COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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Permit No: VA0C50002
Effective Date:
Expiration Date:

AUTHORIZATION TO DISCHARGE UNDER

THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner of a concentrated animal feeding operation (CAFO) is authorized to discharge and otherwise manage pollutants in accordance with the information submitted with the permit application, and with this permit cover page, Part I– Discharge and Pollutant Management Authorization; Monitoring Requirements; Recordkeeping and Reporting, Part II– Waste Storage, Operation and Maintenance and Special Conditions, Part III– Nutrient Management and Land Application Requirements, and Part IV–Conditions Applicable to All VPDES Permits, as set forth herein.

Owner: Murphy- Brown LLC Waverly Division
Facility Name: Murphy- Brown LLC Farm 6-8 (Dory Farm)
County: Isle of Wight
Facility Location: 27409 Berlindory Rd., Wakefield, VA 23888

The owner is authorized to discharge to the following receiving stream:
Stream: Unnamed Tributaries to Indigo and Horsepen Branches of Round Hill Swamp
River Basin: Chowan and Dismal Swamp
River Subbasin: Chowan River
Section: 2
Class: VII
Special Standard: NEW-21

_____
Maria R. Nold

_____
Date

PART I

DISCHARGE AND POLLUTANT MANAGEMENT AUTHORIZATION; MONITORING REQUIREMENTS; RECORDKEEPING AND REPORTING

A. DISCHARGE AND POLLUTANT MANAGEMENT AUTHORIZATION

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the Permittee is authorized to discharge:

a. from the facility's production area, manure, litter or process wastewater to surface waters of the state in the case of an overflow caused by a storm event greater than a 25-year, 24-hour storm;

b. from areas identified in the permit application as discharge points, manure, litter or process wastewater. The discharge points shall be monitored as specified in Part I B.1.a.; and

c. from the land application area(s), agricultural storm water.

2. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the Permittee is authorized to manage pollutants at the location or locations identified in the permit application and the facility's Nutrient Management Plan (NMP). The NMP shall be written in accordance with Part III A.1. of this permit and shall be enforceable through this permit.

B. MONITORING REQUIREMENTS

1. **Visual Monitoring and Inspections:**

a. **Storm water discharges and discharge points:** The Permittee shall perform and document a visual examination of a storm water discharge from each discharge point listed in Table 1. Storm water which leaves the facility that does not come into contact with pollutants is not subject to monitoring under this permit.

The visual examination shall be performed as specified below and shall be documented in accordance with Part I C.2.a.

(1) Sample collection: All storm water discharge samples (except snowmelt samples) shall be collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility to surface waters. All samples (except snowmelt samples) shall be collected from the discharge resulting from a measurable storm event.

(2) Visual examination of sample: The examination of the sample shall be performed at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December, shall be conducted in a well-lit area and shall document observations in accordance with Part I C.2.a.

(3) Excused from visual examination. If one of the following conditions applies and provided that documentation is completed in accordance with Part I C.2.a.:

(a) If no storm event resulted in runoff during normal working hours from the facility during a monitoring quarter, the Permittee is excused from a visual examination for that quarter; or

(b) When adverse weather conditions prevent the collection of samples, a substitute sample may be taken during a qualifying storm event in the next monitoring period.

Table 1 STORM WATER DISCHARGE MONITORING

FEATURES TO BE MONITORED IN THE PRODUCTION AREA					MONITORING REQUIREMENTS	
					Frequency *	Sample Type
Discharge points to surface waters (as indicated in the permit application):					Quarterly	Grab
OUTFALL NUMBER	Latitude	Longitude	Name of Nearest Potential Receiving Stream	Area Contributing Flow		
001	36°51'23.47" N	77°02'23.27"W	UT to Indigo Branch.	Farm 6 Prod Fac		
002	36°51'20.45" N	77°02'.08.62"W	UT to Indigo Branch.	Farm 6 Prod Fac		
003	36°51'47.91" N	77°02'.29.07"W	U Trib to Horsepen Branch.	Farm 8 Prod Fac		
004	36°51'54.06" N	77°02'17.51"W	U Trib to Horsepen Branch.	Farm 8 Prod Fac		
005	36°52'00.55" N	77°01'55.59"W	U Trib to Horsepen Branch.	Farm 7 Prod Fac		

Notes: * The visual inspection shall be made during normal working hours.

** No analytical tests are required to be performed on the samples.

Quarterly = In accordance with the following schedule: 1st quarter (January 1 - March 31); 2nd quarter (April 1 - June 30); 3rd quarter (July 1 - September 30); 4th quarter (October 1 - December 31).

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

b. **Best management practice(s) (BMPs):** The Permittee shall perform and document a visual inspection of the best management practice(s) identified in the Table 2 that are associated with the discharge points listed in Table 1. The visual inspection shall be performed as specified below and shall be documented in accordance with Part I C.2.b.

(1) Visual inspection of the BMP(s): The inspection of the BMP(s) shall be performed at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December and shall document observations in accordance with Part I C.2.b.

(a) The visual inspection of the BMP(s) shall be performed in conjunction with storm water discharge sample examination events as required in Part I B.1.a.; and

(b) Excused from visual inspections, if adverse weather conditions prevent the visual inspection of the BMP(s) and provided that documentation is completed in accordance with Part I C.2.b.

