



**APPROVAL FOR COVERAGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

NPDES PERMIT FOR CAFO OPERATIONS

**NPDES PERMIT NO: PA0229091
Amendment No. 1**

In compliance with the provisions of the Pennsylvania Clean Streams Law, 35 P.S. Section 691.1 *et seq.*, and the federal Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act")

**GNH Farms, LLC
224 White Church Road
Elysburg, PA 17824**

(hereinafter "permittee") is hereby authorized to operate a **621.79 AEU Swine, Layer Chicken, Beef Steer, and Horse** Concentrated Animal Feeding Operation (CAFO) located in **Cleveland Township, Columbia** County in Watershed **5-E**, in accordance with all limitations, monitoring, reporting, record-keeping requirements, and other special conditions set forth in Parts A, B, and C of the permit.

THIS PERMIT SHALL BECOME EFFECTIVE ON APRIL 27, 2010

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON APRIL 26, 2015

The authority granted by this permit is based in part on the information provided with the application submitted to the Department requesting coverage under the NPDES permit and is subject to the following:

1. If there is a conflict between the application, its supporting documents and/or amendments, and the terms and conditions of this permit, the terms and conditions of this permit shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of the permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of an application seeking continued coverage.
3. A complete application seeking continued coverage under the NPDES permit, or notification of intent to cease operation as a CAFO by the expiration date, must be submitted to the Department on or before the renewal application due date specified below on this page (unless permission has been granted by the Department for submission at a later date), using the appropriate NPDES application form.

In the event that a timely and complete application seeking continued coverage under the permit has been submitted and the Department is unable, through no fault of the permittee, to reissue the permit before the expiration date below, the terms and conditions of this permit will be automatically continued, and this permit will remain fully effective and enforceable pending the grant or denial of the pending application as long as the permittee is and remains in compliance with the terms and conditions of this permit.

4. This permit does not constitute an authorization to construct or make modifications to wastewater storage facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED	<u>April 27, 2010</u>	ISSUED BY	<u>/s/</u>
DATE PERMIT AMENDMENT ISSUED	<u>APRIL 2, 2013</u>		Thomas M. Randis
			Clean Water Program Manager
			Northcentral Regional Office

PART A

I. EFFLUENT LIMITATIONS, SELF-MONITORING AND RECORD KEEPING REQUIREMENTS

A. Definitions

1. **25-year, 24-hour storm** - the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," and subsequent replacements, or equivalent regional or state rainfall probability information developed there from.
2. **100-year, 24-hour storm** - the maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," and subsequent replacements, or equivalent regional or state rainfall probability information developed there from.
3. **Agricultural process wastewater** – wastewater from agricultural operations, including from spillage or overflow from livestock or poultry watering systems; washing, cleaning or flushing pens, milkhouses, barns, manure pits; direct contact swimming, washing or spray cooling of livestock or poultry; egg washing; or dust control.
4. **Animal equivalent unit (AEU)** - one thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.
5. **Best Management Practices (BMPs)** - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to surface waters of the Commonwealth. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
6. **Concentrated animal feeding operations (CAFOs)** – a CAO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR 122.23 (relating to concentrated animal feeding operations).
7. **Concentrated animal operations (CAOs)** – an agricultural operation that meets the criteria established by the State Conservation Commission in Chapter 83, Subchapter D (relating to nutrient management).
8. **Manure storage facility** - a permanent structure or pond, or a portion of a structure or pond, or a group of structures or ponds at one agricultural operation, utilized for the purpose of containing manure or agricultural process wastewater. This shall include concrete, metal or other fabricated tanks and underbuilding structures, as well as earthen and synthetically lined manure storage ponds.
9. **Nutrient Management Plan (NMP)** - a written site-specific plan that incorporates management practices to manage the use of plant nutrients for crop production and water quality protection in accordance with Chapter 83, Subchapter D (relating to nutrient management).
10. **Production area** – that part of an operation 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 area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included are egg washing or processing facilities and areas used in the storage, handling, treatment, or disposal of mortalities.

