

NPDES PERMIT AND STATE PERMIT

Issued to

Oakridge Dairy, LLC
76 Jobs Hill Road
Ellington, CT 06029

Location Address: 11 and 33 Jobs Hill Road, 115 Meadow Brook Road
and 8 Hoffman Road, Ellington, CT

Permit ID: CT0030801

Issuance Date: **DRAFT**

Receiving Stream: Broad Brook

Effective Date: Upon issuance

Stream Segment Number: 4206-00-2

Expiration Date: 5 years from effective date

SECTION 1: GENERAL PROVISIONS

- (A) This permit is issued in accordance with section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended, and section 402(b) of the Clean Water Act, as amended, 33 USC 1251, et. seq., and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer an N.P.D.E.S. permit program.
- (B) Oakridge Dairy, LLC, ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(10)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

- (a) Definitions
- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty to Comply
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate

- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (l) Conditions Applicable to POTWs
- (m) Effluent Limitation Violations
- (n) Enforcement
- (o) Resource Conservation
- (p) Spill Prevention and Control
- (q) Instrumentation, Alarms, Flow Recorders
- (r) Equalization

Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
 - (b) Duty to Reapply
 - (c) Application Requirements
 - (d) Preliminary Review
 - (e) Tentative Determination
 - (f) Draft Permits, Fact Sheets
 - (g) Public Notice, Notice of Hearing
 - (h) Public Comments
 - (i) Final Determination
 - (j) Public Hearings
 - (k) Submission of Plans and Specifications. Approval.
 - (l) Establishing Effluent Limitations and Conditions
 - (m) Case by Case Determinations
 - (n) Permit issuance or renewal
 - (o) Permit Transfer
 - (p) Permit revocation, denial or modification
 - (q) Variances
 - (r) Secondary Treatment Requirements
 - (s) Treatment Requirements for Metals and Cyanide
 - (t) Discharges to POTWs - Prohibitions
- (C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection ("Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least thirty (30) days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure, by the transferee, to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.

- (F) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Permittee pursuant to this permit will result in compliance or prevent or abate pollution.
- (G) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (H) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.
- (I) This permit becomes effective on the date of signature.

SECTION 2: DEFINITIONS

- (A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and section 22a-430-3(a) and 22a-430-6 of the RCSA
- (B) In addition to the above, the following definitions shall apply to this permit:

“25-year, 24-hour Rainfall Event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, “Rainfall Frequency Atlas of the United States,” May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

“Adequate Storage” means the storage volume of manure, digestate, and agricultural wastewater as required by the nutrient management plan and Connecticut NRCS Practice Standard Code 313, Waste Storage Facility. Large CAFOs with earthen waste storage facilities shall have an impermeable liner.

“Agricultural Wastes” means manure, bedding materials, poultry litter, and spilled feed or feed waste.

“Agricultural Wastewater” means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Agricultural wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

“Animal Feeding Operation” or “AFO” means a feedlot or building or a group of feedlots or buildings (other than an aquatic animal production facility) where the following conditions are met: (i) animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (ii) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

“Best Management Practices” or “BMPs” means recommended practices or procedures designed to prevent, minimize or control environmental impacts. BMPs may include treatment requirements,

operating procedures, and practices to control site runoff, spillage or leaks, waste storage, or drainage from raw material storage.

“Catastrophic Rainfall Event” is equivalent to a 25-year, 24-hour storm event. Catastrophic events include tornadoes, hurricanes, or other conditions that would cause an overflow from the waste retention structure that is designed, constructed, operated, and maintained to meet all the requirements of this permit.

“CFR” means the Code of Federal Regulations.

“Chronic Rainfall” means a series of wet weather events that prevent the dewatering of properly maintained waste storage structures.

“Comprehensive Nutrient Management Plan” means a site-specific plan to properly manage agricultural wastes and agricultural wastewaters, including runoff and seepage from land application areas, in order to minimize the impacts of animal feeding operations on water quality.

“Concentrated Animal Feeding Operation” or “CAFO” means an AFO that is defined as a Large CAFO, or as a Medium CAFO, or as a proposed new operation, or that is designated as a CAFO. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining whether such AFO is a CAFO based on the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

“Department” means the department of energy and environmental protection.

“Discharge Associated with a CAFO” means a discharge under catastrophic or chronic rainfall conditions from a facility designed, constructed and operated to hold all agricultural wastes, agricultural wastewater, and the runoff from at least a 25-year, 24-hour rainfall event; and all other discharges in accordance with the CNMP.