(2) The Permittee shall correct any deficiencies found as a result of the visual inspections and document any actions taken to correct deficiencies in accordance with Part I C.2.b. Deficiencies include failures of the BMP(s) which will increase the probability of the contamination of water due to the exposure of the pollutants managed within the production area.

Table 2 BEST MANAGEMENT PRACTICE MONITORING

FEATURE TO BE MONITORED AND INSPECTED IN THE PRODUCTION AREA	MONITORING REQUIREMENTS
	Inspection Frequency *
Best Management Practices • as indicated in the Farm Operating Manual	Quarterly
Notes: * The visual inspection shall be made during normal working hours.	

c. **Other features:** The Permittee shall perform and document visual inspections of the features listed in Table 3 for leaks or failures that will increase the probability of the contamination of water due to exposure of pollutants managed within the production area. The visual inspection shall be performed as specified below and shall be documented in accordance with Part I C.2.c.

(1) The Permittee shall correct any deficiencies found as a result of the visual inspections and document any actions taken to correct deficiencies in accordance with Part I C.2.c. Deficiencies include leaks from or failures of the features (listed in Table 3) which will increase the probability of the contamination of water due to the exposure of the pollutants managed within the production area.

Table 3 OTHER FEATURE MONITORING

FEATURE TO BE MONITORED AND INSPECTED IN THE PRODUCTION AREA	MONITORING REQUIREMENTS
	Inspection Frequency *
Water lines: including drinking and cooling water lines	Daily
All waste treatment or storage structures and the associated waste transfer system **	Weekly
Storm water devices/structures: (including) • storm water diversion devices and runoff diversion structures, and • devices which channel contaminated storm water to any wastewater or manure treatment or storage structure • storm water and runoff channels which lead to the discharge points	Weekly
Notes: * The visual inspection shall be made during normal working hours. ** The inspection shall record the level in liquid impoundments as indicated by a depth marker as required by Part II B.4.	

2. **Waste Monitoring:**

a. Waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved Nutrient Management Plan.

b. Analysis of waste shall be according to methods specified in the facility's approved Nutrient Management Plan or alternative procedures outlined in the Farm Operating Manual.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	2/year	Composite
Ammonia Nitrogen	NL	*	2/year	Composite
Total Phosphorus	NL	*	2/year	Composite
Total Potassium	NL	*	2/year	Composite
Calcium	NL	*	2/year	Composite
Magnesium	NL	*	2/year	Composite
Moisture Content	NL	%	2/year	Composite

Notes: NL = No limit, this is a monitoring requirement only.
* Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

3. **Soils Monitoring:**

a. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved Nutrient Management Plan.

b. Soil monitoring shall be conducted at a depth of between 0-6 inches, unless otherwise specified in the facility's approved Nutrient Management Plan.

c. Analysis of soil shall be according to methods specified in the facility's approved Nutrient Management Plan.

SOILS MONITORING

PARAMETER	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency**	Sample Type
pH	NL	SU	1/3 years	Composite *
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite *
Potassium	NL	ppm or lbs/ac	1/3 years	Composite *
Calcium	NL	ppm or lbs/ac	1/3 years	Composite *
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite *

Notes: NL = No limit, this is a monitoring requirement only.
SU = Standard Units
* Specific sampling requirements are found in the facility's approved Nutrient Management Plan.

4. **Groundwater Monitoring:**

a. **Groundwater Monitoring Plan:** The Permittee shall develop and submit a Groundwater Monitoring Plan for approval by the Department within 90 days of the effective date of this permit. The primary purpose of the groundwater wells is to ensure lagoon liner integrity and to monitor for potential groundwater impacts should that integrity be compromised. The most recently approved Plan shall be an enforceable part of the permit.

The Groundwater Monitoring Plan shall include at a minimum the following information:

(1) A site characterization report and other background data to support the alternative methods and practices to be used at the site,

(2) Procedures and monitoring protocols to ensure appropriate methods and practices are being utilized when monitoring groundwater

(3) Well design, installation protocol and proposed well locations including the completion of the Department's GW-2 form for each new well installed at the facility and baseline source discrimination geochemistry shall be completed on each new well,

(4) Sampling protocols including, but not limited to proposed parameters, frequency of monitoring, sample type, units of measure, well purging procedures prior to sampling, static well level measurements, etc,

(5) Procedures used to document the condition of the well screens including, but not limited to performing camera surveys of each well once every three years,

(6) Procedures used to document the condition of the waste storage or treatment facilities liner including, but not limited to a description of the leak detection technologies used to monitor the liner and the frequency of monitoring,

(7) Sampling and monitoring data evaluation methodology, including action levels that will trigger initiation of remedial actions;

(8) A proposed action plan to ensure appropriate measures are taken where,

(a) monitoring results demonstrate potential noncompliance with the permit, or

(b) a leak is detected during monitoring of the waste storage or treatment facility liner, and

(9) Well close out procedures for well abandonment.

