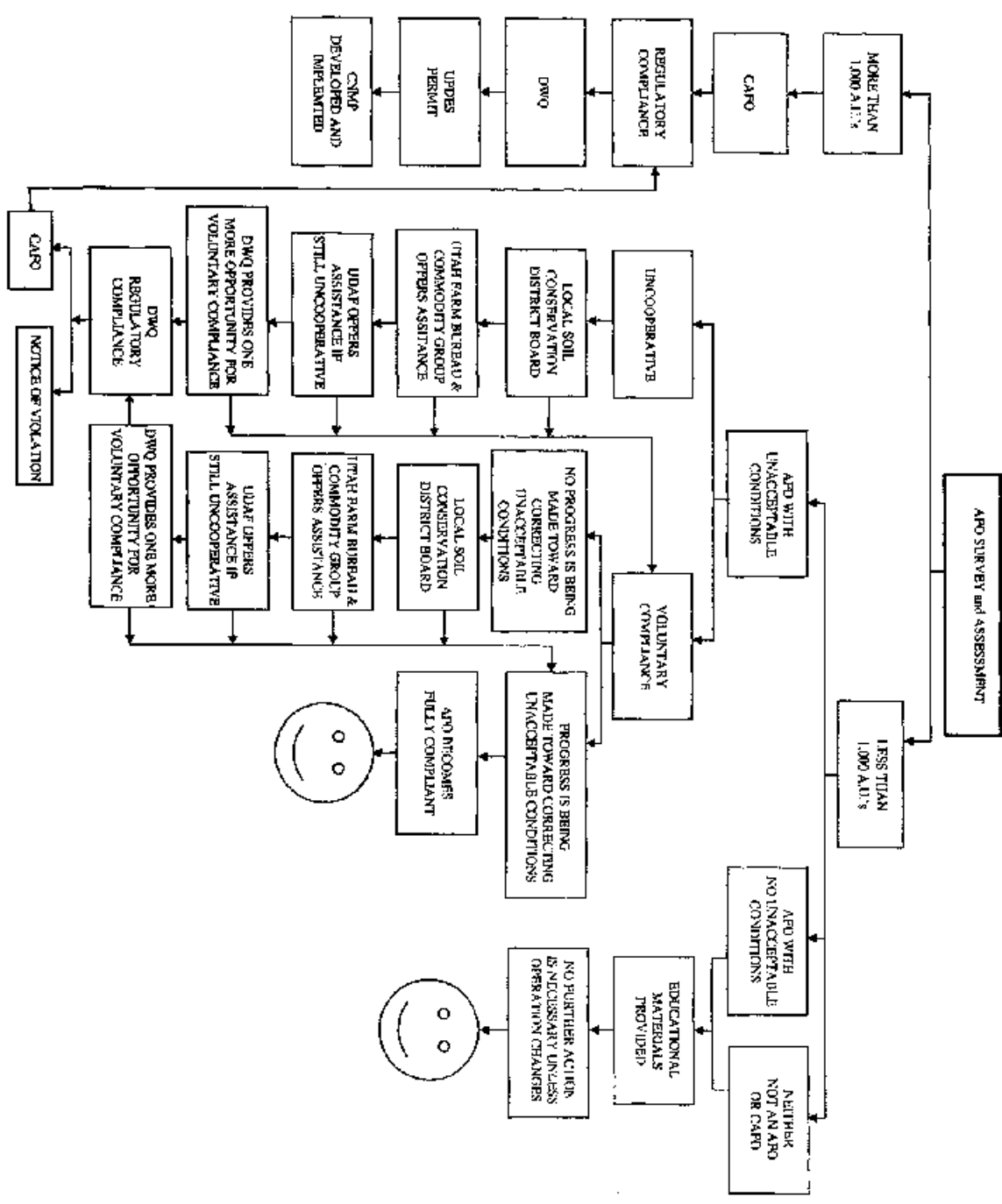
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AFO/CAFO INVENTORY AND ASSESSMENT