“Digestate” means the solid and liquid material remaining after anaerobic digestion.

“Land Application” means the application of agricultural wastes and or agricultural wastewater onto, or incorporation into, the soil.

“Land Application Area” means any land owned, rented, leased or otherwise controlled by the CAFO owner/operator to which agricultural wastes, agricultural wastewater and or digestate are or may be applied.

“Manure” means urine and feces excreted from livestock and other materials comingled with urine and feces including bedding and compost.

“NRCS” means the Natural Resources Conservation Service of the United States Department of Agriculture.

“Nutrient Management Plan” or “NMP” means a plan developed to manage the amount, source, placement, form, timing of the application of agricultural wastes, agricultural wastewater, digestate, and soil amendments to ensure adequate soil fertility for plant production and to minimize the potential impacts on water quality.

“Overflow” means the discharge of manure or agricultural wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, agricultural wastewater, or stormwater can be contained by the structure.

“Production Area” means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, freestall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated stormwater. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

“Runoff” means collected or uncollected gravity-induced overland flow of water from rain, melted snow, agricultural or landscape irrigation.

“Setback” means a specified distance from surface waters or potential conduits to surface waters where manure, digestate, litter, and agricultural wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: Open tile line intake structures, clean water diversions, and agricultural well heads.

“Stormwater” means waters consisting of precipitation (rain or snow) runoff.

“USDA” means United States Department of Agriculture.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner has issued a final determination and found that the proposed system to treat such discharge will protect the waters of the state from pollution. The Commissioner’s decision is based on Application No. 202104694 for permit, issuance, received on April 9, 2021 and the administrative record established in the processing of that application.
- (B) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) There shall be no discharge of agricultural waste, digestate or agricultural wastewater into the waters of the state from the production areas except as provided in the Permittee’s Comprehensive Nutrient Management Plan received April 9, 2021, and the additional documents received September 7, 2021, which are hereby approved (collectively “CNMP”).

- (B) There shall be no discharge from the lined storage lagoon unless it is a discharge associated with a CAFO under catastrophic or chronic rainfall conditions and operated to retain all digestate, agricultural waste and agricultural wastewater.

SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (A) The Permittee shall implement its CNMP, which incorporates the following best management practices:

1. Adequate storage-
Ensure adequate storage of manure, agricultural wastewater, and digestate, including procedures to ensure proper operation and maintenance of all storage components.
2. Mortalities management-
Ensure that mortalities are not disposed of in a liquid manure, stormwater, or agricultural wastewater storage or treatment system that is not specifically designed to treat animal mortalities.
3. Clean water diversion-
Diversion of clean water from the production area.
4. Direct water contact-
Prevent direct contact of confined animals with waters of the State.
5. Chemical handling-
Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, agricultural wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
6. Records-
Establish and maintain records of CNMP implementation including as-builts of structural practices, operation and maintenance records, and records associated with land application procedures.
7. Nutrient Management -
Establish land application procedures for manure, litter, digestate and agricultural wastewater in accordance with the Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management dated May 2013), and phased implementation of phosphorus-based nutrient management.

- (B) Land application of manure, agricultural wastewaters, and digestate shall be performed in accordance with the following best management practices developed and incorporated in the CNMP:

1. Nutrient Management Plan-
Implement the nutrient management plan based on a field-specific assessment of the potential for nitrogen and phosphorus transport from each field and the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface and groundwaters.

2. Determination of application rates-
Application rates for manure, agricultural wastewaters, and digestate applied to land under control of the Permittee shall minimize nitrogen and phosphorus transport from the field to surface and groundwaters in accordance with Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management dated May 2013).
3. Digestate, manure, and soil sampling-
Composite samples of digestate and manure shall be collected according to the CNMP specifications for sampling of liquid manure during spring and fall land application and analyzed for the following parameters: total nitrogen, organic nitrogen, ammonia nitrogen, total phosphorus or P205, and pH. Soil shall be analyzed a minimum of once every 3 years for phosphorus.
4. Inspect land application equipment for leaks-
The Permittee shall inspect all equipment used to land apply digestate, manure, and agricultural wastewaters quarterly.
5. Setback requirements-
The Permittee shall implement setbacks as delineated in the CNMP when land applying digestate, manure, and agricultural wastewaters.