B. Effluent Limitations

The requirements under this section constitute narrative effluent limits to protect water quality.

1. The permittee shall comply with the relevant provisions of 25 Pa. Code § 91.36, including:
 - a. For manure storage on CAFOs operating under this permit, the manure storage facilities must be designed, constructed, operated, and maintained to ensure that the facility is structurally sound, watertight, and located and sized properly to prevent pollution of surface water and groundwater for any storm up to and including the design rainfall event. For operations that came into existence after April 13, 2003, and that include swine, poultry, or veal calves, the design rainfall event is the 100-year, 24-hour storm. For all other operations, the design rainfall event is the 25-year, 24-hour storm.
 - b. For land application areas on CAFOs operating under this permit, the permittee shall implement his approved Nutrient Management Plan under Chapter 83, Subchapter D (relating to nutrient management), according to Part C of this permit. In addition, the permittee shall implement manure application setbacks from surface waters of at least 100 feet, or vegetated buffers at least 35 feet in width, and include a provision that manure that is stockpiled for 15 consecutive days or longer shall be under cover or otherwise stored to prevent discharge to surface water during the appropriate design storm event. Implementation of the Nutrient Management Plan shall include all BMPs identified in the plan, both for land application and for manure, litter, and agricultural process wastewater handling and storage.
2. The permittee shall comply with the requirements enumerated in § 92a.29(e) of the regulations.
3. The permittee shall ensure that activities associated with the CAFO operation do not cause or contribute to pollution of surface waters. In response to its own finding of water quality problems or based upon documented evidence, the Department may, upon written notice, require the permittee to develop and implement additional BMPs or use other control measures to promptly abate the pollution problem and to ensure that the water quality of the receiving water is maintained and protected.

C. Self-Monitoring, Reporting and Record Keeping

1. Self-inspections - Self-inspections of the production area must be carried out routinely but no less frequently than once every week and after measurable wet weather events. Copies of the reports from these inspections must be kept on file at the operation for five (5) years and be made available to the Department for review upon request.

The inspections of the production area shall, at a minimum, include: evaluation of the adequacy, stability, and operation of the manure storage facilities and any devices channeling contaminated stormwater to the manure storage facility; assessment of storm water diversion devices and runoff diversion structures; and determination of the storage level in the manure storage facility. In addition, the inspections must include examination of subsurface drainage and/or leak detection systems for the presence of manure and to assurance that these systems are functioning properly.

The self-inspection results shall be recorded on the Department's Concentrated Animal Feeding Operations Self-Inspection Report Form (3620-FM-WQ0049). The report shall document the results of these inspections and identify any problems or shortcomings and the steps to be taken to correct them. Upon reviewing the reports, the Department may conduct its own follow-up compliance inspections to assure the adequacy of facilities and implemented BMPs and other control measures to protect water quality.

2. Representative Sampling – Sampling will be required if there is a discharge. If samples and other measurements are taken for the purpose of complying with this permit, they shall be representative of the entire operation at the location. If there is a discharge from the storage production area, the frequency and volume of discharge must be estimated, monitored and recorded, and the record must be kept on site. The samples must be analyzed for CBOD, ammonia-nitrogen, pH, total suspended solids and coliform bacteria. Samples shall consist of grab samples collected from the discharge from the manure storage facility or any other direct or indirect discharge of manure to surface waters. A minimum of one sample shall be collected from each discharge. The results shall be submitted to the Department as an attachment to a Non-Compliance Discharge Report, as discussed in paragraph 6 below.

