

PART I

NARRATIVE REQUIREMENTS:

Concentrated Animal Feeding Operation (CAFO) GP

A. General Conditions

1. The following conditions are incorporated by reference. The permittee is required to comply with the rules which were in effect as of the effective date of the final permit.

- a. General Permits (N.J.A.C. 7:14A-6.13)
- b. Penalties for Violations - N.J.A.C. 7:14-8.1 et seq.
- c. Consolidation of Permit Processing - N.J.A.C. 7:14A-15.5
- d. Incorporation by Reference - N.J.A.C. 7:14A-2.3
- e. Enforcement Action - N.J.A.C. 7:14A-2.9
- f. General Conditions Applicable to All Permittees - N.J.A.C. 7:14A-6.2 (see also section A.4.c.)
- g. Duty to Reapply - N.J.A.C. 7:14A-4.2(e) (see also section A.4.d.)
- h. Administrative Continuation of Permits - N.J.A.C. 7:14A-2.8
- i. Duty to Mitigate - N.J.A.C. 7:14A-6.2(a)5,6.2(a)1
- j. Permit Actions - N.J.A.C. 7:14A-2.7(c)
- k. Permit Duration and Renewal - N.J.A.C. 7:14A-2.7(a), (b)
- l. Effect of Permit - N.J.A.C. 7:14A-2.9(c) ,6.2(a)6&7 (see also section E. 1.)
- m. Inspection and Entry - N.J.A.C. 7:14A-2.11(c)
- n. Severability - N.J.A.C. 7:14A-2.2(b)
- o. Toxic Pollutants - N.J.A.C. 7:14A-6.2(a)4 (see also section E. 1.)
- p. Standard Reopener Clause - N.J.A.C. 7:14A-6.2(a)10
- q. General Permits - N.J.A.C. 7:14A-6.13
- r. Fee Schedule - N.J.A.C. 7:14A-3.1

2. Operation and Maintenance

- a. Proper Operation and Maintenance - N.J.A.C. 7:14A-6.12(a)
- b. Need to Halt or Reduce not a Defense - N.J.A.C. 7:14A-2.9(b)
- c. Bypass - N.J.A.C. 7:14A-6.11
- d. Upset - N.J.A.C. 7:14A-6.11
- e. Records and Reporting Requirements

3. Record Keeping - N.J.A.C. 7:14A-6.6

- a. Planned Changes - N.J.A.C. 7:14A-6.7
- b. Changes in Discharge - N.J.A.C. 7:14A-6.7
- c. Anticipated Noncompliance - N.J.A.C. 7:14A-6.7
- d. Transfer - N.J.A.C. 7:14A-6.2(a)8, 6.13(n), 16.1, 16,2
- e. Compliance Schedules - N.J.A.C. 7:14A-6.4
- f. Noncompliance Reporting - N.J.A.C. 7:14A-6.10
- g. Duty to Provide Information - N.J.A.C. 7:14A-2.11, 6.2(a)14
- h. Signatory Requirements - N.J.A.C. 7:14A-4.9
- i. Public Access to Information - N.J.A.C. 7:14A-18.1
- j. Additional Requirements for all Existing Manufacturing, Commercial Mining, Silviculture, and Research Facilities - N.J.A.C. 7:14A-11.3
- k. Missing or Incorrect Information - N.J.A.C. 7:14A-2.11(f), 6.10(e)2 & (f)3
- l. Confidentiality - N.J.A.C. 7:14A-18.2
- m. Copies of the NJPDES rules may be purchased by contacting:

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4. Permit Area

- a. This permit applies to all areas of the State of New Jersey.

5. Eligibility

- a. This permit may authorize all new and existing discharges to surface and groundwater, including stormwater, process wastewater, and process generated wastewater discharges from Concentrated Animal Feeding Operations(CAFOs) as defined in this permit, except for the following:
 - i. Stormwater, process waste water, and process generated wastewater discharges authorized under another NJPDES Discharge to Surface Water Permit (DSW) or Discharge to Groundwater Permit (DGW) (including an expired permit).
 - ii. Discharges of domestic sewage.
 - iii. New operations with discharges to surface waters classified as Category One (C1), Pinelands Waters (PL) or Fresh Water One (FW1) designated in the tables in N.J.A.C. 7:9B-1.15.
 - iv. New operations with discharges to ground water in areas classified under N.J.A.C. 7:9-6 as Class 1-A and Class 1-PL, or which discharge to ground water

that contributes to surface waters classified as C1 or FW1.