(C) The Permittee shall implement the following best management practices for the production area:

1. Visual inspections
Perform routine visual inspections of the CAFO production area. At a minimum, the following must be visually inspected:
 - (i) Weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structures;
 - (ii) Daily inspection of water lines, including drinking water or cooling water lines;
 - (iii) Daily inspections of low flow silage leachate and stormwater collection inlets during the ensiling of grass or corn and continuing for four (4) weeks after filling is done;
 - (iv) Weekly inspections of the manure, and agricultural wastewater impoundments; the inspection will note the level in liquid impoundments as indicated by the depth marker.
2. Corrective actions
Any deficiencies found as a result of these inspections must be corrected as soon as possible.
3. The silage leachate low flow storage/containment shall be emptied when full or at a minimum after each storm event until such time that the upgraded silage leachate collection system has been installed in accordance with Subsections 9(A) and 9(B) of this permit.
4. The heavily bedded calf manure from the Calf Division, separated manure solids in excess of bedding needs for the milking herd from the Main Facility, cow pack manure from the Main Facility, and second stage mortality compost, shall be windrow composted in the designated

composting area until such time that the long-term solid manure management practice has been installed in accordance with Subsection 9(C) of this permit.

(D) The Permittee shall maintain records for the production area.

The permittee must maintain on-site, for a period of five years from the date they are created, a complete copy of the application, the specific records identified in the CNMP to be maintained to document implementation and management, and the records specified in paragraphs (D)(1) through (D)(6) below. The Permittee must make the following records available to the commissioner, or his or her designee, for review upon request:

1. Records documenting the visual inspections;
2. Weekly records of the depth of the manure and agricultural wastewater in the liquid impoundment as indicated by the depth marker;
3. Records documenting any actions taken to correct deficiencies found as a result of inspections. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction;
4. Records of mortalities management and practices used by the Permittee.
5. Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity; and
6. Records of the date, time and estimated volume of any overflow.

(E) The Permittee shall maintain records of land application areas.

The Permittee must maintain on-site a copy of its site-specific Nutrient Management Plan. The Permittee must maintain on-site for a period of five years from the date they are created a complete copy of the information input into the NMP. The Permittee must also maintain on-site all necessary records to document that the NMP is being properly implemented with respect to manure and wastewater generation, storage, handling, and land application. In addition, records specified in paragraphs (E)(1) through (E)(10) of this section must be maintained. The Permittee must make the following records available to the commissioner, or his or her designee, for review upon request:

1. Expected crop yields;
2. The date(s) manure, litter, digestate or agricultural wastewater is applied to each field;
3. Weather conditions at time of application and for 24 hours prior to and following application;
4. Test methods used to sample and analyze manure, litter, digestate, agricultural wastewater, and soil;
5. Results from manure, litter, digestate, agricultural wastewater, and soil sampling;

6. A statement that the basis for determining manure application rates is in accordance with the Connecticut NRCS Conservation Practice Standards 590 (Nutrient Management dated May 2013);
 7. Data tables showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, digestate or agricultural wastewater;
 8. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;
 9. The method used to apply the manure, litter, digestate or agricultural wastewater;
 10. Date(s) of manure application equipment inspection.
- (F) The Permittee shall monitor and inspect each structural management practice in accordance with the operation and maintenance plan in the CNMP.

SECTION 6: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

(A) Digestate, Manure, and Soil, Analysis-

1. Consistent with Connecticut NRCS Conservation Practice Standards 590 samples of digestate and manure shall be collected, prepared, stored, and shipped, following land-grant university guidance. Samples are to be analyzed at laboratories and using testing requirements recognized by the University of Connecticut Soil Nutrient Analysis Laboratory.
2. All soil samples shall be collected and prepared in a manner recognized by the University of Connecticut Soil Nutrient Analysis Laboratory. Laboratories performing soil test analyses shall meet the performance standards and requirements of the North American Proficiency Testing Program-Performance Assessment Program under the auspices of the Soil Science Society of America and the USDA Natural Resources Conservation Service.

