



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSHED MANAGEMENT

**INSTRUCTIONS FOR COMPLETING AND SUBMITTING
A NOTICE OF INTENT (NOI) FOR COVERAGE
UNDER CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)
NPDES GENERAL PERMIT (PAG-12)**

GENERAL INFORMATION

To Obtain DEP Application Packages. Please contact the appropriate DEP office, or use the website below to get the current version. **DO NOT USE AN OLD VERSION OF THE APPLICATION!** The package is available in Microsoft Word format. Applicants can download the form to a personal computer, complete the form electronically, and print the document for submittal to DEP. To locate the package on the website:

Type in DEP's website address: www.depweb.state.pa.us

Select: "Water Topics"

Select: "Permits (Water Management)"

Select: "NPDES"

Select: "General Permits"

Select: "PAG-12"

General Instructions. Type or print clearly when completing the form. Attach additional sheets as necessary. If a question is not applicable, type or print "NA" in the appropriate box.

Who must apply for an NPDES Concentrated Animal Feeding Operation (CAFO) Permit? Persons who operate or propose to operate CAFOs identified in §92.1 of the Department's regulations are required to apply for and obtain either an Individual Permit or coverage under the General NPDES Permit from DEP. New CAFOs must apply for a permit or coverage at least six (6) months prior to populating the operation with animals and must have the permit in hand when they populate the operation with animals. Any buildings, facilities or other structures may be constructed prior to obtaining the CAFO permit, provided the appropriate construction permits, where applicable, are obtained.

Who may use this Notice of Intent form? The following agricultural operations are eligible for coverage under the General Permit unless conditions exist that would prohibit such coverage (see "Who may not use this Notice of Intent form" below):

- a. Concentrated animal operations (CAOs) with 301-1,000 AEUs;
- b. Existing (as of October 22, 2005) poultry operations with dry manure handling systems that have more than 1,000 AEUs;
- c. Existing (as of October 22, 2005) horse operations with more than 1,000 AEUs;
- d. Operations that existed on November 18, 2000 and had more than 1,000 AEUs; and
- e. Operations that meet the large CAFO Federal definition under 40 CFR § 122.23 (on or after October 22, 2005), if they have less than 1,000 AEUs.

DEP may deny coverage under the General Permit and require submittal of an application for an individual NPDES permit, based on a review of the NOI or other information.

Who may not use this Notice of Intent form? Agricultural operations may NOT be covered by the General Permit when one or more of the following conditions exist:

- a. The operation has become a CAFO with more than 1,000 AEUs since November 18, 2000, except for existing poultry operations with dry manure and horse operations as identified above.

- b. The operation is located in a watershed or region with documented nutrient or sediment related water quality impairments or risks (i.e., TMDL, limestone) where the General Permit may not address specific environmental concerns. In making this determination, the nature and extent of the risk, based on the size, type, location, and management of the operation, will be considered by DEP.
- c. The operation has a treated wastewater or manure discharge.
- d. Discharges allowed under the General Permit would be to waters classified as "High Quality" (HQ) or "Exceptional Value" (EV) under Chapter 93 of DEP rules and regulations.
- e. Discharges allowed under the General Permit would contain toxic or hazardous pollutants, or any other substance which – because of its quantity, concentration, or physical, chemical, or infectious characteristics – may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters.
- f. Discharges allowed under the General Permit – individually or collectively – have the potential to cause significant adverse environmental impact.
- g. Discharges allowed under the General Permit are not, or will not be, in compliance with any of the terms or conditions of the General Permit.
- h. The applicant has failed and continues to fail, or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance, or order issued by DEP.
- i. Discharges allowed under the General Permit do not or will not comply with applicable effluent limitations or water quality standards.
- j. The operation will have discharges or other conditions that DEP determines require an individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Streams Law, and rules and regulations promulgated thereunder or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the operation.
- k. Discharges allowed under the General Permit would adversely affect a listed endangered or threatened species or its habitat.
- l. Discharges allowed under the General Permit would interfere with a downstream riparian landowner's reasonable use of surface waters, or property rights, or otherwise cause a private or public nuisance;
- m. Discharges allowed under the General Permit are associated with an activity that is subject to an existing NPDES Individual or General Permit or are from a facility where an NPDES permit has been terminated or denied.

