

NPDES Permit No. ILA01
Notice No. WH\CAFOGeneral-2020.doc

Public Notice Beginning Date:

Public Notice Ending Date:

National Pollutant Discharge Elimination System (NPDES)
Permit Program

PUBLIC NOTICE/FACT SHEET
of
General NPDES Permit for Concentrated Animal Feeding Operations to Discharge into Waters of the US

Coverage under this permit

This permit covers all areas of the State discharging
to General Use Waters.

Eligibility

This permit may cover existing and proposed livestock management facilities
or livestock waste-handling facilities which currently have an
existing NPDES Permit or are required to have an NPDES Permit.

Public Notice/Fact Sheet Issued By:

Illinois EPA
Bureau of Water
Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-0610

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to reissue this general NPDES permit to prohibit discharge of livestock wastes into the waters of the US. The proposed general NPDES permit covers all livestock management facilities and livestock waste handling facilities that meet the definitions of concentrated animal feeding operations (CAFOs) defined in Subtitle E of 35 Ill. Adm. Code and have caused or allowed a discharge or will cause or allow a discharge from their animal feeding operation; all livestock management facilities and livestock waste handling facilities that caused or allowed, or will cause or allow, the discharge of contaminants into waters of the US from application of livestock waste to pasture or other agricultural land and thereby; all livestock management facilities and livestock waste handling facilities designated to have a permit by written notification from the Illinois Environmental Protection Agency in accordance with Section 502.106 of 35 Ill. Adm. Code; and all livestock management facilities or livestock waste handling facilities subject to the NPDES permitting requirements of 40 CFR 122.23.

The Illinois Pollution Control Board has adopted regulations at 35 Ill. Adm. Code Parts 501 and 502 for livestock management facilities and livestock waste handling facilities, which became effective on August 11, 2014. The re-issuance of the proposed NPDES general permit will not change the category of facilities required to have an NPDES permit. For a facility to receive coverage under this NPDES general permit an owner or operator of a livestock management facility or livestock waste-handling facility must submit an application for permit to the Agency for review and for approval of coverage under the general permit. Prior to coverage of a livestock management facility or a livestock waste handling facility under the general permit, a 30 day public notification period will be provided.

Length of Permit: Approximately 5 Years

Classification of Receiving Waters: General Use

The discharge limitations and special conditions are appended as a part of the draft permit.

Except as otherwise noted, the discharge limitations and other conditions of the permit were based on the discharge and water quality limitations and other requirements specified in the Illinois Pollution Control Board (IPCB) Regulations, 35 Ill. Adm. Code Subtitle C: Water Pollution and/or Subtitle E: Agriculture Related Pollution and/or 40 CFR 412 and 40 CFR 122. Discharges covered by this general permit from livestock management facilities and livestock waste handling facilities are only allowed as the result of overflows from a livestock waste storage facility caused by a catastrophic precipitation event. These infrequent discharges, caused by a 24-hour precipitation amount expected to occur or be exceeded only once every twenty five years, must not cause a violation of water quality standards. The land application of livestock waste is required to be conducted in a manner such that the livestock waste is assimilated into the land therefore excluding discharge of livestock waste to waters of the US.

Monitoring frequency and reporting requirements were established by using the authority set forth in 35 Ill. Adm. Code Subtitle C: Water Pollution and/or Subtitle E: Agriculture Related Pollution and/or Section 402 of the Clean Water Act (P.L. 95-217).

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. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address, the issues proposed to be raised on the draft permit and the supporting evidence with regards to those issues. Commentors may include a request for public hearing. The NPDES permit and notice number(s) must appear on each comment page.

The Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection during comment period 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. The same information may also be accessed, inspected, and duplicated by submitting a request pursuant to the Illinois Freedom of Information Act (FOIA).

If there exists a significant degree of public interest in the draft permit, the Agency may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. For further information, please call Wei Han at 217/782-0610.

Proposed substantive modifications to the draft permit from the existing general permit ILA01 are listed below:

1. Included permit coverage to those facilities under 35 Ill. Adm. Code Part 502 Subparts F, G and H except the facilities subject to 35 Ill. Adm. Code 502.730.
2. Required by Special Condition 1 (e) submittal of any changes made to type and number of animals, size of production area, acres of land application area, amount of livestock waste generated and transferred each year etc., for existing permittee at the time of permit renewals.
3. Added livestock waste storage requirements to Special Condition 3 (m), which include waste, wash down liquid, and runoff generated and directed to storage structure during a 180-day period, runoff from 25-year 24-hour event directed to storage structure, volatile solid loading volume, sludge accumulation, 2-foot free board if not protected from precipitation.
4. Added Special Condition 3 (n) that the permittee must always properly operate and maintain all structural and operational aspects of the facilities, including all systems for livestock waste treatment, storage, management, monitoring and testing.
5. Added Special Condition 3 (o) that the permittee must perform periodic removal of livestock waste solids from liquid manure storage areas and containment areas to maintain proper operation of the storage structures.
6. Removed 18-month period for implementation of measures from Special Condition 3 (p) if permittee is notified by Agency that TMDL allocations are not met. The time to implement TMDL measures will be required by the Agency on an individual basis or as specified by the approved TMDL.
7. Clarified requirements of Special Condition 3 (q) for livestock waste land application, including individual field assessment, nitrogen- or phosphorus-based application, soil loss calculation, field and weather conditions, setbacks, winter application, etc.
8. Clarified requirements of Special Condition 4 for linear and narrative approaches in determination of livestock waste land application rate. Calculations showing volume of livestock waste to be disposed annually, livestock waste application rate, and land area required for application must be included in the nutrient management plan.
9. Increased soil testing frequency for each application land to a minimum of twice every five years in Special Condition 7 (l).
10. Modified Special Condition 7 to elucidate monitoring and inspection requirements. Recordkeeping and reporting requirements are separated from Special Condition 7.

11. Added Special Condition 8 to clarify recordkeeping requirements.
12. Added Special Condition 9 to clarify annual reporting requirements.
13. Added definitions to Special Condition 17: Animal Confinement Area, Erosion Factor T, Frozen Ground, Incorporation, Injection, Land Application Area, Production Area, Raw Materials Storage Area, Surface Land Application, Temporary Manure Stack, Vegetative Fence Row, and Waste Containment Area.
14. Removed definitions from Special Condition 17: Agriculture Stormwater Discharge, Stormwater associated with a CAFO subjected to 40 CFR 412.

Antidegradation Assessment for Concentrated Animal Feeding Operations General Permit

This general permit prohibits discharges of livestock wastes to waters of the US except overflow from livestock waste handling facilities that is caused by catastrophic precipitation events (i.e., the 25-year, 24 hour precipitation event), and storm water discharges from areas outside the production area that are in compliance with a stormwater pollution prevention plan developed pursuant to the Special Condition (6) of this permit. Under no circumstances are the discharges allowed to cause a water quality violation. The general permit also mandates certain practices regarding the field application of livestock wastes to minimize the discharge of livestock wastes to waters of the US. These provisions cover odor control, avoidance of conditions that would exceed the capacity of the land to assimilate livestock wastes, setback of application distance from surface waters, and temporary storage of livestock wastes.

Identification and Characterization of the Affected Water Body

This general permit does not cover a CAFO discharging to a water body that is a biologically significant stream pursuant to 35 Ill. Adm. Code 302.105(D)(6). If the receiving water body is a biologically significant stream, an individual permit will be required in lieu of the general permit.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses

Phosphorus, ammonia, biochemical oxygen demand, and bacteria are pollutants that would be increased should a discharge occur at a CAFO. Discharging from CAFOs complying with the conditions of this general permit are not anticipated to cause exceedances of water quality standards. Compliance with the conditions of this general permit likewise would not be anticipated to cause any impact on the uses of affected water bodies.

Fate and Effect of Parameters Proposed for Increased Loading

Livestock wastes are expected to be collected, stored and then applied to fields at rates that would allow agronomic uptake of the nutrients contained in the wastes. The controlled rates of application must also allow the wastes to be assimilated into the land and thereby prevent the wastes from entering waters of the US. The only time that the permit allows discharge into waters of the US from within the livestock facility would be during extremely heavy rainfall events, i.e., a catastrophic discharge defined as resulting from overflow during a 25-year, 24-hour or larger precipitation event. Because the watershed will be saturated with water during these events, including very high water levels in streams, a dilution effect will always be present during the discharge of the wastes or the runoff from fields that have had wastes applied. These conditions assure that waters are protected from the deleterious effects of the livestock wastes. When such permitted discharge does occur, water quality standards in receiving waters must not be exceeded. There must be no discharges except during the above precipitation event.

Purpose and Anticipated Benefits of the Proposed Activity

An adequate supply of healthy livestock is essential to the well-being of Illinois citizens and the nation. Animal feeding operations provide the daily source of meat, milk and eggs.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation

The provisions of the general permit were determined through consideration of the economic realities of livestock production and the best management practices available to operators from state and federal sources. In this case, a 25 year, 24 hour recurrent storm event was the key design factor. 35 Ill. Adm. Code Subtitle E dictates that livestock operators must design facilities to prevent discharges from lesser storms. These regulations were developed under the premise that the costs of containing all wastes during greater storms were economically impractical. The requirements dictated by the permit were determined after consideration of many factors, which have options and alternatives. The final result was a general permit that protects water quality yet contains reasonable and attainable provisions that must be followed by the operator of a CAFO.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities

The Illinois Department of Natural Resources and other interested state agencies, regional or local governmental bodies or other interested parties may comment on the proposed general permit during the public notice period. The Illinois Department of Agriculture was consulted extensively during the development of the original permit and has been advised of a draft of the current renewal of the general permit.

Agency Conclusion

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the draft general permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by providing for the regulation of CAFOs thereby reducing water pollution from these sources. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.

NPDES Permit No. ILA01

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Draft General NPDES Permit
for
Concentrated Animal Feeding Operations

Expiration Date:

Issue Date:

Effective Date:

Coverage under this permit

The permit covers all areas
of the State of Illinois discharging
to General Use Waters.

Eligibility

This permit may cover existing and proposed
Concentrated Animal Feeding Operations which currently have
an existing NPDES Permit or are required to have an NPDES Permit.

