

CAFO WPCF General Permit #01-2015  
Issuance Date: October 1, 2015  
Effective Date: October 21, 2015  
Expiration Date: September 30, 2025


OREGON CONFINED ANIMAL FEEDING OPERATION  
WATER POLLUTION CONTROL FACILITIES  
GENERAL PERMIT NUMBER 01-2015



State of Oregon  
Department of Agriculture  
Confined Animal Feeding Operation Program  
and  
Department of Environmental Quality  
Water Quality Division

In compliance with the provisions of Oregon Revised Statutes (ORS) Chapter 468B,  
and Oregon Administrative Rules (OAR) Chapter 340, Divisions 40, 45 and 51 and Chapter 603, Division 74.

Until this permit expires or is modified or revoked, permit registrants who have properly obtained coverage under this permit are authorized to discharge to groundwater of the state in accordance with the special and general conditions that follow.

  
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Natural Resources and Pesticides  
Oregon Department of Agriculture

  
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## SPECIAL CONDITIONS

### DEFINITIONS

1. "25-year, 24-hour rainfall event" means an event with a probable recurrence interval of once in twenty-five years as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, or equivalent regional or state rainfall probability information developed from this source.
2. "Agency" means Oregon Department of Environmental Quality or Oregon Department of Agriculture.
3. "Agronomic application rate" means the rate or amount of nutrients applied to the soil for utilization by growing or planned crops such that the crops remove the same or greater amount of nutrients provided by the agronomic application.
4. "Animal waste management plan" or "AWMP" or "waste management plan" means a written document containing the minimum elements necessary to manage manure, litter, and process wastewater from operations covered by this permit in accordance with the terms and conditions of this permit.
5. "Bedding" means any absorbent material that is used to provide animal cleanliness and comfort in a confinement system. Bedding materials include but are not limited to: straw; sawdust; wood shavings; grass seed cleanings; recycled, composted, or dried manure solids; and recycled paper products. Bedding that comes into contact with animals, manure, litter or process wastewater is determined to be manure, litter or process wastewater for purposes of this permit.
6. "Confined animal feeding operation" or "CAFO" means an operation sized according to Table 1, p. 5 of this permit and defined in [OAR 340-051-0010\(2\)](#) and [OAR 603-074-0010\(3\)](#) as:
  - (a) The concentrated confined feeding or holding of animals or poultry, including but not limited to horse, cattle, sheep, or swine feeding areas, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities and fur farms:
    - (i) In buildings or in pens or lots where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather; or
    - (ii) That have wastewater treatment works; or
    - (iii) That discharge any wastes into waters of the state; or
  - (b) An animal feeding operation that is subject to regulation as a concentrated animal feeding operation pursuant to 40 CFR § 122.23.
7. "Director" means the director of the State of Oregon Department of Environmental Quality or the director of the State of Oregon Department of Agriculture or their authorized designee(s).
8. "Discharge" or "disposal" is defined at [OAR 340-45-0010\(5\)](#) and means the placement of wastes into public waters, on land, or otherwise into the environment in a manner that affects or may tend to affect the quality of public waters. Public waters are waters of the state as defined in [ORS 468B.005\(10\)](#) and [OAR 340-045-0010\(20\)](#).
9. "Dry waste" means any solid manure, litter, bedding, or waste feed that cannot be transferred or applied with a pump or pipe system. Precipitation that comes into contact with dry waste does not change dry waste into wet waste. Dry waste may contain urine, manure leachate or incidental process wastewater that has been absorbed into the feces, and used bedding materials in amounts that allow the waste to retain the dry characteristic so that the material cannot be transferred or applied with a pump or through a pipe.
10. "Dry waste treatment works" means any plant or other works used for the purpose of treating, stabilizing or holding wastes as a dry, solid substance. Dry waste treatment works for purposes of this permit do not utilize pumps or pipes to transfer or apply dry waste and typically do not need any added water or liquid to transfer or apply dry waste. Dry waste treatment works include but are not limited to manure piles and covered dry manure stack storage facilities.
11. "Dry-weather discharge" means a discharge of manure, litter or process wastewater from a land application area that is not defined as Agricultural Stormwater (40 CFR 122.23(e)) and where the land application of manure, litter, or process wastewater has not met all the site-specific nutrient management practices contained in the department-approved Animal Waste Management Plan and specified in 40 CFR 122.42(e)(1)(vi)-(xi). Dry weather discharges include but are not limited to: discharges through tile drains, discharges combined with irrigation water, infiltration of nutrients below the crop root zone, discharges due to failure of manure application or irrigation equipment.
12. "Frozen soil" means soil that has a soil temperature of 32° F (or 0° C) or less in any 3 continuous inches of the top 12 inches of soil.

