STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

July 7, 2014

Mr. Phillip Wallace
Owner
Phillip Wallace Farm
PO Box 201
Sharon, TN 38255

Subject: NPDES Permit No. **TN0081591**
Phillip Wallace Farm
Sharon, Weakley County, Tennessee

Dear Mr. Wallace:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Resources hereby issues the enclosed NPDES Permit. The continuance and/or reissuance of this NPDES Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment. Any petition for permit appeal under this subsection (i) shall be filed with the technical secretary of the Water Resources Board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

If you have questions, please contact the Jackson Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akunuri at (615) 532-0650 or by E-mail at *Hari.Akunuri@tn.gov*.

Sincerely,

Brad Harris
Manager, Land-Based Systems

Enclosure

cc: Permit File
Jackson Environmental Field Office, Jack.Wade@tn.gov
Mark Jordan, C&E Section, Mark.Jordan@tn.gov
Sam Marshall, TDA, Sam.Marshall@tn.gov
Sam Sampath, EPA Region IV, Sampath.Sam@epamail.epa.gov
Ms. Dianne Jenkins, Co-Owner, Jenkins Consulting, joetn@ycinet.net

STATE OF TENNESSEE

NPDES PERMIT

No. TN0081591

Authorization to discharge under the
National Pollutant Discharge Elimination System (NPDES)
Issued By

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Discharger:	**Phillip Wallace Farm, a hog supplier to Tosh Farms**
is authorized to manage and discharge wastewater generated by:	**a concentrated animal feeding operation (CAFO) with a capacity for 960 Swine, that may discharge overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewater plus the runoff from a 25-year, 24-hour rainfall event**
from a facility located:	**at 800 Rainey Rd in Sharon, Weakley County, Tennessee**
near receiving waters named:	**Unnamed tributary to Middle Fork Obion River**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on:	**August 1, 2014**
This permit shall expire on:	**July 31, 2019**
Issuance date:	**July 1, 2014**

for Sandra K. Dudley, Ph.D., P.E.
Director

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. AUTHORIZATION

Phillip Wallace Farm, a hog supplier to Tosh Farms, located at 800 Rainey Rd in Sharon, Weakley County, Tennessee, is authorized to operate a concentrated animal feeding operation (CAFO), which is located near unnamed tributary to Middle Fork Obion River. This CAFO must have all measures, structures, etc. in place and fully implemented, according to the site-specific nutrient management plan (NMP) approved by the Tennessee Department of Agriculture, on the permit effective date.

1.1.1. Production Areas

Except as provided below, there must be no discharge of manure, litter, or process wastewater pollutants into waters of the state from the production area.

Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into waters of the state provided that:

a. The production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event (7.4 inches of precipitation); and
b. The production area is operated in accordance with the requirements of this permit.

1.1.2. Land Application Areas

Application rates for manure, litter, or process wastewater to land under the ownership or operational control of the CAFO must be managed to minimize phosphorus and nitrogen transport from the application field to waters of the state according to the permittee's site-specific nutrient management plan (NMP).

The discharges from land application areas are subject to the following requirements:

a. The NMP must be fully implemented by the permit effective date.
b. The best management practices (BMPs) subpart 3.4 below must be developed and fully implemented by the permit effective date.
c. Inspections and records shall be maintained as specified in subpart 1.4 below.

1.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.2.1. Permitted Fields

The permittee is authorized to land apply manure from Phillip Wallace Farm to the fields identified in Table 1.

Table 1. Fields Available for Land Application.

Field Name	Acreage	Spreadable Acreage
1A	1.3	1.01
3B	6.6	6.5
2A	6.8	6.1
3C	11.8	11.7

1.2.2. Phosphorus Index Risk Rating

The Tennessee Phosphorus Index (P Index) was applied to all fields identified in Table 1 above; and the results are summarized in Table 2 below.

Table 2. Field P Index Rating

Field Name	P Index Rating
1A	Medium
3B	Medium
2A	Medium
3C	Medium

All fields scored a Medium P Index rating. A "Medium" P Index risk rating allows for the permittee to use nitrogen-based nutrient application rates for fields receiving manure.

For the fields identified in Table 2 with a "Medium" P Index risk rating the permittee shall maintain a P Index risk rating of Medium or Low for the duration of this permit.

1.2.3. Timing Limitations

There must not be land application of nutrients including manure, litter or process waste water, within 24 hours of a precipitation event that may cause runoff from the fields. The operator shall not land apply nutrients to frozen, flooded, or saturated soils when the potential for runoff is high.

1.2.4. Nutrient Application Requirements

All manure from the operation of Phillip Wallace Farm is stored in an anaerobic lagoon in liquid form. At the time of land application the manure will be pumped from the lagoon and applied to fields by use of a big gun irrigation system. Manure is not incorporated, so approximately 50% of the nitrogen is lost to volatilization. All applications of manure shall be made during the months of May through October subject to the limitations provided in section 1.2.3 above.

All additions of plant available nitrogen and phosphorus, including manure, fertilizer, biosolids, etc., to the fields listed in Table 1 shall be documented according to the record keeping requirements listed in section 1.4.2 below.

The permittee shall meet the maximum application rates from manure, litter, and process wastewater for each year of permit coverage and for each crop, as identified in Table 3 below. Any changes to planned crops shall constitute a permit change and require prior authorization from the division.

Credits for plant available residual nitrogen in the field were utilized and documented in the permittee's NMP.

Table 3. Planned Crops and Max Nutrient Application Rates from Manure.

Field Name	Crop Year	Crop Name	Yield Goal (per acre)	Nutrient Recommended (lb/acre)		Maximum Application Rates from Manure (lb/acre)	
				N	P_2O_5	N	P_2O_5
1A	2014	Bermudagrass, hay	10 Tons	400	80	400	120
	2015	Bermuda grass, hay	10 Tons	400	80	400	120
	2016	Bermuda grass, hay	10 Tons	400	80	400	120
	2017	Bermuda grass, hay	10 Tons	400	80	400	120
3B	2014	Bermuda grass, hay	10 Tons	400	80	400	120
	2015	Bermuda grass, hay	10 Tons	400	80	400	120
	2016	Bermuda grass, hay	10 Tons	400	80	400	120
	2017	Bermuda grass, hay	10 Tons	400	80	400	120
2A	2014	Bermuda grass, hay	10 Tons	400	80	400	120
	2015	Bermuda grass, hay	10 Tons	400	80	400	120
	2016	Bermuda grass, hay	10 Tons	400	80	400	120
	2017	Bermuda grass, hay	10 Tons	400	80	400	120
3C	2014	Bermuda grass, hay	10 Tons	400	80	400	120
	2015	Bermuda grass, hay	10 Tons	400	80	400	120
	2016	Bermuda grass, hay	10 Tons	400	80	400	120
	2017	Bermuda grass, hay	10 Tons	400	80	400	120

1.2.1. Nutrient Calculation Methodology

The permittee has provided the methodology used to determine the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be land applied. This methodology includes the calculations used to determine the quantity of manure to be land applied and incorporates the nutrient content of the manure and the nutrient needs of the proposed crops. A copy of this methodology is included in Appendix A of this permit.

The permittee must calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application. The permittee shall use the methodology provided in Appendix A for these calculations and shall keep a copy of all calculations with their records, as required by section 1.4.2 below.

1.2.2. Rainfall Monitoring

A rain gauge shall be kept on site and properly maintained. Amounts of rainfall shall be recorded for all rainfall events, as defined in subpart 1.6 below.

