



STEVEN L. BESHEAR  
GOVERNOR

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

LEONARD K. PETERS  
SECRETARY

## **FACT SHEET**

# **GENERAL KENTUCKY NO DISCHARGE OPERATIONAL PERMIT FOR SMALL and MEDIUM ANIMAL FEEDING OPERATIONS**

**AI No.:** 35050

**Permit Writer:** Ronnie Thompson

**Date:** February 28, 2011

## **1. SYNOPSIS**

### **1.1 Introduction**

Agricultural livestock operations typically must handle animal waste that accumulates in areas where animals are confined or stabled for feeding, milking, or otherwise maintained. The waste may be handled by being pumped, washed or scraped into a storage structure. The structure should be designed and constructed to contain the amount of waste generated by the animals present without discharge to waters of the Commonwealth. The waste generally remains in the storage structure until it can be land applied to crops or fields. Animal waste is high in nutrient content, i.e. nitrogen, potassium and phosphorus, making it useful as an alternative to chemical fertilizer. Land application is typically done using manure spreaders, draglines, pivoting irrigation guns or injection machinery.

Title 401 of Kentucky's Administrative Regulations (KAR) state that a person shall not construct, modify, or operate a facility without having received a permit from the cabinet (401 KAR 5:005, Section 1(2)). The regulation goes on to state in Section 1(3)(a)2b, that agricultural waste handling systems shall obtain a Kentucky No Discharge Operational Permit (KNDOP). The Division of Water (DOW) has issued nearly 1400 KNDOPs to such facilities. Approximately 1100 of these facilities are classified as Small or Medium Animal Feeding Operations (AFOs).

Due to the similarity in the wastes produced and the method of management the Division of Water (DOW) has determined that a General KNDOP for Small and Medium Animal Feeding Operations (AFOs) that utilize an agricultural waste handling systems and any associated land application areas is the most efficient and effective process for management of these permits. Examples of animal waste handling systems include but are not limited to a manure storage pit below a hog barn, a holding pond for storage of dairy cow waste, milk house wastewater, or an exposed stack pad for beef manure.

Operations not using an agricultural waste handling system or utilizing a dry manure system are not required to obtain coverage under this permit. Examples of dry systems include but are not limited to covered stack pads for beef manure, barns containing horse muck or chicken houses that store litter.

## 1.2 Selected Definitions

**Agricultural Wastes Handling System** means a structure or equipment that conveys, stores, or treats manure from an animal feeding operation prior to land application.

**Agriculture Water Quality Plan** means a document incorporating the conservation plan, compliance plan, or forest stewardship management plan as necessary to prevent groundwater and surface water pollution from an agriculture operation

**Animal Feeding Operation (AFO)** "Animal feeding operation" or "AFO" means a lot or facility, other than an aquatic animal production facility, that meets one (1) of the following descriptions:

- (1) "Large animal feeding operation";
- (2) "Medium animal feeding operation";
- (3) If:
  - (a). Animals other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in a twelve (12) month period; and
  - (b) Crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility;
- (4) Two (2) or more animal feeding operations under common ownership are considered to be a single animal feeding operation because they adjoin each other or if they use a common area or system for the disposal of wastes.

**Best Management Practices (BMP)** means, for agriculture operations, the most effective, practical, and economical means of reducing and preventing water pollution provided by the US Department of Agriculture, Natural Resources Conservation Service (NRCS) and the Kentucky Division of Conservation. Best management practices shall establish a minimum level of acceptable quality for planning, siting, designing, installing, operating, and maintaining these practices.

**Comprehensive Nutrient Management Plan (CNMP)** means the plan for an individual operation developed for the purpose of recycling nutrients from animal waste onto cropland or pasture.

**Concentrated Animal Feeding Operation (CAFO)** means an AFO that is classified as either medium or large that discharges or intends to discharge pollutants into surface water. Any AFO can be designated as a CAFO upon determining that it is a significant contributor of pollutants to surface water regardless of the number or type of animals present. However, if an AFO does not discharge and does not intend to discharge, then the Cabinet shall not consider the AFO to be a CAFO in accordance with 401 KAR 5:005, Section 25(6).

**Facility** means a sewage system; except for septic tanks, pretreatment facilities regulated by an approved pretreatment program or inter-municipal agreement, and disposal wells as used in 401 KAR 5:090.