The Permittee shall submit a revised Groundwater Monitoring Plan for approval by the Department 90 days prior to making a change at the facility. The most recently approved Plan shall be an enforceable part of the permit.

b. When utilizing groundwater wells as the method to monitor the groundwater, the following conditions must be met:

(1) existing groundwater monitoring wells may be utilized if the wells are properly located, constructed and approved by the Department,

(2) groundwater shall be monitored by the Permittee at the monitoring wells as specified in the approved groundwater monitoring plan,

(3) additional groundwater monitoring may be required in the facility's approved Nutrient Management Plan,

(4) new wells shall be monitored for the first year at a frequency of 1/month in order to establish baseline sampling data. After 12 consecutive samples where results indicate no exceedances of applicable groundwater criteria, the permittee may request a reduction in monitoring

frequency to 1/3 months. After 4 consecutive quarterly samples where results indicate no exceedances of applicable groundwater criteria, the permittee may request a reduction in monitoring frequency to 2/year for the remainder of the permit term;

(5) data shall be analyzed and used to compare to an action level identified in the Groundwater Monitoring Plan which will trigger an established response from the Permittee to begin remedial action. Remedial action shall include, but not be limited to, 1) locating the source of the contamination; 2) eliminating the source or restricting the extent of the source; and 3) devising a sampling program to document the effectiveness of the remedial action to include repeating source discrimination geochemistry on the affected monitoring well(s). The remedial action shall be initiated within the next calendar quarter after data analysis has identified the need for remedial action;

(6) ***the analysis of the groundwater samples shall be performed by a laboratory accredited under the Virginia Environmental Laboratory Accreditation Program (VELAP) in accordance with 1VAC30-46-20. Field sampling, testing and measurements, when performed at the site where the sample is taken, are not subject to the VELAP requirement.***

c. **For new earthen liquid waste storage facilities:** If after the effective date of this permit, a new earthen liquid waste storage facility is planned for construction, a revised groundwater monitoring plan must be submitted to the Department prior to the construction of the waste storage facility.

GROUNDWATER MONITORING

PARAMETER	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Static Water Level	NL	.01 ft	2/year *	Measured
Temperature	NL	°C/°F	2/year *	Grab
Turbidity	NL	NTU	2/year *	Grab
Ammonia Nitrogen	NL	mg/l	2/year *	Grab
Nitrate Nitrogen	NL	mg/L	2/year *	Grab
pH	NL	SU	2/year *	Grab
Conductivity	NL	umhos/cm	2/year *	Grab

Note: NL = No limit, this is a monitoring requirement only.

* see Part I.B.4.b.(4) above for new well monitoring frequency

Prior to sampling, wells shall be purged by either allowing a minimum of 3 well volumes to be removed or until well purging parameters (pH, temperature and conductivity) stabilize to plus or minus 10%.

C. RECORDKEEPING

1 **Permit Application and Documents:** The Permittee shall maintain the information used to complete the permit application as required by §9VAC25-31-100.J.1. A complete copy of the

information shall be retained at the facility for a period of five years from the date the records are created and made available to Department personnel upon request.

2. **Visual Inspections:**

a. **For storm water discharges and discharge points,** the Permittee shall document and maintain, at the facility, the following information regarding the sample collection and examination of a storm water discharge as required by Part I B.1.a.:

(1) the discharge location;

(2) the examination date and time;

(3) examination personnel;

(4) the nature of the discharge (i.e., runoff or snow melt);

(5) quality of the storm water discharge (including observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution); and

(6) probable sources of any observed storm water contamination.

If no storm event resulted in runoff from the facility during a monitoring quarter, the Permittee is excused from storm water discharge sample collection and examination for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part IV K. of this permit.

b. **For best management practices (BMPs),** , the Permittee shall document and maintain, at the facility, the following information regarding the inspection of BMPs as required by Part I B.1.b.:

(1) the BMP(s) and the location(s);

(2) the examination date and time;

(3) examination personnel;

(4) the visual condition of the BMP(s) (including observations of whether the practice is functioning as intended e.g., the filter strip is free from erosion and vegetation is dense and maintained over entire practice area);

(5) if a deficiency is discovered, the date of discovery of the deficiency; and

(6) any corrective actions taken to correct the deficiency.

If deficiencies are found as a result of the visual inspections, the Permittee shall document the actions taken to correct deficiencies. Deficiencies include failures of the BMP(s) which will increase the probability of the contamination of water due to the exposure of storm water to the pollutants managed within the production area.

c. **For other features:** The Permittee shall document and maintain, at the facility, the following records documenting the visual monitoring and inspections of the CAFO production area features as required by Part I B.1.c.:

(1) The date of the monitoring or inspection;

(2) The feature location inspected;

(3) If a deficiency is discovered, the date of discovery of the deficiency; and

(4) Any corrective actions taken to address the deficiency.

If the deficiencies are not corrected within 30 days from the date that the deficiencies were found, an explanation of the factors preventing immediate correction shall also be documented.

d. The Permittee shall retain, at the facility, the records required by Parts I C.2.a., b., and c. for a minimum of five years from the date the records are created and made available to Department personnel upon request.

3. **Monitoring Data:** All monitoring data collected as required by Part I B. and any additional waste, soils or groundwater monitoring data collected during the life of this permit shall be maintained at the facility for a period of five years after the date of the sample and analysis and shall be made available to Department personnel upon request.

4. **Farm Operating Manual:** The Permittee shall identify, in the approved Farm Operating Manual, the specific records that will be maintained to document the implementation and management of the items in the Manual. These records shall be retained for a minimum of five years after the effective date of the permit and made available to Department personnel upon request.

