ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR JOHN J. KIM, INTERIM DIRECTOR

217/782-0610

March 1, 2013

RECEIVED

MAR 05 2013

NPDES PROGRAMS BRANCH
EPA, REGION 5

Mr. Gary Vander Haar
Mr. Edward Vander Haar
Triple V Farms
19053 Elwood Road
Breese, IL 62230

Re: Triple V Farms
Issuance of NPDES General Permit No. ILA010099 - Final Permit

Gentlemen:

The Agency has determined that your facility falls under NPDES General Permit No. ILA01 for Concentrated Animal Feeding Operations (CAFOs). Attached to this letter is a copy of the final permit for your facility. The permit as issued covers discharge limitations, monitoring, and reporting requirements. The failure of you to meet any portion of the permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the permit as they relate specifically to your livestock facility.

This permit is effective for your facility on the date of this letter. You have the right to appeal placement of your facility under this permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

If it becomes necessary for you to modify your livestock waste-handling facilities during the term of this permit, you must submit information to the Agency regarding the modification of the facilities or their operation so that we may determine if the modification can be covered by this permit. If the modification cannot be accommodated by the general permit, the Agency will require that you obtain an individual permit for this facility.

If you have questions or comments regarding the above, please contact Yacine Anane at telephone number 217/782-0610.

Very truly yours,

Alan Keller & DLHeavod

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control
Bureau of Water

SAK:DLH:YA: VVV_Cafo_PN.docx

Attachments: General Permit

cc: DWPC, FOS, Marion
Records Unit
CAS
Gary Styzens, Billing Unit
USEPA Region 5 c/o Julianne Soche
Maurer-Stutz, Inc.
c/o Jason Olmstead
7615 North Harker Dr.
Peoria, IL 61615

NPDES Permit No. ILA01 0099

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

General NPDES Permit
for
Concentrated Animal Feeding Operations

Expiration Date: September 30, 2014

Issue Date: October 20, 2009
Effective Date: October 20, 2009

Coverage under this permit
The permit covers all areas
of the State of Illinois discharging
to General Use or Secondary Contact 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 or Secondary Contact Waters of the State of Illinois

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

In compliance with the provisions of the Illinois Environmental Protection Act, 35 Ill. Adm. Code Subtitle C and/or Subtitle E, Regulations of the Illinois Pollution Control Board, and the Federal Clean Water Act as amended, the permittee is hereby authorized to discharge to the above-named receiving waters as a result of precipitation events and in accordance with the conditions and attachments 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.

Alan Keller

Alan Keller, P. E.
Manager, Permit Section
Division of Water Pollution Control

SAK:DH\cafopermit2009-10-20- finalpm3.doc

Special Conditions

SPECIAL CONDITION1: Permit Authorizations and Permit Requirements

Livestock Management Facilities and Livestock Waste Handling Facilities that are Concentrated Animal Feeding Operations (CAFOs) that discharge or propose to discharge shall seek coverage under this general permit, an alternate general permit or individual NPDES permit. A Livestock Management Facility and Livestock Waste Handling Facility proposes to discharge if it is designed, constructed, operated or maintained such that a discharge will occur. Animal Feeding Operations that become CAFOs due to operational changes or increases in the number of animals and propose to discharge must apply within 90 days of the change that made the facility a CAFO. Newly constructed CAFOs that propose to 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

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 Condition 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 (l).

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

Initial 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, shall complete and submit Forms 1 and 2B; a topographic map indicating the locations of the livestock waste management facilities, livestock waste handling facilities and livestock waste land application areas; the Nutrient Management Plan required by Special Condition 4; the Stormwater Management Plan required by Special Condition 6 and the Spill Control and Prevention Plan required by Special Condition 5. An electronic copy of Forms 1 and 2B, the topographic map, Nutrient Management Plan required by Special Condition 4, the Stormwater Management Plan required by Special Condition 6, and the Spill Control and

Prevention Plan required by Special Condition 5 shall be submitted to the Agency. 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. 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.

Please submit your electronic submission of the copy of the permit application, and supporting documents to epa.ilacafonoi@illinois.gov.

