OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION FOR CONCENTRATED ANIMAL FEEDING OPERATIONS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111), concentrated animal feeding operations, as defined in 40 CFR 122.23(b)(2), are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge manure and storm water associated with industrial activity to the receiving waters identified in the applicant's file with Ohio EPA in accordance with the conditions specified in Parts I through IX of this permit.

In accordance with the Antidegradation rule, Ohio Administrative Code Rule 3745-1-05, the Director of Ohio EPA has determined that a lowering of water quality in the receiving waters identified in the applicant’s NOI is necessary. Provision (D)(1)(j) was applied to this application. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other rule provisions, however, including public participation and appropriate intergovernmental coordination were required and considered prior to reaching this decision.

Permit coverage is conditioned upon payment of applicable fees, submittal of a complete Notice of Intent, and written approval of coverage from the Director of Ohio EPA in accordance with Ohio Administrative Code Rule 3745-38-06.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA.

Original Permit Signed by Director

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Joseph P. Koncelik
Director

Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit covers the entire state of Ohio.

B. Applicability. Discharges associated with a point source to surface waters of the State are unlawful, unless authorized by an NPDES permit. Concentrated animal feeding operations (CAFOs) are defined as point sources in federal regulations and the Ohio Administrative Code Chapter 3745-33-01. CAFOs that are eligible for coverage under this permit and that submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit are in compliance with the NPDES application requirements for any discharges or potential discharges of manure or storm water associated with industrial activity from their facility and land application areas, except as noted in Part I, C, 2.

C. Eligibility.

1. This permit may cover all CAFOs, as CAFOs are defined by federal regulations, except as outlined in Part I, C, 2 below. Discharges of manure from the production area, manure storage or treatment facilities, and land application sites can be covered by this permit, as can discharges of storm water associated with industrial activity.

2. Limitations on Coverage. The following CAFOs are not eligible for coverage by this permit:

   a. CAFOs that have expanded the number of animals in confinement by more than 10% after April 13, 2003 and/or CAFOs newly constructed after April 13, 2003 for at least the first permit term;

   b. CAFOs that have a controlled, point source discharge of manure;

   c. CAFOs that discharge or have the potential to discharge to surface waters of the State having a categorization of State Resource Water, Superior High Quality Water, Outstanding State Water, Outstanding National Resource Water, or to receiving waters with one of these categorizations within two stream miles downstream of the actual or potential discharge point(s). Categorizations are available in OAC 3745-1-08 through 3745-1-30 and 3745-1-05 Tables 5-4, 5-5, 5-6, and 5-7;

   d. CAFOs that have a history of non-compliance with environmental laws or rules, or the permits or plans approved in accordance with those laws or rules;

   e. Major CAFOs, CAFOs that have the capacity to confine more than 10,000 beef cattle, 7,000 dairy cattle, 1,250,000 chickens (except laying hens) (other than liquid manure handling system), 820,000 laying hens, 300,000 chickens (liquid manure handling system), 25,000 swine over 55 pounds, 100,000 swine under 55 pounds, 300,000 ducks (other than liquid manure handling system), 50,000 ducks (liquid manure handling system), 10,000 veal calves, 5,000 horses, 100,000 sheep or lambs, or 550,000 turkeys; or

   f. CAFOs that have been notified by the director that they must apply for an individual permit. CAFOs located in watersheds with approved Total Maximum Daily Load (TMDL) reports may be required to apply for an individual permit to address specific issues covered in the report.

Part I Cont.

D. Authorization.

1. CAFOs shall complete and submit an approved NOI form provided by Ohio EPA. The NOI shall include the information required by the forms and the instruction sheets. Failure to follow the NOI instructions may result in the NOI being returned to the applicant.

2. After the NOI form is reviewed by Ohio EPA, the permittee shall be notified in writing as to Ohio EPA's approval or denial for coverage under this general permit.

3. The Director may require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

Part II. NOTICE OF INTENT, TRANSFER AND NOTICE OF TERMINATION REQUIREMENTS

A. Deadlines for Notification.

1. Operations in existence before April 14, 2003, that are defined as CAFOs under regulations that were in effect before that date must submit an NOI no later than 30 days after the issuance of this permit. Such operations include, but are not limited to, those which confine animals in numbers greater than provided in any of the categories in clause (a)(1) through (9) in Appendix B to 40 CFR Part 122 (2002), and have discharged in the past, now discharge, or will in the future discharge during dry weather or as a result of precipitation less than the 25-year, 24-hour storm.

2. Operations in existence before April 14, 2003, that are defined as CAFOs after April 13, 2003, who were not defined as CAFOs prior to that date, must submit an NOI no later than April 13, 2006.

3. Operations that expand or make other changes after April 13, 2003, and, after the expansion or change, would have been defined as CAFOs under regulations in effect prior to April 13, 2003, but are not new sources, must submit an NOI no later than 90 days after they become defined as CAFOs.

4. Expanding operations that are defined as CAFOs after April 13, 2003, but are not new sources and would not have been defined as CAFOs (even after expansion) under regulations in effect prior to April 13, 2003, must submit an NOI no later than April 13, 2006.

5. New sources (e.g., operations for which the construction began after April 13, 2003), as well as newly-constructed operations that are CAFOs but are not subject to the effluent guidelines in 40 CFR Part 412, must submit an NOI no later than 180 days prior to commencing operation.

6. Where the operator of a CAFO, which is covered by this permit, changes and the new operator wishes to have existing general permit coverage transferred, the new and current operators of the facility must complete and send to Ohio EPA a transfer of responsibility form in accordance with the requirements of this Part at least 60 days prior to the change.

B. Contents of Notice of Intent. The applicant shall complete and submit an approved NOI form provided by Ohio EPA. NOIs must be signed in accordance with Part VII, G of this permit.

Part II Cont.

C. Where to Submit. Facilities which discharge, or have the potential to discharge, from an animal feeding operation must use a NOI form provided by the Director. NOIs are to be submitted to the Director at the following address:

Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

D. Processing Fee. A check for $200.00 made payable to the Treasurer of the State of Ohio shall be submitted along with the NOI.

E. Renotification. Upon issuance of a renewal or alternate general permit, the permittee shall notify the Director of its intent to be covered by the renewal or alternate general permit in accordance with written instructions provided by Ohio EPA. Coverage under this, the expired permit (NPDES permit number OHA000001), shall terminate within 90 days of the date of Ohio EPA's written instructions to renotify.

F. Notice of Termination (NOT). Where all sources of discharges and potential discharges that are authorized by this permit are eliminated and the facility is closed (See Part IV, B), the operator of the facility must submit a NOT form provided by Ohio EPA that is signed in accordance with Part VII, G of this permit.

All Notices of Termination are to be sent, using the form provided by the Director (or a photocopy thereof), to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
PTI and Agriculture Unit
P.O. Box 1049
Columbus, Ohio 43216-1049

PART III. PERFORMANCE STANDARDS

A. Prohibition on Discharges.

1. CAFO PRODUCTION AREA

   a. <u>For all CAFOs except new source swine, veal or poultry operations</u>: Beginning on the effective date of this permit, there shall be no discharge of manure pollutants from the production area to waters of the State, except that pollutants in an overflow may be discharged when a 25-year, 24-hour storm event (or greater) or a chronic rainfall event causes an overflow from the production area, which is properly designed, constructed, operated, and maintained to contain manure, direct precipitation, and the runoff from a 25-year, 24-hour rainfall event, and the production area is operated in compliance with the additional measures and records required in Part V, C of this permit. If an overflow occurs in compliance with the previous sentence, Ohio Water Quality Standards shall not be exceeded in the receiving water of the State. Any overflow that occurs in accordance with the above shall be noted in the operating records for the facility. In order for the permittee to use this discharge exception, the permittee must provide documentation that establishes the conditions necessary to meet the exception.