5. **Land application records** shall be retained on site for a period of five years after the recorded application is made and shall be made available to the Department personnel upon request. These records shall document the following information:

a. What fields under the ownership or operational control of the Permittee received waste;

b. What crops have been planted in each field;

c. The actual crop yield(s) for each field;

d. The land application dates for each field;

e. The land application rate used for each field;

f. The method used to apply the manure or process wastewater for each field;

g. What supplemental nutrients have been applied to each field from sources other than waste;

h. The total amount of nitrogen and phosphorus actually applied to each field (reported as lbs/acre including total field acreage), including documentation of calculations for the total amount applied;

i. The dates and methods of land application equipment calibration;

j. The weather conditions at the time of application and for 24 hours prior to and following application;

k. The date or dates of manure application equipment inspection; and

l. Calculations of the maximum amount of manure and process wastewater to be land applied over the term of the permit, performed at least once each calendar year, using representative manure and process wastewater sample results analyzed in accordance with Part I B.2. for nitrogen and phosphorus. The results used must have been from samples taken within 12 months of the date that the land application occurred.

6. **Manure Transfer Records:** Manure generated by this facility may be transferred off-site for land application or another acceptable use if one or more of the conditions of Part III A.3. are met.

a. When a Permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85 percent moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85 percent or more moisture) in any 365-day period, the Permittee shall provide that person with:

(1) The Permittee's name, address, and permit number;

(2) A copy of the most recent nutrient analysis of the animal waste sampled in accordance with Part I B 2; and

(3) An animal waste fact sheet.

b. When a Permittee transfers to another person more than 10 tons of solid or semi-solid animal waste or more than 6,000 gallons of liquid animal waste in any 365-day period, the Permittee shall keep a record of the following:

(1) The recipient name and address;

(2) The amount of animal waste received by the recipient;

(3) The date of the transfer;

(4) The nutrient analysis of the animal waste transferred;

(5) The locality in which the recipient intends to utilize the animal waste (i.e., nearest town or city and zip code);

(6) The name of the stream or waterbody, if known, to the recipient that is nearest to the animal waste utilization or storage site; and

(7) The signed waste transfer records form acknowledging the receipt of the following:

(a) The animal waste;

(b) The nutrient analysis of the animal waste; and

(c) An animal waste fact sheet.

c. Permittees shall maintain the records required by Part I C b. for at least five years after the date of the transfer and shall make them available to Department personnel upon request.

7. **Storage Design Records:** The Permittee shall retain records documenting the current design of any manure storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity. These records shall be retained at the facility for a period of five years from the date the records are created and made available to Department personnel upon request.

8. **Storage Overflows:** The Permittee shall record and retain the date, time, and estimated volume of any overflow from a manure or waste storage structure. In the event that an overflow occurs, the Permittee must report the overflow to the Department in accordance with Parts IV G. and H. and report all occurrences in the annual report in accordance with Part I D.1.f. These records shall be retained at the facility for a period of five years from the date the records are created and made available to Department personnel upon request.

9. **Mortality Disposal at Liquid Waste Operations:** The Permittee shall record methods of mortality management and practices used to prevent the discharge of pollutants to surface water as required by Part II B.7. These records shall be retained at the facility for a period of five years from the date the records are created and made available to Department personnel upon request.

D. REPORTING

1. **Annual Report Requirements:** The Permittee shall submit an annual report to the director by **February 15** of each year for the previous calendar year or part thereof since covered by this permit. The annual report shall be submitted on a form provided by the Department or in a comparable format and include the following information:

a. The number and type of animals, whether in open confinement or housed under roof;

b. The estimated amount of total manure and process wastewater generated by the facility in the previous 12 months (tons/gallons);

c. The estimated amount of total manure and process wastewater transferred to other persons by the Permittee in the previous 12 months (tons/gallons);

d. The total number of acres for land application covered by the facility's approved Nutrient Management Plan;

e. The total number of acres under control of the Permittee that were used for land application of manure and process wastewater in the previous 12 months;

f. Summary of all manure and process wastewater discharges from the production area that entered or could have been expected to enter state waters in the previous 12 months, including date, time, and approximate volume; cause of discharge and corrective action taken or to be taken to address the cause of the discharge in accordance with Part I C.2.c.;

g. A statement indicating that the current version of the facility's Nutrient Management Plan was developed by a Department of Conservation and Recreation (DCR) certified Nutrient Management Planner and approved by the DCR;

h. The results of any waste, soils and groundwater monitoring conducted in accordance with Part I B.;and

i. For each field:

(1) The actual crop(s) planted;

(2) The actual yield(s);

(3) The amount of manure and process wastewater applied to each field during the previous 12 months;

(4) Any supplemental nutrients that have been applied to each field from sources other than manure or process wastewater; and

(5) The results of calculations performed as required by Part I C.5.l.

PART II

WASTE STORAGE; OPERATION AND MAINTENANCE AND SPECIAL CONDITIONS

A. WASTE STORAGE

1. **Design and Operation:**

a. Any liquid manure collection and storage facility shall be designed and operated to:

(1) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm; and

(2) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

b. If after the effective date of this permit, a waste storage facility is planned for construction, the the plans and specifications for the proposed waste storage facility must be submitted to the DEQ Regional Office for approval prior to construction.