Existing Permitted Discharges and Renewal under this General Permit or Renewal of the General Permit

Owners or operators who possess permits for livestock management facilities or livestock waste handling facilities must submit a completed Notice of Intent (NOI) in accordance with the requirements of this permit to be authorized under this general 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, and location of the facility for which the notification is submitted;

b. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;

c. An electronic copy of the Notice of Intent, the topographic map, Nutrient Management Plan required by Special Condition 4, the Stormwater Management Plan required by Special Condition 6, and the Spill Control and Prevention Plan required by Special Condition 5.

Please submit your electronic submission of the copy of the NOI and supporting documents to epa.ilacafonoi@illinois.gov.

Notification

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

SPECIAL CONDITION 2: If any statement or representation in the application is found to be incorrect, this permit may be revoked and the permittee thereupon loses all rights thereunder.

SPECIAL CONDITION 3: Discharge Limitations

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 State except overflow from livestock waste handling facilities that is caused by 25-year, 24-hour precipitation events, except as prohibited in 3(j) below. The overflow is only allowed under this permit when Special Conditions 3(c), 3(h), 7(b), 7(c), 7(e), 7(i through k) and 7(l) are met for the overflowing structure. **(40 CFR 122.23 (b) (7), 40 CFR 122.23 (b) (8), 412.2 (d), 412.2 (h), 412.31(a)(1)(ii), 412.43(a)(1))**

b. During the period beginning with the date of the authorization letter and lasting through the expiration date, the permittee is authorized to discharge storm water associated with a CAFO subject to 40 CFR 412 from areas outside the livestock management facility or livestock waste-handling facility provided that the storm water discharges do not cause a water quality violation and are in compliance with a plan developed pursuant to Special Condition 6 of this permit.

c. Livestock waste handling facilities, 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 livestock waste handling facility must comply with 3(j) below.**(40 CFR 122.23 (b) (7), 40 CFR 122.23 (b) (8), 412.2 (d), 412.2 (h))**

d. Livestock waste application areas, such as pasture or other agricultural land, shall be utilized in such a manner that livestock waste shall be assimilated into the land and crops thereby excluding discharge of livestock wastes to waters of the State. Agricultural stormwater discharges are allowed from the livestock waste land application areas provided they do not cause a

water quality violation pursuant to the Illinois Environmental Protection Act, Subtitle C: Water Pollution or Subtitle E: Agriculture Related Pollution.

e. Any discharge pursuant to 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.

f. The permittee shall not dispose of chemical wastes or other non-livestock waste into the livestock management facilities, livestock waste handling facilities, egg washing facilities, egg processing facilities, areas where products, by-products or raw materals are set aside for disposal, or raw material storage areas . **(40 CFR 122.23 (b) (7), 122.23 (b) (8), 122.42 (e) (v), 412.2 (d), 412.2 (h))**

g. Livestock within a livestock management facility shall not come into contact with waters of the State.

h. Discharge to waters of the State 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, egg wash wastewater facilities, egg processing wastewater facilities, or areas used to hold products, by-products or raw materials that are set aside for disposal, or contaminated stormwater facilities, other than facilities used solely for disposal of dead livestock. **(40 CFR 122.42 (e) (1) (ii), 40 CFR 412.37 (a) (4); 412.31 (a) (1) (ii), 412.32 (a), 412.33 (a), 412.35 (a), 412.43 (a) (1), 412.44 (a), 412.45 (a), 412.46 (a) (2), 412. 47 (a))**

i. Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface or groundwater and prevent discharges in accordance with Special Condition 3 (a), (c), (e) and (j). Any livestock waste stored for six months shall be contained in a permanent structure. For purposes of this condition, a temporary storage area is less than six months. Temporary manure stacks shall not be allowed in 10-year floodplains, unless adequate protection is provided to protect against such flood.

Temporary manure stacks shall be located greater than 100 feet from water 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.