1.2.3. Discharge Notification and Sampling

If for any reason, there is a discharge to a water body of the state or an overflow or discharge from a waste retention structure, the permittee shall make oral notification within 24-hours to the Division of Water Resources (division) by calling 1-888-891-TDEC and shall notify the division's Jackson Environmental Field Office (EFO), at the address listed below, in writing within five working days of the discharge from the facility. The written notification must include a description of the discharge (including the cause and flow path of the discharge), volume of discharge, time of discharge, and the cause of the discharge.

Jackson Environmental Field Office
Water Pollution Control
1625 Hollywood Drive
Jackson, TN 38305

In addition, the permittee shall collect a sample of the waste/wastewater discharged and shall analyze the sample for the parameters shown in Table 3 below, at a minimum:

Table 5. Discharge Monitoring Requirements.

Effluent Characteristic	Frequency	Sample Type
Flow	1/Discharge	Estimate
BOD5	1/Discharge	Grab
Total Suspended Solids (TSS)	1/Discharge	Grab
Nitrogen, Total	1/Discharge	Grab
Nitrogen, Ammonia Total	1/Discharge	Grab

Total Kjeldahl Nitrogen	1/Discharge	Grab
Nitrogen Nitrate Total (as N)	1/Discharge	Grab
Phosphorus, Total	1/Discharge	Grab
Phosphorus, Dissolved	1/Discharge	Grab
Escherichia coli	1/Discharge	Grab

*Flow shall be reported in Million Gallons per Day (MGD)

Note: The division suggests that permittees obtain appropriate sampling containers to retain on site or that permittees have a laboratory available that will be able to conduct the required sampling within 30 minutes if a discharge occurs.

Sampling results shall be submitted to the Jackson EFO along with the following information within 30 days of the discharge:

a. Volume of the discharge: An estimate of the volume of the release and the date and time.
b. Sampling procedures: Samples shall consist of grab samples collected from the over-flow or discharges from the retention structure. A minimum of one sample shall be collected from the initial discharge (within 30 minutes). Samples must be collected in compliance with the requirements of 1.3.2 below.
c. Reasons for not sampling: If conditions are not safe for sampling, the permittee must provide documentation of why samples could not be collected. However, once the unsafe conditions have passed, the permittee shall collect a sample for the retention structure (pond or lagoon) within 30 minutes.
d. All monitoring information required by this section shall be submitted to the division using the forms provided in Appendix D.

1.3. MONITORING PROCEDURES

1.3.1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified herein shall be representative of the volume and nature of the discharge, and shall be taken prior to mixing with uncontaminated storm water runoff or the receiving stream.

1.3.2. Test Procedures

a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the Act), as amended, under which such procedures may be required.
b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

1.3.3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date and time of sampling;

b. The exact person(s) collecting samples;
c. The dates and times the analyses were performed;
d. The person(s) or laboratory that performed the analyses;
e. The analytical techniques or methods used, and;
f. The results of all required analyses.

1.4. INSPECTION, RECORD KEEPING, AND REPORTING

1.4.1. Inspections

Daily inspections of all water lines, including drinking water or cooling water are required.

Weekly inspections are also required for the following:

a. All stormwater diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure, and
b. Manure, litter, and process wastewater impoundments noting the liquid level in the impoundments.

1.4.2. Record Keeping

The permittee must create, maintain for five years from the date they are created, and make available to the director, upon request, the following records:

a. All applicable records documenting the implementation and management of the minimum elements of the NMP, as listed in subpart 3.3 below;
b. All applicable records documenting the implementation and management of the required BMP, as listed in subpart 3.4 below;
c. A copy of the CAFO's site-specific NMP and records of its annual review;
d. A copy of the CAFO's most recent NPDES permit application, including EPA Forms 1 and 2B and the division's NPDES Permit Application Addresses Form CN-1090;
e. A copy of the CAFO's NPDES permit shall be kept on site;
f. Records documenting the following visual inspections:

    i. Weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure(s);
    ii. Daily inspections of water lines, including drinking water or cooling water lines; and
    iii. Weekly inspections of the manure, litter, and process wastewater impoundments noting the liquid level in the impoundments;

g. Weekly records of the depth of the manure and process wastewater in any open surface liquid impoundment as indicated by the required depth marker which indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. In the case of swine or poultry CAFOs that are new sources the depth marker must indicate minimum capacity necessary to contain the runoff and direct precipitation associated with the design storm used for sizing the impoundment.

h. Records documenting any corrective actions taken; deficiencies must be corrected as soon as possible. If deficiencies are not corrected within 30 days of notice of deficiency, the records must include an explanation of the factors preventing immediate correction;
i. Records of mortalities management and practices used to comply with the NMP and the most recent versions of NRCS Conservation practice Standards 316 and 317, per the requirements of TDEC Rule 1200-4-5-.14;
j. Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;
k. Annual records of the estimated depth of solids in any open surface liquid impoundment, as indicated by the required depth marker which indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. The permittee shall use these estimated depths of solids and the design specifications of the liquid impoundments to determine when accumulated solids need to be removed;
l. Records of the date, time, and estimated volume of any overflow;
m. Expected and actual crop yields;
n. The date(s) manure, litter, or process wastewater is applied to each field;
o. Weather conditions at time of application and for 24 hours prior to and following application;
p. Test methods used to sample and analyze manure, litter, process wastewater, and soil,
q. Results from annual manure, litter, and/or process wastewater sampling that was analyzed for nitrogen and phosphorus content;
r. Results from most recent soil sampling (a minimum of once every five years) analyzed for phosphorus content;
s. Explanation of the basis for determining manure application rates, as provided in the technical standards established by the NRCS or as otherwise approved by the director or the Tennessee Department of Agriculture and consistent with applicable state and federal rules;
t. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;
u. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
v. The method used to apply the manure, litter, or process wastewater; and
w. Date(s) of manure application equipment inspection and calibration.

1.4.3. Annual Report

The permittee must submit an annual report for the previous calendar year, by February 15 that includes:

a. The number and type of animals, whether in open confinement or housed under roof;
b. Estimated amount of total manure, litter and process wastewater generated by the CAFO in the previous calendar year (tons/gallons);
c. Estimated amount of total manure, litter and process wastewater transferred to a third party by the CAFO in the previous calendar year (tons/gallons);
d. Total number of acres for land application covered by the site-specific NMP;
e. Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous calendar year;

f. A summary of all manure, litter and process wastewater discharges to waters of the state from the production area that have occurred in the previous calendar year, including date, time, and approximate volume;
g. A statement indicating whether the current version of the CAFO's NMP was developed or approved by a certified nutrient management planner;
h. The actual crop(s) planted and actual yield(s) for each field;
i. The actual nitrogen and phosphorus content of the manure, litter and process wastewater;
j. The results of calculations to determine the maximum amount of manure, litter and process wastewater to be land applied and the data used in the calculations;
k. The actual amount of manure, litter and process wastewater applied during the previous calendar year;
l. The results of any soil tests for nitrogen and phosphorus conducted in the previous calendar year; and
m. The amount of any supplemental fertilizer applied during the previous calendar year.

Annual reports must be submitted to the Jackson EFO at the address listed in section 1.2.8 above, and to the Nashville Central Office Enforcement and Compliance Section at the address listed below.

Tennessee Division of Water Resources
Compliance and Enforcement Section
Attention: Compliance Review
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

1.4.4. Falsifying Results and/or Reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act, as amended, and in Section 69-3-115 of the Tennessee Water Quality Control Act.