Receiving Waters: General Use Waters of the United States

Discharge Number(s) and Name(s): 001 Livestock Waste Discharge

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above named Permittee is hereby authorized to discharge at the above location to the above named receiving stream in accordance with the Effluent Limitations, Monitoring, and Reporting requirements; Special Conditions and Attachment H Standard Conditions attached herein.

A facility owner or operator must submit the proper application forms to the Illinois Environmental Protection Agency to receive an authorization to discharge under this general permit. Authorization, if granted will be by letter and include a copy of this permit.

Darin E. LeCrone, P.E.
Manager, Industrial Unit, Permit Section
Division of Water Pollution Control

Special ConditionsSPECIAL CONDITION 1: Permit Authorizations and Permit Requirements

Livestock Management Facilities and Livestock Waste Handling Facilities that are Concentrated Animal Feeding Operations (CAFOs) that discharge shall seek coverage under this general permit, an alternate general permit or individual NPDES permit. Livestock Management Facilities and Livestock Waste Handling Facilities that are CAFOs must obtain an NPDES permit for a discharge. Upon receipt of the Agency's designation decision that an Animal Feeding Operation (AFO) is a CAFO, the owner or operator of an Animal Feeding Operation shall submit an NPDES permit application within 90 days. Animal Feeding Operations that become CAFOs due to operational changes or increases in the number of animals and discharge must apply 180 days prior to the discharge. Newly constructed CAFOs that will discharge must apply 180 days prior to commencing operations.

Livestock Management Facilities and Livestock Waste Handling Facilities which are required to obtain a NPDES permit are considered CAFOs for purposes of this permit.

The Agency may require any person authorized by this permit to apply for and obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency may require any owner or operator authorized under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

Any owner or operator authorized by this permit may request to be excluded from the coverage under this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request shall be granted by issuing of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

Limitations on Coverage

This permit covers those facilities under 35 Ill. Adm. Code Part 502 Subparts F, G and H except the facilities subject to 35 Ill. Adm. Code 502.730.

The following discharges are not covered by this permit:

Discharges that the Agency determines are not appropriately covered by this general permit due to discharge to impaired waters, land application of livestock waste not in accordance with Special Conditions 3 and 4 or do not meet the conditions of this permit. This includes discharges which the Agency or the applicant determines cannot meet the provisions of Special Condition 3 (p).

Discharges to any receiving water specified under 35 Ill. Adm. Code 302.105 (d) (6).

Authorizations under the General Permit

Owners and operators who do not have a permit but are required to have a permit under 35 Ill. Adm. Code Part 502, Subpart A or 40 CFR 122.23, who possess permits and require renewal under this general permit, and who are under renewal of the general permit for existing discharges, shall complete and submit Forms 1 and 2B and a Notice of Intent (NOI); the determination of applicable TMDL and watershed management plan requirements under Special Condition 3 (p); the Nutrient Management Plan (NMP) required by Special Condition 4; the Stormwater Pollution Prevention Plan required by Special Condition 6; the Spill Control and Prevention Plan required by Special Condition 5; and a statement identifying and justifying any departure from current design criteria promulgated by the Agency.

Special Conditions

Upon review of Forms 1 and 2B and other supporting documents, the Agency may 1) deny coverage under this permit, 2) require additional information, 3) require submittal of an application for an individual NPDES permit or alternative general permit, or 4) provide public notice of proposed coverage under this permit. The Public Notice process for proposing coverage under this permit will be in accordance with 35 Ill. Adm. Code 502.310. Authorization, if granted, will be by letter and include a copy of the permit. All approved plans shall be incorporated as a condition of the final permit.

Contents of Notice of Intent

The Notice of Intent shall be submitted to IEPA and include, at a minimum, the following information:

- a. Name, mailing address, latitude and longitude at the entrance to the production area, and location of the facility for which the notification is submitted;
- b. The owner or operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
- c. The topographic map showing the location of the production and land application areas, direction and location of surface and subsurface drainage, and location of waterways;
- d. The Nutrient Management Plan required by Special Condition 4, the Stormwater Pollution Prevention Plan required by Special Condition 6, and the Spill Control and Prevention Plan required by Special Condition 5;
- e. Production information consisting of:
 - i. Specific information about the average and maximum number of animals;
 - ii. The size of the production area of the livestock management facility;
 - iii. The type and capacity of livestock waste containment and storage including temporary manure stacks and the associated cover, pad or other control methods;
 - iv. Estimated amounts of livestock waste generated per year;
 - v. The total number of acres of land application area and estimated amount of livestock waste to be applied per year;
 - vi. Estimated amount of livestock waste transferred to other persons per year;
 - vii. The type of animals and whether they are housed in open confinement or under roof.
- f. The determination of applicable TMDL and watershed management plan requirements under Special Condition 3 (p).

Please submit your electronic copy of the NOI, Forms 1 and 2B and supporting documents to CAFO@EPA.state.il.us.

Notification

The permittee is required to notify the Agency of the intent to be covered by any reissued general permit for Concentrated Animal Feeding Operations. See Special Condition 15.

SPECIAL CONDITION 2: Permit Revocation

If any statement or representation in the application is found to be incorrect, the coverage under this permit may be revoked and the permittee thereupon loses all rights thereunder.

SPECIAL CONDITION 3: Discharge Limitations and Technical Standards

- a. During the period beginning with the date of the authorization letter and lasting through the expiration date, the permittee is prohibited from discharging livestock wastes (including feedlot runoff) to waters of the United States except overflow from containment areas or storage structures that is caused by precipitation events. Production areas and livestock waste containment areas or storage structures, that are exposed to precipitation or collect feedlot runoff or other runoff, shall be designed, constructed, operated and maintained to contain the precipitation and runoff from a 25 year, 24-hour precipitation event, except when the production area must comply with item 3 (k) below. The overflow is only allowed under this permit when Special Conditions 3 (d through g), 3 (m through o), 4 (g), 7 (a and b), 7 (d through g), 8 (a), 8 (c), 8 (n through q) and 8 (v) are met for the overflowing structure.
- b. During the period beginning with the date of the authorization letter and lasting through the permit expiration date, the permittee is authorized to discharge storm water associated with a CAFO from areas outside the production area provided that the storm

Special Conditions

water discharges do not cause a water quality violation and are in compliance with a stormwater pollution prevention plan developed pursuant to Special Condition 6 of this permit.

- c. The discharge of livestock waste to waters of the United States from a CAFO as a result of livestock waste application by the CAFO to land application areas is a discharge from that CAFO, except when it is an agricultural stormwater discharge as defined in 35 Ill. Adm. Code 502.102. Precipitation-related discharge of livestock waste from land application areas is an agricultural stormwater discharge only where the livestock waste has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients.
- d. Any discharge pursuant to item 3 (a) above from a livestock waste handling facility shall not cause a water quality violation pursuant to the Illinois Environmental Protection Act, 35 Ill. Adm. Code Subtitle C: Water Pollution and/or Subtitle E: Agriculture Related Pollution.
- e. The permittee shall not dispose of chemical wastes or other contaminants into the production areas or livestock waste handling facilities, or stormwater storage or treatment system unless specifically designed to treat those chemicals and other contaminants.
- f. Livestock within a production area shall not come into contact with waters of the United States.
- g. Discharge to waters of the United States of pollutants from dead livestock or dead animal disposal facilities are not authorized by this permit and are prohibited. Dead livestock and water contaminated by dead livestock shall not be disposed in the liquid livestock waste handling facilities, production area, or stormwater facilities, other than facilities used solely for disposal of dead livestock.
- h. Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface water or groundwater and prevent discharges in accordance with Special Conditions 3 (a), (b), (d) and (k). A cover and pad or other control shall be provided to prevent runoff and leachate from the temporary manure stacks entering surface waters and groundwater. Any livestock waste stored for six months shall be contained in a permanent structure. For purposes of this condition, a temporary storage area is storage of manure less than six months.
- i. Temporary manure stacks shall be located greater than 75 feet from any water wells except monitoring wells. Temporary manure stacks shall not be located within 200 feet of potable water supply wells except in accordance with the following condition. Temporary manure stacks may be located greater than 75 feet from a private water supply well, when the owner of the well and residence supplied by the well are the same as the permittee, the owner lives in the residence, the residence is a single family dwelling, and the well only supplies the residence. The permittee shall notify the Agency prior to location of a temporary manure stack within 200 feet of the permittee's private water supply well meeting the previously stated condition.
- j. Temporary manure stacks shall not be located within 400 feet of community water supply wells that derive water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation.
- k. Livestock wastes shall not be discharged from livestock waste handling facilities and production areas for swine, poultry or veal livestock management facilities that commence construction after January 20, 2009 and have the capacity for either: 2,500 swine each weighing 55 lbs. or more, 10,000 swine each weighing less than 55 lbs., 30,000 laying hens or broilers if the facility uses a liquid manure handling system, 82,000 laying hens if the facility uses other than a liquid manure handling system, 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system, 55,000 turkeys, or 1,000 veal calves. Livestock waste handling facilities and production areas shall be designed, constructed, operated and maintained to contain all precipitation events and prevent all discharges unless the CAFO complies with the alternative discharge limitations in 35 Ill. Adm. Code 502.830 in accordance with an individual permit. Special Conditions 3 (b), 3 (d through g), 3 (m through o), 4 (g), 7 (a and c), 7 (d through g), 8 (a), 8 (c), 8 (n through q) and 8 (v) shall be met for the livestock waste handling facility.
- l. Livestock waste from the production area shall not be discharged to waters of the United States, except when the discharge is a livestock waste overflow allowed in items 3 (a) above, or is a stormwater discharge resulting from runoff outside the production area, and occurs in accordance with the conditions of this permit. Any such discharge shall not cause a water quality violation.
- m. Livestock Waste Storage Requirements
 - i. Livestock waste storage structures at the CAFO production area shall be designed to contain a volume equal to or

Special Conditions

greater than the sum of the volumes of the following:

