

**IOWA DEPARTMENT OF NATURAL RESOURCES  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

OWNER NAME & ADDRESS

Jim Gregory  
1164 305th Ave.  
Tabor, Iowa 51653

FACILITY NAME & ADDRESS

Gregory Feedlots, Inc (North)  
66592 US Hwy 275, Tabor, Iowa 51653

E½ of SE¼ of Section 28, T71N, R42W, Rawles Township, Mills  
County, Iowa

IOWA NPDES PERMIT NUMBER: **6556217**

EPA NUMBER: **IA0077909**

DATE OF ISSUANCE: August 1, 2022

DATE OF EXPIRATION: July 31, 2027

YOU ARE REQUIRED TO FILE FOR RENEWAL OF THIS PERMIT BY: February 1, 2027

**The designated stream is:** unnamed creek which is designated as Presumed Class "A1, B(WW-1)".

**Identity of the facility is:** The existing Alternative Technology (AT) system managed and monitored by the permittee and/or his engineer consists of an AT treatment system that consists of three solid settling basins (SSB), followed by one vegetative treatment area (VTA). The system serves the existing 2,000 head of open lot beef cattle on a 13.5-acre open feedlot.

This is an AT NPDES permit issued pursuant to the authority of section 402(b) of the Clean Water Act (33 U.S.C 1342(b)), Iowa Code section 455B.174, 567 Iowa Administrative Code (IAC) 62.4(12), 65.2, 65.5, 65.6, 65.101, 65.102, 65.103, 65.104, 65.112, and the Federal CAFO 40 Code of Federal Regulations (CFR) 40 CFR 122.21, 122.23, 122.41, 122.42, and 40 CFR Part 412.

Because this is an AT System, it is allowed to discharge. If a discharge occurs, the permittee is required to seek technical services of a P.E. licensed in the State of Iowa or a certified AT modeler to perform required annual discharge modeling and, if required, modify the existing installed AT system to improve efficiency in order to meet required discharge performance. AT systems must provide equivalent performance to that achieved by a properly designed and operated 25-year, 24-hour runoff control system based on Environmental Protection Agency's (EPA) revised CAFO regulations from December 22, 2008. In accordance to Iowa Administrative Code (IAC) 567-65.110(1) "a" & "b" adequate capacity must be provided within the AT system and/or within the solids settling facility to contain expected open feedlot effluent during the winter time "non-growing season from November 1 through March 31," or to hold the 25-year, 24-hour precipitation event, whichever is greater. Controls on the entire AT system shall prevent release of collected open feedlot effluent to waters of the United States during the winter time.

The minimum level of manure, open feedlot effluent, settled open feedlot effluent, settleable solids, and process wastewater control for your operation shall be the removal of settleable solids, maintenance and management of an existing alternative treatment system which must provide equivalent performance to that achieved by a properly designed and operated 25-year, 24-hour runoff control system.

Generated manure must be land applied according to your department approved nutrient management plan (NMP). In addition, you must comply with the effluent limitations, monitoring requirements, and other adequate control measures and terms set forth in this permit to ensure that water quality standards are met.

You may appeal any condition of this permit by filing with the director of this department within 60 days of your receipt of this permit a written notice of appeal pursuant to 561 IAC 7.5(1).

Any existing, unexpired Iowa operation permit or NPDES permit previously issued by the department for the facility identified above is revoked by the issuance of this NPDES operation permit unless the facility is being upgraded or replaced by a new facility; then the existing permit will remain in effect until the new facility is completed and in operation.