6. Requiring an Individual NJPDES Permit or Another General Permit

- a. The Department may require any permittee authorized under this permit to apply for and obtain an individual permit, or seek and obtain authorization under another general permit.
- b. Any permittee authorized under this permit may request to be excluded from authorization under this permit by applying for an individual permit or for another general permit.
- c. Revocation of existing permits under such circumstances as above, is governed by N.J.A.C. 7:14A-6.13.
- d. If, after receiving authorization under this permit, a facility is required by the Department to obtain another NJPDES permit that would also cover the authorized discharge, then authorization under this permit shall remain in effect only until either:
 - e. The date such other permit becomes effective; or
 - f. The date the application for such other permit (or request for authorization under another general permit) is denied.
- g. If a facility fails to submit an application or request for authorization by the date specified by the Department, then the general permit authorization remains in effect only until that date.

7. Authorization

- a. In order to obtain authorization under this permit (except for automatic renewal authorization under 7:14A-6.13(d)9), a complete Request for Authorization (RFA) shall be submitted in accordance with the requirements of part II of this permit. Upon review of the RFA, the Department may, in accordance with N.J.A.C. 7:14A-6.13, either:
 - i. Issue notification of authorization under this permit, in which case, authorization is deemed effective the first day of the following month of the date of the notification of authorization;
 - ii. Deny authorization under this permit and require of an application for an individual NJPDES permit; or
 - iii. Deny authorization under this permit and require submittal of an RFA for another general permit.

8. Automatic Renewal of Authorization

- a. Authorization under this permit will be automatically renewed when this general permit is reissued as provided by N.J.A.C. 7:14A-6.13(d)9 so long as the discharge authorized under the general permit continues to be eligible.
- b. The Department shall issue a notice of renewed authorization to the permittee.
 - i. If the permittee is aware of any information in the most recently submitted RFA that is no longer true, accurate, and/or complete, the permittee shall provide the correct information to the Department within 90 days of the effective renewal authorization notice.

- ii. A permittee whose authorization was renewed as provided above may request to be excluded from the reissued general permit in accordance with N.J.A.C. 7:14A-6.13(g), and may also request a stay of the application to that permittee of any new/additional conditions of the reissued permit in accordance with N.J.A.C. 7:14A-17.6.

9. Other Discharges

- a. If, at any time, it is discovered that the facility generates and discharges to surface waters or ground waters any wastewater other than process wastewater, process generated wastewater and stormwater associated with animal confinement, feeding, and maintenance operations, the permittee shall discontinue such discharges or apply for the appropriate NJPDES DSW or DGW permit in accordance with the NJPDES rules at N.J.A.C. 7:14A.

10. Operator Certification

- a. The operation of a waste retention structures or other waste holding or treatment structures (i.e. treatment works) authorized to discharge under this general permit do not require a licensed operator, pursuant to N.J.A.C. 7:10A-1.10.

11. Removed Substances/Residuals

- a. This permit does not authorize discharge of solids, sludge, filter backwash or other pollutants removed in the course of treatment or control to the waters of the State unless specifically authorized in this permit. All solids, sludges, filter backwash, or other pollutants removed from, or resulting from the treatment or control of discharges must be disposed of in accordance with all applicable Federal, State, Local and other appropriate agency requirements.
 - i. This permit does allow the land application of sludge and wastewater from the waste retention structure provided it is applied in accordance with a Comprehensive Waste Management Plan (CWMP) required by this permit.

B. Request for Authorization

1. Deadline for Requesting Authorization for an Existing CAFO

- a. For authorization under this general permit, existing CAFOs must submit an RFA to the Department within 30 days from the effective date of the master permit.
 - i. The Department may, in its discretion, accept an RFA submitted after the foregoing deadline; however, the discharger may still be held liable for any violations that occurred prior to the submission of the RFA.

2. Deadline for Requesting Authorization for a New CAFO

- a. An RFA for a discharge from a new CAFO must be submitted at least 30 days prior to the date upon which there may be such a discharge.
 - i. The Department may, in its discretion, accept an RFA submitted after the foregoing deadline; however, the discharger may still be held liable for any violations that occurred prior to the submission of the RFA.

3. Persons Requesting Authorization

- a. An RFA shall be submitted by each operating entity for any part of a facility that

requires a NJPDES permit for a CAFO.

b. When a facility is owned by one person but is currently operated by another person, the operating entity shall submit the RFA.

c. Separate RFAs shall be submitted for separate facilities.

i. Two or more CAFOs under common ownership are considered, for the purposes of this general permit, to be a single facility if they adjoin each other or if they use a common area or system for the disposal of process wastewater, process generated wastewater and/or stormwater from animal confinement, feeding and maintenance operations.

ii. If a facility has more than one operating entity for its discharge from a CAFO, all such entities should jointly submit a single RFA for the facility. Any RFA not submitted by all known operating entities shall include an explanation with the RFA.