- A. the amount of waste generated during a 180-day period of operation at design capacity;
 - B. the runoff volumes generated during a 180-day period, including all runoff and precipitation from lots, roofs and other surfaces where precipitation is directed into the storage structure;
 - C. the volume of all wash down liquid generated during the 180-day period that is directed into the manure storage structure;
 - D. the volume of runoff and precipitation directed to the storage structure during a 25-year, 24-hour storm event;
 - E. the design volatile solids loading volume, if applicable;
 - F. the sludge accumulation volume, if applicable; and
 - G. a freeboard of 2 feet, except for structures with a cover or otherwise protected from precipitation.
- ii. The storage volume requirements in this item (m) do not apply to pump stations, settling tanks, pumps, piping or other components of the CAFO production area that temporarily hold or transport waste to a storage facility meeting the requirements of this item (m).
- n. The permittee must at all times properly operate and maintain all structural and operational aspects of the facilities, including all systems for livestock waste treatment, storage, management, monitoring and testing.
- o. The permittee shall perform periodic removal of livestock waste solids from liquid manure storage areas and the waste containment area to maintain proper operation of the storage structures. Soils that are contaminated with livestock waste removed from earthen manure storage structures shall be considered livestock waste.
- p. If a total maximum daily load (TMDL) allocation or watershed management plan is approved for any water body into which the CAFO discharges, the CAFO owner or operator must review the Nutrient Management Plan, Stormwater Pollution Prevention Plan, stormwater discharges and proposed CAFO discharges to determine whether the TMDL or watershed management plan includes requirements for control of field application of livestock waste, stormwater management, stormwater discharges and CAFO discharges. Where a TMDL or watershed management plan is approved, the CAFO owner or operator must:
- i. Determine whether the approved TMDL is for a pollutant likely to be found in discharges from the CAFO.
 - ii. Determine whether the TMDL includes a pollutant waste load allocation (WLA), other performance requirements, or watershed plan specifically for the discharges from the CAFO.
 - iii. After the determinations above have been made and if it is found that the CAFO must implement specific WLA provisions of the TMDL or watershed management plan requirements, assess whether the WLAs or watershed management plan requirements are being met through existing CAFO discharge, stormwater management or Nutrient Management Plan control measures or if additional control measures are necessary.
 - iv. Document all control measures currently being implemented or planned to be implemented to comply with the TMDL waste load allocation(s) or watershed management plan. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows the WLA or watershed management plan will be met.
 - v. Determine if monitoring is required in the TMDL or watershed management plan in addition to the monitoring in the permit and describe and implement the additional monitoring.
 - vi. If the evaluations show that additional or modified controls are necessary, describe the type of controls/revisions and schedule for implementation.
 - vii. The determination of applicable TMDL and watershed management plan requirements shall be submitted in the annual reports under Special Condition 9 and with submissions required by Special Conditions 10 and 16. Changes to the NMP shall be submitted to the Agency in accordance with Special Conditions 9, 10 and 16 of this permit. The Agency will review the submitted documents and inform the CAFO owner or operator in writing if additional pollutant control measures are necessary for the discharge to be consistent with assumptions of available waste allocations in TMDL or requirements of watershed management plan, or if coverage under an individual permit is necessary.

Special Conditions

- q. Livestock wastes shall be applied to land in accordance with the following:
- i. An individual field assessment for each field shall be conducted in accordance with 35 Ill. Adm. Code 502.615 (a).
 - ii. The field assessment information obtained in item (q) (i) above shall be utilized to determine the appropriate phosphorous-based or nitrogen-based application rate for each field. Application rates shall be determined in accordance with 35 Ill. Adm. Code 502.625.
 - A. For Nitrogen-based application of livestock waste:
 - (i) The application rate shall not exceed the agronomic nitrogen rate as determined by item (q) (ii) above.
 - (ii) Available soil phosphorus (median Bray P1 or Mehlich 3) shall be equal to or less than 300 lbs/acre.
 - (iii) Soil loss calculated by RUSLE2 shall be less than Erosion Factor T.
 - (iv) If conduits on the field are less than 400 feet from surface water, the additional setbacks below apply in place of the setbacks in item (q) (xix):
 1. Livestock waste application shall be conducted no closer than 150 feet from a tile inlet, agriculture well head, sinkhole or edge of a ditch if there is no vegetative buffer.
 2. Livestock waste application shall be conducted no closer than 50 feet from a tile inlet, agriculture well head, sinkhole or edge of a ditch that has a 50 feet vegetative buffer or 50 feet from the center of a grass waterway.
 - (v) The setbacks in item (q) (ii) (A) ((iv)) above do not apply, if with Agency approval the CAFO is able to demonstrate to the Agency that a setback or buffer is not necessary because implementation of alternative conservation practices (including, but not limited to, injection or incorporation) or field specific conditions will provide pollution reductions equivalent to or better than the reductions that would be achieved by a 150-foot setback under item (q) (ii) (A) ((iv)) (1) or the 50 foot setback under item (q) (ii) (A) ((iv)) (2). The alternative conservation practices or field specific conditions shall be identified and incorporated in the Nutrient Management Plan.
 - (vi) If surface water exists on or within 200 feet of the field, livestock waste shall be injected or incorporated within 24 hours, or equivalent conservation practices must be installed and maintained on the field pursuant to USDA-NRCS standards. The equivalent conservation practices must be approved by the Agency and shall be identified and incorporated in the Nutrient Management Plan.
 - B. For Phosphorus based application of livestock waste:
 - (i) The application rate shall not exceed the agronomic nitrogen rate as determined by item (q) (ii) (A) above.
 - (ii) For multi-year phosphorus application: if the soil contains greater than 50 lbs/acre and less than or equal to 300 lbs/acre of available phosphorus (median Bray P1 or Mehlich 3), rates shall maintain or lower the soil test phosphorus during the NMP period of 5 years or greater.
 - (iii) For single-year phosphorus application: if the soil contains greater than 300 lbs /acre of available phosphorus (median Bray P1 or Mehlich 3), rates shall not exceed the amount of phosphorus needed by the next crop harvested.
 - (iv) There shall be no land application of livestock waste if the soil contains greater than 400 lbs/acre of available phosphorous (median Bray P1 or Mehlich 3).
 - iii. Discharge of livestock waste to waters of the State and waters of the United States is prohibited.
 - iv. Discharge of livestock waste off-site during dry weather through subsurface drains is prohibited.
 - v. Livestock waste application shall not be permitted upon land that is saturated at the time of application.
 - vi. Livestock waste application shall not be permitted on land with ponded water.

Special Conditions

- vii. Livestock waste application shall not be permitted on land during precipitation when runoff of livestock waste will be produced.
- viii. Surface land application of livestock waste shall not occur within 24 hours preceding a forecast of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form. The CAFO owner or operator shall use one of the following two methods for determining whether these conditions exist and shall maintain a record of the forecast from the source used.
- A. A prediction of a 60 percent or greater chance of 0.5 inches or more of precipitation in a 24-hour period as measured in liquid form, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area; or
- B. A prediction of 0.5 inches or more of precipitation in a 24 hour period as measured in liquid form and identified as higher than Quantitative Precipitation Forecast (QPF) category 3, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the land application area location.
- C. The prediction in item (q) (viii) (A) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.
- D. The prediction in item (q) (viii) (B) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.
- ix. Determination of soil loss must be made for each field using Revised Universal Soil Loss Equation 2 (RUSLE2). Soil loss may be calculated using the RUSLE2 software program available at http://fargo.nserl.purdue.edu/rusle2/dataweb/RUSLE2_Index.htm. Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656.
- x. Surface land application may be used when the land slope is no greater than 5% or when the yearly average soil loss calculated using RUSLE2 is equal to or less than 5 tons per acre per year or Erosion Factor T, whichever is less, regardless of slope. Injection or incorporation within 24 hours shall be used when the land slope is greater than 5% and the yearly average soil loss calculated using RUSLE2 is greater than 5 tons per acre per year or Erosion Factor T, whichever is less. Fields with varying or steep slopes must be divided into separate areas for calculating yearly average soil loss using RUSLE2 to comply with this item.
- Note: Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.
- xi. Livestock waste application shall not be permitted on lands with slopes greater than 15 percent.
- xii. Liquid livestock waste shall not be permitted on land with less than 36 inches of soil covering fractured bedrock, sand or gravel. The depth of soil cover may be determined by using NRCS soil surveys, Illinois State Geological Survey well logs, or soil probes.
- xiii. Livestock waste application shall not be permitted on bedrock outcrops.
- xiv. Livestock waste shall be applied at no greater than 50 percent of the agronomic nitrogen rate determined pursuant to 35 Ill. Adm. Code 502.625 when there is less than 60 inches of unconsolidated material over bedrock. The depth of unconsolidated material may be determined by using NRCS surveys, Illinois State Geological Survey well logs, or soil probes.
- xv. Livestock waste shall be applied at no greater than 50 percent of the agronomic nitrogen rate determined pursuant to 35 Ill. Adm. Code 502.625 when the minimum soil depth to seasonal high water table is less than or equal to 2 feet. The depth of soil to seasonal high water table may be determined by using information from NRCS soil surveys, soil probes, and water table levels from Illinois State Geological Survey well log data or well points.
- xvi. Livestock waste shall not be applied at rates that exceed the infiltration rates of the soil.

