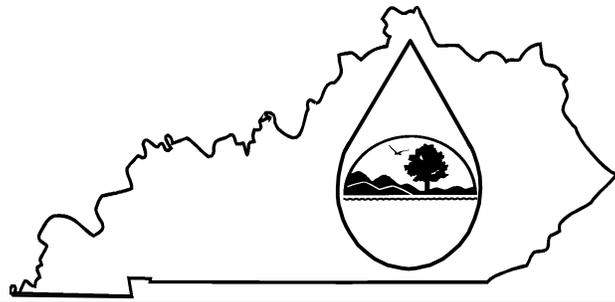


KPDES FORM ND-CAFO



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM VOLUNTARY NO DISCHARGE CERTIFICATION For Animal Feeding Operations

Submission of this form is voluntary. This form relates to 40 CFR 122.23(i). This No-Discharge Certification constitutes notice that the entity identified in Section I does not require a KPDES discharge permit authorization for its animal feeding operation.

Eligibility Criteria. In order to certify that an AFO does not discharge or propose to discharge, the owner or operator of an AFO must document, based on an objective assessment of the conditions at the AFO, that the AFO is designed, constructed, operated, and maintained in a manner such that the AFO will not discharge, as follows:

(i). The AFO's production area is designed, constructed, operated, and maintained so as not to discharge. The AFO must maintain documentation that demonstrates that:

(A) Any open manure storage structures are designed, constructed, operated, and maintained to achieve no discharge based on a technical evaluation in accordance with the elements of the technical evaluation set forth in 40 CFR 412.46 (a)(1)(i) through (viii);

(B) Any part of the AFO's production area that is not addressed by paragraph (A) above is designed, constructed, operated, and maintained such that there will be no discharge of manure, litter, or process wastewater; and

(C) The AFO implements the additional measures set forth in 40 CFR 412.37(a) and (b).

ii. The AFO has developed and is implementing an up-to-date nutrient management plan to ensure no discharge from the AFO, including from all land application areas under the control of the AFO, that addresses, at a minimum, the following:

(A) The elements of 40 CFR 122.42(e)(1)(i) through (ix) and 40 CFR 412.37(c); and

(B) All site-specific operation and maintenance practices necessary to ensure no discharge, including any practices or conditions established by a technical evaluation pursuant to paragraph (i)(A) above; and

iii. The AFO must maintain documentation required by this paragraph to support a claim of eligibility either on site or at a nearby office, or otherwise make such documentation readily available to the Cabinet upon request.

Submission of No-Discharge Certification to the Cabinet. In order to certify that an AFO does not discharge or propose to discharge, the AFO owner or operator must complete and submit to the Cabinet, by certified mail or equivalent method of documentation, the information requirements of this form.

COMPLETE ALL INFORMATION ON THIS FORM.

I. ANIMAL FEEDING OPERATION OPERATOR INFORMATION

A. Name of Owner or Operator

B. Phone:

C. Mailing Address: 1. Street:

2. City :

3. State:

4. Zip Code:

II. ANIMAL FEEDING OPERATION/SITE LOCATION INFORMATION

A. Animal Feeding Operation Name:

B. 1. Facility Location Address (i.e. street, road, etc., **not P.O. Box**):

2. City:

3. County:

4. State:

5. Zip Code:

C. Facility Site Latitude (degrees, minutes, seconds):

Facility Site Longitude (degrees, minutes, seconds):

III. BASIS OF ELIGIBILITY

Describe the basis for the AFO's certification that it satisfies the eligibility requirements.

IV. CERTIFICATION STATEMENT

I certify under penalty of law that I am the owner or operator of an animal feeding operation identified in Section II of this form, and that said AFO meets the requirements of 40 CFR 122.23(i). I have read and understand the eligibility requirements of 40 CFR 122.23(i)(2) for certifying that a CAFO does not discharge and further certify that this AFO satisfies the eligibility requirements. As part of this certification, I am including the information required by 40CFR 122.23(i)(3). I also understand the conditions set forth in 40 CFR 122.23(i)(4), (5), and (6) regarding loss and withdrawal of certification. I certify under penalty of law that this document and all other documents required for this certification were prepared under my direction or supervision and that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons directly involved in gathering and evaluating the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations

NAME AND OFFICIAL TITLE (type or print):

TELEPHONE NUMBER (area code and number):

Mr. Ms.

SIGNATURE

DATE:

Return completed application form and attachments to: **Surface Water Permits Branch, Division of Water, 200 Fair Oaks Lane, Frankfort, KY 40601. Direct questions to: Surface Water Permits Branch at (502) 564-3410.**

KPDES FORM NDC- INSTRUCTIONS for The NO DISCHARGE CERTIFICATION for Exclusion from KPDES DISCHARGE Permitting

Listed below are explanations for anticipated Form NDC questions. If further information is needed concerning any question, please contact **Division of Water, Surface Water Permits Branch at (502) 564-3410**.

Is Completion of this Form Voluntary?

Yes, certification is voluntary; however, if animal feeding operation operator chooses to complete the certification, the operation must be eligible and must fully complete the form.

Who May File a No-Discharge Certification for an Animal Feeding Operation?

Any animal feeding operation that might be considered a Concentrated Animal Feeding Operation (CAFO) under Federal law at 40 CFR Part 122.23 may file this certification if the operation meets the eligibility requirements. Eligibility requirements appear at 40 CFR 122.23 (i)(2). These requirements are those in the Eligibility Criteria portion of this form

Maintaining the No Discharge Certification

An operation may withdraw the certification at anytime, and without reason, by notifying the cabinet. The AFO must notify the cabinet within three days if the operation is no longer eligible for a certification of no discharge. If an AFO becomes ineligible, re-certification is required. This certification is only applicable in jurisdictions where Kentucky is the NPDES permitting authority and must be re-submitted at least once every five years.

Where to File the No Exposure Certification Form

Mail the completed no exposure certification form by certified mail, or by equivalent documented delivery to:

Surface Water Permits Branch
Division of Water
200 Fair Oaks Lane
Frankfort, KY 40601

Completing the Form

You must type or print in appropriate areas only. Abbreviate if necessary to stay within the allotted space. Add additional pages if necessary to explain the basis of eligibility.

Section I. Facility Operator Information

- A. Use the official or legal name of the person, firm, public organization, or any other entity that operates the facility or site describe in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager.
- B. Provide the telephone number of the facility operator.
- C. Provide the mailing address of the operator (P.O. Box numbers may be used). Include the city, state, and zip code. All correspondence will be sent to this address.

Section II. Animal Feeding Operation/Site Location Information

- A. Enter the official or legal name of the animal feeding operation.
- B. Enter the complete street address (if no street address exists, provide a geographic description (e.g. Intersection of Routes 9 and 55), city, county, state, and zip code. Do not use a P.O. Box number.
- C. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. If a hand-held GPS unit is not available, latitude and longitude can be obtained from United States Geological Survey (USGS) quadrangle or topographic maps, or by accessing internet providers of interactive maps. USGS maps are also available from the Kentucky Geological Survey at 859-257-3896. Latitude and longitude must be reported in degrees/minutes/seconds. Convert decimal degrees to degrees/minutes/seconds if necessary.

Section III. Basis of Eligibility

Describe the design criteria and practices that support the claim for eligibility. The eligibility criteria are from 40 CFR 122.23(i)(2).

Section IV. Certification Statement

The certification statement on this form is required pursuant to 40 CFR 122.23 (i)(3)(iv).

Federal and state statutes provide for severe penalties for submitting false information on this application form. Federal and state regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (1) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (2) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including have 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 manger in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.