

State regulations for CAFOs were revised effective April 30, 2012 to incorporate changes made in the 2008 EPA CAFO rule. As a result of these changes there will be two options for General Operating Permits; a NPDES permit and a State “No-Discharge” permit. The current General Operating Permit expires February 23, 2013. The new General Operating Permits are currently being drafted.

#### **CURRENT PERMIT**

- Has an allowance for discharges during chronic/catastrophic weather events.
- Requires development and the implementation of a Nutrient Management Plan (NMP) upon issuance of the permit.
- NMP must be submitted to the department.
- Does not require public notice period.

#### **SAME FOR BOTH PERMITS**

- Requires development and the implementation of a NMP upon issuance of the permit.
- Allows for implementation of “Wet Weather Practices for CAFOs”.
- The requirements for manure transfers, inspections, mortality management, and record keeping are the same.
- Class II and smaller operations can seek voluntary coverage under either permit.

#### **NPDES PERMIT**

- Class IB and IC operations that discharge are required to seek coverage under this permit.
- This permit has an allowance for discharges during chronic/catastrophic weather events.
- NMP must be submitted to the department.
- Public notice period is required for the permit and NMP.
- Portions of the NMP will be incorporated into “terms” of the permit.
- Changes to NMP must be submitted to the department for review and may require a permit modification, including modification fee, and a public notice period.

#### **STATE “NO-DISCHARGE OPERATING PERMIT**

- Class IB and IC operations that do not apply for NPDES permit are required by state regulations to have this permit.
- There is no discharge allowed for any reason (including weather related). ANY DISCHARGE IS A VIOLATION!
- Must certify as a no-discharge operation.
- Fewer annual reporting requirements.
- If a discharge does occur, must submit documentation as to the cause and corrective actions taken to the Department to maintain coverage under this permit.
- Does not require submittal of NMP to the department (but may be requested at any time).
- NMP must be maintained and kept current.
- Changes to NMP do not require a permit modification or public notice period.
- The NMP will not be “terms” of the permit.