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- xvii. Livestock waste shall not be land applied within $\frac{1}{4}$ mile of any residence that is not part of the CAFO unless it is injected or incorporated within 24 hours of application.
- xviii. Livestock waste shall not be land applied within 200 feet of surface water unless the water is up gradient or there is adequate diking, which includes, but is not limited to, diking that prevents runoff from the land application area entering surface waters that are within 200 feet of the land application area.
- xix. Livestock waste shall not be applied within 100 feet of down gradient open subsurface drainage intakes, agricultural drainage wells, sinkholes, grassed waterways or other conduits to surface waters, unless a 35 foot vegetative buffer exists between the land application area and the grassed waterways, open subsurface drainage intakes, agricultural drainage wells, sinkholes or other conduits to surface water. The setback requirements in this item xix do not apply if the CAFO is able to demonstrate that implementation of alternative conservation practices (including, but not limited to, injection or incorporation) will provide pollutant reductions equivalent to or better than the reductions achieved by the 100 foot setback. The alternative conservation practices shall be identified and incorporated in the Nutrient Management Plan and receive Agency approval.
- xx. Livestock waste shall not be applied in a 10-year floodplain unless injected or incorporated into the soil within 24 hours.
- xxi. Livestock waste shall not be land applied to waters of the United States, grassed waterways or other conduits to surface waters.
- xxii. Livestock waste shall not be applied within 150 feet of potable water supply wells.
- xxiii. Winter Application Prohibition and Winter Application of Livestock Waste
 - A. Surface land application of livestock waste on frozen, ice-covered, or snow-covered ground is prohibited except as specified in item (q) (xxiii) (A) ((i)).
 - (i) Notwithstanding the winter application prohibition in item (q) (xxiii) (A), surface land application of livestock waste on frozen, ice-covered or snow-covered ground is allowed if all of the following conditions are met:
 1. No practical alternative measures are available to handle the livestock waste within storage facilities or to dispose of the livestock waste at other sites. Examples of practical alternative measures may include, but are not limited to, the transfer of waste to another waste handling facility or sewage treatment plant, rental or acquisition of a storage tank, reduction of herd size or depopulation, and protection of the facility from direct precipitation and clean stormwater runoff;
 2. Liquid livestock waste cannot be injected or incorporated within 24 hours after application due to soil conditions;
 3. Prior to December 1, the owner or operator has taken steps to provide 120 days of available storage capacity of manure storage areas: Examples of steps that could be taken may include, but are not limited to; land application of livestock waste, transfer of waste to another party, protection of waste storage structures from direct precipitation and stormwater runoff, and depopulating facilities to reduce the amount of waste generated;
 4. The owner or operator has complied with item (q) (xxiii) (A) ((i)) (3) and yet the storage volume available on December 1 of that winter season is less than 120 days of storage;
 5. The owner or operator has notified the Agency in writing on December 1 of that winter season that the CAFO has less than 120 days storage available; and
 6. The discharge of livestock waste from the structure to the surface waters is expected to occur due to shortage in storage capacity.
 - (ii) The permittee must perform a calculation of the storage volume provided to determine if it meets the volume required by item (q) (xxiii) (A) ((i)) (3). The storage volume calculation must include runoff and direct precipitation plus the volume of livestock excreta, wash water and other process wastewater

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generated and expected to enter the storage structure during the period of December 1 to April 1. Runoff volume calculations must meet the following requirements:

1. Runoff calculations must be based on the runoff transferred into the storage structure under frozen ground conditions;
 2. Direct precipitation that will reduce the available storage volume must be based on normal precipitation for the December 1 to April 1 period for the nearest weather station and, for facilities exposed to precipitation, the 25-year, 24-hour storm event volume or the design storm event volume determined under 35 Ill. Adm. Code 502.830 for swine, poultry and veal large CAFOs that are new sources. The determination of normal precipitation shall be based on National Weather Service or State Water Survey Records; The following sources may be used to determine normal precipitation:

<http://www.isws.illinois.edu/atmos/statecli/newnormals/newnormals.htm> or
<https://www.ncdc.noaa.gov/data-access>.
 3. The owner or operator shall keep a record of the precipitation value used and the source from which the value was obtained; and
 4. Calculations must allow for a freeboard of two feet.
- (iii) In the event winter land application is necessary, it must be conducted pursuant to a winter application plan described in item (q) (xxiii) (B) and according to the conditions of item (q) (xxiii) (C).

B. Winter Application Plan

In order to conduct surface land application on frozen, ice covered, or snow covered ground, the requirements of this item (q) (xxiii) (B) must be met.

- (i) No land application may occur within ¼ mile of a non-farm residence.
- (ii) No discharge may occur during land application of livestock waste.
- (iii) Surface land application on frozen ground shall not occur within 24-hours preceding a forecast of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form. The CAFO owner or operator shall use one of the following two methods for determining whether these conditions exist and shall maintain a record of the forecast from the source used.
 1. A prediction of a 60 percent or greater chance of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form, obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch 1325 East West Highway, Silver Spring MD 20910, for the location nearest to the land application area; or
 2. A prediction of 0.25 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than QPF category 2 obtained from the National Weather Service Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910, for the land application area location.
 3. The prediction in item (q) (xxiii) (B) ((iii)) (1) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.
 4. The prediction in item (q) (xxiii) (B) ((iii)) (2) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.
- (iv) Surface land application of livestock waste on ice covered or snow covered land shall not occur within 24 hours preceding a forecast of 0.1 inches or more of precipitation in a 24 hour period as measured in liquid form. The CAFO owner or operator shall use one of the two methods provided below for determining whether or not these conditions exist and shall maintain a record of the forecast from the source used.

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1. A prediction of a 60 percent or greater chance of 0.1 inches or more of precipitation in a 24-hour period as measured in liquid form obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area; or
 2. A prediction of 0.1 inches or more of precipitation in a 24-hour period as measured in liquid form and identified as higher than QPF category 1 obtained from the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the land application area location.
 3. The prediction in item (q) (xxiii) (B) ((iv)) (1) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MAV/>.
 4. The prediction in item (q) (xxiii) (B) ((iv)) (2) may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.
- (v) If the land application of livestock waste is on ice covered or snow covered land, surface land application shall not occur when the predicted high temperature exceeds 32 degrees F on the day of land application or on any of the 7 days following land application as predicted by the National Weather Service's Meteorological Development Laboratory, Statistical Modeling Branch, 1325 East West Highway, Silver Spring MD 20910 for the location nearest to the land application area. The owner or operator shall maintain a record of the forecast from the source used.

Note: The predicted high temperature may be obtained from the National Weather Service at <http://www.nws.noaa.gov/mdl/forecast/graphics/MEX/index.html> or <http://www.nws.noaa.gov/mdl/synop/products/bullform.mex.htm>.

- (vi) If the surface land application of livestock waste is on ice covered or snow covered land, the CAFO owner or operator shall visually monitor for runoff from the site. The CAFO owner or operator daily must monitor each ice covered or snow covered field where land application has been conducted when the ambient temperature is 32 degrees F or greater following winter land application until all the ice or snow melts from the land application area location.
- (vii) If the surface land application of livestock waste is on ice covered or snow covered land and runoff from the land application area occurs, the CAFO owner or operator shall report any discharge of livestock waste within 24 hours after the discovery of the discharge as follows:
1. The report shall be made to the Agency through the Illinois Emergency Management Agency by calling 1-800-782-7860 or 1-217-782-7860;
 2. Within 5 days after this telephone report, the CAFO owner or operator shall file a written report with the Agency that includes the name and telephone number of the person filing the report, location of the discharge, an estimate of the quantity of the discharge, time and duration of the discharge, actions taken in response to the discharge, and observations of the condition of the discharge with regards to turbidity, color, foaming, floatable solids and other deleterious conditions of the runoff for each day of each runoff event until the ice or snow melts off the site.

C. Availability of Individual Fields for Winter Application

If livestock waste is to be surface applied on frozen ground, ice covered land or snow covered land, the land application may only be conducted on land that meets the following requirements:

- (i) Adequate erosion and runoff control practices exist, including, but not limited to, vegetative fence rows around the site, contour farming, terracing, catchment basins and buffer areas that intercept surface runoff from the site;
- (ii) A crop stubble, crop residue or vegetative buffer of 200 feet exists between the land application area and surface waters, waterways, open tile line intake structures, sinkholes, agricultural wellheads, or other conduits to surface water and the vegetative buffer zone is downgradient of the land application area;

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- (iii) Application on land with slopes greater than 5% is prohibited;
- (iv) Application may only occur on sites that have field specific soil erosion loss calculated using Revised Universal Soil Loss Equation Version 2 less than Erosion Factor T, and have a median Bray P1 or Mehlich 3 soil level of phosphorus, in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200, equal to or less than 300 pounds per acre;

Note: Soil loss may be calculated using the Revised Universal Soil Loss Equation 2 (RUSLE2) software program available at http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm. Additional information may be obtained from the United States Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue, S.W., Washington DC 20250, (202) 720-3656. Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.

- (v) Surface application may only occur if the setbacks equal three times the otherwise applicable setbacks required by 35 Ill. Adm. Code 502.615 and 502.645 if the slope of the field is between 2 percent and 5 percent. This setback requirement does not include the quarter mile distance from residences contained in 35 Ill. Adm. Code 502.645 (a); and
- (vi) For fields with slopes of less than 2 percent, the surface application may only occur if the setbacks equal two times the otherwise applicable setbacks required by 35 Ill. Adm. Code 502.615 and 502.645. This setback requirement does not include the quarter mile distance from residences contained in 35 Ill. Adm. Code 502.645 (a).

- r. Manure and soil sampling and analysis shall be conducted in accordance with 35 Ill. Adm. Code 502.635.
- s. The permittee shall practice odor control methods during livestock waste removal and field application so as not to affect a neighboring residence or populated area by causing air pollution as described in 35 Ill. Adm. Code 501.102 (d). Odor control methods include but are not limited to soil injection or incorporation of livestock waste, consideration of wind direction and velocity, humidity, day of week, and distance to neighboring residences and populated areas.

SPECIAL CONDITION 4: Nutrient Management Plan

In addition to the provisions specified elsewhere in this permit, the permittee shall comply with the Nutrient Management Plan. The permittee shall implement a Nutrient Management Plan that includes best management practices necessary to meet the requirements of the livestock discharge limitations and technical standards in Special Condition 3 of this permit and the items listed below. The Nutrient Management Plan is incorporated as a condition of this permit. The Nutrient Management Plan shall be kept on file at the facility for the term of this permit and for five years after expiration of this permit.

- a. The terms of the Nutrient Management Plan shall include, but are not limited to:
 - i. the fields available for land application;
 - ii. field-specific rates of application properly developed pursuant to item (c) or (d) to ensure appropriate agricultural utilization of the nutrients in the livestock waste; and
 - iii. any timing limitations identified in the Nutrient Management Plan concerning land application on the fields available for land application.
- b. The terms of the Nutrient Management Plan must address rates of application using either the linear approach as described in item (c) or the narrative rate approach as described in item (d), unless the Agency specifies that only one of these approaches may be used.
- c. The linear approach is an approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:
 - i. The terms include maximum application rates from livestock waste for each year of permit coverage, for each crop

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identified in the Nutrient Management Plan, in chemical forms determined to be acceptable to the Agency, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine those rates.