Part III, A, 1 Cont.

b. For new source swine, veal or poultry CAFOs : Beginning on the effective date of this permit, there shall be no discharge of manure pollutants from the production area to waters of the State, except that pollutants in an overflow may be discharged when a 100-year, 24-hour storm event (or greater) or a chronic rainfall event causes an overflow from production area, which is properly designed, constructed, operated, and maintained to contain manure, direct precipitation, and the runoff from a 100-year, 24-hour rainfall event and the production area is operated in compliance with the additional measures and records required in Part V, C of this permit. If an overflow occurs in compliance with the previous sentence, Ohio Water Quality Standards shall not be exceeded in the receiving water of the State. Any overflow that occurs in accordance with the above shall be noted in the operating records for the facility. In order for the permittee to use this discharge exception, the permittee must provide documentation that establishes the conditions necessary to meet the exception.

c. Dry weather discharges of manure are prohibited from production and land application areas.

d. Any spill, discharge, or overflow of pollutants from the production area to waters of the State shall not cause an exceedance of Ohio Water Quality Standards in the receiving water of the State.

e. If a spill, discharge, or overflow of manure occurs at any time from the production area to waters of the State, the permittee shall collect and analyze grab samples from each spill, discharge or overflow for the following list of parameters:

00310 - Biochemical Oxygen Demand, 5-Day (BOD5) - mg/l
00610 - Nitrogen, Ammonia (NH3) - mg/l
00665 - Phosphorus, Total (P) - mg/l
(Note: units of mg/l)

The permittee shall: (a) collect the sample within 30 minutes of the first knowledge of the spill, discharge, or overflow; or (b) if sampling in that period is inappropriate due to dangerous weather conditions, collect the sample as soon as possible after suitable conditions occur, and document the reason for delay.

The permittee shall notify Ohio EPA by calling 1-800-282-9378 as soon as possible but no later than 24 hours following the first knowledge of the spill, discharge, or overflow. Immediate notification allows Ohio EPA to assist in clean up and remediation efforts and may reduce magnitude of environmental impact and extent of permit violations. The permittee shall report the results of the spill, discharge, or overflow sample to Ohio EPA, Central Office, Division of Surface Water, within 14 days of occurrence. The report shall, at a minimum, contain the sample results of the aforementioned parameters, describe the reason for the spill, discharge, or overflow, the location, estimate of quantity and duration of the spill, discharge, or overflow, quantity and duration of the precipitation leading up to the event, as well as any measures taken to clean up and eliminate the spill, discharge, or overflow and prevent reoccurrence of the spill, discharge or overflow. Laboratory results not available at the time of the report submittal shall be submitted to Ohio EPA within five days of the receipt.

f. The permittee shall ensure removal and disposal of animal carcasses in a manner that prevents discharge of pollutants to waters of the State and ensure that carcasses are not disposed of in the manure storage or treatment facility unless the facility is designed specifically to treat the carcasses. Please note that mortality compost is included in the definition of manure in Part IX of this permit, therefore all permit requirements pertaining to manure also include mortality compost.

Part III, A, 1 Cont.

g. Chemicals and other contaminants shall not be disposed of in the manure storage or treatment facility unless the facility is designed specifically to treat such chemicals and contaminants.

h. Animals stabled or confined at the facility shall not come into contact with surface waters of the State.

2. LAND APPLICATION ACTIVITIES

a. There shall be no discharge of pollutants to waters of the State from manure stockpiles. See Part VI, B, 1 for stockpile restrictions.

b. There shall be no discharge to waters of the State during the process of applying manure to land.

c. There shall be no discharge of pollutants to waters of the State from land applied manure except for discharges that are composed of storm water runoff and/or snow melt runoff originating from a land area where manure from a CAFO has been applied in compliance with the manure management plan and this permit.

d. The permittee shall notify Ohio EPA by calling 1-800-282-9378 as soon as possible but no later than 24 hours following the first knowledge of a spill or discharge of pollutants <u>from land applied manure</u> that is not composed of storm water runoff (e.g., tile discharge during dry weather), except as required by Part VI, B, 5 for land application on frozen and/or snow covered ground. Immediate notification allows Ohio EPA to assist in clean up and remediation efforts and may reduce magnitude of environmental impact and extent of permit violations. The permittee shall submit a written report of the event to Ohio EPA, Central Office, Division of Surface Water, within 14 days of the spill or discharge. The report shall, at a minimum, describe the reason for the spill or discharge, the location, estimate of quantity and duration of the spill or discharge, quantity and duration of the rainfall leading up to the event, land application records, as well as any measures taken to clean up and eliminate the spill or discharge and prevent reoccurrence of the spill or discharge.

B. Manure Management Plans

A manure management plan (MMP), meeting the requirements of this permit, shall be developed for each facility covered by this permit. Until the deadlines in Part III, B, 1 below, facilities regulated by an existing Permit to Install or Livestock Waste Management Plan approved by the Director of Ohio EPA or a Review Compliance Certificate or Permit to Operate issued by the Director of the Ohio Department of Agriculture (ODA) shall comply with the existing State approved plan. CAFOs applying for coverage under this permit after an applicable milestone date has passed must be able to demonstrate compliance with milestone(s) upon NOI submittal.

1. DEADLINES FOR PLAN PREPARATION AND COMPLIANCE

a. For CAFOs that are new sources, the permittee shall begin implementation of a MMP that complies with the conditions of this permit as of the date the CAFO is authorized under this permit.

b. For large CAFOs with existing State plans approved through Ohio EPA or ODA, as soon as possible, but no later than December 31, 2006, the permittee must develop and begin implementation of an updated MMP that is created in accordance with this permit. The

Part III, B, 1, b Cont.

permittee shall take the actions described below as expeditiously as practicable, but no later than the dates set in accordance with the following schedule.

(1) As soon as possible but no later than April 1, 2005, the permittee shall review the permit conditions in regard to the existing manure storage or treatment facilities to determine if storage capacity is adequate to meet all requirements in the MMP and this permit, including timing and winter time application restrictions in Part VI, B, 2 of this permit. A written evaluation of this review shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline. If the outcome of the review concludes that existing manure storage is adequate, a report including technical analysis taking into consideration all conditions of the permit shall be submitted in the written evaluation.

If structural changes and/or additions are required, this shall be noted in the written evaluation. The following schedule shall then be followed to achieve adequate manure storage by December 31, 2006:

- As soon as possible but no later than June 1, 2005, the permittee shall submit a general plan for making structural changes/additions. That general plan shall contain a schedule for making the changes in accordance with the following steps that provides for a completion date of December 31, 2006.
- As soon as possible but no later than September 1, 2005, the permittee shall have completed design plans and specifications for the manure storage changes/additions. Written notification of completion of plans shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.
- As soon as possible but no later than May 1, 2006, the permittee shall have initiated construction. Written notification of the initiation of construction shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.
- As soon as possible but no later than December 31, 2006, the permittee shall have completed construction. Written notification of the completion of construction shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.

(2) As soon as possible but no later than December 31, 2005, the permittee shall review the existing MMP against the conditions of this permit and outline the portions of the plan that are required to be updated. Written affirmation of the completion of the MMP review and outline of steps needed to develop the updated MMP shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.

(3) As soon as possible but no later than December 31, 2006, the updated MMP shall be developed and implemented. Written affirmation of the completion of the updated MMP shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.

c. For other large CAFOs and medium CAFOs, as soon as possible, but no later than December 31, 2006, the permittee must develop and begin implementation of a MMP that complies with the conditions of this permit. The permittee shall take the actions described below as expeditiously as practicable, but no later than the dates set in accordance with the following schedule.

(1) As soon as possible but no later than April 1, 2005, the permittee shall initiate the development of the MMP. Written affirmation of the start of the MMP along with the

Part III, B, 1, c, (1) Cont.

name and contact information of the plan developer shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.

(2) As soon as possible but no later than June 1, 2005, the permittee shall review the permit conditions to determine if storage capacity is adequate to meet all requirements in the MMP and this permit, including timing and winter time application restrictions in Part VI, B, 2 of his permit. A written evaluation of this review shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline. If the outcome of the review concludes that existing manure storage is adequate, a report including technical analysis taking into consideration all conditions of the permit shall be submitted in the written evaluation.

