

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES) PERMIT

FACT SHEET

General Permit for Concentrated Animal Feeding Operations (CAFO GP)

FACILITY: Concentrated Animal Feeding Operations (CAFOs)
PERMITEES: Owners and Operators of CAFOs
PERMIT NO.: MTG010000
LOCATION: Statewide except federally recognized Indian lands
CONTACT: Applicant
RECEIVING WATER: Statewide

PART I. Status of Permit

The previous Montana Pollutant Discharge Elimination System (MPDES) General Permit for Concentrated Animal Feeding Operations (CAFO GP) was issued by the Montana Department of Environmental Quality (DEQ), effective November 1, 2013, with an expiration date of October 31, 2018.

PART II. Description of Discharge and Discharging Facilities

The CAFO GP is applicable to discharges of manure, process wastewater, and other wastes to state waters from CAFOs in the State of Montana, excluding discharges from CAFOs on Indian lands.

There are currently 134 operations covered under the CAFO GP. The operations include cow-calf operations, feedlots (cattle, sheep and horses), sale and shipping yards, and hog and poultry facilities. Animal waste is typically removed annually from dry lot operations and then land-applied as solids with facility-owned or contracted manure-spreading equipment. Liquid wastes are stored in retention basins or holding tanks. Basins are either earthen, clay, or synthetically-lined. Holding tanks are of steel or concrete construction. Liquids are typically surface-applied by applicator tank trucks, injected into the subsoil with tractor-drawn toolbars or piped through irrigation delivery systems.

PART III. Coverage

Unless excluded from coverage, owners and operators of Montana CAFOs are eligible for coverage under the CAFO GP. Owners and operators of new and existing CAFOs must submit a complete Notice of Intent (NOI) Form, Nutrient Management Plan (NMP), and applicable fees. A CAFO must complete a public comment period for the CAFO's site-specific nutrient management plan. The Department must complete any necessary review and approval for the NMP. Permittees must retain onsite a copy of the permit and the authorization letter.

PART IV. Sources Excluded from Coverage

DEQ may deny authorization to discharge under the CAFO GP:

- A. any CAFO that cannot comply with any applicable effluent standards, effluent limitations, standards of performance for new sources of pollutants, toxic effluent standards and prohibitions, and pretreatment standards;
- B. any CAFO that does not meet the adequate storage requirements for manure, litter and process wastewater;
- C. any CAFO that does not meet the minimum ground water protection practices; and
- D. any CAFO that the Department has notified to apply for an individual permit.

PART V. Receiving Waters and Applicable Standards

MPDES permits must comply with the Montana surface water quality standards.

PART VI. Technology-based Effluent Limitations (TBELs)

The effluent limitations and standards of the federal CAFO effluent limitations guidelines (ELGs) apply to all facilities covered by the CAFO GP.

A. Effluent Limitations and Standards – Production Area

There shall be no discharge of manure, litter, or process wastewater pollutants from the production area into state waters except as provided for below.

Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged to state waters provided:

1. The production area is properly designed, constructed, operated and maintained to contain all manure, litter, process wastewater and the runoff and direct precipitation from the 25-year, 24-hour storm even for the location of the CAFO. The 25-year, 24-hour storm event can be determined by the National Weather

Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," or equivalent regional or State rainfall probably information developed from this source;

2. For large CAFOs all surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour precipitation event; and
3. The production area is operated in accordance with the additional measures and recordkeeping requirements specified in the CAFO GP.

B. Effluent Limitations and Standards – Land Application Area

By only allowing discharges in accordance with a site-specific NMP, these limitations and standards take into account the wide variability in the characteristics of individual land application areas scattered throughout Montana. NMPs specify the best management practices (BMPs) that a CAFO employs to prevent harmful discharges to state waters.