- ii. At a minimum, the factors that are terms of the Nutrient Management Plan must include:
 - A. the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field;
 - B. the crops to be planted in each field or any other uses of a field such as pasture or fallow fields;
 - C. the realistic crop yield goal for each crop or use identified for each field;
 - D. the nitrogen and phosphorus recommendations, according to 35 Ill. Adm. Code 502.625, for each crop or use identified for each field;
 - E. credits for all nitrogen in the field that will be plant available;
 - F. consideration of multi-year phosphorus application;
 - G. accounting for all other additions of plant available nitrogen and phosphorus to the field;
 - H. the form and source of livestock waste to be land-applied;
 - I. the timing and method of land application; and
 - J. the methodology by which the Nutrient Management Plan accounts for the amount of nitrogen and phosphorus in the livestock waste to be applied.
- iii. CAFOs that use this linear approach must calculate the maximum amount of livestock waste to be land applied at least once each year using the results of the most recent representative livestock waste tests for nitrogen and phosphorus taken within 12 months prior to the date of land application required by 35 Ill. Adm. Code 502.635.
- d. The narrative rate approach is an approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of livestock waste to be land applied, according to the provisions of this item (d).
 - i. The terms of the Nutrient Management Plan include:
 - A. maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the Nutrient Management Plan, in chemical forms determined to be acceptable to the Agency, in pounds per acre, for each field, and certain factors necessary to determine those amounts;
 - B. the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field;
 - C. the crops to be planted in each field or any other uses, such as pasture or fallow fields, including alternative crops identified in accordance with item (d) (i) (G);
 - D. the realistic crop yield goal for each crop or use identified for each field;
 - E. the nitrogen and phosphorus recommendations according to 35 Ill. Adm. Code 502.625 for each crop or use identified for each field;
 - F. the methodology by which the Nutrient Management Plan accounts for the following factors when calculating the amounts of livestock waste to be land applied:
 - (i) results of soil tests conducted in accordance with protocols identified in the Nutrient Management Plan, as required by 35 Ill. Adm. Code 502.510 (b) (9);
 - (ii) credits for all nitrogen in the field that will be plant available;

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- (iii) the amount of nitrogen and phosphorus in the livestock waste to be applied;
 - (iv) consideration of multi-year phosphorus application;
 - (v) accounting for all other additions of plant nitrogen and phosphorus to the field;
 - (vi) the form and source of livestock waste;
 - (vii) the timing and method of land application; and
 - (viii) volatilization of nitrogen and mineralization of organic nitrogen.
- G. alternative crops identified in the CAFO's Nutrient Management Plan that are not in the planned crop rotation.
- (i) When a CAFO includes alternative crops in its Nutrient Management Plan, the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field, and the Nutrient Management Plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations according to 35 Ill. Adm. Code 502.625 for each crop.
 - (ii) Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of livestock waste to be applied must be determined in accordance with the methodology described in items (d) (i) (A through F).
- ii. For CAFOs using this narrative approach, the following projections must be included in the Nutrient Management Plan submitted to the Agency, but are not terms of the Nutrient Management Plan:
- A. the CAFO's planned crop rotations for each field for the period of permit coverage;
 - B. the projected amount of livestock waste to be applied;
 - C. projected credits for all nitrogen in the field that will be plant available;
 - D. consideration of multi-year phosphorus application;
 - E. accounting for all other additions of plant available nitrogen and phosphorus to the field;
 - F. the predicted form, source, and method of application of livestock waste for each crop; and
 - G. timing of application for each field, insofar as it concerns the calculation of rates of application.
- iii. CAFOs that use this narrative rate approach must calculate maximum amounts of livestock waste to be land applied at least once each year using the methodology required in items (d) (i) (A through F) before land applying livestock waste and must rely on the following data:
- A. a field-specific determination of nitrogen that will be plant available consistent with the methodology required by items (d) (i) (A through F), and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements approved by the Agency; and
 - B. the results of most recent representative livestock waste tests for nitrogen and phosphorus taken within 12 months prior to the date of land application, in order to determine the amount of nitrogen and phosphorus in the livestock waste to be applied.
- e. The following items must be included in the Nutrient Management Plan;
- i. Name, address and phone number of the owners of the CAFO;
 - ii. Name, address, and phone number of the managers or operators if different than the owners;
 - iii. Address, phone number, and plat location of the CAFO production area;

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- iv. Name of the person who developed the Nutrient Management Plan and a statement indicating whether it was developed or approved by a certified nutrient management planner and by whom the certification was issued;
- v. Type of waste storage for the CAFO;
- vi. Species, size and maximum number of animals at the CAFO;
- vii. Scaled aerial photos or maps depicting each field available and intended for livestock waste applications with available acreage listed and indicating residences, non-farm businesses, common places of assembly, streams, wells, waterways, lakes, ponds, rivers, drainage ditches, subsurface drainage systems, other water sources, 10-year flood plain, buffers, slope, locations of structural Best Management Practices, setbacks and areas restricted from application by 35 Ill Adm Code 502, Subpart E and this permit;
- viii. For land application areas not owned or rented by the owner or operator of the CAFO, copies of the statement of consent between the owner or operator of the livestock facilities and the owner of the land where livestock waste will be applied;
- ix. Cropping or uses schedule for each field for the past year, anticipated crops or uses for the current year, and anticipated crops or uses for the five year term of the permit;
- x. Realistic crop yield goal for each crop or use in each field;
- xi. An estimate of the nutrient value of the livestock waste or results of livestock waste analysis determined pursuant to 35 Ill. Adm. Code 502.625 (c);
- xii. Livestock waste application methods;
- xiii. Results of the Bray P1 or Mehlich 3 test for soil phosphorus, in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference in 35 Ill. Adm. Code 501.200, reported in pounds of elemental phosphorus per acre. If the livestock waste is to be land applied based on a single year or multi-year phosphorus application on the land application area, the following items must be provided:
 - A. An estimate of the volume of livestock waste to be disposed of annually;
 - B. The phosphorus content of the livestock waste;
 - C. The phosphorus amount needed for each crop in the planned crop rotation, expressed as pounds of P₂O₅ per acre, obtained from the Illinois Agronomy Handbook, 24th Edition, incorporated by reference at 35 Ill. Adm. Code 501.200; and
 - D. The maximum livestock waste application rate based on phosphorus for each field, determined pursuant to 35 Ill. Adm. Code 502.625 (g).
- xiv. Calculations showing the following:
 - A. An estimate of the volume of livestock waste to be disposed of annually;
 - B. Nitrogen loss due to the method of storage, if applicable;
 - C. Amount of nitrogen available for application;
 - D. Nitrogen loss due to the method of application;
 - E. Amount of plant-available nitrogen including first-year mineralization of organic nitrogen;
 - F. Amount of nitrogen required by each crop or use in each field based on realistic crop yield goal;
 - G. Nitrogen credits from previous crops, from other sources of fertilizer applied for the growing season, and from any livestock waste applications during the previous three years for each field;
 - H. Livestock waste application rate based on nitrogen for each field; and

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- I. Land area required for application;
- xv. A listing of fields and the planned livestock waste application amounts for each field.
- f. The Nutrient Management Plan must specify and demonstrate:
 - i. The livestock waste application rate of nitrogen in a single year and phosphorus in a single year or multiple years, not to exceed the single year crop nitrogen and single year or multi-year phosphorus requirements for realistic crop yield goals in the rotation;
 - ii. Adequate land application area for livestock waste application which may include:
 - A. land owned by the CAFO owner or operator;
 - B. land rented or leased by the CAFO;
 - C. land covered by a consent agreement between the CAFO owner or operator and the property owner; or
 - D. any combination of the land described in (f) (ii) (A through C);
 - iii. Adequate storage of livestock waste, including procedures to ensure proper operation and maintenance of the storage facilities;
 - iv. Proper management of mortalities to ensure that they are not disposed of in a liquid livestock waste or stormwater storage or treatment system that is not specifically designed to treat animal mortalities;
 - v. Clean water is diverted, as appropriate, from the production area;
 - vi. Prevention of direct contact of confined animals with waters of the United States;
 - vii. Chemicals and other contaminants handled on-site are not disposed of in any livestock waste or stormwater storage or treatment system unless specifically designed to treat those chemicals and other contaminants;
 - viii. Appropriate site specific conservation practices to be implemented, including, as appropriate, buffers or equivalent practices, to control runoff of pollutants to waters of the United States;
 - ix. Protocols for appropriate testing of livestock waste and soil. Livestock waste must be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil analyzed a minimum of twice every five years for phosphorus content. The results of these analyses are to be used in determining application rates for livestock wastes;
 - x. Protocols to land apply livestock waste in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock waste;
 - xi. Livestock waste shall not be applied within the distance from residences provided in 35 Ill. Adm. Code 502.645 (a) and within the areas prohibited from land application by this Permit;
 - xii. A winter time land application plan that meets the requirements of 35 Ill. Adm. Code 502.630;
 - xiii. The plan for the inspection, monitoring, management and repair of subsurface drainage systems at the livestock waste application site. Inspection of subsurface drainage systems shall include visual inspection prior to land application to determine failures that may cause discharges and visual inspection during and after land application to identify discharges. For purposes of this item, visual inspection means inspection by a person of the tile inlet, tile outlet and unobstructed land surface to assess the structural ability of the subsurface drainage system;
 - xiv. A spill prevention and control plan;
 - xv. Annual review of the nutrient management practices to be implemented and an update of the Nutrient Management Plan when there is a change in the nutrient management practices;

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- xvi. Best management practices that ensure appropriate agriculture utilization of the nutrients in the livestock waste and prevent a water quality violation.
 - xvii. Specific records that will be maintained to document the implementation and management of the minimum elements described in items (f) (i through xvi); and
 - xviii. A description of the storage provisions and schedules provided for livestock waste when cropping practices, soil conditions, weather conditions or other conditions prevent the application of livestock waste to land or prevent other methods of livestock waste disposal.
- g. The permittee shall provide off-site recipients of livestock waste a copy of the laboratory analysis sheet of the most recent nutrient analysis, representative of the livestock waste, that is conducted in accordance with Special Condition 7 (j) and Special Condition 3 (r), and item e (xi) of this Special Condition.