If structural changes and/or additions are required, this shall be noted in the written evaluation. The following schedule shall then be followed to achieve adequate manure storage by December 31, 2006:

- As soon as possible but no later than July 1, 2005, the permittee shall submit a general plan for making structural changes/additions. That general plan shall contain a schedule for making the changes in accordance with the following steps that provides for a completion date of December 31, 2006.
- As soon as possible but no later than September 1, 2005, the permittee shall have completed design plans and specifications for the manure storage changes/additions. Written notification of completion of plans shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.
- As soon as possible but no later than May 1, 2006, the permittee shall have initiated construction. Written notification of the initiation of construction shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.
- As soon as possible but no later than December 31, 2006, the permittee shall have completed construction. Written notification of the completion of construction shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.

(3) As soon as possible but no later than December 31, 2006, the MMP shall be developed and implemented. Written affirmation of the completion of the MMP shall be submitted to Ohio EPA, Central Office, Division of Surface Water within one week of this deadline.

2. SIGNATURE AND PLAN REVIEW

a. The plan shall be signed in accordance with Part VII, G of this permit and be retained onsite at the CAFO.

b. The permittee shall make plans available upon request to the Director of Ohio EPA, or authorized representative, or Regional Administrator of U.S. EPA. A written affirmation that the plan has been developed and is available on site shall be submitted to Ohio EPA upon development of the plan.

c. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

Part III, B Cont.

3. KEEPING PLANS CURRENT

The permittee shall amend the plan prior to a change in design, construction, operation, or maintenance, which has an effect on the potential for the discharge of pollutants to the surface waters of the State or if the manure management plan proves to be ineffective in eliminating or minimizing pollutants from sources identified under Part III, A, or otherwise achieving the general objectives of minimizing pollutant discharges associated with the CAFO.

4. CONTENTS OF PLAN

The manure management plan shall address the form, source, amount, timing, agronomic rate, and method of application of nutrients to each field to achieve compliance with this permit, ensure appropriate agricultural utilization of the nutrients, and minimize movement of pollutants to surface waters. To the extent applicable, the MMP shall address the following:

a. Storage of manure, management of mortalities, diversion of clean water, prevention of contact of animals with waters of the State, and proper chemical handling to ensure compliance with Parts III, A and VI of this permit.

b. Inspections, monitoring, and maintenance activities for structures and equipment involved in manure handling and storage in compliance with Parts IV and V of this permit.

c. If applicable, a land application plan that will be implemented to comply with Part VI of this permit, including: 1) a total nutrient budget; 2) manure and soil characterizations; 3) application methods and timing that will minimize nutrient transport to waters of the State; and 4) field specific agronomic application rates.

d. If applicable, a distribution and utilization plan that will be implemented to comply with Part VI of this permit, including 1) total nutrient budget; 2) manure characterization; and 3) manure removal methods and timing that will minimize nutrient transport to waters of the State.

e. Site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the State.

C. Other Requirements

1. This operation shall not be expanded above the design capacity stated in the NOI, or to encompass more land to be included in the production area until Ohio EPA has been notified in writing of the intended actions. A new NOI accompanied by appropriate application fees reflecting the expansion will be required for significant changes (e.g. >10% increase in animals confined). Swine, poultry, or veal CAFOs must contact Ohio EPA prior to any changes that may require regulation under the new source performance standards. See New Source definition in Part IX.

2. Spill prevention and good housekeeping techniques, along with diversion of clean water, shall be used to ensure that uncontained storm water from the production area is not contaminated by manure and to ensure that storm water discharges from the following areas maintain Ohio Water Quality Standards in the receiving water of the State: immediate access roads and rail lines used or traveled by carriers or raw materials, products, waste material, or by-products used or created by the CAFO; refuse sites; sites used for the storage and maintenance of material handling equipment; and shipping and receiving areas. Storm water that is contaminated by manure or raw materials (such as silage) is process wastewater, which is included in the definition of manure in Part IX, and may only be discharged in accordance with Part III, A of this permit.

Part III, C Cont.

3. Large CAFOs shall maintain the manure storage or treatment facilities (including regular solids removal) to ensure that the design storage volume is provided, as approved by Ohio EPA or ODA or necessary to achieve compliance with this permit, whichever is greater. Medium CAFOs shall include information in the MMP as to the design storage volume and shall ensure that volume is established and maintained as necessary to achieve compliance with this permit. See Part V, C, 3.

4. The permittee shall give advance notice to Ohio EPA of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

5. If a Total Maximum Daily Load (TMDL) is approved for any watershed in which the CAFO is located and requires specific BMPs or other implementation actions for CAFOs, the director may require the permittee to revise the MMP to include these requirements.

6. For CAFOs located within an impaired watershed (i.e., watershed listed on the most recent Ohio EPA *Integrated Report* for nonattainment of use designation), the owner/operator (or employee(s) appointed by the owner/operator) shall attend a manure management and water quality protection training and/or seminar at least once per year. Examples of training/seminars include Ohio State University Extension Manure Science Review, participation in the Livestock Environmental Assurance Program (LEAP), and Ohio Department of Agriculture's Certified Livestock Manure Manager training. The permittee shall maintain documentation of training/seminar attendance in the facility records.

PART IV. OPERATION/MANAGEMENT PRACTICES

A. The manure handling equipment shall be effectively maintained and operated at all times so that there is no discharge to waters of the State. In the event that the equipment fails to perform satisfactorily, including the creation of nuisance conditions or failure of an application area to adequately assimilate the manure, the permittee shall take immediate corrective actions including those actions that may be required by Ohio EPA, such as the acquisition of equipment capable of applying manure in the proper approved amounts in accordance with this permit.

B. In the event this facility is closed for production purposes or is no longer a CAFO, this permit shall remain effective until the permittee demonstrates to the satisfaction of the Director that there is no remaining potential for a discharge of manure that was generated while the operation was a CAFO, other than agricultural storm water from land application areas. All manure shall be properly disposed of, and in the case of facility closure, the manure storage or treatment facilities shall be properly closed.

C. A protective vegetative cover shall be established and maintained on all earthen basin embankments (outside toe of embankment to maximum operating elevation), berms, pipe runs, erosion control areas, and surface water diversions. Trees, shrubs, and other woody vegetation shall not be allowed to grow on the earthen basin, dikes, or embankments. Earthen basin embankment areas shall be kept mowed or otherwise controlled and accessible.

D. For structures containing manure with less than 20% total solids and exposed to precipitation, a minimum freeboard of **one foot** must be maintained at all times. This is in addition to the capacity needed to contain direct precipitation and runoff from the 25-year, 24-hour storm or, for CAFOs subject to Part III, A, 1, b, the 100-year, 24-hour storm. These structures must be equipped with a depth marker which clearly indicates the minimum capacity to contain the runoff and precipitation of the 25-year, 24-hour storm event, or where applicable, the 100-year, 24-hour storm event.

Part IV Cont.

E. Adequate manure storage volume shall be provided and maintained to prevent the necessity of land applying manure on frozen and/or snow covered ground. No later than September 15 of each year, the permittee shall evaluate the storage capacity in their manure storage or treatment facilities and determine what steps are needed to avoid the need to land apply manure on frozen or snow covered fields for the upcoming winter. For example, a CAFO should plan to have at least four months of storage capacity available by December 1. The operating record for the facility shall include documentation of the storage level as well as what was considered in this evaluation, and what actions were taken to avoid the need for land application of manure on frozen or snow covered ground. Failure to perform the evaluation or failure to take action if the evaluation indicates that action was necessary to avoid land application on frozen or snow covered ground shall be considered a violation of this permit. See Part VI, B, 5.

Part V. MONITORING AND REPORTING REQUIREMENTS

A. Annual Report: By January 31 of each year, the permittee shall submit an annual report to Ohio EPA, Central Office, Division of Surface Water. The annual report shall be submitted on forms prepared by the Director and shall include, but not necessarily be limited to, the following:

1. The number and type of animals confined in the previous year.

2. Estimated amount of manure generated in the previous year in gallons or tons.

3. Total amount of manure removed from the facility for land application and/or distribution or utilization in gallons or tons.