1. An inventory and assessment of all AFO's and CAFO's in Utah will be conducted in cooperation with local Soil Conservation Districts, Livestock Producer Groups, Utah Association of Conservation Districts, and the Utah Farm Bureau Federation. Inventories will begin in priority watersheds as stated in the Utah AFO/CAFO Strategy. Training will be provided to those involved with the inventory and assessment to assure equality.
2. Information and education will be provided to each AFO/CAFO owner at the time of the inventory and assessment.
3. A ***“UTAH AFO SURVEY DATA SHEET”*** will be filled out by each AFO/CAFO owner, with assistance from a locally trained representative. The survey will include filling out the **AFO/CAFO Worksheet** contained within the information and education materials entitled **“Animal Feeding Operations: A Utah Strategy”** (page 5). The AFO/CAFO owner will be informed of their designation, or potential designation, as a CAFO. Additional information from the survey will include the Hydrologic Unit Code (HUC), type of animals, number of animal units, nearest waterbody, distance to waterbody, and a person assigned to monitor progress. A brief description of the animal manure conditions and water quality impairment will also be provided.
4. The ***“UTAH AFO SURVEY DATA SHEET”*** will be signed and dated by the AFO/CAFO owner, affirming their voluntary cooperation to comply by addressing unacceptable conditions with the milestone dates described in the Strategy. By signing the sheet, the AFO/CAFO owner will know of their responsibility to make progress toward voluntary or regulatory compliance as explained in the Utah AFO/CAFO Strategy.
5. The original signed ***“UTAH AFO SURVEY SHEETS”*** will be kept confidential and maintained at the Utah Farm Bureau Federation to the extent permitted by law provided an operation is not designated as a CAFO at a future date. A copy of the completed survey form will be provided to the owner/operator.
6. For each HUC, a summary of the number, size and type of animal feeding operation will be input into a GIS database, and will be considered public information. The database will not include any names of owners, or any specific locations of animal feeding operations.
7. A list of all CAFO's (1,000 AU) or more, will be provided to the Utah Division of Water Quality. That list will include the name, address and telephone number of the CAFO owner.
8. All CAFO's and Potential CAFO's will be provided with information where they can obtain assistance for planning and implementation, and how much time they have to voluntarily comply.
9. If an AFO owner is not willing to voluntarily comply, the following steps will be taken before regulatory enforcement proceeds:

- a. The chairman of the local Soil Conservation District will be notified. The AFO owner will be invited to attend the next regularly scheduled District meeting whereby the AFO owner will be provided with specific information to assist in their understanding of the ramifications of not voluntarily complying with the AFO/CAFO strategy. If the AFO owner remains uncooperative, the local District Board will inform the AFO owner of the subsequent steps to follow which may include proceeding to steps b, c, d or e. If the AFO owner is not willing to attend a local District Board meeting, the Board will proceed with steps b, c, d or e.
 - b. Within 30 days, the name and address of the AFO owner will be given to the appropriate local agriculture organization or producer group to which that AFO owner belongs for further discussions, in an attempt to further inform them of the benefits to voluntarily comply. The District Board will follow up with the producer group and/or AFO owner.
 - c. If after 30 days, the AFO owner remains uncooperative the District Board will provide the name and address to the Utah Department of Agriculture and Food. The Department will make an additional visit to encourage voluntary compliance.
 - d. If after an additional 30 days, the AFO owner still is uncooperative, the Utah Department of Agriculture and Food will notify the Utah Division of Water Quality. The division will provide one last opportunity for the AFO owner to voluntarily comply.
 - e. If after an additional 30 days, there is not sufficient commitment and progress to voluntarily comply, the Utah Division of Water Quality will manage the issue under the normal DWQ regulatory process.
10. Annual status reports from each HUC will be provided to the Utah Division of Water Quality. Progress reports will be done on a facility by facility basis and include the following information: (1) farm plan development; (2) design preparation; (3) funding obtained; (4) run off controlled; (5) manure storage; and (6) completion of nutrient management plan. If the owner of a potential CAFO is making no progress toward correction of unacceptable conditions after one year from the time of the survey, then the above steps (a,b,c and d) will be taken before regulatory enforcement can proceed.



UTAH AFO SURVEY DATA SHEET

HUC: _____ CONTROL NUMBER: _____
Person(s) Assisting with Survey: _____ Date: _____
Owner/Operator: _____ Phone: _____
Address of Operation: _____
Local Soil Conservation District: _____

TYPE OF OPERATION (Circle): Dairy Cattle Feedlot Turkey Chicken Pig Sheep Horse
Other and/or Mixed (Explain): _____

TOTAL ANIMAL UNITS _____ (Circle one) Less than 300 300 to 999 1000 or more
DAYS CONFINED/YEAR _____

Information and Education Packet was presented to Feeding Operation owner? (Circle) YES NO
Name of down-slope waterbody (ie. ditch, spring, creek, reservoir) nearest to the Feeding Operation:

Distance of Feeding Operation from above water or water course: _____
Is Nonpoint Source Pollution an apparent problem? (Circle) YES NO
Describe discharge to water and potential impairments to water quality:

Describe manure storage methods:

Does operation follow a nutrient management plan? (Circle) YES NO

Assessment Result (circle):

AFO CAFO POTENTIAL CAFO NEITHER

I have voluntarily participated in the completion of this inventory and assessment of my Animal Feeding Operation. I understand that the information on this sheet will be included in a summary of the number, size and type of CAFO's and AFO's in each watershed in Utah. If my feeding operation meets the numerical definition of a CAFO (1,000 A.U.'s), I understand that I must apply for a permit from the Utah Division of Water Quality, and that the information contained on this form will not be kept confidential.