2. **New Waste storage facilities** shall not be located-within a 100-year floodplain.

3. **Earthen liquid waste storage facilities,** constructed during the term of this permit, shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one-foot thickness with a maximum permeability rating of 0.0014 inches per hour. A Virginia licensed professional engineer, an employee of the Natural Resources Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority, or an employee of a soil and water conservation district with appropriate engineering approval authority shall certify that the siting, design and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained at the facility.

B. OPERATION AND MAINTENANCE

1. **Production Area Operation:** Water which has not come in contact with the pollutants from the production area must be diverted from the production area unless the waste storage facility is specifically designed to store or treat the water.

2. **Chemicals and other contaminants handled at the facility** must not be disposed of in any manure, process wastewater, or storm water storage or treatment system unless such systems are specifically designed to treat such chemicals and other contaminants.

3. **Confined Animals:** Prevent direct contact of confined animals with surface waters of the state.

4. **Liquid Waste Level:** At earthen liquid waste storage facilities constructed below the seasonal high water table, the top surface of the waste shall be maintained at a level of at least two feet above the water table.

5. **All liquid waste treatment or waste storage facilities** must maintain one foot of freeboard at all times, up to and including a 25-year, 24-hour.

6. **All open surface liquid impoundments** shall have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour storm event.

7. **Mortality Disposal at Liquid Waste Facilities:** Mortalities shall not be disposed of in any liquid manure or process wastewater system, unless alternative technologies are designed to handle mortalities and approved by the Department and must be handled in such a way as to prevent the discharge of pollutants to surface water. The Permittee shall record methods of mortality management and practices as required by Part I C.9.

C. SPECIAL CONDITIONS

1. **Water Quality Standards Reopener:** Should effluent monitoring indicate the need for any water quality based limitation, this permit may be modified or, alternatively, revoked and reissued to incorporate appropriate limitations.

2. **Nutrient Enriched Waters Reopener:** This permit may be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt nutrient standards for the waterbody receiving the discharge or if a future water quality regulation or statute requires new or alternative nutrient control.

3. **Total Maximum Daily Load (TMDL) Reopener:** This permit shall be modified or, alternatively, revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303 (d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

4. **Farm Operating Manual:** The Permittee shall develop and submit a Farm Operating Manual for approval by the Department <u>within 90 days</u> of the effective date of this permit. The Farm Operating Manual shall include at a minimum the following information:

a. identification of land features or structures where storm water will likely leave the production area(s) and enter surface waters of the state;

b. identification of land features or structures in the land application area(s) which will increase the risk of nitrogen and phosphorus transport to surface waters of the state; land features or structures include tile lines, pipes or ditches;

c. practices and procedures which will be followed to ensure that the waste storage facilities are designed and operated in accordance with Parts II A. and B. of this permit;

d. practices, procedures and applicable BMPs which will be utilized to ensure compliance with the requirements of this permit (including those BMPs listed in Table 2 of Part I B.1.b. and those required by Part III B.2.) including but not limited to the following:

(1) if applicable, identification of the location of BMP(s) that are installed or will be installed at the CAFO facility, for BMP(s) that will be installed include the expected timeframe for installation;

(2) specification of appropriate maintenance that will be performed for each BMP(s);

(3) specification of the steps that will be taken in the event that a BMP(s) is found deficient,

(a) as a result of the visual inspections as required by Part I B.1.b., or

(b) as a result of other routine inspections, as prescribed by the Farm Operating Manual, of BMP(s) utilized or installed in accordance with Part III B.2.

The steps shall include any actions that will be taken to correct deficiencies in accordance with Part I C.2.b.

e. practices and procedures which will be followed to ensure that all equipment needed for the proper operation of the permitted facilities is maintained in good working order, including but not limited to the following:

(1) retention of the equipment manufacturer's operation and maintenance manuals or other reference source to allow for timely maintenance and prompt repair of equipment when appropriate; and

(2) specification of the frequencies of inspections in order to detect leaks on equipment used for liquid manure handling and land application; and

f. an emergency plan which includes appropriate procedures for employees to follow in case of an emergency such as; an unauthorized discharge of manure, from the production area or catastrophic animal mortality. The emergency plan must include appropriate information for assistance with the particular emergency and must include contact information for local, state and federal agencies required to be notified in the case of any of the above mentioned events;

g. practices, procedures and methods which will be followed to monitor and analyze waste; and

h. practices, procedures and methods which will be used to manage solids in the waste storage or treatment facilities.

The Permittee shall operate the CAFO facility in accordance with the approved Farm Operating Manual which becomes an enforceable part of the permit. Any changes in those practices and procedures shall be documented and submitted to the Department for staff approval within 90 days of the effective date of the changes. The existing manual shall continue to be implemented until the revised manual is approved by the Department. Upon approval of submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the approved manual shall be deemed a violation of the permit.

4. **Changes to the Facility:** If after the effective date of this permit, the Permittee decides to make a change to the facility including adding animals, the DEQ Regional Office must be contacted to determine if a new permit application would be needed prior to the change(s) being made to the facility.

5. **Notification Prior to Use:** The Permittee shall notify the Department's regional office at least 14 days prior to:

a. Animals being initially placed in the facility; or

b. Utilization of any new waste treatment or storage facilities.