1.5. SCHEDULE OF COMPLIANCE

Full compliance and operational levels shall be attained from the effective date of this permit.

1.6. DEFINITIONS

An **animal feeding operation** (AFO) is a facility that (1) stables, confines and feeds or maintains animals (other than aquatic animals) for a total of 45 days or more in any 12-month period and (2) does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the facility. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

For the purpose of this permit, **annually** is defined as a monitoring frequency of once every twelve (12) months beginning with the date of issuance of this permit so long as the following set

of measurements for a given 12 month period are made approximately 12 months subsequent to that time.

A **bypass** is defined as the intentional diversion of waste streams from any portion of a treatment facility.

For the purpose of this permit, a **calendar day** is defined as any 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight-to-midnight time period.

A **concentrated animal feeding operation (CAFO)** means an "animal feeding operation" which meets the criteria in 40 Code of Federal Regulations Part 122, or which the director designates as a significant contributor of pollution pursuant to TDEC Rule 1200-4-5.

Degradation means the alteration of the properties of waters by the addition of pollutants or removal of habitat.

De Minimis – Alterations, other than those resulting in the condition of pollution or new domestic wastewater discharges, that represent either a small magnitude or a short duration shall be considered a de minimis impact and will not be considered degradation for purposes of implementing the antidegradation policy. Discharges other than domestic wastewater will be considered de minimis if they are temporary or use less than five percent of the available assimilative capacity for the substance being discharged. If more than one activity has been authorized in a segment and the total of the impacts uses no more than ten percent of the assimilative capacity, available habitat, or 7Q10 low flow, they are presumed to be de minimis. Where total impacts use more than ten percent of the assimilative capacity, available habitat, or 7Q10 low flow they may be treated as de minimis provided that the division finds on a scientific basis that the additional degradation has an insignificant effect on the resource and that no single activity is allowed to consume more than five percent of the assimilative capacity, available habitat or 7Q10 low flow.

Discharge or **discharge of a pollutant** refers to the addition of pollutants to waters from a source.

Land application area means the land under the control of an AFO owner or operator to which manure, litter or process wastewater from the AFO production area is or may be applied.

A **large CAFO** (Class I CAFO) is an AFO that confines greater than or equal to the number of animals specified in table 1200-4-5-.14.1.

The term **manure** is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

A **medium CAFO** (Class II CAFO) is an AFO that confines greater than or equal to the number of animals specified in table 1200-4-5-.14.1 and also meets the criteria of 1200-4-5-.14 (3).

A site-specific **nutrient management plan (NMP)** is a conservation plan that is unique to animal feeding operations. It is a grouping of conservation practices and management activities which, when implemented as part of a conservation system, will help to ensure that both production and natural resource protection goals are achieved. Guidance for developing a NMP is located in USDA-NRCS's National Planning Procedures Handbook.

The **NRCS** is the United States Department of Agriculture, Natural Resources Conservation Service.

Owner or operator means any person who owns, leases, operates, controls or supervises a source.

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

- The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways associated with barns or barnyards, and stables.
- The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. If an AFO stores manure in the field (i.e., manure or litter piled for more than several days before land application occurs), the field storage is considered to be a production area. Note that manure or litter stored uncovered for more than two weeks is not considered to be short-term or temporary storage, and is included in the definition of production area.
- The raw materials storage area includes but is not limited to feed silos, silage bunkers, and organic bedding materials.
- The waste containment area includes but is not limited to settling basins, and areas within berms and diversions that separate uncontaminated stormwater.
- The production area also includes any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

Process wastewater means water that comes in contact with a production process, its raw materials, products or byproducts. This includes spillage, wash-water, and overflow from animal watering systems or contact-cooling water. In the case of AFOs, process water would include water that contacts manure, litter, feed, milk, eggs or bedding.

A **rainfall event** is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event. Ten -year, 24-hour rainfall event, 25-year, 24-hour rainfall event, and 100-year, 24-hour rainfall event are mean precipitation events with a probable recurrence interval of once in 10 years, or 25 years, or 100 years, respectively, as defined by the National Weather Service in Technical Paper No. 40, ‘‘Rainfall Frequency Atlas of the United States,’’ May, 1961, or equivalent regional or state rainfall probability information developed from this source.

Setback means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: open tile line intake structures, sinkholes, and wells.

TDA is the Tennessee Department of Agriculture.

Unavailable Conditions exist where water quality is at, or fails to meet, the criterion for one or more parameters.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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.

Waters means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

2. GENERAL PERMIT REQUIREMENTS

2.1. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2.2. DUTY TO REAPPLY

The permittee is not authorized to operate after the expiration date of this permit. In order to receive authorization to operate beyond the expiration date, the permittee shall submit such information and forms as are required to the director no later than 180 days prior to the expiration date.

2.3. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2.4. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Causes for such permit action include but are not limited to the following:

a. Violation of any terms or conditions of the permit;
b. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

2.5. PROPERTY RIGHTS

This permit does not convey property rights of any sort, or any exclusive privilege.

2.6. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the commissioner, within a reasonable time, any information which the commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The

permittee shall also furnish to the commissioner upon request, copies of records required to be kept by this permit.

2.7. INSPECTION AND ENTRY

The permittee shall allow the commissioner, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the commissioner.

2.8. MONITORING, RECORDS AND REPORTING

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the director at any time.

a. Records of monitoring information shall include:

    i. the date, exact place, and time of sampling or measurements;
    ii. the individual(s) who performed the sampling or measurements;
    iii. the date analyses were performed;
    iv. the individual(s) who performed the analyses;
    v. the laboratory where the analyses were performed;
    vi. the analytical techniques or methods used; and
    vii. the results of such analyses.

b. Monitoring results must be conducted according to test procedures approved under 40 CFR part 136.
c. Regular reporting (at a frequency of not less than once per year) to assure that compliance is being achieved will normally be required of the discharger in any permit as indicated below:

    i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the commissioner. Monitoring may also be reported via electronic reporting methods established by the commissioner.
    ii. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or other reporting form specified by the commissioner.
    iii. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in the permit.

2.9. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the commissioner shall be signed and certified by the persons identified in 1200-4-5-.05(6)(a-c), making 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.

2.10. PLANNED CHANGES

The permittee will annually review and update the NMP and notify the director whenever there have been significant changes that affect the amount of manure produced, such as the number of animals on site; changes in how the manure is handled, stored, transferred, or land applied; or changes to how animal mortalities are handled. The permittee shall give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility is considered a new source per 1200-4-5-.02 (54);
b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged; or
c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices.

2.11. TRANSFERS

Individual permits are not transferable to any person except after notice to the commissioner, as specified below. The commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee.

a. The permittee notifies the commissioner of the proposed transfer at least 30 days in advance of the proposed transfer date.
b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them.
c. The permittee must provide the following information to the commissioner in their formal notice of intent to transfer ownership:

    i. The permit number of the subject permit;
    ii. The effective date of the proposed transfer;
    iii. The name and address of the transferor;
    iv. The name and address of the transferee;
    v. The names of the responsible parties for both the transferor and transferee;
    vi. A statement that the transferee assumes responsibility for the subject permit;

vii. A statement that the transferor relinquishes responsibility for the subject permit;
viii. The signatures of the responsible parties for both the transferor and transferee pursuant to the signatory requirements of this part; and
ix. A statement regarding any proposed modifications to the facility, its operations, or any other changes, which might affect the permit, limits and conditions contained in the permit.

