

Chapter 3

3. Appropriate Permitting Strategies for CAFOs

NPDES permitting authorities have two options for issuing NPDES permits to CAFOs: individual permits and general permits. This chapter describes the administrative process for both permitting options and situations in which one or the other might be more appropriate.

3.1. NPDES CAFO Permit Applications and Notice of Intent

CAFO owners and operators who are required to seek permit coverage must either submit an application for an individual permit or submit a Notice of Intent (NOI) (or permitting authority's comparable form) for coverage under a general permit, if a general permit is available. 40 CFR § 122.23(d)(1).

The 2008 CAFO regulations amend the information requirements for seeking coverage under an NPDES permit for CAFOs. The regulations revised the NPDES individual permit application and general permit NOI form for CAFOs (Form 2B); specifically, the information required to be submitted for coverage under either type of CAFO permit. 40 CFR §§ 122.21(i)(1), 122.23(h). The permitting authority can use Form 2B for both NPDES CAFO permit applications and NOIs. The NOI/Permit Application for CAFOs is located at http://www.epa.gov/npdes/pubs/cafo_fedregstr_form2b.pdf. EPA requires applicants who seek coverage under either individual or general CAFO permits to provide, at a minimum, the information listed in Table 3-1.

To the extent that a permitting authority needs additional information to review a permit application, the NPDES permitting authority may request additional information from the applicant and use other Clean Water Act (CWA) information-gathering authorities, such as CWA part 308, to obtain such information.

Table 3-1. Information required on NPDES application forms 1 and 2B

Form 1 (all NPDES individual permit applicants) 40 CFR § 122.21 (f)	Activities conducted by the applicant that require an NPDES permit
	Name, mailing address, and location of facility
	Up to four Standard Industrial Classification codes that best reflect the principal products or services provided
	Operator's name, address, and telephone number and ownership status
	Whether the facility is on Indian lands
	List of all other state or federal permits or construction approvals received or applied for under CWA, Resource Conservation and Recovery Act (RCRA), Safe Drinking Water Act (SDWA), etc.
	Brief description of the nature of the business
Form 2B (CAFOs) 40 CFR § 122.21 (i)	The name, address, and telephone number of the owner or operator
	Whether the application is for an existing or proposed facility
	Facility name, address, and telephone number
	Latitude and longitude of the production area
	Name and address of integrator for contract operations
	Specific information about the number and type of animals, whether in open confinement or housed under roof
	Total number of acres under control of the applicant available for land application of manure, litter, or process wastewater
	Estimated amounts of manure, litter, and process wastewater generated per year
	Estimated amounts of manure, litter, and process wastewater transferred to other persons per year
	Topographic map of the geographic area in which the CAFO is located showing the specific location of the production area
	Containment and storage type and storage capacity for manure, litter, and process wastewater
	A nutrient management plan that satisfies the requirements specified in 40 CFR part 122.42(e), including, for all CAFOs subject to 40 CFR part 412, subpart C or subpart B, the requirements of 40 CFR part 412.4(c), as applicable
	Indication of whether a nutrient management plan is being implemented
	Date of last nutrient management plan review or revision
	Description of alternative uses of manure, litter, and process wastewater
Identification of land application best management practices implemented	

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3.1.1. CAFO Permit Application or Notice of Intent Requirements for Nutrient Management Plans

Any CAFO seeking NPDES permit coverage must submit an NMP as part of its permit application to be covered by an individual permit or an NOI to be covered by a general permit. 40 CFR §§ 122.23(h), 122.42(e)(1). The NMP must meet the requirements of 40 CFR part 122.42(e). NMPs for Large CAFOs subject to subparts C or D of 40 CFR part 412 must also meet the requirements of part 412.4(c), as applicable. 40 CFR §§ 122.21(i)(1)(x), 122.23(h). EPA's application Form 2B reflects those changes. The NOI/Permit Application for CAFOs is located at http://www.epa.gov/npdes/pubs/cafo_fedregstr_form2b.pdf.

An NMP is a manure and wastewater management tool that every permitted CAFO must use to properly manage discharges from the production or land application areas. The requirements for an NMP are discussed in Section 4.1.7 and Chapters 5 and 6 of this Manual.

