



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ECL SPDES GENERAL PERMIT

FOR

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)


Permit No. GP-0-22-001

Issued Pursuant to Article 17, Titles 7, and Article 70
of the Environmental Conservation Law

Issuance Date: July 22, 2022
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Expiration Date: January 22, 2033

Scott E. Sheeley
Chief Permit Administrator


Authorized Signature


Date

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PREFACE

This general permit is issued pursuant to Article 17, Title 7 and Article 70 of the ECL. An *owner/operator* may be covered under this general permit by submitting a Notice of Intent (NOI) and a *Comprehensive Nutrient Management Plan* (CNMP) Certification to the Department. Copies of this general permit and the NOI are available by calling (518) 402-8111 or at any Regional Office (see Appendix C). They are also available on the Departments website at:

<http://www.dec.ny.gov>

Operations that fit the definition of a “CAFO” as defined in 6 NYCRR 750-1.2(a)(23), which is reiterated in Appendix A of this general permit, constitute construction of a point source, which is defined in NYS ECL §17-01-05(16). Therefore, pursuant to NYS ECL §17-0701(1)(a), an owner/operator must have coverage under this general permit prior to operation of a CAFO. Any *owner/operator* of a *new* CAFO that is eligible for coverage under this general permit must obtain coverage prior to operation of the CAFO. An *owner/operator* of an *existing* permitted CAFO that becomes eligible for coverage under this general permit must obtain coverage under this permit prior to termination of coverage under any other SPDES permit.

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I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Coverage

1. Eligibility under GP-0-22-001. Unless excluded from coverage in accordance with Part I.A.3., the following CAFOs are eligible for coverage under this general permit:
 - a) *Existing*, Small, Medium or Large, CAFOs if they have *fully implemented* all required structural and non-structural practices identified in the Comprehensive Nutrient Management Plan (CNMP) and are complying with the terms of this general permit;
 - b) *New*, Medium or Large, CAFOs if they have *fully implemented* all required structural and non-structural practices identified in the Comprehensive Nutrient Management Plan (CNMP) and are complying with the terms of this general permit; and
 - c) *New Small* CAFOs that are complying with the terms of this general permit.
2. Discharges of Non-Contact Cooling Water to groundwater, in accordance with Part III.B.1 of this general permit, are authorized by this general permit.
3. Exclusions from Coverage Under this Permit:
 - a) CAFOs that the Department has determined to be causing or contributing to a water quality standards violation;
 - b) CAFOs which have been notified by the Department to file for an individual SPDES permit;
 - c) CAFOs that discharge all of their process wastewater to a treatment system that discharges in accordance with a SPDES permit (example: publicly owned sanitary sewer system);
 - d) CAFOs that discharge any of their process wastewater to *surface waters of the State*.

B. Permit Limitations

1. It shall be a violation of the Environmental Conservation Law (ECL) for a CAFO with coverage under this general permit to discharge from their production area to *surface waters of the State*.
2. Agricultural Stormwater Exemption: Discharges from land application areas meeting the definition of an *Agricultural Stormwater Discharge* as defined in Appendix A of this general permit are exempt from the requirements of this general permit.

3. Water Quality Standards: It is a violation of the ECL for any discharge authorized by this general permit to either cause or contribute to a violation of water quality standards as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR). The Department expects that compliance with the conditions of this permit will prevent discharges that cause or contribute to a violation of applicable water quality standards.
4. Construction Activity: This general permit does not relieve an owner/operator of a CAFO with coverage under this general permit of the requirement to also obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities, where necessary. Projects meeting the definition of *existing construction activities*, which were previously authorized by GP-0-16-001 as described in Appendix B of this general permit, continue to be authorized by this general permit for 12 months following the effective date of this general permit.
5. Shop Drains are not authorized to discharge under this general permit.
6. Prohibition on Unauthorized Substances: The following are prohibited from being stored in waste storage areas or conveyed through waste storage transfer structures, or land applied: sanitary waste, unless authorized pursuant to Part 360; unused pesticides, unless handled in accordance with label instructions; and any other material that cannot be properly handled at the CAFO.

II. OBTAINING/TERMINATING/CHANGING PERMIT COVERAGE

All documents required in this Part shall be submitted to the Department electronically, in a format approved by the Department.

A. Duty to File Notice of Intent or Request to Continue Coverage form, and Comprehensive Nutrient Management Plan (CNMP) Certification

1. Every owner/operator seeking coverage under this general permit must submit a completed Notice of Intent (NOI) or Request to Continue Coverage form and CNMP Certification. The completed NOI/Request to Continue Coverage form must be signed by the owner/operator and the CNMP Certification must be signed by the owner/operator and the AEM certified planner. For permitted *existing facilities*, these forms must be submitted at least 30 calendar days prior to the effective date of this general permit. Unless otherwise notified of any deficiencies by the Department, coverage under this general permit will begin 30 calendar days after the Department receives the completed forms, but not prior to the effective date of this general permit. The owner/operator shall maintain in their on-site records a copy of all documents described in Part IV.F.1 in accordance with Part IV.H. of this general permit.
2. In addition, the owner/operator of new small CAFOs, must submit a certification stating that all required structural practices identified in the CNMP have been fully implemented. That certification must be submitted at least 30 calendar days prior to becoming *operational* or within 24 months of submission of the complete NOI and CNMP Certification, whichever comes first, as discussed in Part III.A.3.c of this general permit.

B. Duty to File Change of Operation Forms

1. Change in Ownership
 - a) Coverage under this general permit is transferable to a new owner/operator. Within 30 calendar days of the transfer, the current owner/operator, the new owner/operator, and an AEM certified planner all must sign a complete *Change of Operation* form. The new owner/operator is responsible for submitting the complete *Change of Operation* form to the Department. Coverage under this general permit for the new owner/operator will begin 15 days after the completed *Change of Operation* form is received by the Department unless otherwise notified by the Department. Coverage under this general permit for the current owner/operator will cease 15 days after the completed *Change of Operation* form is received by the Department unless otherwise notified by the Department.
2. Change in AEM Certified Planner

a) Within 30 calendar days of changing the AEM certified planner of record, the owner/operator shall submit a Change of Operation form. Within those 30 calendar days, the new planner must review the current CNMP with the owner/operator and must sign the certification statement provided on the Change of Operation form. The new planner must make any necessary updates and certify the updated CNMP upon the next Annual Compliance Report submission.

3. Change in Operation

a) The owner/operator shall amend and implement the CNMP in accordance with Part III.A.3 and Part III.E of this general permit and submit a completed *Change of Operation* form, signed by the owner/operator and the AEM certified planner, in accordance with the following schedule:

(1) At least 15 calendar days before the CAFO expands its operation and increases the number of animals 20% or more above the number of animals specified as in confinement in the last submitted Annual Compliance Report;

(2) At least 30 calendar days before constructing or expanding any liquid waste storage facility;

(3) Within 30 calendar days after an AFO or CAFO is acquired by an existing, permitted CAFO. If an existing CAFO is being acquired, the owner/operator of that CAFO must sign the Change of Operation form. For acquisitions of both AFOs and existing CAFOs, the owner/operator for the acquiring CAFO must sign and submit the complete *Change of Operation* form. The AEM certified planner must submit a certification in accordance with the schedule provided in Part III.A.3.d. Coverage under this general permit for the acquired existing CAFO will automatically terminate upon receipt by the Department of the signed COO form; or

(4) Within 15 calendar days of modifying any of the contact information related to Part III.A.1. of this general permit.

C. Duty to File Notice of Termination

If the facility no longer meets the definition of a *Medium* or *Large CAFO* pursuant to Appendix A of this general permit, the owner/operator may terminate coverage under this permit by submitting a complete *Notice of Termination* (NOT) form and complying with the following conditions:

1. Animal Feeding Operations (AFOs) that fall below the CAFO threshold of 300 mature dairy cows but are above 200 mature dairy cows, must maintain their structural BMPs and continue their land applications and manure management under the guidance of a nutrient management plan to maintain their no discharge status; or
2. If the facility will cease operation, the /operator must close all *disposal systems* in accordance with 6 NYCRR 750-2.11 prior to submittal of the NOT form.

III. COMPREHENSIVE NUTRIENT MANAGEMENT PLANS

CNMPs shall be developed and maintained for each CAFO covered by this general permit. The CNMP shall be prepared in accordance with Part III.A.4 of this general permit and include all measures necessary to prevent pollutants in runoff and overflows from all areas of the CAFO as required by this permit. The CNMP shall describe and document the implementation of the practices that are to be used to assure compliance with the conditions of this permit.

A. Minimum CNMP Content

1. Contact Person:

Within the CNMP, the owner/operator shall identify a specific individual(s) at the CAFO who is responsible for the implementation, maintenance, and revision of the CNMP in conjunction with an AEM certified planner. The activities and responsibilities of the CNMP personnel shall address all aspects of the CAFO's CNMP. Any modified contact information must be provided to the Department Regional Water Engineer (Appendix C) within 15 days of change.

2. Production Areas and Land Application Areas:

All areas under control of the CAFO where nutrient sources are produced, land applied or stored on or for use by the CAFO, shall be addressed in the CNMP. In addition, any areas not controlled by the CAFO which receive nutrients from the CAFO, where the CAFO also land applies those nutrients and is in control of the application rate and timing, must also be included in the CNMP.