13. "Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.
14. "Manure" means solids or liquids excreted from an animal or other material (for example, bedding, compost, litter, feed waste, silage leachate, raw materials such as feed or silage) that comes into contact with solid or liquid excreted from an animal.
15. "OAR" means Oregon Administrative Rule.
16. "ORS" means Oregon Revised Statute.
17. "Overflow" means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or stormwater can be contained by the structure.
18. "Person" is defined at ORS [468.005](#).
19. "Pollution" or "water pollution" is defined at ORS [468B.005\(5\)](#).
20. "Process wastewater" or "process wastes" means water directly or indirectly used in the operation of the CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater or process wastes also includes any water that comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding. [OAR 340-051-0010\(5\)](#) and [OAR 603-074-0010\(17\)](#)
21. "Production area" means that part of a CAFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment areas include but are not limited to settling basins, and areas within berms and diversions that separate uncontaminated stormwater. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of animal mortalities. [OAR 340-051-0010\(6\)](#) and [OAR 603-074-0010\(18\)](#)
22. "Saturated soil" means soil with all available pore space filled that has reached its maximum retentive capacity as defined in "Qualitative Description of Soil Wetness" (Brady, N. and Weil, R., p. 201, 2007).
23. "Setback" means a specified distance from surface water or potential conduits to surface water where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface water include but are not limited to: Open tile line intake structures, sinkholes, and agricultural well heads.
24. "Treatment works" means any plant or other works used for the purpose of treating, stabilizing or holding wastes. ORS [468B.005\(8\)](#)
25. "Vegetative buffer" means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface water.
26. "Waste storage facilities" means the physical system used for the isolation and retention of process wastes on the confined animal feeding operation until their ultimate utilization.
27. "Wastes" is defined at ORS [468B.005\(9\)](#).
28. "Water" or "waters of the state" is defined at ORS [468B.005\(10\)](#).
29. "Wet waste" means any liquid manure, contaminated stormwater, process wastewater, liquid feed waste and silage or manure leachate. Wet waste may include solid material particles that are suspended or dissolved in the liquid.
30. "Wet waste treatment works" means any plant or other works used for the purpose of treating, stabilizing or holding wet wastes. .Wet waste treatment works for purposes of this permit include, but are not limited to: tanks or lagoons to store wet waste; pumps, pipes, curbs, gutters, and collection sumps to direct, collect, transfer, or apply wet wastes; and any system that separates dry waste from wet waste.

## S1. PERMIT COVERAGE

**S1.A. When is a permit required and which CAFOs are covered by this permit?**

1. Any person who owns or operates a confined animal feeding operation (CAFO) that discharges to groundwater of the state or operates a disposal system is required to obtain WPCF permit coverage. This permit provides coverage for any person who owns or operates a CAFO listed in Table 1 below.
2. Any person not wishing to be covered by this permit may apply for a WPCF individual permit in accordance with OAR 340-045-0030 or elect coverage under NPDES General Permit #01.

**S1.B. Can I elect coverage under this permit?**

Any person who owns or operates a CAFO that is not required to obtain WPCF permit coverage may voluntarily elect to be covered by this permit. Any person making such an election is subject to all terms and conditions of this permit unless and until permit coverage is cancelled.

**Table 1: Classification of CAFOs that require coverage by WPCF General Permit #01-2015**

Type of CAFO	<i>Small</i>	<i>Medium</i>	<i>Large</i>
	<ul style="list-style-type: none"> <li>• Confines for more than 120 days in any 12 month period with a wet waste treatment works, or</li> <li>• Discharging to groundwater of the state.</li> </ul>	<ul style="list-style-type: none"> <li>• Confines for more than 120 days in any 12 month period, or</li> <li>• With a wet or dry waste treatment works, or</li> <li>• Discharging to groundwater of the state.</li> </ul>	<ul style="list-style-type: none"> <li>• Confines for more than 120 days in any 12 month period, or</li> <li>• With a wet or dry waste treatment works, or</li> <li>• Discharging to groundwater of the state.</li> </ul>
mature dairy cows <sup>1</sup>	<200	200-699	≥700
veal calves	<300	300-999	≥1,000
cattle <sup>2</sup>	<300	300-999	≥1,000
swine ≥ 55 lbs	<750	750-2,499	≥2,500
swine < 55 lbs	<3,000	3,000-9,999	≥10,000
horses	<150	150-499	≥500
sheep or lambs	<3,000	3,000-9,999	≥10,000
turkeys	<16,500	16,500-54,999	≥55,000
chickens, including laying hens or broilers	<9,000	9,000-29,999 (wet waste treatment works)	≥30,000 (wet waste treatment works)
laying hens		25,000-81,999 (layers, dry waste treatment works)	≥82,000 (layers, dry waste treatment works)
broiler chickens		37,500-124,999 (broilers, dry waste treatment works)	≥125,000 (broilers, dry waste treatment works)
ducks	<1,500	1,500-4,999 (wet waste treatment works)	≥5,000 (wet waste treatment works)
		10,000-29,999 (dry waste treatment works)	≥30,000 (dry waste treatment works)
other animal type <sup>3</sup>	Determined by director.	Determined by director.	Determined by director.