SPECIAL CONDITION 5: Spill Control and Prevention Plan and Releases

- a. The permittee shall implement a Spill Control and Prevention Plan, which includes, but is not limited to: containment methods, cleanup procedures, and disposal of any livestock wastes spilled outside of: livestock management facilities, livestock waste handling facilities, egg washing facilities, egg processing facilities, areas where products, by-products or raw materials are set aside for disposal, and raw material storage areas.
- b. When a release of livestock wastes to the environment occurs, the permittee shall provide notification as follows:
 - i. By email at epa.cafononcomp@illinois.gov and telephone immediately upon discovery of the release, 800/782-7860 or if calling from outside Illinois 217/782-7860 - Illinois Emergency Management Agency (24 hours per day), for release to waters of the State or waters of the United States including to sinkholes, drain inlets, broken subsurface drains and other conduits to groundwater or surface waters, except when immediate notification would impede the permittee's response to correct the cause of the release or contain the release, in which case notification to the Illinois Emergency Management Agency must be made as soon as possible, but no later than 24 hours after discovery of the release.
 - ii. By email at epa.cafononcomp@illinois.gov and telephone or fax within 24 hours after discovery of the release, the Illinois Emergency Management Agency following a release of livestock wastes to the environment that does not result in a release to waters of the State and waters of the United States.
 - iii. The reports required by items (b) (i) and (ii) above shall include the following information:
 - A. Cause of the release;
 - B. Name and telephone number of the person reporting the release;
 - C. Specific location of the release including, but not limited to, the county the release is located in, the distance and direction of the release from the nearest town, village or municipality;
 - D. An estimate of the quantity in gallons that was released, and an estimate of the flow rate if the release is ongoing;
 - E. Description of the area which received the release (i.e., field, ditch, stream or other description);
 - F. Date, time and duration of release;
 - G. The names and telephone numbers of persons who may be contacted for further information;
 - H. Apparent impacts to health or the environment resulting from the release including, but not limited to, threats to surface water supplies, water supply wells, recreational areas and water quality.
 - I. Actions taken to respond to, contain and mitigate the release;
 - J. Corrective action taken to prevent recurrence of a release; and
 - K. Name of facility and address.
 - iv. In writing, within five (5) days of occurrence, confirming and updating the information required by item 5 (b) (iii).

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The completed report shall be mailed to:

Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- v. Reporting specified by items (b) (ii), (iii) and (iv) above is not required in the case of a release of less than 25 gallons that is not released to the waters of the State and waters of the United States or from a controlled and recovered release during field application. For purposes of reporting required by this Special Condition, waters of the State and waters of the United States, do not include small temporary accumulations of surface water from precipitation or irrigation systems.

SPECIAL CONDITION 6: Storm Water Pollution Prevention Plan

The CAFO shall implement a Stormwater Pollution Prevention Plan (Plan) for minimizing the discharge of pollutants in stormwater runoff from immediate access roads used or traveled by carriers of raw material, waste material, by-products, or products used or created by the facility; sites used for the handling of material other than livestock waste; refuse sites; sites used for the storage or maintenance of material handling equipment; and shipping and receiving areas. In addition to the spill control and prevention, containment, and clean-up procedures required under Special Condition 5, the Plan shall include good housekeeping and preventive maintenance activities and monthly visual inspections. The Plan shall be developed using the guidance and template for stormwater discharge at IEPA website <https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Documents/Forms/AllItems.aspx>. The Plan shall be kept on-site for the duration of the permit. The Plan is incorporated as a condition of this permit.

SPECIAL CONDITION 7: Monitoring and Inspection Requirements

- a. If the permittee elects to maintain a National Weather Service standard rain gauge or equivalent at the facility, the permittee shall monitor and record all precipitation events.
- b. Livestock waste handling facilities that are required to contain the precipitation and runoff from the 25-year, 24-hour precipitation event, shall be equipped with an easily visible depth marker (i.e., staff gauge or equivalent freeboard marker) that shows the minimum capacity necessary to contain the precipitation and runoff from the 25-year, 24-hour precipitation event. The permittee shall monitor and record the liquid level in the livestock waste handling facilities on a weekly basis. Whenever the available storage is less than that required to contain the precipitation and runoff from the 25-year, 24-hour precipitation event, the permittee shall:
 - i. monitor and record the liquid level in the livestock waste handling facilities on a more than once a week basis and,
 - ii. immediately dewater the facility so capacity to contain precipitation and runoff from the 25-year, 24-hour precipitation event is restored provided, however, that dewatering is required only if the livestock waste can be field applied or transferred to another livestock waste storage facility in compliance with the conditions of the permit. If the facility cannot be dewatered because livestock waste cannot be field applied or transferred to another livestock waste storage facility in compliance with the conditions of the permit pursuant to the terms and conditions of this permit, the permittee shall immediately notify the appropriate Illinois EPA Regional Field Office.
- c. Livestock waste handling facilities specified by Special Condition 3 (k), shall be equipped with an easily visible depth marker (i.e., staff gauge or equivalent freeboard marker) that shows the minimum capacity necessary to contain the precipitation and/or runoff from the design precipitation event used to determine the design capacity of the livestock waste handling facilities. The design precipitation event shall be a 100-year, 24-hour precipitation event or greater. The permittee shall monitor and record the liquid level in the livestock waste handling facilities on a weekly basis. Whenever the available storage is less than that required to contain the precipitation and runoff from the design precipitation event (100-year, 24-hour precipitation event minimum), the permittee shall:
 - i. monitor and record the liquid level in the livestock waste handling facilities on a more than once a week basis and,
 - ii. immediately dewater the facility so capacity to contain precipitation and runoff from the design precipitation event (100-year, 24-hour precipitation event minimum) is restored provided, however, that dewatering is required only if the livestock waste can be field applied or transferred to another livestock waste storage facility in compliance with the

Special Conditions

conditions of the permit. If the facility cannot be dewatered because livestock waste cannot be field applied or transferred to another storage facility in compliance with the conditions of the permit pursuant to the terms and conditions of this permit, the permittee shall immediately notify the appropriate Illinois EPA Regional Field Office.

- d. The permittee shall conduct weekly inspections of all berm tops, exterior berm sides, and non-submerged interior berms for evidence of erosion, burrowing animal activity, and other indications of berm degradation for all earthen lagoon(s), other earthen manure storage area(s), or earthen waste containment area(s).
- e. The permittee shall conduct weekly inspections of stormwater diversions, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure(s) and diverting uncontaminated stormwater from manure storage and containment structures including roof guttering, downspouts, channels, and other facilities that separate livestock waste from uncontaminated stormwater.
- f. The permittee shall conduct daily inspections and maintain or repair water supply lines, including drinking water or cooling lines in the production areas.
- g. For items (b through f) above, the permittee shall correct any deficiencies observed as soon as possible to maintain compliance with this permit and any plan developed in accordance with this permit.
- h. The permittee shall visually inspect subsurface drainage systems of the livestock waste land application area prior to land applying livestock waste to determine failures that may cause discharges. The permittee shall visually inspect such subsurface drainage systems during and after land application of livestock waste to identify any discharges. Such inspection of the subsurface drainage systems means inspection by a person of the tile inlet, tile outlet and unobstructed land surface to assess the structural stability of the subsurface drainage system. The permittee shall correct any deficiencies observed as soon as possible to maintain compliance with this permit.
- i. When a manure storage or waste containment area is dewatered, the quantity removed shall be measured and recorded.
- j. The permittee shall conduct annual analyses of representative samples of the livestock waste to be land applied. Livestock waste shall be sampled during the land application process. Multiple subsamples shall be obtained and combined into one sample so that a representative sample is obtained for analysis. The livestock waste samples shall be analyzed for the following parameters: Total Kjeldahl Nitrogen, ammonia nitrogen or ammonium nitrogen, total phosphorus, total potassium and percent total solids. The nutrient results shall be reported on the laboratory analysis sheet on a lb/ton or mg/kg dry weight basis or lb/1000 gallons or mg/l wet weight basis. Manure sampling and analysis shall be in accordance with 35 Ill. Adm. Code 502.635.
- k. For permittees that land apply livestock waste, the CAFO permittee must inspect equipment used for land application of livestock waste for leaks and problems that result in improper operation on a daily basis for each day during which livestock waste is applied to land. The permittee must ensure that the land application equipment is properly calibrated for application of livestock waste on a routine basis in accordance with the approved nutrient management plan.
- l. The permittee shall conduct an analysis of the phosphorus (Bray P1 or Mehlich 3) content of the soil in each field of the land application areas included in the Nutrient Management Plan where livestock waste applications are planned. Fields where livestock waste is applied shall be sampled twice during the term of this permit or twice within a five year period. The nutrient results for soil phosphorus shall be reported on the laboratory analysis sheet on a pounds per acre basis. Soil testing must be conducted as follows:
 - i. Soil sampling for phosphorus shall be in accordance with the sampling protocols in Chapter 8 of the Illinois Agronomy Handbook, 24th Edition, incorporated by reference at 35 Ill. Adm. Code 501.200. Laboratory analysis for soil phosphorus (Bray P1 or Mehlich 3) shall be in accordance with Recommended Chemical Soil Test Procedures for the North Central Region, incorporated by reference at 35 Ill. Adm. Code 501.200;
 - ii. Soil samples shall be at the same time in the cropping cycle and rotation so that results are comparable year to year;
 - iii. The two required soil samples for each field must be taken at least one year apart; and
 - iv. Representative soil sampling and results of the soil phosphorus analysis shall be obtained prior to land application of livestock waste on the fields of the land application areas and used to determine appropriate land application rates and practices in accordance with this permit.

