

Concentrated Animal Feeding Operation (CAFO) Permitting

Tennessee Department of Agriculture
Application Review Process



What is Tennessee Department of Agriculture's Role in CAFO Permitting?

- Tennessee Department of Agriculture (TDA) has a Memorandum of Agreement (MOA) with Tennessee Department of Environment & Conservation (TDEC) to review CAFO permit applications.
- TDA is not the permitting authority. TDEC is the permitting and enforcement agency for CAFO permits.
 - TDA cannot issue permits (TDA only reviews applications).
 - TDA does not perform any enforcement activities (such as issuing Notices of Violation).
 - TDA cannot prevent enforcement actions.



CAFO Permit Application Review Process

- TDA receives a CAFO permit application from a producer, a technical service provider (TSP), or TDEC.
- The application is uploaded to TDEC's database.
- The application is reviewed for completeness.
 - Notice of Intent or EPA Forms 1 and 2b
 - Declarations to Nutrient Management Plan
 - Maps
 - Nutrient Management Plan or Comprehensive Nutrient Management Plan
- The application is reviewed for correctness.

The image displays two documents related to a CAFO permit application. On the left is a form from the Tennessee Department of Environment and Conservation, Division of Water Resources, titled 'CONCENTRATED ANIMAL FEEDING OPERATION STATE OPERATING PERMIT (SOP) NOTICE OF INTENT (NOI)'. The form includes sections for 'OPERATION INFORMATION', 'PROPERTY INFORMATION', and 'APPLICANT CERTIFICATION AND SIGNATURE'. On the right is a document titled 'Declarations to Nutrient Management Plan', which contains a series of numbered statements for the applicant to verify, such as 'I am the owner or operator of the CAFO' and 'I have a written Nutrient Management Plan or Comprehensive Nutrient Management Plan in place for the CAFO'.



CAFO Permit Application Review Process, Cont.

- TDA will send either a request letter (for additional information/corrections) or an Approval Letter to the applicant.
- Once approved, the permit application materials and TDA's Approval Letter are forwarded to TDEC for permit issuance.
- In some special cases, TDEC may request additional information prior to permit issuance (e.g. operations adjacent to impaired waterways).



Common Permit Application Errors

- Lack of signatures (e.g. Notice of Intent/EPA Forms, Declarations to Nutrient Management Plan, Nutrient Management Plan).
- Inconsistencies between the Notice of Intent/EPA Forms and the Nutrient Management Plan (e.g. number of animals, amount of manure produced annually).
- Inconsistencies between engineering plans and Animal Waste Management (AWM) modeling (e.g. dimensions on plans differ from those used in AWM).



Common Permit Application Errors, Cont.



- Lack of adequate storage (e.g. a lagoon has three months of storage, but the producer only applies/exports once a year).
- Inadequate buffers/setbacks for application fields adjacent to surface water (e.g. manure application occurs within 100 feet of surface water, but a 35 foot buffer is not employed).
- Out of date soil and/or manure analyses.





IMPORTANT!!!



- Never try to “fake it” with regards to your application or record-keeping.
- When you sign your Notice of Intent/EPA Forms, you are certifying that your application and all the accompanying materials are true, to the best of your knowledge.
- Falsification of records (laboratory reports, record-keeping, etc.) can lead to charges up to a felony in the State of Tennessee.
- Since TDEC receives federal funding, you may also be subject to federal charges if an attempt to falsify records is identified.
- Bottom line: IT ISN'T WORTH IT!!!



Preventing Permit Application Stagnation

- Always respond quickly to TDA/TDEC information requests.
- If there is going to be a delay in providing additional information, let TDA and/or TDEC know.
- Keep in touch with your Technical Service Provider. Remember you are ultimately responsible for getting you permit. (It will be you, not the Technical Service Provider, that will receive the Notice of Violation/Director's Order from TDEC/EPA for not getting a permit.)
- Don't assume "everything is OK" if you never receive a Request Letter, Approval Letter, or a permit.



Preventing Permit Application Stagnation, Cont.

- Not sure about your permit application status? Find out by:
 - Calling TDA at (615) 837-5489 (Macee Fredlake)
 - Calling TDEC at (615) 532-7743 (John Newberry)
 - Check online using TDEC's Water Resources Permits database at:
<https://dataviewers.tdec.tn.gov/dataviewers/f?p=9034:34001>

The screenshot shows the TDEC Water Resources Permits database interface. At the top, there are navigation tabs: WPC Permits in TN, Exceptional TN Waters, WPC Permit Appeals, WPC Complaints, WPC Inspections, and Oil and Gas. Below the tabs is a search guidance section with several links. The main content area is titled 'WPC Permits in Tennessee' and shows a search bar with a 'Go' button and a 'Help' button. Below the search bar is a filter section with a dropdown menu set to 'Row text contains'. The main data table has columns: Permit No, Site Name, Permittee Name, Type, Status, Rating, City, County, EFO Name, MS4, Issuance, Expiration, and Effective. The first row in the table has the following values: SOPC00285, [redacted], [redacted], CAFO-NoD, Incomplete, N/A, Fayetteville, Lincoln, Columbia, -, -, -, -. The 'Status' column value 'Incomplete' is circled in red, and a red arrow points to it from below.

Permit No	Site Name	Permittee Name	Type	Status	Rating	City	County	EFO Name	MS4	Issuance	Expiration	Effective
SOPC00285	[redacted]	[redacted]	CAFO-NoD	Incomplete	N/A	Fayetteville	Lincoln	Columbia	-	-	-	-

Under the "Status" field:

- Incomplete = we need something from you
- Pending = you are waiting for something from us

Questions or Concerns?



For more information visit:

<https://www.tn.gov/agriculture/farms/conservation/cafo.html>

<https://www.tn.gov/environment/permit-permits/water-permits/concentrated-animal-feeding-operation--cafo--general-state-operating-permit.html>

<https://www.epa.gov/npdes/animal-feeding-operations-afos>