If my feeding operation does not qualify as a CAFO, then my name and address will be kept confidential to the extent permitted by law, provided my operation is not designated as a CAFO at a future date. However, I understand that under certain circumstances the information may be required to be disclosed.

If my feeding operation is identified as a potential CAFO, then I agree to participate in the voluntary program by (initial appropriate space) _____ correcting unacceptable conditions and/or _____ developing and implementing a Comprehensive Nutrient Management Plan in accordance with the schedule presented in the Utah AFO/CAFO Strategy.

(LAND OWNER/OPERATOR) Date: _____
(PERSON ASSISTING WITH ASSESSMENT) Date: _____ 2/9/01

Permit No.: UTG080000

**STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH 84114-4870**

**Authorization Under the
Utah Pollutant Discharge Elimination System**

**General Permit for
Concentrated Animal Feeding Operations**

In compliance with the provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended (the *Act*), owners and operators of concentrated animal feeding operations (CAFOs), shall have no discharge from their manure management facilities except in the event of a 25 year 24 hour storm event. In the event of such a storm, discharges are allowed from certain manure management facilities provided that the producer is meeting the provisions and conditions of this permit.

A copy of this permit must be kept by the permittee at the site of the permitted activity.

This permit will become effective October 1, 2000.

This permit and the authorization to discharge shall expire at midnight September 30, 2005.

Signed this 7th day of September, 2000.

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

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I. EFFLUENT LIMITATIONS

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A. Definitions

1. “Act” means the *Utah Water Quality Act*.
2. A “25-year, 24-hour rainfall event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service
3. “Animal feeding operation” is a facility that stables, confines, and feeds or maintains livestock in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.
4. “Animal unit” means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (*UAC*) *R317-8-3.5* and used to determine if an operation meets the definition of a concentrated animal feeding operation.
5. “Chronic rainfall” is a series of wet weather conditions that preclude dewatering of properly maintained waste retention structures.
6. “CWA” means Federal Water Pollution Control Act as amended, also known as the Clean Water Act as amended, found at 33 USC 1251 et seq.
7. A “Concentrated Animal Feeding Operation” (CAFO) is an animal feeding operation that is subject to the terms and conditions of this permit. As per the regulations in *UAC R317-8-3.5* an animal feeding operation is subject to this permit if one or more of the following criteria are met:

The operation stables or confines and feeds or maintains more than 1,000 animal units.

The operation stables or confines and feeds or maintains more than 300 animal units and discharges pollutants into waters of the State either through a man-made ditch, flushing system, or other similar man-made device or 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 confined animals.

The Executive Secretary (see definition below) designates the animal feeding operation as a CAFO by one or more of the following factors:

The size of the animal feeding operation and the amount of manure or process wastewater reaching waters of the State;

The location of the animal feeding operation in relation to waters of the State;

The means of conveyance of manure and process wastewater into waters of the State; and

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The slope, vegetation, rainfall and other factors which affect the likelihood of discharges of manure and process wastewater to waters of the State;

Other relevant factors.

8. "Executive Secretary" means *Executive Secretary of the Utah Water Quality Board*.
9. "Land application" means the application of wastewater and/or manure onto or incorporated into the soil.
10. "Notice of Intent" (NOI) is a form submitted by the CAFO owner/operator informing the Executive Secretary of the intention to be covered by a general permit. General information about the facility to be permitted is provided by the CAFO owner/operator in the NOI.
11. "Process wastewater" means any process-generated wastewater and any precipitation (rain or snow) which comes into contact with any manure, litter or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animal or poultry or direct products.
12. "Retention facility or retention structures" means all collection ditches, conduits and swales for the collection of runoff and wastewater, and all basins, ponds and lagoons used to store wastes, wastewater and manures.
13. "Waters of the State" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Utah or any portion thereof, except for bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the State" under this definition, *UAC R317-1-1.32*.

B. Permit Area

This permit covers all areas of the State of Utah except for Indian lands.¹

C. Eligibility

Owners/operators of existing and currently operating animal feeding operations that are defined as CAFOs as per *UAC R317-8-3.5* are eligible for coverage under this permit. Permittees must retain, on site, a copy of the permit and the comprehensive nutrient management plan (CNMP) as required by this permit and submit a copy of the CNMP to the *Executive Secretary* upon request.

A permittee may request to be excluded from coverage under this permit by (1) submitting to the

¹ The State of Utah, *Division of Water Quality*, does not have permit authority for Indian lands. CAFO permits for Indian land within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire CAFO permits through EPA Region IX.

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Executive Secretary a completed notice of termination (NOT) form or by (2) applying for an individual UPDES permit.

Any owner/operator requesting exclusion from coverage under this permit by applying for an individual UPDES permit must submit completed application forms (Federal Form 1 and Form 2B) to the *Executive Secretary* with the reasons supporting the application. When an individual UPDES permit is issued to an owner/operator otherwise subject to this general permit, the applicability of the CAFO general permit to the facility is automatically terminated on the effective date of the individual permit.