3.2. Individual NPDES Permits for CAFOs

An individual permit is a permit specifically tailored for an individual facility. Upon receiving a permit application from a facility seeking permit coverage, the permitting authority must make a determination whether to issue a permit or request additional information from the facility seeking permit coverage. After determining that a facility is eligible for permit coverage, the permitting authority develops a permit for the facility on the basis of the information in the permit application (e.g., type of activity, nature of discharge, receiving water quality). Following notice and the opportunity for public comment, the permit is then issued to the facility for a specific period (not to exceed 5 years) with a requirement to reapply before the expiration date.

The permitting authority may decide to use individual permits for some of or all the CAFOs within the jurisdiction of the permitting authority. Those include circumstances in which the permitting authority prefers, for administrative reasons, to use individual permits for all permitted CAFOs and situations in which an individual permit is the appropriate permit mechanism for a facility.

Following are reasons why a permitting authority might use individual permits for all permitted CAFOs:

- ▶ A small number of CAFOs are in the permitting authority's jurisdiction.
- ▶ Historical use of individual CAFO permits by the permitting authority.
- ▶ Preference to stagger review of site-specific information in determining appropriate permit conditions.

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Alternatively, a permitting authority may elect to use a general permit for some CAFOs and individual permits for other CAFOs. For example, the permitting authority might prefer to use an individual permit for a CAFO that presents unique circumstances best addressed through the individual permitting process, or the permitting authority may require a CAFO that discharges, but is not eligible for coverage under a general permit, to apply for and obtain an individual NPDES permit. In addition, the permitting authority may require any CAFO authorized by a general permit to apply for coverage under an individual NPDES permit. 40 CFR §§ 122.23(h)(3), (b)(3). Further, any interested person may petition the permitting authority to require a CAFO to apply for coverage under an individual permit. 40 CFR § 122.28(b)(3).

Whether a CAFO should be required to obtain an individual NPDES permit, even where the CAFO might be eligible for or covered by a general permit, is a determination that remains within the discretion of the permitting authority. 40 CFR § 122.28(b)(3). In making such a determination, the permitting authority might wish to consider the following factors, such as whether the CAFO

- ▶ Is exceptionally large (existing and new operations).
- ▶ Has historical compliance problems.
- ▶ Has significant site-specific environmental concerns (e.g., proximity to a water of the U.S., discharges of stormwater from outside the production area, or other discharges that are not specifically addressed by the general permit).
- ▶ Is in an area of significant environmental concern or with particular water quality impairment (may also be addressed in a watershed permit).



Individual permits may be appropriate for CAFOs that have significant site-specific environmental concerns (e.g., proximity to a water of the U.S., discharges of stormwater from outside the production area, or other discharges that are not specifically addressed by the general permit). (Source: New Mexico Environment Department (*left*); USDA/NRCS (*right*))

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- ▶ Is subject to voluntary alternative performance standards for the production area (see Appendix F, Voluntary Alternative Performance Standards for CAFOs).
- ▶ Is subject to additional state requirements that apply to specific areas or operations (may also be addressed in a watershed permit).
- ▶ Have operations subject to other NPDES permits (e.g., slaughterhouses, ethanol plants), the complexity of which warrants consolidation of multiple types of permit conditions into a single, comprehensive, individual permit.



Proximity of production areas to waters of the U.S. is a consideration for requiring an individual permit. (Photo courtesy of USDA/NRCS)

3.2.1. Developing Individual NPDES Permits for CAFOs

An individual NPDES permit for a CAFO is developed in the same manner as an NPDES permit for a facility in any other sector. After receiving the permit application, the permit writer develops a draft permit and fact sheet for a facility on the basis of the information in the facility’s submitted application.¹ In addition, where facility inspection report(s) are available to the permitting authority, they may be used to supplement the development of permit conditions. Appendix N, References for NPDES Permit Writers, contains a list of possible references for the permit writer in support of NPDES permit development.

