

NPDES Permit No. ILA010019
Notice No. ILA010019-15.JML

Public Notice Beginning Date: **June 18, 2015**
Public Notice Ending Date: **July 20, 2015**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

NPDES Permit Denial
Proposed Issuance of Denial

Public Notice/Fact Sheet Issued By:

Illinois EPA
Bureau of Water
Division of Water Pollution Control
Permit Section
Facility Evaluation Unit
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger:

Dennis Anderson
26743 2100 N Avenue
Princeton, IL 61356

Name and Address of Facility:

Doubletree Farm
26743 2100 N Avenue
Princeton, IL 61356
(Bureau County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to deny a NPDES Permit to discharge into the waters of the United States and has an associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date unless a commentor demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the proposal to deny permit coverage to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

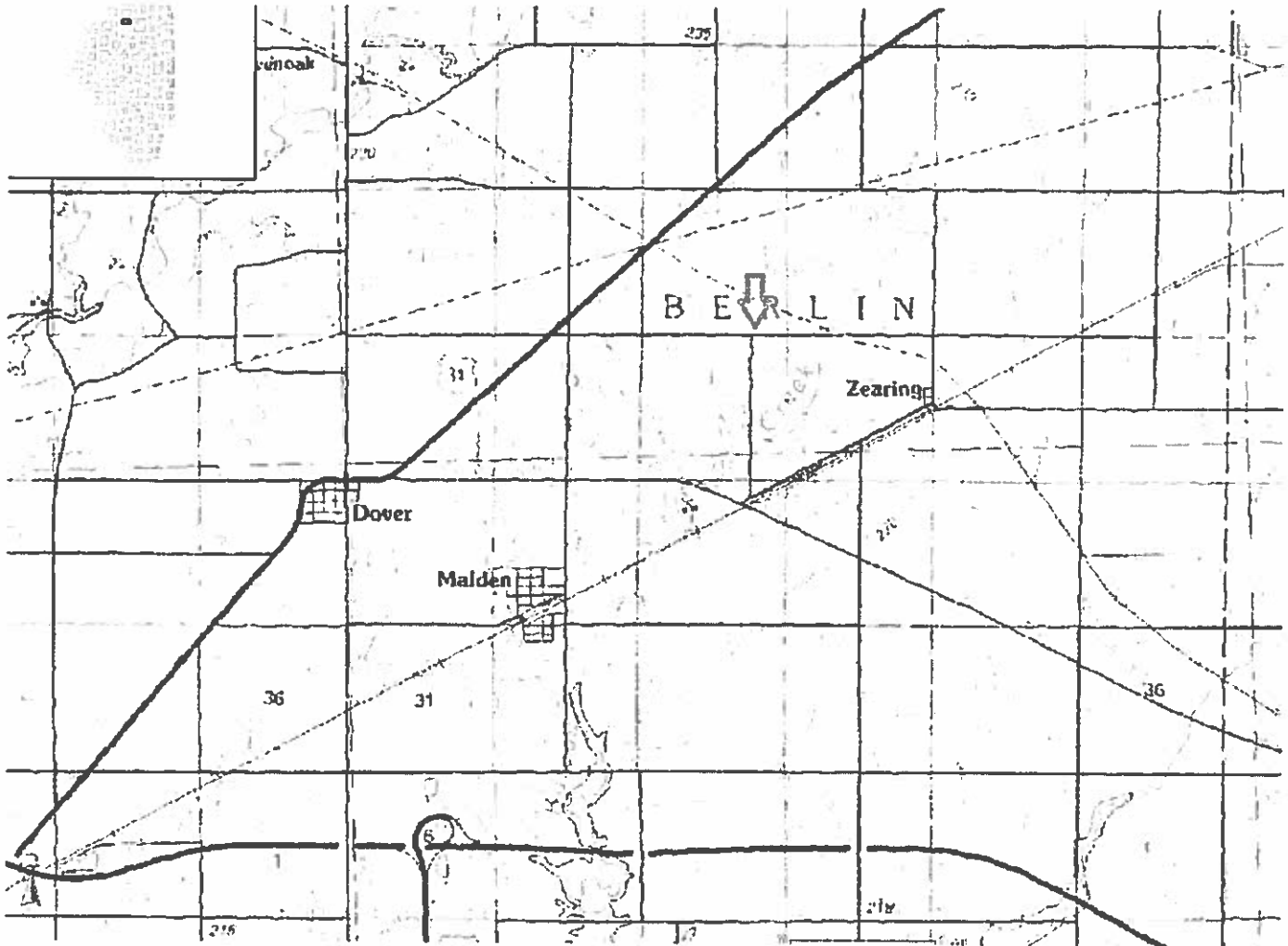
If written comments or requests indicate a significant degree of public interest in the proposed denial of permit coverage, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the denial is issued. For further information, please call Jenny Larsen at 217/782-0610.