2.12. BYPASS

Bypass, as defined by 1200-4-5-.02(1), is prohibited unless:

a. bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
b. there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
c. for anticipated bypass, the permittee submits prior notice, to the Division, if possible at least ten days before the date of the bypass; or
d. for unanticipated bypass, the permittee submits notice to the Division of an unanticipated bypass within 24 hours from the time that the permittee becomes aware of the bypass.

A bypass that does not cause effluent limitations to be exceeded may be allowed only if the bypass is necessary for essential maintenance to assure efficient operation.

2.13. OVERFLOW

Overflows as defined by 1200-4-5-.02 are prohibited.

2.14. NONCOMPLIANCE

In the case of any noncompliance which could cause a threat to human health or the environment, the permittee shall report the noncompliance to the commissioner within 24 hours from the time the permittee becomes aware of the circumstances. A written submission must be provided within five days of the time the permittee becomes aware of the noncompliance. The permittee shall provide the following information:

a. A description of, and the cause of the noncompliance;
b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
c. The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

2.15. UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
c. The permittee submitted information required under "Reporting of Noncompliance" within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
d. The permittee complied with any remedial measures required under "Adverse Impact."

2.16. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2.17. NOTIFICATION

The following notification requirements apply to industrial/mining dischargers and publicly owned treatment works.

Industrial/mining dischargers shall notify the commissioner as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

    i. One hundred micrograms per liter (100 ug/l);
    ii. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
    iii. Five times the maximum concentration value reported for that pollutant(s)in the permit application; or
    iv. The level established by the commissioner.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

    i. Five hundred micrograms per liter (500 ug/l);
    ii. One milligram per liter (1 mg/l) for antimony;
    iii. Ten times the maximum concentration value reported for that pollutant in the permit application; or
    iv. The level established by the commissioner.

2.18. LIABILITIES

2.18.1. Civil and Criminal Liability

Except as provided in permit conditions nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2.18.2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act, as amended.

3. OTHER REQUIREMENTS

3.1. REOPENER CLAUSE

If an applicable standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(B)(2), and 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

3.2. ANTIDEGRADATION

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-3-.06, titled "Tennessee Antidegradation Statement," which prohibits the degradation of high quality surface waters and the increased discharges of substances that cause or contribute to impairment, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other state or federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

3.3. NUTRIENT MANAGEMENT PLAN (NMP)

The permittee's NMP is entitled "Comprehensive Nutrient Management Plan" for Operation Name "Phillip Wallace Farm" and Owner Name "Phillip Wallace." The NMP was originally received by DWR on February 24, 2014 and the last revision was received on March 25, 2014. This NMP and any future revised NMPs, authorized according to section 3.3.3 below, are incorporated into this permit by reference.

The NMP must incorporate the requirements listed in sections 3.3.1 and 3.3.2 below. Nutrient application rates shall be based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters.

Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the technical standards for nutrient management established by the director.

3.3.1. Contents of Nutrient Management Plan (NMP)

The permittee has developed and submitted for state approval from TDA a site-specific nutrient management plan (NMP). The NMP must be kept on site. The NMP is available for public review at the Nashville central office, the Jackson Environmental Field Office and the TDA Ellington Agriculture Center. The permittee must have all measures, structures, etc., of the NMP in place and fully implemented upon the date of permit issuance. The NMP must comply with applicable state rules and:

a. Includes best management practices and procedures necessary to implement applicable effluent limitations and standards,
b. Ensures adequate storage of manure, litter, and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities,
c. Ensures proper management of mortalities (i.e., dead animals) so that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities as outlined in NRCS Conservation Practice Standard 316, October 2002 (or the most recent edition) and/or the NRCS Animal Waste Handbook,
d. Ensures that clean water is diverted, as appropriate, from the production area,
e. Prevents direct contact of confined animals with waters of the state,
f. Ensures that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants,
g. Identifies appropriate site specific conservation practices to be implemented, including, as appropriate, buffers or equivalent practices to control runoff of pollutants to waters of the state (these practices must meet minimum standards set in the NRCS Field Office Practice Standard and/or the NRCS Animal Waste Handbook),
h. Identifies protocols for appropriate testing of manure, litter, process wastewater, and soil that are approved by the University of Tennessee testing lab for Tennessee conditions,
i. Establishes protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, and
j. Identifies specific records that will be maintained to document the implementation and management of the minimum elements described in items a through i above.
k. In addition to NRCS technical standards, NMPs must address facility maintenance until all manure and/or litter is transferred to a third party or land applied in accordance with the NMP, see subpart 3.6 below.

3.3.2. Terms of the Nutrient Management Plan

The terms of the permittee's site-specific nutrient management plan (NMP) are enforceable through this permit. The terms of the NMP are the information, protocols, best management practices, and other conditions in the NMP determined by the director to be necessary to implement the NMP. The terms of the NMP, with respect to protocols that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, must include the fields available for land application; field-specific rates of application properly developed, through the linear approach; and any timing limitations identified in the NMP concerning land application on the fields available for land application.

The permittee has chosen to develop their NMP according to the linear approach.

The linear approach expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:

a. The terms include:

    i. Maximum application rates from manure, litter, and process wastewater for each year of permit coverage, for each crop identified in the NMP, in terms of total

nitrogen and phosphorus, in pounds per acre, per year, for each field to be used for land application;

ii. The outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field as described in 3.4.2.a.i.;

iii. The crops to be planted in each field or any other uses of a field such as pasture or fallow fields; the realistic yield goal for each crop or use identified for each field;

iv. The nitrogen and phosphorus recommendations as recommended by the University of Tennessee Extension for each crop or use identified for each field;

v. Credits for all residual nitrogen in the field that will be plant available as recommended by the University of Tennessee Extension;

vi. Consideration of multi-year phosphorus application in accordance with 3.4.2.a.ii.;

vii. An accounting of all other additions of plant available nitrogen and phosphorus to the field;

viii. The form and source of manure, litter, and process wastewater to be land-applied;

ix. The timing and method of land application; and

x. The methodology by which the NMP accounts for the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied as described in 3.3.1.h. and 3.4.2.b.

b. The permittee must calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application.

3.3.3. Changes to a Nutrient Management Plan

The permittee must review their NMP annually to determine if any changes are necessary. Whenever the permittee makes changes to its NMP previously submitted to the director:

a. The permittee must provide the director with the most current version of the CAFO's NMP and identify changes from the previous version, except that the results of calculations made in accordance with the requirements of subsection 3.3.2.b. are not considered to be changes to the NMP subject to the requirements of this paragraph.

b. The director must review the revised NMP to ensure that it meets the requirements of this paragraph and applicable effluent limitations and standards and must determine whether the changes to the NMP include revision to the terms of the NMP as set forth in section 3.3.2 above. If the terms of the NMP are not revised, the director must notify the CAFO owner or operator and upon such notification the CAFO may implement the revised NMP. If the terms of the NMP are revised, the director must determine whether such changes are substantial changes as described in section 3.3.4 below.

c. If the director determines that the changes to the terms of the NMP are not substantial, the director must make the revised NMP publicly available and include it in the permit record, and inform the public of any changes to the terms of the NMP.

d. If the director determines that the changes to the terms of the NMP are substantial, the director must notify the public and make the proposed changes and the information submitted by the CAFO owner or operator available for public review and comment. The process for public notice and participation must follow the procedures applicable to draft permits set forth in Rule 1200-04-05-.06. The director must consider all significant comments received during the comment period and require the CAFO owner or operator to further revise the

NMP if necessary. Once the director approves the revised terms of the NMP, the director must issue a notice of determination that addresses all comments received and notifies the owner or operator and the public of the final decision concerning revisions to the NMP.