The *Executive Secretary* may require any facility authorized by this permit to apply for, and obtain, an individual UPDES permit. The *Executive Secretary* will notify the operator, in writing, that an application for an individual permit is required. The general permit is automatically terminated when: (1) The operator fails to submit the required individual permit application within a defined time frame, or (2) the individual permit is issued or the permit is denied by the *Executive Secretary*.

D. Application for Coverage

Owners/operators of CAFO's seeking to be covered by this permit must (1) submit an NOI to the *Executive Secretary*, and (2) submit the permit fee (determined by the current yearly State of Utah Appropriation Act, \$500.00 for five years of coverage).

The NOI must be signed by the owner/operator or other authorized person in accordance with Part V.F. of this permit.

Signed copies of the NOI along with the permit fee must be sent to:

State of Utah
Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

E. Release of CAFO Generated Manure

In cases where CAFO-generated manure is sold or given away to be used for land application activities that are not under the operational control of the permitted CAFO the permittee shall provide the recipient with accurate information on the nutrient content of the manure to be used in determining the appropriate land application rates. If the permittee is selling or giving away more than one (1) pickup load of manure to an entity on an annual basis then the permittee shall obtain a signed release form that the manure will be applied at agronomic rates and as according to NRCS Field Office Technical Guide Standards for Nutrient Management and Waste Utilization (Appendix D.) Release forms shall be kept with the permittees CNMP.

F. Effluent Limitations

The following effluent limitations apply to facilities covered under this permit:

1. There shall be no discharge of process wastewater or solid or liquid manure to waters of the State except when chronic or catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained and operated to contain: (1) all process

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wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.), plus (2) all runoff from a 25-year, 24-hour rainfall event for the CAFO.

2. There shall be no discharge of wastewater and/or manure to waters of the State from land application activities under the control of the CAFO owner/operator.
3. The permittee is required to comply with the special conditions established in Part III of this permit. These special conditions consist of the development and implementation of a CNMP.

II. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the *Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Twenty-four Hour Reporting

If, for any reason, there is a discharge to waters of the State., the permittee is required to make immediate oral notification within 24-hours to the *Division of Water Quality (DWQ)* (**801-538-6146**; or the 24 hour DWQ answering service at **801-536-4123**) and notify the *Executive Secretary* in writing within 5 working days of the discharge from the facility. In addition, the permittee shall keep a copy of the notification submitted to the *Executive Secretary* together with the CNMP. The discharge notification shall include the following information:

1. Description of the discharge: A description of the discharge and its cause, including a description of the flow path to the receiving water body and an estimate of the flow and volume discharged.
2. Time of the discharge: The period of discharge, including exact dates and times, and the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the discharge.

C. Penalties for Violations of Permit Conditions

Negligent Violations. The *Act* provides that any person who negligently violates permit conditions implementing the *Act*, this permit, or the Utah wastewater rules is subject to a fine of up to \$10,000 per day.

Willful or Gross Negligence. The *Act* provides that any person who willfully or with gross negligence violates *UCA 19-5-107(1)* (discharges a pollutant to waters of the State) or a condition or limitation of this permit is subject to a fine of up to \$25,000 per day or \$50,000 per day for any person twice convicted.

False Statements. The *Act* provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the *Act* or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the *Act* shall upon conviction, be

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punished by a fine of not more than \$10,000 or by imprisonment by 6 months, or by both.

D. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action to plead that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Removed Substances

Disposal of manure shall be conducted in a manner to prevent any pollution of waters of the State. Manure shall be land applied in accordance with the CNMP developed for the operation.

III. SPECIAL CONDITIONS

A. Interim Management Measures to Protect Water Quality

As a condition of this permit measures which may reasonably be implemented prior to the development of the CNMP shall be undertaken by the owner/operator to ensure that operations which cause or contribute to the discharge of process water and/or manure to waters of the State are rectified in a timely manner. Specific areas which should be addressed, at a minimum, are listed below:

1. Stockpiles of manure shall be removed from wetland areas and away from watercourses and the 100-year flood plain.
2. Manure handling and storage equipment and facilities (e.g. separators, pumps, catch basins, etc.) shall be properly maintained and inspected.
3. Runoff controls (e.g. berms, gutters, swales, etc.) shall be maintained and inspected.

B. Comprehensive Nutrient Management Plan

1. Elements of a CNMP

Each owner/operator of a CAFO covered by this permit shall develop and implement a site-specific CNMP. Site-specific CNMP's shall include some or all of the following components based upon the operational needs of the permitted facility: manure and wastewater handling and storage; land application of manure; land management practices; feed management; record keeping; and other utilization options. The CNMP, at a minimum, shall include best management practices (BMP's) to address operational and maintenance activities in accordance with current State regulations and Natural Resources Conservation Service (NRCS) practice standards. A copy of the CNMP shall be kept on site and provided to the *Executive Secretary* upon request.

