
How to apply for a Wisconsin Pollutant Discharge Elimination System (WPDES) Permit

Livestock operations with 1,000 animal units or more are considered large Concentrated Animal Feeding Operations (CAFO) and require coverage under a Wisconsin Pollution Discharge Elimination System (WPDES) permit. This document describes the process of obtaining a Wisconsin Pollution Discharge Elimination System (WPDES) permit for a large CAFO, including (1) how to submit an application using the Department of Natural Resources' (DNR) ePermitting system, (2) the information required as part of an application, (3) timelines for submittal; and (4) a summary description of the DNR's review process.

These instructions are not applicable to existing CAFOs that are already covered by an individual or general WPDES permit. If you do not have a WPDES permit and are not sure if your existing operation, proposed operation or existing operation with a proposed expansion meets or exceeds 1,000 animal units threshold, the DNR recommends you fill out Form 3400-25A, Animal Units Calculation Worksheet, and contact the DNR's Regional CAFO Specialist assigned to your county to determine if you are regulated under ch. NR 243, Wis. Adm. Code, and must apply for a WPDES permit.

If you have specific questions about CAFO regulations, or need assistance completing Form 3400-25A, please contact your DNR Regional CAFO Specialist. If you have questions about requirements for nutrient management plans or production site design, you may also contact the appropriate DNR Central Office staff. If you have general questions about permit application materials, or would like assistance submitting your application through the DNR's ePermitting System, please contact the DNR's CAFO Intake Specialist.

FIRST-TIME WPDES PERMIT APPLICANTS

In accordance with Chapter NR 243 of the Wisconsin Administrative Code, first-time WPDES permit applicants must submit a **"preliminary"** application to the Department at least 12 months prior to the date you anticipate your operation will have 1,000 animal units or more. If your operation is required to apply for a WPDES permit, the Department will use your preliminary application as a starting point in the permitting process.

The Department will review your preliminary application and assist you in understanding what you will need to provide as part of a complete **"final"** permit application. A complete final application must be submitted at least 6 months prior to the date you anticipate your operation will have 1,000 animal units or more. The final application provides much more detailed information about your operation. The components of a preliminary and final application are described below.

If you do follow the application timelines listed above, your project may be delayed. After the DNR receives and deems your final application to be complete, a minimum of 6 months is typically necessary for the WPDES permit process to be completed (including the DNR's work and the public notice and comment period). **Remember, state law requires that you obtain a WPDES permit before your operation reaches 1,000 animal units. CAFOs operating without a WPDES permit are subject to enforcement and may be referred to the Department of Justice for monetary forfeitures.**

An overview of the WPDES permit application process for a first time permit is provided in the First Time Permit Application Process Flowchart. This flowchart pertains to the application process for both individual and general WPDES permits. The permit application process is described in detail below, including the information you must provide to make a complete final application.

Besides the WPDES Permit from the DNR, there are normally other permits and approvals required for new or expanding animal feeding operations. To get you started, the State and Local Permit Checklist provides a list of the permits and approvals most commonly needed. You will need to ask your local, county and state officials directly to find out which permits and approvals are needed based on your specific type of livestock operation, expected construction projects and local requirements.

All WPDES permit application materials (preliminary and final) must be submitted online through the Department's ePermitting System. This is accessed through the Water Permit Water Portal Page at: <http://dnr.wi.gov/permits/water/>

PRELIMINARY APPLICATION

The preliminary application requires submittal of basic operation information. For first time issuances, the ePermitting System will not allow submittal of a final application until a preliminary application has been submitted. A preliminary application consists of the following required information:

- **Form 3400-025 Livestock/Poultry Operation WPDES Permit Application**

Form 3400-025 includes owner and consultant contact information (Section I) and detailed site information (Section II). The contact information refers to the operation's primary site and is filled out only once. **A separate Site Information section must be filled out for the "main" site and any other site your farm owns or manages, where animals are kept, and that share feed storage, manure storage, or acreage for land application of manure.** The Department will review this information to determine which sites will be covered under your WPDES permit.

- **Form 3400-025A Animal Units Calculation Worksheet**

A current and proposed Animal Units (AU) Calculation Worksheet (Form 3400-025A) must be completed for the farms main site and any other sites identified on Form 3400-025. Each site must have its own individual AU Calculation Worksheet. If increases in animals are not proposed at a given site, only a "current" AU Calculation worksheet is required for that site.