3. Recording of Results - When any measurement or sample is taken, the permittee shall record the following information:
 - a. The exact place, date, and time of sampling or measurements;
 - b. The person(s) who performed the sampling or measurements;
 - c. The date(s) the analysis was performed;
 - d. The person(s) who performed the analysis;
 - e. The analytical techniques or methods used; and
 - f. The results of such analysis.
4. Test Procedures - If and when samples of liquid manure are collected, the analytical test procedures contained in 40 CFR Part 136, or alternate test procedures approved pursuant to that part, or approved in writing by the Department, shall be used.
5. Anticipated Non-compliance - The permittee shall give advance notice to the Department of any planned changes in the permitted operation which may result in non-compliance with permit requirements, including a report on steps taken or to be taken to eliminate or minimize the impacts on water quality.
6. Non-Compliance Reporting - The permittee shall record and report to the appropriate Department Regional Office any non-compliance with the terms and conditions of this permit that may endanger public health or safety or the environment or any rain event that caused any discharge or overflows. This information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A completed Non-Compliance Discharge Report shall be submitted to the Department within two weeks of the oral report. Where necessary, the Non-Compliance Discharge Report shall be supplemented with a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if not already corrected, the anticipated time the noncompliance is expected to continue; discharge sampling results; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
7. Annual Report – An annual report shall be submitted to the Department on the anniversary date of the permit effective date. The report shall include the following items, at a minimum:
 - a. The number and types of animals, whether in open confinement or housed under roof;
 - b. Amount of total manure and agricultural process wastewater generated during the year (tons or gallons);
 - c. Amount of total manure and agricultural process wastewater transferred to other persons during the year (tons/gallons);
 - d. Total number of acres for land application covered by the CAFO's nutrient management plan;
 - e. Total number of acres under control of the CAFO that were used for land application during the year;
 - f. Summary of all manure and agricultural process wastewater discharges from the production area during the year, including date, time, and approximate volume; and
 - g. Summary of all changes at the facility and implementation of BMPs in the past year.
8. Other Reporting - All approvals of new or amended NMPs shall be submitted to the Department within 30 days of approval, along with a copy of the new or amended NMP.
9. Other Non-compliance - The permittee shall record and maintain self-inspection reports of all instances of other non-compliance with this permit that are not specifically required to be recorded elsewhere. The reports shall contain the information listed in paragraph 6 of this section. Compliance with the above reporting requirements shall not excuse the permittee from notification of incidents causing or threatening pollution pursuant to 25 Pa. Code Chapter 91.

10. Signatory and Certification Requirements - The completed forms and reports shall be signed and certified either by the following applicable person (as defined in 40 CFR 122.22(a)) or by that person's duly authorized representative (as defined in 40 CFR 122.22(b)):

- for a corporation - by a responsible corporate officer.
- for a Partnership or Sole Proprietorship - by a general partner or the proprietor, respectively.
- for a Municipality, State, Federal or other public agency - by a principal executive officer or ranking elected official.

If signed by other than the above, written notification of delegation of DMR signatory authority must be submitted to the Department.

11. Copies of all records of self-inspections, annual reports, and other monitoring inspections required by this permit shall be retained for a period of at least five (5) years and shall be made available to the Department for review upon request.

PART B

I. MANAGEMENT REQUIREMENTS

A. Permit Renewal, Modification, Suspension, Termination, or Revocation and Reissuance

1. This permit may be renewed, modified, suspended, terminated, or revoked and reissued during its term for any of the causes specified in 25 Pa. Code Chapter 92a.
2. Filing of a request by the permittee for any of the actions in paragraph I.A.1, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
3. In the absence of a Departmental action as described in paragraph I.A.1, the permittee shall comply with any applicable effluent limitations and other requirements within the time specified in § 92a.51.
4. Permit renewal, modification, suspension, termination, or revocation and reissuance will be conducted according to 25 Pa. Code Chapter 92a of DEP's rules and regulations.
5. In the event that the permittee proposes to modify the operation in a manner that requires an amendment to the NMP under 25 Pa. Code Chapter 83, the permittee shall notify the Department and, if required, submit a new application to amend the permit prior to implementing the modifications to the facilities. The Department may approve or deny the application as provided by Chapter 92a.