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The CNMP shall specifically identify and describe practices that are to be implemented to assure compliance with the limitations and conditions of this permit.

2. Schedule for Development and Implementation of a CNMP

Following the submission of the NOI, any existing CAFO covered by this general permit shall develop and implement a CNMP within 3 years of permit coverage unless otherwise notified by the *Executive Secretary*. New CAFO's seeking coverage under this permit shall develop a CNMP prior to the commencement of operations, and shall implement the conditions of the CNMP upon the commencement of operations.

The permittee shall maintain a current version of the site-specific CNMP on-site and provide a copy to the *Executive Secretary* upon request. The permittee must notify the *Executive Secretary* in writing within thirty days following the completion of the site-specific CNMP.

3. CNMP Certification

CNMP's shall be prepared in accordance with the *Natural Resources Conservation Service, Field Office Technical Guide*. In order for a plan to be in compliance with this permit it shall undergo review by an eligible specialist who has been trained to prepare and/or review CNMP's. The owner/operator shall verify that this review has been done by signing certification A of Addendum C of this permit. A list of eligible reviewers is available by contacting the *Utah Division of Water Quality* at (801) 538-6146.

4. Duty to Amend the CNMP

After development of the initial CNMP the permittee must amend the CNMP prior to any change in design, construction, operation, or maintenance procedures which have a significant effect on the potential for the discharge of pollutants to waters of the State. The CNMP must also be amended if it is ineffective in controlling discharges from the CAFO. The permittee must complete and submit to the *Executive Secretary* an annual certification that the CNMP is regularly evaluated (Addendum C.).

5. Best Management Practices (BMP's)

The permittee is responsible for implementing best management practices to ensure compliance with the terms and conditions of this permit. The following BMP's are required to be included in the CNMP.

- a) Manure and wastewater containment structures shall not be located within the 100-year flood plain, unless the structure is protected from inundation and damage that may occur during flood events. If located in a flood plain, the top of the lagoon or basin embankment shall be at least one foot above the elevation of the 100-year flood.
- b) Operations which do not meet the permit by rule criteria as per *UACR317-6-6.2* will be required to gain coverage under a separate groundwater permit.
- c) Containment structures must store the 25-year, 24-hour storm event, plus all other process wastewater and liquid and solid manure.

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- d) Ditches, dikes, berms, terraces, or other such structures shall be used to divert contaminated peak flows to the containment structure or lagoon.
- e) Wastewater and manure containment structures shall be designed in accordance with the standards of the *Natural Resources Conservation Service, Field Office Technical Guide, Section IV*.
- f) If stockpiling of manure is a usual practice at a CAFO, the permittee shall construct a designated stockpiling site. The manure stockpiling area must be designed to accommodate the normal manure stockpiling practices implemented at the CAFO. The stockpile area shall be constructed to minimize seepage (e.g. clay lined) and utilize dikes and/or ditches to keep runoff away from the stockpile and to contain runoff from leaving the stockpile.
- g) Stockpiles and composting piles shall not be located in wetlands, along watercourses, or in a 100-year flood plain.
- h) Compost piles which contain additives other than manure and vegetative material are subject to regulations under the direction of the Utah Division of Solid and Hazardous Waste (SHW). If compost additives are used then the operator shall contact SHW at (801) 538-6170 for compost requirements.
- i) All discharges to retention structures shall be composed entirely of wastewater from the proper operation and maintenance of a CAFO and the precipitation and runoff from the CAFO areas. The disposal of any materials—other than discharges associated with proper operation and maintenance of the CAFO into the containment structures is prohibited by this permit.
- j) The owner/operator shall prevent the discharge of pesticide-contaminated waters into retention structures. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the management of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent pollutants from entering the retention structures or waters of the State.
- k) All manure and wastewater control and retention structures (including lagoons and other earthen basins) must be closed if the permittee ceases operation. In addition, any such structure that is not in use for a period of twelve consecutive months must be closed, unless the permittee intends to resume use of the structure at a later date, and maintains the structure as though it were actively in use. Closure(s) shall be consistent with NRCS standards and shall be specified in the permittee's CNMP.

6. Nutrient Management Plan

A Nutrient Management Plan shall be developed as a part of the CNMP for operations which perform land application of manure. The plan shall ensure protection of surface and ground water

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when utilizing application of manure for the purpose of growing crops. Soil, wastewater and manure samples of land application sites shall be collected and analyzed as specified in the facility CNMP and Part IV of this permit to ensure that nutrients are applied according to calculated agronomic rates and seasonal restrictions.