By:



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Marlon Mueller  
Environmental Specialist  
NPDES Section  
Environmental Services Division

**SPECIAL CONDITIONS (Conditions Applicable to production area and land application area of your open feedlot operation)****SECTION I.** General Operation

## A. Required Practices:

1. Nutrient Management Plan (NMP): 567 IAC 65.112 requires that upon final issuance of your Alternative Treatment (AT) NPDES permit your open feedlot operation shall maintain on site your approved NMP and implement meeting the requirements of this rule. If the site also includes generated manure from a confinement feeding operation, it must be included in the approved NMP unless the confinement feeding operation has a manure management plan. The terms of the department approved NMP are enforceable elements of this NPDES permit. The NMP must include best management practices specified in 40 CFR parts 412.4 and 122.42(e)(1).
2. Stockpiles of solids scraped from open feedlot operations and stockpiles of settleable solids shall comply with requirements of 567 IAC 65.101(8).
3. All clean water must be diverted away from the feedlots and manure control systems.
4. Manure and soil sampling requirements for land application areas: Manure; settleable solids (open feedlot effluent, settled open feedlot effluent and process wastewater if pertinent) must be analyzed a minimum of once annually for nitrogen and phosphorus content. Soil samples for manure land application areas where the phosphorous index must be used shall be obtained from each field in the nutrient management plan at least once every four years. Each soil sample shall be analyzed for P (by either the Olsen or Mehlich-3 method), and pH.
5. The manure handling equipment shall be periodically inspected and effectively maintained and operated at all times so that there is no discharge to waters of the United States.
6. Ensure proper management of mortalities (i.e. dead animals) to ensure that they are not disposed of in a liquid manure or process wastewater system that is not specifically designed to treat animal mortalities and must be handled in such a way as to prevent the discharge of pollutants to surface water.
7. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure or process wastewater system unless specifically designed to treat such chemicals and other contaminants.
8. Prevent direct contact of confined animals with waters of the United States.
9. Solid settling basins (SSB): During the vegetative growing season, the applicant is required to remove settleable solids from open feedlot effluent prior to discharging into an AT system. The SSB is to be operated allowing the liquid disposal system to drain properly to promote rapid dewatering and release of manure, settled open feedlot effluent and process wastewater to the AT system. SSBs shall not retain collected open feedlot effluent for more than seven consecutive days following a precipitation event during the vegetative growing season. Collected settleable solids must be removed from the SSBs a minimum at least once annually.
10. In accordance with 567 (IAC) 65.110(1) "a" & "b" adequate capacity must be provided within the AT system or within the solids settling facility to contain expected open feedlot effluent during the winter time "non-growing season", defined as November 1 through March 31, or to hold the 25-year, 24-hour precipitation event, whichever is greater. During this period the VIBs or VTAs are not to be used unless they are required for the winter time storage or weather and vegetation conditions allow for proper treatment of effluent in the VIBs or VTAs.
11. Vegetation in the VIBs and VTAs must be maintained and in case of loss of vegetation, an annual reseeding will be required. If the conditions allow, the VIBs and VTAs must be periodically harvested so that the nutrients contained in the plant material is removed from the treatment area.