SECTION 7: REPORTING AND RECORD KEEPING REQUIREMENTS

- (A) The Permittee shall report to the Bureau of Materials Management and Compliance Assurance (Attn: CAFO Coordinator) on an annual basis on or before JANUARY 31st, an annual report including:
1. The number and type of animals, whether in open confinement or housed under roof;
 2. Estimated amount of total manure, digestate and agricultural wastewater generated or received by the CAFO in the previous 12 months (tons/gallons);
 3. Estimated amount of total manure, digestate and agricultural wastewater transferred to other person by the CAFO in the previous 12 months (tons/gallons);
 4. Total number of acres for land application covered by the nutrient management plan;

5. Total number of acres under control of the CAFO that were used for land application of manure, digestate and agricultural wastewater in the previous 12 months;
6. Summary of all manure, digestate and agricultural wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;
7. A statement indicating whether the current version of the Comprehensive Nutrient Management Plan was developed or approved by a certified nutrient management planner; and
8. The actual crop(s) planted and actual yield(s) for each field, the actual nitrogen and phosphorus content of the manure, digestate, and agricultural wastewater, the amount of manure, digestate, and agricultural wastewater to be applied, and the amount of manure, digestate, and agricultural wastewater applied to each field during the previous 12 months; and the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months, verification that CT NRCS Conservation Practice Standard 590 Nutrient Management was used in calculating the amount of nitrogen and phosphorus from all sources to be land applied, and the amount of any supplemental fertilizer applied during the previous 12 months; and
9. The submission of the report shall be in writing to the following address and electronically to NetDMR in accordance with Paragraph (E) below:

Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division (Attn: CAFO Coordinator)
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

- (B) All records required by this permit and the CNMP shall be maintained on-site for a period of at least five (5) years and shall be made available upon request to the Commissioner or during any on-site inspection.
- (C) A copy of the CNMP shall be maintained on site and made available to the Commissioner upon request.
- (D) The Permittee shall perform the following requirements for land application activities not under the control of the Permittee:
 1. Maintain records showing the amount of digestate or manure that leaves the Permittee's operation;
 2. Record the approximate amount of digestate or manure, the transfer date and the name and address of the recipient;
 3. Provide the recipient with the current nutrient analysis of the digestate, manure or manure products;
 4. Inform the recipient of his/her responsibility to properly manage the land application of the digestate and manure to prevent discharge of pollutants to waters of the state.
- (E) NetDMR Reporting Requirements

1. Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit discharge monitoring reports (DMRs) and other required reports through a secure internet connection. Unless otherwise approved in writing by the Commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

(a) Submittal of *NetDMR Subscriber Agreement*

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee's discharge monitoring reports ("Signatory Authority") as described in RCSA Section 22a-430-3(b)(2) shall contact the Department at deep.netdmr@ct.gov and initiate the NetDMR subscription process for electronic submission of Discharge Monitoring Report (DMR) information. Information on NetDMR is available on the Department's website at www.ct.gov/deep/netdmr. On or before ninety (90) days after issuance of this permit the Permittee shall submit a signed copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the Department.

(b) Submittal of Reports Using NetDMR

Unless otherwise approved by the Commissioner, on or before one-hundred and eighty (180) days after issuance of this permit, the Permittee and/or the Signatory Authority shall electronically submit DMRs and reports required under this permit to the Department using NetDMR in satisfaction of the DMR submission requirement in paragraph (A) of this Section of this permit.

DMRs shall be submitted electronically to the Department no later than the 30th day of the month following the completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department as an electronic attachment to the DMR in NetDMR. Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to the Department. Permittee shall also electronically file any written report of non-compliance described in paragraph (A) of this Section and in the following Section of this Permit as an attachment in NetDMR. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

(c) Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting DMRs and reports, the Commissioner may approve the submission of DMRs and other required reports in hard copy form ("opt-out request"). Opt-out requests must be submitted in writing to the Department for written approval on or before fifteen (15) days prior to the date a Permittee would be required under this permit to begin filing DMRs and other reports using NetDMR. This demonstration

shall be valid for twelve (12) months from the date of the Department's approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department using NetDMR unless the Permittee submits a renewed opt-out request and such request is approved by the Department.

All opt-out requests and requests for the NetDMR subscriber form should be sent to the following address or by email at deep.netdmr@ct.gov:

Attn: NetDMR Coordinator
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

SECTION 8: RECORDING AND REPORTING OF VIOLATIONS,

- (A) The Permittee shall, within two (2) hours of becoming aware of the circumstances, and at the start of the next business day if he or she becomes aware of the circumstances outside normal business hours, notify the Commissioner of any actual or anticipated noncompliance with the terms and conditions of this permit and shall submit a written report to the Commissioner within five days thereafter. Such report shall contain a description of the noncompliance and its cause; 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 steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Actual or anticipated noncompliance may include, but not be limited to, a leak, breach, overflow or other structural failure of a storage facility not caused by a catastrophic event but due to improper operation, maintenance or design; or a discharge due to manure releases related to the improper handling of liquid or solid manure.
- (B) In the event that the Permittee becomes aware that it did not or may not comply, with any requirement of the CNMP, the Permittee shall notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay, and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