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. **(40 CFR 122.23 (b) (7), 40 CFR 122.23 (b) (8), 412.2 (d), 412.2 (h))**

j. Livestock wastes shall not be discharged from: livestock management facilities and livestock waste handling facilities, for swine, poultry or veal livestock management facilities that commence construction after April 14, 2003 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 shall be designed, constructed, operated and maintained to contain all precipitation events and prevent all discharges. Special Condtions 3(h), 7(b), 7(d), 7(e), and 7(i through l) shall be met for the livestock waste handling facility. **(40 CFR 412.46 (a) , 412.46 (a) (1), 412.46 (a) (1) (i-vi), 412.46 (a) (1) (viii), 412.2 (d), 412.2 (h), 412.40)**

k. Raw materials, by-products and products of the livestock management facility shall not be discharged to waters of the State, except when the discharge is a livestock waste overflow allowed in item 3 (a) above, or is a stormwater discharge resulting from runoff outside the livestock management facility and livestock waste handling facility, and occurs in accordance with the conditions of this permit. Any such discharge shall not cause a water quality violation. **(40 CFR 122.23 (b) (5). 122.42 (e) (1) (iii), 40 CFR 122.42 (e) (1) (v))**

l. If a total maximum daily load (TMDL) allocation or watershed management plan is approved for any water body into which you discharge, you must review your Nutrient Management Plan, Stormwater Management Plan when required by special condition

6, 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. If you are not meeting the TMDL allocations, you must modify your Nutrient Management Plan, Stormwater Management Plan, stormwater discharges or CAFO discharges to implement the TMDL or watershed management plan within eighteen months of notification by the Agency. Where a TMDL or watershed management plan is approved, you must:

i. Determine whether the approved TMDL is for a pollutant likely to be found in discharges from your CAFO.

ii. Determine whether the TMDL includes a pollutant waste load allocation (WLA) or other performance requirements specifically for the discharges from your CAFO.

iii. Determine whether the TMDL addresses a flow regime likely to occur during periods of CAFO discharge.

iv. After the determinations above have been made and if it is found that your CAFO must implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through existing CAFO discharge, stormwater management or nutrient management plan control measures or if additional control measures are necessary.

v. Document all control measures currently being implemented or planned to be implemented to comply with the TMDL waste load allocation(s). Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows the WLA will be met.

vi. Describe and implement a monitoring program to determine whether the Nutrient Management Plan, CAFO discharge and storm water controls are adequate to meet the WLA.

vii. If the evaluations show that additional or modified controls are necessary, describe the type of controls/revisions and schedule for implementation.

SPECIAL CONDITION 4: Nutrient Management Plan

a. The quantity of livestock wastes applied on soils shall not exceed a practical limit as determined by soil type (particularly soil permeability), the condition of the soil (e.g., frozen, saturated, ice or snow covered, or unfrozen), the slope of the land, cover mulch, proximity to surface waters, rate of soil erosion, potential to contaminate groundwater and other relevant considerations, so as to prevent discharge of livestock waste to waters of the State.

b. 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.

c. Livestock wastes shall be applied to land within the following guidelines:

i. Livestock wastes shall not be discharged to waters of the State.

ii. Livestock waste application shall not be permitted upon land that has been saturated by rainfall within the 24 hour period preceding the time of application.

iii. Livestock waste application shall not be permitted on land with ponded water.

iv. Livestock waste application shall not be permitted on land during precipitation when the land is saturated or when precipitation will produce runoff of livestock waste.

v. Livestock wastes shall not be applied to land where the Bray P1 or Mechlich soil test for elemental phosphorus is greater than 300 pounds per acre for the top 7 inches of the soil profile. Livestock wastes may only be applied to land at rates not to exceed the agronomic phosphorus demand for the crops grown in multiple years at the land application site. If livestock wastes are land applied at rates in excess of the agronomic phosphorus demand for the next crop grown, as a multi-year phosphorus application of livestock waste, additional phosphorus shall not be subsequently land applied to that land until either, the applied phosphorus amount has been removed from that land via harvest or

crop removal, or phosphorus is needed to meet the agronomic phosphorus demand for the next crop grown. Site specific practices to minimize runoff of phosphorus applied to land in a multi–year phosphorus application must be included as part of the Nutrient Management Plan required in Special Condition 4. Assessment procedures used to determine the site specific practices shall be specified in the Nutrient Management Plan. **(40 CFR 122.42 (e) (1) , 122.42 (e) (1) (viii), 122.42 (e) (4)(viii),122.42 (e) (5), 122.42 (e) (5) (i) (A), 122.42 (e) (5) (i) (D) (1), 122.42 (e) (5) (ii) (A), 122.42 (e) (5) (ii) (C), 122.42 (e) (5) (ii) (D) (1), (ii), 412.4 (b) (3), 412. 4 (c) (1), 412.4 (c) (2), 412.4 (c) (2) (i), 412.4 (c) (2) (ii))**