IV. DISCHARGE MONITORING AND NOTIFICATION REQUIREMENTS

A. General Inspection, Monitoring, and Record-keeping Requirements

The producer shall inspect and sample the manure management system and land application site(s) as per Table 1. below. Records of all wastewater, manure and soil samples as required by or for the development of the CNMP, as well as required inspections of storage structures and land application sites shall be kept on site such that the *Executive Secretary* can review them upon request or during an inspection (See *Part V.C.3. Retention of Records.*)

TABLE 1. PERIODIC INSPECTION AND MONITORING REQUIREMENTS

PARAMETER	UNITS	FREQUENCY
Facility inspection ¹		

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Review all facilities and land application areas addressed in the CAFO's CNMP to evaluate whether measures to reduce pollutant loadings identified in the CNMP are adequately and properly implemented in accordance with the terms of the permit or whether additional control measures are needed	NA	Annually (Certification Form Required to be Submitted to DWQ, Form Appendix C)
Lagoon or storage structure monitoring and inspection		
Freeboard ²	Ft.	Monthly
Structural integrity (i.e., integrity of berms) ³	NA	Semi-Annual
Sampling of manure/wastewater and land application soils⁵		
Sample manure and wastewater to determine available nutrient content (nitrogen and phosphorus) ⁵	mg/L	Conduct initial sampling. Then sample at least once per year thereafter.
Sample land application soils to determine nutrient content (nitrogen and phosphorus) ⁴	lb/acre, or ppm	Conduct initial sampling. Then sample as per the CNMP.
Land application activities		
Dates and duration of land application activities ⁵	Hours, Days	Daily When Applied
Quantity of manure/wastewater applied to land application fields ⁵	Tons, Gallons, or Ft ³ /Acre	Daily When Applied
Application rate ⁵	lb/acre, Ft ³ /acre, or loads/acre	Daily When Applied
Application area ⁵	Acres	Daily When Applied

Footnotes:

¹ A complete inspection of the facility shall be done and a report made annually.

² For lagoons or other liquid storage basins, report the water level as feet below the emergency overflow level. For solid manure storage structures, report the percentage of remaining storage capacity.

³ Documentation of compliance with this requirement must be compiled in an inspection report to be kept at the facility.

⁴ Prior to developing a CNMP the permittee shall analyze the manure/wastewater and soils within land application fields prior to the first land application event at new CAFOs and, for existing CAFOs, the first crop-growing seasonal land application event after the effective date of the permit and thereafter as prescribed by the CNMP.

⁵ Monitor during periods of land application only. Land application practices must be conducted in accordance with the permittee's CNMP.

V. STANDARD PERMIT CONDITIONS

A. General Conditions

1. Planned Changes: The permittee shall give notice to the *Executive Secretary* as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when 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 effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal the permittee shall give notice to the *Executive Secretary* of any planned changes at least 30 days prior to their implementation.
2. Permit actions: This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
3. Duty to Reapply: If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application

shall be submitted at least 180 days before the expiration date of this permit.

4. Property rights: The issuance of this permit does not convey any property rights of any sort, 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/Tribal or local laws or regulations.
5. Duty to provide information: The permittee shall furnish to the *Executive Secretary*, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
6. Criminal and Civil Liability: Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to *Utah Code Annotated (UCA), 19-5-101 through 19-5-120*.
7. State/Tribal Laws: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.
8. Severability: The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

B. Proper Operation and Maintenance

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

C. Monitoring and Records

1. Inspection and entry: The permittee shall allow the *Executive Secretary* or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - a) Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect, at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
 - d) Sample or monitor, at reasonable times, for the purpose of assuring permit compliance.

2. Representative sampling: Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. Retention of records: The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the *Executive Secretary* at any time.
4. Monitoring procedures:
 - a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
 - b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
 - c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.
5. Record content: Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
6. Anticipated Noncompliance: The permittee shall give advance notice to the *Executive Secretary* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
7. Transfers: This permit is not transferable to any person except after notice to the *Executive Secretary*.
8. Other information: 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 (NOI) or in any report to the *Executive Secretary*, he or she shall promptly submit such facts or information.

D. Signatory requirements

All *Notices of Intent*, reports, certifications or information that is required to be submitted to the *Executive Secretary* or other information that this permit requires be maintained by the permittee, shall be signed as follows:

1. All *Notices of Intent* shall be signed as follows:
 - a) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary,

treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- b) For a partnership of sole proprietorship: by a general partner or the proprietor, respectively; or
- c) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

- 2. All reports required by the permit and other information requested by the *Executive Secretary* or by an authorized representative of the *Executive Secretary* shall be signed and certified by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1. The authorization is made in writing by a person described above and submitted to the *Executive Secretary*.
- b) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

E. Availability of Reports

Any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

F. Certification

Any person signing a document under this section shall make the following certification:

“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.”