4. Total number of acres for land application covered by the MMP.

5. Total number of acres under the control of the permittee that were used for land application in the previous year.

6. Manure distribution or utilization records.

7. Summary of the number of discharges from the production area and the number of discharges from land application areas that were not composed of agricultural storm water runoff for the past year, including date, time and approximate volumes.

8. Information on any non-compliance not previously reported to Ohio EPA. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

9. A statement indicating if the MMP was developed by a certified manure management planner.

B. Distribution and Utilization: For manure that is distributed to other persons (per Part VI, B, 6), the permittee shall record the recipient's name and address, the approximate amount of manure transferred to that recipient, and the date of the transfer. The permittee shall provide the most current manure nutrient analysis to the recipient. If the permittee is notified by Ohio EPA, ODA, or Ohio Department of Natural Resources (ODNR), or otherwise becomes aware that the recipient is not in compliance with ORC 6111 (e.g., causing a nonexempt discharge of manure to waters of the State), the permittee shall cease providing manure to the recipient until written authorization to continue is provided by Ohio EPA.

Part V Cont.

C. Monitoring and Inspection Requirements

Action	Frequency	Record Keeping Requirements
Grab samples shall be taken of all discharges from the production area. Clean storm water that has been diverted does not need to be sampled.	Each time they occur	Date and time of sample, results of analysis, and the information required in Part VII, P. See Part III, A, 1, e.
On and after April 1, 2007, in accordance with Part VI, B, 5 of this permit, grab samples shall be taken of discharges from land application areas where manure was applied on frozen and/or snow covered ground.	Each time they occur	Date and time of sample, results of analysis, and the information required in Part VII, P. See Part VI, B, 5.
All discharges from the production area and land application area shall be recorded in the operating record.	Each time they occur	Cause, volume, and duration of discharge and any corrective actions needed and the dates those actions were taken. See Part III, A, 1, e and Part III, A, 2, d.
Grab samples shall be taken of storm water pond outlet discharges.	2/year	Date and time of sample, results of analysis, and the information required in Part VII, P. See Part V, D.
Representative samples of the manure to be land applied shall be taken from each source (e.g. each lagoon, storage tank, or permanent stockpile area must be sampled).	1/year	The information required in Part VII, P. See Part VI, A, 2. (See note below.)
Representative soil samples of the manure land application fields.	Every 3 years	The information required in Part VII, P. See Part VI, A, 3. (See note below.)
Monitor operating level of all manure storage or treatment facilities.	1/week	Date and time of observation, manure level in each structure. See Part IV, D. (See note below.)
Inspect manure storage or treatment facilities, including devices channeling contaminated storm water to the manure storage or treatment facility for evidence of erosion, leakage, animal damage, overflow, or discharge.	1/week	Date and time of inspection, structural integrity, vegetation condition, and any corrective actions needed and the dates those actions were taken. (See note below.)
Inspect storm water diversion devices or runoff diversion structures.	1/week	Date and time of inspection, observations of flow quantity and color, structural integrity (e.g. signs of cracks, sparse or stressed vegetation, erosion, etc.), any corrective actions needed and the dates those actions were taken.
Inspect drinking and cooling water lines that are located above ground, readily visible or accessible for daily inspections.	Daily	Date and time of inspection, number of leaks, any corrective actions needed and the dates those actions were taken.
Monitor forecast at the CAFO location.	Every land application event	Date, weather conditions (including percentage chance of rain) 24 hours prior to application, at the time of application, and 24 hours after application. See Part VI, A, 5, c and Part VI, B, 2, e.
Inspect land application fields.	In accordance with MMP	Date and signs of discharge or runoff into surface waters and/or conduits to surface waters of the State.
Inspect land application equipment.	In accordance with MMP	List of equipment, date of inspections, corrective actions, calibration dates. (See note below.)

Part V, C Cont.

Note: Much of this information is required in the operating record for the Review Compliance Certificate or Permit to Operate issued by the Director of ODA. The operating record form provided by ODA is an acceptable format for maintaining records for the purposes of complying with this permit as well. However, make sure that additional records required by this permit are added to those record keeping forms.

1. Any deficiencies found as a result of these inspections must be corrected as soon as possible. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.

2. Records of mortalities management and practices used by the CAFO shall be maintained to ensure compliance with Part III, A, 1, f.

3. Records documenting the current design of any manure storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity must be maintained at the CAFO.

D. Storm Water Pond Outfall: Where applicable, monitoring of the storm water pond outfall shall take place at the frequency of twice per year (2/year) during the months of **March** and **November** for the parameters listed below. The grab sample shall be taken during the first thirty minutes of a rainfall event causing the pond to discharge. If collection of a grab sample during the first thirty minutes is inappropriate due to dangerous weather conditions, collect the sample as soon as possible after suitable conditions occur, and document the reason for delay.

00310 - Biochemical Oxygen Demand, 5-Day (BOD5) - mg/l
00610 - Nitrogen, Ammonia (NH3) - mg/l
00625 - Nitrogen Kjeldahl, Total (TKN) - mg/l
00665 - Phosphorus, Total (P) - mg/l

PART VI. LAND APPLICATION REQUIREMENTS

A. CONTENTS OF THE MMP (Effective upon completion of the MMP, but no later than the dates contained in Part III, B, 1 of this permit.)

1. Nutrient Budget: The manure management plan shall include a total nutrient budget for the operation, based on 1) targeted crop yields based on actual crop yields, 2) soil productivity information, 3) historical yield data, 4) realistic potential yield, or 5) combinations of yield data. The plan shall consider all potential sources of nutrients including quantity of manure and manure nutrients, organic by-products, wastewater, commercial fertilizer, crop residues, legume credits, and irrigation water and a summary of the total acres of land to be used for land application.

2. Manure Characterization: At a minimum, manure from each manure storage or treatment facility shall be analyzed annually for the following: total nitrogen, ammonium nitrogen, organic nitrogen, phosphorus, potassium, and percent total solids. Procedures for the collection and analysis of the samples shall be in accordance with Publication A3769, “Recommended Methods of Manure Analysis; Published by the Board of Regents of the University of Wisconsin System, University of Wisconsin-Extension”. See Part VII, P.

3. Soil Characterization: At a minimum, soil samples shall be taken to a uniform depth and the fertility analysis shall include: pH, phosphorus, potassium, calcium, magnesium and cation exchange capacity.

Part VI, A, 3 Cont.

a. Soil fertility analysis shall be conducted in accordance with Publication 221, "Recommended Chemical Soil Test Procedures for the North Central Region; Published by the North Central Regional Committee on Soil Testing and Plant Analysis (NCR-13), North Dakota Agricultural Experiment Station". See Part VI, A, 3, e, below.

b. Sample shall be representative of a land application site with one composite soil sample representing no more than twenty-five acres or one composite soil sample for each land application site, whichever is less. A sample depth of 8 inches shall be used unless justified otherwise in the plan.

c. The manure management plan shall specify the soil sampling frequency in accordance with the following requirements:

(1) A site that receives manure shall be soil tested at a minimum of at least once every three years.

(2) For any land application site used by the owner or operator the land application site shall be sampled at least six months following application.

d. Results of the soil sampling events shall be recorded and shall include the location of the soil sample collection site, the depth of the sample collected and the analysis. See Part VII, P.

e. In developing appropriate manure application rates for land application methods, the owner or operator shall use the Bray P1 soil test level or equivalent appropriate phosphorus soil test, (Mehlich III, Olsen, Phosphorus Retention Test). The owner or operator shall choose a phosphorus soil test method and identify the selected method in the manure management plan.