**Kentucky No Discharge Operational Permit (KNDOP)** means a permit issued pursuant to 401 KAR 5:005 for operating a wastewater treatment plant that does not have a discharge to a stream, including agricultural waste handling systems and spray irrigation systems.

**Land Application** means the uniform placement of animal waste on or in the soil by spraying or spreading on the surface, incorporation into the soil, or injection directly beneath the surface.

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

- (a) 700 mature dairy cows, whether milked or dry
- (b) 1,000 veal calves
- (c) 1,000 cattle, other than mature dairy cows or veal calves. Cattle includes heifers, steers, bulls, cows or calf pairs
- (d) 2,500 swine, each weighing fifty-five (55) pounds or more
- (e) 10,000 swine, each weighing less than fifty-five (55) pounds
- (f) 500 horses
- (g) 10,000 sheep or lambs
- (h) 55,000 turkeys
- (i) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system
- (j) 125,000 chickens, other than laying hens, if the AFO uses other than a liquid manure handling system
- (k) 30,000 ducks, if the AFO uses other than a liquid manure handling system
- (l) 5,000 ducks, if the AFO uses a liquid manure handling system

**Medium Animal Feeding Operation** means an AFO that stables or confines the type and number of animals within any of the following ranges:

- (a) 200 to 699 mature dairy cows, whether milked or dry
- (b) 300 to 999 veal calves
- (c) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes heifers, steers, bulls, cows or calf pairs
- (d) 750 to 2,499 swine, each weighing fifty-five (55) pounds or more
- (e) 3,000 to 9,999 swine, each weighing less than fifty-five (55) pounds
- (f) 150 to 499 horses
- (g) 3,000 to 9,999 sheep or lambs
- (h) 16,500 to 54,999 turkeys
- (i) 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system
- (j) 37,500 to 124,999 chickens, other than laying hens, if the AFO uses other than a liquid manure handling system
- (k) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system
- (l) 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system
- (m) 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system

**Sewage** means the water-carried human or animal wastes from residences, buildings, or other places together with industrial wastes or underground, surface, storm or other water, as may be present.

**Sewage System** means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or waterborne sewage, industrial waste, or other wastes.

**Small Animal Feeding Operation** means an AFO not classified as either medium or large AFO.

**Surface Water** means those waters having well-defined banks and beds either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered surface waters of the Commonwealth.

**Water or Waters of the Commonwealth** means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction

**Wastewater Treatment Plant (WWTP)** means a facility used for the treatment and disposal of sewage.

### 1.3 Area of Coverage

This permit covers those Small and Medium AFOs located within the 120 counties of the Commonwealth of Kentucky.

### 1.4 Operations Eligible for Coverage

Small or Medium AFOs that operate no discharge agricultural waste handling systems and any associated land application areas. This permit does not cover facilities that may be agricultural in nature, but manage a waste other than manure, such as a slaughterhouse or other processing plant.

### 1.5 Limitations on Coverage

This permit does not authorize Small or Medium AFOs:

- with a direct discharge into waters of the Commonwealth;
- that are classified as large animal feeding operations; or
- that DOW determines are more appropriately addressed by an individual permit

### 1.6 Permitting Action

This is a first issuance of a KNDOP General Permit for Small and Medium AFOs operating no discharge agricultural waste handling systems and any associated land application areas.

## 2. PROPOSED PERMIT CONDITIONS

### 2.1 Specific Conditions

The following conditions apply to the management of animal wastes produced at Small and Medium AFOs. Pursuant to 401 KAR 5:005, Section 25(7) these conditions are, in the best professional judgment of the cabinet, necessary to comply with the requirements of KRS Chapter 224 and 401 KAR Chapters 4 through 11.

