

NPDES Permit No. ILA01  
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Public Notice Beginning Date: **May 6, 2009**

Public Notice Ending Date: **June 5, 2009**

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 State

Coverage under this permit  
This permit covers all areas of the State discharging  
to General Use or Secondary Contact 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 issue a general NPDES permit to prohibit discharge of livestock wastes into the waters of the State, except for livestock management facilities or livestock waste handling facilities that have a discharge caused by a catastrophic precipitation event (25-year, 24-hour storm event). The proposed general NPDES permit covers all livestock management facilities and livestock waste handling facilities that meet the definitions of very large (> 1000 animal units) or large (301-1000 animal units) in Subtitle E and have caused or allowed a discharge or will cause or allow a discharge from their animal feeding operation. The proposed permit also covers all very large facilities that improperly applied, or may improperly apply, livestock waste to pasture or other agricultural land and thereby caused or allowed, or will cause or allow, the discharge of contaminants into waters of the State. This permit covers all livestock management facilities and livestock waste handling facilities designated to have a permit by written notification from the Agency in accordance with Section 502.106. Upon receipt of written notification from the Agency that the livestock management facility or livestock-waste handling facility is designated to have an NPDES permit, the operator is required to submit the application to the Agency within 60 days. This general permit also covers all livestock management facilities or livestock waste handling facilities subject to the NPDES permitting requirements of 40 CFR 122.23 promulgated and effective in April 2003 and December 2008 . The issuance of the proposed NPDES general permit will not change the category of facilities required to have an NPDES permit. No changes are proposed to the existing livestock regulations by the issuance of the proposed NPDES general permit. For a facility to receive coverage under the 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 Illinois Environmental Protection Agency for review and for approval of coverage under the general permit. Prior to coverage of a livestock management facility under the general permit, a 30 day public comment period will be provided.

Length of Permit: Approximately 5 Years

Classification of Receiving Waters: General Use or Secondary Contact

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 animal feeding operations 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 State.

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 and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. For further information, please call the Public Notice Clerk at 217/782-0610.

#### Antidegradation Assessment for Concentrated Animal Feeding Operations General Permit

This general permit prohibits discharges of livestock wastes to waters of the State except overflow from livestock waste handling facilities that is caused by catastrophic precipitation events (i.e., the 25-year, 24 hour precipitation event). Discharges from specified larger livestock management facilities and livestock waste handling facilities are prohibited under any circumstances. The general permit also mandates certain practices regarding the field application of livestock wastes such that discharge of wastes to waters of the State is prevented. 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. As stated elsewhere in this assessment, water quality of the discharges will not be an issue if the terms and conditions of the General Permit are met.

#### Identification and Characterization of the Affected Water Body

The general permit will apply to any concentrated animal feeding operation (CAFO) in the State unless the receiving water body is a biologically significant stream (35 IAC 302.105(D)(6)). To determine this, each use of the permit must be evaluated with regard to the specific receiving water involved. 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 and biochemical oxygen demand are pollutants that would be increased should a discharge occur at a CAFO site. However, under the conditions permitted, entry of these pollutants to a water body would be accompanied by stormwater runoff from other sources. CAFOs complying with the general permit are therefore not anticipated to cause exceedances of water quality standards. Compliance with the general permit likewise would not 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 state. The only time that the

permit allows discharge into waters of the State 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. This discharge is allowed only when the livestock waste handling facilities have been designed, constructed, operated and maintained in accordance with the permit. When an allowed discharge does occur, water quality standards in receiving waters must not be exceeded. 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. There must be no discharges except during the above precipitation event.

#### Purpose and Anticipated Benefits of the Proposed Activity

The general permit sets requirements that will minimize the discharge or runoff of livestock wastes to waters of the State, thereby assuring that current water quality is maintained.

#### 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 IAC 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, all of which have numerous 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.