vi. Livestock waste shall not be applied within 100 feet of downgradient open subsurface drainage intakes, agricultural drainage wells, sinkholes, waterways or other conduits to surface waters, unless a 35 foot vegetative buffer exists between the land application area and the waterways, open subsurface drainage intakes, agricultural drainage wells, sinkholes or other conduits to surface water. Livestock waste shall not be applied within 200 feet of surface waters. NOTE: The NRCS standards 590 and 633 or the waste management plan provisions of 8 Ill. Adm. Code 255, Subpart H: Waste Management Plan may have more restrictive provisions. **(40 CFR 412.4 (c) (5), 412.4 (c) (5) (i), 412.31 (b) (1) , 412.32 (b), 412.33 (b), 412.35 (b), 412.43 (b) (1), 412.44 (b), 412.45 (b), 412.46 (b) , 412. 47 (a))**

vii. Livestock waste shall not be applied to frozen, snow covered or ice covered land if the application of the livestock waste will produce runoff to waters of the State.

viii. Livestock waste shall not be applied within 200 feet of potable water supply wells.

ix. Livestock waste shall not be applied in a 10-year floodplain unless injected or incorporated into the soil.

d. Under all circumstances, the permittee must provide adequate erosion and runoff control to prevent the discharge of livestock waste to waters of the State.

e. In addition to the provisions specified above, the permittee shall comply with the Nutrient Management Plan to prevent the discharge of livestock waste to waters of the state, ensure agricultural utilization of the nutrients and minimize transport of nitrogen and phosphorus to waters of the state. The permittee shall implement a Nutrient Management Plan to minimize the entry of stormwater, uncontaminated with livestock waste, into the livestock management facility and livestock waste handling facility. 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. The Nutrient Management Plan shall include, but is not limited to: **(40 CFR 122.42 (e) (2) (i), 122.42 (e) (1) (iii), 122.42 (e) (1) (viii), 412.4 (c) (2))**

i. site specific conservation practices that address item 4 (d) above, **(40 CFR 122.42 (e) (1) (vi), 122.42 (e) (1) (viii))**

ii. practices that provide adequate storage to avoid application of livestock waste to frozen, ice covered or snow covered land, or in the case of application of livestock waste to frozen, ice covered or snow covered land the timing of livestock waste application, application rate of livestock waste, form of livestock waste (i.e., liquid or dry), method of application, and site specific conservation practices to be implemented, **(40 CFR 122.42 (e) (1) (vi), 122.42 (e) (1) (viii))**

iii. practices to inspect, monitor, manage and repair subsurface drainage systems at livestock waste application sites. Inspection of subsurface drainage systems shall include visual inspection prior to and after land application at a land application site to determine failures of subsurface drainage systems that may cause discharges, **(40 CFR 122.42 (e) (1) (vi), 122.42 (e) (1) (viii))**

iv. either 1) the waste management plan of 8 Ill. Adm. Code, Subpart H: Waste Management Plan of the Livestock Management Facilities Act or 2) a plan that meets the Illinois NRCS standards: 590 Nutrient Management and 633 Waste Utilization shall be specified in the NOI or application for coverage under this permit, **(40 CFR 122.42 (e) (2) (i), 122.42 (e) (1) (viii))**

v. the design and construction plans, and operational and maintenance practice plans that provide for adequate storage capacity for livestock waste for periods when livestock waste cannot be land applied due to weather, cropping, land application site conditions or other conditions so as to maintain compliance with this permit, **(40 CFR 122.42 (e) (1) (i), 122.42 (e) (1) (viii))**

vi. test methods and sampling protocols for analysis of soil and livestock waste. **(40 CFR 122.42 (e) (1) (vii))**

vii. practices for mortality management **(40 CFR 122.42 (e) (1) (ii))**

viii. practices for proper handling, storage and disposal of chemical wastes and other non-livestock wastes **(40 CFR 122.42 (e) (1) (v))**

ix. practices to prevent direct contact of livestock in the livestock management facility with waters of the State **(40 CFR 122.42 (e) (1) (iv))**

x. practices to minimize entry of stormwater uncontaminated with livestock waste into the livestock management facility and livestock waste handling facilities. **(40 CFR 122.42 (e) (1) (iii)**

xi. records to be kept under this permit to document implementation and management of the Nutrient Management Plan including records specified by this permit. **(40 CFR 122.42 (e) (1) (ix)**

f. 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 (h) below and the Nutrient Management Plan identified pursuant to Special Condition 4 above. The permittee shall keep records of the name, address, off-site location on a topographic map, and acreage of each site used by the off-site recipients of livestock waste. **((40 CFR 122.42 (e) (3))**