- (1) This permit authorizes operation of the no discharge agricultural waste handling system and any land application area described in the **permit application only**.
- (2) There shall be no point source discharge of wastewater from the facility to waters of the Commonwealth.
- (3) The land application shall be of a sufficiently low rate as to prevent any runoff to Waters of the Commonwealth.
- (4) Land application activities shall not occur on snow covered, frozen, or saturated ground, or during precipitation events.
- (5) The closure of a lagoon shall be in accordance with the requirements of 401 KAR 5:005, Section 3(3)(a)2 and 3.
- (6) In accordance with KRS 224.71-100 through 224.71-145, the facility shall develop and implement a site-specific Agricultural Water Quality Plan (AWQP). DOW is not requiring submission of the AWQP as part of the application requirements. However, the permittee shall provide the AWQP upon request by the Division of Water.
- (7) In accordance with 401 KAR 5:005, Section 25 an animal feeding operation shall have a comprehensive nutrient management plan consistent with the NRCS Conservation Practice Standard Code 590 for Kentucky. DOW is not requiring submission of the CNMP as part of the application requirements. However, the permittee shall provide the CNMP upon request by the Division of Water. When land application is done in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the waste, then any subsequent precipitation related discharge is considered "agricultural storm water", which is a discharge that is exempt from Kentucky Pollutant Discharge Elimination System (KPDES) permitting under the Clean Water Act (33 U.S.C. 1362(14)). Since an AFO classified as medium is eligible for coverage under this permit and may be considered a CAFO based upon having a discharge, an accurate CNMP must be developed to establish the fact that the AFO is being operated as a no discharge system.

## 2.2 Standard Conditions

(1) Coverage shall be subject at all times to revocation or modification by the Kentucky Energy and Environment Cabinet as set forth in Kentucky Revised Statutes (KRS) 224. Commencement of a routine discharge would necessitate such a revocation and would require the issuance of a Kentucky Pollutant Discharge Elimination System (KPDES) permit.

(2) This permit shall not be construed as authorizing any operation that is otherwise in contravention of any law, regulation, ordinance or order of any governmental unit.

(3) This permit shall not be construed as authorizing the creation or maintenance of a nuisance; to relieve the permittee from any penalty for violation of any law or regulation.

(4) Any spill or discharge to waters of the Commonwealth shall be reported to the Department for Environmental Protection with 24 hours by calling the appropriate Division of Water Regional Office or if after hours the Cabinet's Environmental Response Line at 1 (800) 928-2380.

## 3. PERMIT APPLICATION REQUIREMENTS

Short Form B (Form DEP 7033-B-ND) is required to apply for coverage under this permit. The applicant shall submit the form and a US Geological Survey 7.5-minute quadrangle map with the facility location clearly marked. Short Form B requires the following information (see form for details):

- General Information
- Facility Description
- Source and Destination of Wastes
- Certification

Completed Short Form B's should be sent to the address below:

- Energy and Environment Cabinet
- Department for Environmental Protection
- Division of Water/Surface Water Permits Branch
- 200 Fair Oaks Lane
- Frankfort, Kentucky 40601

If, based upon the review of the application the DOW determines that additional controls or requirements beyond those contained in this permit are necessary to protect water quality then the applicant shall be required to obtain an individual permit.

## 4. AUTHORIZATION TO OPERATE

The applicant is authorized to operate under the terms and conditions of this permit upon written notification of coverage by the DOW.

## 5. PROPOSED COMPLIANCE SCHEDULE

The applicant shall achieve compliance with all the requirements of this permit upon written notification of coverage by the DOW.

## 6. OPERATIONAL CHANGES

Operations authorized by this permit shall remain consistent with those described on the initial permit application.

### 6.1 Changes in Animal Type or Number

Any change in the type of animals or increase in the number animals above the maximum number authorized by this permit requires modification to that authorization. The permittee shall submit a revised Short Form B to obtain that modification. After reviewing the updated application, the DOW may require the permittee to submit an application for an individual permit.

**6.2 Other Operational Changes**

An updated Short Form B shall be submitted for any change in the method of waste storage, final disposition, or land application area. After reviewing the updated application, the DOW may require the permittee to submit an application for an individual permit.

**7. PERMIT TRANSFERS**

If a permitted facility changes owners, the new operator must submit a Change of Ownership Form (Form DEP 7032-CO) to the DOW in order to transfer coverage under this permit. Permit transfers are only permissible when there are no operational changes. Alternatively, the previous operator may terminate coverage under this permit by submitting a written request to do so. The new operator must submit a permit application in accordance with the requirements of this permit.

**8. PERMIT TERMINATIONS**

If an AFO is no longer in operation, or if an agricultural waste handling system is no longer used the permittee may terminate coverage under this permit by submitting a written request to do so.