4. Contents of the Request for Authorization (RFA)

a. A completed RFA shall include all of the following information regarding the regulated facility, using the Department's RFA form:

i. The name, mailing address, location, and EPA identification number (if assigned) of the facility.

ii. The 4-digit Standard Industrial Classification (SIC) code and corresponding short title assigned to the facility by the New Jersey Department of Labor. If the facility is exempt from Department of Labor SIC code assignment procedures, the RFA shall provide the 4-digit SIC code and short title that best represents the principal products or activities provided by the facility.

iii. The legal name, address, and business telephone number of all known current owners and operating entities, and, if applicable, their agents and engineers. The RFA shall also identify whether each person named is an owner, an operating entity, or both; which of these persons is submitting the RFA; and whether the owner or operating entity is a Federal, State, or other public agency, or is a private entity. Any RFA not submitted by all known operating entities shall also state that the facility has other operating entities who refused to join in submitting the RFA.

iv. The Federal tax identification number of the owner.

v. An 8.5" x 11" copy of a portion of the U.S. Geological Survey Topographic Map, 7.5 minute quadrangle series, showing the boundaries of the facility and the name of the quadrangle(s).

vi. The RFA shall identify all stormwater, process wastewater, and process generated wastewater discharge locations to both DSW and DGW (except land application areas), including outfalls and drainage areas not serviced by an outfall (DANS).

vii. The type and number of animals in open confinement and housed under roof.

- viii. A description of current and proposed operations including activities conducted by the applicant which require a NJPDES permit. The description is to include feeding operations, waste handling practices and means of discharge.
- ix. Proposed date upon which there may be a new discharge from CAFOs, where applicable.
- x. A list of any individual NJPDES permits for discharges issued for the facility (including Discharge to Surface and Discharge to Ground Water permits).
- xi. The RFA certification contained in Attachment A.
- xii. A new CAFO with discharge(s) to the waters of the state are required to comply with the effluent limitation (see Section D - Effluent Limitation) prior to the onset of operations. The RFA must include, in addition to the above, certifications that the CWMP has been prepared (Attachment C), and that the CWMP has been fully implemented (Attachment D).
- xiii. Additional information may be required by the Department to be included as part of the RFA if the Department determines that such additional information is necessary to determine whether to authorize the discharge under this general permit.

5. Where to Submit RFA

- a. A completed and signed RFA with appropriate attachments shall be submitted to the Department at the address specified on the Department's RFA form.

6. Additional Notification

- a. Facilities that discharge through a municipal separate storm sewer system must also submit a copy of the RFA to the owner of and operating entity for that system.
- b. Persons requesting authorization shall also submit a copy of the RFA to each owner (if any) of the facility who did not submit the RFA.

C. Definitions

1. The following definitions apply to this permit.

- a. "25-year, 24-hour Storm" means the maximum 24-hour precipitation event with a probable recurrence of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom. [40 CFR Part 412.11(e)].
- b. "Catastrophic Rain Event" means a storm event exceeding a 25-year, 24-hour storm.
 - i. "Chronic Rain Event" means a series of wet weather conditions that preclude dewatering of properly maintained waste retention structures. A discharge from the waste retention structure resulting from a chronic rain event is not considered a violation of the permits conditions or the Clean Water Act.
 - ii. "Comprehensive Waste Management Plan (CWMP)" is a plan designed to manage all wastes originating from a CAFO. A CWMP includes a Comprehensive Nutrient Management Plan prepared in accordance with NRCS's

Comprehensive Nutrient Management Planning Technical Guidance (Appendix 1 of the permit) in addition to other waste management measures specifically required by this permit.

- iii. "Concentrated Animal Feeding Operation (CAFO)" means for the purposes of this permit, a concentrated animal feeding operation pursuant to N.J.A.C. 7:14A-2.13(b), a designated animal feeding operation pursuant to N.J.A.C. 7:14A-2.13(d), and any other animal feeding operation that chooses to submit a RFA.
- iv. "DANS" means drainage areas not served by stormwater outfalls and refers to areas where the discharge to surface water occurs through sheetflow or overland flow and not through a discreet conveyance like a ditch, swale or conduit.
- v. "EDP" means Effective Date of the Permit. This is the effective date of the general permit and not the facility's individual authorization.
- vi. "Effluent Limitation " allows no discharges to the waters of the state from a CAFO, except when chronic or catastrophic storm events cause an overflow from a facility designed, constructed, and operated to hold process wastewater, process generated wastewater plus stormwater runoff from a 25-year, 24-hour storm event (see Section D - Effluent Limitation).
- vii. "Feedlot" shall mean a concentrated, confined animal or poultry growing operation for meat, milk or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.
- viii. "Process Generated Wastewater means water directly or indirectly used in the operation of a feedlot for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing of pens, barns, manure pits or other feedlot facilities; direct contact, swimming, washing or spray cooling of animals; and dust control.
- ix. "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 (e.g., milk, eggs).
- x. "Stormwater" means stormwater runoff, snow melt runoff, surface runoff and drainage.
- xi. "Waste Retention Structure" means a structure designed, constructed, and operated to hold process wastewater, process generated wastewater and stormwater runoff from areas of animal confinement, feeding, and maintenance up to and including a 25-year, 24-hour storm event. The waste retention structure must be lined basin or a storage tank.