3.3.4. Substantial Changes to a Nutrient Management Plan

Substantial changes to the terms of a NMP incorporated as terms and conditions of a permit include, but are not limited to:

a. Addition of new land application areas not previously included in the CAFO's NMP or in the terms of a NMP incorporated into an existing NPDES permit. If the CAFO owner or operator applies manure, litter, or process wastewater on the newly added land application area in accordance with existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the new CAFO owner or operator's NMP but not a substantial change for purposes of this paragraph;
b. Any changes to the field-specific maximum annual rates for land application set in accordance with the linear approach or to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop set in accordance with the narrative approach;
c. Addition of any crop or other uses not included in the terms of the CAFO's NMP and corresponding field-specific rates of application; and
d. Changes to site-specific components of the CAFO's NMP, where such changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the state.

3.4. BEST MANAGEMENT PRACTICES (BMPS)

3.4.1. General Requirements

a. The permittee shall prevent discharge of pesticide-contaminated waters into retention structures. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the management of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent pollutants from entering the retention structures or waters of the state.
b. All discharges to containment structures shall be composed entirely of wastewater from the proper operation and maintenance of a CAFO and the precipitation runoff from the CAFO areas. The disposal of any materials (other than discharges associated with proper operation and maintenance of the CAFO) into the containment structures is prohibited by this permit.
c. Chemicals, manure, litter, and/or process wastewater shall be managed to prevent spills. Procedures for cleaning up spills shall be developed and the necessary equipment to implement clean up shall be available to facility personnel.
d. No CAFO liquid waste management system shall be constructed, modified, repaired, or placed into operation after April 13, 2006, unless it is designed, constructed, operated, and maintained in accordance with final design plans and specifications which meet or exceed standards in the NRCS Field Office Technical Guide and other guidelines as accepted by the Departments of Environment and Conservation, or Agriculture, per TDEC Rule 1200-4-5-.14(14).
e. The operator shall notify the division in the event of any significant fish, wildlife, or migratory bird/endangered species kill or die-off on or near retention ponds or in fields where waste has been applied, and which could reasonably have resulted from waste management at the facility.

f. Where employees are responsible for work activities which relate to permit compliance, those employees must be regularly trained in the proper operation and maintenance of the facility and waste disposal. Training shall include topics as appropriate such as land application of wastes, proper operation and maintenance of the facility, good housekeeping and material management practices, necessary record-keeping requirements, and spill response and clean up. The permittee is responsible for determining the appropriate training frequency for personnel and the NMP shall identify periodic dates for such training.
g. Uncontaminated storm water runoff shall be diverted away from manure, litter, process wastewater, waste retention structures, and mortality management areas, i.e., lagoons, under floor pits, composters, etc.

3.4.2. Depth Marker

All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event (7.4 inches of precipitation) and the minimum required freeboard according to the lagoon design.

3.4.3. Land Application of Animal Waste

The following best management practices (BMPs) are required to be implemented through the permittee's NMP that incorporates a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters:

a. Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with technical standards for nutrient management that:

    i. Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters, and address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters, that employs the Tennessee Phosphorus Index (a tool developed by the University of Tennessee Extension Service and the NRCS to assess the risk of phosphorus movement from the application area to waters of the state); and
    ii. Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the director;

b. Annual manure analysis for nitrogen and phosphorus content, using procedures outlined in Tennessee NRCS Conservation Practice Standard 590, January 2003 (or most recent), and soil analysis at a minimum of once every five years for phosphorus content (the results of

these analyses are to be used in determining application rates for manure, litter, and other process wastewater);

c. Periodic inspection of equipment used for land application of manure, litter and other process wastewater;
d. Application of manure, litter, and process wastewater that:

    i. Is applied no closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters unless,

        1) The CAFO substitutes the 100-foot setback with a 35-foot wide vegetated buffer or by leaving in place a 60-foot natural riparian buffer, where applications of manure, litter, or process wastewater are prohibited; or
        2) The CAFO demonstrates that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback;

    ii. Is applied no closer than 100 feet for any potable well, public or private or as recommended by the University of Tennessee Extension; and

e. For new CAFOs that are located adjacent to exceptional Tennessee waters and outstanding national resource waters (as identified by the department), leave in place a minimum 60-foot natural riparian buffer between the stream and the land application area.
f. There must not be land application of nutrients including manure, litter or process waste water, within 24 hours of a precipitation event that may cause runoff from the fields. The operator shall not land apply nutrients to frozen, flooded, or saturated soils when the potential for runoff is high.

3.5. TRANSFER TO THIRD PARTY

In cases where CAFO-generated manure, litter, or process wastewater is sold or given away in its entirety to be used for land application activities that are not under the control of the permitted CAFO, land application does not need to be addressed in the permitted CAFO NMP. However, the permittee must do the following for every transfer of waste:

a. Provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis, consistent with 40 CFR § 412 and approved by the University of Tennessee Extension; and
b. Ensure that the recipient sign the Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO using the form in Appendix B below. The permitted CAFO must keep a copy of the signed Agreement along with other records required by this permit, per section 1.4.2 above.

In addition, the permittee must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to a third party using the form in Appendix C – Names of Persons and/or Firms that Remove Litter, Manure and/or Process Wastewater.

3.6. CLOSURE PLAN

The permittee must fully implement the closure/rehabilitation plan for the waste system storage/treatment structure(s) within 360 days of ceasing operation.

In addition to NRCS technical standards, the plan must address facility maintenance until proper closure and include the following:

a. All mortalities must be properly disposed of, in accordance with the requirements of subpart 3.7 below;
b. No lagoon or other earthen basin shall be permanently abandoned,
c. Lagoons and other earthen basins shall be maintained at all times until closed in compliance with this subpart,
d. All lagoons and other earthen basins must be closed if the permittee ceases operation. In addition, any lagoon or other earthen basin that is not in use for a period of twelve consecutive months must be closed unless the permittee is viable, intends to resume use of the structure at a later date, and; maintains the structure as though it were actively in use, to prevent compromise of structural integrity; or removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner. In either case, the permittee shall notify the division of the action taken and shall conduct routine inspections, maintenance, and record keeping as though the structure were in use. Prior to restoration of use of the structure, the permittee shall notify the division and provide the opportunity for inspection,
e. All closure of lagoons and other earthen basins must be in accordance with NRCS standards (Field Technical Guide No. 360, Closure of Waste Impoundment). Consistent with NRCS standards, the permittee shall remove all waste materials to the maximum extent practicable and dispose of them in accordance with the permittee's NMP, unless otherwise authorized by the division.
f. Unless otherwise authorized by the division, completion of closure for lagoons and other earthen basins shall occur as promptly as practicable after the permittee ceases to operate or, if the permittee has not ceased operations, 12 months from the date on which the use of the structure ceased, unless the requirements above are met.

3.7. MORTALITY MANAGEMENT

The permittee must ensure proper management of mortalities (i.e., dead animals) so that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities. Mortalities must be handled in such a way as to prevent the discharge of pollutants to surface water. At a minimum, the requirements of the most recent versions of Tennessee NRCS Conservation Practice Standards 316-Animal Mortality Facility, May 1, 2006 (or most recent) and 317-Composting Facility, May 2002 (or most recent) must be followed, as applicable. Records documenting compliance with the NRCS Conservation Practice Standards shall be maintained in compliance with section 1.4.2 above.