**SECTION II.** Monitoring

- A. Daily precipitation must be recorded. Precipitation must be measured as liquid precipitation which includes melted snow. You may use an on-site weather station or the nearest official precipitation gauge provided by the National Oceanic and Atmospheric Administration (NOAA) Hydrometeorological Design Studies Center for Precipitation Frequency Data Server. [https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html)
- B. Visual inspections: There must be routine visual inspection of the CAFO production area, including daily inspection of water lines, weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure(s); inspections of accumulated manure and liquid distributed in the VIBs and VTAs after each rainfall event or dewatering process; and periodic inspection of the vegetative stand and condition.
- C. Corrective actions: Any deficiencies found as a result of the inspections required in 567 (IAC) 65.104(9) "b" (1) or as a result of the liquid level reporting required in 567 (IAC) 65.104(9) "e" must be corrected, recorded, and reported to IDNR as soon as possible. In accordance with 40 CFR 412.37 (b) (3), any deficiencies that are not corrected within 30 days must be reported accompanied by an explanation of the factors preventing immediate correction.
- D. Provide a map showing the monitoring and collection points identified along with the DNR spreadsheet form showing the results. Submit a copy of lab results with the annual report and maintain lab results on site.
- E. Requirements for renewed NPDES permit:
1. Spring sampling shall be defined as when monitoring wells have water in them and tiles are flowing as a result of snowmelt or rainfall events. Producer shall monitor wells and tile until conditions are acceptable for sampling. Soil sampling shall be conducted at the same time as ground water and tile sampling. Soil sampling has flexibility in that the ground shall be dry and firm enough to not cause any damage to the VTAs.
- F. Groundwater sampling: Collect annual samples from the upgradient monitoring well #1 (upgradient) and monitoring well #2 (downgradient). Sampling shall be done in the Spring and analyzed for (Ammonium N + Ammonia N), NO<sub>3</sub>-N, Chloride and Ortho-phosphate as P.
- G. Tile or Surface sampling: Collect annual samples from the tile outlet south of the VTA. Sampling shall be done in the Spring and analyzed for ortho-Phosphate as P.
- H. Surface soil sampling: Collect annual shallow soil samples at a location near the entrance to the VTA. The VTA shall have three (3) individual samples taken at the inlet to better represent the distribution of effluent across the VTA. These sample shall be identified as VTA West, VTA Middle (current location) and VTA East. All shallow samples shall be collected in the spring when groundwater and tile sampling is done. Sample soil from 0-6". Samples shall be one individual sample and NOT a composite sample. The producer shall strive to obtain samples as close to the same location every year. Soil samples shall be analyzed for P (by either the Olsen or Mehlich-3 method), and pH.
- I. Deep soil sampling: Collect deep soil samples in the spring of 2026 prior to filing for renewal of the NPDES permit. Only one deep soil sample at the VTA inlet is required. Sample to a depth of 4 feet. Separate the sample into the following vertical increments for analysis:
- 0-6"
  - 6-12"
  - 12-24"
  - 24-36"
  - 36-48"
- Analyze the deep soil samples for exchangeable NO<sub>3</sub>-N, NH<sub>4</sub>-N, P (by either the Olsen or Mehlich-3 method), and pH.

**SECTION III.** Reporting Requirements (See “At A Glance” Reporting Requirements)

- A. Recording of Results: For each measurement taken pursuant to the requirements of this permit, the permittee shall record the date, exact location, time of sampling or measurement and the person who performed this service.
- B. Records Retention: The following records, as required in 567 (IAC) 65.104(9), 567 (IAC) 65.112(10) and 40 CFR 122.42(e)(1) and 40 CFR 412.37(a), (b) and (c), must be maintained on site for a period of five (5) years from the date they are created (with NMP following the year of application or the length of the crop rotation) and must be made available to the department upon request:
1. Records documenting the inspections required in 567 (IAC) 65.104(9)“b”(1) and Section II, B.
  2. Records of weekly liquid level observations as required in 567 (IAC) 65.104(9)“e”.
  3. Records documenting any actions taken to correct deficiencies as required in 567 (IAC) 65.104(9)“b”(2).
  4. NMP records or transfer of manure or effluent records as required in 567 (IAC) 65.112(10)“b” & 65.104(9)“c”, 40 CFR 122.37(a), 40 CFR 412.42(e)(1)(ix).
  5. Records of mortalities management and practices used.
  6. Records of chemical handling and storage.
  7. Records documenting the current design of any manure storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.
  8. Records of the date, time, and estimated volume of any overflow.
- C. All monitoring results shall be reported to the department on a quarterly basis. The quarterly reports shall cover the periods January through March, April through June, July through September and October through December. The quarterly report for each period **shall be submitted by the 10<sup>th</sup> day of the month following the quarter being reported.** The quarterly reports shall provide all of the following information required in 567 IAC 65.104(9) “g”:
1. Daily precipitation.
  2. Dates on which manure, process wastewater, settled open feedlot effluent, open feedlot effluent, or settleable solids were removed from the production area and estimated amounts of manure, process wastewater, settled open feedlot effluent, settleable solids, or open feedlot effluent removed (tons/gallons).
  3. Dates on which discharges from the production area or the AT system occurred and the estimated duration and volume of discharge on each discharge date.
  4. Results of laboratory analyses of discharge samples for each date a discharge from the production area or the AT system occurred. If the results of laboratory analyses are not available by the due date of the quarterly report, the results shall be provided with the following quarter’s report.
  5. Results of laboratory analyses of samples taken from the groundwater monitoring wells. If the results of laboratory analyses are not available by the due date of the quarterly report, the results shall be provided with the following quarter’s report.
- D. You must submit a federally mandated annual report **by January 10<sup>th</sup> of the following year** to the department in accordance with 40 CFR part 122.42 “e” “4”. (see item G for form)
- E. As part of the required annual report all provisions of 567 (IAC) 65.104(9)h shall be reported as well as discussion on the nutrient concentration and accumulation in the soil of the VIBs and VTAs of your AT system. Nutrient buildup is likely and can be a concern to the crops planted and maintaining a healthy stand of vegetation. You are required to address the tendency of nutrient buildup in your annual report based on the soil data collected. This shall include types and concentration of nutrients found in the VIBs and VTAs and depending on the types of crops and their uptake pattern the safe level of accumulations that can be tolerated and potential timeline for replacement of soil.
- F. The annual report shall also address impacts of the AT system on surface waters and ground waters based on the sampling results obtained during the life of the AT system.