D. Effluent Limitation

1. Effluent Limitation for CAFOs

- a. There shall be no discharge from a CAFO to the waters of the State, except when chronic or catastrophic storm events cause an overflow from a facility designed, constructed, and operated to hold process wastewater, process generated wastewater plus stormwater runoff from a 25-year, 24-hour storm event.
- b. Any CAFO authorized under this permit shall prepare and implement a Comprehensive Waste Management Plan (CWMP) designed to comply with the effluent limitation in accordance with Section H of this permit.

E. Reporting

1. Annual Reports and Recertifications

- a. Twelve (12) months after the CWMP has been fully implemented, the permittee shall prepare an annual report summarizing the findings of the annual inspection performed in accordance with the "Operations and Maintenance" section of this permit. This annual report shall include:
 - i. the date of inspection;
 - ii. name(s) and title(s) of the inspectors; and
 - iii. an annual certification (Attachment D) that the facility is in compliance with its CWMP and this permit.
 - iv. If there are any incidents of non-compliance, those incidents shall be identified in the certification and the steps taken or being taken to remedy the non-compliance, and to prevent such incidents from recurring.
- b. The annual report and recertification shall be submitted annually after the CWMP has been fully implemented in accordance with the requirements contained in Section G - Submittals.

2. Annual Inspection Certification

- a. Once the CWMP has been implemented in accordance with the permit, the permittee shall conduct annual inspections of the facility to assess all areas contributing to the discharge authorized by this permit, to evaluate whether the CWMP complies with and is implemented in accordance with this permit, and whether additional measures are needed to meet the conditions of this permit. In addition to the annual inspections, the permittee may need to conduct more frequent inspections of the facility as appropriate.
 - i. The first annual inspection shall be conducted within twelve (12) months from the submittal of the Implementation Certification (Attachment D) and the annual recertification shall be submitted by February 1st of that year and every February 1st thereafter.
 - ii. Inspections should be made during both dry and wet weather conditions to better assess the function of implemented best management practices (BMPs) and structural controls. Inspections conducted during dry periods allow facilities to identify and address any problems prior to a storm event, thereby minimizing the chance for stormwater contamination. This would include observing BMPs such as feed management, waste handling, land application practices, and overall site management. Inspections during significant storm

events ensure that BMPs and structural controls are functioning as intended and provide an opportunity for facilities to observe what materials and/or activities are exposed to stormwater.

iii. If, as a result of the annual inspection, it is discovered that modifications to the CWMP are required, a summary of any modifications should be submitted to the BNPC and the appropriate Water Compliance and Enforcement Bureau.

F. Record Keeping

1. Record Keeping Requirements

a. The permittee shall retain records of all monitoring information including annual manure tests, lab sheets, soil tests, maintenance records, fertilizer and manure application records, all records required by the CWMP, and copies of all reports required by this permit for a period of at least five years.

2. CWMP Record Keeping Requirements

- a. The original CWMP shall be retained at the facility for use and inspection by the Department.
- b. The CWMP must be made available, upon request, to a representative of the Department and to the owner and operator of any municipal separate storm sewer that receives runoff from the facility.

3. Soil Erosion and Sediment Control Plan Record Keeping

a. If the permittee is required to implement a Soil Erosion and Sediment Control Plan as a result of construction activities or land disturbance greater than 5 acres, then a copy of the plan shall be retained by the permittee for a period of at least 5 years after the completion of construction.

G. Submittals

1. CWMP Preparation Certification (Attachment C) and CWMP Implementation Certification (Attachment D) Submittal Requirements

a. A Comprehensive Waste Management Plan (CWMP) shall be prepared and implemented in accordance with Section H of the permit, and certified in accordance with the CWMP Preparation Certification (Attachment C), and the CWMP Implementation Certification (Attachment D).