4. Land Application Methods - Manure Application Rates

a. The manure application rate shall be based on the land application site's soil tests that are no older than three years.

b. The manure application rate shall be based on the most current manure test results. The manure test results expressed as a nutrient percentage shall be converted into either pounds per ton of dry manure or pounds per one thousand gallons of liquid manure.

c. The manure application rate shall be based on the most limiting factor (i.e., most restrictive factor for the purpose of protecting surface water quality) of the following:

(1) For liquid manure (less than 20% solids):

i. The crop nitrogen requirements or removal expressed in thousands of gallons of manure per acre, as determined in accordance with Part VI, A, 4, d, below;
ii. The crop phosphorus requirements or removal expressed in thousands of gallons of manure per acre, as determined in accordance with Part VI, A, 4, e, below;
iii. The restrictions on the volume of liquid manure application, in accordance with Part VI, B, with volume expressed as a measure of gallons per acre or inches per acre, with twenty seven thousand two hundred gallons equal to one acre/inch;
iv. The application rate shall not exceed the available water capacity in the upper eight inches of the soil for both subsurface and nonsubsurface drained sites; and

Part VI, A, 4, c, (1) Cont.

v. The application rate shall be adjusted to preclude surface ponding and/or runoff from a land application site. See Part VI, B, 2.

(2) For solid manure (greater than or equal to 20% solids):

i. Either the crop nitrogen requirements or removal of nitrogen expressed in pounds per ton of dry manure per acre as determined in accordance with Part VI, A, 4, d, below;
ii. The crop phosphorus requirements or removal expressed in pounds per ton of dry manure per acre, as determined in accordance with Part VI, A, 4, e, below; or
iii. The restrictions on the volume of solid manure applied, taken from Part VI, B, with volume expressed as a measure of tons/acre.

d. The manure application rate for nitrogen shall be the most restrictive value (i.e., most restrictive factor for the purpose of protecting surface water quality) determined after considering the following:

(1) The application rate for nitrogen shall be based on utilization of crops at the recommended agronomic rates (using the Ohio Agronomy Guide, OSU Bulletin 472) and based on minimum runoff and leaching to waters of the state, as determined in accordance with Part VI, A, 4, d, (3), below.

(2) In determining the agronomic rate for nitrogen, the owner or operator shall do the following:

i. Determine the nitrogen requirements or removal rates for a realistic yield goal of planned crops;
ii. Subtract the nitrogen credit to be given to the next crop in accordance with values for previous crops, subtract credits for crop residues and legumes grown in previous years, and subtract nitrogen that will be added in other forms including commercial fertilizer and organic by-products; and
iii. When applying nitrogen to a grass or legume cover crop that is growing or being established immediately after manure application, manure can be applied at the recommended nitrogen rate (using the Ohio Agronomy Guide, OSU Bulletin 472) for the next non-legume crop or the nitrogen removal rate for the next legume crop.

(3) In determining how to minimize nitrogen leaching to waters of the state, the owner or operator shall do the following:

i. Assess each land application site with the Ohio nitrogen leaching risk assessment procedure (using the USDA, NRCS Ohio Field Office Technical Guide Section 1, Nitrogen and Phosphorus Risk Assessment Procedures dated January 2001); and
ii. If the nitrogen leaching risk assessment procedure completed in accordance with above Part VI, A, 4, d, (3), i of this permit demonstrates that the land application site has a high nitrogen leaching potential and no growing cover crop, then application of manure shall be limited to fifty pounds per acre as applied nitrogen calculated at the time of application from June to October first.

Part VI, A, 4 Cont.

e. The manure application rate for phosphorus shall be the most restrictive value (i.e., most restrictive factor for the purpose of protecting surface water quality) determined after considering the following:

(1) The application rate for phosphate applications shall be based on the following:

i. Estimated plant uptake by crops at the recommended agronomic rates (using the Ohio Agronomy Guide, OSU Bulletin 472);
ii. Soil test analysis;
iii. Subsequent phosphorus removal in plant biomass; and
iv. Minimum runoff to waters of the state.

(2) In determining the agronomic rate for phosphate application, the owner or operator shall do the following:

i. Determine the phosphorus requirements for the realistic yield goal of planned crops and/or crop rotations (using the Ohio Agronomy Guide, OSU Bulletin 472);
ii. The application rate for phosphorus shall not exceed the removal rates for a realistic yield goal of planned crops, unless following the procedures in Part VI, A, 4, e, (3), below.

(3) In determining how to minimize phosphorus runoff to waters of the state, the owner or operator shall do the following:

i. Prior to the land application of manure, a land application site shall be assessed with either the phosphorus index risk assessment procedure or the phosphorus soil test risk assessment procedure (using the USDA, NRCS Ohio Field Office Technical Guide Section 1, Nitrogen and Phosphorus Risk Assessment Procedures dated January 2001). This risk assessment shall be used in the determination of manure application rates in accordance with Part VI, A, 4, e, (3), ii below, and the results shall be documented as required in Part VI, A, 5, f;
ii. There shall be no multi-year phosphorus applications on fields where either the phosphorus index risk assessment procedure produces a high rating or the phosphorus soil test risk assessment procedure produces a high potential rating. There shall be no phosphorus applications on fields where either the phosphorus index risk assessment procedure produces a very high rating or the phosphorus soil test risk assessment procedure produces a very high potential rating;
iii. Phosphate manure application rates above two hundred and fifty pounds per acre are not recommended. However, if phosphate concentrations in liquid manure exceed sixty pounds of phosphate per one thousand gallons or eighty pounds of phosphate per ton for solid manure, rates higher than two hundred and fifty pounds per acre may need to be applied due to limitations of the application equipment. In no case shall manure application exceed the rates specified in Part VI, A, 4, d and Part VI, A, 4, e, (3), ii. In addition, in no case shall manure application exceed the rates specified in Part VI, A, 4, d and Part VI, A, 4, e, (3), ii. In addition, in no case shall phosphate applications exceed five hundred pounds per acre of phosphate during one year. When phosphate applications exceed two hundred and fifty pounds per acre the following additional criteria applies:

Part VI, A, 4, e, (3), iii Cont.

- Phosphate applications exceeding two hundred and fifty pounds per acre in any one year shall not be applied on fields with a phosphorus soil test exceeding 100 ppm (200 pounds per acre) Bray P1 or equivalent, results of a phosphorus index risk assessment procedure notwithstanding.

- The manure shall be immediately injected or incorporated 3 to 5 inches deep below the soil surface.

- The manure shall not be applied on either frozen or snow covered ground.

- There shall be no further phosphate applications for a minimum of three years on land with a phosphorus soil test level below 40 ppm (80 pounds per acre) Bray P1 or equivalent and no additional phosphate applications for a minimum of five years on land with a phosphorus soil test level above 40 ppm (80 pounds per acre) Bray P1 or equivalent.

5. Record Keeping Requirements: At a minimum, the following records must be kept by the permittee:

   a. Expected crop yields.

   b. The date(s) manure is applied to each field.

   c. Weather conditions at the time of application and for 24 hours prior to and following application. See Part VI, B, 2, e.

   d. Test methods used to sample and analyze manure and soil.

   e. Results from manure and soil sampling.

   f. Explanation of the basis for determining manure application rates, as provided by Part VI, A, 4.

   g. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure.

   h. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied.

   i. The method used to apply the manure.

   j. Date(s) of manure application equipment inspection.

Part VI Cont.

