INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

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August 8, 2008

VIA CERTIFIED MAIL 7007 1490 0000 0840 8448
Michael and Douglas Poland, Owners
Poland Dairy
9367 North County Road 125 West
Boswell, Indiana 47921

Dear Sirs:

Re: Draft NPDES Permit
No. INA006251
Warren County

Your application and supporting documents have been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is draft NPDES Permit No. INA006251, which if approved, will authorize you to operate a Concentrated Animal Feeding Operation (CAFO) in accordance with the Federal Water Pollution Control Act and Indiana Code IC-13-15. This permit will also authorize you to construct additional waste storage structures at the dairy operation. Please also find enclosed a copy of a Briefing Memo, Attachment A, and Notice of Comment Period.

Pursuant to IC 13-15-5-1, a general notice will be published in the newspaper of largest general circulation within Warren County. A 30-day comment period is available in order to solicit input from interested parties, including the general public.

Please review this document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit should be submitted in accordance with the procedure outlined in the enclosed public notice form. We suggest that you meet/contact us to discuss major concerns or objections you may have with the draft permit.

Questions concerning this draft permit may be addressed to Mr. Daniel J. Bruggen, at (317) 233-3554 or toll free at (800) 451-6027, extension 3-3554.

Sincerely,

Jerome Rud

Jerome Rud, Chief
Solid Waste Permits Section
Office of Land Quality

Enclosures: Draft NPDES Individual Permit No. INA006251
Briefing Memo
Attachment A
Notice of Comment Period

cc: Warren County Board of Commissioners (with enclosures)
Warren County Health Department (with enclosures)
Pine Village Mayor/ Town Council President (with enclosures)
Boswell Mayor/ Town Council President (with enclosures)
USDA-Natural Resources Conservation Service (with enclosures)

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT FOR

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

In compliance with the provisions of the Federal Water Pollution Control Act, (33 U.S.C. Section 1251 *et seq.* "the Act") and IDEM's authority under IC 13-15,

Poland Dairy.

is authorized to operate a dairy farm located near the intersection of State Road 26 and County Road 125 West, in Warren County, Indiana, in accordance with all limitations, monitoring requirements, and other provisions set forth herein. This permit also contains waste storage facility construction requirements and limitations. The IDEM farm identification number for Poland Dairy is ID# 6251.

A copy of this permit must be kept by the permittee at the site of the permitted activity.

In order to receive authorization to operate beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Effective Date: _____

Expiration Date: _____

Signed this _____ day of _____
for the Indiana Department of Environmental Management.

_____
Thomas Linson, Chief
Permits Branch
Office of Land Quality

PART I. PERMIT CONSTRUCTION REQUIREMENTS

A. Project Description

The Poland Dairy facility is an existing dairy operation currently operating under a Confined Feeding Operation permit, confining 410 cows in three barns. All the confinement barns have concrete floors. Manure /process wastewater from the confinement barns is flushed and delivered to a liquid collection and storage system. Plans detail an expansion of the concrete sand/manure/process wastewater settling pit. The manure/process wastewater from the operation is directed to the concrete sand/manure/process wastewater settling pit, a concrete pad for solid manure storage and dewatering, and final to a three-staged compacted clay lined earthen manure/process wastewater storage lagoons. All milking parlor wastewaters will be directed to the manure/process wastewater storage lagoon. Storm water from the dairy operation will be handled by a proposed earthen storm water detention berm. The raw materials and feed storage area is designed to collect silage leachate and the storm water up to the 25-year, 24-hour rain event in the three-staged compacted clay lined earthen manure/process wastewater storage lagoon. All manure and process wastewaters will be land applied by the permittee, a contractor under the control of the permittee, or distributed to other persons for land application or converting to compost. The milk chilling process utilizes groundwater and a non-contact cooling device. The non-contact cooling water will be collected for recycling as drinking water or to mist the cows for cooling purposes. Excess non-contact cooling water must be conveyed to an existing field drainage tile.

B. Pre-Construction Notification and Construction Activity

1. Permittees are required to notify IDEM prior to the commencement of construction. The enclosed Pre-construction Notification form must be returned to IDEM. The notification must provide IDEM sufficient advance notice to allow for a pre-construction meeting with IDEM staff.

2. All approved construction must begin not later than two years and be completed not later than four years after 1) the permit date for the construction of the confined feeding operation or 2) the date all appeals brought under IC 4-21.5 concerning the construction of the operation have been completed, whichever is later. In order to receive approval for construction beyond the four year allowance, the applicant must reapply by submitting a new application and all supporting plans and specifications as required by IDEM.

3. Any field tiles encountered during construction of all confinement barns or the waste management structures must be removed and redirected no less than 50 feet from the structure. Any area were tiles are removed must be refilled with soil and brought back to an elevation equivalent to the surrounding area.

C. Erosion Control Requirements

During the land disturbing activities or construction process, soil erosion must be minimized and appropriate sediment trapping practices must be utilized to reduce the impact of storm water discharges to the waters of the state. The Indiana Storm Water Control Regulation 327 IAC 15-5 requires that proper control of storm water be practiced on all disturbed areas at construction sites equal to or greater than one acre. Contact your county Soil and Water Conservation District (SWCD) office for more information about complying with 327 IAC 15-5. Technical resource information is also available through the SWCD, including the Indiana Storm Water Quality Manual (formerly Indiana Handbook for Erosion Control). A copy of the USDA, NRCS Critical Area Planting Specification # 342, which details recommended methods for site stabilization is also available through the SWCD.

D. Construction Compliance Inspections and Verifications

1. The confinement barns and waste management facilities must be constructed and operated in accordance with the conditions in this permit and the approved plans and specifications referenced in Part II.H.1. of this permit.

2. In order to support the Completed Construction Affidavit required under subsection E, it is recommended that the permittee document construction compliance by taking photographs during the different phases of construction. The photos should concentrate on verifying proper placement of steel reinforcement and water stops, as well as the depth or thickness of the concrete and earthen or synthetic liners. They should also be labeled and maintained in the farm operating record during the construction process and for a period of five years after the completion of all construction.

3. Permittees must submit to IDEM photo copies documenting the construction compliance within ten (10) days via postal mail or electronically to IDEM's Office of Land Quality, Solid Waste Permits Section Chief, as detailed in Part I.D.2 of this permit. The photos should be labeled and show sufficient project oversight during the construction process.

4. Any proposed variation of design from the approved plans must be pre- approved by IDEM prior to the change.

E. Facility Startup and Populating with Animals

Permittees must submit to IDEM the enclosed Completed Construction Affidavit form within thirty (30) days after the date construction of an approved waste management system is completed, and <u>prior</u> to the introduction of any animals. The affidavit must be completed, notarized, and returned to IDEM assuring that the waste management system was constructed and will be operated in accordance with the requirements of the permit. If a permittee performs partial construction of an approved facility and wishes to utilize that portion prior to completing construction of the entire facility, multiple affidavits shall be submitted. No portion of a new waste management system, including animal feed and

similar feedstock storage areas, shall be utilized unless that portion, or a combination of the waste management system for that portion, is completely constructed prior to the introduction of animals and provides a minimum of 180 days storage for manure, wastewater, silage leachate and storm water from the feed and raw materials storage area.

PART II. PERMIT OPERATING REQUIREMENTS

A. Effluent Limitations and Discharge Prohibitions

1. Unless in accordance with this section, the permittee shall not have any discharges of non-contact cooling water, manure, or process wastewater pollutants from the production area to waters of the State. The manure storage facility must be constructed and operated to hold all manure or process wastewater generated by the confined feeding operation and storm water contaminated from contact with manure or process wastewater or above-mentioned products, materials or byproduct.

2. A discharge from the production area is permissible only if (a) it is a result of a catastrophic rainfall event which causes the overflow from a storage structure that has been properly designed, constructed, operated, and maintained to contain all manure and process wastewater including the direct precipitation and runoff from a 25-year, 24-hour rainfall event and (b) the production area is operated in accordance with the additional measures and records required by Parts I, II, III and IV of this permit. In addition, the discharges must be in compliance with subsection 4 and 5 of this section.