SECTION 9: COMPLIANCE SCHEDULE

- (A) On or before September 1, 2022, the Permittee shall submit for the Commissioner's review and written approval, plans and specifications for an upgrade of the bunk silage leachate and stormwater control system for the feed storage area at the Main Facility. The leachate and stormwater collection system must provide gross particle screening, low flow collection of silage leachate, and collection with retention of all stormwater exceeding the low flow condition up to and including the 25-year, 24-hour storm event.
- (B) On or before one (1) year after the Commissioner's written approval issued under paragraph (A) above, the Permittee shall submit a written report demonstrating that it has performed all actions, in accordance with such approval, for the upgrade of the bunk silage leachate and stormwater control

system for the feed storage area at the Main Facility.

- (C) On or before one (1) year after the proposed onsite anaerobic digester becomes operational, the Permittee shall submit for the Commissioner's review and written approval, a comprehensive report documenting the quantity of: 1) separated manure solids produced after anaerobic digestion in excess of bedding needs for the facility; 2) heavily bedded calf manure from the Calf Division; 3) cow pack manure from the Main Facility; and 4) mortality compost. The report shall identify a preferred long-term solid manure management practice and include a schedule to implement the preferred best management practice. The preferred best management practice shall be implemented on or before December 31, 2026.

This permit is hereby issued on

Betsey Wingfield
Deputy Commissioner
Department of Energy and Environmental Protection

BW/JW

WASTEWATER DISCHARGE PERMIT: DATA TRACKING AND TECHNICAL FACT SHEET

PERMITTEE: Oakridge Dairy, LLC

PERMIT, ADDRESS, AND FACILITY DATA

PERMIT #: CT0030801 APPLICATION #: 202104694

<u>Mailing Address:</u>					<u>Location Address:</u>						
Street:	76 Jobs Hill Road				Street:	11 & 33 Jobs Hill Road, 115 Meadow Brook Road, and 8 Hoffman Road					
City:	Ellington	ST:	CT	Zip:	06029	City:	Ellington	ST:	CT	Zip:	06029
Contact Name:	Seth Bahler				DMR Contact	Seth Bahler					
Phone No.:	860-466-9302				Phone No.:	860-875-2858					
Contact E-mail:	seth@oakridgedairy.com				DMR Contact E-mail:	seth@oakridgedairy.com					

PERMIT INFORMATION

DURATION 5 YEAR 10 YEAR 30 YEAR

TYPE New Reissuance Modification

CATEGORIZATION POINT () NON-POINT () GIS #

NPDES (X) PRETREAT () GROUND WATER(UIC) () GROUND WATER (OTHER) ()

NPDES MAJOR(MA)
 NPDES SIGNIFICANT MINOR or PRETREAT SIU (SI)
 NPDES or PRETREATMENT MINOR (MI)
 PRETREAT SIGNIFICANT INDUS USER(SIU)
 PRETREAT CATEGORICAL (CIU)

POLLUTION PREVENTION MANDATE ENVIRONMENTAL EQUITY ISSUE

SIC CODE _0241_____

COMPLIANCE SCHEDULE YES X NO

POLLUTION PREVENTION TREATMENT REQUIREMENT
WATER CONSERVATION

WATER QUALITY REQUIREMENT REMEDIATION OTHER X

RECENT ENFORCEMENT HISTORY

Is the Permittee subject to a pending enforcement action? Yes No X

OWNERSHIP CODE

Private X Federal State Municipal (town only) Other public

DEEP STAFF ENGINEER Joseph Wettemann

PERMIT FEES

Discharge Code	DSN Number	Annual Fee
3070000	101-105	\$660

FOR NPDES DISCHARGES

Receiving Stream: Broad Brook

Stream Segment Number: 4206-00-02

Drainage basin Code: 4206-00

Present/Future Water Quality Standard: Class A

NATURE OF BUSINESS GENERATING DISCHARGE

Oakridge Dairy, LLC is an existing dairy farm operation housing 3,180 mature dairy cows and 975 young stock that grows forage for their herd on 3,268 acres of cropland. The principal activity is to produce milk for shipment to a local processor in New Britain, CT and bottling for Oakridge Dairy's home delivery service supplying milk, eggs and other dairy products to customers in and around Ellington.