3. Implementation Schedule:

The CNMP must include an implementation schedule that follows the specified timeframes provided below. The owner/operator must report any BMP construction/corrections in the CNMP Completion Schedule section of the Annual Compliance Report. The CNMP must also prescribe a management system to provide equivalent water quality protection during BMP construction, repair and transition periods.

a) For existing CAFOs:

- (1) Full implementation of the Phosphorus Index version 2.0 (PI2), required by NRCS NY 590 (09/2020), no later than September 30, 2025. Prior to September 30, 2025, for fields where PI2 has not yet been implemented, the owner/operator must continue management according to Phosphorus Index version 1.0 per NRCS NY 590 (01/2013).

b) For CAFOs expanding operations:

- (1) All non-structural and structural BMPs must be fully implemented prior to expansion, with the exception that the owner/operator has until September 30, 2025 to fully implement PI2 on existing areas.

c) For new Small CAFOs:

- (1) Prior to submission of the NOI and CNMP Certification, the owner/operator shall eliminate all discharges from the production area and fully implement all non-structural BMPs (unless the AEM certified planner and the owner/operator determine that a structural BMP not yet installed is required in order for the non-structural BMP to be fully operational);
- (2) all required structural BMPs must be implemented as soon as possible, but not to extend beyond 24 months of filing the NOI. Within 24 months of filing the NOI and CNMP Certification, the owner/operator must submit to the Department a certification that all required practices identified in the CNMP have been fully implemented; or
- (3) at least 30 calendar days prior to becoming *operational* (i.e., meeting the definition of a medium or large CAFO) the owner/operator must submit to the Department a certification that all required practices identified in the CNMP have been fully implemented; and

(4) during the times described in (2) and (3) above, the owner/operator must submit interim progress reports via email, every 6 months to the Regional Water Engineer until all structural BMPs are fully implemented.

d) For any newly acquired AFO or CAFO operations that are acquired by an existing, compliant, permitted CAFO and plan to combine operations in line with the Common Ownership/Common Facility definition in Appendix A:

(1) to the maximum extent practicable, the acquired AFO or CAFO operation shall be incorporated into the permitted CAFO operation immediately¹;

(2) an AEM certified planner must visit and evaluate the site of the acquired operation, work with the owner/operator to eliminate any discharges identified, and submit a "Change Of Operation" form to the Department within 30 calendar days of acquisition;

(3) within 6 months of acquisition, all required non-structural BMPs must be implemented (unless the AEM certified planner and the owner/operator determine that a structural BMP not yet installed is required in order for the non-structural BMP to be fully operational) and a CNMP Certification submitted to the Department. If acquiring an existing CAFO, see a. above for the implementation schedule required for PI2 and the exception associated with existing facilities;

(4) all required structural BMPs must be implemented as soon as possible, but not to extend beyond 24 months of the acquisition. Interim progress reports shall be submitted, via email, every 6 months to the Regional Water Engineer. Upon completion of the above, the owner/operator must submit to the Department a certification that all required practices identified in the CNMP have been fully implemented.

¹ The owner/operator shall incorporate any operations at the newly acquired facility into their current operations to the maximum extent practicable, so as to address potential impacts from the acquired facility which is not yet fully implemented.

e) The implementation schedule may also include BMP enhancements being implemented by the CAFO beyond the requirements of this general permit. BMP enhancements are intended to address future operational changes on the CAFO and should not include practices necessary to address an existing compliance requirement of this general permit.

4. **Compliance with NRCS Standards:** Practices identified in the CNMP shall be designed, constructed, operated and maintained in accordance with all applicable New York State NRCS Standards listed below or have a certification that an existing practice provides equivalent protection to those Standards in accordance with (b)-(e) below.

a) At a minimum, the following NRCS Standards shall be implemented when applicable and as determined by an AEM certified planner. Further, if an AEM certified planner deems an additional NRCS Standard practice necessary to meet compliance with one of these minimum NRCS Standards, the additional NRCS Standard is required to be implemented. Existing engineered practices, which have existing certifications meeting previous versions of the Standards identified below (including those versions specifically required by b)-d) below), do not need to be re-certified unless the AEM certified planner deems it necessary to protect water quality.

(1)	Nutrient Management – NY 590	09/2020
(2)	Waste Storage Facility – NY 313	03/2018
(3)	Anaerobic Digester – NY 366	03/2019
(4)	Waste Transfer Standard – NY 634	10/2015
(5)	Vegetated Treatment Areas – NY 635	02/2017
(6)	Heavy Use Area Protection – NY 561	09/2021
(7)	Waste Facility Closure – NY 360	05/2020
(8)	Karst Sinkhole Treatment – NY 527	10/2016
(9)	Animal Mortality – NY 316 ²	04/2016
(10)	Composting Facility – NY 317	09/2021

² If the AEM certified planner deems appropriate, the 2014 Cornell Waste Management Institute recommendations “Composting Animal Mortalities” may be used in lieu of the Animal Mortality NY 316 Standard. Please refer to Part III.B.12. of this general permit.

- b) Existing Open Waste Storage Structures, must have a design report or as-builts containing soil sample test results and signed by a *qualified professional* or have an existing certification from a *qualified professional* documenting *equivalence* to one of the 08/2006 through 03/2018 versions of the NRCS NY 313 Standard.
- c) Existing Vegetated Treatment Areas (VTAs), must have been designed or installed under the direction of a *qualified professional* per one of the 04/2009 through 02/2017 versions of the NRCS NY 635 Standard or have an existing certification by a *qualified professional* documenting *equivalence*.
- d) Existing Permanent Waste Transfer Systems
The following existing permanent waste transfer systems must have as-builts signed by a *qualified professional* or have an existing certification from a *qualified professional* documenting *equivalence* to one of the 03/2006 through 10/2015 versions of the NRCS NY 634 Standard :
- (1) pressurized systems extending beyond the production area;
 - (2) gravity systems (open or closed) or pressurized systems carrying waste within 100 feet of a surface waterbody.
- e) If the AEM certified planner and/or the *qualified professional* for the CAFO, utilizing guidance from the Department, NRCS standards and AEM guidelines, deems any existing BMPs to be functioning as designed, to substantially meet the intent of the applicable NRCS standard in place at the effective date of this general permit, and to be adequately protecting surface and groundwater quality, the AEM certified planner shall:
- (1) Document this consideration in the CNMP and in that year's Annual Compliance Report (including any differences);
 - (2) Document any non-structural changes required to meet the intent of the NRCS Standard in the CNMP;
 - (3) Implement those non-structural changes immediately;
and

(4) Continue to monitor the existing BMP for conditions that require a modification.

5. **Wet Weather Standard Operating Procedures (WWSOPs):** For all BMPs necessary to meet the no discharge condition described in Part I.B.1 of this general permit, the CNMP must include Wet Weather Standard Operating Procedures³ determined by the AEM certified planner.

6. **Operation and Maintenance of BMPs:** The CNMP shall include routine, site-specific operation and maintenance requirements for BMPs, including any applicable BMPs contained in Part III.B, which prevent discharges to *surface waters of the State*.

a) Failure to properly operate and maintain a BMP in accordance with the requirements of the applicable NRCS standard and CNMP is a violation of this general permit and must be corrected immediately.

b) If an existing BMP is causing or contributing to any contravention of any State water quality standard, immediate abatement must be taken by the owner/operator under the direction of an AEM certified planner and the Department notified in accordance with Part IV.B of this general permit. If a modification of the BMP is deemed necessary by the AEM certified planner or the Department in order to protect against future impacts to water quality, the modification must be done in accordance with Part III.A.3 of this general permit.

³ Wet Weather Standard Operating Procedures are those management strategies, which together with structural and non-structural BMPs, are determined by the AEM certified planner and employed by the facility to prevent discharges to *surface waters of the State* up to, and including, the 100-year, 24-hour storm event. Overflows from practices other than waste storage structures that are designed, operated and maintained to at least the 25-year, 24-hour storm, and that do not result in a discharge to the surface waters of the State, are not considered to be violations of this permit. When determining wet weather management strategies, the AEM certified planner should consider the risks associated with the site layout and protection needed on an individual basis. These procedures could include enhanced operating and maintenance schedules, additional clean water diversion techniques during high flow events, increased containment/freeboard, extended weather forecast considerations, emergency spreading procedures, or re-routing of BMP overflow paths during high flow events.

7. **Emergency Action Plan:** Every CNMP must include an emergency response plan for manure, process wastewater and pesticide spillage, fuel handling and storage, and catastrophic emergency situations, such as waste storage facility overflow/failure or mass mortalities due to disease or fire. This plan shall include the following components:

- a) Locations of equipment that can be used to assist in clean-up efforts;
- b) A map identifying the water resources which may be impacted;
- c) A list/map of areas to receive additional manure in an emergency; and
- d) Contact information for emergency services. The contact information must be posted prominently in a central location, in all languages necessary to facilitate readability by all staff. This information must also be included in the plan itself.

8. **Waste Application Requirements.** Applications of manure, litter, food processing waste, digestate, and process wastewater shall be planned in the CNMP according to the NRCS NY 590 Standard. Farm personnel shall manage application rates and timing so as to prevent runoff from leaving crop fields during any application event. In addition, all waste applications must be made in accordance with the following requirements:

a) **Prohibited Conditions.**

(1) Saturated Conditions.

- (a) Applications may not be made on saturated soils (either fluid-saturated or frozen-saturated soil conditions) and
- (b) Applications may not be made at a rate that creates or causes the soil to become saturated at the time of that application.

