

**STILL HAVE QUESTIONS?
FIND HELP HERE:**



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Useful Websites:

Tennessee Department of Agriculture CAFO homepage at:

www.tn.gov/agriculture/water/cafo.shtml

Tennessee Department of Agriculture CAFO Frequently Asked Questions:

www.tn.gov/agriculture/water/cafofaq.shtml

Tennessee Department of Environment and Conservation CAFO

General State Operating Permit homepage:

www.tn.gov/environment/permits/cafo.shtml

Environmental Protection Agency, General Information on CAFO homepage:

cfpub.epa.gov/npdes/afo/info.cfm?program_id=7

USDA NRCS homepage:

www.nrcs.usda.gov

University of Tennessee Extension homepage:

utextension.tennessee.edu



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**GUIDANCE FOR CONCENTRATED ANIMAL
FEEDING OPERATION (CAFO) OWNERS**

I've just received a
Notice of Violation (NOV)
or a Director's Order (DO)

from the
Tennessee Department of
Environment and Conservation (TDEC)...

...NOW WHAT?



BACKGROUND

In Tennessee, TDEC has the authority to enforce state water pollution laws and regulations. TDEC issues permits based on these rules. If actions take place that violate the rules, TDEC can start enforcement proceedings (i.e. legal action). The first step is called a Notice of Violation (NOV). The NOV will list things that need to be done to solve the problem, and a deadline for getting them done. The second step in an enforcement proceeding is a Director's Order (DO). These are usually issued whenever a NOV is ignored. DOs contain fines that must be paid unless the order is appealed within a certain amount of time, usually 30 days.

WHAT IS A NOV?

A NOV is a notice sent to you when TDEC discovers that you have broken an environmental law or regulation, or violated the terms of a permit. With CAFOs, this may be in the way you are operating, such as how a manure lagoon is maintained, or how records are kept.

Most NOV's will have "Corrective Actions", or steps you need to take to fix the problem. Read your NOV carefully. If you have any questions, call TDEC to ask for help. Once you start to fix the problem TDEC found, LET THEM KNOW. Once you have finished fixing the problems, write to TDEC and describe what you've done. Taking photographs is a great way to show TDEC you've addressed the problem. If your violation was for record-keeping, send TDEC a copy of your forms showing that you've started keeping those records. Pay careful attention to deadlines noted in your letters from TDEC. If you think your improvements might take longer than TDEC has given you, contact them immediately and discuss the challenges you are having. Ignoring a NOV altogether can result in being issued a DO.



**NEVER IGNORE A NOTICE
OF VIOLATION**

WHAT IS A DO?

A DO is the next step in a formal enforcement proceeding. For CAFOs, this may occur because you did not get a required permit, or you failed to correct the problems noted on an NOV. Issuance of a DO means that TDEC is pursuing an administrative penalty, or a fine. When you receive the DO, you'll have 30 days to either appeal the finding or waive your right to appeal. **WHICHEVER YOU CHOOSE, LET TDEC KNOW.** The worst possible thing to do is ignore the letter. After 30 days, you are no longer able to appeal the finding or waive your right to appeal, and the maximum fine is imposed. You really have no opportunity to present any information that may change TDEC's mind after the 30 day deadline. It is also important to note that if you decide to waive your right to appeal within the 30 day timeframe, the fine is maybe much less (up to 50% less) than the original fine. If you don't want to appeal, sign and return the waiver as soon as possible, and keep a copy for your records. If you do want to appeal, TDEC includes information at the end of the DO explaining how to do so. If you don't understand or have questions, call TDEC right away. You'll be able to find contact information on the DO. Always follow-up calls to TDEC with a letter, e-mail or fax (something written), to make sure you are understood and to protect your rights.

HELPFUL TIPS

NEVER IGNORE A LETTER FROM TDEC

Read all documents completely and do what they say.

LET TDEC KNOW

you have received the NOV or DO.

PAY CLOSE ATTENTION TO DETAILS

listed in the NOV or DO.

ASK FOR HELP

If you have questions, contact TDEC. Keep a record of letters, e-mails and telephone conversations between you and TDEC. Your letter will have the name and telephone number of the person at TDEC you need to contact.

LET TDEC KNOW

when you start fixing the problems described in the NOV or DO, and when you have finished. Always keep copies of documents you submit to TDEC and take photographs of completed work.

DECIDE ABOUT AN APPEAL OF THE DO

Provide TDEC your decision in writing, along with your reasons, if you decide to appeal. If you waive your right to appeal, let TDEC know right away and pay any fines promptly.

YOU ARE RESPONSIBLE

If you are named on the NOV or DO, you are legally responsible for addressing the situation.