Oakridge Dairy consists of three farmsteads that collectively are the production area of the CAFO: The Main Facility (11 and 33 Jobs Hill Road, Ellington, CT), Bahler Farms Facility (115 Meadowbrook Road, Ellington, CT) and the Calf Division (8 Hoffman Road, Ellington, CT). The Main Facility consists of a

large climate-controlled building (freestall barn that houses the milking herd, milking center and solid manure separation), a feed center (commodities building and bunk silo with associated leachate and stormwater controls), a two-cell lined manure storage structure (Cell #1 clay lined, 1 MG; Cell #2 HDPE lined and covered, 21 MG), mortality composting, and 2 conventional barns housing dairy cows (Pens 23, 24, and 25). A proposed anaerobic digester will also be located at the Main Facility. Oakridge Dairy is working with RevLNG, LLC on an anaerobic digester and renewable natural gas (RNG) project. RevLNG, LLC will be the owner/operator of the anaerobic digester facility and will process manure from the Oakridge Dairy herd to produce biogas that will be upgraded to pipeline quality gas and transported and used off the farm. The digester will only receive manure from Oakridge Dairy. There will be no food waste or other off-farm nutrient sources imported for use in the digester.

While the proposed anaerobic digester will increase Oakridge Dairy's manure storage capacity by two million gallons, the digester itself is not a required component of Oakridge Dairy's Comprehensive Nutrient Management Plan (CNMP) and is not included in this proposed CAFO permit. RevLNG, LLC will be responsible for obtaining a separate discharge permit later for any stormwater discharge associated with industrial activity that may be generated by the proposed anaerobic digester. During pre-application communications with the Department's Waste Engineering and Enforcement Division it was determined that the proposed anaerobic digester is exempt from Solid Waste Permitting. The Air Bureau published a Notice of Tentative Determination for the anaerobic digester on May 6, 2021. There were no requests for a public hearing and no comments were received from the public. On June 21, 2021 the Air Bureau issued a New Source Review Permit to construct and operate an anaerobic digestion facility to owner/operator RevLNG, LLC on a site leased from Oakridge Dairy, LLC.

The Bahler Facility houses approximately 100 heifers. Runoff from an exercise area and manure are stored in a concrete manure storage structure at the end of the barn. There is a bunk silo that is not currently used but is maintained. Both the manure storage and silage leachate/stormwater collection system for the bunk silo were designed and constructed to meet USDA NRCS standards. Heavily bedded calf manure from the Calf Division, separated manure solids in excess of bedding needs for the milking herd from the Main Facility, cow pack manure from the Main Facility, and second stage mortality compost are composted in windrows. A solids handling building for these various compostable solids is proposed. Interim BMPs will be implemented and maintained for composting until the solids handling building is installed.

The Calf Division houses calves and young heifers in conventional barns, greenhouses, and individual hutches. There are three manure loadout areas where solid manure (mixture of bedding and manure) is stacked temporarily.

PROCESS AND TREATMENT DESCRIPTION (by DSN)

Oakridge Dairy's CAFO discharges comprise DSNs 101, 102, 103, 104 and 105.

DSN 101, DSN 102, and DSN 104 are three feed storage silage leachate and stormwater collection and treatment systems. DSN 101 and 102 are the existing silage leachate and stormwater controls for the bunk silo feed storage at the Main Facility at Oakridge Dairy. The leachate and stormwater collection system provides low flow collection of silage leachate and runoff from small storm events and high flow collection of stormwater in a detention basin. The low flow collected is pumped and hauled to the liquid

manure/digestate collection and storage system. Oakridge Dairy is proposing a two phased upgrade of the bunk silage leachate and stormwater control system for the feed storage area at the Main Facility. Phase 1 will upgrade the existing feed storage leachate and stormwater collection system. Phase 2 will expand the feed storage bunk silo and install additional leachate and stormwater controls. DSN 104 is an existing silage leachate and stormwater collection and treatment system associated with a bunk silo for feed storage at the Bahler Farm Facility not currently used but maintained as a feed storage area if needed.

DSN 103 is the existing two cell manure storage structure located at the Main Facility at Oakridge Dairy. Cell #1 is clay lined and contains 1 MG. Cell #2 is HDPE lined and covered and has a capacity of 21 MG.