The permit application (including the facility-specific NMP), draft permit, and fact sheet must be made available for public review and comment. 40 CFR § 124.10(d)(iv). EPA expects that the additional information in the application and public notice together will provide the public with a meaningful opportunity to review the CAFO’s NMP and the detailed requirements of the draft permit, including the terms of the NMP to be included in the permit, and provide the public with the opportunity to comment on the adequacy of both the NMP and the terms and conditions of the permit. After reviewing the draft permit and the permit



A location with historical compliance problems may need an individual permit. (Photo courtesy of USDA/NRCS)

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An individual permit can be used for facilities subject to voluntary alternative performance standards, such as this CAFO with a settling basin and filter strip. (Photo courtesy of USDA/NRCS)

application, including the facility-specific NMP, and any other documentation requested by the permitting authority (e.g., plans and specifications for waste storage structures), the public would have an opportunity to seek more information, to raise concerns, or to request a hearing. The public notification and review process is discussed in more detail below in Section 3.4.

Water quality-based effluent requirements must also be included in permits where technology-based requirements are not sufficient to ensure compliance with state water quality standards or where required to implement a Total Maximum Daily Load (TMDL). If water quality concerns are associated with discharges from a CAFO seeking coverage under an individual NPDES

permit, the permitting authority should take special steps to ensure that it has the necessary information needed to prepare the draft permit and fact sheet. Such information might include information on receiving water impairments, ambient water quality data, TMDL wasteload allocations, or facility-specific discharge data, design specifications, or operational plans. The permitting authority may use its CWA section 308 authority or corresponding state authorities to obtain additional information or conduct a site inspection while developing the draft permit. For CAFOs that are covered under an existing NPDES permit, the standard permit condition for Inspection and Entry, at 40 CFR part 122.41(i) also provides authority to obtain additional information or conduct a site visit to support draft permit development.

3.3. NPDES General Permits for CAFOs

An NPDES general permit covers a category of point sources with similar characteristics for a specific geographic area (e.g., watershed, county, region, state). The scope of the permit may include all CAFOs in a geographic area, or it may be limited to particular animal sectors or sizes of operations. CAFOs may appropriately be covered under an NPDES general permit because CAFOs generally involve similar types of operations, require the same kinds of effluent limitations, permit conditions, and discharge the same types of pollutants. As discussed in Section 3.2 above, there are circumstances where an individual NPDES permit might be more appropriate for a CAFO even though a general permit is available.

General permits offer a cost-effective approach for NPDES permitting authorities because they can cover a large number of facilities under one permit. CAFO general permits can be developed to cover one or several animal livestock sectors. EPA anticipates that states will use various

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approaches for establishing their NPDES general CAFO permit program. In some cases, a single general permit covering all the CAFOs in a state might be appropriate. In other situations, a specific permit for each animal sector might be the best approach. States may also elect to issue different general permits for existing and new sources. NPDES general permits should contain special provisions that identify facilities that are more appropriately covered under individual NPDES permits (see Section 3.2). For example, states may develop their NPDES general permits in a way that limits coverage to facilities of a certain size, thereby requiring CAFOs above a certain threshold to apply for an individual NPDES permit. Alternatively, states may choose to develop their NPDES general permits so that they identify certain facilities as a separate class of CAFOs (e.g., very large, impaired waters) that need to meet additional permit conditions identified in the general permit. The sample permit in Appendix J, NPDES General Permit Template for CAFOs, of this Manual has been set up to address all existing CAFOs that are subject to subparts C and D of the ELG.



States may require additional practices such as terraces, conservation tillage, and conservation buffers for CAFOs in environmentally sensitive areas. (Photo courtesy of USDA/NRCS)

3.3.1. Developing NPDES General Permit for CAFOs

The CAFO regulations include unique requirements that must be met when issuing a general permit for CAFOs. 40 CFR § 122.23(h). NPDES general permits for CAFOs are required to be developed and issued through a two-stage process. 40 CFR § 122.23(h). Permit requirements applicable to all permittees are developed in the first stage, following the requirements of 40 CFR part 122.28. In the second stage, following submission of a CAFO’s NOI and NMP, the permitting authority must include additional, site-specific requirements in the general permit pursuant to the requirements of 40 CFR part 122.23(h).