3. A discharge of non-contact cooling water to a field tile is permissible as long as the water temperature at the tile outlet has been restored to a temperature equivalent to normal water temperatures at other nearby tile outlets. Documentation of temperature monitoring shall be collected monthly and maintained in the operating record.

4. Excess non-contact cooling water must be conveyed to an existing field drainage tile and not to any manure/process wastewater storage structure. The location of that tile will be submitted to IDEM on as-built drawings.

5. A discharge of storm water from the following areas is authorized, as long as the storm water is in compliance with the facility's Storm Water Pollution Prevention Plan, and part 5 of this section: immediate access roads and rail lines used or traveled by carriers of raw materials, products, waste material, or by-products used or created by the facility; sites used for the handling of material other than manure and process wastewater; refuse sites; sites used for the storage and maintenance of material handling equipment; and shipping and receiving areas.

6. If the facility has a discharge into the waters of the State, all waters of the State at all times and at all places shall meet the state narrative water quality standards which are minimum limitations of being free from substances, materials, floating debris, oil, or scum attributable to the discharge:

a. That will settle to form putrescent or otherwise objectionable deposits;

b. That are in amounts sufficient to be unsightly or deleterious;

c. That produce color, visible oil sheen, odor, or other conditions in such a degree as to create a nuisance;

d. Which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants or humans;

e. Which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated use.

6. The permittee must ensure that activities associated with the CAFO operation do not cause or contribute to non-attainment of state water quality standards or to the impairment of designated or existing uses. In response to its own finding of water quality problems or based upon documented evidence presented to or collected by IDEM, the Agency may, upon written notice, require the permittee to develop and implement additional Best Management Practices (BMPs) or the use of other control measures to abate an existing problem or to reduce the potential of future water quality problems.

B. Performance Standards

1. The facility shall be managed to avoid practices that result in the discharge of manure, or process wastewater and contaminated storm water into the state's waters.

2. The permittee's operation must be conducted in a manner that minimizes non-point source pollution entering of the state's waters.

3. All confinement barns, waste management structures and areas where manure or process wastewater is handled must be designed, constructed, and maintained to minimize leakage and seepage and to prevent spills or the discharge of manure or process wastewater.

4. Manure or process wastewater to be staged or land applied must be staged or applied in such a manner as:

a. not to enter or threaten to enter waters of the State;

b. to prevent:

i. run-off;

ii. application on saturated ground; and

iii. spills; and

c. to minimize nutrient leaching beyond the root zone.

C. Relationship with Confined Feeding Operation (CFO) Approval (327 IAC 16)

1. As long as this permit is maintained the permittee is not required to obtain a CFO approval under 327 IAC 16.

2. Permittees must seek authorization from IDEM for construction of any animal confinement building or waste storage structure prior to construction.

3. IDEM must approve any change that would reduce storage capacity below 180 days before the change is made.

D. Operational Requirements

1. All waste management systems must be maintained and operated to meet conditions and requirements in this permit.

2. The Emergency Spill Response Plan must be developed and implemented prior to the collection of manure and wastewater and must be in written in accordance with 327 IAC 16-9-4.

3. Manure or process wastewater must be maintained within an approved storage structure until removed for land application or transported off-site to a recipient user. The permittee must comply with Part II.E. of this permit for any person who receives more than ten (10) cubic yards or two thousand (2,000) gallons of manure, or process wastewater within a calendar year from the operation.

4. All open surface liquid impoundments must be maintained with adequate freeboard to contain a 25-year, 24-hour rainfall event or two feet of freeboard which-ever is greater. Freeboard is the capacity between the liquid waste level and the top of the storage structure berm.

5. All open surface liquid impoundments must:

a. have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event or two feet whichever is greater;

b. be maintained to protect the berms from erosion and to allow for visual inspection.

6. If any uncovered manure storage structure collects storm water or manure or process wastewater runoff within the required freeboard space, the volume within the freeboard must be removed as soon as it can be practically done in compliance with Part II.F. of this permit.

7. The permittee shall inspect all waste management systems to meet the requirements of Part III.A. Records of the waste management system inspections shall be maintained in the operating record in compliance with Part III.B.

E. Distributing and Marketing

1. The permittee shall provide an information sheet to any person that receives or purchases more than ten (10) cubic yards or two thousand (2,000) gallons of manure or process wastewater within a calendar year from the operation.

2. The information sheet must contain, at a minimum, the following information:

a. The name and address of the operation providing the manure or process wastewater.

b. A statement indicating that it is unlawful to allow the manure or process wastewater to enter any waters of the State.

c. Information on the nutrient content of the manure or process wastewater.

d. The manure application requirements of this permit.

3. The operating record must contain information pertaining to any person who receives or purchases more than ten (10) cubic yards or two thousand (2,000) gallons of liquid manure or process wastewater in a calendar year. The information shall be maintained for five (5) years. The operating record shall include:

a. The name and address of the person receiving or purchasing the manure or process wastewater;

b. The approximate amount of manure or process wastewater received or purchased by the person;

c. The date the manure was received or purchased; and
d. A copy of the information sheet.

F. Land Application of Manure and Process Wastewater

1. Compliance with this permit satisfies the requirement to maintain a Manure Management Plan (MMP) under IC 13-18-10-2.3.

2. Manure or Process Wastewater Application Rates

   a. The facility shall base manure and process wastewater land application rates on:

      i. potentially available nitrogen in the manure or process wastewater as determined by a an analysis, and follow the manure application rates from 327 IAC 16-10-2(b), and;

      ii. land application to sites with soil Bray P1 phosphorus in excess of 100 ppm but less than 200 ppm Bray P1 phosphorus, is limited to crop P removal in a single year , and;

      iii. land application to sites with soil Bray P1 phosphorus in excess of 200 ppm is prohibited.

      iv. multi-year phosphorus applications may be applied under a single nitrogen limited rate when the soil Bray P1 phosphorus is between 50 and 100 ppm as long as the site receives no further manure applications until the soil Bray P1 phosphorus levels are no greater than 100 ppm.

   b. Land application site soil tests must be conducted no less than once every three years. At a minimum, the soil tests shall include Bray P1/Mehlich 3 phosphorus analysis. Manure and process wastewater tests for nitrogen and phosphorus shall be conducted at least once per year. New farms or farms with new sources of manure or process wastewater must collect a representative sample and have it analyzed prior to the first application to land. The results of these tests are to be used in determining land application rates. The permittee shall maintain, in the farm operating record, the soil, manure, and process wastewater test results for at least five years from the date they were conducted.

   c. Soil, manure, and process wastewater samples shall be composite samples of multiple grab samples taken to best represent the field or materials being utilized.

   d. The land application equipment shall be calibrated to enhance the ability to apply nutrients uniformly on the site.

e. Land application rate information including results of soil and manure analyses must be added to the operating record as required in Part III.B. of this permit.