DSN 105 is the existing concrete manure storage pit with an emergency spillway located at the Bahler Farm Facility.

CAFO discharges from DSN 103, DSN 104 or DSN 105 will only be associated with catastrophic or chronic rainfall conditions where the containment/control system is operated in accordance with the CNMP to retain all digestate, agricultural waste and/or agricultural wastewater, plus the runoff from a 25-year, 24-hour rainfall event.

RESOURCES USED TO DRAFT PERMIT

- Federal Effluent Limitation Guideline 40CFR Part 412 Concentrated Animal Feeding Operations (CAFO) Point Source Category
- Performance Standards
- Federal Development Document name of category
- Treatability Manual
- Department File Information
- Connecticut Water Quality Standards
- Anti-degradation Policy
- Coastal Management Consistency Review Form
- Other - Explain

BASIS FOR LIMITATIONS, STANDARDS OR CONDITIONS

- Best Available Technology (BAT)
- Best Professional Judgement (See Other Comments)

X Case by Case Determination (See Other Comments)

— Anti-degradation policy

GENERAL COMMENTS

Animal numbers classify Oakridge Dairy operations as a Large Concentrated Animal Feeding Operation (Large CAFO). The Large CAFO category for dairy cows is 700 or more mature dairy cows. A Large CAFO is required to implement and maintain treatment controls and stormwater management measures specified in 40 CFR 412.33 and 40 CFR 412.37. These required treatment controls and BMPs include ensuring adequate manure storage facilities, proper stormwater handling in production areas and other areas where agricultural wastes and agricultural wastewaters are generated and managed, and a nutrient management program for appropriate land application of nutrients. Agricultural stormwater discharges are not subject to regulation. Agricultural stormwater discharges are precipitation-related discharges from a land application area where agricultural waste or agricultural wastewater has been applied in accordance with a nutrient management plan as required by the permit, and as specified in 40 CFR 122.23(e) and 40 CFR 122.42(e)(1)(vi)-(ix).

Technology based effluent limitations in the form of BMP's for this permit are those as specified in 40 CFR 412.33, 40 CFR 412.37 and interim management measures were developed on a case-by-case basis using best professional judgement as outlined in the EPA NPDES Permit Writers' Manual for Concentrated Animal Feeding Operations.

OTHER COMMENTS

Broad Brook receiving stream segment (Stream Segment Number: 4206-00-2, Drainage Basin Code 4206) is listed as an impaired water in 2016 as not supporting River Aquatic Life Attainment and River Recreation Attainment. The watershed is impaired for recreation due to elevated bacteria levels. The specific impairment is for non-designated swimming and other water contact related activities. There is a TMDL for Broad Brook Watershed (Drainage Basin Code 4206). The TMDL makes the following recommendations for agricultural facilities:

- Ensure sufficient waste storage facilities;
- Install fences and/or vegetated buffers along waterways to restrict livestock access to streams and filter pollutants through vegetation;
- Evaluate timing and application rate of manure.

Oakridge has recently installed a lined and covered manure storage lagoon that has capacity to hold 6 months of liquid manure and agricultural wastewaters from the freestall barn and milking center. In recent years the farm has eliminated all livestock access to surface waters and the CNMP developed for the application delineates surface water and drainage way setbacks for all fields used for land application of manure, digestate, and agricultural wastewaters creating vegetated buffers to filter pollutants. The CNMP includes a field-by-field evaluation of all cropland to determine application rates and timing of land application of manure. DSNs 103 and 105 are manure storage structures that meet BAT requirements.

PROJECT HISTORY

Application received on April 9, 2021
Notice of Sufficiency issued on May 21, 2021
Notice of Tentative Determination

DRAFT

**NOTICE OF TENTATIVE DECISION
INTENT TO ISSUE A STATE PERMIT AND A
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR THE
FOLLOWING DISCHARGES INTO THE WATERS OF THE STATE OF CONNECTICUT**

TENTATIVE DECISION

The Commissioner of Energy and Environmental Protection hereby gives notice of a tentative decision to issue a permit based on an application submitted by **Oakridge Dairy, LLC** ("the applicant") under section 22a-430 of the Connecticut General Statutes for a permit to discharge into the waters of the state.

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that the proposed system to treat the discharge will protect the waters of the state from pollution and the Commissioner proposes to issue a permit for the discharges to the surface and groundwaters in the Broad Brook watershed.

