

**Agriculture Stakeholder Meeting**  
**March 25, 2004**  
**Meeting Summary**

**Welcome and Introductions - L'Oreal Stepney**

**Overview of the Draft CAFO General Permit - Darrell Williams**

- General Permit language consistent with the Subchapter B rules
- Will be a statewide general permit
- Separate general permit for dry poultry-next year
- General permit meets both federal and state requirements in the CWA and the state water code
- Summary of changes below:
- Part I. Definitions-
  - ▶ NOI, NOT, and NOC - added to definitions
  - ▶ Significant CAFO expansion - any change to a CAFO that increases the waste production at the CAFO by more than 25% within any 12 month period
- Part II. Permit Applicability and Coverage
  - ▶ This general permit provides authorization for facilities defined or designated as CAFOs to discharge manure, litter and wastewater from the operation of a concentrated animal feeding operation (CAFO) into or adjacent to surface water in the state.
  - ▶ Limitations based on Facility Location
    - \* Except for an existing CAFO which was authorized by the Commission prior to January 10, 1997, any CAFO located within one mile of Coastal Natural Resource Areas as defined by § 33.203 of the Texas Natural Resources Code
    - \* Any dairy CAFO located in a major sole-source impairment zone
    - \* Any CAFO where any part of the production area of the CAFO is located or proposed to be located within the protection zone of a sole-source surface drinking water supply
  - ▶ Air Quality Authorization - a box would be provided on the permit and checked if covered by air permit
  - ▶ Denial of Authorization - denial or authorization or suspension of a permittee's authorization under this general permit shall be done according to commission rules in 30 TAC, Chapter 205
  - ▶ Obtaining Authorization - obtained within 48 hours of submitting NOI, except for new or expanding CAFO
  - ▶ New or expanding CAFOs are authorized after the applicant is issued a written approval of the NOI
  - ▶ Before NOI can be issued for a new CAFO operation or significant expansion or an existing CAFO, the applicant must:
    - \* Publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in the county where the facility is located or proposed to be located

- \* Publish notice of the public meeting in accordance with Part II©)(2)©) at least once in a newspaper of general circulation in the county in which the CAFO is proposed to be located
- \* Notice must include:
  1. Name and legal entity of the CAFO
  2. Identify whether NOI is for a new operation or expansion of existing operation
  3. Address of the applicant
  4. Brief summary of the information contained in the NOI
  5. Location and mailing address where the public may provide comments to the applicant
  6. Date, time, and place where the public meeting will be held
- \* The public meeting held under this general permit is not an evidentiary proceeding. TCEQ will be represented at the public meeting, if requested. The applicant will provide a sign in sheet for attendees to register their names and addresses.
- \* At the public meeting, the applicant shall describe the proposed operations and provide maps and other facility data to demonstrate that the application meets the requirements in this general permit.
- \* Any person may submit an oral or written statement to the applicant concerning the NOI prior to or during the public meeting.
- \* At the meeting, the applicant shall respond to all comments received in writing and presented at the public meeting.
- \* After the public meeting, if the applicant chooses to continue with the new CAFO operation or significant expansion of the existing CAFO, the applicant must submit the NOI, an affidavit in the form prescribed by the executive director describing the notice and public meeting, sign in sheet containing names and addresses of attendees at the public meeting and a complete technical application to the executive director for review.
- \* After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary determination on the NOI and technical application.
- \* The applicant must file with the Chief Clerk and copy and an affidavit of the publication within 60 days or receiving the written instructions from the Office of Chief Clerk.
- \* The public comment period begins on the first date the notice is published and ends 30 days later. The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI for the CAFO fails to meet the technical requirements or conditions of this general permit
- ▶ Contents of the NOI - Permittee must submit legal name and address of the owner/operator
- ▶ Fees - \$100 for existing or expanding, \$350 for new
- ▶ Change of ownership - Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present permittee must submit a NOT and the new owner and operator must submit an NOI.