(2) The CNMP must describe the current waste storage capacity of the farm and how it shall be managed in order to prevent applications during the prohibited conditions described above.

b) **Application Rates.** The planned rates in the CNMP, including those described below, must not be exceeded.

- (1) Single manure, food processing waste, and digestate application rates must be specifically identified on a per field basis in the CNMP in accordance with applicable standards and guidelines and shall not exceed 20,000 gallons per acre cumulatively within any 7-day period. Total annual application rates per field must also be identified in the CNMP if multiple applications are planned for the crop year.
- (2) Single process wastewater application rates must be specifically identified on a per field basis in the CNMP in accordance with applicable standards and guidelines and shall not exceed 27,000 gallons per acre cumulatively within any 7-day period. Total annual rates per field must also be identified in the CNMP if multiple applications are planned for the crop year.

c) **Winter/Wet Weather Applications.** For applications of manure, litter, food processing waste, digestate, and process wastewater during periods that meet *winter spreading conditions* or *wet weather spreading conditions* as defined in Appendix A, the CNMP must:

- (1) Utilize the 2015 Cornell Guide, “Revised winter and wet weather manure spreading guidelines to reduce water contamination risk”, as well as the NRCS NY 590 Standard, to develop facility specific winter and wet weather application procedures; and
- (2) identify specific low-risk fields to be used for winter weather applications.

d) **Protection of Groundwater and Artificial Drainage Flows.** Applications of manure, litter, food processing waste, digestate, and process wastewater in areas with at-risk groundwater must be made in accordance with the 2021 Cornell Guide, “Groundwater Protection Guidelines for Agriculture”. Specifically, the CNMP must:

- (1) Identify and apply manure application restrictions in the vicinity of:
 - (a) Public & Private water wells;
 - (b) Carbonate shallow bedrock;
 - (c) Thin soils over any shallow bedrock;

- (d) Any soils with rapid drainage;
 - (e) Karst features including sinkholes, swallets, springs, closed drainage areas, areas that fill & drain rapidly, or areas of disappearing streams or runoff;
 - (f) Areas with historical well contamination problems
- (2) Application restrictions must include injection and/or incorporation requirements, where appropriate, and be based on the following factors:
- (a) Time of year;
 - (b) Rainfall forecast;
 - (c) Expected nutrient demands;
 - (d) Runoff potential; and
 - (e) Uniformity of spreading.

e) Field Setback Requirements.

- (1) Manure, litter, food processing waste, digestate, and process wastewater shall not be applied closer than 100 feet from any wellhead or sinkhole.
- (2) A minimum flow path distance of 100 feet must be maintained between the application of manure, litter, food processing waste, digestate, and process wastewater and:
 - (a) any down-gradient *surface waters of the State*, including both perennial and intermittent streams, when the application area is up-gradient to the top of the bank;
 - (b) a New York State Regulated Freshwater Wetland with a surface connection to the field; or
 - (c) an open tile line intake structure or other down-gradient direct conduits to surface or ground waters; unless
 - the owner/operator utilizes a vegetated buffer for Part III.A.(8)(e)(2)(a)-(c), then owner/operator can substitute the 100 foot-setback described above with a 35-foot wide vegetated buffer to down-gradient waters; or

- the owner/operator utilizes the conservation practice of incorporation within 24 hours of the application as documented in the CNMP, for Part III.A.(8)(e)(2)(a)-(c), then owner/operator can substitute the 100 foot-setback described above with a 15-foot wide setback to down-gradient waters.

f) **Food Processing Waste.** As set forth in NRCS NY 590, land application of food processing waste shall consider any and all necessary measures to minimize odors, such as incorporation, injection, and appropriate use of timing to avoid creating a nuisance. Specifically, the CNMP must ensure the following:

- (1) Food Processing Wastes Containing Salt. The land application rates of food processing waste containing salt shall not exceed a chloride loading of 170 lbs. per acre per year.
- (2) Waste without Benefit. Land application of undigested fats, oils, and grease (FOG), or other waste with no quantifiable nutritive benefit to the soil or crop is not allowed.

9. **Contractor Certification Statement:** The owner/operator shall have each contracted professional applying any manure, process wastewater, and/or digestate, sign a copy of the following certification statement prior to the initial application of nutrients on the date of service:

“I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the Comprehensive Nutrient Management Plan (CNMP) for the particular area of contracted work as communicated to me by the owner/operator or their designated representative. I also understand that the owner/operator must comply with the terms and conditions of this general permit and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I am aware that there are significant penalties for submitting false information that I do not believe to be true, including the possibility of fines and imprisonment for knowing violations.”

B. Additional CNMP Content

1. Non-Contact Cooling Water (NCCW) Systems.

a) Where the source for these systems is well water, this general permit authorizes the NCCW discharge up to 30,000 gallons per day to *groundwaters*, given the following conditions are met:

- (1) NCCW is reused on-site to the maximum extent practicable (ie. used for irrigation, drinking water, washdown, etc.) and reuse is described in CNMP;
- (2) discharge contains no chemical additives or other pollutants which may cause or contribute to a Water Quality Standards violation;
- (3) discharge does not result in a nuisance such as, erosion; and
- (4) onsite dry wells or disposal systems used for Non-contact Cooling Water are protected from potential impacts from any nutrient applications.

2. Retention facilities and structures must be designed, constructed, and operated to prevent the discharge of all manure, litter, food processing waste, digestate, process wastewater and the contaminated runoff from the production area to *surface waters of the State*, unless otherwise indicated elsewhere in this general permit. Calculations may also include allowances for surface retention, infiltration, and other site-specific factors.

3. Waste Storage Structures. All CAFOs utilizing waste storage structures must adhere to the following conditions:

- a) The maximum operating level for open waste storage structures, earthen and fabricated, shall be indicated by a depth marker and be the level that minimally provides for the design storage volume less the volume contribution of precipitation and runoff from the 25-year, 24-hour storm event plus one (1) foot of freeboard for all earthen waste storage structures and all fabricated waste storage structures with a contributing drainage area. The minimum design storage volume includes the volume needed for manure, litter, food processing waste, digestate, and process wastewater storage according to the CNMP in accordance with the NRCS NY 313 Standard design criteria.

b) Waste storage structures, including anaerobic digesters, that overtop, must be re-evaluated by a PE, in accordance with the “AEM Tool for the Evaluation of Undesigned Waste Storage Facilities,” within 30 days of overtopping, the re-evaluation and any necessary corrections must be documented in the CNMP, and the CNMP adjusted if necessary. In addition, the owner/operator must report any instances of overtopping by completing a CAFO Incident Report and submitting it to the DEC Regional Office.

c) Non-farm generated organics:

(1) For manure storage facilities (except anaerobic digesters) covered by this general permit: *food processing waste* from off-site sources may not exceed 50% of the annual volume of waste placed in the manure storage facility. Digestate from *food processing waste*, as well as digested FOG (fats, oil, and grease from food sources) and digested slaughter-house waste, may be placed in the manure storage facility and is not limited to the 50% annual volume threshold. Manure storage facilities accepting sanitary waste or other waste types, or digesters where the CAFO owner/operator is not in control of the operation, and/or quantities that do not meet these criteria are subject to the permitting and registration requirements under 6 NYCRR Part 361.

(2) For anaerobic digesters covered by this general permit: FOG, *food processing waste*, and other source separated organics, such as slaughter-house waste, can be accepted. The non-manure waste may not exceed 50% of the total annual volume of waste digested at the CAFO, regardless of the number of digesters located onsite. Digesters accepting sanitary, or other waste types and/or quantities that do not meet these criteria, or digesters where the CAFO owner/operator is not in control of the operation, are subject to the permitting or registration requirements under 6 NYCRR Part 361.

4. Waste transfer systems (temporary and pressurized permanent) extending beyond the production area (i.e., to a satellite storage, to fields for application, etc.) and that have a mechanical component, shall not be left unattended while actively transferring material. In addition, all valves/shut offs from any waste transfer system, shall be checked in accordance with the *qualified professional's* recommendation or the manufacturers recommendations, but not less than annually. The date of this check shall be logged and maintained on site. If any valve/shut off mechanism is not properly functioning, it shall be repaired, replaced, or isolated within 7 days of discovery.

5. Leachate collection and control facilities must be implemented, operated and maintained in accordance with all applicable NRCS standards to prevent overflow or discharge of the concentrated, low-flow leachate products. If an AEM certified planner deems low-flow leachate collection unnecessary, a detailed description of an ongoing monitoring strategy is necessary for this determination and must be included in the CNMP. This monitoring strategy must be site-specific and, at a minimum, include documented on-going inspections of the feed storage area to verify low-flow leachate is not leaving the pad. Furthermore, high-flow leachate must be treated by a VTA or a system which provides equivalent protection to a VTA.

6. Barnyards⁴ and associated wastes shall be isolated from outside surface drainage by ditches, dikes, berms, diversions or other such structures designed to carry peak flows expected at times when, minimally the 25-year, 24-hour rainfall event occurs. In addition, barnyard runoff must be managed in accordance with applicable NRCS standards and to prevent overflow or discharge of solids. If an AEM certified planner deems solids collection unnecessary, a detailed description of an ongoing monitoring strategy is necessary for this determination and must be included in the CNMP. This monitoring strategy must be site-specific and, at a minimum, include documented on-going inspections of the barnyard perimeter to verify solids are not contained in runoff. Furthermore, high-flow runoff must be treated by a VTA or a system which provides equivalent protection to a VTA.