<sup>1</sup> Whether milked or dry.

<sup>2</sup> Other than mature dairy cows or veal calves; cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.

<sup>3</sup> To determine the number of animals that require permit coverage, ODA will compare the operation to the most similar animal type in the table.

**S1.C. How do I apply for permit coverage?**

1. New Application

To obtain permit coverage for the first time, a person must submit to ODA an ODA *Application to Register (ATR)*, Land Use Compatibility Statement (LUCS), and Animal Waste Management Plan (AWMP), and application fee. The application, LUCS, and AWMP and fee must be submitted to ODA at least 180 days prior to the time permit coverage is needed or as specified by ODA in writing. For information on AWMP requirements, see S3, p. 11.

2. Renewal of Permit Coverage

To renew permit coverage, the permit registrant must submit an ODA renewal application by the date specified by ODA in the renewal notice but no later than the expiration date of this permit. Applicants must certify on their renewal application whether an AWMP is new, updated or current and on file. New and updated animal waste management plans must be submitted with the application.

3. Notification of Permit Coverage

ODA will review the application and notify the applicant in writing when permit coverage is approved or denied. Permit coverage does not begin until this written notice is issued by ODA to the applicant. Written notification will include a *Notice of Registration* that will include the following information:

- (a) The owner and operator's legal name;
- (b) Facility name and location;
- (c) Contact information, including mailing address and telephone number;
- (d) Effective date of permit coverage;
- (e) Maximum number of animals allowed at the facility; and
- (f) Regulatory status of the operation (for example, Large CAFO).

**S1.D. How do I transfer permit coverage to a new owner or operator?**

The permit registrant must complete an ODA transfer form and submit it to ODA at least 30 days before the transfer occurs or as specified by ODA. The form must be signed by the previous owner or operator as well as the new owner or operator.

**S1.E. What activities are covered by this permit?**

1. This permit covers the discharge of pollutants resulting from processes, wastes, and operations that are properly identified by the registrant through its AWMP approved by ODA.
2. This permit does not cover disposal of human wastes or treatment works that mix human and animal wastes. Any person owning or operating such a system must apply to DEQ for coverage under an individual or general permit issued pursuant to ORS 468B.050. This permit may be used in addition to an individual or general permit issued by DEQ pursuant to ORS 468B.050 that covers some other type of wastewater at this same facility, for example, a permit for a septic system.
3. This permit does not cover a discharge to surface water.

**S1.F. How do I cancel permit coverage?**

1. Any permit registrant may request in writing to ODA that coverage under this permit be cancelled if any one of the following applies:
  - (a) Conditions or standards have changed so that the CAFO no longer qualifies for or is required to have coverage under this permit.
  - (b) The permit registrant elected permit coverage and no longer wishes to be covered by this permit.
  - (c) The permit registrant no longer has animals on site and all waste storage and control facilities have been cleaned and re-purposed or decommissioned in accordance with the following requirements:
    - (i) Cleaning/Re-purposing Requirements
      - (1) All liquid and solid manure, litter and process wastewater must be removed from the structure(s) and either land applied according to the ODA-approved AWMP or exported according to S2.K, p. 10,
      - (2) All liquid storage facilities that could fill with rain water must be flushed with clean water, the flush water land applied or exported according to S2.K, p. 10 and the remaining liquid in the structure tested to confirm the *E. coli* level is at or below the water quality standard of

406 Colony Forming Units/100ml of sample.

- (3) All liquid transfer systems are cleaned and modified so that they are not a conduit for any waste to enter surface water or groundwater.
- (ii) Decommissioning Requirements
  - (1) All liquid and solid manure, litter and process wastewater must be removed from the structure(s) and either land applied according to the approved AWMP or exported according to S2.K, p. 10.
  - (2) If the structure has a synthetic liner, the liner must be removed and disposed of or recycled in a lawful manner.
  - (3) After completion of [(ii)(1)] above, any earthen structure must be filled with soil and returned to the grade matching the surrounding area. All soil fill and remaining exposed soil must be seeded to site-appropriate grass or ground cover to prevent erosion.
2. The permit registrant must also certify that it will not commence operation of a CAFO at the same location until the appropriate NPDES or WPCF permit coverage is obtained.
3. ODA will respond to the request for cancellation by conducting a site inspection and a review of the permit file. ODA will notify the permit registrant in writing of termination of coverage under this permit or deny the request with an explanation of why the request was denied.