3. Manure or Process Wastewater Application Activities

a. Manure that is staged at the manure application site for more than seventy-two (72) hours must be:

i. covered or otherwise protected; and

ii. applied to the site within ninety (90) days.

b. Staging of solid manure at the manure application site is prohibited:

i. within three hundred (300) feet of surface waters of the State, drainage inlets, including water and sediment control basins, or water wells unless there is a barrier or surface gradient that contains or directs any contaminated run-off away from the waters of the State, drainage inlets, water and sediment control basins, or water wells.

ii. on any area with a slope greater than six percent (6%), unless run-on and run-off is controlled; or

iii. on any standing water or waterway.

c. Wastewater spray irrigation must be conducted:

i. under the constant supervision of a person designated by the owner/operator; or

ii. with devices to detect pressure loss due to leaks and devices to shut down the system if leaks are detected; or

iii. in accordance with a spray irrigation plan that:

a) has been approved by IDEM; and,

b) is maintained in the farm operating record.

d. Spray irrigation of manure or process wastewater by mobile and/or stationary land application equipment onto snow covered or frozen ground is prohibited.

e. Spray irrigation of manure or process wastewater in a flood plain or over any land that has less than twenty (20) inches of soil above the bedrock is prohibited unless in accordance with a spray irrigation plan that:

   i. has been approved by IDEM; and

   ii. is maintained in the farm operating record.

f. Surface application of manure, litter or process wastewater to snow covered or frozen ground is prohibited unless the following conditions are met:

   i. A soil conservation practice plan that includes land application to snow covered or frozen ground must be developed and implemented for the land application area. The plan must be submitted to IDEM for review and approval; meeting the following criteria:

      A. USDA NRCS soil survey maps and USGS topographical maps must be submitted identifying the boundaries where manure and/or process wastewater application areas for snow covered or frozen ground spreading application occurs.

      B. No application to land with a slope greater than two percent (2%), unless there is forty percent (40%) crop residue or vegetated crop cover on the land application site.

      C. No application in a flood plain.

      D. Application cannot be closer than two hundred (200) feet from any surface water body.

      E. The application rate can be no more than a total of fifty percent (50%) of the agronomic rate, based on nitrogen, for each time period that the ground is frozen or snow covered.

g. Manure or process wastewater must not be applied to the land from application equipment operating on a public road.

h. Liquid or solid manure or process wastewater must not be applied to highly erodible land unless the application to such land is specifically addressed in the Soil Conservation Practices Plan referenced in Part II.G.2. of this permit.

i. When planning surface application of manure or process wastewater, the permittee must take into account the next 24-hour weather forecast and site soil conditions to avoid applying manure prior to a rain event that when combined with soil conditions would likely result in a runoff.

j. Manure or process wastewater shall not be applied on saturated ground Saturated ground has no further capacity to absorb materials applied to it.

k. Land application sites must be inspected to identify any field tile outlets under or immediately bordering the land application site as well as surface drainage ways that direct storm water off the land application site. Visual monitoring of identified field tile outlets must occur during and immediately following land application of the manure or process wastewater. If there is evidence of manure or process wastewater discharging from the field tile outlet or surface drainage way, the land application must cease immediately and the flow stopped or captured. Any flow that is captured shall be either land applied or returned to storage.

4. Manure Application Setbacks

a. Except under subsection (c), (d) and (e), application of manure or process wastewater must be in accordance with the setbacks in Table 1:

Table 1. SETBACK DISTANCES (in feet)

Known Feature	Liquid Injection or Single Pass Incorporation	Liquid Incorporation; Application to Pasture; or Solid or Composted Manure or process wastewater application	Liquid Surface Application	
			Less than or Equal to 6 % Slope; or Residue Cover	Greater than 6 % Slope
Public water supply wells and public water supply surface intake structures	500	500	500	500
Surface waters of the state, including water and sediment control basins	100	100	100	200
Sinkholes (measured from the surficial opening or the lowest point)	100	100	100	200
Wells	100	100	100	200
Drainage inlets	100	100	100	200
Property lines and public roads	0	10	50	50

b. All setback distances must be measured from the edge of known feature of concern and the edge of the actual placement of manure on the land.

c. The permittee may substitute a 35-foot wide vegetative buffer in place of the 100-foot setback from down gradient water features and the 50-foot setback from property lines and public roads identified in Table 1.

d. The property line setback distances specified in subsection (a), Table 1 and subsection (c), may be waived in writing by the owner of the adjoining property without the requirement to modify this permit. Waivers must be kept in the operating records.

e. The setback is ten (10) feet if a gradient barrier is located between the application site and:

i. surface waters of the State;

ii. any known well opening;

iii. the surficial opening or the lowest point of any sinkhole; or

iv. any drainage inlet, including water and sediment control basins.

5. Land Application Discharges

The discharge of manure or process wastewater to waters of the State from a CAFO as a result of application of that manure or process wastewater by the permittee are subject to the requirements of this permit, except where it is an agricultural storm water discharge. In areas where manure or process wastewater has been applied in accordance with this permit, a precipitation-related discharge of manure or process wastewater from land areas under the control of the permittee is an agricultural storm water discharge.

G. Special Conditions

1. Nutrient Management Plan (NMP)

In order to constitute equivalency to a NMP the facility must be in compliance with all parts of this permit including the following:

a. Ensure adequate storage of manure and process wastewater, including procedures for proper operation and maintenance of the storage facilities.

Adequate storage shall be maintained to preclude land application when soil and weather condition are unsuitable for land application, as determined in accordance with the conditions of this permit, and when land is occupied with crops and unavailable for land application.

b. Mortalities must not be disposed of in any liquid manure, storm water, or process wastewater storage or treatment 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 waters of the State.

c. Ensure that clean water is diverted, as appropriate, from the production area.

d. Prevent direct contact of confined animals with waters of the State.

e. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.

f. Establish protocols to land apply manure or process wastewater in accordance with this permit to ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

g. Maintain in the operating record documentation of the above-listed items.

2. Soil Conservation Practice Plan

A Soil Conservation Practice Plan as described in 327 IAC 15-15-11 must be developed and implemented in accordance with NRCS Conservation Practice Standards on land application areas owned or controlled by the permittee. The plan must be developed prior to the first application of manure, be maintained in the farm operating record and, at a minimum, meet the following:

a. Reduce soil erosion to "T" (Tolerable Soil Loss)

b. Minimize potential runoff; and

c. Minimize nutrient leaching.

3. Storm Water Pollution Prevention Plan (SWPPP)

The permittee shall develop and implement a Storm Water Pollution Prevention Plan as described in Attachment 1, prior to populating the operation with animals. The plan must be maintained in the farm operating record.

4. Spills

Appropriate measures necessary to prevent spills and to clean up spills of any toxic and other pollutants shall be taken. Procedures for cleaning up spills shall be identified, and the necessary equipment to implement clean up shall be made available to facility personnel. All reportable spills outlined in 327 IAC 2-6.1 (spill regulation) must be reported to IDEM in accordance with Part IV.C.2 of this permit.

5. Emergency Discharge Impact Abatement

Discharges authorized by Part II.A. of this permit must, where practicable, be properly discharged to land application fields or other vegetated areas to minimize discharge impact.

6. Crop Nutrient Sources

All sources of crop fertilizers must be taken into account when calculating the agronomic rate of application of nutrients for successful crop production. Application rates must be based on the nutrient content of the manure or process wastewater as it is removed from storage and assumed nitrogen losses can not be used for the purposes of justifying increased application rates. If a soil nitrate test indicates that previous applications of crop nutrients has not provided the total expected nitrogen needed to produce a realistic crop yield, additional applications of manure, process wastewater, bio-solids, or commercial fertilizer may be used to provide the necessary amount of nitrogen provided, however, that any application of phosphorus in manure, process wastewater, or bio-solids will remain subject to the rate of application limitations in Part II.F.2. These applications may be made prior to planting, during planting, or on a growing crop. All sources of nitrogen and phosphorus, along with any associated soil test results, must be recorded in the land application records detailed in Part III.B. of this permit.

7. Documentation of Rainfall

In order for the permittee to use the discharge exception from Part II.A. of this permit, the facility must provide documentation which establishes the conditions necessary to meet the exception.

8. Manure Additives

The permittee shall not add chemicals or other substances that will render the manure or process wastewater unsuitable for land application.

9. Employee Training

Where employees are responsible for work activities which relate to permit compliance, those employees must be regularly trained or informed of any information pertinent to the proper operation and maintenance of the facility and waste disposal. Training shall include topics as appropriate such as land application of wastes, proper operation and maintenance of the facility, good housekeeping and material management practices, necessary record-keeping requirements, and spill response and clean up. The permittee is responsible for determining the appropriate training frequency for different levels of personnel and the schedules for training.