Special ConditionsSPECIAL CONDITION 8: Recordkeeping Requirements

- a. The permittee shall keep a record of the dead livestock management practices that include the number or weight of dead livestock and disposal methods.
- b. For each day during which livestock wastes are applied to land, the permittee shall record the following information:
 - i. The amount applied to each field in either gallons, wet tons or dry tons per acre;
 - ii. Soil water conditions at the time of application (e.g., dry, saturated, flooded, frozen, snow covered);
 - iii. An estimate of the amount of precipitation 24 hours prior to, and for 24 hours after the application;
 - iv. The type of application method used (e.g., surface, surface with incorporation, injection);
 - v. The location of the field where livestock waste was applied;
 - vi. The results of leak inspection of livestock waste application equipment; and
 - vii. Weather conditions, including precipitation, air temperature, wind speed, wind direction and dew point, at time of land application and for 24 hours prior to and for 24 hours after application.
- c. The permittee shall keep records of the name and address of off-site recipients of livestock waste, the amount of waste transferred to each off-site recipient in gallons or dry tons, location on a topographic map each land application site, and acreage of each land application site used by the off-site recipients of livestock waste.
- d. The permittee shall keep records documenting the test methods and sampling protocols for livestock waste and soil analyses.
- e. The laboratory analysis sheets reporting the analysis of the livestock waste samples shall be kept on file as records at the facility.
- f. The permittee shall keep records of the calculations for the amount of nitrogen and phosphorus to be applied to each field due to the application of livestock waste and all other sources.
- g. The permittee shall keep records of the total amount of nitrogen and phosphorus actually applied to each field in pounds per acre each year from livestock waste and all other sources including calculations documenting the amounts.
- h. The permittee shall keep records of the data used in calculation and of the calculations used to ensure agricultural utilization of the nutrients and minimize transport of nitrogen and phosphorus to waters of the United States as required in Special Conditions 3 and 4 above. An explanation of the basis for determination of livestock waste application rates shall be kept as records.
- i. The permittee shall keep records of the realistic crop yield goals for the land application areas as required in Special Condition 4 (e) (x).
- j. The permittee shall maintain records of the Field Assessment required in Special Condition 3 (q) (i).
- k. The permittee shall maintain records of the weather forecasts and the source(s) of the forecasts used for surface land application of livestock waste to document compliance with Special Condition 3 (q) (viii) and (xxiii) (B) ((iii) through (v)).
- l. The laboratory analysis sheets reporting the analysis of soil phosphorus shall be kept as records at the facility.
- m. The permittee shall keep records of the date and results of all of the inspections of land application equipment for leaks and of the calibration of land application equipment. These records shall be kept at the facility.
- n. The permittee shall prepare and retain records of each observation and each corrective action required by Special Condition 7 (b through h). Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.
- o. The permittee shall keep weekly records of the monitoring and visual inspection of the depth of manure and process

Special Conditions

- wastewater in the liquid livestock waste storage as indicated by the depth marker required by Special Condition 7 (b and c).
- p. The permittee shall keep records of the date, time and estimated volume of any overflow of livestock waste from the production area and livestock waste handling facility.
 - q. Records documenting the current design of livestock waste storage structures including volume for solids accumulation, design treatment volume, total design volume and approximate number of days of storage capacity and the livestock storage design information required by Special Condition 3 (m) of this permit shall be maintained.
 - r. The permittee shall maintain records of the information required in Special Condition 1 for initial authorization under this permit or required in an NOI for the renewal under this general permit or under renewal of the general permit for existing discharges.
 - s. The permittee shall maintain records of the report required in Special Condition 5 (b) for releases of livestock waste.
 - t. All records necessary to prepare the annual report shall be created and maintained.
 - u. The permittee shall maintain records of the storage volume calculation required in Special Condition 3 (q) (xxiii) (A) (ii) and the visual monitoring required in Special Condition 3 (q) (xxiii) (B) (vi) for the land application of livestock waste on ice covered or snow covered land.
 - v. The permittee shall maintain records specified by Special Condition 4(f)(xvii) that document the implementation and management of the Nutrient Management Plan.
 - w. The permittee shall maintain records required by this permit for the term of this permit and five years after expiration of the permit.

SPECIAL CONDITION 9: Annual Report

The permittee is required to submit annual reports in accordance with item (a) below and to keep records on-site for the remaining items of this special condition. The previous twelve months requirement in 35 Ill. Adm. Code 502.325 means the previous calendar year for purposes of this permit.

- a. The permittee shall submit annual reports by March 31st of each year providing the following information for the previous calendar year:
 - i. Maximum number and type of animals, whether in open confinement or housed under roof by the following types: beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, turkeys, and other;
 - ii. Quantity of livestock waste generated by the facility in the previous calendar year (tons/gallons);
 - iii. Quantity of livestock waste (tons/gallons) transferred to another person by the facility;
 - iv. Acreage for each site that receives the transferred livestock waste in the previous calendar year;
 - v. Total number of acres for land application of livestock waste covered by the Nutrient Management Plan required in Special Condition 4 (f) (2);
 - vi. Total number of acres under control of the livestock management facility that were used for land application of livestock waste in the previous calendar year;
 - vii. Summary of all livestock waste discharges from the production area and livestock waste handling facilities that have occurred in the previous calendar year, including date, time and approximate volume;
 - viii. A statement indicating whether the current version of the CAFO 's Nutrient Management Plan was developed or approved by a certified nutrient management planner and by whom the certification was issued;
 - ix. For each field in the Nutrient Management Plan that received livestock waste in the previous calendar year:

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- A. the actual crop(s) planted and actual yields for each field. Crop yields from fields with crops harvested in the previous calendar year that had livestock waste nitrogen applied for that crop. Crop yields for crops harvested in the current calendar year shall be included in next year's annual report;
 - B. the actual nitrogen and phosphorus content of the livestock waste determined in accordance with this permit;
 - C. the results of application rate calculations in gallons per acre or dry tons per acre of livestock waste conducted in accordance with 35 Ill Adm. Code 502.515 (d) (3) and (e) (3);
 - D. the results of all soil tests conducted during the previous calendar year for phosphorus and nitrogen for each field;
 - E. for any CAFO that implements the livestock waste application rates using the narrative rate approach,
 - (i) the amounts of supplemental fertilizer nitrogen and phosphorus in pounds per acre of elemental nitrogen and elemental phosphorus applied to each field in each of the previous two calendar years;
 - (ii) the data used in calculations conducted in accordance with 35 Ill. Adm. Code 502.515 (e) (3).
 - F. the amount of livestock waste land applied in dry tons or gallons to each field in each of the previous two calendar years;
 - G. topographic map showing the location of the field where livestock waste was land applied;
 - H. permittee shall complete an annual review of the nutrient management practices to be implemented and when there is a change in the nutrient management practices submit an update of the Nutrient Management Plan. The permittee shall identify all changes including substantial changes pursuant to Special Condition 16 and modifications pursuant to Special Condition 10. The revised Nutrient Management Plan shall be submitted on an annual basis. If no changes were made in the previous year the permittee must identify such in the report; and
 - I. A report of instances of non-compliance with the NPDES permit in the previous calendar year.
- x. The determination of applicable TMDL and watershed management plan requirements under Special Condition 3 (p), and any update to the initial determination.

The facility shall submit an electronic copy of the annual report to the Illinois Environmental Protection Agency. The report shall be completed and signed by the authorized facility employee(s) responsible for operation of the facility under this permit. The annual report is considered a public document that shall be available to the public at any reasonable time upon request.

The first report shall contain information gathered after the effective date of coverage under this permit and shall be submitted no later than March 31st of the following year after the coverage date. Each subsequent annual report shall contain the previous year's information and shall be submitted no later than the following March 31st date.

The permittee shall retain the annual report on file for at least 5 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

The reports shall be submitted to the following email and office addresses: epa.ilacafoannualrpt@illinois.gov

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Attention: Compliance Assurance Section, Mail Code # 19
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

and;

Illinois EPA, Bureau of Water, Field Operations Section Regional Office, for the region where the facility is located.

Special ConditionsSPECIAL CONDITION 10: Notification of Facility Modification

The permittee shall submit information to the Agency regarding the modification of livestock waste-handling facilities or their operation for determination if the modification can be covered by this permit.

SPECIAL CONDITION 11: Construction Site Activities

Prior to initiating construction activities, the owner or operator of the CAFO shall be responsible for obtaining an NPDES Storm Water Permit if the construction activities disturb one or more acres, total land area. An NPDES Storm Water Permit for construction site activities may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

SPECIAL CONDITION 12: Assignment or Transfer

This permit coverage may not be assigned or transferred. Any subsequent operator shall obtain a new permit or new permit coverage from the Illinois Environmental Protection Agency.

SPECIAL CONDITION 13: Rights and Responsibilities

The issuance of coverage under this permit: (a) shall not be considered as in any manner affecting the title of the premises upon which the livestock management facility or livestock waste-handling facility is located; (b) does not release the permittee from any liability for damage to person or property caused or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the facilities; and (d) does not release the permittee from compliance with other applicable laws of the State of Illinois, or with applicable local laws, regulations or ordinances.

SPECIAL CONDITION 14: Reopener

This permit may be modified to include different discharge limitations or other requirements which are consistent with applicable laws or regulations. The Agency will public notice the permit modification.

SPECIAL CONDITION 15: Duty To Maintain Permit Coverage and Continuation of Expired General Permit

a. Duty to reapply:

- i. The permittee shall submit an application or NOI for a new permit 180 days before the expiration of this permit to continue coverage under this permit or to receive another NPDES permit;
- ii. If the permittee reapplies in accordance with the provisions of subparagraph (b) (i) above, the conditions of this General Permit shall continue in full force and effect under the provisions of 5 ILCS 100/100-65 until the IEPA makes a final determination on the application or Notice of Intent;
- iii. The permittee is not required to apply for renewal of the permit if:
 - A. The facility has ceased operation or is no longer required to maintain an NPDES permit for the CAFO, and
 - B. The permittee has demonstrated to the satisfaction of the Illinois EPA that the facility will not discharge livestock waste. The permittee must provide adequate documentation that changed conditions will prevent the facility's discharge and the facility will not discharge in the future.

b. Continuation of Expired General Permit:

In accordance with subparagraph (a) above, when this General Permit expires, the conditions of this permit shall be administratively continued until the earliest of the following:

- i. The Permittee submits a written request for termination and that written request is approved by the IEPA;
- ii. The Permittee is authorized for coverage under an individual permit or the renewed or reissued General Permit;
- iii. The Permittee's application for an individual NPDES permit for a discharge or Notice of Intent or application for

Special Conditions

- coverage under the renewed or reissued General Permit, is denied by the IEPA;
- iv. IEPA issues a formal permit decision not to renew or reissue this General Permit. This General Permit may be administratively continued after such formal permit decision.