⁴ A barnyard is a specific type of Heavy Use Area where livestock are concentrated and contained within its borders and there is no forage growth. Barnyards do not include laneways used solely for the movement of livestock to and from facilities or pasture paddocks.

7. Facilities shall not expand operations, either in size or numbers of animals, prior to amending or enlarging the waste-handling procedures and structures to accommodate any additional wastes that will be generated by the expanded operations, unless the existing facilities have been designed to accommodate such expansion.
8. New facilities and new structures for existing facilities shall not be built in a *surface water of the State*, including wetlands. In addition, *any new design plans for critical or non-critical structures*, as developed by a Professional Engineer currently licensed to practice in New York State, for the new facility or new structure for existing facilities, must demonstrate consideration of the future physical climate risks due to flooding, sea-level rise, and storm surge pursuant to the Community Risk and Resiliency Act (CRRA), 6 NYCRR Part 490, and associated guidance (e.g., “State Flood Risk Management Guidance” (SFRMG) and “Estimating Guideline Elevations”). These *new design plans* must be adjusted to prevent or minimize inundation at the guideline elevations, or justification for deviating from the guideline elevations must be provided in the CNMP. In addition, any newly constructed waste storage facilities or feed storage/treatment structures, with the exception of hoppers and small tanks used to transport waste from an existing facility to a permanent waste storage structure, must maintain a minimum natural flow path⁵ of at least 100 feet from any NYS classified stream or protected waterbody as determined by 6 NYCRR Parts 608 and 800-941, or Title 5 of Article 15 of the NYS ECL as seen on the NYS Environmental Resource Mapper.
9. Animals confined in the animal feeding operation must be prevented from coming in contact with the *surface waters of the State* while in the confinement area.

⁵ The natural flow path as discussed here is the path waste would be expected to take if the storage were to overtop and in the absence of any additional BMPs employed to deter or redirect the flow.

10. There shall be no water quality impairment to public or neighboring private drinking water wells due to waste handling at the permitted CAFO. New retention facilities and structures, holding pens or waste/wastewater treatment sites shall not be located closer to existing public or private water wells than the distances specified by State regulations or health codes or State-issued permits.
11. Pesticides: The operator shall prevent the direct discharge of pesticides into waters of the State, unless done in accordance with a SPDES permit and/or Article 15.
12. Mortalities: Dead animals shall be properly disposed of within three (3) days. The disposal of animal mortalities in stormwater or any liquid manure or process wastewater treatment systems is prohibited. Composting of dead animals must be conducted in accordance with the 2014 Cornell Waste Management Institute recommendations "Composting Animal Mortalities" or the NRCS NY 316 Standard.
13. Transfer of manure, litter, food processing waste, digestate, and process wastewater to other persons: Where CAFO generated manure, litter, food processing waste, digestate, and process wastewater is *exported*, sold, or given away, the owner/operator must comply with the following conditions:
 - a) Maintain records showing the date and amount of manure, litter, food processing waste, digestate, and process wastewater that leave the permitted operation;
 - b) Record the name and address of the recipient;
 - c) Provide the recipient(s) with representative information on the nutrient content of the manure, litter, food processing waste, digestate, and process wastewater as exported; and
 - d) Retain these records on-site, for a period of five years, and submit to the Department upon request.
 - e) Additionally, any land applications of transferred manure, litter, food processing waste, digestate, and process wastewater, not meeting the definition of *export* must be made in accordance with the CNMP of the permit holder.

C. Planner On-Site CNMP Review:

1. The AEM certified planner, or an associate working under the direct supervision of the AEM certified planner, must conduct an annual on-site review of the CNMP with the CAFO manure applicator staff. At a minimum, this review must include a planner-led discussion of farm-specific high risk field features and management, including; concentrated flow paths, surface water, wellheads, subsurface drainage systems, and karst features (where present). Alternatively, the planner may conduct an annual internet-based meeting with manure applicator staff if the platform allows for sharing and open discussion of current field maps and each field's high-risk features as discussed above.
2. At least once every 5 years, the AEM certified planner must conduct a planner-led presentation and discussion of Cornell's Manure Applicator webinar with manure applicator staff, unless at least two (2) of these staff have attended a Department-endorsed manure applicator training within the 5 year term.
3. The owner/operator must maintain a record of the review. The record must include the date, time, and signatures of all staff who participated and, where applicable, Department-endorsed manure applicator training certifications.

D. Certification of the CNMP

The CNMP must be developed or reviewed by an AEM certified planner. The owner/operator *and* the AEM certified planner shall certify in accordance with the CNMP Certification form that the CNMP has been prepared in accordance with "all applicable NRCS Conservation Practice Standards" and this general permit. CNMP development and certification shall be completed in accordance with Part II.A and Part III.A.3 of this general permit.

E. Duty to Amend the CNMP

All changes in the operation of the CAFO or implementation of the CNMP as required by this general permit shall be recorded in the CNMP. The owner/operator shall amend the CNMP under the direction of an AEM certified planner in accordance with the following conditions:

1. Annually. The CNMP must be updated annually to ensure continued compliance with this general permit. This annual update shall include a re-evaluation of the required storage volume for waste storage structures in order to ensure the CAFO remains compliant with the terms of this general permit.

2. Prior to:
 - a) any change in design, construction, operation, or maintenance that has the potential to impact the discharge of pollutants from the operation to the *surface waters of the State*;
 - b) constructing or expanding any structural best management practice; or
 - c) expanding operations beyond the contingencies specified in the CNMP. Specifically, this provision requires the number of animals planned for under the existing CNMP to be clearly identified and any changes that would exceed the design capabilities of the current operating system(s) for the CAFO to be described in the CNMP.
3. If the CNMP proves to be ineffective in preventing pollutants in discharges from the CAFO.
4. The Department may provide written notice to the owner/operator that the CNMP does not meet one or more of the minimum NRCS Standards listed in Part III.A.4.a). After such notification, the owner/operator shall make changes to the CNMP within 90 days after such notification, unless otherwise directed by the Department.

F. Compliance with CNMP

1. The owner/operator shall implement all structural and non-structural BMPs required and comply with all provisions of the CNMP.
2. All CAFO owners/operators must maintain a copy of the site-specific certified CNMP onsite and records documenting the implementation of the BMPs and procedures identified in the CNMP.

IV. MONITORING, REPORTING & RETENTION of RECORDS

A. Anticipated Non-Compliance

The owner/operator shall give at least 45 days prior advanced notice to the appropriate Department Regional Water Engineer (Appendix C) in accordance with 6 NYCRR 750-2.7(a)(1) of any of the following, that is very likely or certain to result in non-compliance with any general permit requirements and where the owner/operator knows or has reason to know about such anticipated non-compliance 60 or more days before it occurs:

1. any changes in the permitted CAFO or activity that is required to be included in the CNMP that would occur as part of a construction project, or;
2. that which is part of the owner/operator's required routine operation and maintenance program in the CNMP.

B. Overflow and Discharge Reporting

If, for any reason, the owner/operator knows or has reason to believe: 1) there is a discharge of manure, litter, food processing waste, digestate, or process wastewater to the *waters of the State* that causes an impact to a drinking supply, deposition, substantial visible contrast to waters of the State, or impacts to fish, or other violations of 6 NYCRR Parts 700 to 705; 2) there is an overflow of manure, litter, food processing waste, digestate, and process wastewater from a waste storage structure; 3) there is a liquid manure, liquid food processing waste, liquid digestate, or process wastewater reported to the DEC Spill Hotline; 4) it is necessary to apply above the maximum annual application rate provided in the CNMP or the single application rates described in Part III.A.8.b)(1) and (2); or 5) any of the conditions related to discharges of NCCW outlined in Part III.B.1 of this general permit are not met, the owner/operator shall:

1. **Twenty-four Hour Reporting:** Notify the Department Regional Office (Appendix C) orally within 24 hours from the time that the owner/operator becomes aware of the incident in accordance with 6 NYCRR 750-2.7(c). For incidents related to liquid manure, liquid food processing waste, liquid digestate, or process wastewater spills, where the spill was reported through the DEC Spill Hotline, this 24-hour reporting requirement is satisfied through reporting of the incident through the DEC Spill Hotline;
2. **Five-day Reporting:** Submit a written CAFO Incident Report to the Department Regional Office (Appendix C) within 5 business days from the time that the owner/operator becomes aware of the incident in accordance with 6 NYCRR 750-2.7(d).

C. All Other Non-Compliance

The owner/operator shall report all other instances of non-compliance with permit conditions not otherwise required to be reported under this permit, and that are on-going in the submittal of the Annual Compliance Report.

D. Annual Compliance Report

The owner/operator shall submit an Annual Compliance Report form electronically in an approved format to the Department. The report shall be for the previous calendar year and must be submitted by March 31st of the following year. The report must include the signed certification from the AEM certified planner that the CNMP has been updated and the report must be signed by the owner/operator.

E. Annual Manure and Other Required Analyses

Unless a more frequent sampling is deemed appropriate by the AEM certified planner, all CAFOs must analyze each individual land-applied waste source (manure, litter, food processing waste, digestate, and process wastewater) at least once annually for total nitrogen, ammonium, total phosphorus, total potassium, chloride (if food processing waste is included in the waste), and percent solids in accordance with NRCS NY 590 . In addition, soil tests must be taken at least every 3 years, not to extend beyond the spring of the fourth crop year, in accordance with NRCS NY 590. These records must be maintained on-site as part of the CNMP.