10. Closure of Manure Storage Structures

The closure of any manure storage structure must be in compliance with the following:

a. The permittee of a confined feeding operation that plans to close or discontinue use of a manure or process wastewater storage structure shall have the following done prior to the expiration of this permit or within three (3) years which ever is sooner:

   i. close the manure or process wastewater storage structure in accordance with the closure requirements in this section prior to expiration of the permit; or

   ii. until the manure or process wastewater is removed, continue to maintain the manure storage structure in accordance with the requirements of this permit.

b. The owner/operator of manure storage structures that are to be closed shall have the following done prior to the expiration of this permit or within three (3) years whichever is sooner:

   i. have all the manure or process wastewater removed from the manure storage structure;

   ii. have the manure or process wastewater applied to the land in accordance with the conditions of this permit, and

iii. have all associated appurtenances, and conveyance structures removed from liquid manure storage structures.

c. If the facility will not be completely closed, the owner/operator of the concentrated animal feeding operation shall:

i. recalculate the storage capacity for the confined feeding operation; and

ii. notify IDEM:

a) before demolishing or converting the use of any manure storage structure; and

b) of the intended future use of the manure structure if the manure storage structure is to be converted to another use

d. The permittee shall land apply and manage all manure or process wastewater removed from the structure in accordance with the conditions of this permit; and

e. Remove all associated appurtenances, and conveyance structures from uncovered manure or process wastewater storage structures.

f. The owner/operator shall submit a certification to the Commissioner within thirty (30) days of completing the requirements in this section that states compliance with the requirements in this section.

g. If deemed necessary to protect human health or the environment, the Commissioner may require additional closure activities based on:

i. surface or ground water contamination;

ii. evidence of leakage, seepage, or spills; or

iii. other criteria related to protection of human health or the environment.

H. Site-Specific Conditions

1. Annually conduct a waste storage detention time assessment by December 1St of each calendar year.

a. By December 1st of every calendar year, the permittee must have completed an assessment of the dairy facility manure and process wastewater storage detention times according to current dairy herd size.

b. The assessment must include waste production, manure inventory and storage volumes available on December 1st. These must be factored to result in a detention time estimate. The waste production calculations must include all sources directed to the storage system, including: livestock excreta volumes, milk parlor wash and waste water volumes, milk cooling water volumes, precipitation on uncovered storage, sand bedding volume entering waste stream and storm water runoff from areas draining to storage. The available storage capacity can not include the two foot freeboard space required for uncovered storages

2. Annually provide no less than 120 days of waste storage capacity by December 15th of each calendar year.

a. Based on the above annual assessment, the permittee shall make an adjustment, if necessary, to the farm activities or operations, which result in the farm having four months of storage capacity available on December 15th of each calendar year. This adjustment could include a reduction of the cow herd.

b. Submit a report to IDEM by December 20th of each calendar year which includes the storage capacity assessment completed by December 1st and details what operational change was initiated by December 15th that resulted in an expected storage capacity availability of 120 days by December 15th of each calendar year.

3. At all times, the sequence of constructing waste storage structures must be performed in accordance with the site development plan. The completion of storage structures must first address process waste water, storm water, and parlor waste water storage requirements.

4. Construction shall be done in conformance with:

A set of site development drawings finalized and received by IDEM on March 24, 2008 and April 25, 2008, containing:

- Concrete Stacking Pad Addition.
- Concrete Sand Settling Pit Addition.

5. Concrete placement, inspection and testing must be performed as specified in the submitted Natural Resources Conservation Service Concrete Construction

Specifications, October 2005 version.

6. During construction, the permittee shall provide sufficient project oversight to assure and certify quality construction was provided and to document the construction process with photography as detailed in Part I.D, of this permit.

7. Excess non-contact cooling water must be conveyed to an existing field drainage tile and not to any manure/process wastewater storage structure. The location of that tile must be submitted to IDEM on as-built drawings.

I. Reopening Clause

This permit may be modified, or, alternately, revoked and reissued, after public notice and opportunity for hearing:

a. To allow for the establishment of new permit conditions believed to be warranted by non-compliance;

b. To allow for new or revised permit conditions to reflect revisions to any applicable NPDES rule;

c. To comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Federal Water Pollution Control Act, if the effluent limitation or standard so issued or approved:

   i. contains different conditions or is otherwise more stringent than the effluent limitations in the permit; or

   ii. controls any pollutant not limited in the permit.

d. To allow for construction of new structures used for animal confinement, manure or process wastewater storage or for significant alteration of an approved design.

PART III. Monitoring, Record Keeping, and Reporting

A. Self-Monitoring

1. The inspections, at a minimum, shall include evaluation of the adequacy, stability, and operation of the manure or process wastewater handling and storage facilities. The report shall document the results of these inspections, identify any problems or shortcomings and the steps taken, to correct these problems.

2. There must be routine visual inspections of the CAFO production area. At a minimum, the following must be visually inspected:

a. Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure or process wastewater storage and containment structure;

b. Daily inspection of water lines that could reasonably be expected to affect the manure and process wastewater storage areas including drinking water or cooling water lines; and

c. Weekly inspections of the open surface liquid manure or process wastewater impoundments. The inspection will note and record the amount of freeboard (unoccupied storage space) remaining in the impoundment.

3. Copies of the reports of these inspections must be kept in the permittee's operating record as described in Part III.B. of this permit and made available for review upon request.

4. Any deficiencies found as a result of these inspections must be corrected as soon as possible, but no later than thirty (30) days after the discovery of the deficiency.

B. Operating Record Requirements

1. Records in the operating record shall be maintained for five years from the date of the sample, observation, measurement, or report. This period may be extended by request of the permitting authority at any time. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports or records required by this permit.

2. The operating record shall be located at the facility office and will be made available to the IDEM for inspection upon request and presentation of proper credentials.

3. The following information shall be in the operating record:

a. Results of manure and process wastewater sampling and analysis. The sampling records for samples collected in compliance with the monitoring requirements of this permit shall include the following:

i.) The date, exact places, and time of sampling or measurements;

ii.) The individual or company who performed the sampling or measurements;

iii.) The date(s) samples were analyzed;

iv.) The individual or company who performed the analyses;

v.) The analytical techniques or methods used; and

vi.) The results of such analyses.

b. Results for soil sampling and analysis.

c. Results of ground water monitoring.

d. Production area records shall include the following information:

1. Records documenting the inspections required in Part III.A. of this permit.

2. Records documenting any actions taken to correct deficiencies required in Part III.A.4. of this permit. Deficiencies not corrected within thirty (30) days must be accompanied by an explanation of the factors preventing correction.

3. Records documenting mortality management practices. If mortality is handled by composting, and the compost is land applied, then the facility must include the nutrients contained in the compost in their land application records.

4. Records documenting the remaining storage capacity information must be documented semiannually, with a minimum of 5 months between documentation of any manure or process wastewater storage structures. The records shall including volumes for solids accumulation, planned storage volume, planned treatment volume (if applicable), total volume of manure or process wastewater storage structures, and approximate number of days of storage capacity.

5. Records of date, time, and estimated volume of any overflow from a manure or process wastewater structure.

e. Manure and process wastewater application records shall include the following:

i. Expected crop yield.

ii. The dates manure or process wastewater is applied to each field.

iii. Precipitation during and for 24-hours prior to and after the manure or process wastewater application.

iv. Sample procedures utilized to obtain representative samples of manure process wastewater and soil, including location of soil samples taken.

v. Analytical test methods used to analyze manure, process wastewater, and soil.

vi. Results from manure process wastewater, and soil analysis.

vii. Explanation of the basis for determining manure application rates.

viii. Calculations demonstrating the total plant available nitrogen and phosphorus to be applied to each field during the calendar year that manure or process wastewater is land applied. Include all sources of plant nutrients in the calculations.

ix. Total amount of nitrogen and phosphorus actually removed from the storage structure and applied to each field, including documentation of the application rate for manure per acre for each field and the calculations for the total amount of nitrogen and phosphorus applied.

x. The method used to apply the manure or process wastewater.

xi. Dates of manure application equipment calibration and inspection.

xii. Soil conditions at the time of manure application.

f. All valid permits, modifications, and notifications relevant to the permits.

g. Property line setback waivers.

h. Current emergency spill response plan.

i. Current storm water pollution prevention plan and ground water monitoring plan.

j. Manure marketing and distribution records for the past five (5) years.

k. Documentation of any spills and spill response made in the past five (5) years.

l. Copy of the previous calendar year Annual Report as required by Part III.C. of this permit.