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 materals are set aside for disposal, and raw material storage areas . **(40 CFR 122.23 (b) (7), 40 CFR 122.23 (b) (8), 412.2 (d), 412.2 (h))**

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 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.

iii. The reports required by items 5(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. 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 5(b)(iii). 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 5(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 or from a controlled and recovered release during field application. For purposes of reporting required by this Special Condition, waters of the State, do not include small temporary accumulations of surface water from precipitation or irrigation systems.

SPECIAL CONDITION 6: Storm Water Management Plan

Livestock Management Facilities with a capacity equal to or more than a Large Concentrated Animal Feeding Operation with the following numbers of animals: 700 mature dairy cows whether milked or dry; 1000 cattle other than mature dairy cows or veal calves; 10,000 sheep; 500 horses; 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, shall implement a Stormwater Management Plan for minimizing the discharge of pollutants in storm water 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 will include good housekeeping and preventive maintenance activities and monthly visual inspections. The plans shall be kept on-site for the duration of the permit. The plan is incorporated as a condition of this permit.**(40 CFR 412.10, 412.30, 412.40)**

SPECIAL CONDITION 7: Monitoring, Recordkeeping and Reporting Requirements

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.

a. The permittee shall submit annual reports by March 15th of each year providing the following information for the previous calendar year; **(40 CFR 122.42(e) (4))**

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, other, **(40 CFR 122.42(e) (4) (i))**

ii. Quantity of livestock waste generated by the facility in the previous calendar year (tons/gallons), **(40 CFR 122.42(e) (4) (ii))**

iii. Quantity of livestock waste (tons/gallons) transferred to another person by the facility, location on a topographic map

and acreage for each site that receives the transferred livestock waste in the previous calendar year. **(40 CFR 122.(e) (4) (iii))**

iv. Total number of acres for land application of livestock waste covered by the Nutrient Management Plan required in Special Condition 4 (e), **(40 CFR 122.42(e) (4) (iv))**

v. 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, **(40 CFR 122.42(e) (4) (v))**

vi. Summary of all livestock waste discharges from the livestock management facility, livestock waste handling facilities, egg wash facility, egg processing facility, raw material storage areas, and areas where products, by-products or raw materials are set-aside for disposal, that have occurred in the previous calendar year, including date, time and approximate volume, **(40 CFR 122.42(e) (4) (vi))**

vii. A statement indicating whether the current version of the livestock management facility's Nutrient Management Plan was developed or approved by a certified nutrient management planner and by whom the certification was issued. **(40 CFR 122.42(e) (4) (vii))**

viii. For each field that received livestock waste in the previous calendar year : **(40 CFR 122.42 (e) (4) (viii))**:

A. the actual crop(s) planted and actual yields for each field. 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,

D. calculations of application rate of plant available nitrogen in pounds per acre and elemental phosphorus in pounds per acre conducted in accordance with the Nutrient Management Plan approved under this permit using manure analysis conducted in the previous calendar year,

E. the results of all soil tests conducted during the calendar year for phosphorus and nitrogen for each field used for livestock waste application,

F. the amounts of supplemental fertilizer nitrogen and phosphorus in pounds per acre of elemental nitrogen and elemental phosphorus applied to each field used for livestock waste application in each of the previous two calendar years,

G. the amount of livestock waste land applied in dry tons or gallons to each field in each of the previous two calendar years,

H. topographic map showing the location of the field where livestock waste was land applied,

I. crop yields from fields with crops harvested in the previous calendar year that had livestock waste nitrogen applied for that crop.

J. permittee shall submit a revised Nutrient Management Plan that requires modification pursuant to Special Condition 16 or otherwise. If no modifications were made in the previous year you must identify such in the report.

Special Conditions

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 15th 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 15th date.