B. LAND APPLICATION RESTRICTIONS (Effective beginning on the date that coverage under this permit is granted.)

1. Land application of manure shall be conducted in accordance with the following:

Manure Application Distance Restrictions and, Where Appropriate, Rate Restrictions For the Following Items
Streams, Lakes, Ponds, Watercourses, Other Surface Waters, Waterways, Open Tile Line Intake Structures, or Other Conduits to Surface Waters
Manure shall not be applied closer than 100 feet, unless a 35-foot vegetated buffer has been established where manure application is prohibited. A mandatory 35-foot vegetated buffer must be established along fields with perennial streams regardless of setback requirement.
Public Drinking Water Surface Water Intakes
Land application shall not take place within the emergency management zone of a public water system using surface water. Otherwise, manure shall not be applied closer than 300 feet from the edge of the field.
Seasonal Salmonid and Cold Water Habitats
Manure shall not be applied closer than 100 feet, unless a 35-foot vegetated buffer has been established where manure application is prohibited.
Public Drinking Water Wells
Land application shall not take place within a highly susceptible drinking water source protection area (as defined by Ohio EPA) for a community public water system using ground water and not within the inner management zone for all other community public water system using ground water.
Land application shall not take place within the inner management zone of a drinking water source protection area or within 300 feet of a water supply well serving a transient non-community or non-community, non-transient public water system using ground water, whichever distance is greater.
Private Drinking Water Wells
For injection application and surface application followed by incorporation within 24 hours, manure shall not be applied closer than 100 feet.
For surface application not followed by incorporation within 24 hours, manure shall not be applied closer than 300 feet.
Class V Agricultural Drainage Wells, Agricultural Wellheads, or Sinkholes
For injection application and surface application followed by incorporation within 24 hours, manure shall not be applied closer than 100 feet.
For surface application not followed by incorporation within 24 hours, manure shall not be applied closer than 300 feet.
Springs
Manure shall not be applied closer than 300 feet.

Part VI, B, 1 Cont.

Slope
For fields with a slope less than 15%, surface application can be used when yearly average soil loss is less than five tons per acre or "T", whichever is less.
Manure shall not be applied to cropland over 15% slope or to pasture/hayland over 20% slope unless one of the following precautions are taken: a. Immediate incorporation or injection with operations done on the contour, unless the field has 80% ground cover (residue or canopy); b. Applications are timed during periods of lower runoff and/or rainfall (May 20 to October 15); c. Split applications are made (separated by rainfall events) with single applications not exceeding 5000 gallons per acre for liquid manure or 10 wet tons per acre for solid manure; d. The field is established and managed in contour strips with alternated strips in grass or legume.
Stockpiling of Manure
Streams, Lakes, Ponds, Watercourses, Waterways, Open Tile Line Intake Structures, or Other Conduits to Surface waters, minimum 300 feet setback. (Stockpiling within waterways or concentrated flow areas is prohibited.)
Public and Private Wells/Springs, minimum 300 feet setback.
Flooding/flood plains/floodways, prohibited.
Public drinking water surface intakes, minimum 1500 feet setback.
Class V agricultural drainage wells and sinkholes, minimum 300 feet setback.
Slope, 0-6% only.

2. Timing/Site Restrictions:

   a. Prior to land applying manure, the permittee shall inspect the land application area to determine the suitability of the site for land application (considerations shall include tile location and depth, soil type, evidence of soil cracking, available water capacity of the soil, crop maturity, prior precipitation, forecasted precipitation, etc.) and document field conditions at the time of the inspection. See Part VI, A, 5. Broken tiles or blow out holes shall be repaired prior to land application.

   b. For fields with soil cracks greater than six inches deep, the soil must be tilled before the land application of liquid manure or the application must be delayed until the cracks are sealed. However, liquid manure applications may be made on tiled fields with growing crops if the application rate is less than or equal to a quarter of an inch or six thousand seven hundred gallons per acre and tile plugs are used or tile stops closed prior to application. See Part VI, B, 3, below.

   c. For fields that are prone to flooding, floodplains, or floodways, manure must be injected or incorporated within 24 hours of application. No manure application shall occur during periods of expected flooding. See USDA, NRCS Field Office Technical Guide.

   d. Land application of manure shall not cause ponding or runoff. For liquid manure applications, the application shall not exceed the available water capacity in the upper eight inches of the soil in the application field.

   e. Land application shall not occur on saturated soils or during rain or runoff events, and shall not occur if the forecast contains a greater than 50% chance of precipitation for any individual hour, for a period extending 24 hours after the commencement of land application.

Part VI, B, 2 Cont.

f. If solid manure is applied on conventionally tilled bare soil, the manure shall be incorporated into the soil within two days after application on the land. This requirement does not apply to no-till fields, pasture, or fields where crops are actively growing.

g. Manure application shall not take place on fields where soil loss exceeds "T" (Tolerable Soil Loss USDA, NRCS Field Office Technical Guide).

3. For land application sites with subsurface tile drainage, the permittee shall visually monitor all field tile outlets before, during and after application of manure to the site and record the results of that monitoring. The permittee shall have access to or methods/devices to stop or capture subsurface drain flow. If manure reaches the subsurface drain outlet to waters of the State, the application of manure shall cease and the flow stopped or captured. If land application has caused manure laden water to be discharged from a field tile, Ohio EPA shall be notified by calling 1-800-282-9378 as soon as possible, but in no case later than 24 hours following first knowledge of the occurrence. See Part III, A, 2.

4. For the land application of liquid manure to sites with subsurface tile drainage, the following criteria must be followed:

   a. Application rates shall be less than or equal to half an inch or thirteen thousand gallons per acre per application event;

   b. A tool shall be used that can disrupt and/or close the preferential flow paths in the soil using horizontal fracturing, or the surface of the soil shall be tilled three to five inches deep to a seedbed condition to soak up the liquid manure and keep it out of preferential flow channels;

   c. If injection is used, manure shall only be injected deep enough to cover manure with soil. The soil shall be tilled at least three inches below the depth of injection prior to application; and

   d. For fields with growing crops or continuous no till fields where tillage is not an option, all tile outlets from the application area are to be plugged/tile stops closed prior to application.

5. Manure shall be managed in such a manner to prevent land application on frozen or snow covered ground. Every attempt shall be made by the permittee to avoid land application during frozen or snow covered ground conditions because of lack of agronomic benefit and high risk of pollution of surface waters. As stated in Part IV, E, failure to take appropriate action to avoid land application on frozen and/or snow covered ground is a violation of this permit and subject to enforcement. The nutrients in the manure applied on frozen and/or snow covered ground shall be included in the manure application rate calculations for the next crop.

   If practical, manure should be injected and/or incorporated within 24 hours to minimize surface manure runoff. Where manure is **not** injected or incorporated within 24 hours, the following frozen and/or snow covered ground restrictions are mandatory.

   Other locations for manure disposal should be investigated prior to the land application (i.e., transfer of manure to another waste treatment or storage facility, wastewater treatment plant, rental or acquisition of a storage tank, etc.).

   Stockpiling of solid manure, in accordance with this permit, shall be utilized rather than spreading on the field.

Part VI, B, 5 Cont.

Only limited quantities of manure shall be applied to address manure storage limitations until non-frozen or non-snow covered soils are available for manure application.

Records must be maintained for all instances of application on frozen or snow covered ground that include: date, amount applied, location, acres applied to, weather and soil conditions including depth of snow cover, surface residue cover, and reason for applying manure at that time.

In addition to all of the above land application restrictions (restrictions on fields prone to flooding, not causing ponding or runoff, restrictions on saturated soils, and requirements for tiled fields), the following criteria must also be met for surface manure application on frozen or snow covered ground per application event per field per winter season:

a. The field must have greater than or equal to ninety percent surface residue cover at the time of application, and vegetation/residue shall not be completely covered by ice and/or snow at the time of application;

b. The maximum manure application rate is five thousand gallons per acres for liquid manure, ten wet tons per acre for solid manure with more than fifty percent moisture, and five wet tons per acre for solid manure with less than fifty percent moisture. Depending on soil hydrologic group and surface residue cover, the liquid manure application rate on frozen soils may need to be lowered to prevent manure ponding or runoff;

c. Manure shall not be applied on more than twenty contiguous acres. Contiguous areas for application are to be separated by a break of at least two hundred feet. Areas used for application are to be the furthest from surface waters and present the least potential for runoff;

d. Setbacks form surface waters and conduits to surface waters (including grassed waterways and surface drains) must be a minimum of two hundred feet. This setback shall also have at least 90 percent surface residue cover, and vegetation/residue shall not be completely covered by ice and/or snow at the time of application. This distance may need to be further increased due to local conditions and other setback restrictions in Part VI, B, 1;

e. For fields with slopes greater than six percent, manure shall be applied in alternating strips sixty to two hundred feet wide generally on the contour, or in the case that the field is managed in contour strips with alternative strips in grass or legume, manure shall only be applied on alternative strips. Note that the application rate shall be determined for each separate application strip area, not area of entire field;

f. Manure phosphate applications exceeding two hundred and fifty pounds per acre are prohibited.

