

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

OWNER NAME & ADDRESS

City View Farms LLC
4135 Yellow Ave.,
Sutherland, Iowa 51058

FACILITY NAME & ADDRESS

City View Farms - East
4135 Yellow Ave.,
Sutherland, Iowa 51058

N½ of SW¼ and NW¼ of Section 14; S½ of SW¼ of Section
11 and NE¼ of SW¼; SE¼ of NE¼ of Section 15, T95N, R39W,
Grant Township, O'Brien County, Iowa

IOWA NPDES PERMIT NUMBER: **7160334**

EPA NUMBER: **IA0077569**

DATE OF ISSUANCE:

DATE OF EXPIRATION:

YOU ARE REQUIRED TO FILE FOR RENEWAL OF THIS PERMIT BY:

The designated stream is: unnamed creek which is designated as Presumed Class "A1, B(WW-1)" and Waterman Creek which is designated as Class "A1, B (WW-2)".

Identity of the facility is: Feedlot Runoff Control Facility for an existing open feedlot operation with a total maximum animal capacity of 20,900 head of immature dairy cattle. The drainage area is served by five earthen settled open feedlot effluent basins (SOFEB) and multiple solids settling basins. The NE SOFEB has a runoff storage capacity of approximately 3,211,971 gallons at 0.5' freeboard and 1,525,383 gallons when measured at the "must pump" elevation of 1411.9' (4.1 feet of freeboard), the NW SOFEB has a runoff storage capacity of approximately 13,492,151 gallons at 0.7' freeboard and 7,872,109 gallons when measured at the "must pump" elevation of 1351.6' (6.1 feet of freeboard), the Middle SOFEB has a runoff storage capacity of approximately 949,655 gallons at 0.0' freeboard and 142,574 gallons when measured at the "must pump" elevation of 1403.5' (8.5 feet of freeboard), the West SOFEB has a runoff storage capacity of approximately 14,340,227 gallons at 1' freeboard and 11,171,650 gallons when measured at the "must pump" elevation of 1343.2' (2.8 feet of freeboard), and the South SOFEB has a runoff storage capacity of approximately 36,717,944 gallons at 1' freeboard and 25,380,177 gallons when measured at the "must pump" elevation of 1378.2' (5.8 feet of freeboard). The operating system for all the SOFEBs have been designed under "System 4" of the Appendix "A" of the IAC (567) Chapter 65. (Open Feedlot Effluent Application After Each Significant Precipitation Event) and serving a total drainage area of 148.06 acres.

Two open feedlot effluent basins (OFEB), the North OFEB has a storage capacity of approximately 1,493,090 gallons and the South OFEB has a storage capacity of approximately 1,854,800 gallons when measured at the "must pump elevation" (2 feet of freeboard). No runoff will enter the proposed OFEBs. The two OFEBs only receives vacuumed liquid and solids manure from the open lot's concrete area taken up by the manure vac truck and manure vac tanker.

Earthen Manure Basin #1 (Basin #1) was built as additional storage for the 600 head immature dairy cattle confinement building utilizing partial below the floor concrete 4-foot pit that drains to Basin #1. This basin also receives effluent from the truck and equipment wash out building. Effluent in this Basin #1 has a storage capacity of approximately 17,759,000 gallons when measured at the 2-foot freeboard elevation. **Because this basin contains confinement manure, it is not allowed to discharge.**

The facility also includes 3,000 head of immature dairy cattle in two confinement barns, 50 feet x 640 feet, with below the floor deep concrete pit (8 ft. deep) 12' wide the entire length of the barn with slatted floor over the deep pit portion. The remaining floor is a compacted earthen floor utilizing bedding pack sloped towards the slatted floor.

The total maximum animal capacity on site in both the open feedlot and the confinement is 24,500 head of immature dairy cattle, 20,900 head in open lots and 3,600 in confinement.

This NPDES permit is 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 CAFO 40 Code of Federal Regulations (CFR) 122.21, 122.23, 122.41, 122.42, and 40 CFR Part 412.

There must be no discharge except when precipitation events greater than the 25-year, 24-hour rainfall event (5.66 inches) based on the As-Built Design Report dated May 28 2019 estimates cause an overflow of the production area that originally was designed, constructed, operated and maintained to comply with the requirements of 567 IAC Chapter 65, Appendix A, "SYSTEM 4: OPEN FEEDLOT EFFLUENT APPLICATION AFTER EACH SIGNIFICANT PRECIPITATION EVENT" to contain manure, open feedlot effluent, settled open feedlot effluent, settleable solids or process wastewater and the operation has a NPDES permit as required by State and Federal rules.

Generated manure must be land applied according to your department approved manure management plan (MMP) and/or 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 by properly operating and maintaining your manure control systems to prevent water pollution from manure storage or application operations. Violations of water quality standards whether the discharge comes from the production area or land application area are violations of the permit.