- **Site Map(s)**

A site map(s) must be included for the farms main site and any other sites identified on Form 3400-025. Each map must clearly delineate the site features, and each **existing** and **proposed** "reviewable facility or system" as defined in s. NR 243.03(56), Wis. Adm. Code. The most common types of structures, areas and systems that must be shown are listed in the Site Information section of Form 3400-025, including the following:

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|-----------------------|--------------------------------------|---------------------------|
| - animal housing | - treatment facilities | - outdoor vegetated areas |
| - manure storage | - feed storage areas | - composting facilities |
| - outside animal lots | - runoff controls | - water supply wells |
| - wastewater storage | - other site features/facility types | - confinement areas |

Other site features may include channelized flow paths; streams and wetlands. Other facility types may include manure reception tanks and transfer pipes; mortality storage; separated sand storage; and vegetated treatment areas. To assist you in completing site maps for your preliminary application, the DNR's Surface Water Data Viewer can be accessed at <http://dnr.wi.gov/topic/surfacewater/swdv/>.

The CAFO Intake Specialist will send the preliminary application materials to your DNR Regional CAFO Specialist when it is deemed complete. The DNR Regional CAFO Specialist will then contact you to set up an appointment to visit your site(s), typically within 30 days of receiving a complete preliminary application. During the site visit, the DNR Regional CAFO Specialist will help you determine which items you must provide for the final application. The DNR Regional CAFO Specialist can also answer additional questions you may have about CAFO regulations and the WPDES permitting process. Following the site visit, the DNR Regional CAFO Specialist will send you a summary of the site visit listing the items you must submit as part of your final permit application and indicate whether your operation is able to be covered under a general permit.

FINAL APPLICATION

The purpose of the final application is to provide the DNR with the detailed information regarding your operation necessary for the DNR staff to determine whether a general or individual permit will be required, allow review of submitted plans and evaluations, and prepare a draft WPDES permit and public notice. In order to assist you in developing the necessary application materials, the DNR has developed a number of checklists, templates and guidance documents. In addition, the DNR site visit summary will contain useful information regarding what information must be submitted as part of your final application. Some items listed below may not be required as part of your application. For example, if your farm will be covered under a general permit, an EAQ is not required. If you are developing a brand new site with no existing structures/systems, you will have to submit plans and specifications for proposed facilities/systems, but not evaluations of previously constructed facilities or systems.

After your final application is deemed to be complete, it will be distributed to the appropriate DNR Regional CAFO Specialist and Central Office reviewer(s). The final permit application includes certain items (e.g. Nutrient Management Plan, and Plans and Specifications) that normally require significant time for the owner or consultant to prepare and the DNR to review. **Please note that submitting inaccurate or incomplete information will make your application incomplete and may delay issuance of your permit. It may also result in your application being withdrawn from the permitting system and/or DNR enforcement**

The specific items required for the final application are discussed in detail below.

- **Form 3400-025 Livestock/Poultry Operation WPDES Permit Application**
Form 3400-025 includes owner and consultant contact information (Section I) and detailed site information (Section II). The contact information refers to the operation's primary site and is filled out only once. **A separate Site Information section must be filled out for the "main" site and any other site your farm owns or manages, where animals are kept, and that share feed storage, manure storage, or acreage for land application of manure.** The Department will review this information to determine which sites will be covered under your WPDES permit.
- **Form 3400-025A Animal Units Calculation Worksheet**
A current and proposed Animal Units (AU) Calculation Worksheet (Form 3400-025A) must be completed for the farms main site and any other sites identified on Form 3400-025. Each site must have its own individual AU Calculation Worksheet. If increases in animals are not proposed at a given site, only a "current" AU Calculation worksheet is required for that site.
- **Site Maps**
Both aerial and soils site maps must be included for the farms main site and any other sites identified on Form 3400-025. Each map must clearly delineate the site features, and each **existing** and **proposed** "reviewable facility or system" as defined in s. NR 243.03(56), Wis. Adm. Code.

Other site features may include channelized flow paths; streams and wetlands. Other facility types may include manure reception tanks and transfer pipes; mortality storage; separated sand storage; and vegetated treatment areas. To assist you in completing site maps, the DNR's Surface Water Data Viewer can be accessed at <http://dnr.wi.gov/topic/surfacewater/swdv/>.