6. **Materials Handling and Storage:** Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

7. **Storage Closure:** When the waste storage or treatment facility is no longer needed, the permittee shall close it in a manner that:

a. minimizes the need for further maintenance and

b. controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the groundwater, surface water, or the atmosphere.

At closure, the permittee shall remove all waste residue from the animal waste storage or treatment facility. Removed waste materials shall be utilized according to the approved NMP.

8. **Training Requirement:** Each operator of a facility covered by this permit shall complete a training program offered or approved by the Department within two years prior to submitting the application for permit coverage, or shall complete such training within one year after submitting the application for permit coverage. All permitted operators shall complete the training program at least once every five years.

PART III

NUTRIENT MANAGEMENT AND LAND APPLICATION REQUIREMENTS

A. NUTRIENT MANAGEMENT

1. **Nutrient Management Plan (NMP) Requirements and Elements:** All CAFO owners or operators shall implement and retain on site a Nutrient Management Plan developed by a certified Nutrient Management Planner in accordance with §10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation. The NMP shall be made available to Department personnel upon request. The NMP shall 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 loss to ground or surface waters. The NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied, unless the fields are exempted in Part I C.6.;

b. Site evaluation and assessment of soil types and potential productivities;

c. Nutrient management sampling including soil and waste monitoring;

d. Storage and land area requirements;

e. Calculation of waste application rates;

f. Waste application schedules; and

g. A plan for waste utilization in the event the facility is discontinued.

2. **Waste Application:** Manure generated by this facility shall not be applied to fields owned by or under the operational control of either the Permittee or a legal entity in which the Permittee has an ownership interest unless the fields are included in the facility's approved NMP.

3. **Requirements relating to transfer of animal waste to other persons**: Animal waste generated by this facility may be transferred from the permittee to another person, if one or more of the following conditions are met.

a. Animal waste generated by this facility may be transferred off-site for land application or another acceptable use approved by the department, if:

(1) The sites where the animal waste will be utilized are included in this permitted facility's approved nutrient management plan or;

(2) The sites where the animal waste will be utilized are included in another permitted facility's approved nutrient management plan.

b. Animal waste generated by this facility may be transferred off-site without identifying in the Permittee's approved nutrient management plan the fields where such waste will be utilized, if one of the following conditions are met:

(1) The animal waste is registered with VDACS in accordance with regulations adopted pursuant to subdivision A 2 of § 3.2-3607 of the Code of Virginia; or

(2) When the permittee transfers to another person more than 10 tons of solid or semi-solid animal waste (solid or semi-solid animal waste contains less than 85 percent moisture) or more than 6,000 gallons of liquid animal waste (liquid animal waste contains 85 percent or more moisture) in any 365-day period, the permittee shall maintain records in accordance with Part I C 6.

B. LAND APPLICATION REQUIREMENTS

1. **Buffer Zones:** Manure and process wastewater shall not be land applied within buffer zones.

   a. Buffer zones at land application sites shall, at a minimum, be maintained as stated in the table below.

   b. The buffer zone distance to maintain may be reduced for certain site features indicated in the table below if the following conditions are met:

      (1) BMP(s) that when implemented will provide pollutant reductions equivalent or better than the reductions that would be achieved by a 100-foot wide buffer, or a 35-foot wide vegetated; and

      (2) the BMP(s) has been approved by the Department.

SITE FEATURE	BUFFER ZONE - DISTANCE TO MAINTAIN
Occupied dwelling not on the owner's property (unless the occupant of the dwelling signs a waiver of the buffer zone)	200 feet
Water supply or springs	100 feet
Surface water courses	100 feet
Surface water courses with a vegetated buffer *	35 feet
Surface water courses using other site-specific conservation practices	**
Rock outcroppings (except limestone)	25 feet
Limestone rock outcroppings	50 feet
Sinkholes	100 feet
Sinkholes with a vegetated buffer *	35 feet
Agricultural well heads	100 feet
Agricultural well heads with a vegetated buffer *	35 feet
Open tile line intake structures or other conduits to surface waters	100 feet
Open tile line intake structures or other conduits to surface waters with a vegetated buffer *	35 feet
Sinkholes, Agricultural well heads, Open tile line intake structures or Other conduits to surface waters (using other site-specific conservation practices)	**

Notes: * The Vegetated buffer must equal 35 feet.
** The buffer zone distance to maintain may be reduced in accordance with Part III B.1.b.

2. **Best Management Practices (BMP):** If a BMP or BMPs are utilized, installed or constructed at the facility for water quality protection or in compliance with 40 CFR Part 412, the BMP or BMPs must be maintained onsite for the term of this permit or the life of the practice, whichever is shorter. Details regarding the purpose and maintenance of the BMP shall be included in the facility's Farm Operating Manual.

PART IV

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. MONITORING

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The sampling and analysis program to demonstrate compliance with the permit shall, at a minimum, conform to Part I of the permit.

B. RECORDS

1. Records of monitoring information shall include:

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

   b. The individual or individuals who performed the sampling or measurements;

   c. The dates analyses were performed;

   d. The individual or individuals who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

2. 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 five years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the Permittee, or as requested by the Board or the Director.

C. REPORTING MONITORING RESULTS

1. The Permittee shall submit the results of the monitoring required by Part I B. of this permit in accordance with the reporting schedule specified in Part I D. of this permit. Monitoring results shall be submitted to the Department's regional office.