- i. The CWMP Preparation Certification (Attachment C) certifies to the Department that the facilities CWMP has been prepared in accordance with the terms of this permit and Comprehensive Nutrient Management Planning Technical Guidance (Appendix 1).
- ii. The CWMP Implementation Certification (Attachment D) certifies to the Department that the CWMP has been fully implemented in accordance with the terms of this permit and the Comprehensive Nutrient Management Planning Technical Guidance. This includes the completion of the waste retention structure or other measures needed to comply with the effluent limitation contained in the permit.

b. The CWMP Preparation Certification and the CWMP Implementation Certification

shall be submitted to the Department pursuant to the submittal schedule below:

- i. Submit a Comprehensive Waste Management Plan Preparation Certification: within 12 months from the from the EDP. This certification is Attachment C
- ii. Submit a Comprehensive Waste Management Plan Implementation and Inspection Certification: within 36 months from the EDP. This certification is Attachment D. If the CWMP is implemented prior to 36 months from the EDP, the facility shall submit Attachment D at that time.
- iii. Note: A facility with a new discharge from a CAFO is required to submit CWMP Preparation Certification (Attachment C), and CWMP Implementation Certification (Attachment D) with the Request for Authorization (RFA) pursuant to the Section B - Request for Authorization.

2. Annual Recertification (Attachment D) Submittal Requirement

- a. The permittee shall prepare and submit an annual report and annual recertification (Attachment D) to the Department as required in Section E - Reporting. The Annual Recertification certifies that the facility is in compliance with its CWMP, the effluent limitation, and the conditions of the permit. The annual recertification shall be submitted to the Department in accordance with the submittal schedule below:
 - i. Submit a CWMP Implementation and Inspection Recertification: By February 1st of each year, beginning 48 months from the EDP. This certification is Attachment D.

H. Comprehensive Waste Management Plan

1. Preparation of a Comprehensive Waste Management Plan

- a. The permittee shall prepare a Comprehensive Waste Management Plan within twelve (12) months from the effective date of the permit and submit Attachment C.
 - i. Requirements for the submittal of Attachment C, which certifies the preparation of the CWMP are contained in Section G - Submittals.
 - ii. A new CAFO with discharge(s) to the waters of the state are required to comply with the effluent limitation (see Section D - Effluent Limitation) prior to the onset of operations. A new CAFO must have a CWMP prepared and implemented prior to the submittal of an RFA. The RFA must include certifications that the CWMP has been prepared (Attachment C), and that the CWMP has been fully implemented (Attachment D).
- b. The CWMP is a plan designed to manage all wastes originating from CAFOs. A CWMP includes a Comprehensive Nutrient Management Plan in addition to other waste management measures specifically required by this permit.
 - i. The CWMP shall include measures for complying with the effluent limitation contained in this permit and a schedule for implementing those measures. Interim measures or milestones must be completed in accordance with permit conditions.
 - ii. The Natural Resource Conservation Service (NRCS) requires that the

Comprehensive Nutrient Management Plan (CNMP) meet NRCS technical standards and shall be prepared in accordance with the NRCS's Comprehensive Nutrient Management Planning Technical Guidance which is attached to the permit as Appendix 1. The NRCS's Comprehensive Nutrient Management Planning Technical Guidance is not intended as a sole-source reference for developing CNMPs. It is to be used as a tool in the conservation planning process along with other NRCS publications including NRCS's National Planning Procedures Handbook, NRCs's Field Office Technical Guide, NRCS technical references, handbooks and policy directives.

c. The CWMP must address, among other things, manure and wastewater handling and storage, land treatment practices, nutrient management, record keeping, feed management, and utilization activities and address their potential impacts on water quality.

i. The CWMP shall include a site map with facility boundaries, drainage patterns, discharge locations, buildings, runoff diversion and control systems, basins, storage tanks, feeding areas, pasture areas, fields where manure is applied, crops grown, manure handling systems, a bar scale and other relevant information.

ii. The CWMP must be prepared by the permittee or others authorized by the permittee and submitted to the appropriate Soil Conservation District (SCD). The SCD shall review the CWMP and make recommendations to the permittee and the Department. Based on SCD recommendations, the Department may approve or deny the CWMP. A list of Soil Conservation Districts in New Jersey is attached to the permit as Appendix 2.

2. Implementation of a Comprehensive Waste Management Plan

a. The Comprehensive Waste Management Plan must include an implementation schedule with specific timeframes and milestones for implementing all elements of the CWMP. At minimum, the implementation schedule shall include the following milestones:

i. CWMP shall be prepared within twelve (12) months from EDP.

ii. Readily implementable aspects of the CWMP include, but are not limited to interim measures such as good housekeeping, proper disposal of dead animals, conservation crop rotation, feed management, vector control, filter strips, soil stabilization, and calculation of proper land application rates. These interim measures shall be implemented within twelve (12) months from EDP.

iii. The permittee shall divert clean stormwater away from areas of animal confinement, feeding, and maintenance. This includes the possible installation of structural diversion controls such as ditches, swales, and berms and the installation of roofs and downspouts over feeding and housing areas. Downspouts should direct the clean stormwater away from animal confinement, feeding, and maintenance areas reducing the design capacity of the waste retention structure or other facilities designed to comply with the effluent limitation contained in the permit. Clean stormwater diversion measures shall be completed twenty-four (24) months from the EDP.