The permittee shall retain the annual report on file at least 3 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
Bureau of Water
Compliance Assurance Section
1021 North Grand Avenue East
P.O. 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.

b. 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.

c. Livestock waste handling facilities that are required to contain the precipitation and/or runoff from the 25-year, 24-hour precipitation event, shall be equipped with an easily visible freeboard marker (i.e., staff gauge or equivalent) that shows the freeboard level necessary to contain the precipitation and/or 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/or 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 daily 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 in compliance with the conditions of the permit. If the facility cannot be dewatered because livestock waste cannot be field applied in compliance with the conditions of the permit pursuant to Special Conditions 3 and 4, the permittee shall immediately notify the appropriate Illinois EPA Regional Field Office.

d. Livestock waste handling facilities specified by Special Condition 3 (j) that are required to contain the precipitation and/or runoff from all precipitation events, shall be equipped with an easily visible freeboard marker (i.e., staff gauge or equivalent) that shows the freeboard level necessary to contain the precipitation and/or runoff from the 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/or runoff from the design precipitation event (100-year, 24-hour precipitation event minimum), the permittee shall: **(40 CFR 412.46 (a), 412.37 (a) (2))**

i. monitor and record the liquid level in the livestock waste handling facilities on a daily basis and, **(40 CFR 412.46 (a))**

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 in compliance with the conditions of the permit. If the facility cannot be dewatered because livestock waste cannot be field applied in compliance with the conditions of the permit pursuant to Special

Conditions 3 and 4, the permittee shall immediately notify the appropriate Illinois EPA Regional Field Office. **(40 CFR 412.46 (a))**

e. The permittee shall inspect all livestock management facilities and livestock waste handling facilities weekly to verify structural integrity and proper operation and identify any maintenance needed to prevent noncompliance with this permit. The permittee shall inspect on a daily basis, subsurface drainage systems of the livestock waste land application area within 24 hours prior to and within 24 hours after land application of livestock waste The permittee shall correct any deficiencies of the livestock management facilities and livestock waste handling facilities as soon as possible to maintain compliance with this permit. The permittee will prepare and retain records of each inspection and corrective action, and if a deficiency is not corrected within 30 days, the reasons for the delay of the corrective action. **(40 CFR 412.37 (a) (1) (iii), 412.37 (a) (3)and (b) (3), 412.31 (a) (1) (ii), 412.32 (a), 412.33 (a), 412.35 (a), 412.43 (a) (1), 412.44 (a) , 412.45 (a), 412.46 (a) (2), 412. 47 (a))**

f. When a livestock waste handling facility (e.g., holding pond, lagoon, or storage pit) is dewatered, the quantity removed shall be measured and recorded.

g. For each day during which livestock wastes are applied to land, the permittee will 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. **(40 CFR 412.37 (c) (10), 412.47 (c))**

vii. 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, and location on a topographic map and acreage of each off-site recipient site that receives livestock waste. **((40 CFR 122.42 (e) (3))**

h. The permittee shall conduct annual analyses of representative samples of the livestock waste to be land applied. The livestock waste samples shall be analyzed for the following parameters: Total Kjeldahl Nitrogen (mg/kg, dry weight basis or mg/l , wet weight basis), ammonia nitrogen (mg/kg, dry weight basis basis or mg/l wet weight basis), total phosphorus (mg/kg, dry weight basis basis or mg/l, wet weight basis), and percent total solids. The laboratory analysis sheets reporting the analysis of the livestock waste samples shall be kept on file at the facility for the term of this permit and for 5 years after expiration of the permit. **(40 CFR 412.4 (c) (3), 412.37 (c) (5))**

i. The permittee shall keep a record of the dead livestock management practices that include the number or weight of dead livestock and disposal methods.**(40 CFR 122.42 (e) (2) (i) (A), 122.42 (e) (1) (ii)), 40 CFR 412.37 (b) (4))**

j. The permittee shall conduct weekly inspections of stormwater diversions, roof guttering, downspouts, channels, and other facilities that separate livestock waste from uncontaminated stormwater. The permittee shall correct any deficiencies of the subject facilities as soon as possible to maintain compliance with this permit and the plan developed in accordance with item 4(e) (x) above. The permittee will prepare and retain records of each inspection and corrective action, and if a deficiency is not corrected within 30 days, the reasons for the delay of the corrective action. **(40 CFR 412.37 (a) (1) (i), 412.37 (a) (3)and (b) (3), 412.31 (a) (1) (ii), 412.32 (a), 412.33 (a), 412.35 (a), 412.43 (a) (1), 412.44 (a) , 412.45 (a), 412.46 (a) (2), 412. 47 (a))**