The applicant owns and operates a Large Concentrated Animal Feeding Operation (CAFO). The farmstead's animal housing facilities consist of five swine confinement buildings. Each confinement building is equipped with a waste storage pit beneath slotted floors. There is a manure lagoon located east of the confinement buildings. Any discharge of livestock waste from the lagoon would flow east and eventually discharge into East Bureau Creek.

Application is made for new and existing discharges which are located in Bureau County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude	Longitude	Stream Classification	Biological Stream Characterization
Lagoon	East Bureau Creek	41°27'6" North	89°20'26" West	General Use	Not Rated

To assist you further in identifying the location of the discharge please see the attached map.



The stream segment (ILDQA 01) receiving the discharge from the lagoon outfall is listed on the 303 (d) list of impaired waters.

Sections 12 and 39 of the Environmental Protection Act prohibit the Agency from issuing a permit for any facility which would threaten, cause or allow the discharge of contaminants which might cause or tend to cause water pollution in Illinois. Section 39 of the Act requires an applicant to submit proof to the Agency that the proposed facility will not cause a violation of the Act or of the Regulations of the Illinois Pollution Control Board.

The Agency cannot issue this permit because the application does not fulfill the requirements of 35 Ill. Adm. Code 309.241, 502.201, 502.301, and 502.310.

The application and supporting documents for the NPDES Permit application, received on September 23, 2008 for the above referenced facility have been reviewed and the following are specific reasons that the Environmental Protection Act will not be met. The Illinois Pollution Control Board adopted 35 Ill. Adm. Code 501 and 502 regulations for CAFOs in August 2014. The Comprehensive Nutrient Management Plan (CNMP) must be revised to meet the requirements of the new regulations. An Agency report of an interview with Dennis Anderson on November 5, 2014 notes that Mr. Anderson would like to repopulate the subject facility with hogs in the near future. Prior to placing any swine at this facility, the owner must obtain an NPDES permit and the IEPA's approval of the CNMP as required by the People of the State of Illinois versus Dennis Anderson and Doubletree Farm, Inc. Consent Order (Consent Order) entered on January 2, 2013.

The following specific information and documentation are required to be submitted to the Agency in accordance with 35 Ill. Adm. Code 309.241, 502.201, 502.301, and 502.310 and are specific reasons the Agency must deny the NPDES permit for the subject facility.

1. Calculations must be provided to show this facility meets the livestock waste storage requirements in accordance with 35 Ill. Adm. Code 502.610(l)(1). The livestock waste storage structures shall be designed to contain a volume equal to or greater than the sum of the volumes of the following; the amount of waste generated during a 180-day period of operation at design capacity, the runoff volume generated during a 180-day period that includes all runoff and precipitation from lots, roofs and other surfaces where precipitation is directed into the storage structure, the volume of all wash down liquid generated during the 180-day period, the volume of runoff and precipitation directed to the storage structure during a 25-year, 24 hour storm event, and a freeboard of 2 feet for structures not protected from precipitation. If the "lagoon" provides treatment of wastewater then the calculation of the volume of the livestock waste storage structure must also add the volumes of the design volatile solids loading and the sludge accumulation to the total design volume.
2. Specify if temporary manure stacks are utilized at this facility. If so, details must be provided of the measures taken for the stacks to meet the provisions of 35 Ill. Adm. Code 501.404(b). Temporary manure stacks must not be located within 75 feet from any water well and meet the well setback provisions of the Illinois Environmental Protection Act. Temporary manure stacks must have either a cover and pad or other control to prevent runoff and leachate from entering surface water and groundwater.
3. Aerial maps must be provided in the application that show: the available acreage for application, residences, non-farm businesses, common places of assembly, location of drainage ditches or subsurface drainage systems, location of structural BMPs, setbacks and 10-year flood plain in accordance with 35 Ill. Adm. Code 502.505(g).
4. A topographic map must be provided in the application showing the production area, land application area, waterways and the direction and location of surface and subsurface drainage in accordance with 35 Ill. Adm. Code 502.210(a)(7).
5. Submit a cropping schedule for each field for the past year, anticipated crops for the current year, and anticipated crops for five years in accordance with 35 Ill. Adm. Code 502.505(i).
6. The realistic crop yield goals for each field where livestock waste is to be land applied and land application methods must be provided in accordance with 35 Ill. Adm. Code 502.625(e).
7. The type of livestock waste application methods shall be provided in accordance with 35 Ill. Adm. Code 502.505(l).
8. The nitrogen loss due to storage and method of application must be provided in accordance with 35 Ill. Adm. Code 502.505(n)(2)&(4).
9. The amount of nitrogen required by each crop in each field based on realistic crop yield goals shall be provided in accordance with 35 Ill. Adm. Code 502.505(n)(6).
10. The nitrogen credits from previous crops, from other sources of fertilizer, and from any livestock waste applications during the previous three years for each field must be provided in accordance with 35 Ill. Adm. Code 502.505(n)(7).