C. Reporting Requirements

1. The permittee shall submit the annual report by February 15 each year for the previous calendar year.

2. The annual report must include:

a. The number of each type of animal, whether in open confinement or housed under roof (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, ducks, turkeys, other);

b. Estimated amount of total manure and/or process wastewater generated by the CAFO in the previous twelve (12) months (tons/gallons);

c. Estimated amount of total manure and process wastewater transferred to other persons by the CAFO in the previous twelve (12) months (tons/gallons);

d. Total number of acres available for land application;

e. Total number of acres under control of the CAFO that were used for land application of manure and process wastewater in the previous twelve (12) months;

f. Summary of all manure and process wastewater discharges to waters of the State from the production area that have occurred in the previous twelve (12) months, including date, time, and approximate volume; and response activities implemented to minimize impact to waters of the State.

g. Status of any plan required by the permit, certification of any plan required by the permit (if applicable), and the individual or company that developed any plan required by the permit.

h. A short, detailed description of any non-compliance, spill, or discharge must be attached to the annual report form.

3. Transfers: This permit is only transferable to another party after notice to IDEM in accordance with rule 327 IAC 5-2-6. IDEM may require modification or

revocation and re-issuance of the permit to change the name or the permittee and incorporate such other requirements as may be necessary under the CWA.

PART IV. STANDARD PERMIT CONDITIONS

A. General Conditions

1. Duty to Comply

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit non-compliance constitutes a violation of the Clean Water Act, and the Environmental Management Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit or of water pollution control laws or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of any violation. Pursuant to IC 13-30-6, a person who intentionally, knowingly, or recklessly violates any provision of this permit or of water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a), and/or by a fine of not less than two thousand five hundred dollars ($2,500) and not more than twenty-five thousand dollars ($25,000) per day of violation. A person convicted for a violation committed after a first conviction under this section is subject to a fine of not more than fifty-thousand dollars ($50,000) per day of violation.

3. Duty to Mitigate

Pursuant to 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from non-compliance with the permit.

4. Permit Modification, Revocation and Reissuance, and Termination

a. Pursuant to 327 IAC 5-2-8(4)(A), 327 IAC 5-2-8(4)(C) and 327 IAC 5-2-16(b), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

i. Violation of any term or condition of this permit; or

ii. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts by the permittee in the application or during the permit issuance process; or

b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination does not stay or suspend any permit term or condition.

c. Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

i. could significantly change the nature of, or increase the quantity of, pollutants discharged; or

ii. the Commissioner may request to evaluate whether such cause exists.

d. To allow for construction of new structures used for animal confinement, manure or process wastewater storage or for significant alteration of an approved design.

5. Duty to Provide Information Requested by the Commissioner

Pursuant to 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine compliance with this permit. Pursuant to 327 IAC 5-1-3, the permittee shall furnish to the Commissioner any reports or data necessary to carry out the provisions of 327 IAC 5 in such a manner as the Commissioner may reasonably prescribe.

6. Duty to Reapply

No later than 180 days before the expiration of the permit, the permittee must submit an application to renew the permit. However, the permittee need not continue to seek continued permit coverage or reapply for a permit if:

a. The facility has ceased operation or is no longer a CAFO; and

b. The permittee has demonstrated to the satisfaction of the Commissioner that there is no remaining potential for a discharge of manure or associated process wastewater from the CAFO, other than agricultural stormwater from land application areas.

7. Permit Transfer

a. In accordance with 327 IAC 5-2-6(c), this permit may be transferred to another person by the permittee, without modification or revocation and re-issuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

i. The current permittee notified the Commissioner at least thirty (30) days in advance of the proposed transfer date.

ii. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the transferee is liable for violations from that date on) is submitted to the Commissioner.

iii. The transferee certifies in writing to the Commissioner their intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the number of animals or the type of animals at the confined feeding operation. The Commissioner may allow a temporary transfer of the permit without permit modification for good cause, despite the transferee's intent to make such material and substantial alterations or additions to the facility.

iv. The Commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather that agreeing to the transfer of the permit.

b. The Commissioner may require modification or revocation and re-issuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

8. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327

IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

10. Property Rights

Pursuant to 327 IAC 5-2-8(6), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges.

11. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby if such provisions can be given effect without the invalid provision or application.

12. Inspection and Entry

Pursuant to 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative (including an authorized contractor acting as a representative of the Commissioner), upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a point source is located, 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:

   i. any monitoring equipment or method;

   ii. any collection, treatment, pollution management, or discharge facilities; or

iii. practices required or otherwise regulated under the permit.

d. Sample or monitor at reasonable times, any discharge of pollutants or internal waste stream (where necessary to ascertain the nature of a discharge of pollutants) for the purposes of evaluating compliance with this permit or as otherwise authorized.

B. Management Requirements

1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(8).

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

a. Terms as defined in 327 IAC 5-2-8(11)(A):

i. "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.

ii. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. The permittee may allow a bypass to occur that does not exceed any effluent limitations contained in this permit, but only if it is for essential maintenance to assure efficient operation. The permittee is not required to notify the Commissioner about bypasses that meet this definition. This provision will be strictly construed. These bypasses are not subject to the provisions of Part IV.B.2.d and e of this permit.

c. Bypasses, as defined in (a) above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:

i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The permittee submitted notices as required under Part IV.B.2.e; or

iv. The condition under Part IV.B.2.b above is met.

d. In accordance with 327 IAC 2-6.1, bypasses which result in damage or death are subject to the Spill: Reporting, Containment, and Response Rule.

e. The permittee must provide the Commissioner with the following notice:

i. If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.

ii. The permittee shall orally report an unanticipated bypass that exceeds any effluent limitation in the permit within 24 hours of becoming aware of the bypass noncompliance. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; 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 recurrence of the event.

f. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part IV.B.2.c. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section, are met.

c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

i. An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;

ii. The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures; and

iii. The permittee complied with any remedial measures required under Part IV.A.3.

iv. The permittee-submitted notice of the upset as required in 327 IAC 5-2-8(10)(C).

4. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action to plead that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. Additional Reporting Requirements

1. Planned Changes in Facility or Discharge

a. Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or

additions to the permitted facility. In this context, permitted facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

i. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as outlined in 327 IAC 5-1.5.

ii. The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged. This notification applies to pollutants that are subject either to effluent limitations in Part II.A. or to notification requirements in Part III.C.1. of this permit.

b. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Notification of Discharges

If, for any reason, there is a spill or discharge of manure or process wastewater to a water of the State, the permittee is required to make immediate oral notification within 2 hours to IDEM's Office of Emergency Response at (317) 233-7745 or (888) 233-7745 (toll-free within Indiana) of any discharges which violate an effluent limitation or performance standard in Part II. A. of this permit and notify the IDEM in writing within five (5) working days of the discharge from the facility. In addition, the permittee shall keep a copy of the notification submitted to the IDEM with the farm operating record. The discharge notification shall include the following information:

a. Time of the discharge: The period during which discharge occurs, including exact dates and times;

b. the anticipated amount of time it is expected to continue; and

c. steps taken or planned to reduce, eliminate and prevent recurrence of the discharge.