In developing and issuing an NPDES general permit, following the procedural requirements of 40 CFR part 122.28, the NPDES permitting authority develops a draft permit and a fact sheet that defines the following: the scope of the permit, the facilities that qualify for coverage under the permit, and the specific terms and conditions that apply to the permittees. 40 CFR § 122.23(h). The permitting authority must then make the draft permit and fact sheet available for review through public notice and comment.

Given the significant public interest in animal waste management and CAFO permitting, EPA strongly encourages effective public outreach when providing public notice of draft NPDES



Some states have additional requirements for certain types of facilities, such as covering temporary litter stockpiles at poultry operations. (Source: Alabama Department of Environmental Management.)

general permits for CAFOs. Permitting authorities are encouraged to schedule public outreach meetings to explain permit requirements and seek public input. After comments have been considered and, when appropriate, a public hearing has been held, the final permit is issued, usually for a 5-year term. That completes the first stage of development of a general permit for CAFOs.

To obtain coverage under a general permit, CAFO owners and operators must submit an NOI to be covered by the permit. As with other NPDES general permits, NPDES general permits for CAFOs must specify the deadlines for submitting NOIs to be covered and the date(s) when a permittee may be covered by the NPDES general permit. 40 CFR § 122.28(b)(2).

A complete and timely NOI fulfills the requirements of a permit application and indicates the owner or operator's intent to abide by all the conditions of the permit. The contents of the NOI must be clearly specified in the general permit and must include, at a minimum, requirements specified in 40 CFR part 122.21(i)(1). The information requirements for an NPDES CAFO general permit NOI and an NPDES CAFO individual permit application form are the same (see Table 3-1). The NOI/Permit Application for CAFOs is located at http://www.epa.gov/npdes/pubs/cafo_fedregstr_form2b.pdf. The form contains the minimum federal requirements. Additional, state-specific requirements might need to be addressed.

An owner or operator of a CAFO eligible to seek coverage under an NPDES general permit may request to be excluded from coverage under that general permit by applying for an NPDES individual permit. 40 CFR § 122.28(b)(3)(iii). Consistent with provisions in the NPDES regulations 40 CFR part 122.28(b)(3), any interested party may petition the Director of the NPDES permitting authority to require any specific facility to be covered under an individual permit.

Once an NOI (including a facility-specific NMP) is received by the permitting authority from a CAFO seeking coverage under the general permit, the second stage of the NPDES general permitting process for CAFOs is initiated pursuant to 40 CFR part 122.23(h). The permitting authority must notify the public as to which CAFOs are seeking coverage under the general permit before coverage takes effect for those facilities. After reviewing the NOI, including the facility-specific NMP and any other documentation requested by the permitting authority (e.g., plans and specifications for waste storage structures), as well as the draft terms of the NMP to be incorporated into the permit, the public has an opportunity to seek more information, raise concerns, petition the permitting authority for individual permit coverage, or request a hearing concerning CAFOs seeking coverage under the general permit. 40 CFR § 122.23(h). The process for the second stage of the general permitting process for CAFOs is discussed in greater detail in Section 3.4.

Because the NOI also provides essential compliance information, the permitting authority should ensure that the information is entered into EPA's NPDES data system (either the Permit Compliance System or the Integrated Compliance Information System).

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3.3.2. Watershed-Based NPDES Permits

Watershed-based permits are NPDES permits that are issued to point sources on a geographic or watershed basis. They focus on watershed goals and consider the impact of multiple pollutant sources and stressors, including those from nonpoint sources. A watershed approach provides a framework for addressing all stressors in a hydrologically defined drainage basin instead of viewing individual pollutant sources in isolation. More than 20 states have implemented some form of the watershed approach and manage their resources on a rotating basin cycle. Because of the recent emphasis on watershed-based permits and development of TMDLs that focus on water quality impacts, EPA is looking at ways to use watershed-based permits to achieve watershed goals. The watershed-based permit is a tool that can assist with implementing a watershed approach. The utility of the tool relies heavily on a detailed, integrated, and inclusive watershed planning process. That process and data needs for developing a watershed-based permit are very similar to those needed for developing a TMDL and, therefore, they are most commonly used in situations where there is a TMDL or similar watershed analysis that provides the basis for permit requirements. For example, North Carolina's nutrient management strategy for the Neuse River Basin includes a watershed-based permit approach for TMDL implementation. The strategy recognizes the need for all groups to work together and includes an approach for permitted dischargers to work collectively to meet a combined nitrogen allocation, rather than be subject to individual allocations. Connecticut followed a similar approach to permit publicly owned treatment works discharging nutrients to Long Island Sound using a general permit that addresses only nutrients to supplement the facilities' individual permits.