**S1.G. Will my information be kept confidential?**

Trade secrets will be kept confidential to the extent authorized by ORS 468.095(1) and (2).

**S1.H. What are the public notice requirements for Large CAFOs not currently covered by NPDES General Permit #01 or other NPDES or WPCF individual permit?**

Upon submittal to ODA, the ATR, AWMP, and LUCS for a *large* CAFO are subject to public notice and a minimum 35-day public review period if the *large* CAFO is not currently covered by NPDES General Permit #01 or other NPDES or WPCF individual permit. Prior to approving permit coverage, ODA will provide for public notice as follows:

1. Notice will be made in an appropriate regional newspaper and by email to interested parties who subscribe to the ODA interested parties email notice system. The notice will describe the operation and opportunity for public comment and hearing. ODA may batch multiple ATRs or AWMPs as regionally appropriate.
2. Copies of ATRs, LUCS (when required) and AWMPs will be available for public review at ODA headquarters and field offices. If available, electronic copies of documents will be provided upon request.
3. ODA will schedule public hearings if written requests for public hearing are received during the comment period from at least ten persons or from an organization or organizations representing at least ten persons. If a hearing is scheduled, ODA will provide at least 30 days notice before the hearing is held. The public comment period will remain open for additional comments for at least seven (7) days after the public hearing.
4. ODA will develop a written response to relevant comments that will be made available to interested parties.

## **S2. DISCHARGE LIMITATIONS AND OPERATING REQUIREMENTS**

### **S2.A. Prohibitions and Discharge Limitations**

1. The permit registrant must not discharge manure, litter or process wastewater to surface water of the state.
2. The permit registrant must not discharge manure, litter or process wastewater to groundwater of the state, except as allowed in S2.B and S2.C and provided these discharges do not cause or contribute to a violation of state groundwater quality protection standards.

Types of discharge that are prohibited include but are not limited to: contaminated runoff from confinement or waste accumulation areas; overflow or discharges from waste storage facilities; discharges due to improper land application activities from surface drainages, field tile outlets, or seepage below the root zone, dry-weather discharges; discharges due to equipment failure; leakage or seepage from facilities in the production area in excess of approved designs; and discharges to underground injection control (UIC) systems.

### **S2.B. Production Area Limitations**

1. The permit registrant must ensure that the production area is designed, constructed, operated, and maintained to prevent the discharge of manure, litter, process wastewater including contaminated stormwater to surface water of the state. At a minimum, the production area must be designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including contaminated stormwater generated during the storage period established in the ODA-approved AWMP.
2. The permit registrant must properly land apply manure, litter, and wastewater from the production area in a manner consistent with S2.C. All other authorized manure, litter, and process wastewater from the production area must be managed to minimize impacts on groundwater.
3. The permit registrant must not exceed the seepage design rates approved by ODA for waste storage or animal confinement facilities in the production area, and seepage to groundwater from these facilities must not violate state groundwater quality protection standards.

### **S2.C. Land Application Limitations**

1. To prevent discharges to waters of the state, the permit registrant must apply manure, litter, or process wastewater to land application areas at agronomic rates in accordance with the permit registrant's ODA-approved AWMP. Land application areas include land under the control of the permit registrant, to which manure, litter, or process wastewater from the production area is or may be applied.
2. The permit registrant's discharges to groundwater due to seepage below the root zone of the crop or by other means must not violate state groundwater quality protection standards.
3. The permit registrant is allowed to apply manure, litter, or process wastewater to frozen soil provided:
  - (a) The AWMP addresses such applications [see S3.C.2(k), p. 12];
  - (b) The application does not result in a discharge to surface water; and
  - (c) Discharge to groundwater will not occur, except as allowed in S2.B and S2.C above.
4. The permit registrant must not apply manure, litter, or process wastewater to saturated soils immediately before or during rainfall events that are expected to result in surface runoff. If the permit registrant makes such an application because it is a desired alternative to allowing waste storage or treatment works to overflow (for example, land application to saturated soils to pond wastewater onsite provides for greater protection of surface water than a direct overflow of a waste storage tank to surface water), the application will be considered a violation of this permit; however, enforcement penalties may be avoided if the discharge is an upset condition as defined in G7, p. 16 and the permit registrant complies with the reporting requirements in S4.D, p. 15.

### **S2.D. Direct Access by Animals to Surface Water of the State in the Production Area Prohibited**

The permit registrant must prevent direct animal contact with surface water of the state, in the production area of its CAFO. Direct animal contact means any situation where animals in the production area have free access and



are allowed to loiter or drop waste in surface water. Direct contact with surface water of the state by animals on pasture or rangeland is not, by itself, a violation of this permit.