2. Monitoring results shall be reported on forms provided, approved or specified by the Department.

3. If the Permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the reporting form specified by the Department.

4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Department, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Director may require the Permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The Permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. COMPLIANCE SCHEDULE REPORTS

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. UNAUTHORIZED DISCHARGES

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. REPORTS OF UNAUTHORIZED DISCHARGES

Any Permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part IV F. or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part IV F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

6. If the discharge is continuing, how long is it expected to continue;

7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. REPORTS OF UNUSUAL OR EXTRAORDINARY DISCHARGES

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the Permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The Permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part IV I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. REPORTS OF NONCOMPLIANCE

The Permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the Permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:

   a. Any unanticipated bypass; and

   b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

   c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part IV I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The Permittee shall report all instances of noncompliance not reported under Part IV I.1. or Part IV I.2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part IV I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice), and online http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/PollutionReportingForm.aspx.

For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. NOTICE OF PLANNED CHANGES

1. The Permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The Permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. SIGNATORY REQUIREMENTS

1. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part IV K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part IV K.1.;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part IV K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part IV K.1. or Part IV K.2. shall make the following certification:

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

L. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any noncompliance with this permit or 9VAC25-31 constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

M. DUTY TO REAPPLY

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee shall submit a new application for reissuance at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. EFFECT OF A PERMIT

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. STATE LAW

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by, § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part IV U.), and "upset" (Part IV V.), nothing in this permit shall be construed to relieve the Permittee from civil and criminal penalties for noncompliance.

P. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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 to which the Permittee is or may be subject under § 62.1-44.34:14 through § 62.1-44.34:23 of the State Water Control Law.

Q. 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) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. DISPOSAL OF SOLIDS OR SLUDGES

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. DUTY TO MITIGATE

The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a 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.

U. BYPASS

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts IV U.2. and U.3.

2. Notice.

   a. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

   b. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Part IV I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a Permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The Permittee submitted notices as required under Part IV U.2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part IV U.3.a.

V. UPSET

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part IV V.2. are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. An upset occurred and that the Permittee can identify the causes of the upset;

b. The permitted facility was at the time being properly operated;

c. The Permittee submitted notice of the upset as required in Part IV I.; and

d. The Permittee complied with any remedial measures required under Part IV S.

3. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

W. INSPECTION AND ENTRY

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

1. 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;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. PERMIT ACTIONS

Permits 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.

Y. TRANSFER OF PERMITS

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part IV Y.2., a permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new Permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part IV Y.1., this permit may be automatically transferred to a new Permittee if:

   a. The current Permittee notifies the Department within 30 days of the transfer of the title to the facility or property;

   b. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

   c. The Board does not, within the 30-day time period, notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue the permit. If the Board notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part IV Y.2.b.

Z. SEVERABILITY

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

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 05/19/2014

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Murphy Brown Farm - 6 thru 8 - Berlindory Rd
ADDRESS PO Box 1240
Waverly VA 23890

FACILITY LOCATION 27409 Berlindory Rd, Wakefield, VA 23888

VA0C50002	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Tidewater Regional Office
5636 Southern Boulevard

Virginia Beach VA 23462

NOTE: **READ PERMIT AND GENERAL 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			
001 FLOW	REPORTD	*********			*********	*********	*********				
	REQRMNT	*********	NL	MG	*********	*********	*********			4/YR	EST
	REPORTD										
	REQRMNT									*******	
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	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
Visual Observations of Grab:

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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.

OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
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001 FLOW	REPORTD	*********			*********	*********	*********				
	REQRMNT	*********	NL	MG	*********	*********	*********			4/YR	EST
	REPORTD										
	REQRMNT									*******	
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	REQRMNT									*******	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
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OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
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Industrial Minor 05/19/2014

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Murphy Brown Farm - 6 thru 8 - Berlindory Rd

ADDRESS PO Box 1240
Waverly VA 23890

FACILITY LOCATION 27409 Berlindory Rd, Wakefield, VA 23888

VA0C50002	003
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Tidewater Regional Office
5636 Southern Boulevard

Virginia Beach VA 23462

NOTE: **READ PERMIT AND GENERAL 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			
001 FLOW	REPORTD	*********			*********	*********	*********				
	REQRMNT	*********	NL	MG	*********	*********	*********			4/YR	EST
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
Visual Observations of Grab:

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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.

OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 05/19/2014

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001 FLOW	REPORTD	*********			*********	*********	*********				
	REQRMNT	*********	NL	MG	*********	*********	*********			4/YR	EST
	REPORTD										
	REQRMNT									*******	
	REPORTD										
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PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 05/19/2014

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ADDRESS PO Box 1240
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FACILITY LOCATION 27409 Berlindory Rd, Wakefield, VA 23888

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PERMIT NUMBER	DISCHARGE NUMBER

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DEPT. OF ENVIRONMENTAL QUALITY
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	REPORTD										
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TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

This report is required by your VPDES permit and by law. (See, e.g., the Code of Virginia of 1950 §62.1-44.5 and 9 VAC 25-31-50.) Failure to report or failure to report truthfully can result in civil penalties of $32,500 per violation, per day and felony prosecutions which can carry a 15 year term.