If the permittee surface applies manure on frozen or snow covered ground, concentrated field surface drainage and tile outlets shall be visually monitored at the conclusion of the manure application, and periodically afterwards when weather is likely to produce manure runoff including when temperatures rise, snow melts, and in conjunction with rainfall, etc., until the manure has been assimilated into the field and is no longer likely to discharge into waters of the State. If the land applied manure discharges to waters of the State, then the permittee shall notify Ohio EPA within two hours of detection of the runoff event. In accordance with Part III, A of this permit, a discharge of manure to waters of the State from land application on frozen and/or snow covered ground that is not the result of a precipitation event is prohibited and a violation of the permit.

Part VI, B, 5 Cont.

If the ammonia nitrogen level in a water quality sample is determined to be 26 mg/L or greater in the discharge at the point it enters waters of the State, then any additional surface application of manure to frozen and/or snow covered ground is prohibited on the field where the runoff event occurred. In the event that the permittee follows the permit requirements and runoff from frozen or snow covered fields discharges to waters of the State with an ammonia nitrogen content of 26 mg/L or greater in a total of three surface land application events, then surface application of manure on any frozen and/or snow covered ground is prohibited for that permittee from that point on.

In the event that a permittee fails to comply with the land application requirements for frozen or snow covered ground (including notification of discharges, monitoring and record keeping requirements) more than two times, then land application on any frozen or snow covered ground will be prohibited for that permittee upon receipt of the third notice of violation by Ohio EPA.

On and after April 1, 2007, in addition to the visual monitoring and reporting requirements stated above, the permittee shall collect representative grab samples from discharges of land applied manure into waters of the State at the point that the discharge enters waters of the State (i.e., concentrated field surface runoff or field tile outlet discharge prior to entrance to surface water) and have the sample analyzed for, at a minimum, the following parameter:

00610 – Nitrogen, Ammonia (NH3) – mg/l

The permittee shall: (a) collect the sample within 30 minutes of the first knowledge of the discharge; or (b) if the sampling in that period is inappropriate due to dangerous weather conditions, collect the sample as soon as possible after suitable conditions occur, and document the reason for delay.

The permittee shall report the results of the discharge sample(s) to Ohio EPA, Central Office, Division of Surface Water, within 14 days of occurrence. The report shall, at a minimum, contain the sample results, describe the reason for the discharge, the location, estimate of quantity and duration of the discharge, and duration of the precipitation leading up to the event, as well as any measures taken to clean up and eliminate the discharge and required land application records stated above. Laboratory results not available at the time of the report submittal shall be submitted to Ohio EPA within five days of receipt.

6. The permittee is responsible for complying with this permit for land application activities conducted on each site where the permittee, or anyone employed by the permittee, owns, operates, or land applies manure generated from the CAFO or determines timing and amount of manure to be applied on fields not otherwise owned, rented, or leased by the CAFO.

PART VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Section 6111 and Ohio Administrative Code Rule 3745-38 and is grounds for enforcement action; for permit coverage termination, revocation and reissuance, or modification; or for denial of coverage under a renewal of this general permit.

2. Penalties for Violations of Permit Conditions.

a. Criminal

1. Ohio Revised Code Section 6111.99 provides that any person who violates permit terms or conditions is subject to a fine and/or imprisonment for each day of violation.

2. Falsification. Ohio Revised Code Section 6111 provides that any person who knowingly submits false information or records pertaining to discharges required as a term or condition of a permit is subject to a fine and/or imprisonment.

b. Civil Penalties - Ohio Revised Code Section 6111 provides that any person who violates permit terms or conditions is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued.

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

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine compliance with this permit. The permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

G. Signatory Requirements. All Notices of Intent, Notices of Termination, manure management plans, reports, certifications or information either submitted to the Director, or that this permit requires be maintained by the permittee, shall be signed.

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250

Part VII, G Cont.

persons or having gross annual sales or expenditures exceeding $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;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director; and

b. 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 manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

3. Changes to authorization. If an authorization under Part VII, G, 2 of this permit 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 Part VII, G, 2 of this permit must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing documents 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 gathered and evaluated 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."

H. Penalties for Falsification of Monitoring Systems. Ohio Revised Code Section 6111 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment.

I. Oil and Hazardous Substance Liability. 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 to which the permittee is or may be subject under section 311 of the Clean Water Act.

Part VII Cont.

J. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

K. Severability. 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 circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

L. Transfers. This permit is not transferable to any person except as described in Part II of this permit. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part VII, M of this permit (below).

M. Requiring an Individual Permit or an Alternative General Permit.

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the Ohio EPA, Central Office, Division of Surface Water. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request to the Director. Individual permit applications shall be submitted to the Ohio EPA, Central Office, Division of Surface Water. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

N. Environmental Laws. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

Part VII Cont.

O. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of the manure management plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

P. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3. Records Contents. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The initials or name(s) of the individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The time(s) analyses were initiated;

   e. The initials or name(s) of the individual(s) who performed the analyses;

   f. References and written procedures, when available, for the analytical techniques or methods used; and

   g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. Monitoring of discharges must be conducted according to test procedures approved under 40 CFR Part 136.

5. All other records required by this permit including documentation of inspections and manure land application must also be retained by the permittee for a period of five years from the date of the documented activity. This includes a complete copy of the information required by 40 CFR 122.21(i)(1) and 40 CFR 122.42(e)(1)(ix) and the records specified in paragraphs (b)(1) through (b)(6) of 40 CFR 412.37.

Part VII Cont.

Q. Inspection and Entry. The permittee shall allow the Director or an authorized representative of Ohio EPA, or the Regional Administrator of U.S. EPA or an authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

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

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

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

R. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

S. Upset. The provisions of 40 CFR Section 122.41(l)(1)(i) and (2), 122.41(l)(6)(ii)(B), and 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part IX, Definitions, of this permit.

PART VIII. REOPENER CLAUSE

A. If there is evidence indicating potential or realized impacts on water quality due to any animal feeding operation covered by this permit, the owner or operator of such discharge or potential discharge may be required to obtain individual permit or an alternative general permit in accordance with Part I,C of this permit or the permit may be modified to include different limitations and/or requirements.

B. Permit modification or revocation will be conducted according to Ohio Administrative Code Chapter 3745-38.

PART IX. DEFINITIONS

25-YEAR, 24-HOUR STORM EVENT: means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years (i.e., a storm event that has a 4% chance of happening in any given year) as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States", May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed there from. Current information can be found in "Rainfall Frequency Atlas of the Midwest" (Bulletin 71, 1992, F.A. Huff and J.R. Angel, Midwestern Climate Center and the Illinois State Water Survey, Champaign, IL).

100-YEAR, 24-HOUR STORM EVENT: means the maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years (i.e., a storm event that has a 1% chance of happening in any given year) as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States", May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed there from. Current information can be found in "Rainfall Frequency Atlas of the Midwest" (Bulletin 71, 1992, F.A. Huff and J.R. Angel, Midwestern Climate Center and the Illinois State Water Survey, Champaign, IL).

ANIMAL FEEDING OPERATION (AFO): is defined in 40 CFR 122.23(b)(1) as: "...a lot or facility (other than an aquatic animal production facility) where the following conditions are met: (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and (ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

BEST MANAGEMENT PRACTICES (BMPs): means schedules of activities, prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of water of the United States. Best Management Practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CHRONIC RAINFALL: means a series of wet weather conditions that preclude manure removal from a properly designed, constructed, maintained, and operated manure storage or treatment facility, precludes land application of manure in accordance with this permit, and exceeds the documented and/or State approved chronic rainfall design storage value used in the design of the manure storage or treatment facility.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): means an AFO that is defined as a large CAFO or as a medium CAFO, or that is designated as a CAFO by the Director or Regional Administrator. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

DISCHARGE: means the addition of any pollutant or combination of pollutants to the waters of the State from a point source. This definition includes additions of pollutants into waters of the State from: surface water runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

DRINKING WATER SOURCE PROTECTION AREA FOR A PUBLIC WATER SYSTEM USING GROUND WATER: means the surface and subsurface area surrounding a public water supply well(s) which will provide water from an aquifer to the well(s) within five years as delineated or endorsed by the Director under Ohio’s wellhead protection and source water assessment and protection programs.