F. Additional Inspection and Recordkeeping for All CAFOs

In addition to compliance with the applicable NRCS Standards and the additional recordkeeping requirements in the individual facility's CNMP, all CAFOs must conduct and keep records of the following:

1. The owner/operator shall maintain in their on-site records a copy of the current CAFO SPDES General Permit, a copy of the completed NOI, a copy of the CNMP, and a copy of CNMP Certification.
2. The owner/operator shall install and maintain a standard rain gauge in the proximity of the production area. All rain events in excess of 0.3 inch shall be measured, recorded and kept as part of the CNMP recordkeeping;
3. Weather conditions at the time of application, the day prior to and the day following application. This must include *actual* precipitation and *forecasted* conditions;
4. Perform and record weekly inspections of the depth marker reading for manure and process wastewater in any open liquid storage structures to ensure adequate volume exists to maintain the capacity necessary to contain the 25-year, 24-hour rainfall event plus the minimum freeboard necessary per NRCS Standards and this General Permit;

5. Perform and record weekly inspections of all storm water diversion devices, runoff diversion structures, manure storage structures, and devices channeling contaminated storm water to the manure storage and containment structure;
6. Correct and record any deficiencies found as a result of daily and weekly inspections immediately. If deficiencies are not corrected within 30 days, the owner/operator must submit an explanation to the Department describing the factors preventing immediate correction;
7. Records of method used to dispose of animal mortalities, including annual capacity of method and total annual number of animal mortalities;
8. Records of all land application of manure, litter, food processing waste, digestate, and process wastewater applications;
 - a) These records must include an up-to-date summary of the total gallons and/or tons applied per acre per field during the crop year cycle;
9. Records of all non-farm generated waste, including food processing waste and digestate from other persons. These records must include;
 - a) Name and address of the waste generator; and
 - b) Date, amount of waste, and whether waste was introduced into manure storage or directly land applied;
10. Perform and record the date(s) of manure application equipment inspection and calibration⁶ (completed annually at a minimum); and
11. Records of the scheduled check of all valves/shut offs for Waste Transfer Systems shall be maintained in accordance with Part III.B.4 of this general permit.

G. Recordkeeping requirements for CAFOs using an Anaerobic Digester

1. The CAFO must keep written records of all materials (e.g. manure, food processing waste, etc.) entering the digester including the type of material, source of the material and the amount accepted.
2. The use of the digestate (e.g. bedding, storage, land application, etc.) must be recorded.

⁶ "Calibrating Manure Spreaders," NMSP - CALS Fact Sheet 18, (<http://nmsp.cals.cornell.edu/publications/factsheets/factsheet18.pdf>) provides guidance on acceptable methods of calibration.

3. For land application of digestate, the CAFO must keep written records of the location of each field used, the acreage of the field, the amount of digestate applied, and the dates of application.

H. Retention of Records

The owner/operator shall retain copies of all records and reports required by this general permit for a period of at least 5 years from the date reported. This period may be extended by request of the Department at any time. These records must be made available to the Department, for review upon request.

I. Electronic Recordkeeping

The owner/operator may keep records electronically when done in accordance with 6 NYCRR 750-2.5(c)(3).

V. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The owner/operator, and all contractors or subcontractors, must comply with all terms and conditions of this SPDES general permit. Any non-compliance with the terms and conditions of this SPDES general permit constitutes a violation of the New York State Environmental Conservation Law, and its implementing regulations, and is grounds for an enforcement action. Filing of a request for transfer or termination of coverage under this SPDES general permit, or a notification of planned changes or anticipated non-compliance, does not limit, diminish or stay compliance with any terms and conditions of this SPDES general permit.

B. Need to Halt or Reduce Activity Not a Defense

It The necessity to halt or reduce the activity regulated by this SPDES general permit, in order to maintain compliance with the conditions of this SPDES general permit, shall not be a defense in an enforcement action..

C. Penalties

There are substantial criminal, civil, and administrative penalties associated with violating the terms and conditions of this SPDES general permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. False Statements

Any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other

document filed or required to be maintained under this SPDES general permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with New York State Environmental Conservation Law §71-1933 and or New York State Penal Law Articles 175 and 210.

E. Reopener Clause

Upon issuance of this SPDES general permit, a determination has been made on the basis of a submitted Notice of Intent, plans, or other available information, that compliance with the specified general permit terms and conditions will reasonably protect classified water use and assure compliance with applicable water quality standards. Satisfaction of the conditions of this SPDES general permit notwithstanding, if operation pursuant to this SPDES general permit causes or contributes to a condition in contravention of State water quality standards or guidance values, or if the Department determines that a modification is necessary to prevent impairment of the best use of the waters or to assure maintenance of water quality standards or compliance with other provisions of New York State Environmental Conservation Law Article 17 or the Clean Water Act, or any regulations adopted pursuant thereto, the Department may require such modification and the Commissioner may require abatement action to be taken by the owner/operator and may also prohibit such operation until the modification has been implemented.

F. Duty to Mitigate

The owner/operator, and its contractors and subcontractors, shall take reasonable steps to minimize or prevent any discharge in violation of this SPDES general permit which has the reasonable likelihood of adversely affecting human health or the environment.

G. Requiring Another General Permit or Individual SPDES Permit

The Department may require any facility authorized to operate in accordance with this SPDES general permit to apply for and obtain an individual SPDES permit or apply for authorization to operate in accordance with another general permit.

1. Cases where an individual SPDES permit or authorization to operate in accordance with another general permit may be required include, but is not limited to the following:
 - a) the operation is not in compliance with the conditions of this SPDES general permit or does not meet the criteria for coverage under this SPDES general permit;

- b) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- c) new effluent limitation guidelines or new source performance standards are promulgated that are applicable to point sources authorized to operate in accordance with this SPDES general permit;
- d) existing effluent limitation guidelines or new source performance standards that are applicable to point sources authorized to operate in accordance with this SPDES general permit are modified;
- e) a water quality management plan containing requirements applicable to such point sources is approved by the Department;
- f) circumstances have changed since the time of the request to be covered so that the operation is no longer appropriately controlled under this SPDES general permit, or either a temporary or permanent reduction or elimination of the authorized operation is necessary;
- g) the operation is in violation of section 17-0501 of the New York State Environmental Conservation Law;
- h) the operation(s) is a significant contributor of pollutants. In making this determination, the Department may consider the following factors:
 - (1) the location of the operation(s) with respect to waters of New York State;
 - (2) the size of the operation(s); and
 - (3) other relevant factors including compliance with other provisions of New York State Environmental Conservation Law Article 17, or the Clean Water Act.

2. When the Department requires any operation authorized by this SPDES general permit to apply for an individual SPDES permit as provided for in this subdivision, it shall notify the operation in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner/operator to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from the owner/operator's receipt of the notification letter, whereby the authorization to operate under this SPDES general permit shall be terminated. The Department may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with 6 NYCRR Part 621.
3. When an individual SPDES permit is issued to a facility authorized to operate under this SPDES general permit for the same operation(s), this SPDES general permit authorization for the activity authorized under the individual SPDES permit is automatically terminated on the effective date of the individual SPDES permit unless termination is earlier in accordance with 6 NYCRR Part 750.

H. Duty to Provide Information

The owner/operator shall furnish to the Department, within five (5) business days, unless otherwise set forth by the Department, any information or data which the Department may request to determine whether cause exists to determine compliance with this SPDES general permit or to determine whether cause exists for requiring an individual SPDES permit in accordance with 6 NYCRR 750-1.21(e) (see G. Requiring Another General Permit or Individual Permit). The owner/operator shall make available to the Department, for inspection and copying, or furnish to the Department within 25 business days of receipt of a Department request for such information, any information retained in accordance with this SPDES general permit. Where the owner/operator becomes aware that it failed to submit any relevant facts on the Notice of Intent or submitted incorrect information in a Notice of Intent or in any report to the Department, the owner/operator shall promptly submit such facts or corrected information to the Department.

I. Extension

In the event a new SPDES general permit is not issued and effective prior to the expiration of this SPDES general permit, and this SPDES general permit is extended pursuant to the State Administrative Procedures Act and 6 NYCRR Part 621, then the owner/operator with coverage under this SPDES general permit may continue to operate and discharge in accordance with the terms and conditions of this SPDES general permit until a new SPDES general permit is issued and effective.

J. Signatories and Certifications

The Notice of Intent, Notice of Termination and reports required by this SPDES general permit shall be signed as provided in 40 CFR §122.22

1. All Notices of Intent and Notices of Termination shall be signed as follows:

a) For a corporation. By a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(2) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Notice of Intent or Notice of Termination requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: The Department does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). The Department will presume that these responsible corporate officers have the requisite authority to sign the Notice of Intent or Notice of Termination unless the

corporation has notified the Department to the contrary. Corporate procedures governing authority to sign a Notice of Intent or Notice of Termination may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.