SPECIAL CONDITION 16: Substantial Changes to the Nutrient Management Plan

When a CAFO owner or operator makes substantial changes to the terms of the CAFO's Nutrient Management Plan previously submitted to the Agency and approved under the NPDES permit the following procedures must be followed. The CAFO owner or operator must identify substantial changes of the terms of the Nutrient Management Plan. The permittee shall submit to the Illinois EPA Permit Section for Agency approval the following changes to the terms of the Nutrient Management Plan not previously approved under this permit. An electronic copy of the proposed changes to the terms of the Nutrient Management Plan must be submitted by email to epa.ilacafomod@illinois.gov to the Illinois EPA Permit Section:

- a. Addition of new land application areas not previously included in the CAFO's Nutrient Management Plan; except that, if the land application area that is being added to the Nutrient Management Plan is covered by the terms of a Nutrient Management Plan incorporated into an existing NPDES permit in accordance with the requirements of Special Condition 4, and the CAFO owner or operator applies livestock waste on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, addition of new land would be a change to the new CAFO owner's or operator's Nutrient Management Plan but not a substantial change for purposes of this condition;
- b. For Nutrient Management Plans using the linear approach as set forth in Special Condition 4, changes to the field-specific maximum annual rates of land application (pounds of nitrogen and phosphorus from livestock waste). For Nutrient Management Plans using the narrative rate approach, changes to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop;
- c. Addition of any crop or other uses not included in the terms of the CAFO's Nutrient Management Plan and corresponding field-specific rates of application expressed in accordance with Special Condition 4; and
- d. Changes to site-specific components of the CAFO's Nutrient Management Plan, when the changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the United States.

Changes to the Nutrient Management Plan which do not meet the conditions of this permit will require the permittee to apply for and obtain an individual NPDES permit.

An owner or operator of CAFO shall submit changes to the Nutrient Management Plan to the Agency. Changes which are determined to be substantial by the Agency will be public noticed with opportunity for comments and public hearing in accordance with 35 Ill. Adm. Code 502.520. Changes which are not determined to be substantial will be posted for public notification only without opportunity for comments and public hearing. Approval or disapproval of the changes will be by letter from the Agency.

SPECIAL CONDITION 17: Definitions

25-year, 24-hour precipitation event means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States, or equivalent regional or state rainfall probability information developed therefrom.

100-year, 24-hour precipitation event means the maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States or equivalent regional or state rainfall probability information developed therefrom.

Animal Confinement Area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, cow yards, barn yards, medication pens, walkers, animal walkways and stables.

Animal feeding operation ("AFO") means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- a. 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
Crops, vegetation, forage growth, or post-harvest residues that are grown in place are not sustained in the normal growing season over any portion of the lot or facility.

Special Conditions

Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they are adjacent to each other or if they use a common area or system for the disposal of wastes.

Concentrated Animal Feeding Operation (CAFO) means an AFO that is defined as a Large CAFO or as a Medium CAFO, or that is designated as a CAFO .

Controlled and recovered release means any release that:

does not result in a discharge to waters of the State or waters of the United States; and

has been controlled by diking or berming, or has been otherwise restricted in flow or extent; and

has been recovered so that the unrecovered portion of the released livestock waste is less than or equal to the agronomic application rate of the crop or vegetation grown at the site of the release.

For purposes of the definition of **controlled and recovered release**, waters of the State and waters of the United States do not include small temporary accumulations of surface water from precipitation or irrigation systems.

Groundwater means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal or greater than atmospheric pressure.

Erosion Factor T means an estimate of the maximum average annual rate, in tons per acre per year, of soil erosion by wind or water that can occur without affecting crop productivity over a sustained period. Erosion Factor T for Illinois soils is available from the United States Department of Agriculture, Natural Resources Conservation Service, Illinois Office, 2118 W. Park Court, Champaign IL 61821, (217) 353-6600. The published soil surveys for Illinois are available at <http://www.nrcs.usda.gov>.

Frozen ground means soil that is frozen anywhere between the first ½ inch to 8 inches of soil as measured from the ground surface.

Grassed waterway means a natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for the conveyance of runoff from a field, diversion or other structure.

Incorporation means a method of land application of livestock waste in which the livestock waste is thoroughly mixed or completely covered with the soil within 24 hours. Any ponded liquid livestock waste remaining on the site after application is not considered to be thoroughly mixed or completely covered with the soil.

Injection means the placement of livestock waste 4 to 12 inches below the soil surface in the crop root zone using equipment specifically designed for that purpose, when the applied material is retained by the soil.

Land Application Area means the land under the control of an Animal Feeding Operation owner or operator, whether it is owned, rented or leased, to which livestock waste from the production area is or may be applied.

Large Concentrated Animal Feeding Operation (Large CAFO). An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- a. 700 mature dairy cows, whether milked or dry;
- b. 1,000 veal calves;
- c. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- d. 2,500 swine each weighing 55 pounds or more;
- e. 10,000 swine each weighing less than 55 pounds;
- f. 500 horses;
- g. 10,000 sheep or lambs;
- h. 55,000 turkeys;
- i. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
- j. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; or
- k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;

Livestock Management Facility means any animal feeding operation, livestock shelter or on-farm milking and accompanying milk-handling area.

Special Conditions

Livestock Waste means manure, litter, process wastewater, overflow from watering systems, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation and other materials polluted by livestock, including but not limited to soils and sludges removed from livestock waste storage structures. Livestock waste does not include agricultural stormwater discharge.

Livestock Waste-Handling Facility means individually or collectively those constructions or devices, except sewers, used for collecting, pumping, treating or disposing of livestock waste or for the recovery of by-products from such livestock waste. Livestock waste-handling facility includes acceptable disposal areas, such as a pasture or other suitable agricultural land, which can serve as an adequate filtering device to settle out and assimilate pollutants from livestock waste before the clarified water reaches a stream or other body of surface water or groundwater.

Manure means animal excreta, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

Manure Storage Area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under-the-house or pit storages, liquid impoundments, static piles and composting piles.

Medium Concentrated Animal Feeding Operation (Medium CAFO). The term Medium CAFO includes any AFO with the type and number of animals that fall within any of the ranges listed in paragraph (a) (i-xi) of this definition and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if:

- a. The type and number of animals that it stables or confines falls within any of the following ranges:
 - i. 200 to 699 mature dairy cows, whether milked or dry;
 - ii. 300 to 999 veal calves;
 - iii. 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
 - iv. 750 to 2,499 swine each weighing 55 pounds or more;
 - v. 3,000 to 9,999 swine each weighing less than 55 pounds;
 - vi. 150 to 499 horses;
 - vii. 3,000 to 9,999 sheep or lambs;
 - viii. 16,500 to 54,999 turkeys;
 - ix. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
 - x. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; or
 - xi. 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
- b. And one of the following conditions are met:
 - i. Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device;
 - ii. Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation; or
 - iii. The AFO is designated as a CAFO by the Agency pursuant to 35 Ill. Adm. Code 502.106.

Modification means such physical change in or alteration in the method of operation of any livestock management facility or livestock waste-handling facility which increases the amount of livestock waste over the level authorized by the NPDES permit.

Multi-Year Phosphorus Application means phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus application; phosphorus-based application rates must maintain or lower the soil test phosphorus during the nutrient management plan period when available soil phosphorus is greater than 50 pounds per acre (median Bray P1 or Mehlich 3). In multi-year phosphorus application; the soil shall contain less than 300 pounds per acre (median Bray P1 or Mehlich 3) of available soil phosphorus.

Nutrient Management Plan means a plan that meets the requirements of Special Condition 4.

Overflow means the discharge of livestock waste resulting from the filling of a livestock waste storage structure beyond the point at which livestock waste or stormwater can no longer be contained by the structure.

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Owner/operator means any person who owns, leases, operates, controls, or supervises a livestock management facility or livestock waste handling facility.

Process 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. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

Production Area means the part of the AFO that includes the animal confinement area, the manure storage area, the raw materials storage area and the waste containment areas. 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.

Raw Materials Storage Area includes but is not limited to, feed silos, silage bunkers and bedding materials stacks.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of livestock waste into the environment. For purposes of this permit, a release does not include the normal application of fertilizer such as the application of livestock waste to crop land at agronomic rates established by regulations of the Illinois Pollution Control Board or in a waste management plan developed pursuant to the Livestock Management Facilities Act [510 ILCS 77] and regulations promulgated thereunder for the crop grown. A release is not application to a grassed area under 8 Ill. Adm. Code 900.803 (r), or use of a runoff field application system under 35 Ill. Adm. Code 501.404 (d). Air emissions are not releases under this permit. For purposes of this permit release includes overflows or discharges from any Concentrated Animal Feeding Operation to waters of the State or waters of the United States.

Saturated means soils in which pore spaces are occupied by liquid to the extent that additional inputs of water or liquid wastes cannot infiltrate the soil.

Small Concentrated Animal Feeding Operation (Small CAFO). An AFO is a Small CAFO if it is designated as a CAFO by the Agency pursuant to 35 Ill. Adm. Code 502.105 and is not a medium CAFO.

Surface Land Application means the application of livestock waste to the ground surface that is not incorporated or injected.

Temporary Manure Stack means any mound or stack resulting from the emergency or seasonal piling of livestock wastes.

Vegetative buffer means a narrow permanent strip of dense perennial vegetation established parallel to the contours of the land and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

Vegetative Fence Row means a narrow, permanent strip of perennial vegetation established at the edge of a field that is a minimum of 15 feet wide. The vegetative fence row slows water runoff and enhances water infiltration, reducing the risk of pollutants leaving the field.

Waste Containment Area includes, but is not limited to, settling basins, and areas within berms and diversions that separate uncontaminated stormwater from livestock waste.

Waters of the State means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

Attachment H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24-Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8-Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the

permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data

used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.

- Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.
 - Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- Application.** All permit applications shall be signed as follows:
 - For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - The authorization is made in writing by a person described in paragraph (a); and
 - The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - The written authorization is submitted to the Agency.
 - Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the

Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.

- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

Notice is required when:

- (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; 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 reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
- (2) Any upset which exceeds any effluent limitation in the permit.
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.

- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(13) **Bypass.**

- (a) Definitions.

- (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence

of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
 - (c) Notice.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
 - (d) Prohibition of bypass.
 - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
 - (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
 - (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);

- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
- (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
- (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.

- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev. 7-9-2010 bah)