**9. PERMIT DURATION**

Five (5) years

**10. CONTINUATION OF COVERAGE**

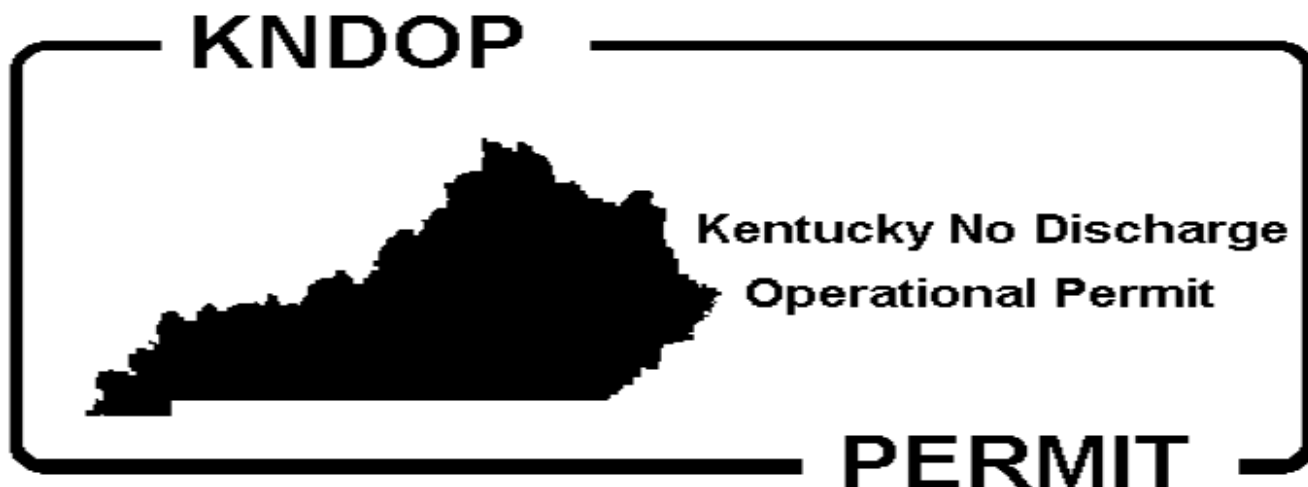
If this General Permit expires prior to reissuance by DOW those medium or small AFOs that have received authorization shall be administratively continued until reissuance of the General Permit. New coverages shall not be granted until the General Permit is reissued.

**11. PERMIT INFORMATION**

The permit, fact sheet and additional information are available by writing the DOW at 200 Fair Oaks Lane, Frankfort, Kentucky 40601.

**12. REFERENCES AND CITED DOCUMENTS**

All referenced or cited material and documents in this fact sheet are available from the DOW Central Office.



PERMIT NO.: 00000000  
AI NO.: 35050

**AUTHORIZATION TO OPERATE UNDER  
THE KENTUCKY NO DISCHARGE OPERATIONAL PERMIT SYSTEM**

**Pursuant to Authority in KRS 224,**

Small and Medium Animal Feeding Operations that meet the eligibility requirements of this general permit **are authorized to operate agricultural waste handling systems and any land application areas located** within the 120 counties of the Commonwealth of Kentucky.

**in accordance with all the requirements and other conditions set forth in this permit**

This permit shall become effective on March 1, 2011.

This permit and the authorization to discharge shall expire at midnight, February 29, 2016.

March 1, 2011

**Date Signed**

A handwritten signature in black ink, appearing to read "S. L. Gruzesky".

**Sandra L. Gruzesky, P.E. Director  
Division of Water**

## **1. PERMIT CONDITIONS**

### **1.1 Specific Conditions**

The following conditions apply to the management of animal wastes produced at Small and Medium AFOs. Pursuant to 401 KAR 5:005, Section 25(7) these conditions are, in the best professional judgment of the cabinet, necessary to comply with the requirements of KRS Chapter 224 and 401 KAR Chapters 4 through 11.

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- (2) This permit shall not be construed as authorizing any operation that is otherwise in contravention of any law, regulation, ordinance or order of any governmental unit.
- (3) This permit shall not be construed as authorizing the creation or maintenance of a nuisance; to relieve the permittee from any penalty for violation of any law or regulation.
- (4) Any spill or discharge to waters of the Commonwealth shall be reported to the Department for Environmental Protection with 24 hours by calling the appropriate Division of Water Regional Office or if after hours the Cabinet's Environmental Response Line at 1 (800) 928-2380.