- b) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - c) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (1) The chief executive officer of the agency, or
 - (2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Permit Administrators of EPA).
2. All reports required by this SPDES general permit, and other information requested by the Department shall be signed by a person described in paragraph 1 of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a) The authorization is made in writing by a person described in 1.;
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position), and
 - c) The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or activity, a new authorization satisfying the requirements of (b) must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under (a) or (b) shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

5. Electronic reporting. If documents described in (a) or (b) are submitted electronically by or on behalf of the activity with coverage under this SPDES general permit, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3) (Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

K. Inspection and Entry

The owner/operator shall allow the Department, the USEPA Regional Administrator, or any authorized representatives of those entities, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the owner/operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this SPDES general permit;
2. Have access to and copy, during normal business hours, any records that must be kept under the conditions of this SPDES general permit, including records required to be maintained for purposes of operation and maintenance;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this SPDES general permit, and
4. Sample or monitor at reasonable times of day, for the purpose of assuring SPDES general permit compliance or as otherwise authorized by the Clean Water Act or New York State Environmental Conservation Law, any substances or parameters at any location; and

5. Enter upon the property of any contributor to the regulated facility or activity under authority of the owner/operator.

L. Confidentiality of Information

The following shall not be held confidential: this SPDES general permit, the fact sheet for this SPDES general permit, the name and address of any owner/operator, effluent data, the Notice of Intent, and information regarding the need to obtain an individual permit or an alternative general permit. This includes information submitted on forms themselves and any attachments used to supply information required by the forms (except information submitted on usage of substances). Upon request of the owner/operator, the Department shall make determinations of confidentiality in accordance with 6 NYCRR Part 616, except as forth in the previous sentence. Any information accorded confidential status shall be disclosed to the Regional Administrator upon his or her written request. Prior to disclosing such information to the Regional Administrator, the Department will notify the Regional Administrator of the confidential status of such information.

M. Other Permits May Be Required

Nothing in this SPDES general permit relieves the owner/operator from a requirement to obtain any other permits required by law.

N. Property Rights

Coverage under this SPDES general 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; nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the discharge authorized.

O. Compliance with Interstate Standards

If the activity covered by this SPDES general permit originates within the jurisdiction of an interstate water pollution control agency, then the activity must also comply with any applicable effluent standards or water quality standards promulgated by that interstate agency and as set forth in this SPDES general permit for such activities.

P. Oil & Hazardous Substance Liability

Coverage under this SPDES general permit does not affect the imposition of responsibilities upon, or the institution of any legal action against, the owner/operator under section 311 of the Clean Water Act, which shall be in conformance with regulations promulgated pursuant to section 311

governing the applicability of section 311 of the Clean Water Act to discharges from facilities with NPDES permits, nor shall such issuance preclude the institution of any legal action or relieve the owner/operator from any responsibilities, liabilities, or penalties to which the owner/operator is or may be subject pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq. (CERCLA).

Q. Severability

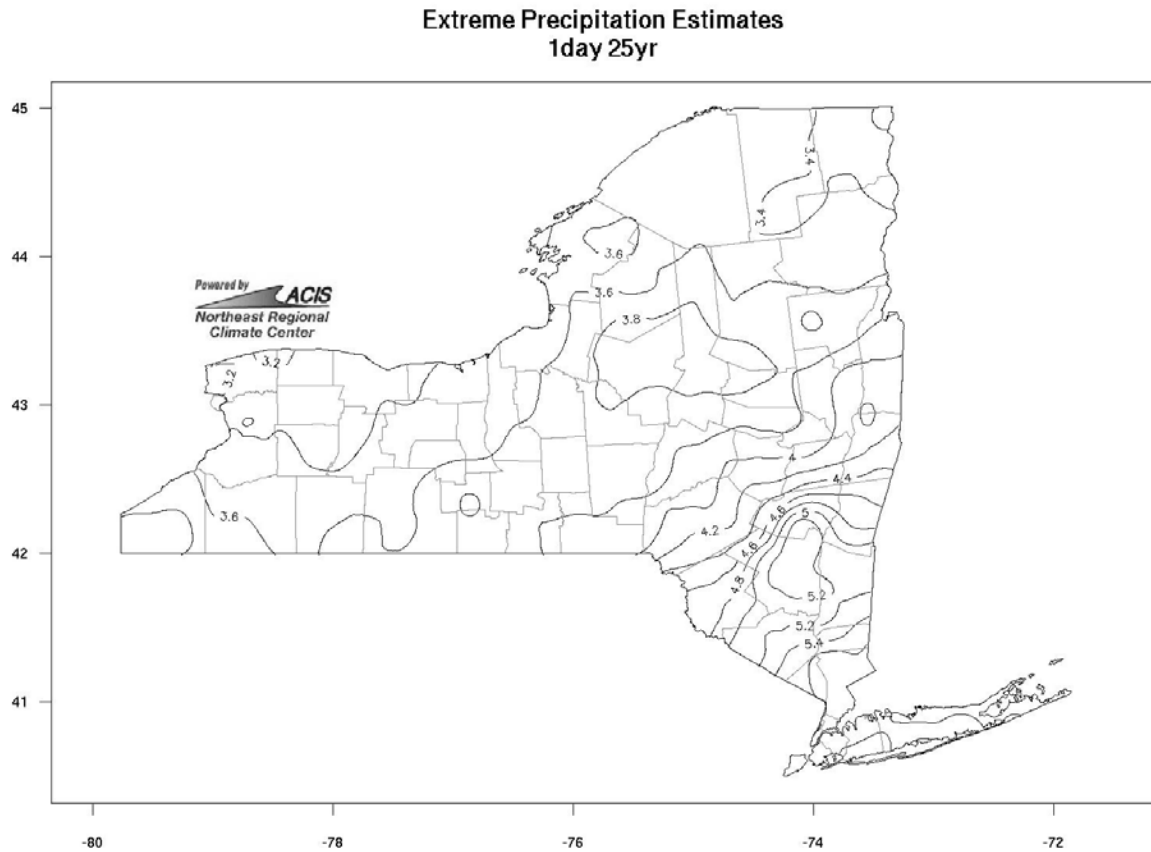
The provisions of this SPDES general permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

R. Department Orders or Civil Decrees/Judgment

The issuance of this SPDES general permit by the Department and the coverage under this SPDES general permit by the owner/operator does not supersede, revoke or rescind any existing order on consent or civil Decree/Judgment, or modification to any such documents or to any order issued by the Commissioner or any of the terms, conditions or requirements contained in such order or modification thereof, unless expressly noted in said order.

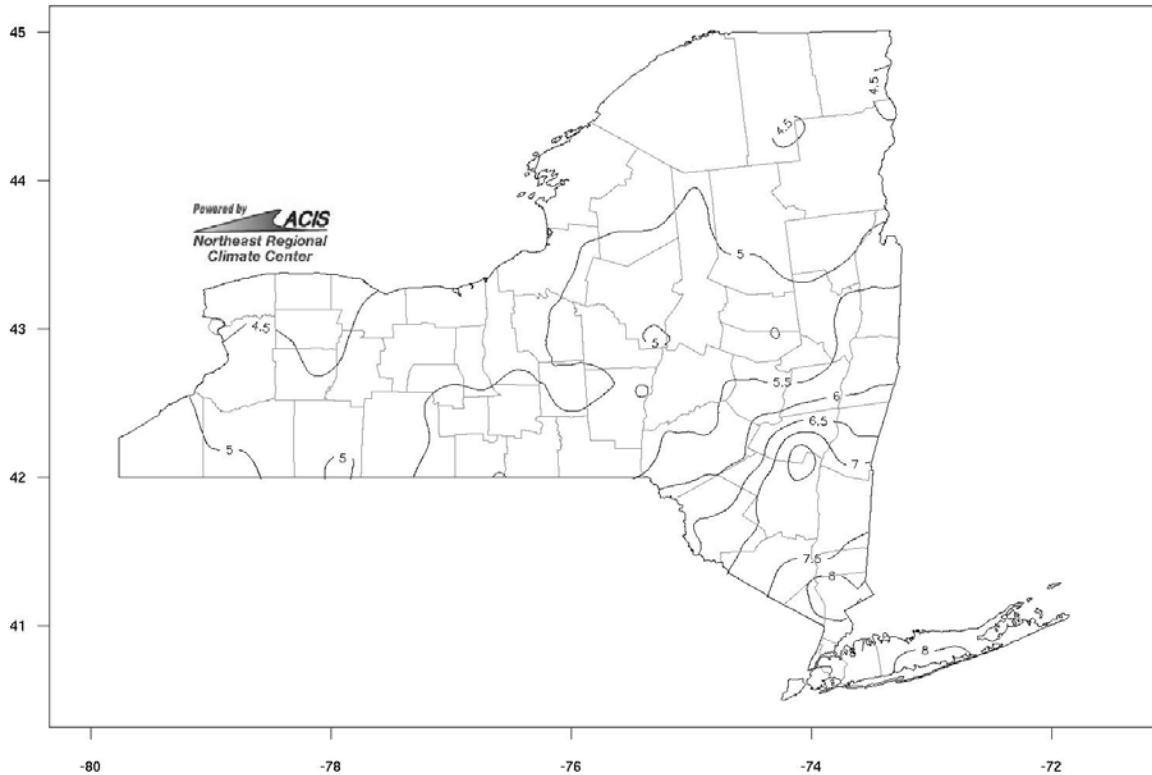
Appendix A – DEFINITIONS

- A. **25-Year, 24-Hour Rainfall Event** means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by precip.net website at the time this permit was issued. See map below:



- B. **100-Year, 24-Hour Rainfall Event** means the maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years, as defined by precip.net website at the time this permit was issued. See map below:

Extreme Precipitation Estimates
1day 100yr



- C. **Acquire** means to purchase, lease or otherwise take management of an existing CAFO or AFO operation.
- D. **Agricultural Environmental Management Program (AEM)** means an environmental planning process that includes site-specific, risk-based assessments, technical planning and implementation of BMPs as set forth in New York Agriculture and Markets Law Article 11-A.
- E. **Agricultural Environmental Management (AEM) Certified Planner** means an individual certified by the American Society of Agronomy as a Certified Crop Advisor (CCA), that has completed the five module NRCS training process, attended the four day CNMP development training course, successfully completed a three plan performance-based CNMP review and been deemed qualified by the Commissioner of the New York State Department of Agriculture and Markets, in consultation with the State Soil and Water Conservation Committee and the NRCS State Conservationist, to develop and review CNMPs for CAFOs in New York State. The AEM certified planner must be listed in the New York State AEM certified planner Directory. This directory is designed to

assist farm businesses with the selection of planners. The directory provides for a county-by-county listing showing where the planner is willing to provide services and their associated capacities related to the development of CNMPs. In the back of the directory a complete listing of all certified individuals has been alphabetically organized. Consult the following web site:

<https://agriculture.ny.gov/soil-and-water/agricultural-environmental-management> for the AEM certified planner directory. In addition, to maintain certification, the AEM certified planner must remain a CCA by meeting continuing education requirements and successfully complete regular quality assurance reviews and recertification granted by the Commissioner of the New York State Department of Agriculture and Markets, in consultation with the State Soil and Water Conservation Committee and the NRCS State Conservationist.