B. Duty to Provide Information

1. The permittee shall furnish to the Department within a reasonable time any information that the Department may request to determine whether cause exists for modifying, renewing, suspending, terminating, or revoking and reissuing coverage approved under this permit, or to determine compliance with this permit.
2. Upon request, the permittee shall furnish to the Department copies of records required by this permit.
3. Where the permittee becomes aware that relevant facts were not submitted in an application, or incorrect information was submitted in an application or in any subsequent report to the Department, the permittee shall promptly submit such facts or information to the Department.
4. The permittee shall give advance notice to DEP of any planned physical alterations or additions to the operation that could in any way affect the impact on surface waters by the CAFO.

C. Facilities Operation

The permittee shall at all times maintain in good working order and properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, regular inspection and maintenance programs, and the provision of adequate controls and quality assurance procedures.

II. PENALTIES AND LIABILITY

A. Penalties for Violations of Permit Conditions

Any person who violates any provision of this permit, any rule, regulation, or order of the Department, or any condition or limitation of any permit issued pursuant to the Clean Streams Law is subject to criminal and civil penalties, or both, as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

Any person violating Sections 301, 302, 306, 307, 308, 318, or 405 of the Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative, and/or criminal penalties as set forth in 40 CFR Part 122.41(a)(2).

B. Falsifying Information

Any person who (1) falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit; or (2) knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance) is subject to a fine and/or imprisonment as set forth in 18 P.S. Section 4904 and 40 CFR Sections 122.41(j)(5) and (k)(2).

C. Liability

1. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to the Clean Streams Law or the Act.
2. Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Clean Streams Law or the Act.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and 25 Pa. Code Chapter 92a, the permittee shall allow the Department, the EPA Regional Administrator, and/or their authorized representatives, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility, activity or operation is located or conducted, or where records must be kept under the conditions of this permit;
2. To have access to and copy at reasonable times any records that must be kept in accordance with the conditions of this permit;
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Streams Law or Clean Water Act, any substances or parameters at any location.

The Department, EPA, or their authorized agents shall not exercise this right so as to compromise the health, safety, and welfare of people or the environment and shall adhere to industry standards for biosecurity. In the event of a contagious disease outbreak, the Department's actions will be consistent with Chapter 83, Subchapter D (Nutrient Management Regulations).

B. Transfer of Permits

1. Transfers by modification - Except as provided in paragraph 2 of this section, this permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued by the Department to identify the new permittee and incorporate such other requirements as may be necessary under Chapter 92a or the Clean Water Act.
2. Automatic transfers - As an alternative to transfers under paragraph 1 of this section, any permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer date in accordance with paragraph 2.b of this section;
 - b. The notice includes the appropriate Department transfer form signed by the existing and proposed

new permittees, containing an effective date for transfer of permit responsibility and terms of transfer and liability between them; and

- c. The Department does not notify the existing permittee and the proposed new permittee of its denial of the transfer within 30 days of receipt of written notification from the current permittee. If this notice from the Department is not received, the transfer is effective on the date specified in the transfer form mentioned in paragraph 2.b of this section.

3. In the event the Department does not approve a transfer of the permit, the new owner or operator must submit a new permit application as specified by the Department.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privilege.

D. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

E. Notification of Intent to Cease Operation

1. Notice of Termination (NOT) - When the operations permitted under this permit will cease or be eliminated, the permittee shall submit a letter and an NOT of the operation signed in accordance with the signatory requirements contained in this permit not less than 30 days before the cessation of operations.

The NOT shall include the following information:

- a. Name, mailing address, and location of the operation for which the notification is submitted. Where a mailing address for the site is not applicable, the location shall be described in terms of the latitude and longitude to the nearest 15 seconds.
- b. The permittee's name, address, telephone number and ownership status.
- c. The CAFO NPDES permit number and issue date;
- d. The effective date of and reason for stopping the operations;
- e. The following certification duly signed in accordance with the signatory requirements:

"I certify under penalty of law that the above CAFO has ceased operation or will cease operation on the date shown at the location specified in this application. I understand that by submitting this notice of termination I am no longer authorized to operate a CAFO at this location. I also understand that operating CAFOs without a Department permit in the Commonwealth is unlawful under the Clean Water Act and Clean Streams Law".