Appendix A – Nutrient Calculation Methodology

Phillip Wallace Farm – Manure Application Rate Calculations
(Adapted from the "Phillip Wallace Farm Comprehensive Nutrient Management Plan," as prepared by Ms. Dianne Jenkins, Technical Service Provider)

To determine manure application rates based on phosphate (P_2O_5) removal by crop:

1.) Write down the nitrogen (N), P_2O_5, and potassium oxide (K_2O) in the manure analysis.

N	P_2O_5	K_2O
4.07 pounds (lbs) / 1,000 gallons (gal)	1.95 lbs / 1,000 gal	6.53 lbs / 1,000 gal

2.) Decide on a yield goal based on Manure Management Planner (MMP) crop removal values for the crop. Multiple the removal rate by the yield goal. (The removal values provided below are for Bermuda hybrid hay, with a 7 tons / acre yield goal.)

N	P_2O_5	K_2O
46 lbs of N removal / ton	12 lbs of P_2O_5 removal / ton	50 lbs of K_2O removal / ton
46 lbs X 7 tons / acre = **322 lbs of N removal / acre**	12 lbs X 7 ton / acre = **84 lbs of P_2O_5 removal / acre**	50 lbs X 7 tons / acre = **350 lbs of K_2O removal / acre**

3.) Divide the P_2O_5 required for the yield goal by the amount of P_2O_5 in the manure. This will provide the total gallons needed.

84 lbs of P_2O_5 removal / acre ÷ 1.95 lbs of P_2O_5 / 1,000 gal = 43 units of 1,000 gals / acre
= 43,000 gals / acre

4.) Take the gallons needed, and divide by 27,154.25 (one acre-inch of water contains 27,154 gallons) to obtain the total inches of manure that should be applied annually.

43,000 gals / acre ÷ 27,154.25 = **1.58 inches total / year**

5.) To determine the number of inches to be applied per application, divide the total inches to be applied per year by the number of planned applications.

1.58 inches total / year ÷ 5 planned applications = **0.3 inches / application**

Table 18: N, P2O5, and K2O Balance Based Upon Crop Removals

Using MMP crop removal information for Tennessee
Including All Planned Nutrient Source Applications

Tract No Field No Field Name Spr. Acres	Crop Name	Crop Yield	Plant Date	Removal (lb/ac)			Preallocation Credits (lb/ac)			Manure (lb/ac)			Fertilizer (lb/ac)			Balance Per Removal (lb/ac)		
				N	P2O5	K2O	N	P2O5	K2O	N	P2O5	K2O	N	P2O5	K2O	N	P2O5	K2O
- - 1A 1.01	Bermudagrass, hay/	10 Tons	5/1/2013	460	120	500	0	0	0	164	120	328	236	0	0	-60	0	-172
			Totals	**460**	**120**	**500**	**0**	**0**	**0**	**164**	**120**	**328**	**236**	**0**	**0**	**-60**	**0**	**-172**
- - 2A 6.1	Bermudagrass, hay/	10 Tons	5/1/2013	460	120	500	0	0	0	164	120	328	236	0	0	-60	0	-172
			Totals	**460**	**120**	**500**	**0**	**0**	**0**	**164**	**120**	**328**	**236**	**0**	**0**	**-60**	**0**	**-172**
- - 3B 6.5	Bermudagrass, hay/	10 Tons	5/1/2013	460	120	500	0	0	0	164	120	328	236	0	0	-60	0	-172
			Totals	**460**	**120**	**500**	**0**	**0**	**0**	**164**	**120**	**328**	**236**	**0**	**0**	**-60**	**0**	**-172**
- - 3C 11.7	Bermudagrass, hay/	10 Tons	5/1/2013	460	120	500	0	0	0	164	120	328	236	0	0	-60	0	-172
			Totals	**460**	**120**	**500**	**0**	**0**	**0**	**164**	**120**	**328**	**236**	**0**	**0**	**-60**	**0**	**-172**

Appendix B – Agreement for the Removal of Litter, Manure and/or Process Wastewater

The conditions listed below help to protect water quality. These conditions apply to litter, manure and/or process wastewater removed from an AFO. This agreement is for (amount of waste removed, i.e. tons, gallons, etc.) _____ of waste, removed on (date)_____, from the facility owned by Phillip Wallace and located at 800 Rainey Rd, Sharon, TN.

A. The litter, manure and/or process wastewater must be managed to ensure there is no discharge of litter, manure and/or process wastewater to surface or groundwater.

B. When removed from the facility, litter, manure and/or process wastewater should be applied directly to the field or stockpiled and covered with plastic or stored in a building.

C. Litter, manure and/or process wastewater must not be stockpiled near streams, sinkholes, wetlands or wells.

D. Fields receiving litter, manure and/or process wastewater should be soil tested at least every two or three years.

E. A litter, manure and/or process wastewater nutrient analysis should be used to determine application rates for various crops.

F. Calibrate spreading equipment and apply litter, manure and/or process wastewater uniformly.

G. Apply no more nitrogen or phosphorus than can be used by the crop.

H. A buffer zone is recommended between the application sites and adjacent streams, lakes, ponds, sinkholes and wells. The following non-application buffer widths, taken from NRCS Conservation Practice Standard 590, should be used when applicable:

Object, Site	Buffer Width, feet	Situation
Wells	150	Up-slope of application site
	300	Down-slope of application site, if conditions warrant application
Water body	30-100	Depending on the amount and quality of vegetation and slope
Public Use Area	300	All
Residences	300	Other than producer

I. Do not apply litter, manure and/or process wastewater when the ground is frozen, flooded, saturated or on steep slopes subject to flooding, erosion or rapid runoff.

J. Cover vehicles hauling litter, manure and/or process wastewater on public roads.

K. Keep records of locations where poultry litter will be used as a fertilizer.

I, _____ am the person receiving litter, manure, and/or
(name)
process wastewater and do understand the conditions listed above.

_____ _____
(signature) (date)

_____ _____
(address) (phone)

Appendix C – Names of Persons and/or Firms that Remove Litter, Manure and/or Process Wastewater

Phillip Wallace Farm (TN0081591)

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
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Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
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Tons Removed: _____
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Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Name: _____
Address: _____
_____
Phone No.: _____
Tons Removed: _____
Date: _____

Appendix D – Discharge Monitoring Report (DMR) Form

PERMITTEE NAME/ADDRESS *(Include Facility Name/Location if Different)*

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved.
OMB No. 2040-0004

NAME	**Phillip Wallace Farm**
ADDRESS	800 Rainey Rd
	Sharon, TN 38255
FACILITY	Phillip Wallace Farm
LOCATION	Weakley County, Tennessee
	Attn: Mr. Phillip Wallace

TN0081591	
Permit Number	**Discharge Number**

Monitoring Period							
	Year	**Mon**	**Day**		**Year**	**Mon**	**Day**
From				To			

NOTE: Read instructions before completing this form.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				No. Ex	Frequency of Analysis	SAMPLE TYPE
		Average	Maximum	Units	Minimum	Average	Maximum	Units			
BOD, 5-Day (20 Deg C) 00310 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab
Solids, Total Suspended 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab
Nitrogen Total (as N) 00600 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab
Nitrogen Nitrate Total (as N) 00620 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab
Nitrogen Kjeldahl Total (as N) 00625 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab
Phosphorus, Total (as P) 00665 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab
Phosphorus, Dissovled 00666 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		(19)		01/DS	GR
	PERMIT REQUIREMENT	********	********	*****	********	********	REPORT	mg/L		Once per Discharge	Grab

Name/Title Principal Executive Officer	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.		Telephone		Date		
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MONTH	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS ***(Reference all attachments here)***

Paperwork Reduction Act Notice

Public reporting burden for this collection of information is estimated to vary from a range of 10 hours as an average per response for some minor facilities, to 110 hours as an average per response for some major facilities, with a weighted average for major and minor facilities of 18 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

General Instructions

1. If form has been partially completed by preprinting, disregard instructions directed at entry of that information already pre-printed.