A watershed-based permitting approach could be useful for CAFO permitting where a TMDL or other watershed analysis for nutrients has been completed and CAFOs are identified as a significant source of nutrients in the watershed. The TMDL or watershed analysis could allocate nutrient loadings to CAFOs in the watershed as a category or as individual sources. For example, to achieve the overall nutrient loading requirements for the watershed, CAFOs in an impaired watershed might be required to implement enhanced management practices for land application that are demonstrated to provide greater reduction of nutrient loadings than the requirements imposed on CAFOs in a non-impaired watershed.

Where a permitting authority uses a watershed-based permitting approach, the permitting authority might develop a set of individual permits and coordinate the timing of permit issuance on a watershed basis. Alternatively, the permitting authority might issue a watershed-based general permit that covers multiple sources (similar to the watershed-based permits in North Carolina and Connecticut). If the permitting authority chooses to issue a general permit, the permit must include provisions that specifically address the requirements applicable to CAFO general permits set forth in 40 CFR part 122.23(h). The general permit can include requirements that apply to all covered CAFOs and specific requirements that apply to individual CAFOs to assure attainment of water quality standards.

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3.4. Procedures for Permitting Authority Review and Public Participation Before Permit Coverage

When a permitting authority receives an application or an NOI from a CAFO, it is the permitting authority's responsibility to review the application or NOI to ensure that it meets the requirements of the regulations, and for general permits, the requirements set forth in the general permit. 40 CFR § 122.23(h). In both instances, the permitting authority must determine whether the NMP submitted by the CAFO meets the requirements in 40 CFR parts 122.21(f) and (i). As part of that process, the permit writer must review the NMP for both completeness and sufficiency. Also, because the terms of the NMP are to be incorporated as permit terms, the permitting authority must provide for adequate public participation in the process of establishing permit terms on the basis of each CAFO's NMP. 40 CFR § 122.23(h).

As noted above, the general permit issuance process and the individual permitting process differ in how a permit is developed and the means by which individual facilities obtain authorization to discharge.

3.4.1. Individual Permit

For individual permits, the NMP will be submitted and reviewed as part of the permit application. The decision-making procedures in 40 CFR part 124 apply to the Director's review of the application, which includes the NMP. Part 124 requires review of the completeness and sufficiency of the permit application, including a requirement for the CAFO to modify the plan or provide additional information to the permitting authority as necessary, and requires a final decision by the Director after an opportunity for the public to comment and request a hearing.

3.4.2. General Permit

The 2008 CAFO regulations establishes public participation requirements that ensure adequate opportunity for public review of both a CAFO's NMP and the terms of the NMP to be incorporated into the permit before any CAFO obtaining authorization to discharge under an NPDES general permit. 40 CFR § 122.23. Thus, a second round of public notice and comment is necessary when providing coverage for CAFOs under a general permit, and it is then that the public is provided an opportunity to review the CAFO's site-specific NMP and comment on terms of the NMP to be incorporated into the permit. 40 CFR § 122.23(h).

As in the case of individual permit coverage, the Director must review the NOI submitted by a CAFO owner or operator to ensure that the NOI includes the information required by 40 CFR part 122.21(i)(1), including an NMP that meets the requirements of 40 CFR part 122.42(e) and applicable effluent limitations and standards, including those specified in 40 CFR part 412. Part 122.23(h)(1) also provides that if, on review, the permitting authority determines that additional information is necessary to complete the NOI or clarify, modify, or supplement previously submitted material, the Director will notify the CAFO owner or operator and request

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that the appropriate information be provided. When the NOI is complete, the Director must then proceed with the public notification process required by the rule and discussed below.