3. Monitoring Requirements for Discharges

In the event of any discharge of pollutants to waters of the State from any animal confinement facility, manure handling or storage system, or land application site, the following actions shall be taken after initiating required spill response:

a. Analysis of the discharge: All discharges shall be sampled and analyzed. Samples must, at a minimum, be analyzed for the following parameters: total suspended solids (TSS); ammonia-nitrogen; nitrate as nitrogen; phosphorus; and pH.

b. Estimate volume of the discharge: Record an estimate of the volume of the release and the date and time.

c. Sampling procedures: Samples shall consist of grab samples collected from the overflow or discharges. A minimum of one sample shall be collected from the discharge within 30 minutes of discovery. Samples collected for the purpose of monitoring shall be representative of the monitored discharge. Monitoring results must be submitted to the permitting authority within 30 days.

d. The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for <u>most</u> methods, however, 40 CFR, part 136 should be check to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency.

i. <u>Standard Methods for the Examination of Water and Wastewater</u>
18th, 19th, or 20th Editions, 1992, 1995, or 1998 American Public Health Association,
Washington, D.C. 20005.

ii. <u>A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis</u>
1972 American Society for Testing and Materials,
Philadelphia, PA 19103.

iii. <u>Methods for Chemical Analysis of Water and Wastes</u>
June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

e. Reasons for not sampling: If conditions are not safe for sampling, or there was no opportunity to sample, the permittee must provide documentation of why samples could not be collected. For example, the permittee may be unable to collect samples during dangerous weather conditions (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or if the permittee is involved in spill response including containment and

recovery. However, if the discharge material was not sampled the permittee shall collect a sample from the retention structure.

4. Signatory Requirements

All applications, reports, or information submitted to IDEM shall be signed and certified consistent with 327 IAC 5-2-22:

a. All permit applications shall be signed as follows:

i. For a corporation, by a responsible corporate officer:

a) For purposes of this section, "a responsible corporate officer" means either of the following:

1) A president, secretary, treasurer, any vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision making functions for the corporation.

2) The manager of one (1) or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

ii. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

b. All reports required by permits and other information requested by the Commissioner shall be signed by a person described in subsection (1), or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization meets the following requirements:

i. A person described in subsection (1) makes the authorization in writing.

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator

of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

iii. The written authorization is submitted to the Commissioner.

c. If an authorization under subsection 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 subsection b must be submitted to the Commissioner prior to or together with any reports, information, or applications to be signed by an authorized representative.

5. Certification and Availability of Reports

a. Any person signing a document under this section shall make the following certification:

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

b. Any information submitted pursuant to this permit may be claimed as confidential by the person submitting the information. If no claim is made at the time of submission, information may be made available to the public without further notice.

ATTACHMENT 1 – STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A. Development of Plan

1. Storm Water Pollution Prevention Plan

The SWPPP for the permitted facility shall:

a. Give a description of clean water diversion used at the facility for the production area, and any area which is directly related to animal production including waste and feed storage;

b. Describe and ensure implementation of practices to minimize and control pollutants in storm water discharges associated with the following areas:

i. immediate access roads and rail lines used or traveled by carriers of raw materials, waste material, or by-products used or created by the facility;

ii. refuse sites;

iii. sites used for the storage and maintenance of material handling equipment;

iv. shipping and receiving areas~~.~~; and

v. v. sites used for the storage and handling of material other than manure and process wastewater.

c. Assure compliance with the terms and conditions of this permit.

2. Contents

The plan shall include, at a minimum, the following items:

a. Description of Potential Pollutant Sources - The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials which may potentially be significant pollutant sources. The plan shall include, at a minimum:

i. A site map drawn to scale of at no least (one (1) inch to two-hundred (200) feet) indicating, at a minimum, the following:

a) Location of each point of discharge of storm water associated with the activity and outline of the drainage area (with a prediction of the direction of flow) of each storm water outfall.

b) Each existing structural control measure used to reduce water pollutants in storm runoff.

c) Surface water bodies.

d) Any locations where significant materials are exposed to precipitation.

e) Locations where major spills or leaks identified under section 2.a.iii. of this attachment have occurred.

f) Location of fueling stations; vehicle and equipment maintenance and/or cleaning areas; storage areas for vehicles and equipment with actual or potential fluid leaks; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing areas; storage areas; mortality handling areas; and all monitoring locations.

g) The site map must also indicate the types of discharges contained in the drainage areas of the outfalls (including, but not limited to: leachate and run-off from silage and compost areas, storm water and air conditioner condensate).

ii. Inventory of Exposed Materials - An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of the following:

a) Significant materials, that in the three (3) year period prior to the effective date of the permit, have been treated, stored or disposed in a manner to allow exposure to storm water. Significant materials are those that when exposed to precipitation there is a release of constituents that could cause storm water runoff to be contaminated.

b) Method and location of onsite storage or disposal of significant materials.

c) Paved, dirt or gravel parking areas for storage of vehicles to be maintained.

d) Past and present materials management practices employed to minimize contact of materials with storm water run-off.

e) The location and description of existing structural and non-structural control measures to reduce pollutants in storm water run-off.

f) A description of any treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.

iii. Spills and Leaks - A list of spills as defined in 327 IAC 2-6.1 that occurred at the facility within the five (5) year period prior to the effective date of the permit. The list shall be updated within ninety (90) days from the date when a spill occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release and a description of any remediation or clean-up measures taken.

iv. Sampling Data - A summary of existing sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit. Sampling plans should be listed in the SWPPP. The facility must take a sample prior to implementing the SWPPP during the first of year of the permit and then at least once a year. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge storm water. At a minimum the testing must include the follow data:

Storm Water Discharge Limitations [1][2][3]

Parameter	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Monitoring Requirements Measurement Frequency	Sample Type
Total Suspended Solids	-	-	-	-	Report	mg/l	Yearly	Grab
Phosphorus (total)	-	-	-	-	Report	mg/l	Yearly	Grab
TKN	-	-	-	-	Report	mg/l	Yearly	Grab
pH	6.0 to 9.0	Std Units					Yearly	

[1] All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. For each sample taken, the permittee shall record the duration and total rainfall of the storm event, the number of hours between the beginning of the storm measured and the end of the previous measurable rain event, and the outside temperature at the time of sampling.

[2] A grab sample shall be taken during the first thirty (30) minutes of the discharge (or as soon thereafter as practicable).

[3] The above noted parameter(s) are to be monitored for at least three (3) years to determine whether or not they are present in significant quantities. At the end of this sampling period, the permittee may request, in writing, a review of these requirements. Upon review by the IDEM, the permit may be modified, after public notice and opportunity for hearing, to delete the effluent limitations and monitoring requirements or to retain the effluent limitations and monitoring requirements for the life of the permit.

v. Summary of Potential Pollutants - A narrative description of the potential pollutant sources from the following activities: immediate access roads and rail lines used or traveled by carriers of raw materials, waste material, or by-products used or created by the facility; refuse sites; sites used for the storage and maintenance of material handling equipment; and shipping and receiving areas. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter of concern shall be identified.

vi. Measures and Controls - The facility shall be operated and maintained in such a manner that exposure of storm water to potential sources of significant pollutant materials are minimized. The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility.