- G. Quarterly and annually report forms can be obtained from your local Iowa Department of Natural Resources (DNR) Field Office. The reports shall be submitted to:
- AFO DNR Engineer
  - Field Office #3
  - Gateway North Mall
  - 1900 North Grand Ave.
  - Spencer, Iowa 51301

**SECTION IV.** Discharge Event

Reporting: You shall report the occurrence of a release, as provided in 567 IAC 65.1, 567 IAC 65.2(9), 567 IAC 65.100 and 567 (IAC) 65.101(9), as soon as possible, but no later than six (6) hours after the onset or discovery of the release, by calling the 24-hour Emergency Spill Response at **(515)725-8694** regardless of whether the release originates from the production area or land application areas. The local police department or the office of the sheriff of the affected county shall also be contacted within the same time period if the spill involves a public roadway and public safety could be threatened. The absence of any reported release during any 12-month period shall be deemed to constitute a formal report that no release occurred for that period. Non-reporting of an actual release shall be a violation.

- A. Monitoring: If for any reason there are discharges from the system that leave your AT site (including SSBs, VIBs and VTAs), the discharges must be monitored. As a minimum, the date, and volume of any discharge(s) /release(s) must be recorded. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used for flow measurements of the volume of monitored discharges. Samples must be collected from any discharges/releases and shipped via an overnight shipping service to a laboratory certified per 561 IAC Chapter 83 for analysis regarding the site-specific pollutant data that the AT Model is capable to predict and report, including: Chemical Oxygen Demand (COD), Total Kjeldahl Nitrogen (TKN), Total Ammonium Nitrogen (NH<sub>4</sub>-N), Total Phosphorus, and Total Suspended Solids (TSS). Using the sampled concentrations and measured flow volume, the nutrient mass of each discharge shall be calculated. Also, the annual pollutant load data for "Chloride" discharged from the VTA channels for the entire operation that cannot be predicted and reported by the AT model at present time must be tracked and reported.
- B. Modeling: At the end of each calendar year, the predicted annual pollutant load described above in item #A discharged for the year from your AT system shall be determined through use of Iowa State University (ISU) and department approved Effluent Limitations guideline Model (ELG Model) Version 1.003, dated May 31, 2005 and June 2, 2005 respectively, which was originally developed by Iowa State University under the project "Alternative Technologies for Handling and Treating Runoff from Open Feedlots," using the weather records from credible sources of weather data, including "The National Weather Service Records" and/or weather data collected from local weather station installed and maintained by the permittee for the year. The results of this modeling effort will be used to establish the annual discharge allowed from this operation for the year.
- C. Submitting: You must submit a federally mandated yearly report by January 10th of the following year to the department in accordance with 40 CFR part 122.42 "e" "4" if discharges occurred during the year including the compiled actual monitoring results of annual pollutant load discharged as well as the predicted discharge through the use of the AT model. All discharge data submittals must be signed and sealed by a Professional Engineer (P.E.) and/or a certified AT modeler.