**S2.E. Waste Storage Facilities**

1. The permit registrant must provide adequate storage capacity for solid and liquid wastes at all times so that land application occurs only during periods when soil and weather conditions allow for agronomic application in compliance with the Land Application Limitations S2.C, p. 8 of this permit.
2. The permit registrant must site, design, construct, operate, and maintain all waste storage facilities to contain all manure, litter, process wastewater, and stormwater runoff and direct precipitation from a 25-year, 24-hour rainfall event for the storage period established in the ODA-approved AWMP. New and modified construction of waste facilities must be approved in advance and prior to construction by ODA in conformance with ORS 468B.055, OAR 340-051 and 603-074.
3. Permit registrants with a *large* CAFO must also have depth markers in all surface liquid impoundments (for example, lagoons, ponds, tanks) designed to clearly indicate the:
  - (a) Maximum design volume.
  - (b) Depth of manure and process wastewater.
  - (c) Minimum capacity necessary to contain the quantity applicable to the storage period in the ODA-approved AWMP.

**S2.F. Prevention of System Overloading**

1. The permit registrant must not increase the number of animals over 10% or 25 animals, whichever is greater, of the maximum number assigned by ODA in the *Notice of Registration and General Permit Summary* until an updated plan is approved in writing by ODA (see S3.B AWMP Submittal, p. 11, and S3.D Requirements for AWMP Updates and Changes, p. 12).
2. The permit registrant must ensure that animal numbers do not exceed the capacity of the waste storage facilities described in the ODA-approved AWMP.

**S2.G. Handling of Animal Mortalities**

The permit registrant must not dispose of animal mortalities in liquid manure or treatment works. Animal mortality composting is allowed and must be described in the Animal Waste Management Plan. The permit registrant must handle animal mortalities in such a way as to prevent discharge of wastes to waters of the state (surface water and groundwater).

**S2.H. Proper Operation and Maintenance**

The permit registrant must at all times properly operate and maintain all facilities and systems used for process wastewater collection, storage and utilization, and correct any deficiencies found as soon as possible.

**S2.I. Maintaining Compliance if System Fails**

The permit registrant must control all applications and discharges upon reduction, loss or failure of the waste storage or utilization facilities until the facilities are restored or an alternative method of storage or utilization is provided. This requirement also applies when the primary source of power is reduced, lost, or fails.

**S2.J. Setback Requirement**

The permit registrant must develop and maintain setbacks or vegetated buffers when manure, litter, or process wastewater application occur adjacent to any surface water, open tile intake structures, sinkholes, well heads, or other conduits to surface water or groundwater. The permit registrant must also include descriptions of setbacks, vegetated buffers, and/or equivalent measures in its AWMP. Compliant setbacks, vegetated buffers, or equivalent measures include the following:

1. 100 ft. setbacks (non-vegetated, non-managed buffers).
2. 35 ft. vegetated, managed buffers.
3. If approved by ODA, variable-width, seasonal setbacks determined by the type of manure, litter or process wastewater and application method used.
4. If approved by ODA, a demonstration that a setback or vegetated buffer is not necessary or may be reduced in size because implementation of alternative conservation practices or field-specific conditions will provide equivalent or better environmental protection than [1., 2. and 3.] above.

**S2.K. Manure, Litter, or Process Wastewater Transfers**

1. The permit registrant retains responsibility of the manure, litter, or process wastewater until the transfer or export is completed with the required documentation.
2. The permit registrant must maintain manure, litter, or process wastewater transfer or export records as required by S4.C, p. 14.
3. Prior to transferring manure, litter, or process wastewater to other persons, the permit registrant with a *large* CAFO must provide the recipient of manure, litter, or process wastewater with a manure nutrient analysis conducted within the previous 12 months.

**S2.L. Proper Disposal of Other Wastes**

The permit registrant must dispose of any chemicals, or other wastes in accordance with applicable state regulation. The permit registrant must manage chemicals or other wastes to prevent their disposal in any manure, litter, process wastewater or stormwater storage or treatment system unless specifically designed to treat these wastes and the wastes and treatment systems are identified in the AWMP. The permit registrant must not dispose of chemicals or other wastes to any system used for the control of uncontaminated stormwater.

### S3. ANIMAL WASTE MANAGEMENT PLAN

#### S3.A. Animal Waste Management Plan (AWMP) Implementation and Compliance

1. Upon registration to this permit, the permit registrant must implement its current ODA-approved AWMP.
2. The permit registrant's ODA-approved AWMP is incorporated into this permit by reference. The permit registrant must comply with all terms and conditions of its ODA-approved AWMP. Failure to comply with the ODA-approved AWMP constitutes a violation of the terms and conditions of this permit.