11. Provide the agronomic nitrogen rate and show that the livestock waste application rate does not exceed it in accordance with 35 Ill. Adm. Code 502.625(a).
12. An individual field assessment of the potential for nitrogen and phosphorus transport from each field to surface waters for all the factors pursuant to 35 Ill. Adm. Code 502.615(a) must be provided in the CNMP.
13. The CAFO land application areas identified in the CNMP must meet setbacks in accordance with 35 Ill. Adm. Code 502.645. The CNMP must be revised and state and/or show the setbacks.
14. The CNMP indicates that a Nitrogen-based application is used. The following conditions must be met and stated in the CNMP:
 - a. The soil phosphorus must be equal to or less than 300 pounds per acre in accordance with 35 Ill. Adm. Code 502.615(c).
 - b. The soil loss calculated using the Revised Universal Soil Loss Equation 2 (RUSLE2) must be less than the Erosion Factor T in accordance with 35 Ill. Adm. Code 502.615(c)(3). Revise the CNMP to show the results of the RUSLE2 calculations for each field.
 - c. The application fields must meet the setback requirements of 35 Ill. Adm. Code 502.615(c)(4). If conduits on the field are less than 400 feet from surface waters, the setbacks in 35 Ill. Adm. Code 502.615(c)(4) must be met. Revise the CNMP accordingly.
 - d. The application fields must meet the requirements of 35 Ill. Adm. Code 502.615(c)(6). If surface waters are on the field or within 200 feet of the field, the livestock waste applied to the field shall be injected or incorporated within 24 hours after the application or equivalent conservation practices must be installed. The CNMP must be revised accordingly.
15. The CNMP must specify and demonstrate that the facility has adequate land application area for livestock waste application in accordance with 35 Ill. Adm. Code 502.510(b)(2).
16. List all of the fields and the planned livestock waste application amounts for each field pursuant to 35 Ill. Adm. Code 502.505(o).
17. The CNMP must include all the protocols required by 35 Ill. Adm. Code 502.620 for land application of livestock waste. The CNMP must be revised accordingly.
18. A winter application plan that meets the requirements of 35 Ill. Adm. Code 502.630 pursuant to 35 Ill. Adm. Code 502.510(b)(12) must be provided in the CNMP. The plan must address measures taken to acquire storage volume for the winter season prior to December 1, comply with requirements for the land application area including slopes, setbacks and erosion controls, and meet weather restrictions for winter application.
19. The CNMP must specify and demonstrate that livestock within a CAFO production area shall not come into contact with waters of the United States pursuant to 35 Ill. Adm. Code 502.610(b).
20. All visual inspections must be carried out pursuant to 35 Ill. Adm. Code 502.610(c) and all deficiencies must be corrected within 30 days in accordance with 35 Ill. Adm. Code 502.610(f). The CNMP must be revised accordingly.
21. The CNMP must specify and demonstrate that there is no discharge to waters of the United States of pollutants from dead livestock or dead animal disposal facilities pursuant to 35 Ill. Adm. Code 502.610(g).
22. The CNMP must specify and demonstrate that chemicals and other contaminants shall not be disposed of in any livestock waste or stormwater storage or treatment system unless specifically designed to treat those chemicals or other contaminants in accordance with 35 Ill. Adm. Code 502.610(h).
23. Prior to transferring livestock waste to other persons, the facility must provide the recipient of the livestock waste with the most current analysis of livestock waste. The analysis provided must be in accordance with 35 Ill. Adm. Code 502.635(b). The facility must maintain records for five years that include the date, recipient name and address, and approximate amount of livestock waste transferred to another person pursuant to 35 Ill. Adm. Code 502.610(k). The CNMP must be revised accordingly.