2. Enter "Permittee Name/Mailing Address (and facility name/ location, if different)," "Permit Number," and "Discharge Number" where indicated. (A separate form is required for each discharge.)

3. Enter dates beginning and ending "Monitoring Period" covered by form where indicated.

4. Enter each "Parameter" as specified in monitoring requirements of permit.

5. Enter "Sample Measurement" data for each parameter under "Quantity" and "Quality" in units specified in permit. "Average" is normally arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during "Monitoring Period"; "Maximum" and "Minimum" are normally extreme high and low measurements obtained during "Monitoring Period". (Note to municipals and secondary treatment requirement: Enter 30-day average of sample measurements under "Average", and enter maximum 7-day average of sample measurements obtained during monitoring period under "Maximum.")

6. Enter "Permit Requirement" for each parameter under "Quantity" and "Quality" as specified in permit.

7. Under "No Ex" enter number of sample measurements during monitoring period that exceeded maximum (and/or minimum or 7-day average as appropriate) permit requirement for each parameter. If none, enter "0".

8. Enter "Frequency of Analysis" both as "Sample Measurement" (actual frequency of sampling and analysis used during monitoring period) and as "Permit Requirement" specified in permit. (e.g. Enter "Cont," for continuous monitoring, "1/7" for one day per week, "1/30" for one day per month, "1/90" for one day per quarter, etc.)

9. Enter "Sample Type" both as "Sample Measurement" (actual sample type used during monitoring period) and as "Permit Requirement", (e.g. Enter "Grab" for individual sample, "24HC" for 24-hour composite, "CONT" for continuous monitoring, etc.)

10. Where violations of permit requirements are reported, attach a brief explanation to describe cause and corrective actions taken, and reference each violation by date.

11. If "No Discharge" occurs during monitoring period, check the box for "No Discharge".

12. Enter "Name/Title of Principal Executive Officer" with "Signature of Principal Executive Officer or Authorized Agent", "Telephone Number", and "Date" at bottom of form.

13. Mail signed Report to Office(s) by date(s) specified in permit. Retain copy for your records.

14. More detailed instructions for use of this Discharge Monitoring Report (DMR) form may be obtained from Office(s) specified in permit.

Legal Notice

This report is required by law (33 U.S.C. 1318; 40 C.F.R.125.27). Failure to report or failure to report truthfully can result in civil penalties not to exceed $10,000 per day of violation; or in criminal penalties not to exceed $25,000 per day of violation, or by imprisonment for not more than one year, or by both.

PERMITTEE NAME/ADDRESS *(Include Facility Name/Location if Different)*

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved.
OMB No. 2040-0004

NAME	**Phillip Wallace Farm**
ADDRESS	800 Rainey Rd
	Sharon, TN 38255
FACILITY	Phillip Wallace Farm
LOCATION	Weakley County, Tennessee
	Attn: Mr. Phillip Wallace

TN0081591	
Permit Number	**Discharge Number**

Monitoring Period							
	Year	**Mon**	**Day**		**Year**	**Mon**	**Day**
From				To			

NOTE: Read instructions before completing this form.

PARAMETER		**QUANTITY OR LOADING**			**QUALITY OR CONCENTRATION**				**No. Ex**	**Frequency of Analysis**	**SAMPLE TYPE**
		Average	**Maximum**	**Units**	**Minimum**	**Average**	**Maximum**	**Units**			
E. Coli MTEC-MF, #/100mL 31648 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		**(13)**		**01/DS**	**GR**
	PERMIT REQUIREMENT	********	********	*****	********	********	**REPORT**	**#/100 ml**		Once per Discharge	**Grab**
Flow, Total 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********		**(03)**	********	********	********	*****		**01/DS**	**EST**
	PERMIT REQUIREMENT	**DISCHARGE PER DAY, Total**		**MGD**	********	********	********	*****		Once per Discharge	**Estimate**
Nitrogen Ammonia Total (as NH4) 71845 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	********	********	*****	********	********		**(19)**		**01/DS**	**GR**
	PERMIT REQUIREMENT	********	********	*****	********	********	**REPORT**	**mg/L**		Once per Discharge	**Grab**
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

Name/Title Principal Executive Officer	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.		**Telephone**		**Date**		
TYPED OR PRINTED		**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT**	**AREA CODE**	**NUMBER**	**YEAR**	**MONTH**	**DAY**

COMMENT AND EXPLANATION OF ANY VIOLATIONS ***(Reference all attachments here)***

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6. Enter "Permit Requirement" for each parameter under "Quantity" and "Quality" as specified in permit.

7. Under "No Ex" enter number of sample measurements during monitoring period that exceeded maximum (and/or minimum or 7-day average as appropriate) permit requirement for each parameter. If none, enter "0".

8. Enter "Frequency of Analysis" both as "Sample Measurement" (actual frequency of sampling and analysis used during monitoring period) and as "Permit Requirement" specified in permit. (e.g. Enter "Cont," for continuous monitoring, "1/7" for one day per week, "1/30" for one day per month, "1/90" for one day per quarter, etc.)

9. Enter "Sample Type" both as "Sample Measurement" (actual sample type used during monitoring period) and as "Permit Requirement", (e.g. Enter "Grab" for individual sample, "24HC" for 24-hour composite, "CONT" for continuous monitoring, etc.)

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12. Enter "Name/Title of Principal Executive Officer" with "Signature of Principal Executive Officer or Authorized Agent", "Telephone Number", and "Date" at bottom of form.

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RATIONALE

Phillip Wallace Farm
NPDES PERMIT NO. TN0081591
Sharon, Weakley County, Tennessee

May 2014

Permit Writer: Brad Harris

1. DISCHARGER

Phillip Wallace Farm
800 Rainey Rd
Sharon, Weakley County, Tennessee

Contact Person:
Mr. Phillip Wallace
800 Rainey Rd,
Sharon, TN 38255
Phone Number: 731-456-2249

Nature of Business: Hog production

SIC Code(s):	0213 (Hogs)
Industrial Classification:	Secondary
Discharger Rating:	Minor

2. PERMIT STATUS

Application received March 25, 2014

Location Information

Environmental Field Office: Jackson
Primary Longitude: -88.84083 Primary Latitude: 36.22277
Hydrocode: 8010203
Watershed Identification: Obion-South Fork

3. FACILITY ADJACENT WATERS

Phillip Wallace Farm operates a hog farm at 800 Rainey Rd in Sharon, Weakley County, Tennessee. This operation is located near unnamed tributary to Middle Fork Obion River. All wastewater discharges from a CAFO production area to waters of the state of Tennessee are prohibited, except when either a chronic or catastrophic rainfall event causes an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.).