Part IX Cont.

EMERGENCY MANAGEMENT ZONE (EMZ): means the surface and subsurface area in the immediate vicinity of a public water system intake as delineated or endorsed by the Director under the source water assessment and protection program within which the public water supply owner/operator has little or no time to respond to potential contamination from a spill, release or weather related event. The standard emergency management zone boundary consists of a semi-circle that extends five hundred feet upstream of the intake and one hundred feet downstream of the intake, except as modified due to local conditions.

FLOODPLAIN: means the area adjoining any river, stream, watercourse or lake that has been or may be covered by floodwater.

FORECAST: means the daily "hour by hour" forecast as presented by The Weather Channel (www.weather.com), or equivalent. More specifically, the forecast for the zip code that represents the land application area/site shall be printed/recorded up to, but not greater than 24-hours prior to each land application event at any site. The percent chance of rain listed under the hour by hour forecast shall be used to determine compliance with Part VI, B, 2, e of this permit.

FREEBOARD: means the linear distance in feet from the top of the water surface measured vertically to the lowest possible overflow elevation (i.e., the top of the bank of the lagoon/storage/retention structure or any overflow structure).

INNER MANAGEMENT ZONE (IMZ): means the surface and subsurface area within a drinking water source protection area for a public water system using ground water surrounding a public water supply well(s) that will provide water to the well(s) within one year as delineated or endorsed by the Director under the wellhead protection program and the source water assessment and protection program.

LAND APPLICATION: means the placement of manure within the boundaries of a land application site by: 1) spraying or spreading onto the land surface; 2) injection below the land surface in the crop root zone using equipment specifically designed for this purpose; or 3) incorporation into the soil by means of the mixing of manure with the surface soil using standard agricultural practices, such as tillage.

LARGE CAFO: means an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories: (i) 700 mature dairy cows, whether milked or dry; (ii) 1,000 veal calves; (iii) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; (iv) 2,500 swine each weighing 55 pounds or more; (v) 10,000 swine each weighing less than 55 pounds; (vi) 500 horses; (vii) 10,000 sheep or lambs; (viii) 55,000 turkeys; (ix) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system; (x) 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; (xi) 82,000 laying hens, if the AFO uses other than a liquid manure handling system; (xii) 30,000 ducks (if the AFO uses other than a liquid manure handling system); (xiii) 5,000 ducks (if the AFO uses a liquid manure handling system).

MANURE: means any of the following wastes used in or resulting from the production of animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, litter, process wastewater, process generated wastewater, waste feed, silage drainage and leachate, and compost products resulting from mortality composting or the composting of animal excreta.

MANURE STORAGE OR TREATMENT FACILITY: means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure. This includes all collection ditches, conduits and swales for the collection of runoff from the production area and wastewater that is routed to the manure storage or treatment structure.

Part IX Cont.

MEDIUM CAFO: means any AFO with the type and number of animals that fall within any of the ranges listed below and which has been defined or designated as a CAFO. An AFO is defined as a medium CAFO if: (1) The type and number of animals that it stables or confines falls within any of the following ranges: (i) 200-699 mature dairy cows, whether milked or dry; (ii) 300-999 veal calves; (iii) 300-999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; (iv) 750-2,499 swine each weighing 55 pounds or more; (v) 3,000-9,999 swine each weighing less than 55 pounds; (vi) 150-499 horses; (vii) 3,000-9,999 sheep or lambs; (viii) 16,500-29,999 turkeys; (ix) 9,000-29,999 laying hens or broilers, if the AFO uses a liquid manure handling system; (x) 37,500-124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; (xi) 25,000-81,999 laying hens, if the AFO uses other than a liquid manure handling system; (xii) 10,000-29,999 ducks (if the AFO uses other than a liquid manure handling system); (xiii) 1,500-4,999 ducks (if the AFO uses a liquid manure handling system) and (2) Either one of the following conditions are met: (A) pollutants are discharged into water of the State through a man-made ditch, flushing system, or other similar man-made device; or (B) pollutants are discharged directly into waters of the State which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation. An AFO may also be designated as a medium CAFO if it discharges by a method other than provided in (A) and (B).

MULTI-YEAR PHOSPHORUS APPLICATION: means phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus applications, no additional manure, litter, or process wastewater is applied to the same land in subsequent years until the applied phosphorus has been removed from the field via harvest and crop removal.

NEW SOURCE: means the following as defined under 40 CFR 122.2: any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced: (a) after promulgation of standards of performance under Section 306 of the Clean Water Act which are applicable to such source, or (b) after proposal of such standards of performance in accordance with Section 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal; (c) except as otherwise provided in an applicable new source performance standard, a source is an new source if it meets the definition in 40 CFR 122.2; and i) it was constructed at a site at which no other source is located; or ii) it totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or iii) its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the director shall consider such factors as the extent to which the new facility is integrated with the existing plant; and the extent to which the new facility is engaged in the same general type of activity as the existing source. New source criteria are defined at 40 CFR Section 122.29(b).

OVERFLOW: means the discharge of manure resulting from the filling of manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structures.

POLLUTANT: means the following as defined under 40 CFR 122.2: "dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials..., heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial municipal, and agricultural waste discharged into water."

PROCESS WASTEWATER: means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; and dust control. Process wastewater also includes any water which comes into contact with any raw materials, products or byproducts, including manure, litter, feed, milk, eggs or

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bedding.

PRODUCTION AREA: means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, bedding materials, and areas used for storage of pesticides, herbicides, disinfectants, pharmaceuticals, and fertilizers. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production areas is any egg washing or egg processing facility, and any area used in the storage, handling, treatment or disposal of mortalities.

PUBLIC WATER SYSTEM (PWS): means a system which provides water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system, and any water supply system serving an agriculture labor camp, as defined in section 3733.41 of the Revised Code. A public water system is either a community water system or a noncommunity water system. A community water system means a public water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents. A noncommunity water system means a public water system that is not a community water system. A nontransient noncommunity water system means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons six months per year. A transient noncommunity water system means a noncommunity public water system that does not regularly serve at least twenty-five of the same persons over six months of the year.

SETBACK: means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: open tile line intake structures, sinkholes, and agriculture wellheads.

SMALL CAFO: means an AFO that is designated as a CAFO and is not a Medium CAFO.

SOURCE WATER ASSESSMENT AND PROTECTION PROGRAM: means Ohio EPA's source water assessment and protection program based on the Safe Drinking Water Act (88 Stat. 1660, 42 U.S.C. 300(f), as amended in 1996) and approved by U.S. EPA in November 1999.

SPILL: means a discharge, usually (but not exclusively) a small, inadvertent discharge of manure, toxic pollutant or hazardous substance, not caused by weather conditions.

STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY: means the following under 40 CFR Part 122.26 "discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. This term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined in 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment , storage, or

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disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. Material handling activities include storage, loading and unloading, transportation, or conveyance of any raw product, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas".

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 or storage facilities, inadequate treatment or storage facilities, lack of preventative maintenance, or careless or improper operation.

VEGETATED BUFFER: means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

WATER QUALITY STANDARDS: defined in 40 CFR 130.2(d) as: "Provisions of State or Federal law which consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act." The State of Ohio's water quality standards are contained in Ohio Administrative Code (OAC) 3745-1.

WATERS OF THE STATE: defined in Ohio Revised Code 6111.01(H) as: "means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters."

WELLHEAD PROTECTION PROGRAM: means Ohio EPA's wellhead protection program based on the Safe Drinking Water Act (88 Stat. 1660, 42 U.S.C. 300(f), as amended in 1986) and approved by U.S. EPA in November 1992.