#### S3.B. AWMP Submittal and Public Notice

1. The applicant applying for permit coverage for the first time must submit its AWMP with the *Application to Register* to ODA for review and approval according to the schedule provided in S1.C, p. 6.
2. The existing permit registrant with coverage under NPDES General Permit #01 or another permit may submit its AWMP previously approved by ODA with the *Application to Register* for review and approval according to requirements in S1.C, p. 6.
3. AWMPs for *large* CAFOs not previously covered by this permit or other WPCF or NPDES permit are subject to public notice requirements detailed in condition S1.H, p. 7.

#### S3.C. AWMP Elements

1. The permit registrant must ensure that its AWMP is adequate for the proposed or existing population of animals, reflective of the proposed or existing facility operation, and prepared in accordance with the terms and conditions of this permit, OAR 340-051, and OAR 603-074.
2. The AWMP must to the extent applicable include the following:
  - (a) Procedures to ensure collection, handling, and storage of contaminated stormwater runoff from the production area, manure, litter, and process wastewater in compliance with the requirements of S2. Discharge Limitation and Operating Requirements. Calculations used to determine the storage period and storage capacity for this period must be provided. Storage capacity must include the volume of one (1), 25-year, 24-hour rainfall event.
  - (b) Procedures to ensure proper operation and maintenance of the storage facilities.
  - (c) Procedures for proper management of animal mortalities. The procedures must ensure that animal mortalities are disposed of legally and are not disposed of in any storage or treatment system that is not specifically designed to treat animal mortalities.
  - (d) Procedures to ensure that clean water is diverted, as appropriate, from the production area.
  - (e) Procedures to prevent direct contact of confined animals with surface water of the state.
  - (f) Identification of appropriate site-specific conservation practices to be implemented, including buffers, setback areas, or equivalent practices, to control runoff of wastes to surface water and groundwater.
  - (g) Protocols to land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure: 1) appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, and 2) application of nutrient at rates not to exceed the maximum agronomic application rate included in the ODA-approved AWMP. The protocols must include the following:
    - (i) The NRCS Phosphorous Index, USDA/NRCS Oregon Agronomy Technical Note #26, revised October 2008 or equivalent calculation must be completed for all fields or management units that receive manure, litter or process wastewater to determine if nitrogen or phosphorous is the most limiting nutrient. The maximum nutrient application rate must be calculated for the most limiting nutrient and must account for all other nitrogen and phosphorus sources.
    - (ii) Expected crop yields.
    - (iii) Calculations showing the total nitrogen and phosphorus to be applied annually to each field from manure, litter, process wastewater, and other sources.
    - (iv) Annual manure application rates and an explanation of the basis for determining these rates. For *large* CAFO, these rates must be based on actual test data. For other operations, data or "book values" from established reference sources (for example, Oregon Animal Waste Management program) may be used instead of actual testing.
    - (v) Method(s) used to apply manure, litter, or process wastewater
    - (vi) Timing of manure, litter, and process wastewater applications.

- (h) For all operations, protocols for soil testing. For *large* CAFOs, protocols for testing of manure, litter, and process wastewater. For other operations that are not required to test manure, litter, or process wastewater, test protocols are not required but the references that are used to characterize manure, litter, or process wastewater must be included.
- (i) If applicable, an Agricultural Compost Management Plan must be included as required by OAR 340-096 for composting activities.
- (j) If applicable, a Solid Waste Conversion Technology Plan must be included as required by OAR 340-096.
- (k) Frozen soil application procedures if applications of manure, litter, or process wastewater will be made to frozen soil. At a minimum, the following must be included:
  - (i) Description of the potential receiving field(s), estimates of waste amounts and types, and estimated timing of applications.
  - (ii) Aerial photo(s) identifying all areas and surface water bodies within 1,000 ft. of the boundaries of the receiving field(s).
  - (iii) Soil maps(s) identifying soil types for receiving field(s)
  - (iv) Topographic map(s) for receiving field(s).
  - (v) Description of the structural practices in place to ensure that no discharges to surface water occur during application and after the soil thaws.
  - (vi) Description of the method used to determine when soil is frozen and management practices to be followed when planning an application and during and after an application to frozen soil.
  - (vii) Description of monitoring and reporting requirements to ensure that the permit registrant is in compliance with frozen soil application procedures. Procedures for transfer or export of manure, litter, or process wastewater.
  - (viii) Procedures for transfer or export of manure, litter, or process wastewater.
  - (ix) Identification of specific records that will be maintained to document the implementation and management of the minimum elements described above.