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by the Energy and Environment Cabinet and other state, federal and local agencies.



<p><b>Bowling Green Regional Office</b>                  1508 Westen Avenue                  Bowling Green, Kentucky 42104                  (270) 746-7475 Fax (270) 746-7865                  Attn: Bill Baker</p> <p>Allen Edmonson Logan Warren                  Barren Grayson Ohio                  Butler Hart Simpson</p>	<p><b>London Regional Office</b>                  875 South Main Street                  London, Kentucky 40741                  (606) 330-2080 Fax (606)330-2097                  Attn: Robert Miller</p> <p>Bell Jackson Leslie Rockcastle                  Clay Knox McCreary Whitley                  Harlan Laurel Owsley</p>
<p><b>Columbia Regional Office</b>                  2751 Campbellsville Rd.                  Columbia, Kentucky 42728                  (270) 384-4734 Fax (270) 384-5199                  Attn: Sara Sproles</p> <p>Adair Green Metcalfe Russell                  Boyle LaRue Monroe Taylor                  Casey Lincoln Nelson Washington                  Clinton Marion Pulaski Wayne                  Cumberland</p>	<p><b>Louisville Regional Office</b>                  9116 Leesgate Road                  Louisville, Kentucky 40222-5084                  (502) 429-7122 Fax (502) 429-7125                  Attn: Charlie Roth</p> <p>Breckinridge Meade                  Bullitt Oldham                  Hardin Shelby                  Jefferson Spencer</p>
<p><b>Florence Regional Office</b>                  8020 Veterans Memorial Drive, Suite 110                  Florence, Kentucky 41042                  (859) 525-4923 Fax (859) 525-4157                  Attn: Todd Giles</p> <p>Boone Gallatin Owen                  Bracken Grant Pendleton                  Campbell Henry Trimble                  Carroll Kenton</p>	<p><b>Madisonville Regional Office</b>                  Madisonville State Office Building                  625 Hospital Drive                  Madisonville, Kentucky 42431-1683                  (270) 824-7529 Fax (270) 824-7070                  Attn: Randy Thomas</p> <p>Caldwell Daviess Hopkins Todd                  Christian Hancock McLean Union                  Crittenden Henderson Muhlenberg Webster</p>
<p><b>Frankfort Regional Office</b>                  200 Fair Oaks Lane, 3rd Floor                  Frankfort, Kentucky 40601                  (502) 564-3358 Fax (502) 564-5043                  Attn: Massoud Shoa</p> <p>Anderson Fayette Jessamine Powell                  Bourbon Franklin Madison Scott                  Clark Garrard Mercer Woodford                  Estill Harrison Nicholas</p>	<p><b>Morehead Regional Office</b>                  525 Hecks Plaza Drive                  Morehead, Kentucky 40351                  (606) 783-8655 Fax (606) 783-8659                  Attn: Danny Fraley</p> <p>Bath Fleming Mason Robertson                  Boyd Greenup Menifee Rowan                  Carter Lawrence Morgan                  Elliott Lewis Montgomery</p>
<p><b>Hazard Regional Office</b>                  233 Birch Street, Suite 1                  Hazard, Kentucky 41701                  (606) 435-6022 Fax (606) 435-6025                  Attn: Damon White</p> <p>Breathitt Knott Magoffin Pike                  Floyd Lee Martin Wolfe                  Johnson Letcher Perry</p>	<p><b>Paducah Regional Office</b>                  130 Eagle Nest Dr.                  Paducah, Kentucky 42003                  (270) 898-8468 Fax (270) 898-8640                  Attn: Jennifer Burnett</p> <p>Ballard Fulton Livingston McCracken                  Calloway Graves Lyon Trigg                  Carlisle Hickman Marshall</p>

**2. SCHEDULE OF COMPLIANCE**

The permittee shall achieve compliance with all the requirements of this permit upon written notification of coverage by the DOW.

**3. OTHER REQUIREMENTS**

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**6. CONTINUATION OF COVERAGE**

If this General Permit expires prior to reissuance by DOW those medium or small AFOs that have received authorization shall be administratively continued until reissuance of the General Permit. New coverages shall not be granted until the General Permit is reissued.