Discharge from the land application areas are subject to the following requirements:

1. Each CAFO that land applies manure, litter or process wastewater must:
 - a. Implement a NMP with field specific requirements that minimize the transport of nutrients;
 - b. Determine land application rates;
 - c. Must account for field-specific information in form, source, amount, timing and method of land application needed to achieve realistic crop production goals;
 - d. Multi-year phosphorus application to fields;
 - e. Manure and soil nutrient content;
 - f. Setbacks from surface waters, ground water, drainage tiles, wells, sinkholes, and conduits to surface waters;
2. Maintain the records specified in the permit;

C. Water Quality-Based Effluent Limitations (WOBELs)

No wastes may be discharged such that the waste either alone or in combination with other wastes will violate or can reasonably be expected to violate any standard. MPDES permits include limits on all pollutants which will cause, or have a reasonable potential to cause an excursion of any water quality standard, including narrative standards.

Montana's water quality standards can be maintained through compliance with the effluent limitation in the CAFO GP. This includes not only the BMPs as contained within the NMP, but other corrective action, inspection, monitoring,

reporting and recordkeeping requirements. The BMPs in the NMP minimize or eliminate the generation or migration of pollutants to state waters. The permit prohibits the discharge of pollutants except as a result of precipitation falling on the facility that exceeds the design capacity of the waste impoundment.

D. Special Conditions

All CAFOs covered under the CAFO GP must develop and implement a NMP that complies with all applicable regulations.

1. Facility closure

Any facility that intends to cease operations must permanently close all waste containment and transport structures. These structures must be abandoned such that they will no longer have the potential to discharge to State waters.

2. Ground water protection

There shall be no discharge of manure, litter or process wastewater from the production area to State waters under the control of the CAFO owner or operator. Livestock waste control facilities must be sealed so that seepage loss through the seal is as low as practicably possible. Seals consisting of solids, bentonite, or synthetic liners may be considered provided the permeability, durability and integrity of the proposed material can be satisfactorily demonstrated for the anticipated conditions. Results of a testing program that substantiate the adequacy of the proposed seal must be incorporated into and/or accompany the design report. Testing must take place at the maximum operation depth. Standard ASTM procedures or similar acceptable methods must be used for all tests. To achieve an adequate seal in systems using soil, bentonite or other seal material, the coefficient of permeability (k) in centimeters per second specified for the seal may not exceed the value derived from the following expression: $k = (3.0 \times 10^{-9})L$, where L equals the thickness of the seal in centimeters. Finished elevations for soil and bentonite liners may not vary more than three inches from the average elevation of the bottom and should be as level as possible. Sloped pond bottoms are allowed for synthetic liners, but they must be uniformly sloped.

Waste Containment structure must also meet the following criteria:

1. A minimum separation of 10 feet between the pond bottom and any bedrock formation must be maintained.
2. A minimum separation of 4 feet between the pond bottom and any ground water.

3. New wastewater containment structures or the manure and wastewater disposal sites must follow any applicable setbacks from water well(s).

A CAFO may submit to the Department site-specific information demonstrating that the location of any wastewater containment structure will not be a source of pollutants to ground water.

E. Standard Conditions

The standard conditions included in the CAFO GP are based on the standard conditions applicable to all MPDES permits.

PART VII. Monitoring and Recordkeeping Requirements

The CAFO GP includes monitoring, reporting and recordkeeping requirements. It includes requirements to report discharges to state waters, as well as requirements to monitor and report instances of noncompliance with permit conditions. The CAFO GP also contains annual reporting requirements, and requirements to monitor and record the implementation of the facility's site-specific NMP. It also includes records retention requirements.

PART VIII. Mixing Zones

The effluent limitations and standards in the CAFO GP, in combination with the other terms and conditions of the CAFO GP, represent the practices and prohibitions necessary in order for an eligible CAFO to comply with Montana's surface water quality standards. If a source applying for coverage under the CAFO GP appears unable to comply with Montana's water quality standards, coverage under the CAFO GP may be denied. Therefore, granting of a mixing zone is not warranted. Facilities which cause or contribute to a violation of a water quality standard cannot meet the conditions of the CAFO GP, and must apply for an individual MPDES permit.

PART IX. Nondegradation

The Department has determined the any discharge in compliance with the effluent limitation and of terms and requirements of this permit are nonsignificant. This finding is based on the following: 1) any discharge from the land application site that is in conformance with the terms and condition of the NMP are considered as agricultural runoff and would have minimal impact on the receiving water; and 2) any discharge from the production area in compliance with the terms and conditions of the permit would provide initial treatment, be of short duration, and not cause a permanent change in water quality given.