The unnamed tributary to Middle Fork Obion River is classified for fish and aquatic life, recreation, irrigation, and livestock watering and wildlife. The 7Q10, the seven-day, consecutive low flow with a ten year return frequency; the lowest stream flow for seven consecutive days that would be expected to occur once in ten years, flow is zero million gallons per day (MGD).

4. APPLICABLE EFFLUENT LIMITATIONS GUIDELINES AND GUIDANCE

The Standard Industrial Classification (SIC) code for Phillip Wallace Farm is 0213 (Hogs). Process wastewater generated from this operation is regulated by effluent guidelines promulgated by the Environmental Protection Agency and published in 40 Code of Federal Regulations (CFR) 412. These regulations are as follows.

a. The permittee must develop and implement best management practices, including:

   i. The development and implementation of a NMP based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters;
   ii. Determination of application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the permittee must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the requirements of 0040-40-5-.14;
   iii. Annual manure sampling and soil analysis at least once every five years;
   iv. Periodic inspection of equipment used for land application of manure, litter, or process wastewater; and
   v. Compliance with minimum setback requirements.

b. If the permittee conducts soil analysis more frequently than once every five years (as required in subsection 3.4.3.b of the permit) the P-Index is not required to be performed each time the soil is tested. The P-Index was developed as a planning tool to evaluate the potential risk of phosphorus movement to waterbodies. It is intended to be used to direct conservation efforts, so it would not be meaningful to use it on more frequent basis. Thus, P-Index results of once every permit term should be adequate to meet this goal.

c. Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged if the production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event provided that the CAFO is operated in compliance with all requirements of this permit.

d. The permittee must implement the following requirements:

   i. Conduct routine visual inspections,
   ii. All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. The depth marker also needs to show the lagoon overflow height and the freeboard according to the lagoon design;

iii. Any deficiencies found as a result of the required inspections must be corrected as soon as possible; and
iv. Mortalities must not be disposed of in any liquid manure or process wastewater system and must be handled in such a way as to prevent the discharge of pollutants to surface water.

e. The permittee must maintain on-site for a period of five years from the date they are created a complete copy of all records required by this permit, including the permit application, NMP, inspection results, etc.

5. PERMIT LIMITS AND MONITORING REQUIREMENTS

The following limitations will be established for the operation of a Concentrated Animal Feeding Operation (CAFO) at Phillip Wallace Farm.

Application rates for manure, litter, or process wastewater to land under the ownership or operational control of the CAFO must be managed to minimize phosphorus and nitrogen transport from the application field to waters of the state according to the permittee's site-specific nutrient management plan (NMP).

5.1. Discharge Criteria

Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into waters of the state provided that:

a. The production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event (7.4 inches of precipitation, based on information provided in the facility's nutrient management plan);
b. The production area is operated in accordance with the requirements of this permit.

If a catastrophic event causes a discharge from the facility, the discharge will be authorized under the Upset conditions of this permit (subpart 2.15) provided that the permittee has been operating the facility in compliance with the permit. It should be noted that if an upset occurs, the burden of proof will be on the permittee.

5.2. Reporting Requirements

If for any reason, there is a discharge to a water body of the state or an overflow or discharge from a waste retention structure, the permittee shall make immediate oral notification within 24 hours to the division and notify the division in writing within five working days of the discharge from the facility. In addition, the permittee shall keep a copy of the notification submitted to the division together with the NMP. The notification shall include the following information:

a. Description of the discharge: A description and cause of the discharge, including a description of the flow path to the receiving water body. Also, an estimation of the flow and volume discharged.
b. Time of the discharge: The period of discharge, including exact dates and times, and the anticipated time the discharge is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the discharge.

c. Cause of the discharge: If caused by a precipitation event(s), information from the onsite rain gauge concerning the size of the precipitation event must be provided.

5.3. Sampling Requirements

The permittee must collect a sample of the waste/wastewater discharged and shall analyze the sample for the following parameters, at a minimum: flow, biochemical oxygen demand (BOD_5), total suspended solids (TSS), total nitrogen, total ammonia nitrogen, total kjeldahl nitrogen, total nitrate nitrogen (as N), total phosphorus, dissolved phosphorus, and *Escherichia coli*. Sampling results must be submitted to the Jackson EFO along with the following:

a. Volume of the discharge: An estimate of the volume of the release and the date and time.
b. Sampling procedures: Samples shall consist of grab samples collected from the over-flow or discharges from the retention structure. A minimum of one sample shall be collected from the initial discharge (within 30 minutes).
c. Reasons for not sampling: If conditions are not safe for sampling, the permittee must provide documentation of why samples could not be collected. However, once the unsafe conditions have passed, the permittee shall collect a sample for the retention structure (pond or lagoon) within 30 minutes.

6. OTHER REQUIREMENTS

The following additional requirements will be included in the permit:

6.1. Nutrient Management Plan

The permittee has developed and submitted for state approval (from TDA) a site-specific nutrient management plan (NMP). The NMP was prepared in accordance with NRCS Field Office Conservation Practice Standards and/or the NRCS Animal Waste Handbook. The NMP must be kept on site. The NMP is available for public review at the Nashville Central Office, the Jackson Environmental Field Office or at the Tennessee Department of Agriculture, Ellington Agricultural Center in Nashville, Tennessee.

6.2. Land Application Requirements

All dairy, cattle, swine, poultry and veal CAFOs that land apply manure, litter, or process wastewater must apply setbacks from existing streams, lakes and sinkholes that are adequate to protect water quality, public health, well heads and groundwater, consistent with the guidelines found in 1200-4-5.14(11) (a)-(e) and in the NRCS Field Office Technical Guide.

The natural riparian buffer requirements are based on data presented in NCASI Technical Bulletin No. 799, “Riparian Vegetation Effectiveness,” which indicated that a strip of approximately 60’ of diverse vegetation (shrub, grass and trees) provides optimal pollutant removal.

6.3. Transfer to Third Party

Prior to transferring any of manure, litter or process wastewater to a third party, the permittee must provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis (consistent with 40 CFR § 412 and 0400-40-5.14(11)(b)), and ensure that the

third party signs the Agreement for the Removal of Litter, Manure and/or Process Wastewater from an AFO form (Appendix B) to be used for land application activities that are not under the operational control of the permitted CAFO.

6.4. Record Keeping

Permittee must create, maintain on site for five years, and make available to the director, upon request all records in accordance with 1200-4-5-.14(10)(b).

7. ANTIDEGRADATION

Tennessee's Antidegradation Statement is found in the Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-3-.06. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act.

Stream determinations for this permit action are associated with the waterbody segment identified by the division as segment ID# TN08010203015_0999.

The division has made a determination of the receiving waters associated with the subject discharge(s) and has found the receiving stream to be available conditions waters. Available conditions exist where water quality is better than the applicable criterion for a specific parameter. The applicant has demonstrated to the department that reasonable alternatives to new or increased degradation to the available conditions waters are not feasible.

The department has maintained, and shall continue to assess, the water quality of the stream to assure that the water quality is adequate to protect the existing uses of the stream fully, and to assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

No TMDLs have been developed and approved for this waterbody segment.

The division has determined that this operation which is authorized to discharge an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewater plus the runoff from a 25-year, 24-hour rainfall event should not impair the receiving waters.

8. PERMIT DURATION

According to the requirements of TDEC Rule 0400-40-5-.11 each issued permit shall have a fixed term not to exceed five years.