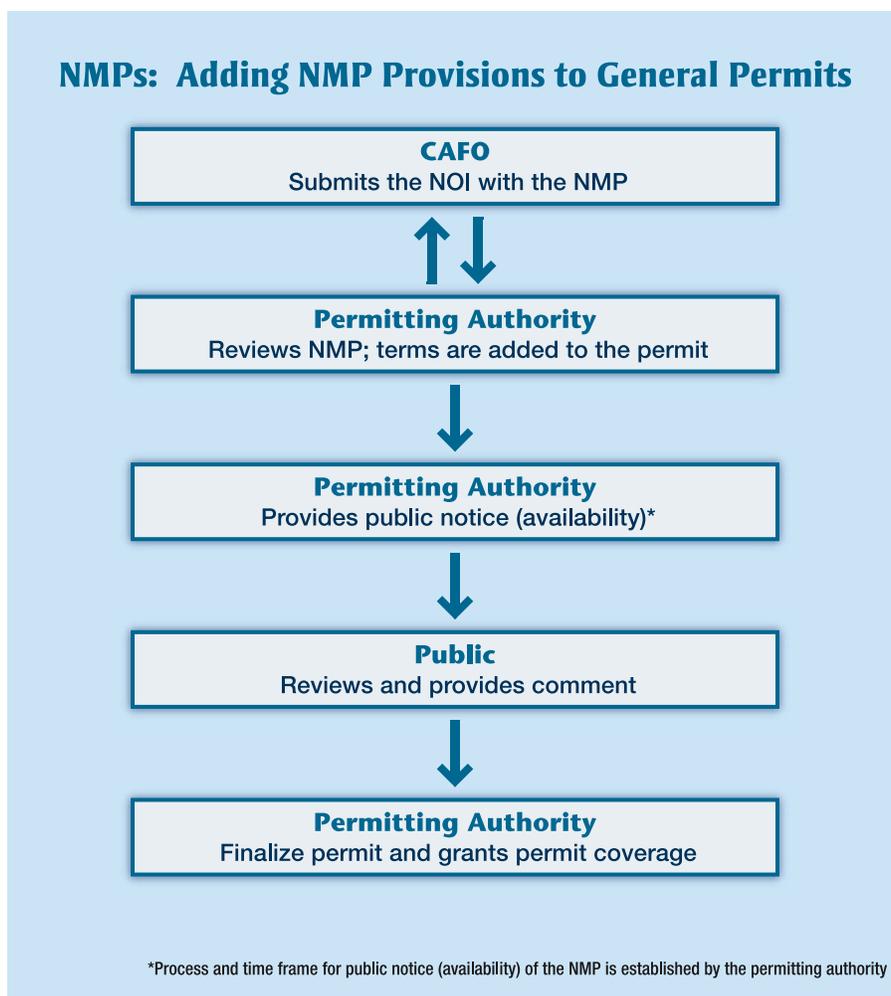
To provide permitting authorities flexibility to review NMPs of varying complexity, there is no specific time frame required for completion of the permitting authority review process. This approach is consistent with the existing NPDES regulations in Part 124 for other industries, which do not specify a time frame for automatic authorization to discharge or for the completion of the permitting authority and public review processes.

The permitting authority is responsible for reviewing NMPs and for ensuring that the terms of the NMP meet the applicable requirements of the NPDES process. There is no reason why a state cannot obtain assistance and advice from technical experts such as state-certified nutrient management planners. However, it is the permitting authority's responsibility to ensure that comments are properly addressed and the final permit terms are incorporated into the permit (see the discussion below in this section).