k. The permittee shall conduct daily inspections and maintain or repair water supply lines in the livestock management facilities, livestock waste handling facilities, raw materials storage area, egg wash facilities, egg processing facilities, areas where products, by-products or raw materials are set aside for disposal, and dead livestock management facilities. The permittee shall correct any deficiencies of the subject facilities as soon as possible to maintain compliance with this permit. The permittee will prepare and retain records of each inspection and corrective action, and if a deficiency is not corrected within 30 days, the reasons for the delay of the corrective action. **(40 CFR 412. 37 (a) (1) (ii), 412.37 (a) (3)and (b) (3), 412.31 (a) (1) (ii), 412.32**

(a), 412.33 (a), 412.35 (a), 412.43 (a) (1), 412.44 (a) , 412.45 (a), 412.46 (a) (2), 412. 47 (a))

l. Records documenting the current design of livestock waste handling facilities including volume for solids accumulation, design treatment volume, total design volume and approximate number of days of storage capacity shall be maintained. **(40 CFR 412.37 (b) (5))**

m. Records documenting the test methods and sampling protocols for livestock waste and soil analyses shall be maintained. **(40 CFR 412.37 (c) (4))**

n. 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 shall be maintained. **(40 CFR 412.37 (c) (7))**

o. Records of the total amount of nitrogen and phosphorus applied to each field in pounds per acre each year from livestock waste and all sources including calculations documenting the amounts shall be maintained. **(40 CFR 412.37 (c) (8))**

p. For each measurement taken pursuant to the requirements of this permit (Special Conditions 5, 6, and 7), the permittee shall also record the following information:

   i. The place, date, and time of measurements;

   ii. The person who performed measurements; and

   iii. The measurement methods used.

SPECIAL CONDITION 8: Record Retention

All records and information resulting from the monitoring activities required by this permit shall be retained for the duration of this permit and for five years after the date of the monitoring activities. **(40 CFR 122.42 (e) (2) (i))**

SPECIAL CONDITION 9: 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 10: Construction Site Activities

Prior to initiating construction activities, permittees 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 11: Assignment or Transfer

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

SPECIAL CONDITION 12: Coverage

This permit covers those facilities under 40 CFR 412 Subparts A, C and D and includes all requirements therein. Facilities covered under 40 CFR 412 Subpart B are not to be covered by this permit. **(40 CFR 412 Subpart C and D)**

SPECIAL CONDITION 13: Rights and Responsibilities

The issuance of 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, regulations, or judicial orders. The Agency will public notice the permit modification. **(40 CFR 123.36)**

SPECIAL CONDITION 15: Duty To Maintain Permit Coverage

The permittee shall submit an application for renewal of the permit 180 days before expiration of this permit to continue coverage under this permit or to receive another NPDES permit. However, 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 and does not propose to discharge livestock waste. The permittee must provide adequate documentation that changed conditions will prevent the facility's discharge and the facility does not propose to discharge. **(40 CFR 122.23(g))**

SPECIAL CONDITION 16: Modification to the Nutrient Management Plan

The permittee shall submit to the Illinois EPA Field Operations Section for Agency approval the following changes to the Nutrient Management Plan not previously approved under this permit. An electronic copy of the proposed changes to the Nutrient Management Plan must be submitted by email to epa.ilacafomod@illinois.gov to Illinois EPA Field Operations Section **(40 CFR 122.42 (e) (6) (iii) (A)):**

a. New land application fields, unless application to the new field is in accordance with a previously approved site specific Nutrient Management Plan applicable to the new field;

b. Increases to land application rates of plant available nitrogen or elemental phosphorus for a particular crop in a particular field in a particular year;

c. New crops or uses of a land application field, or;

d. Changes to site specific components of the Nutrient Management Plan that increase the risk of nitrogen and phosphorus transport to surface water.

Modifications 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.

Modifications of items a through d to the Nutrient Management Plan for Field Application of Livestock Wastes which meet the conditions of this permit will be public noticed for public comment for 30 days. Approval or disapproval of the modification 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 the National Weather Service in Technical Paper Number 40, Rainfall Frequency Atlas of the United States, May 1961, and subsequent amendments, 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 the National Weather Service in Technical Paper Number 40, Rainfall Frequency Atlas of the United States, May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

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

Agricultural stormwater discharge means, a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified by the conditions of this NPDES permit.