- Part III Pollution Prevention Plan - Technical Requirements
  - ▶ Equivalent PPP Standards - Reference plan, no requirement to duplicate
  - ▶ Recharge feature certification - requirement did not change
  - ▶ Potential Sources/Site evaluation did not change
  - ▶ Well Protection Requirements - Added not to exceed nutrient rates - Added total phosphorous from stakeholder input
  - ▶ Discharge restrictions - see Parameter table p.25
  - ▶ No change to Normal Operating Capacity Requirements
  - ▶ Embankment Protection - Each retention control structure must have a minimum of 2 vertical feet of materials equivalent to those used at the time of design and construction between the top of the embankment and the structure's spillway. Retention control structures without spillways must have a minimum of 2 vertical feet between the top of the embankment and the required storage capacity, including the additional storage required by item 5, Spillway or Equivalent Protection.
  - ▶ General Operating Requirements - Carcass Disposal
    - \* Carcasses shall be collected within 24 hours of death and properly disposed of within three days of death in accordance with the Texas Water Code Chapter 26, Texas Health and Safety Code Chapter 361, and Chapter 355, unless otherwise provided for by the Commission
    - \* Disposal of diseased animals shall also be conducted in a manner that prevents a public health hazard in accordance with Texas Agriculture Code, Section 161.004 and 4 TAC §§31.1 and 58.31(b)
  - ▶ Land Application - Nutrient Management Plans Required - Large CAFO must develop and implement a NMP in accordance with the NRCS Practice Standard Code 590 on or before December 31, 2006. Once the NMP is developed and implemented, the NMP will take the place of the applicable land application requirements of Part III (A)(11) of this general permit. All other CAFOs must manage nutrients and land application according to the requirements of Part III (A)(11) of this general permit.
  - ▶ Application of Agronomic Rates - New Requirements for Phosphorous
    - \* If the annual soil sampling analysis for extractable phosphorous exceeds a level greater than 200 ppm of extractable phosphorous in Zone 1 for a particular LMU; or a level greater than 350 ppm of extractable phosphorous in Zone 1 for an LMU where the average rainfall is 25 inches or less and erosion control is adequate to keep erosion at the soil loss tolerance or less and the closest edge of the field is more than one mile from a named stream; or if ordered by the commission to do so in order to protect the quality of waters in the state; the permittee may land apply manure/litter and/or wastewater to the affected LMU only in accordance with the conditions established in Part III.A.13.
  - ▶ Irrigation Operating Requirements - Minimize Ponding
    - \* Irrigation practices shall be managed so as to minimize ponding or puddling of wastewater on the site, prevent tailwater discharges to waters in the state and prevent the occurrence of nuisance conditions

- ▶ Documentation of Land Application - Requirement superceded by NMP
  - ▶ Sink Holes - added from Federal Rule
    - \* Manure, letter and wastewater may not be applied closer than 100 feet to any sinkhole. Alternatively, the permittee may substitute a 35-foot wide vegetative buffer where alternative conservation practices or field specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer.
  - ▶ Nutrient Utilization Plan (NUP) - Used as a planning tool for site specific management of individual LMUs with P > 200 ppm.
  - ▶ Inspections - Requirements set out in Federal Register
- General Requirements
    - ▶ No separate permit requirements for composting
    - ▶ CAFOs shall be operated in such a manner as to prevent nuisance conditions of air pollution as mandated by Texas Health and Safety Code, Chapters 341 and 382.
  - Training
    - ▶ Employee training - CAFO employees who are responsible for work activities relating to compliance with provisions of this general permit must be regularly trained or informed of information pertinent to the proper operation and maintenance of the facility and land application of manure, letter and/or wastewater.
    - ▶ Operator Training - CAFO operators shall attend and complete training developed by the executive director and the TCE if any portion of the production area of the CAFO is located in DOPA area.
  - Closure Requirements
    - ▶ A CAFO shall be properly closed within one year of termination or suspension of the operation
    - ▶ Retention control structures at a CAFO authorized under this general permit shall be closed within one year of non-use or in accordance with an alternative schedule contained in the closure plan.
    - ▶ A CAFO shall maintain or renew its authorization and maintain compliance with the requirements of this subchapter until the facility has been closed.
  - Part IV Recordkeeping, Reporting, and Notification Requirements
    - ▶ Recordkeeping - The permittee shall keep records on site for a minimum of 5 years from the date the record was created and shall submit them within 5 days of a written request by the executive director. The following items must be included.
      - \* Records must be updated daily to include all measurable rainfall events
      - \* Wastewater levels in the retention control structure, as shown on the depth marker, shall be recorded whenever the daily rainfall exceeds 1.0 inches.
      - \* Records must be updated weekly to include the wastewater levels in the retention control structure, as shown on the depth marker.
      - \* Updated weekly to include records of all wastewater and sludge removal that shows the dates, times, and location of application or disposal of all wastewater or sludge removed from the CAFO.
    - ▶ Reporting and Notification

- \* Large CAFOs must submit an annual report with all information this section to the appropriate TCEQ regional office and the Office of Compliance and Enforcement, Enforcement Division by February 15 of each year. All other CAFOs must submit items (I)-(k) of this section by same deadline. The report shall be on forms prescribed by the executive director.
  - \* The permittee shall furnish to the appropriate TCEQ regional office and the commission's Office of Compliance and Enforcement, Enforcement Division in Austin, soil testing analysis of all soil samples within 60 days of the date the samples were taken in accordance with the requirements of this general permit.
- Part V. Standard Permit Conditions
  - ▶ Authorization to discharge must be obtained prior to the construction of any new CAFO facility as stated in 30 TAC 321.33(d) and (e). This authorization may be obtained through either this general permit or an individual permit
- Proposed Schedule for General Permit TXG920000
  - ▶ Public notice - mid-April
  - ▶ Public meeting - 30 days after comment period
  - ▶ Commission agenda - July agenda to get approval to publish general notice
- Dry Litter Poultry- will use general permit until permit issued - will start discussions in fall
- New source must be permitted before start of operations
- Existing CAFOs covered under regulations until NOI sent in