The proposed permit, if issued by the Commissioner, will require the proper management and treatment of agricultural waste, agricultural wastewater, digestate, and stormwater from all production areas to meet applicable effluent requirements.

APPLICANT'S PROPOSAL

Oakridge Dairy, LLC proposes to discharge stormwater associated with its existing dairy farm operation and manure handling systems to the surface and groundwaters in the Broad Brook watershed.

The name and mailing address of the permit applicant are:

**Oakridge Dairy, LLC
76 Jobs Hill Road
Ellington, CT 06029**

The proposed discharge activities will take place at:

The existing dairy farm facilities at 11 and 33 Jobs Hill Road, 115 Meadow Brook Road, and 8 Hoffman Road, Ellington, CT

REGULATORY CONDITIONS

Type of Treatment

Treatment is composed of stormwater detention and retention structures and vegetated treatment areas. In addition, Best Management Practices, including existing and proposed covered manure storage, shall be implemented in accordance with the Comprehensive Nutrient Management Plan received by the Department on April 9, 2021, and additional documents received September 7, 2021.

Effluent Limitations

This permit contains effluent limitations consistent with Best Available Technology and a Case-by-Case Determination using the criteria of Best Professional Judgement which will protect the waters of the state from pollution when all the conditions of this permit have been met.

Compliance Schedule

This permit contains an enforceable compliance schedule which requires the applicant to submit plans and specifications for an upgrade of the bunk silage leachate and stormwater control system for the feed storage area at the Main Facility, and implementation of the approved plans. The Permittee is also required to submit a comprehensive report documenting the quantities of separated manure solids produced after anaerobic digestion in

excess of bedding needs and other solid manures generated to identify and implement a preferred long term solid manure management practice.

COMMISSIONER'S AUTHORITY

The Commissioner of Energy and Environmental Protection is authorized to approve or deny such permits pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended, 33 USC 1251, et. seq. and section 22a-430 of the Connecticut General Statutes and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the Regulations of Connecticut State Agencies).

INFORMATION REQUESTS

The application has been assigned the following numbers by the Department of Energy and Environmental Protection. Please use these numbers when corresponding with this office regarding this application.

APPLICATION NO. 202104694 PERMIT ID NO. CT0030801

Interested persons may obtain copies of the application from DYMAR Corp, 800 Main Street South, Southbury, CT 06488, (203) 267-1046. Contact person: Mark Lancor melancor@dymarinc.com

The application is available for inspection by contacting Joseph Wettemann (860) 424-3025 or joseph.wettemann@ct.gov, at the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 79 Elm Street, Hartford, CT 06106-5127 from 8:30 - 4:30, Monday through Friday.

Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the name and mailing address of the interested person and the area for which notices are requested.


PUBLIC COMMENT

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within 30 days of this public notice. Written comments should be directed via mail to Joseph Wettemann, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or via email to joseph.wettemann@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Notice of any public hearing shall be published at least 30 days prior to the hearing.

Petitions for a hearing shall be submitted within thirty (30) days from the date of publication of this public notice and should include the application number noted above and also identify a contact person to receive notifications. Petitions should also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. In order to facilitate the filing of requests for hearing during the COVID-19 emergency and consistent with the Department's Temporary Directive, the Office of Adjudications will accept electronically-filed petitions in addition to petitions submitted by mail. Petitions with required signatures may be filed by email to deep.adjudications@ct.gov or mailed to the DEEP Office of Adjudications, 79 Elm Street, Hartford, CT 06106. Within thirty (30) days of filing the petition, original petitions that were filed electronically must also be mailed to the Office at the above-noted address. If the original petition exists only in electronic format or signatures were produced using a computer or typewriter, the petition must be submitted with a statement bearing the wet-ink signature of the petitioner that the petition is only available in that format and has been submitted to satisfy the requirement that an original petition be filed. If a hearing is held, timely

notice of such hearing will be published in a newspaper of general circulation and posted on the DEEP website at www.ct.gov/deep. Additional information can be found at www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact Joseph Wettemann at 860-424-3025 or via email at joseph.wettemann@ct.gov if you are seeking a communication aid or service, have limited proficiency in English, or require some other accommodation. If you wish to file an ADA or Title VI discrimination complaint, you may submit your complaint to the DEEP Office of Diversity and Equity at (860) 418-5910 or via email at deep.accommodations@ct.gov. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.



Oswald Inglese, Jr., Director
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance

November 29, 2021
Date