- iv. The CWMP shall be fully implemented and the permittee shall have completed construction and begun operation of the waste retention structure or other measures specified in the CWMP designed to comply with the effluent limitation within thirty-six (36) months from the EDP.
- b. At the end of the thirty-six (36) month implementation schedule, or if implemented at an earlier date, the permittee must submit Attachment D to the Department certifying that all elements of the CWMP have been implemented and are functioning as designed and that the facility is in compliance with the effluent limitation contained in the permit (see effluent limitation section).
 - i. Requirements for the submittal of Attachment D, which certifies the implementation of the CWMP, are contained in Section G - Submittals.
 - ii. Attachment D shall also certify the completion of the O&M Manual as required in Section J - Operation and Maintenance.

3. Engineering Practices

- a. The CWMP shall be prepared and implemented in accordance with good engineering practices and shall be consistent with the applicable conditions identified in NRCS' Comprehensive Nutrient Management Planning Technical Guidance (Appendix 1), National Planning Procedures Handbook, and Technical References, Handbooks, and Policy Directives.

4. Waste Retention Structure

- a. The permittee's CWMP may contain provisions for the construction of a waste retention structure (options for compliance with the effluent limitation are not solely limited to the construction of a waste retention structure) to comply with the permits effluent limitation. If a waste retention structure is to be constructed, then the following conditions are applicable and must be met.
 - i. The timeframes for beginning and completing construction of the waste retention structure and interim milestones, must be incorporated into a CWMP implementation schedule referenced above.
 - ii. The waste retention structure must be completed and operational within thirty-six (36) months from the EDP.
- b. The waste retention structure shall be designed and built in accordance with the NRCS Conservation Practice Standard for a Waste Storage Facility (CODE No. 313) which may be found in the attached "Comprehensive Nutrient Management Planning technical Guidance" (Appendix 1).
- c. No Discharge is permitted from the waste retention structure except for catastrophic and chronic rain events. A catastrophic event exceeds a 25-year, 24-hour storm event. Catastrophic events would cause an overflow from the required waste retention structure. Chronic rainfall is a series of wet weather conditions that preclude dewatering from a properly maintained waste retention structure. Discharges from the waste retention structure do not violate the permits conditions if they result from catastrophic or chronic rain events.
- d. The capacity of the waste retention structure shall be designed and calculated in

accordance with the NRCS Conservation Practice Standard for a Waste Storage Facility (Code 313) which may be found in the attached "Comprehensive Nutrient Management Planning Technical Guidance" (Appendix 1). Specifically, design criteria are contained in sections entitled "Storage Period" and "Design Storage Volume". The capacity of the waste retention structure shall be based on the storage period required for environmentally safe waste utilization, disposal, or treatment as perscribed in the CWMP.

- i. The permittee shall minimize the amount of process wastewater, process generated wastewater and clean stormwater runoff that drains to the waste retention structure. The permittee shall divert clean stormwater away from areas of animal confinement, feeding, and maintenance. This includes the possible installation of structural diversion controls such as ditches, swales, and berms and the installation of roofs and downspouts over feeding and housing areas. Downspouts should direct the clean stormwater away from animal confinement, feeding, and maintenance areas reducing the design capacity of the waste retention structure. Process generated wastewater may be reduced or eliminating spillage or overflow from watering systems, using dry cleaning methods for cleaning of feeding and housing areas including pens, stables and housing, and minimizing spray cooling and washing of animals (as appropriate).
- e. The waste retention structure shall be either be a lined basin or a storage tank. The liner may be either synthetic or soil. Synthetic liners must be at least 30 mils thick and constructed to prevent the flow of liquids through the liner. Soil liners must be at least 1 feet thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9} ft/sec (1×10^{-7} cm/sec) under maximum anticipated hydrostatic head. Facilities with areas unsuitable for lined basins due to bedrock, topography, deep weathering or outcrops of fractured bedrock, must install a storage tank or demonstrate that the structural integrity of the lined basin foundation will not be affected.
 - i. During construction and installation, synthetic liners are to be inspected for uniformity, damage, and imperfections and to ensure tight seams and joints, and the absence of tears and blisters.
 - ii. Existing waste retention structures (those constructed prior to the effective date of the general permit), must be certified that they meet or upgraded to meet the standard contained in NRCS - Conservation Practice Standard for Waste Storage Facility (No. CODE 313) .
- f. Erosion protection shall be provided on all slopes.
- g. Adequate storage capacity must be maintained in the waste retention structure by dewatering and land application of the waste in accordance with the facility's Comprehensive Waste Management Plan.
 - i. If waste from the waste retention structure cannot be land applied due to weather conditions (flooding, frozen ground, snow cover) and adequate storage volume does not exist (minimum of 1ft. freeboard) then the waste must be hauled for proper disposal and records/manifests of such disposal must be kept onsite.