Where to file the Notice of Intent. Three (3) copies of the NOI are to be submitted to the appropriate DEP regional office. See final page of instructions.

When to file the Notice of Intent. CAFOs that qualify for the General Permit must file their NOI as follows:

- a. At least 180 days before the operation commences or changes, for new or existing operations that become CAFOs after October 22, 2005;
- b. On or before April 24, 2006, for any other operation that became newly regulated as a CAFO for the first time due to the October 22, 2005 changes in the definition of a CAFO in §92.1;
- c. On or before April 24, 2006, for poultry operations, which are not using liquid manure handling systems, and which are CAFOs existing on October 22, 2005, and that have 500 to 1,000 AEUs;

- d. On or before January 22, 2007, for all other poultry operations that are not using liquid manure handling systems and that are CAFOs existing on October 22, 2005.

Notice of Intent Filing Fee. There is no application fee for coverage under this General Permit. If a DEP Water Quality Management Permit is required, a \$500 application fee must be submitted for that permit.

Applicant Responsibility. The applicant must demonstrate eligibility for coverage under the General Permit as part of the NOI submittal.

CLIENT/OPERATOR INFORMATION

Organization Name or Registered Fictitious Name. Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued. This field should match the data given in the General Information Form.

Individuals should complete the Organization Name, if they conduct their business or activity under a name other than their own (for example, "Jones Family Farm," rather than "Mary Jones"). This field should match the data given in the General Information Form.

For partnerships, be sure to list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, be sure to also provide the appropriate information on the individual name lines.

Mailing Address. The mailing address of the operation (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g., APT (Apartment) DEPT (Department) RM (Room)
 BLDG (Building) FL (Floor) STE (Suite)

City, State, ZIP+4. Enter an appropriate city, borough, or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code.

Owner's Name. List the owner of the CAFO.

Operator's Name. List the operator of the CAFO, if different than the owner.

FACILITY INFORMATION

Facility Name. Provide the name of the facility. This field should match the data given in the General Information Form.

Existing Permits. List all permits that were issued for this facility by DEP or EPA. Include any NPDES and Water Quality Management permits, Earth Disturbance permits, and any other environmental quality permits. Provide the issued permit number, the date issued and the name of the agency which issued the permit.

Facility Description. Provide a brief description of the farm, including the total number of acres associated with the operation, number and type of animals raised, stabled or fed, the number of Animal Equivalent Units as defined in Chapter 83, and the land area available for land application of manure as described in Chapter 83. Alternatively, the appropriate page(s) of the Nutrient Management Plan where this information can be found may be referenced.

COMPLIANCE HISTORY REVIEW

Check the appropriate box to indicate if the facility owner or operator is/was in violation of any permit(s), order(s), or schedule(s) of compliance during the previous five (5) years in connection with activities at this or ANY OTHER facility in PA. If the answer is "No," no further information is needed in this section. If "Yes," list each permit and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits. Answer this section as comprehensively as possible to avoid possible delays or conflicts later.

CERTIFICATION

The applicant must certify that the information contained in the NOI is true, accurate, and complete and agree to abide by the terms and conditions of the General Permit. In addition, the responsible official's signature also certifies that the facility is eligible for coverage under the General Permit, and that BMPs, PPC Plans, NMP, and other controls are or will be implemented to ensure that water quality standards and effluent limits are attained.

The NOI shall be signed as follows:

For individually owned operations – by the owner of the facility.

For a Corporation – by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NOI originates.

For a Partnership or Sole Proprietorship – by a general partner or the proprietor, respectively.

The Clean Water Act provides that "Any person who knowingly makes any false statement, representation, or certification in any application, shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for a minimum of six (6) months, or both."

The certification signatures must be notarized.

APPLICANT'S CHECKLIST

To assure the NOI is complete, we are providing a convenient checklist (3910-PM-WM0032) to be completed and returned with the completed NOI.

LISTING OF DEP OFFICES

A listing of the Bureau of Watershed Management's regional offices can be found on DEP's website. Follow the steps given on the first page of these instructions to the **NPDES** web page to view the **Bureau WSM Contacts and DEP Regional Offices**.