After making a preliminary determination that the NOI meets the requirements of 40 CFR parts 122.21(i)(1) and 122.42(e), the Director has discretion as to how best to provide the requisite public notification in the general permit context. For example, public notification could be provided on the permitting authority's website or through other electronic means. Another alternative is to use the notice or fact sheet for the general permit to establish a procedure allowing any person to electronically or by mail request notice of the receipt of an NOI, the permitting authority's proposed action, and the terms of the NMP proposed to be incorporated into the permit. Those are appropriate ways to balance the competing concerns of providing adequate notification to the public, providing flexibility to the permitting authority, and ensuring the practicality of general permits. The permitting authority may provide notice of multiple NMPs at one time provided that all applicable procedural and substantive permitting requirements are satisfied. However, if the permitting authority chooses to provide notice, that notice must be adequate, and the opportunity to comment must be meaningful.

Although the permit writer has broad discretion regarding how to write the minimum measures as permit terms, to facilitate public review of the NMP the permit writer should decide how he can clearly write the permit terms so they are easy to locate and are readily understood by the permittee, permitting authority, and the public.

Under the regulations, the Director also has discretion to establish an appropriate period for public review of the NOI and draft terms of the NMP proposed to be incorporated into the permit. Under 40 CFR part 122.23(h)(1), the Director may establish by regulation or in the general permit an appropriate period for the public to comment and request an appropriate period for the public to comment and request an individual permit or a hearing. That differs from the specifications in 40 CFR part 124.10, which sets a 30-day public notice period for proposed coverage under individual permits. Having the Director set the period for public review by regulation or in the general permit process allows the public and other interested parties an opportunity to comment on the sufficiency of that period. Factors the permitting authority might consider when



establishing an appropriate period include the number of NOIs for which public notice is being given at a time, the complexity of the material made available for public review, the expected level of public interest based on prior notices of CAFOs seeking coverage, the opportunity for the public to request an extension of the comment period for one or more facilities, and whether individuals can request and receive individual notification of CAFOs seeking authorization to discharge under the permit in a timely fashion.

As noted above, the Director must also provide an opportunity for the public to request a hearing. 40 CFR § 122.23(h)(1). The procedures for requesting and holding a hearing on the terms of the NMP to be incorporated into the general permit are the same as those for draft individual permits, which are provided in 40 CFR parts 124.11 through 124.13.

Once the processes for publicly reviewing the NMP and the terms of the NMP have been completed, the Director must respond to all significant comments received during the comment period. 40 CFR § 124.17. As necessary, the Director will require a CAFO owner or operator to revise the NMP to address issues raised during the review process. Once the Director determines

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the CAFO's NMP is complete, the Director must make the final decision whether to grant permit coverage to the CAFO under the general permit. If coverage is granted, the Director must incorporate the relevant terms of the NMP into the general permit and inform the CAFO owner or operator and the public that coverage has been authorized and of the permit's applicable terms and conditions. 40 CFR § 122.23(h). Notification is necessary to ensure that the applicant and interested individuals are aware of the Director's final decision on granting authorization to discharge under the general permit and incorporating site-specific NMP terms into the general permit. Once a CAFO obtains authorization to discharge under an NPDES permit, it must implement the terms and conditions of the NMP as incorporated in the permit, as of the date of permit coverage authorization. 40 CFR § 122.42(e)(5).

Additional procedures are in place for EPA-issued general permits. For example, 40 CFR part 122.42(h)(2) requires the EPA Regional Administrator to notify each person who has submitted written comments on the proposal of the decision to grant permit coverage and the draft terms of the NMP of the final permit decision. A person affected by the general permit can either challenge the general permit in court or apply for an individual permit as authorized in 40 CFR part 122.28.

The public notice process described above also includes providing notice to other affected states, as required by the CWA. CWA section 402(b)(3) provides that the Administrator, in approving a state program, should make sure that the state has adequate authority to ensure notice to "any other state the waters of which may be affected." Section 402(b)(5) provides that the Administrator must ensure that any state "whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting state," and that if those recommendations are rejected, the permitting state must notify the affected state in writing of the reasons for the rejection.

Any information submitted to the permitting authority as part of a permit application or NOI must be made available for public review and comment, unless it is confidential business information. 40 CFR § 122.7.

Endnotes

¹ Table 3-1 lists the information that must be provided in permit application Forms 1 and 2B. B includes a copy of Form 2B.