**S3.D. Requirements for AWMP Updates and Changes**

1. The permit registrant must update the waste management plan when facility expansions, production increases, or process modifications will:
  - (a) Result in new or increased generation of waste, litter, or process wastewater beyond the scope of the current waste management plan, or
  - (b) Violate the terms and conditions of this permit.
2. The permit registrant must submit AWMP updates to ODA for approval at least 60 days before implementation unless a different schedule is allowed by ODA in writing.
3. The permit registrant must not increase the number of animals over 10% or 25 animals, whichever is greater, of the maximum number assigned by ODA in the *Notice of Registration and General Permit Summary* until an updated plan is approved in writing by ODA.

## S4. MONITORING, INSPECTION, RECORDKEEPING, AND REPORTING REQUIREMENTS

### S4.A. Monitoring Requirements

#### 1. Prohibited Discharges

If a prohibited discharge to waters of the state occurs, the permit registrant must record the following information and notify ODA within 24 hours (see S4.D, p. 15 for written reporting requirements):

- (a) A description and cause of the discharge;
- (b) The period of discharge including exact dates, times and duration of discharge;
- (c) An estimate of discharge volume;
- (d) Name or location of receiving water; and
- (e) Corrective steps taken, if appropriate, to reduce, eliminate or prevent reoccurrence of the discharge.
- (f) For any unauthorized discharge that may have come in contact with a drinking water intake, confirmation that Oregon Emergency Response System (OERS) was notified.

#### 2. Soil, Manure, Litter, and Process Wastewater Monitoring for Large CAFOs

The permit registrant with a *large* CAFO must conduct the following sampling and analyses:

Sample Type	Analytical Parameter	Minimum Frequency	Sample Method
<ul style="list-style-type: none"> <li>• Liquid manure</li> <li>• Process wastewater (if handled separately from liquid manure)</li> <li>• Solid manure</li> </ul>	Total nitrogen Total phosphorus	Annually	Sample according to guidance contained in PNW 0533 and PNW 505.
Exported manure, litter, and process wastewater	Total nitrogen Total phosphorus	Annually	Sample according to guidance contained in PNW 0533 and PNW 505.
Soil from land application area(s)	Total nitrogen Total phosphorus Nitrate-nitrogen	Annually on a minimum of 20% of the fields or management units that receive manure, litter or process wastewater applications each year. All fields or management units must be sampled at least once every 5 years.	Sample according to guidance contained in PNW 570-E, EM 8832-E for post-harvest nitrate-nitrogen.

#### 3. Soil, Manure, Litter, and Process Wastewater Monitoring for all Other Operations

The permit registrant must conduct the following sampling and analyses:

Sample Type	Analytical Parameter	Minimum Frequency	Sample Method
Soil from land application area(s)	Total nitrogen Total phosphorus	Once every 5 years from all fields or management units where manure, litter, or process wastewater is applied.	Sample according to guidance contained in PNW 570-E, EM 8832-E.

**S4.B. Inspection Requirements**

1. The permit registrant must conduct the following inspections:

Item	Large CAFO	All Other Operations
(a) Stormwater diversion devices, runoff diversion structures, animal waste storage structures, and devices channeling contaminated stormwater to wastewater and manure storage and containment structures	Weekly and record results	At least once every six months
(b) Water lines, including drinking water or cooling water lines	Daily and record results	At least once every six months
(c) Equipment used for land application of manure, litter, or process wastewater	Daily when equipment is in use and record results	At least once every six months when equipment is in use
(d) Liquid impoundments for manure and process wastewater	Weekly and record depth of manure and process wastewater according to depth marker required by S2.E.3, p. 9	At least once every six months

2. The permit registrant must correct any deficiencies found as a result of these inspections as soon as possible. The permit registrant with a *large* CAFO must record any actions taken to correct these deficiencies and, if deficiencies are not corrected within 30 days, provide an explanation of the factors preventing immediate correction.

**S4.C. Recordkeeping and Availability Requirements**

1. The permit registrant must maintain all information required by this permit at the facility for at least five (5) years and make this information available to ODA upon request.
2. Upon obtaining permit coverage, the permit registrant must begin recording the following information. The permit registrant must maintain this information at the facility for at least five years and make this information available to ODA upon request.

Item or Parameter	Large CAFO	All Other Operations
(a) Date, amount, and nutrient loading of manure, litter, or process wastewater applied to each field.	Required	Required
(b) Weather conditions at the time of application and 24 hours before and after application.	Required	Not required
(c) Total amount of nitrogen and phosphorus actually applied annually to each field, including documentation of calculations of the total amount applied.	Required	Required
(d) Total amount of manure or wastewater transferred or exported to other persons.	Required. Also include: (i) Date and amount of each transfer or export (ii) Name and address of each recipient (iii) Copy of the manure nutrient analysis conducted provided to the recipient (See S2.K.3, p. 10)	Required
(e) Description of actions taken to correct deficiencies discovered during inspections.	Required (See S4.B.2, p. 14)	Not required