2. Where to submit NOTs – All Notices of Termination are to be sent to the Department's Regional Office that issued the original CAFO Approval for Coverage.

F. Facility Closure Plan Requirements

All NOTs must be accompanied with a facility/operation closure plan that shall include:

1. Where not otherwise required by the Nutrient Management Plan, a plan for the removal and disposing of all animal waste, processing waste, and bedding material in an environmentally safe manner. The manure and manure-contaminated biodegradable material including soils, may be land applied in accordance with the Manure Management for Environmental Protection Manual or the facility's Nutrient Management Plan.
2. An estimate of the date or season and year in which final facility closure will occur.
3. Erosion and sedimentation control with a schedule of steps.

4. Re-grading, re-vegetation, and stabilization of the affected area.
5. For existing earthen lined facilities with groundwater monitoring wells in place, an operation plan for post closure monitoring for a one (1) year period to assure protection of groundwater resources. A written report of monitoring results shall be submitted to the Department at the end of that period. A final close out inspection of the leak detection system following removal of the manure storage facility must be completed within 30-days of the expected termination date for the operation. A written report of the close out inspection shall be submitted to the Department 30 days after the final close out of the facility.
6. The name, address, and telephone number at which the permittee and or person in charge of the closure operation can be reached.

PART C

I. OTHER REQUIREMENTS

The permittee shall maintain compliance with the following CAFO-specific requirements.

A. Nutrient Management Plans (NMPs) and Manure Management

1. The permittee shall implement an NMP approved under 25 Pa. Code Chapter 83, Subchapter D, as amended, including phosphorus-based planning under 25 Pa. Code § 83.293 and effective October 1, 2006. The NMP, records and the status of the operation's compliance, shall be reviewed by a nutrient management specialist at least every 3 years to determine whether a plan amendment is required in accordance with 25 Pa Code § 83.362(c). All new or amended NMPs shall be submitted to the Department within 30 days of approval, including the approval letter and complete NMP.
2. Copies of annual NMP reviews shall be kept on-site. Revisions to the approved NMP must be submitted to the Department within 30 days of the revisions. Importer agreements, broker agreements and Nutrient Balance Sheets (NBSs) or NMPs for importing farms shall be kept up to date and maintained on-site, and shall be submitted to the Department upon request.
3. All commercial haulers or brokers removing or transporting manure from the permittee's operation shall complete a certification program or course, receive certification, and maintain certification in accordance with requirements of Department of Agriculture regulations implementing the Commercial Manure Hauler and Broker Certification Act. Certifications for the haulers and brokers directly contracted with the permittee shall be kept on-site and certifications for all haulers and brokers associated with the operation shall be submitted to the Department upon request.
4. The permittee and/or its designated agent(s) or broker(s) shall maintain 100-foot setbacks or 35-foot vegetated buffers for all mechanical manure applications from the top of the bank of surface waters or potential conduits to surface waters, including sinkholes.
5. All manure that is stockpiled for 15 consecutive days or longer shall be covered or otherwise stored in such a way as to prevent a discharge to surface water during rain events. All such stockpiles (covered or uncovered) shall be at least 100 feet from surface waters. Stockpiling of composted manure without cover may be conducted only in the event that such stockpiling cannot be accommodated on the composting pad.
6. The permittee shall record, on the enclosed Quarterly CAFO Self-Inspection Report, 1) the date and location where manure is removed from animal housing areas or manure storage; 2) the amount of manure removed from animal housing areas or manure storage; and 3) the field number(s) where manure is applied.
7. The permittee shall complete all fields on the enclosed Manure Exportation Report that are applicable to the operation. The Manure Exportation Report shall be attached to the Quarterly CAFO Self-Inspection Report for submission to the Department on a quarterly basis.