- F. ***Agricultural Stormwater Discharge*** means a precipitation-related discharge of manure, litter or process wastewater where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, with site specific conservation practices to control runoff, appropriate testing of manure, litter or process wastewater and soil, and adequate documentation and recordkeeping.
- G. ***Agronomic Rates*** mean the land application of manure, litter, food processing waste, digestate, and process wastewater at rates of application which provide the crop or forage growth with needed nutrients for optimum health and growth.
- H. ***Anaerobic Digesters*** means the unit process that utilizes biochemical decomposition of organic matter into methane and carbon dioxide by microorganisms in the absence of air.
- I. ***Animal Feeding Operation (AFO)*** means a lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the lot or facility does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they physically adjoin each other, or if they use a common area or system for the disposal of wastes.
- J. ***Best Available Technology Economically Achievable (BAT)*** means the Best Available Technology which is economically achievable as established under

301(b) and 402 of the Clean Water Act. The criteria and standards for imposing technology-based treatment requirements are listed in 40 CFR 125.3.

- K. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, overflows or leaks, sludge or waste disposal, or drainage from raw material storage.
- L. **Common Ownership / Common Facility** means that two or more Animal Feeding Operations are considered one operation if, among other things, they (1) they operate under a common CNMP, (2) adjoin each other, including facilities that are separated by a right-of-way or public road, (3) if they use a common manure and wastewater storage and handling system, (4) if they use a common land application area, or (5) if they use a shared feed storage area that is under the control of a CAFO. Operations sharing application equipment that do not result in mixing of nutrients are not, by virtue of such sharing, a common facility, or under common ownership.
- M. **Comprehensive Nutrient Management Plan (CNMP)** means a plan, done in accordance with all applicable Natural Resources Conservation Service - Conservation Practice Standards that includes structural practices, management activities, and land management practices for an AFO associated with crop or livestock production that collectively ensures that the purpose of crop or livestock production and preservation of natural resources are compatible. Implementation of a CNMP is implementation of Best Available Technology Economically Achievable (BAT). The system of practices detailed in the facility's CNMP must address, but is not limited to the transfer, handling, storage and treatment of manure, litter, process wastewater generated from the production areas, food processing waste, and digestate as well as, precipitation on open structures, storage capacities based on the site specific nutrient management plan, details of storage designs and certifications of practices based on NRCS standards and operation and maintenance requirements. In addition, the site-specific nutrient management plan for application of manure, litter, food processing waste, digestate, and process wastewater shall be compliant with NRCS NY 590 to include compliant application methods, rates and timing based on manure and soil analyses, field specific risk assessments for nutrient and sediment transport potential, sheet, rill, and gully erosion control and application setbacks.

N. **Concentrated Animal Feeding Operation (CAFO)** means an Animal Feeding Operation (AFO) that meets the criteria of either a Large or Medium CAFO or is designated as a Small CAFO by the Department. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals of an operation. CAFOs are defined as follows:

Large Concentrated Animal Feeding Operation (Large CAFO) means an Animal Feeding Operation (AFO) that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- a. 700 mature dairy cows, whether milked or dry;
- b. 1,000 veal calves;
- c. 1,000 cattle, other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- d. 2,500 swine, each weighing 55 pounds or more;
- e. 10,000 swine, each weighing less than 55 pounds;
- f. 500 horses;
- g. 10,000 sheep or lambs;
- h. 55,000 turkeys;
- i. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system
- j. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
- k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
- l. 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
- m. 5,000 ducks (if the AFO uses a liquid manure handling system).

Medium Concentrated Animal Feeding Operation (Medium CAFO) means an Animal Feeding Operation (AFO) that stables or confines as many as or more than the numbers of animals in any of the following categories:

- a. 200 to 699 mature dairy cows, whether milked or dry, except that an AFO that stables or confines 200-299 mature dairy cows, whether milked or dry, that does not cause a discharge, would not be considered a Medium CAFO;
- b. 300 to 999 veal calves;
- c. 300 to 999 cattle, other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- d. 750 to 2,499 swine, each weighing 55 pounds or more;

- e. 3,000 to 9,999 swine each weighing less than 55 pounds;
- f. 150 to 499 horses;
- g. 3,000 to 9,999 sheep or lambs;
- h. 16,500 to 54,999 turkeys;
- i. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
- j. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
- k. 25,000 to 81,999 laying hens, if the AFO uses other than liquid manure handling systems;
- l. 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or
- m. 1,500 to 4,999 ducks, (if the AFO uses a liquid manure handling system).

Small Concentrated Animal Feeding Operation (Small CAFO) means an Animal Feeding Operation (AFO) that is designated by the Department as a CAFO or requests CAFO SPDES permit coverage and is not a Medium or Large CAFO. The Department, in determining whether to designate Small CAFOs, would consider the following factors:

1. the size of the AFO and the amount of wastes reaching waters of the State;
2. the location of the AFO relative to waters of the State;
3. the means of conveyance of animal wastes and process waste waters into waters of the State;
4. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes, manure and process waste waters into waters of the State; and
5. other relevant factors.

Small CAFOs must meet all of the Medium CAFO regulatory requirements of this General Permit. New Small CAFOs have two years to meet these requirements from the date of submission of the NOI.

- O. **Critical structures**, as related to the Community Risk and Resiliency Act (CRRRA), means those structures designed to be functional during flooding including waste storage facilities and waste transfer systems.
- P. **Date of Coverage** means the date the owner/operator is authorized for coverage under this General Permit.

- Q. **Department** means the New York State Department of Environmental Conservation.
- R. **Depth Marker** means a permanent marker or recorder installed at the maximum operating level to indicate the storage capacity of the structure. The maximum operating level for open waste storage structures, earthen and fabricated, shall be the level that provides for the design storage volume less the volume contribution of precipitation and runoff from the 25-year, 24-hour storm event plus one (1) foot of freeboard for all earthen waste storage structures and all fabricated waste storage structures with a contributing drainage area. The design storage volume includes the volume needed for manure storage according to the CNMP in accordance with the NRCS NY 313 Standard design criteria.
- S. **Digestate** means the solid and liquid material remaining after anaerobic digestion.
- T. **Discharge** means any release of any pollutant, including but not limited to manure, litter, process wastewater, food processing waste, digestate, or releases from feed storage areas to waters of the State. Agricultural stormwater discharges as defined herein are exempt and do not classify a facility as discharging.
- U. **Disposal System** means a system for disposing of sewage, stormwater, industrial waste or other wastes, including sewer systems and treatment works.
- V. **Equivalent (Equivalence)** means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.
- W. **Existing Construction Activity** means a project where the owner/operator has started clearing, grading, or other construction related activity prior to the effective date of this general permit.
- X. **Existing Facility or Existing CAFO** means a CAFO that met the definition of a CAFO as of the effective date of this general permit. This includes both permitted and unpermitted facilities meeting the CAFO animal thresholds and permitted Small CAFOs.

- Y. **Expansion** means to increase the number of animals stabled or confined beyond the contingencies specified in the existing CNMP.
- Z. **Export** means the transfer of manure, litter, food processing waste, digestate, or process wastewater to other persons who, except for the benefits associated with the sale or transfer of the manure, litter, digestate, or process wastewater itself, are not affiliated with the owner/operator for profit, consideration, or any other beneficial interest derived from agricultural land management. To qualify as an export, the receiving person(s) must also be in direct control of:
- a. the application acreage; and
 - b. the application rate; and
 - c. the application times; and
 - d. the transfer rate and time.
- AA. **Field** (for the purposes of planned application rates) means a clearly defined, individually identified area that, with the exception of any application setback areas, receives uniform nutrient applications throughout its borders, unless variable rates are specifically identified in the CNMP.
- BB. **Food Processing Waste** means waste resulting solely from the processing of fruits, vegetables, grains, dairy products, and related food products. It does not include waste from the processing of animal carcasses or parts. It also does not include sanitary waste; processes that involve the addition of a hazardous chemical to the manufacturing process; or significant amounts of packaging or other residual materials. Food processing waste includes but is not limited to:
- a. vegetative residues that are recognizable as part of a plant, fruit or vegetable. Grape or apple pomace are considered recognizable.
 - b. any solid, semisolid or liquid food sludge or residue that is nonrecognizable but identifiable by analysis or can be certified as solely a byproduct of plant, fruit, vegetable or dairy processing. Egg shells are considered unrecognizable.
- CC. **Frozen-saturated** means a condition formed when saturated soil freezes, creating a solid, impermeable layer which is impenetrable by injection/incorporation techniques
- DD. **Fully Implemented** means having all required structural and non-structural practices identified in the CNMP executed. Existing facilities have until September 30, 2025 to incorporate the Phosphorus Index version 2.0 in the NRCS NY 590 (2020) into their CNMP and fully implement as further described in Part III.A.3. of this general permit.