- **Environmental Analysis Questionnaire (EAQ)**
If your operation will be covered under an Individual permit, you will likely need to complete and submit an EAQ as part of the final application. This determination will be made by your DNR Regional CAFO Specialist during the scheduled site visit discussed above. It is important that applicants submit complete and thorough responses to the questions in the EAQ, including those related to environmental concerns as well as social and economic impacts the operation will have on the community and surrounding area. This is an opportunity to discuss concerns and questions the public may have.
- **Nutrient Management Plan (NMP)**
s. NR 243.14, Wis. Adm. Code, requires that you submit a complete final NMP in accordance with NR 243.14 and the NRCS Nutrient Management 590 Standard as part of the final application. You must receive conditional Department approval of the NMP prior to the Department public noticing a draft WPDES permit. The NMP must account for the land application of all manure, process wastewater and any other waste generated and/or received (e.g., non-agricultural industrial wastewater) by your operation. In addition, the NMP must account for all sources of nutrients (e.g., commercial fertilizer) applied on cropland receiving CAFO manure and process wastewater. However, specific approval is required to accept wastes from off-site, and special requirements apply if you will accept septage.

When developing your NMP, the plan must demonstrate that your operation has enough crop land to spread all the sources generated and/or received during the first year of your permit. You will need to work closely with any consultants you hire, to ensure the waste volume and nutrients expected to be generated and/or received by your farm, are properly planned for in the NMP, and that the volume of liquid waste correlate with the volume of used to calculate the farm's 180-days storage capacity for liquid manure.

Form 3400-025B, Nutrient Management Plan Checklist and NRCS 590 NMP Checklist must be submitted with your NMP. Form 3400-025B must be signed by the farm's Official Representative. By signing Form 3400-

025B, you are certifying the NMP is consistent with all NR 243.14 requirements and applicable NRCS 590 criteria, and that all plan requirements have been reviewed by the farm operator/owner. The NRCS 590 NMP Checklist must be signed by a qualified nutrient management planner. To assist you in streamlining and compiling the necessary materials for the NMP and maintaining required recordkeeping throughout the permit term, links to the following documents are provided below.

- **DNR NMP Narrative Template**
- **DNR Guidance Shallow Groundwater Soils**
- **Annual Spreading Report for CAFOs Form 3200-123**
- **Daily Spreading Log for Manure Applicators Form 3200-123A**

A complete NMP must be included as part of your application before submitting an application via the DNR's ePermitting system.

- **Plans and Specifications for any Proposed Facilities or Systems**

s. NR 243.15, Wis. Adm. Code, requires that you submit plans and specifications at least 90 days prior to the date you plan to begin constructing new or modifying existing DNR "reviewable" facilities or systems. "Reviewable" facilities or systems include runoff control structures, feed and other raw materials storage, permanent spray irrigation or other land application systems, groundwater monitoring systems, manure storage facilities, manure treatment or transfer systems, or other structures or systems associated with the storage, containment, treatment or handling of manure or process wastewater. These plans and specifications must be submitted under the signature and seal of a professional engineer registered in Wisconsin.

For reviewable facilities or systems, you must receive Department approval of plans and specifications prior to construction (see the Frequently Asked Questions for more information). Design requirements for reviewable facilities are contained in s. NR 243.15. Many of the design requirements reference (in part) the construction specifications found in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) Section IV. Be aware, certain requirements under s. NR 243.15 are more stringent or may be different than NRCS standards. Before receiving approval for reviewable facilities and systems, you may construct buildings and other facilities that are not reviewable facilities and systems (i.e. animal housing, milking systems), **but you do so at your own risk.** Because owners often find they need to change the production site layout, or wish to make changes to the design of structures based on the permitting process, **the DNR strongly recommends refraining from beginning any construction until we have issued an approval of plans and specifications for reviewable facilities and systems and the operation's WPDES permit has been issued.** Operators should also be aware, manure and process wastewater transfer systems are reviewable facilities, including any transfer systems associated with animal housing. Therefore, although animal housing itself is not reviewable, the animal housing design and location may depend on components that are subject to Department review and approval.