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 in accordance with the definition of Small CAFO. 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 adjoin each other or if they use a common area or system for the disposal of wastes.

Controlled and recovered release means any release that:

does not result in a discharge to waters of the State; 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 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.

Field application means the application of livestock waste onto or incorporation into the soil.

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. Livestock management facility includes the dead livestock handling area, egg wash area, egg processing area or raw material storage area. **(40 CFR 122.23 (b) (8))**

Livestock Waste means livestock excreta and associated feed losses, bedding, 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. Livestock

waste includes water that comes into contact with any raw materials, products, or byproducts including feed, milk, eggs or bedding in the livestock management facility, livestock waste handling facility, egg wash area, egg processing area or raw material storage area. Livestock waste includes any products, byproducts or raw materials of the livestock management facility set-aside for disposal. For purposes of this permit this term includes manure and process wastewater. **(40 CFR 122.23 (b) (7), 40 CFR 122.23 (b) (8), 40 CFR 412.2 (d), (h))**

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 constructions or devices that contain and collect water that has come into contact with any raw materials, products, or byproducts including feed, milk, eggs or bedding in the livestock management facility, livestock waste handling facility, egg wash area, egg processing area or raw material storage area. Livestock waste-handling facility includes constructions or devices that contain any products, byproducts or raw materials of the livestock management facility set-aside for disposal. Such a facility includes acceptable land application disposal areas, such as pasture or other agricultural land. **(40 CFR 122.23 (b) (7), 40 CFR 122.23 (b) (8), 40 CFR 412.2 (d), (h))**

Manure is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

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. Either 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; or
   - 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.

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 land in excess of the crop needs for the next crop grown. In multi-year phosphorus applications, no additional livestock waste is applied to the same land in subsequent years until either, the applied phosphorus amount has been removed from that land via harvest and crop removal, or phosphorus is needed to meet the agronomic phosphorus demand for the next crop grown.

Nutrient Management Plan means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. Nutrient Management Plans also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, livestock waste or waste disposal, or drainage from raw material storage.

Overflow means the discharge of livestock waste resulting from the filling of a livestock waste storage structure beyond the point at which no more livestock waste can be contained by the livestock waste storage structure. **(40 CFR 412.2 (g))**

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

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 guidelines of the Agency, 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.

Saturated means hydraulically incapable of absorbing livestock waste without ponding or running off.

Small Concentrated Animal Feeding Operation (Small CAFO). An AFO that is designated as a CAFO and is not a Medium CAFO.

Storm water associated with a CAFO subject to 40 CFR 412 means under 40 CFR 122.26(b)(14)(i), storm water discharges associated with livestock management facilities with a capacity equal to or more than the following numbers of animals: 700 mature dairy cows whether milked or dry; 1000 cattle other than mature dairy cows or veal calves; 10,000 sheep; 500 horses; 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. In addition to livestock waste, possible sources of pollutants in storm water discharges from areas outside livestock management facilities and livestock waste-handling facilities include: immediate access roads used or traveled by carriers of raw material, waste material, by-products, or products used or created by the facility; material handling sites; refuse sites; sites used for the storage or maintenance of material handling equipment; and shipping and receiving areas. **(40 CFR 412.10, 412.30, 412.40)**

Vegetative buffer means a 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 waters of the State.

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 requirement.

(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. 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, upon the presentation of credentials and other documents as may be required by law, to:

(a) 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;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) 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.**

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) 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. This period may be extended by request of the Agency at any time.

(c) Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) analyses were performed;

(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of such analyses.

(d) 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.

(a) **Application.** All permit applications shall be signed as follows:

(1) **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;

(2) **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency:** by either a principal executive officer or ranking elected official.

(b) **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:

(1) The authorization is made in writing by a person described in paragraph (a); and

(2) 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

(3) The written authorization is submitted to the Agency.

(c) **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.

(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.

(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) **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.

(d) **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.

(e) **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) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.

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

(f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).

(g) **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) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:

(a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date:

(b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and

(c) 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) 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 $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 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.

(21) 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 permit 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.

(22) 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 shall, 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.

(23) 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.

(24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.

(25) 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.

(26) 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.