The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

vii. Good Housekeeping - All areas that may contribute pollutants to storm water discharges shall be maintained in a clean, orderly manner.

viii. Preventative Maintenance - A preventative maintenance program shall include timely inspection and maintenance of storm water management devices, as well as, inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. The permittee shall keep a maintenance log in the operating record.

ix. Spill Response Plan - The spill response plan shall be in compliance with Part II.D.2

x. Inspections - Self monitoring inspections conducted as permit conditions require shall include inspecting storm water control devices and measures implemented. Records of inspection shall be maintained in the farm operating record.

xi. Record Keeping and Internal Reporting Procedures - A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

xii. Sediment and Erosion Control - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

vii. Management of Runoff - The plan shall contain a narrative consideration of the appropriateness of storm water management practices (practices other than those which control the generation or sources(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site.

viii. The plan shall provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with animal production shall be considered when determining reasonable and appropriate measures.

ix. Appropriate measures or other equivalent measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

3. General Requirements

General requirements of a SWPPP shall include the following:

a. The permittee shall submit a progress report to Solid Waste Permits Section of the Office of Land Quality six (6) months after the effective date of the permit regarding the development and implementation of the plan.

b. The plan shall be retained on-site and be available for review by a representative of the Commissioner upon request.

c. The permittee shall amend the plan whenever there is a change in design, construction, operation or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the State, or upon written notice by Commissioner that the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with immediate access roads and rail lines used or traveled by carriers of raw materials, waste material, or by-products used or created by the facility; refuse sites; sites used for the storage and maintenance of material handling equipment; and shipping and receiving areas.

BRIEFING MEMO

Individual NPDES Permit for Poland Dairy, Warren County, Indiana
August 2008

Introduction

Poland Dairy has been designated as a Concentrated Animal Feeding Operation (CAFO). Poland Dairy has applied for a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permit No. INA006251 is being proposed to regulate the manure, process wastewater, and stormwater generated at this facility.

Facility Description

Poland Dairy is an existing dairy operation , housing 410 cows in three freestall barns. The operation is located near the intersection of State Road 26 and County Road 125 West in Warren County, Indiana and plans to expand the existing concrete sand/manure/process wastewater settling pit. This facility meets the federal and state definition of a CAFO.

Wastewater Sources

Wastewater sources will be manure, wastewater, and process wastewater collected from the dairy facility. Manure /process wastewater from the confinement barns is flushed and delivered to a liquid collection and storage system. The manure/process wastewater from the operation is directed to the concrete sand/manure/process wastewater settling pit, a concrete pad for solid manure storage and dewatering, and final to a three-staged compacted clay lined earthen manure/process wastewater storage lagoons.

Receiving Stream

The nearest stream located is Kiger Ditch.

A map showing the location of the facility is appended as Briefing Memo Attachment A.

Permit Conditions Rationale

Part I. Permit Construction Requirements

A. Project Description

In accordance with IC 13-18-10-1, construction is required to be approved by IDEM before starting.

B. Pre-construction Notification
Per 327 IAC 16-8-12(b) and 327 IAC 15-15-7(d) owner/operators are required to notify IDEM that they are starting construction so that staff can inspect during construction.

C. Erosion Control Requirements

The Indiana Storm Water Control Regulation 327 IAC 15-5 requires that proper control of storm water be practiced on all disturbed areas at construction sites equal to or greater than one acre.

D. Construction Compliance Inspections and Verifications

All confinement and waste storage structures must be constructed in accordance with the approved plans. Photographic evidence of construction compliance should be collected.

E. Facility Start-up and Populating with Animals

The requirement to notify IDEM of the completion of facility construction before introduction of animals is based in 327 IAC 16-8-12(d).

Part II. Effluent Limitations and Discharge Prohibitions

A. Effluent Limitations and Discharge Prohibitions

In accordance with rule 327 IAC 5-4-3 the permit requires no discharge except in the event of a twenty-five (25) year, twenty-four (24) hour wet weather event.

Indiana water quality standards require that discharges to a surface water shall meet the minimum requirements in rule 327 IAC 2-1-6. Part II. A. 5. of the permit contains requirements from rule 327 IAC 2-1-6(a). Compliance with these requirements in combination with the other requirements of this permit will be considered as meeting Indiana Water Quality Standards.

B. Performance Standards

The performance standards in the permit are based on the requirements in the Confined Feeding Operations rule 327 IAC 16-3-1.

C. Relationship with Confined Feeding Operation (CFO) Approval

In order to avoid duplicative permitting between the existing Confined Feeding Operation Rules and the NPDES Rules this section clarifies that only the NPDES permit needs to be maintained for operational purposes. If additional buildings or waste management systems are proposed an application for construction approval must be submitted to IDEM.

D. Operational Requirements

The permit contains best management practices designed to prevent a discharge of wastewater to waters of the state. The manure storage structure requirements are based on the Confined Feeding Operations rule 327 IAC 16-9-1(c). The requirements for freeboard are based on rule 327 IAC 16-8-5(a). The self monitoring inspections requirements are based on Confined Feeding Operations Rule 327 IAC 15-15(e). Uncovered liquid manure storage structure requirements are based on the Confined Feeding Operations Rule 327 IAC 16-9-1(f).

E. Distributing and Marketing

Marketing and distributing are based on the Confined Feeding Operations Rule 327 IAC 16-10-5.

F. Land Application of Manure and Process Wastewater

The manure application rates are based on soil tests, the nutrient demand of the crop to be grown and the nitrogen and phosphorus content of the manure. The requirements of the manure applications setbacks are based on 327 IAC 15-15.

A soil conservation practice plan that includes surface application of manure, litter or process wastewater to snow covered or frozen ground must be submitted to IDEM for review and approval.

G. Special Conditions

The Nutrient Management Plan (NMP) equivalency requirement comes from 40 CFR 122.42 and additional conditions applicable to specified categories of NPDES permits. Requirements for soil conservation are based on 40 CFR 122.42. According to 40 CFR 122.26 (b)(14)(xi), facilities under Standard Industrial Classification (SIC) code 20 are considered to be engaging in "industrial activities" for purposes of 40 CFR 122.26(b), by developing and implementing a stormwater pollution prevention plan, the permittee satisfies the requirements in 327 IAC 15-6. The spill response and

prevention requirements are based on the Confined Feeding Operations Rule 327 IAC 16-9-4 and Spills, Reporting, Containment, and Response 327 IAC 2-6.1. Crop nutrient requirements are contained in 40 CFR 412. The language for rainfall conditions are from the EPA CAFO Guidance Manual and Sample Permit for CAFO NPDES permits. Measuring rainfall allows the facility to document when a 25-year, 24-hour wet weather event has taken place. The limitations for manure additives are based on best professional judgment (BPJ) of the technology and corresponding limitations equivalent to the best conventional pollution control technology (BCT). The requirements for employee training are in accordance with Applicability of Best Management Practices (BMPs) 327 IAC 5-9-2. Closure of manure storage structures are based on 327 IAC 16-11.

H. Site-specific Conditions

The additional site-specific conditions included in this permit addressing design and operational standards provide increased environmental safeguards. Specific design drawings are referenced as the approval design.

The Emergency Spill Response Plan developed as required by Part II, D.2 of the permit shall include the Indiana Department of Natural Resources (IDNR) Salamonie Lake Reservoir/Forest in Andrews, Indiana and the United States of America Army Corps of Engineers in Largo, Indiana as a primary contact.

I. Reopening Clause

IDEM reserves the right to modify the permit in accordance with any new federal regulations implementing the Federal Water Pollution Control Act. The modification would be done in order to allow new permit conditions or new or revised permit conditions for the reasons stated in the permit.

Part III. Monitoring, Record Keeping, and Reporting

A. The owner/operator shall inspect all waste management systems to ensure compliance with the permit in accordance with 40 CFR 412.37.

B. Operating Record Requirements

The requirements for operating record keeping are based on the Confined Feeding Operations Rule 327 IAC 16-9-5 and 40 CFR 412. Production area and manure or process wastewater application area records are in compliance with 40 CFR 412.37.

C. Reporting Requirements

The annual reporting requirements are based on 40 CFR 412. Transferability of the permit is in accordance with rule 327 IAC 5-2-6.

Part IV. Standard Permit Conditions

A. General Conditions

The conditions contained in this part of the permit are taken from 327 IAC 5 and 40 CFR 122.23. This section must be included in all NPDES permits in accordance with Federal regulations and the Clean Water Act.

B. Management Requirements

Management requirement are in compliance with 327 IAC 5-2-8(8).