5. Requirements for all Basins (Waste Retention Structure)

- a. For the purpose of this permit, the waste retention structure is considered a basin (unless it is a storage tank), and is considered a regulated unit pursuant to N.J.A.C. 7:14A-7.3(b). The common feature of these basins is that they are topographic depressions or bermed areas designed to hold, treat and/or transmit pollutants.
- b. The following items are additional specific requirements for basins and shall be addressed in the facility's O & M Manual required by Section J of the permit:
- i. A schedule of physical inspections of all visible portions and areas surrounding the basin unit(s) to:
 - Ensure that the liner material and berms have remained structurally sound;
 - Detect evidence of any deterioration, breakout, malfunctions or improper operation of the over-topping control system;
 - Detect sudden drops in the level of the basin contents not associated with normal operation of the regulated unit;
 - Detect erosion or other signs of deterioration in berms or other containment devices;
 - Detect the presence of liquids in the leak detection system, if employed.
 - ii. Embankments shall be stable, non-eroding, and free of woody vegetation.
 - iii. Contingency procedures that will be implemented in the event the basin must be removed from service for an extended period of time for reasons other than routine maintenance and/or scheduled rotation of permitted discharge areas. This course of action must address how the discharge will be handled which can include diversion of the discharge to a previously approved reserved disposal area.
 - iv. The liner shall be maintained at its design permeability. The integrity of all surface impoundments must be periodically evaluated. Additionally, the Department may, at any time, require the certification of structural integrity based on visual observations made during facility Compliance Evaluation Inspections or other Department site visits.
 - v. Repaired or replaced liners must be tested for integrity prior to resuming discharge.
 - vi. A minimum of one integrity test shall be performed during the year prior to the date of permit expiration unless otherwise approved by the Department.
 - vii. For existing facilities, initial integrity testing of the liner shall occur within twelve (12) months of the effective date of the permit, with subsequent integrity testing occurring at a minimum frequency of once every three years.
- c. If a basin has been removed from service due to structural collapse, overtopping or non-use it may not be restored to service unless that portion of the basin which failed has been subsequently repaired.
- i. If the basin was removed from service due to actual or imminent bank or side wall failure, a New Jersey Licensed Professional Engineer shall certify by

signature and seal the structural integrity of the bank and side wall prior to the redirection of flow to the basin. Said certification shall be received by the Department prior to the resumption of discharge to the basin.

ii. If a basin was inactive for more than six months due to structural collapse or overtopping, the permittee shall obtain all applicable approvals and submit a certification from a New Jersey Licensed Professional Engineer that it is structurally sound. The certification shall be signed and sealed by the New Jersey Licensed Professional Engineer and shall establish that the banks, dikes, and foundation of the basin will withstand the physical and chemical stresses of resumed operation. If the basin is lined, the certification shall also state that the lined basin will not discharge to ground water.

iii. If the original basin system or portions thereof are insufficient or inadequate, the permittee shall propose a new upgraded system. The new basin system will be installed upon issuance of a TWA from the appropriate bureau within the Division of Water Quality. A new site plan shall be submitted along with any necessary revisions to the O & M Manual.

iv. The basin may not become operational unless all inspections and necessary repairs have been completed.

I. Special Conditions for Swine/Hog Livestock Operations

1. Swine/Hog Feedstock

a. Facilities that raise swine on a diet of food wastes from residential, commercial, and/or institutional sources shall include, as part of their CWMP, a best management practice for the proper handling and disposal of all food waste, inedible material and solid waste.

b. The facility shall provide covered structures for the storage and cooling of "cooked" feedstock and commercial bulk materials such as bakery waste, food processing by-products, or outdated foods.

c. Incoming food wastes used as swine/hog feed must be processed by screening or other appropriate means to separate solid waste and inedible material from edible food material. Screened materials shall be handled and disposed of as specified below.

d. All feed stations shall be covered with a roof and shall have a concrete pad with curbing or sidewalls to contain all waste on the pad surface.

i. Feed stations shall be scraped to remove waste (remaining inedible food waste, solid waste material, manure, and urine) on a regular basis and hauled to a stockpile location.

ii. Inedible solid waste is prohibited on feed platforms or in feeding areas and shall be removed on a regular basis.

iii. Newly separated solid waste and inedible materials from screening and any solid waste removed from feed stations shall be temporarily stored on a covered concrete pad or in other covered leakproof containers (separate from solid waste accumulated from past material handling practices) until transferred for proper disposal. Hauling records/manifests must be kept on site.

- iv. No stockpiles of newly separated solid waste may be kept on site longer than sixty (60) calendar days. Newly separated solid waste materials must be removed more frequently if the waste exceeds the capacity of the storage area.
- v. The waste stockpile must be on a concrete pad that drains either directly or by overland flow to the waste retention structure.