APPENDIX A

NOTICE OF INTENT FORM

Submission of this Notice of Intent with a completed Certification B constitutes notice that the party(ies) identified in Section I of this form intend to be authorized by a UPDES permit for waste water discharges associated with a Concentrated Animal Feeding Operation. Becoming a permittee obligates such discharger to comply with the terms and conditions

I. Contact Information

Operator Name: _____ Phone: () _____
Address: _____ Fax: () _____
City: _____ State: _____ ZIP: _____ - _____

Owner Name (If different from Operator): _____ Phone: () _____
Address: _____ Fax: () _____
City: _____ State: _____ ZIP: _____ - _____

Status of Owner/Operator **G** F = Federal; S = State; M = Public (other than Federal or State) P = Private

II. Facility Information

Name: _____ Phone: () _____
Address: _____ Fax: () _____
County: _____ Latitude: _____ Longitude: _____

UPDES Permit Number (if applicable): _____

III. Description of Operation

Number of Animals Managed

Give the maximum number of each type of animal in open confinement or housed under roof (either partially or totally) which are held at this facility for a total of 45 days or more in any 12 month period. Attach additional sheets if necessary.

Animal Type	Number of Animals	Animal Type	Number of Animals
_____	_____	_____	_____
_____	_____	_____	_____

Does this facility include a retention structure(s) designed to store process waste water and runoff flow from a 25-year, 24 hour storm event? **G** No **G** Yes # of structures _____

Area Available for Land Application _____ acres

Certifications

Certification A

I understand that the permit requires the preparation of a Comprehensive Nutrient Management Plan (CNMP) for the facility described in this NOI. I agree to prepare and implement a CNMP in accordance with the requirements and timelines specified in the permit.

Signature _____ Date _____ Print Name _____

Certification B

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

Signature

Date

Print Name

INSTRUCTIONS

Concentrated Animal Feeding Operation (CAFO) Notice of Intent (NOI) to be Covered Under the Utah Pollutant Discharge Elimination System (UPDES) Permit

Who Must Fill Out a Notice of Intent (NOI) Form

State Law at UAC R317-8-3.5 prohibits point source discharges from concentrated animal feeding operations (CAFOs) to any water body(ies) of the State without a Utah Pollutant Discharge Elimination System (NPDES) permit. Operators of a CAFO must obtain and submit a NOI form to be covered under the UPDES CAFO General Permit. To obtain additional information regarding the UPDES CAFO permit, or to determine whether you require a permit, contact the CAFO coordinator at (801) 538-6146.

Where To File the NOI Form

NOIs with payments must be sent to the following address:

Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Permit Fees (Make check payable to: Division of Water Quality)

The permit fee is \$500.00 for five (5) years of coverage and is to be submitted with the NOI.

Permittees who have a new facility and have begun operating after July 1, 2000 will be prorated from the day they began operations until the expiration date of the CAFO permit.

Completing the Form

NOI forms must be completed in type or print in the appropriate marked areas. If you have any questions about filling out this form, contact the CAFO coordinator at (801) 538-6146.

Section I. Contact Information

Provide the legal name of the person, firm, organization, or any other entity which controls the operation of the facility in question. You must also provide the name of the facility owner, if different from that of the operator. Do not use a colloquial name. Enter the complete address and telephone number of the operator and owner. Enter the appropriate letter to indicate the legal status of the operator of the facility. If the owner or operator of the facility is a contract grower, please answer the questions regarding the nature of this contract and the legal name of the entity with whom the contract is held.

Section II. Facility Information

Provide the complete address for the facility, including street address, city, state, and ZIP code. Do not provide a P.O. Box number as the street address. Provide the phone and fax numbers for the facility. Indicate the county and the latitude and longitude to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Section III. Description of Operation

Provide information regarding the number of each type of animal managed in open confinement and/or housed under roof (partially or totally) for 45 days or more within a 12 month period. An additional sheet may be attached if the information does not fit in the provided space.

Enter a check in the appropriate box regarding the facility's use of a waste water and runoff flow retention structure.

Certifications

State statutes provide severe penalties for submitting false information on this NOI application form. State regulations require that this form be signed as follows:

For a corporation: by responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions;

For a partnership or sole proprietorship: by a general partner or the proprietor.

CAFO owners/operators who intend to obtain coverage under the CAFO UPDES permit should complete Certifications A and B.

APPENDIX B

NOTICE OF TERMINATION FORM

NOT

Notice of Termination (NOT) for Coverage Under the UPDES General Permit for Concentrated Animal Feeding Operations, UPDES Permit No.UTG080000.

Submission of this NOT constitutes notice that the operator/facility identified in section I of this form is no longer covered under the UPDES General Permit for Concentrated Animal Feeding Operations, UPDES Permit NO. UTG080000

I. Facility/Operator Information

UPDES Permit No. _____

Name and location of facility (Include County name) _____

Facility mailing address (if different from physical address) _____

Telephone Number _____ Name of Operator _____

II. Reason for the Termination of Permit Coverage

Reason for permit termination (attach additional sheets if necessary) _____

III. Certification

I certify under penalty of law that all concentrated animal feeding operations at the above facility that are authorized by the UPDES General Permit for Concentrated Animal Feeding Operations, UPDES Permit No. UTG080000 have been eliminated or that I am no longer the operator of the facility. I understand that by submitting the Notice of Termination, I am no longer covered under the general permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Water Quality Act.