B. Preparedness, Prevention and Contingency Plan (PPC Plan)

1. The permittee shall implement and, when necessary, update the Preparedness, Prevention, and Contingency (PPC) Plan submitted with the permit application. The PPC Plan must be kept on-site at all times. The Department may, upon written notice, require revisions and corrections to the PPC Plan if it determines the plan to be inadequate.
2. The permittee shall maintain the emergency contact information from the PPC Plan at a location on-site that is visible to employees and can be accessed quickly in the event of an emergency.
3. Chemicals and other contaminants handled onsite are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system, unless it is specifically designed to treat such chemicals and other contaminants.

C. Erosion and Sediment Control (E&S) Plans

1. The permittee shall implement and, when necessary, update the E&S Plan for plowing or tilling operations (i.e., Soil Conservation Plan) on all land owned or leased by the permittee in accordance with 25 Pa. Code Chapter 102.4(a). The Department may, upon written notice, require revisions and corrections to the E&S Plan for plowing or tilling if it determines the plan to be inadequate.
2. If applicable, the permittee must implement and have available on-site at all times an approved E&S Plan for construction of buildings, manure storage facilities, or other structures. If the proposed earth disturbance associated with construction activity is one or more acres, the permittee shall obtain and comply with an NPDES Permit for Stormwater Discharges Associated with Construction Activities prior to commencing the construction activity.
3. In accordance with 25 Pa. Code Chapter 102.4(a)(4)(iii), the permittee must identify the existence of any animal heavy use areas and develop a plan with BMPs to minimize accelerated erosion and sedimentation. The NMP is required to reflect the current practices utilized to ensure separation occurs between the waters of the Commonwealth and animal heavy use areas or any areas where animals are confined.

In accordance with 40 CFR § 122.42(e)(1)(iv), the Department will require the prevention of direct contact of confined animals with waters of the United States.

D. Animal Mortality

The permittee shall comply with 3 Pa. C.S.A. § 2357 et seq. (relating to the Domestic Animal Law) when handling and disposing of dead animals. If mortalities are composted, the composting operation shall be conducted in such a way that it does not impact or threaten to impact water quality, and it must be identified in the NMP. If mortalities are rendered, mortalities shall be stored in containers or at locations that prevent the discharge of pollutants.

E. Best Management Practices (BMPs)

The permittee shall implement all BMPs identified or described in the NMP and E&S Plan for the agricultural operation. The permittee shall also implement any BMPs identified or described in the Natural Resources Conservation Service (NRCS) Pennsylvania Technical Guide, and the Department's "Manure Management for Environmental Protection Manual" which are applicable to the agricultural operation.

The Department may require additional BMPs and controls to protect public health and to maintain or restore water quality.

F. Storage of Feed and Other Raw Materials

The permittee shall implement measures to prevent discharge to surface water from raw material storage areas, including feed storages.

G. Manure Storage Facilities

1. The permittee shall maintain at least 6 inches of freeboard within the swine manure storage structure at all times. In addition, sufficient capacity shall be provided at the start of the winter period to implement the NMP. The permittee shall install and maintain permanent markers or gauges within the structure to determine freeboard, and shall report freeboard levels on a weekly basis on the CAFO Quarterly Self-Inspection Report.
2. The permittee shall inspect the inner and outer embankments of the manure storage impoundment weekly, at a minimum, and report the results on the Self-Inspection Report. In the event that animal holes or erosion are detected, the permittee shall immediately repair the affected area of the embankment and record the event on the Self-Inspection Report. In the event that a saturated area on or below the embankment is detected, the permittee shall record the event on the Self-Inspection Report and, if possible, collect a sample of the liquid and analyze the sample for Ammonia-Nitrogen. The sample results shall be submitted to the Department as an attachment to the Self-Inspection Report for the quarter in which the sample was collected. In the event that the Ammonia-Nitrogen concentration in a sample exceeds 1.0 mg/l (ppm), the permittee shall immediately notify the Department and within 15

days submit, to the Department, a corrective action plan (CAP) to identify and eliminate the source of the saturation.