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: draft
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 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 part 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. 567 IAC 65.17(16) 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 and each soil sample shall be analyzed for phosphorus 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): The SSB must precede the settled open feedlot effluent basin. Collected manure solids must be removed as necessary to maintain adequate solids storage capacity for future runoff events. As a minimum, settleable solids shall be removed at least once annually. The SSB cannot retain the liquid portion of open feedlot effluent for more than seven consecutive days following a precipitation event.
10. Settled open feedlot effluent basins (SOFEB): The SOFEB must be emptied, based on the installed system designed and proposed by your licensed engineer and approved by the department, by land applying the effluent.
 - a. For Runoff Control Systems #1, 2, 3 and 5, the SOFEB(s) shall be considered to be empty when effluent occupies less than 10 percent of the storage volume.
 - b. For Runoff Control System #4, land application must begin on the first day that conditions are suitable and must continue until storage capacity is achieved. The SOFEB shall be considered to be empty whenever the available (unoccupied) storage capacity remaining in the control system is more than 90 percent of that needed to store runoff from the 25-year, 24-hour precipitation event.

Effluent may also be land applied at times other than when the basin must be emptied. Emptying of SOFEB before winter time is required to make sure there is enough capacity to store the generated effluent during the wintertime.

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).
- 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).
- 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 the department 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. All SOFEB’s liquid levels must be obtained by observing a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour rainfall event.
 - 1. For Runoff Control Systems #1, 2, 3 and 5, there must also be a depth marker indicating the emptying of the impoundment to the required 10% of the designed capacity.
- E. For SOFEBs, monitor and record the liquid level in the SOFEB **daily** when the available (unoccupied) storage capacity remaining is less than 90 percent and **weekly** when the available (unoccupied) storage capacity remaining is more than 90 percent of that required to maintain the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour rainfall event.

SECTION III. 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 levels and volume of liquid removed 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 10th 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) “e”:
1. Daily precipitation.
 2. Weekly impoundment liquid levels.
 3. Volume of liquid removed from the impoundments, and the date, time, duration.
 4. Estimated volume of any overflow.
- D. You must submit a federally mandated annual report **by January 10th of the following year** to the department in accordance with 40 CFR 122.42(e)(4) and 567 IAC 65.104(9) “f”. (*see item E for form*)
- E. 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:
- Iowa Department of Natural Resources
Field Office #3
Gateway North Mall
1900 N Grand Ave
Spencer IA 51301
- F. 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.

SECTION IV. Discharge**A.** Limitations:

1. In order to have an authorized discharge from your operation, you must meet the following requirements for both production area (item a) "1", "2" & "3") and application area (item b) "1" & "2")
 - a. For the production area, that part of your open feedlot operation that includes the animal confinement area, the manure storage area, stockpiles of manure regardless of where they are located, the raw materials storage area, and the waste containment areas: In accordance with 567 IAC 65.101(2), and 40 CFR 412.31, there must be no discharge of manure, open feedlot effluent, settled open feedlot effluent, settleable solids or process wastewater into waters of the United States from the operation, unless the requirements described below in items "1", "2", and "3" are met:
 - 1) When a precipitation event equal to or greater than a 25-year, 24-hour precipitation event or when a precipitation event that is a chronic precipitation event causes an overflow, then pollutants in the overflow may be discharged into waters of the United States provided the manure control system is designed, constructed, operated and maintained to contain all manure including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event design estimates.
 - 2) The installed system for your SOFEB was designed and proposed by your licensed engineer and approved by the department to be installed and used in your operation. You shall comply with the effluent application requirements regarding your system as described in 567 IAC Chapter 65, Appendix A.
 - 3) The production area is operated in accordance with the additional measures and record keeping required by 40 CFR 412.37(a) and (b) and 567 IAC 65.104(9) "b" & "e".
 - b. For land application areas: discharges from land application areas are subject to the following requirements:
 - 1) You must have an approved nutrient management plan (NMP).
 - 2) You must maintain the records related to land application areas.

SECTION V. Expiration / Closure:

- A. Expiration: This 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. 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, is attached to your permit for your review and compliance.

**NPDES Permit - Monitoring & Record Keeping Requirements
AT A GLANCE**

General Practices: Section I	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
Analysis of the generated manure & effluent from the operation (NMP related)				X			Submit report to DNR
Soil sampling for land application areas (NMP related)						X	Once every four years submit report to DNR
Manure handling equipment inspected for leaks						X	Periodically
Mortality handling & storage						X	Submit with NMP Form
Chemical handling						X	Submit with NMP Form
Solids removal from SSB						X	No frequency Minimum annually
Emptying of SOFEB based on the installed system						X	Also, required before winter time

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					
Measure SOFEBs – depth marker, liquid level & volume removed		X					
Measure SOFEBs with less than 90% remaining capacity	X						
Visual inspections of SSB						X	Routinely
Occurrence of a release/overflow						X	Date, time; estimated volume
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
Discharge pollutant load report				X			January 10 if a discharge
Keep records from date created:							Five years

Discharging Requirements – Section IV	Daily	Weekly	Quarterly	Annually	Biennial	Other	Notes
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

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

STANDARD CONDITIONS – ANIMAL FEEDING OPERATIONS

- 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 in Section 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, 40 CFR 122.41(l)(6)}*
- 14. OTHER NONCOMPLIANCE** - You shall report all instances of noncompliance not reported under Condition #13 at the time discharge 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 63.7(5), 63.14 and 63.15, 40 CFR 122.41(l)(7)}*
- 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 64.7(7)“c”, 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; or
 - 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, 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 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. *{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.