24. A plan for the inspection, monitoring, management and repair of subsurface drainage systems at the livestock waste application sites must be included in the CNMP in accordance with 35 Ill. Adm. Code 502.510(b)(13). Visual inspections of the tile inlet/outlets and unobstructed land surfaces shall include inspections prior to, during and after land application. The CNMP must be revised accordingly.
25. All records required by 35 Ill. Adm. Code 502.320 and 502.510(b)(16) must be maintained for five years and must be made available to the Agency, upon request. The CNMP must be revised accordingly.
26. A plan to submit an annual review of the nutrient management practices which must be in accordance with 35 Ill. Adm. Code 502.325 and 35 Ill. Adm. Code 502.510(b)(15). The CNMP must be revised accordingly.
27. In addition to the specific information listed above, a response is needed for the specific information listed in the attached 'Notice of Incomplete Submission Letter' dated December 15, 2009 in order for an NPDES Permit to be issued as required by the Consent Order.
28. Forms 1 and 2B must be completed and submitted to the IEPA.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-3362

DEC 15 2009

Doubletree Farms
c/o Dennis Anderson
26743 2100 N. Ave.
Princeton, IL 61356

RECEIVED
Division of Legal Counsel

Re: NPDES Permit No. ILA 010019
Notice of Incomplete Submission

DEC 21 2009

Environmental Protection
Agency

Dear Mr. Anderson:

The application for permit received September 23, 2008 and all subsequently submitted materials, including your submission of November 6, 2009, have been reviewed. The submitted material is insufficient for the Illinois EPA to approve the application and issue a NPDES permit. The following specific information is needed in order to continue your permit application review:

1. The manure transfer agreements (500 acres) must specify what times of the year (seasons) the manure is to be delivered and land applied. Additional available land has been identified in your responses for planned applications. A written transfer agreement must be supplied for each of these properties. These include the following:
 - a. The 20 acre tract that is mentioned for summer applications.
 - b. The surrounding cropland to be used for the aerial application of lagoon wastewater.

Before your NPDES application may be approved, you must submit, with the above, evidence of the land easement that allows you to land apply manure to the Albrecht property.

2. Manure lagoon and manure pit pumping records submitted for 2008 are incomplete. Before your NPDES application may be approved, you must submit the complete and accurate records for all of 2008.
3. The Emergency Action Plan (EAP) that you have submitted is unacceptable (Forms 14C and D). Before your NPDES application may be approved, you must submit a complete EAP that conforms to the guidelines.
4. A list of Best Management Practices (BMPs) for all the manure structures (Form 11D) has not been submitted as previously requested. Before your NPDES application may be approved, you must submit a list of BMPs for all the manure structures on the property.

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 967-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land — Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collingsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 340-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

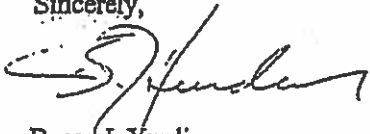
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

5. Before your NPDES application may be approved, you must submit a complete list of the "useable volume" of manure storage for each structure that accounts for the amount of sludge build-up in all of the manure storage structures.
6. The submitted soil tests do not contain the date of analysis. The soil maps you have submitted conflict with other data we have received for the Albrecht farm property surrounding your livestock facility. Before your NPDES application may be approved, you must submit complete soil tests by the an accredited soil testing laboratory.
7. The 15,000 gallon aerial application rate conflicts with the 10,000 gallon/acre maximum rate imposed by the Illinois EPA. All application rates must be in compliance with not only the Illinois Environmental Protection Act, but also all Court Orders currently entered against Doubletree Farms and Dennis Anderson.
8. The application states that the lagoon will be pumped by a certified disposal service applicator that will inject the manure wastewater. Before your NPDES application may be approved, you must submit a copy of the application agreement.
9. Before your NPDES application may be approved, you must submit copies of the manure analysis of the concentrated pit manure and the lagoon wastewater. The analysis must be conducted by an accredited waste and wastewater testing laboratory.
10. The material submitted on October 26th states that the lagoon will be emptied in the spring-by-an-applicator company using drag hoses and the manure is to be knifed-in with plow systems. You also make the conflicting statement in the following sentence that, "The spring application of the lagoon water will be done with the use of a sprinkler gun and drag line". Before your NPDES application may be approved, you must submit a application materials that are consistent with regard to application methods.
11. Before your NPDES application may be approved, you must submit a narrative description of how manure will be managed throughout the year at your swine facility. This narrative description must include detail about the movement and ultimate land application procedures (i.e., how much is removed, to where, by what means, and when).

Please take time to review each of the items listed. Before returning any correspondence to our Agency, it is recommended you seek technical assistance from a qualified consultant for the purposes of securing all the information/data necessary for the general NPDES permit. Failure to provide a complete response with the requested documents, information, and plans, is cause for denial of your NPDES permit.

Should you have any question or comments regarding the above request, please contact Lee Heeren at our Rockford Regional Office, 815-987-7760.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. Yurdin", written in black ink.

Bruce J. Yurdin
Acting Manager, Field Operations Section
Division of Water Pollution Control
Bureau of Water

BY:LH:djp/doubletreefarmsno1