3. The permittee shall maintain vegetative growth on the embankments of the earthen manure storage facility at a height no greater than 12 inches to allow for inspection of the embankments. Additionally, the permittee shall prevent the growth of dense or woody vegetation with roots that may affect the structural integrity of the impoundment or the impoundment liner. Animal burrows should be excavated, backfilled with suitable material in well compacted four-inch lifts and reseeded.
4. At a minimum frequency of once per week, the permittee shall inspect the manure storage and composting facilities to ensure that manure or compost is not left exposed to stormwater runoff outside the storage facilities and report the results on the quarterly self-inspection report. Any manure or compost that is found to be outside of storage facilities shall be moved or covered so as to be stored in an area that is not exposed to stormwater runoff.
5. At a minimum frequency of once per week, the permittee shall inspect the manure loading and storage areas to ensure that manure is not left exposed to stormwater runoff outside the storage facilities. Any manure that is found to be outside of storage areas shall be moved or covered so as to be stored in an area that is not exposed to stormwater runoff.
6. The permittee shall inspect all leak detection system outlets weekly, at a minimum, and report the results on the CAFO Quarterly Self-Inspection Report. In the event that odor, color, or turbidity is detected in the drainage, the permittee shall collect a sample of the drainage and analyze the sample for Ammonia-Nitrogen. The sample results shall be attached to the Self-Inspection Report for the quarter in which the sample was collected. In the event that manure is observed in the discharge, or if the Ammonia-Nitrogen concentration in a sample exceeds 1.0 mg/l (ppm), the permittee shall immediately notify the Department, contain the leak and convey the leak to manure storage or other suitable containment. Manure conveyance shall continue until such time that the leak can be detected and repaired.
7. The permittee shall maintain engineering certifications onsite for any liquid or semi-solid manure storage facilities at the operation. With every subsequent permit renewal application, the permittee shall submit engineering certifications for manure storage facilities to ensure continued structural integrity.
8. The permittee shall inspect the bunker storage areas weekly, at a minimum, to ensure that all silage leachate collection facilities are functioning properly and are not clogged with debris or other obstructions.

H. Site Specific Conditions

1. The permittee shall not spread or apply manure to field (H20) during the crop year 2015.
2. Winter Spreading: The permittee shall not spread manure during the winter as defined in 25 Pa. Code § 83.201, except as authorized in the permittee's Nutrient Management Plan, or unless the permittee has fully complied with 25 Pa. Code § 83.372, and has obtained a plan amendment due to unforeseen circumstances. The definition of winter is included in Part A (I)(A)(11).

The permittee shall notify DEP in writing within 5 to 7 days prior to land application of manure during the winter period. The permittee shall certify in the notification that:

- a. Consistent with the approved NMP, actions have been taken to maximize the available capacity in the manure storage facility prior to the winter period to prevent pollution of ground and surface water,
- b. The storage has been properly operated and maintained, and
- c. Manure spread during the winter shall be applied in an amount and a manner consistent with the approved NMP.

The permittee may use the Department of Environmental Protection, Winter Period Application of Manure Notification form to provide the notification.

There shall be no winter application, within,

- 1) Within 100 feet of an above ground agricultural drain inlet where surface flow is toward the inlet,
- 2) Within 100 feet of a wetland on the National Wetland Inventory maps which is within the 100 year floodplain of an EV stream segment if surface flow is toward the wetland and
- 3) Unless the fields have 25% cover or an established cover crop – see 25 Pa. Code § 83.294. Additionally, the setbacks in Part A(I)(B)(1)(b) and Part C(I)(A)(4) also shall be implemented.

Winter - for the purposes of this permit, winter is defined as December 15 through February 28; or anytime the ground is frozen at least four (4) inches; or anytime that the ground is snow covered.