- EE. **Groundwater(s)** means those waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated per 6 NYCRR 700.1(22).
- FF. **Heavy Use Areas** are those areas frequently and intensively used by people, animals or vehicles, such as concentrated livestock areas or barnyards.
- GG. **Land Application Area** means land under the control of an AFO owner/operator, whether it is owned, rented, or leased, to which waste from the production area is or may be applied. This includes land on which manure, litter, food processing waste, digestate, or process wastewater is applied and the CAFO owner/operator controls the application acreage, application rate or application times.
- HH. **Litter** means a combination of manure and bedding material placed in dry chicken production facilities. The bedding material alone may also be referred to as litter.
- II. **Manure** means manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal and/or utilization.
- JJ. **New CAFO** means those operations that meet the definition of a Medium or Large CAFO and are constructed and operated after the effective date of this General Permit or a New Small CAFO seeking CAFO permit coverage. This does not include existing facilities newly acquired by an existing CAFO.
- KK. **New Design Plans**, means those plans dated and stamped by a Professional Engineer (where applicable) after the effective date of this general permit.
- LL. **Non-critical structures**, as related to the Community Risk and Resiliency Act (CRRRA), means those structures designed to survive flooding and regain functionality within an acceptable period, including vegetated treatment areas, heavy use areas, and composting areas.
- MM. **NRCS** means the Natural Resources Conservation Service of the United States Department of Agriculture.

- NN. **Operational** means animal numbers meeting CAFO threshold limits being housed at facility.
- OO. **Overflow** means any untreated release of manure, litter process wastewater, food processing waste, digestate, or releases from feed storage areas, from the production area, unless the release enters a properly designed and functioning vegetated treatment area, that does not reach *surface waters of the State*.
- PP. **Pasture Area** means a unit of land on which exists a suitable amount, type, and distribution of vegetation; is managed to complement the nutritional requirements of the resident livestock; and maintains adequate vegetative cover during the growing season to promote water infiltration and filtration of runoff.
- QQ. **Point Source** means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.
- RR. **Process Wastewater** means any water directly or indirectly used in the operation of an Animal Feeding Operation including:
- a. Spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing of calf hutches, pens, barns, manure storage areas or manure pits, or other AFO facilities.
 - b. Direct contact swimming, washing, spray-cooling of animals, or dust control.
 - c. Leachate from silage/feed storage areas or mortality compost areas.
 - d. Wastewater generated in the production of intermediate or final products such as eggs and milk.
 - e. Precipitation which comes into contact with any area where organic materials are stored, fed or wasted such as silos, bunk silos, organic bedding storage, grain storage, commodity buildings, feed bunks, and manure or wastewater storage or treatment facilities.

Process-generated wastewater does not include non-contact cooling water; precipitation related runoff from pastures; driveways; roof areas; or laneways where animals do not congregate; crop fields where manure is applied in accordance with NRCS NY 590, or effluent from vegetated treatment areas that are designed and maintained in accordance with NRCS NY 635.

SS. **Production Area** means that part of an AFO including the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas.

- a. The animal confinement area includes, but is not limited to, non-vegetated open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, barnyards, calf-hutch areas, medical pens, walkers, animal walkways, and stables.
- b. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, temporary or permanent stacking areas, under-house or pit storages, liquid impoundments, static piles, areas for storage of manure treatment products and composting piles.
- c. The raw material storage area includes, but is not limited to, feed silos, silage bunkers, and bedding materials.
- d. The waste containment area includes, but is not limited to, settling basins, and areas within berms and diversions which separate uncontaminated stormwater.
- e. Any egg-washing or egg-processing facility.
- f. Any area used in the storage, handling, treatment, or disposal of mortalities.

TT. **Proper Operation and Maintenance** means proper operation and maintenance of BMPs that includes, but is not limited to, activities such as periodic solids removal to maintain storage capacity and protect the required freeboard requirements, maintenance of berms and sidewalls including mowing, prompt repair of any deficiencies, mowing and removal of vegetation from vegetated treatment areas, and appropriate dewatering activities. Proper operation and maintenance must be done in accordance with the requirements of Part VI. of this General Permit and all applicable NRCS standards. CAFOs must actively implement BMPs to maintain the appropriate production area

capacity, including the capacity to contain the runoff and precipitation from the 25-year, 24-hour storm event in manure storage structures and reception pits.

- UU. **Qualified Professional** means a professional engineer (PE) currently licensed to practice in New York State or NRCS employee with the appropriate job approval authority.
- VV. **Retention Facility or Retention Structures** means any structure(s) used for the retention/storage of wastes on the premises until their ultimate use. This includes the retention of manure, litter, process wastewater, food processing waste, digestate, and runoff from the production area. These structures must be designed in accordance with all applicable NRCS standards (example: NRCS NY 313 Waste Storage Facilities) or for existing waste storage structures built prior to the facility obtaining CAFO permit coverage, certified in accordance with Part III.A.4 of this General Permit.
- WW. **Saturated** means soils in which pore spaces are occupied by liquid to the extent that additional inputs of water or liquid wastes cannot infiltrate into the soil.
- XX. **Setback** means a specified distance from surface waters or potential conduits to surface waters. Examples of conduits to surface waters includes, but are not limited to, open tile intake structures, sinkholes, and agricultural wellheads.
- YY. **Surface Waters of the State** means lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941. Storm sewers or conveyances, e.g. ditches, are not surface waters of the State unless they are mapped Waters of the State (further defined in 6 NYCRR Parts 800 to 941) or continuously flowing. Nonetheless, an overflow to the conveyance shall be regulated as a discharge at the point where the conveyance discharges to waters of the State.
- ZZ. **Transfer Structures** means any structure(s), such as pipelines, ditches, swales, sumps, etc. used to transfer manure, litter, food processing waste, digestate, and process wastewater or runoff from the production area to

retention facilities or structures or other BMPs (example: NRCS NY 634 Manure Transfer Structures).

AAA. **Vegetated 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 waters.

BBB. **Waste Storage Structure** means any permanent retention facility or retention structure with a storage capacity of 7 days or longer or a storage volume equal to or greater than 10,000 gallons.

CCC. **Wet weather spreading conditions** means significant precipitation (e.g., greater than 0.25 inches of rain within 24 hours when soils are approaching saturation or greater than 1 inch of rain independent of soil moisture content) and/or snowmelt events (e.g., greater than 40°F for 6 hours or more) is forecasted within the next 48 hours.

DDD. **Winter spreading conditions** means soil is frozen (4"+), snow covered (4"+), or encumbered by significant surface icing.

Appendix B – PERMIT REQUIREMENTS FOR CONSTRUCTION ACTIVITY AT CAFO FACILITIES

An owner/operator of a facility with coverage under this CAFO General Permit who is actively constructing one of the below identified construction activities previously authorized by GP-0-16-001, will maintain coverage for those activities under this permit for 12 months after the effective date of this general permit. That existing construction activity must be completed within the 12 months following the effective date of this general permit, or the owner/operator must obtain coverage under the SPDES Construction Stormwater General Permit for that ongoing activity by filing a Notice of Intent with the Department. The owner/operator must maintain the implemented erosion and sediment control practices, designed in accordance with the New York Standards and Specifications for Erosion and Sediment Control, as a condition of this general permit.

- Access Road Improvement
- Alternative Water Supply (Ponds, if designated)
- Barnyard Runoff Management System
- Constructed Wetlands
- Critical Area Protection
- Streambank and Shoreline Protection
- Diversions
- Fencing
- Grassed Waterways
- Irrigation Water Management
- Trickle Irrigation
- Nutrient Management
- Anaerobic Digestion
- Composting
- Manure Storage System
- Nutrient/Sediment Control System
- Pasture Management: Short Duration Grazing System
- Pesticide Handling Facility
- Petroleum Product Storage, Spill Prevention and Containment
- Silo Leachate Control (to include WWT Systems and created wetlands)
- Terraces
- Wetland mitigation projects

Appendix C – DEC REGIONAL OFFICE CONTACT INFORMATION

REGION	COVERING THE FOLLOWING COUNTIES	SPILLS HOTLINE 24 Hour Reporting	DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM
1	NASSAU AND SUFFOLK	1-800-457-7362	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS RICHMOND	1-800-457-7362	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	1-800-457-7362	100 HILLSIDE AVENUE, SUITE 1 W WHITE PLAINS, NY 10603 TEL. (914) 428-2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1-800-457-7362	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1-800-457-7362	232 GOLF COURSE ROAD, WARRENSBURG, NY 12885 TEL. (518) 623-1212
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	1-800-457-7362	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	1-800-457-7362	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	1-800-457-7362	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-5450
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	1-800-457-7362	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