PART X. Total Maximum Daily Load (TMDL)

The CAFO GP includes requirements for CAFOs and land application sites located within watersheds that are impaired for nutrients. These requirements ensure that nutrients are utilized by crops and do not enter State waters. Therefore, the CAFO GP, when properly implemented, is consistent with the assumptions and requirements of existing nutrient TMDLs and anticipated assumptions and requirements of future nutrient TMDLs.

PART XI. Procedure for Coverage Under the CAFO GP

Eligible sources that apply for coverage for this general permit are covered under this general permit after the following has occurred:

- A. The applicant has submitted a NOI-CAFO, completed to the satisfaction of the Department;
- B. The applicant has submitted all applicable fees;
- C. The applicant has submitted a Nutrient Management Plan (NMP) completed to the satisfaction of DEQ;
- D. The terms of the NMP have been made available for public comment for a period of at least 30 days and if necessary, revised based on any significant comments
- E. A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable);
- F. DEQ completes all applicable reviews necessary for the Department to comply with the Montana Environmental Policy Act (MEPA); and
- G. DEQ issues an authorization letter to the applicant to discharge under the CAFO GP.

This material must be submitted to:

Department of Environmental Quality (DEQ)
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

DEQ will evaluate all applications and make the NOI and NMP available for public comment for a minimum of 30 days. After addressing public comments, DEQ will issue a letter of authorization to the CAFO, or notify the applicant to revise and submit an updated NMP.

PART XII. Procedures for Reaching a Final Decision on Draft Permit MTG010000

A. Public Notice and Comment Period - Documents

1. The following documents will be public noticed for a period of 40 days beginning July 16, 2018, and ending at the close of business on August 24, 2018:
 - a. The draft General Permit for Concentrated Animal Feeding Operations (CAFO GP), Permit No. MTG010000; and
 - b. The draft Fact Sheet for the General Permit for Concentrated Animal Feeding Operations (CAFO GP), Permit No. MTG010000; and the draft Form NMP, "Nutrient Management Plan Associated with Concentrated Animal Feeding Operations (CAFO)" nutrient management plan template; and
 - d. The draft Environmental Assessment for the General Permit for Concentrated Animal Feeding Operations (CAFO GP), Permit No. MTG010000; and
 - e. Draft Form NOI-CAFO "Notice of Intent"
 - f. Draft Form NMP-CAFO "Nutrient Management Plan"
 - g. The draft Form CAFO Annual Report, "CAFO Annual Report Form".
2. During the public notice period described above, comments on the six documents will be received at the following postal address:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, Montana 59620-0901

Comments may be emailed to DEQ at DEQWPBPublicComments@mt.gov, or faxed to DEQ at (406) 444-5546. All comments must be received by DEQ by the close of business on August 24, 2018.

B. Public Notice of Hearings to Be Held

DEQ will hold public hearings at 10:00 AM on August 20, 2018 in Room 111 at DEQ offices in the Metcalf Building in Helena.

C. Conditions Requested by Government Agencies

If during the comment period the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any other state or federal agency with jurisdiction over fish, wildlife, or public health advises DEQ in writing that the imposition of specified conditions upon the CAFO GP is necessary to avoid substantial impairment of fish, or wildlife resources, DEQ may include the specified conditions in the permit to the extent they are determined necessary to carry out the provisions of the Montana Water Quality Act.

D. Response to Public Comments

Following the public comment period and the public hearings, DEQ will make a final permit decision. At the time that the final permit decision is issued, DEQ will issue a response to comments received during the public comment period and the public hearings. The response will specify which provisions, if any, of the draft permit and other publicly noticed materials have been changed in the final permit/other materials, and the reasons for the change(s). The response to comments will also briefly describe and respond to all significant comments raised during the public comment period and hearings.

E. For Additional Information

For additional information concerning the CAFO GP, or the information, documents, and procedures discussed in this Fact Sheet, please contact the Water Protection Bureau at (406) 444-5546.