**SECTION V.** Expiration / Closure:

- A. Expiration: This AT NPDES permit shall expire on the date listed in this permit. The permittee shall file for reissuance of this permit at least 180 days prior to its expiration. Compliance will be evaluated by comparing the AT system's effectiveness with the baseline equivalent performance standards. If the AT system meets the requirements, the NPDES permit will be renewed allowing the permittee to continue to operate using the established and existing AT system. But, if the AT system proves to be ineffective and fails to meet the requirements, the applicant will be required to apply for a permit to construct a conventional runoff system before the AT NPDES permit expires. Continued operation of said disposal system after expiration of this permit is prohibited. Your NPDES permit to be renewed shall be subject to the provisions of all rules of the department in effect at the time of the renewal.
- B. Closure: In the event this facility is closed for production purposes, this permit shall remain effective until the permittee demonstrates to the satisfaction of the Director that there is no remaining potential for a discharge of manure that was generated while the operation was active. All manure shall be properly land applied, and in the case of facility closure, the manure storage structures shall be properly closed.

**SECTION VI.** Standard Conditions:

- A. To meet the requirements of 40 CFR 122.41, standard conditions, applicable to all NPDES permits, are attached to your permit for your review and compliance.

NPDES Permit - Record Keeping Requirements AT A GLANCE							
Discharging Requirements – Section IV	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
Record and collect samples of discharges from the system that leave the AT site (including SSBs, VIBs and VTAs)						X	Record: date, volume and measured nutrient mass of every occurrence
Discharge report from land application areas or conventional production area						X	Every time it occurs
Expiration Requirements – Section V	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
Continue to comply with the requirements of the permit until expiration date or renewal							See permit renewal date

## NPDES Permit - Monitoring &amp; Record Keeping Requirements

## AT A GLANCE

General Practices: Section I	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
Analysis of the generated manure from the operation (NMP related)				X			
Soil sampling for land application areas (NMP related)						X	Once every four years
Manure handling equipment inspected for leaks						X	Periodically
Recording of solids removal from SSB and lot areas						X	No frequency Minimum annually
VIBs and VTAs must be harvested: (submit harvest dates in quarterly reports)					X		Periodically
Mortality handling & storage						X	Submit with NMP Form
Chemical handling						X	Submit with NMP Form

Monitoring Requirements: Section II.	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
Climate conditions: precipitation.	X						
Visual inspections of water lines	X						
Visual inspections of all storm water diversion		X					
Visual inspection of VIBs & VTAs solid accumulation & liquid levels						X	After each rainfall
Visual inspections of SSB						X	Routinely
Visual inspections of vegetative stand for VIB & VTA						X	Periodically
Ground water sampling for specified parameters				X			Also measure groundwater level
AT System tile sampling				X		X	Sample for ortho-phosphate as P only
Surface soil sampling from VIBs & VTAs				X			See permit for details
Deep soil sampling from VIBs & VTAs						X	See permit for details
Provide map showing the monitoring/collection points				X			With each sampling report
Corrective actions with deficiencies						X	Reported as soon as possible
Reporting Requirements – Section III	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
NPDES quarterly reports			X				Day 10 of month following quarter
NPDES annual report				X			January 10
Soil & groundwater report				X			January 10
Discharge pollutant load report				X			January 10 if a discharge
Keep records from date created							Five years