Name (print) _____ Title _____

Signature _____ Date(mm/dd/yy) ____/____/____

Where to File the NOT Form:

**Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, UT 84114-4870**

APPENDIX C

ANNUAL CNMP CERTIFICATION FORM

APPENDIX D

RELEASE FORM FOR REMOVED SUBSTANCES

**Concentrated Animal Feeding Operation (CAFO)
Release Form For Removed Substances**

In cases where CAFO-generated manure is sold or given away to be used for land application activities that are not under the operational control of the permitted CAFO the permittee shall provide the recipient with accurate information on the nutrient content of the manure to be used in determining the appropriate land application rates. In cases where the permittee is selling or giving away more than one (1) pickup load of manure to an entity on an annual basis the permittee shall complete this form along with the person(s) accepting the manure. A copy of this form shall be kept with the permittees CNMP and provided to person(s) accepting the manure along with the general manure application guidelines listed on the back of this form.

1. Facility Information

Owner/Operator Name(s) _____

Facility Address _____

UPDES Permit No. _____

2. Entity Accepting Manure

Name of Entity Accepting the Manure: Individual, Corporation, Partnership, Etc. _____

Amount of Manure Accepted from the Facility on an Annual Basis _____ lbs, tons (circle one)

Certification

I agree to apply the manure which I have accepted from the facility identified in section 1. of this form according to NRCS Field Office Technical Guide Standards for Nutrient Management and Waste Utilization. I assume full responsibility for proper application of this manure.

Signature

Print Name

Date

Certification (To be completed by Owner/Operator identified in section 1. of this form)

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.

Signature

Print Name

Date

General Manure Application Guidelines¹

- Take regular soil tests on fields where manure is to be applied. Apply manure on the basis of crop nitrogen needs where soil test phosphorus levels (STP) are below 50 ppm, or on the basis of crop phosphorus needs when STP level are from 50 to 100 ppm. Do not apply manure to fields when the STP level is above 100 ppm.
- Apply manure at agronomic rates based on the nutrients in the manure, soil test levels, realistic crop yield goals, and the crop nutrient requirements given in the following table:

CROP	Unit	N	P205	K20
Alfalfa	ton	56.6	13.3	60.0
Barley	bu	1.45	0.55	1.45
Corn Grain	bu	0.9	0.37	0.87
Corn Silage	ton	9.0	3.1	9.0
Grass Hay	ton	40	12.9	58.8
Grass Pasture	ton	31.6	12.7	58.8
Oats	bu	1.15	0.4	1.45
Onions	cwt	0.3	0.13	0.27
Potatoes	cwt	0.5	0.18	0.7
Safflower	lb	0.05	0.03	0.05
Small Grain Hay	ton	11.2	5.15	9.02
Sudangrass	ton	13.6	3.7	17.4
Wheat (Fall Dry)	bu	2	0.75	2
Wheat (Irrigated)	bu	1.7	0.7	2

- Do not apply manure within 50 foot of a stream, river, irrigation return flow ditch, canal, well, or other waterbody. Consider larger setbacks on slopes greater than 5 percent.
- Do not apply manure on steep slopes unless measures are taken to control both soil erosion and runoff.
- Do not apply manure in sensitive areas (e.g. areas where the watertable is 2 feet deep or less, where soils are extremely sandy or gravelly, in wetland areas, on fields that are saturated, next to streams, or in a flood plain).
- Apply manure in the spring, summer, or fall when it can be incorporated properly, as well as be used to help growing crops more efficiently.
- Avoid manure applications on frozen or snow covered ground. If manure must be applied on frozen or snow covered ground, do so on areas where surface runoff is controlled by diking or other means.
- Manage irrigation water to minimize over application and leaching of nitrates to groundwater or runoff of nutrients to surface waters.
- Avoid application when soils are wet in order to prevent compaction and rutting.
- Spread at times and in ways that will minimize potential odor problems (e.g. spread when the wind is not blowing, spread in the morning when the air is rising rather than in the afternoon, etc.).
- Keep good records of manure applications. Record the crops grown, field(s) and acres that manure was applied to, rate of application, total amount of manure applied, time of application, conditions during application, crop yields, and soil and manure test results.
- Reduce commercial fertilizer rates accordingly when using manure as a nutrient source.
- Service and calibrate application equipment to ensure manure is applied uniformly and at the correct rate. Do not clean application equipment in areas where water can get into a well, stream, river, or other waterbody.
- Incorporate manure with tillage equipment or sprinkler systems where possible and as soon as possible after application to prevent surface runoff.

Note: For more information on proper application of manure, contact the nearest Natural Resources Conservation Service office, Soil Conservation District office, or Utah State University County Extension office.