DISCHARGE MONITORING REPORT (DMR) - GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil. The use of 'correction fluid/tape' is not allowed.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces have a requirement or limitation, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".
   KG/DAY = Concentration (mg/L) x Flow (MGD) x 3.785 G/D (Grams/Day) = Concentration (mg/L) x Flow (MGD) x 3785
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. For all parameters enter the number of samples which do not comply with the maximum and/or minimum permit requirements in the "reported" space in the column marked "No. Ex." (Number of Exceedances). If none, enter "0". Do NOT include monthly average violations in this field. Include any Maximum 7-Day Average and Maximum Weekly Average violations in this field. Permittees with continuous pH, or temperature monitoring requirements should consult the permit for what constitutes an exceedance and report accordingly.
7. You are required to sample (at a minimum) according to the Sample Frequencies and Sample Types specified in your permit.
8. Enter the actual frequency of analysis for each parameter (number of times per day, week, month, etc.) in the "reported" space in the column marked "Frequency of Analysis".
9. Enter the actual type of sample (Grab, 8HC, 24HC, etc) collected for each parameter in the "reported" space in the column marked "Sample Type".
10. Enter additional required data or comments in the space marked "additional permit requirements or comments". If additional required data or comments are appended to the DMR, reference appended correspondence in this field.
11. Record the number of bypasses during the month, the total flow in million gallons (MG) and BOD5 in kilograms (KG) in the proper columns in the section marked "Bypasses and Overflows".
12. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator or if the operator in responsible charge of the facility is a licensed operator, the operator's signature and certificate number must be reported in the spaces provided.
13. The principal executive officer then reviews the form and must sign in the space provided and provide a telephone number where he/she can be reached. Every page of the DMR must have an original signature.
14. Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each separate violation by date.
17. If you have any questions, contact the Department of Environmental Quality Regional Office listed on the DMR.

ATTACHMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY
VPDES Monitoring Report

Facility Name: Murphy Brown LLC Farms 6-8
Address: 27409 Berlindory Road
Wakefield, VA 23888

VPDES Permit No.: VA0C50002

Report Period: From ___/___/___ To ___/___/___

Monitoring Station: **CAFO Waste Monitoring**

Parameters	Units		Monitoring Results		Analysis Frequency	Sample Type
			Average	Maximum		
TKN	*	Reported				
		Required	NL	NL	2/Year	Composite
Ammonia-Nitrogen	*	Reported				
		Required	NL	NL	2/Year	Composite
Total Phosphorus	*	Reported				
		Required	NL	NL	2/Year	Composite
Total Potassium	*	Reported				
		Required	NL	NL	2/Year	Composite
Calcium	*	Reported				
		Required	NL	NL	2/Year	Composite
Magnesium	*	Reported				
		Required	NL	NL	2/Year	Composite
Moisture Content	%	Reported				
		Required	NL	NL	2/Year	Composite

_____
Name of Principal Exec. Officer or Authorized Agent / Title

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. See 18 U.S.C. □1001 and 33 U.S.C. □1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

_____
Signature of Principal Officer or Authorized Agent / Date

ATTACHMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY
VPDES Monitoring Report

Facility Name: Murphy Brown LLC Farms 6-8
Address: 27409 Berlindory Road
Wakefield, VA 23888

VPA Permit No.: VA0C50002

Report Period: From ___/___/___ To ___/___/___

Monitoring Station: **Soils Monitoring -Land Application Site**

Parameters	Units		Monitoring Results		Frequency of Analysis	Sample Type
			Average	Maximum		
Soil pH	SU	Reported				
		Required	NL(min)	NL	1/3 Years	Composite
Phosphorus	ppm or lbs/ac	Reported				
		Required	*****	NL	1/3 Years	Composite
Potassium	ppm or lbs/ac	Reported				
		Required	*****	NL	1/3 Years	Composite
Calcium	ppm or lbs/ac	Reported				
		Required	*****	NL	1/3 Years	Composite
Magnesium	ppm or lbs/ac	Reported				
		Required	*****	NL	1/3 Years	Composite

Name of Principal Exec. Officer or Authorized Agent / Title

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ATTACHMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY
VPDES Monitoring Report

Facility Name: Murphy Brown LLC Farms 6-8
Address: 27409 Berlindory Road
Wakefield, VA 23888
VPA Permit No.: VA0C50002

Report Period: From ___/___/___ To ___/___/___

Monitoring Station: **Ground Water Monitoring - Well No. _____**

Parameters	Units		Monitoring Results		Frequency of Analysis	Sample Type
			Average	Maximum		
Static Water Level	0.01 ft	Reported				
		Required	*****	NL	2/year	Measured
Temperature	°C/°F	Reported				
		Required	*****	NL	2/year	Grab
Turbidity	NTU	Reported				
		Required	*****	NL	2/year	Grab
Ammonia-Nitrogen	mg/l	Reported				
		Required	*****	NL	2/year	Grab
Nitrate-Nitrogen	mg/l	Reported				
		Required	*****	NL	2/year	Grab
pH	Std units	Reported				
		Required	*****	NL	2/year	Grab
Conductivity	umhos/cm	Reported				
		Required	*****	NL	2/year	Grab

_____
Name of Principal Exec. Officer or Authorized Agent / Title

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