## STANDARD CONDITIONS – ANIMAL FEEDING OPERATIONS

1. **ADMINISTRATIVE RULES** - Rules of the Iowa Department of Natural Resources (department) that govern the operation of a facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67 and 121. Reference to the term “rule” in this permit means the designated provision of Part 567 of IAC. Reference to the term “CFR” means the Code of Federal Regulations.
2. **MONITORING AND RECORDS OF OPERATION** -
  - a) Records documenting inspections, weekly liquid level observations, and any actions taken to correct deficiencies shall be maintained on site for a period of five years from the date they are created and must be made available to the department upon request.
  - b) The owner of an open feedlot operation who is required to submit a nutrient management plan shall maintain a current nutrient management plan at the site of the open feedlot operation and shall make the current plan available to the department upon request. This recorded information shall be maintained for five years following the year of application or for the length of the crop rotation, whichever is greater.
  - c) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. **{567 IAC 65.104(9)“b”(3) and 65.112(10), 40 CFR 122.41(j)(5)}**
3. **USE OF CERTIFIED LABORATORIES** - Analyses of manure, effluent, wastewater, surface water, groundwater, or soil that are required to be submitted as a result of this permit must be performed by a laboratory certified by the State of Iowa. Routine, on-site monitoring for pollutants that must be analyzed immediately upon sample collection, physical measurements, and operational performance monitoring specified in 567 IAC 63.3(4) are excluded from this requirement. **{567 IAC 63.1}**
4. **DUTY TO PROVIDE INFORMATION** - You must furnish to the director, within a reasonable time, any information the director may request to determine compliance with this permit or determine whether cause exists for amending, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the director, upon request, copies of any records required to be kept by this permit. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. Where you become aware that you failed to submit any relevant facts in the submission of in any report to the director, including records of operation, you shall promptly submit such facts or information. **{567 IAC 60.4(2)“a”, 567 IAC 63.7(6), 40 CFR 122.41(h)}**
5. **DUTY TO REAPPLY AND PERMIT CONTINUATION** - If you wish to continue to operate after the expiration date of this permit, you must file a complete application for reissuance at least 180 days prior to the expiration date of this permit. If a timely and sufficient application is submitted, this permit will remain in effect until the department makes a final determination on the permit application. **{567 IAC 64.8(1), 567 IAC 65.104(10), Iowa Code 17A.18}**
6. **DUTY TO COMPLY** - You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Issuance of this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility. **{567 IAC 64.7(4)“e”, 40 CFR 122.41(a)}**
7. **DUTY TO MITIGATE** - You 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. **{567 IAC 64.7(5)“i”, 40 CFR 122.41(d)}**
8. **PROPER OPERATION AND MAINTENANCE** - All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility, shall be retained at all times. **{567 IAC 64.7(5)“f”, 40 CFR 122.41(e)}**
9. **SIGNATORY REQUIREMENTS** - Applications, reports or other information submitted to the department in connection with this permit must be signed and certified in accordance with 567 IAC 64.3(8).
10. **FAILURE TO SUBMIT FEES** - This permit may be revoked, in whole or in part, if the appropriate permit fees are not submitted within thirty (30) days of the date of notification that such fees are due. **{567 IAC 64.16(1)}**
11. **TRANSFER OF TITLE OR OWNER ADDRESS CHANGE** - If title to your facility, or any part of it, is transferred, the new owner shall be subject to this permit. You are required to notify the new owner of the requirements of this permit in writing prior to any transfer of title. The department shall be notified in writing within 30 days of the occurrence. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer of title. Whenever the address of the owner is changed, the department shall be notified in writing within 30 days of the address change. **{567 IAC 64.14, 567 IAC 65.114}**
12. **PERMIT MODIFICATION, SUSPENSION OR REVOCATION** - This permit may be amended, revoked and reissued, or terminated in whole or in part for cause including, but not limited to, those specified in 567 IAC 64.3(11). This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would change required effluent limits. If a toxic pollutant is present in your discharge and more stringent standards for toxic pollutants are established under Section 307(a) of the Clean Water Act, this permit will be modified in accordance with the new standards. The filing of a request for a permit amendment, termination, or suspension, or a