Form 3400-025C, Reviewable Facilities Checklist, is a required form that must be signed by the professional engineer and the farm Operator/Owner. By signing, the professional engineer certifies the plans and specifications comply with all s. NR 243.15 requirements, and all requirements have been reviewed with the farm operator/owner. If your DNR Regional CAFO Specialist believes projects are needed to bring the farm into compliance with permit requirements, the DNR Regional CAFO Specialist will determine (at the scheduled site visit discussed above) which projects will need plans and specifications submitted as part of the final application. To assist you in compiling the necessary materials for the plans and specifications, links to the following documents are provided below.

- **WDNR Documentation and Electronic File Checklist**
- **Consulting Engineers Specializing in Water Quality Design**
- **FAQ**

Your submittal of final plans and specifications and their subsequent approval is not equivalent to a DNR decision to issue a WPDES permit--it's only one part of the process. In addition, approval received under local or county ordinances cannot be substituted for an official Department approval. For all DNR approvals of plans and specifications for new construction, you will be required to submit post construction documentation within 60 days of completion. If the project will disturb 1 acre or more, it is a violation of NR 216 to begin disturbing soil before obtaining a WPDES Stormwater Construction Site General Permit.

Plans and specifications determined to be part of your final application must be submitted before processing of your application can begin.

- **Evaluations of Previously Constructed Facilities or Systems**

s. NR 243.16, Wis. Adm. Code requires that you submit an engineering evaluation for any constructed reviewable facilities or systems not previously approved or evaluated by the Department, as part of the final application for a WPDES permit. Evaluations completed under s. NR 243.16 are not subject to the 90-day statutory review period required for plans and specifications submittals. The evaluations must be submitted under the signature and the seal of a professional engineer registered in Wisconsin and at a minimum the following information must be included in the evaluation reports:

- A narrative providing general background and operational information on existing facilities and systems.
- Available post-construction documentation including the date and materials of construction.
- For facilities or systems that are part of the production area, an assessment of the ability of the facility or system to meet the production area requirements in NR 243.13 and accepted management practices.
- An assessment of the ability of the facility or system to meet the applicable design requirements identified in s. NR 243.15.
- Any proposed actions to address issues identified as part of the evaluation, including a timeline when these issues will be corrected.

The Department may require additional practices based on Department review of submitted evaluations. This includes the installation of a leakage collection or monitoring system, secondary containment systems, or groundwater monitoring, increased inspection frequency, or replacement, upgrade or closure of systems or structures in order to ensure compliance with requirements in ss. NR 243.13 and 243.15, to prevent exceedance of groundwater and surface water quality standards and to prevent impairments to wetland functional values.

Form 3400-25C, Reviewable Facilities Checklist, is a required form that must be signed by the professional engineer performing the evaluation(s) and the farm's operator/owner. By signing, the professional engineer certifies the evaluation complies with all NR 243.16 requirements, and all requirements have been reviewed with the farm operator/owner. Your DNR Regional CAFO Specialist will determine (at the scheduled site visit discussed above) which existing structures or systems will need evaluations submitted as part of the final application. To assist you in compiling the necessary materials for the evaluations, links to the following documents are provided below.

- DNR Guidance for Post Construction and Evaluations
- WDNR Documentation and Electronic File Checklist
- Consulting Engineers Specializing in Water Quality Design
- FAQ

Evaluations determined to be part of your final application must be submitted before processing of your application can begin.

- **180-days Liquid Manure Storage Calculations and Supporting Documentation**

s. NR 243.17, requires that you submit 180-day manure storage calculations and supporting documentation as part of your final application. Calculations must account for all sources of liquid manure, process wastewater and any other waste generated and/or received by your operation and mixed with the liquid manure. Other waste may include direct precipitation, runoff, non-agricultural industrial wastewater, and septage. However, specific approval is required to accept wastes from off-site, and special requirements apply if you will accept septage. Volume of liquid waste used to calculate the 180-days storage capacity must correlate with the volume of liquid waste used to develop your NMP.

The DNR strongly encourages you to work with a professional engineer for documenting information related to 180-day liquid manure storage calculations. We have developed a spreadsheet to assist in completing the 180-day storage calculations. In addition, NRCS has developed a spreadsheet that can be used to provide supporting documentation for the 180-day storage calculations.