2. Remediation of Existing Waste Stockpiles

- a. If there is a prior agreement or consent order with the Division of Solid Waste or other State or Federal Agency for the removal of accumulated materials at the facility, then that agreement or consent order takes precedent over the permit conditions contained herein regarding the remediation of existing waste stockpiles.
 - i. A copy of the agreement or consent order shall be made available to the appropriate Bureau of Water Compliance and Enforcement upon request.
- b. The permittee shall prepare a schedule for the removal of all existing solid waste stockpiles that have accumulated from past solid waste handling practices. This schedule shall be made part of the CWMP and cannot exceed (36) thirty-six months from the EDP.
 - i. The schedule for the removal of the solid waste stockpiles must include interim milestones with incremental amounts of material being removed each month of the schedule.
 - ii. No solid waste stockpiles shall remain at the facility at the end of the (36) thirty-six month schedule (except temporary storage of newly separated solid waste as allowed by permit conditions).
- c. No newly separated solid wastes may be added to any existing solid waste stockpile once the CWMP has been prepared (eighteen months from the effective date of the permit).
- d. Solid waste removed from the site must be properly disposed and hauling records with destinations of the material must be maintained and kept on site for Department inspection.

J. Operation and Maintenance

1. Operation and Maintenance

- a. The permittee shall be responsible for supervising and managing the operation and maintenance of the facility and any Best Management Practices that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements identified in the CWMP. Proper operation and maintenance also requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit.

2. Operations & Maintenance Manual for Treatment Works

- a. The permittee shall prepare an O & M Manual for the operation and maintenance of any treatment works, including the waste retention structure or other measures installed to comply with the effluent limitation requirement, within thirty-six (36) months from the effective date of the permit. The O & M Manual shall be made part of the CWMP.

Submittal of Attachment D which certifies the preparation of the CWMP, shall also certify the completion of an O & M Manual.

- b. If the items required in the O & M Manual are addressed in another document which has been approved by the department, the permittee may submit a letter to the BNPC referencing which document contains the applicable information.
- c. The most recent version of the O & M Manual as well as all records of maintenance and inspections must be kept on-site at all times and be available for inspection upon request by the Department.
- d. The permittee must ensure that all appropriate personnel including the licensed operators (as applicable), are educated about the contents and procedures contained in the O & M Manual to ensure proper implementation.
- e. The O & M Manual shall include, at a minimum, the following provisions, as applicable:
 - i. A list of all pollutants generated and/or discharged to the waste retention structure.
 - ii. A schedule of maintenance and inspections of the processes including the pollutant generation, conveyance and the discharge unit(s).
 - iii. The requirements established in this permit for unit-specific maintenance and inspection (see "Implementation of a Comprehensive Nutrient Management Plan").
 - iv. Assessment of emergency situations which affect the discharge activities as outlined in N.J.A.C. 7:14A-6.12(d)3. Emergency procedures prescribed in the O & M Manual, if implemented, shall not cause an unpermitted discharge or contravene any rules or regulations. If the discharge flows to the regulated units without the aid of pumps, the emergency plan only needs to address equipment and emergency procedures.
 - v. Procedures for correcting emergency situations.
 - vi. Procedures for notifying the appropriate agencies.
 - vii. Location of any onsite temporary or permanent pollutant storage areas.
 - viii. Provisions for utilizing previously approved and constructed diversion structures or mechanisms (ditches, swales, berming, sumps, etc.) if applicable. These provisions shall include the ability to monitor for permit compliance.
- f. If an emergency situation occurs the permittee shall review the emergency procedures contained in the O & M Manual and assess whether the procedures could be improved, or require updating. If changes in the O & M Manual are required, a copy of the updated O & M Manual shall be submitted to the BNPC.
- g. Closure Requirements
 - i. If the permittee plans expects closure of a regulated unit, they shall contact the appropriate Bureau of Water Compliance and Enforcement for closure requirements. A closure plan shall be submitted to the BNPC for review and approval at least 180 days prior to the planned closure of a regulated unit.

3. Soil Erosion and Sediment Control Plan

- a. For construction activities disturbing five acres or more of total land area or less than five acres which are part of a greater than 5 acre plan of development or sale, authorization must be obtained under either a modification to this permit or under NJPDES Permit No. NJ0088323 (General Stormwater Permit Construction Activity), for stormwater from such construction activities that would be discharged to surface waters.
- b. Land disturbances that may result in a stormwater discharge authorized by this permit, shall be executed only in accordance with a soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43, or requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48, whichever is applicable.
- c. A copy of this plan shall be retained by the permittee for a period of at least 5 years after the completion of construction.