## STANDARD CONDITIONS – ANIMAL FEEDING OPERATIONS

notification of planned changes or anticipated noncompliance does not stay any permit condition. *{567 IAC 64.3(11) and 64.7(7)“g”, 567 IAC 65.104(11), 40 CFR 122.62(a)(6)}*

- 13. TWENTY-FOUR HOUR REPORTING** - You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the Clean Water Act) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the Act). Information shall be provided orally to the appropriate regional Field Office of the department within 24 hours from the time you become aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times, whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided to the appropriate field office within 5 days of the occurrence. *{567 IAC 63.12}*
- 14. OTHER NONCOMPLIANCE** - You shall report all instances of noncompliance not reported under Condition #13 at the time monitoring reports are submitted. The report shall contain the information listed in Condition #13. You shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements. Notice is required only when previous notice has not been given to any other section of the department. *{567 IAC 63.14}*
- 15. INSPECTION OF PREMISES, RECORDS, EQUIPMENT, METHODS AND DISCHARGES** - You are required to permit authorized personnel to:
- Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under this permit;
  - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
  - Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit; and
  - Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act.
- The department shall notify the owner or person in charge and comply with standard biosecurity requirements. *{567 IAC 65.113, 40 CFR 122.41}*
- 16. NOTICE OF CHANGED CONDITIONS** - You are required to notify the director of any changes in existing conditions or information on which this permit is based, including, but not limited to, the following:
- As soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit. *{40 CFR 122.42(a)}*
  - If you have begun or will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application. *{40 CFR 122.21(g)(9)}*
- 17. PLANNED CHANGES** - The permittee shall give notice to the appropriate regional field office of the department 30 days prior to any planned physical alterations or additions to the permitted facility. Facility expansions, increases in the animal unit capacity or the volume of open feedlot effluent, and production increases or process modifications which result in new or increased discharges of pollutants must be reported by submission of a new NPDES permit application and a construction permit application. If any modification of, addition to, or construction of a disposal system is to be made, you must first obtain a written permit from this department. In addition, no construction activity that will result in disturbance of one acre or more shall be initiated without first obtaining coverage under NPDES General Permit No. 2. Notice is required only when:
- Notice has not been given to any other section of the department;
  - The alteration or addition to permitted facility may meet one of the criteria for determining whether a facility is a new source as defined in 567 IAC 60.2;
  - The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.
- {567 IAC 63.13 and 63.14, 567 IAC 64.2 and 64.7(7)“a”}*
- 18. REPORTING OF A RELEASE** - A person storing, handling, transporting, or land applying manure, process wastewater, open feedlot effluent, settled open feedlot effluent, scraped solids, or settleable solids from an open feedlot operation who becomes aware of a release shall notify the department of the occurrence of release as soon as possible but not later than six hours after the onset or discovery of the release by contacting the department at (515) 725-8694. *{567 IAC 65.101(9)}*
- 19. NEED TO HALT OR REDUCE ACTIVITY** - 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. *{567 IAC 64.7(5)“j”, 40 CFR 122.41(c)}*
- 20. PROPERTY RIGHTS** - This permit does not convey any property rights of any sort or any exclusive privileges. *{567 IAC 64.4(3)“b”, 40 CFR 122.41(g)}*
- 21. EFFECT OF A PERMIT** - Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403, and 405 (a)-(b) of the Clean Water Act, and equivalent limitations and standards set out in 567 IAC Chapters 61 and 62. *{567 IAC 64.4(3)“a”}*
- 22. SEVERABILITY** - The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.