C. Additional Reporting Requirements

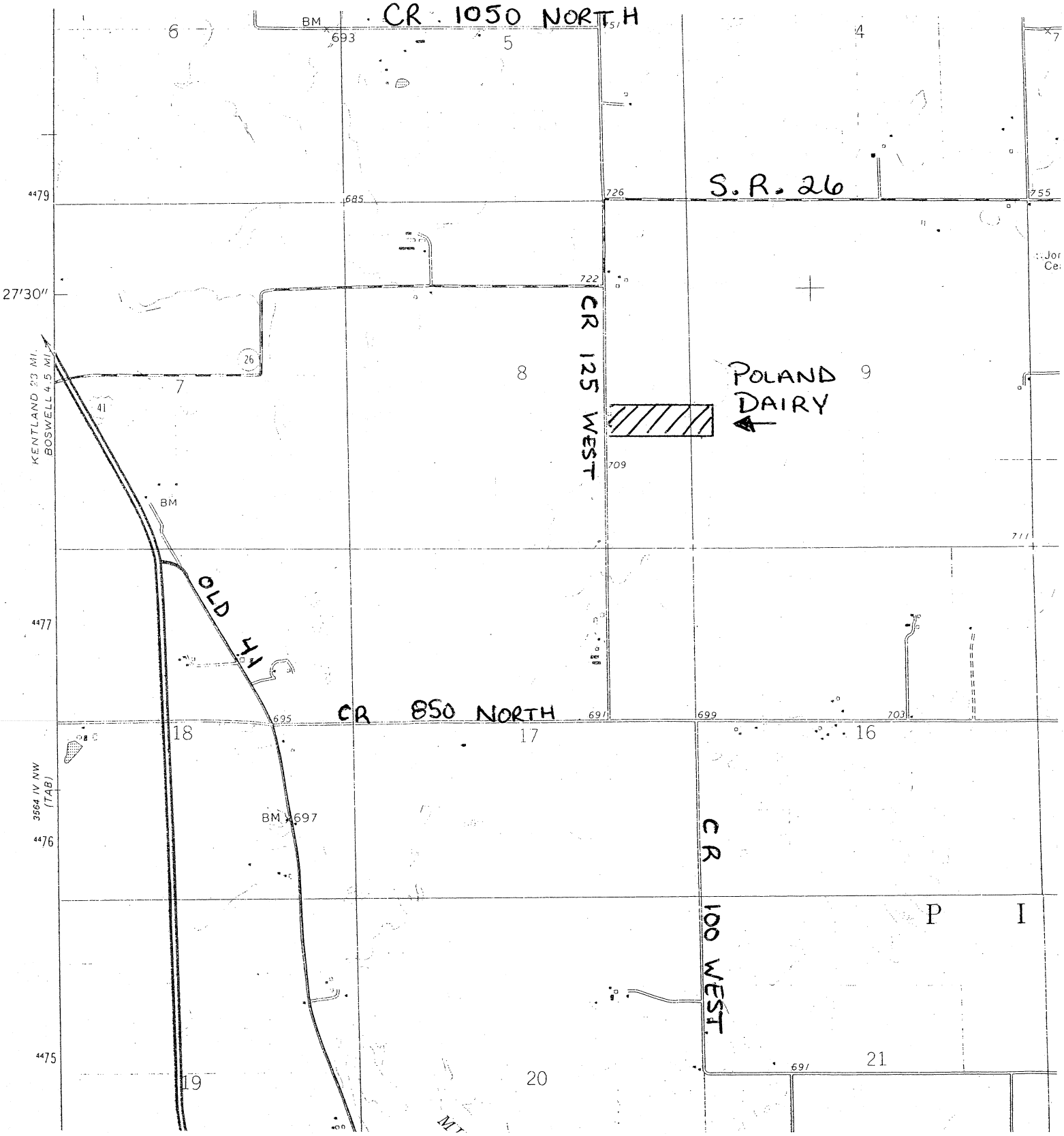
Planned Changes in Facility or Discharge requirements are pursuant to 327 IAC 5-2-8(10)(F). The monitoring requirements for discharges are in accordance with 327 IAC 2-6.1

(As referenced in permit as:) **ATTACHMENT 1. Storm Water Pollution Prevention Plan**

By developing and implementing a storm water pollution prevention plan, the permittee satisfies the requirements in 327 IAC 15-6.

4
NORTH

Briefing Memo Attachment A



NOTICE OF PUBLIC COMMENT PERIOD
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC PARTICIPATION IN REVIEW OF
CONCENTATED ANIMAL FEEDING OPERATION

Introduction

On October 15, 2007 and on April 25, 2008, the Indiana Department of Environmental Management (IDEM) received a National Pollutant Discharge Elimination System (NPDES) permit application for a Concentrated Animal Feeding Operation (CAFO) from Poland Dairy, in Warren County. The application was submitted to comply with both the NPDES CAFO Permit Rule and the Indiana Confined Feeding Control Law. Notice is hereby given that IDEM is opening a comment period on the draft individual permit and application.

Application Details

The Poland Dairy facility is an existing dairy operation currently operating under a Confined Feeding Operation permit, confining 410 cows in three barns. All the confinement barns have concrete floors. Manure /process wastewater from the confinement barns is flushed and delivered to a liquid collection and storage system. Plans detail an expansion of the concrete sand/manure/process wastewater settling pit. The manure/process wastewater from the operation is directed to the concrete sand/manure/process wastewater settling pit, a concrete pad for solid manure storage and dewatering, and final to a three-staged compacted clay lined earthen manure/process wastewater storage lagoons. All milking parlor wastewaters will be directed to the manure/process wastewater storage lagoon. Storm water from the dairy operation will be handled by a proposed earthen storm water detention berm. The raw materials and feed storage area is designed to collect silage leachate and the storm water up to the 25-year, 24-hour rain event in the three-staged compacted clay lined earthen manure/process wastewater storage lagoon. All manure and process wastewaters will be land applied by the permittee, a contractor under the control of the permittee, or distributed to other persons for land application or converting to compost. The milk chilling process utilizes groundwater and a non-contact cooling device. The non-contact cooling water will be collected for recycling as drinking water or to mist the cows for cooling purposes. Excess non-contact cooling water must be conveyed to an existing field drainage tile. The facility must be constructed and operated in accordance with the Concentrated Animal Feeding Operation Rule's (327 IAC 5-4-3 and 327 IAC 15-15) and Indiana's Confined Feeding Operation Rule (327 IAC 16).

Public Review and Comment

The draft permit is available for review in the Williamsport-Washington Township Public Library, 28 East Second Street, Williamsport, Indiana 47933-1294, (765)-762-6555 and on IDEM's agency's web page at: http://www.in.gov/idem/land/permits/notices/index.html.

The NPDES permit application and supporting documents is available in IDEM's public file room on the 12th floor of the Indiana Government Center-North, 100 North Senate Avenue, Indianapolis Indiana 46204, during normal working hours. You may also review the material on IDEM's website in the Virtual File Cabinet section.

Comments should be technical comments, which addresses compliance with 327 IAC 5-4-3, 327 IAC 15-15, and 327 IAC 16, which can be viewed at: http://www.in.gov/legislative/iac/T03270/A00160.PDF Citizens should be reminded that some issues (odor, potential devalued property, and traffic concerns) are not within IDEM's jurisdiction. Rather, they are local zoning issues. Persons presenting comments are requested to submit one written copy of the comment and submit it to IDEM within 30 days after the publication of this notice to:

Daniel J Bruggen
IDEM- OLQ
Solid Waste Permits Section
100 North Senate Avenue
MC 65-45, IGCN 1154
Indianapolis, IN 46204-2251

Concerns will be summarized and a document will be drafted in which a response will be given for each concern. A copy of the responsiveness summary will be mailed to each person who submits written comment if a complete, legible address is provided to IDEM with the comment.

Further Information

For further information please call Daniel Bruggen (317)-233-3554, Dennis Lasiter (317)-232-8732 or Jerome Rud (317)-232-7200.