**S4.D. Reporting Requirements**

1. If a discharge to groundwater occurs that is not allowed by S2.B and S2.C, p. 8, or a discharge to surface water occurs, the permit registrant must notify ODA within 24 hours of the discharge. The permit registrant must also submit a written report within five (5) days to ODA. The information to be submitted is listed in the monitoring requirements (See S4.A, p. 13) of this permit.
2. The permit registrant must notify ODA within 24 hours of becoming aware of any significant physical failure at any time of treatment works required under this permit.
3. The permit registrant must notify ODA within 24 hours of any permit noncompliance that may endanger health or the environment.
4. In addition to complying with [ 3. ] above, the permit registrant must notify Oregon Emergency Response System (OERS) of any unauthorized discharge that may come in contact with a surface water or groundwater drinking water system intake within 24 hours. Notification must be made by calling OERS at 1-800-452-0311

**S4.E. Additional Monitoring**

1. ODA may establish specific monitoring requirements in addition to those contained in this permit by administrative order. An administrative order is an agency action expressed in writing directed to a named person or named persons (ORS 183.310).
2. If a permit registrant experiences two or more prohibited discharges to groundwater of the state within a 24-month period, ODA may require the permit registrant to obtain an individual permit. Additional groundwater monitoring may be required for Total Kjeldahl Nitrogen, total phosphorus, and other nutrient indicators. If ODA waives the additional monitoring requirements because such monitoring would be impracticable or not likely to produce useful information, ODA will set out the basis for the decision in writing and make the decision available to interested parties.

## GENERAL CONDITIONS

The general conditions in this schedule apply only to the extent they do not conflict with the requirements contained in special conditions S1 through S4. If the permit requirements in special conditions S1 through S4 conflict with these general conditions, the permit requirements in special conditions S1 through S4 will control.

### G1. Compliance with other laws and statutes

Nothing in the permit will be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

### G2. Property rights

The issuance of this permit does not convey any property rights in either real or personal property, 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, or local laws, or regulations.

### G3. Permit actions

After notice by ODA, permit registration may be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to the following:

1. Violation of any term or condition of this permit, or any applicable rule or statute.
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

### G4. Permit fees

The permit registrant must pay the required fees to obtain and maintain permit coverage.

### G5. Inspection and entry

Pursuant to ORS 468B.095 and 468B.217(2)(b), the permittee must allow an agency authorized representative to enter onto and inspect, at any reasonable time, a confined animal feeding operation or appurtenant land for the purpose of investigating a source of water pollution or to ascertain compliance with a statute, rule, standard or permit condition relating to the control or prevention of water pollution from the operation. The permittee must also allow an agency authorized representative access to review records required by this permit for the confined animal feeding operation including but not limited to a blueprint, design drawing and specification, maintenance record or log, or an operating rule, procedure or plan.

### G6. Signatory requirements

All applications, reports or information submitted to ODA must be signed and certified by the official applicant of record (owner or operator) or authorized designee with the following statement: *I certify that the information is true and accurate to the best of my knowledge.*

### G7. Additional reporting requirements

1. *Anticipated noncompliance.* The permit registrant must give advance notice to ODA of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
2. *Other noncompliance.* The permit registrant must record all instances of noncompliance not reported under S4.D Reporting Requirements, p. 15 as required by S4.C Recordkeeping and Availability Requirements, p. 14.
3. *Other information.* Where the permit registrant becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to ODA, it must promptly submit such facts or information.

### G8. Bypass

1. *Definitions.*
  - (a) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.
  - (b) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. *Bypass not exceeding limitations.* The permit registrant may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 3 and 4 of this paragraph.



3. *Notice*
  - (a) *Anticipated bypass.* If the permit registrant knows in advance of the need for a bypass, it must submit prior notice, if possible at least 10 days before the date of the bypass.
  - (b) *Unanticipated bypass.* The permit registrant must submit notice of an unanticipated bypass as required in S4.D, p. 15.
4. *Prohibition of bypass.*
  - (a) Bypass is prohibited, and the director may take enforcement action against a permittee for bypass, unless:
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (iii) The permittee submitted notices as required under 3(a) of this paragraph or S4.D, p. 15 as applicable.
  - (b) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed above 4(a) above.

#### **G9. Upset**

1. *Definition.* *Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
3. *Conditions necessary for a demonstration of upset.* A permit registrant who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An upset occurred and that the permit registrant can identify the cause(s) of the upset;
  - (b) The permitted CAFO was at the time being properly operated; and
  - (c) The permit registrant submitted notice of the upset as required in S4.D, p. 15.
  - (d) The permit registrant took reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
4. *Burden of proof.* In any enforcement proceeding, the permit registrant seeking to establish the occurrence of an upset has the burden of proof.

