

901:10-3-06

**Swine, poultry, and veal calves.**

This rule applies to operations defined as concentrated animal feeding operations and includes the following animals: swine; chickens; turkeys; and veal calves. This rule does not apply to such operations with less than the following capacities: two thousand five hundred swine each weighing fifty-five pounds or more; ten thousand swine each weighing less than fifty-five pounds; thirty thousand laying hens or broilers if the facility uses a liquid manure handling system; one hundred twenty-five thousand chickens other than laying hens if the facility uses other than a liquid manure handling system; eighty-two thousand laying hens if the facility uses other than a liquid manure handling system; fifty-five thousand turkeys; and one thousand veal calves.

(A) Effluent limitations attainable by the application of the best practicable control technology currently available (BPT). Except as provided in rule 901:10-3-08 of the Administrative Code, any existing point source subject to this rule must achieve the following effluent limitations representing the application of BPT:

(1) For production areas. Except as provided in paragraph (A)(1)(a) of this rule, there must be no discharge of manure into waters of the state from the production area. The limitations and requirements of this paragraph must be attained as of the date of permit coverage.

(a) Whenever precipitation causes an overflow of manure, pollutants in the overflow may be discharged into waters of the state provided:

(i) The production area is designed, constructed, operated and maintained to contain all manure including the runoff and the direct precipitation from a twenty-five year, twenty-four hour rainfall event; and

(ii) The production area is operated in accordance with the requirements set forth in the manure management plan in rule 901:10-2-08 of the Administrative Code and the records required by rule 901:10-2-16 of the Administrative Code.

(b) Voluntary alternative performance standards. Any CAFO subject to this subpart may request the director to establish NPDES permit effluent limitations based upon site-specific alternative technologies that achieve a quantity of pollutants discharged from the production area equal to or less than the quantity of pollutants that would be discharged under the baseline performance standards as provided by paragraph (A)(1) of this rule.

(i) Supporting information. In requesting site-specific effluent

limitations to be included in the NPDES permit, the CAFO owner or operator must submit a supporting technical analysis and any other relevant information and data that would support such site-specific effluent limitations within the time frame provided by the director. The supporting technical analysis must include calculation of the quantity of pollutants discharged, on a mass basis where appropriate, based on a site-specific analysis of a system designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater, including the runoff from a twenty-five-year, twenty-four-hour rainfall event. The technical analysis of the discharge of pollutants must include:

- (a) All daily inputs to the storage system, including manure, litter, all process waste waters, direct precipitation, and runoff.
  - (b) All daily outputs from the storage system, including losses due to evaporation, sludge removal, and the removal of waste water for use on cropland at the CAFO or transport off site.
  - (c) A calculation determining the predicted median annual overflow volume based on a 25-year period of actual rainfall data applicable to the site.
  - (d) Site-specific pollutant data, including N, P, BOD5, TSS, for the CAFO from representative sampling and analysis of all sources of input to the storage system, or other appropriate pollutant data.
  - (e) Predicted annual average discharge of pollutants, expressed where appropriate as a mass discharge on a daily basis (lbs/day), and calculated considering paragraphs (A)(1)(b)(i)(a) to (A)(1)(b)(i)(d) of this paragraph.
- (ii) The director has the discretion to request additional information to supplement the supporting technical analysis, including inspection of the CAFO.
- (c) The CAFO shall attain the limitations and requirements of this paragraph as of the date of permit coverage.

(2) For the land application areas.

- (a) The operation shall attain the same limitations and requirements listed for the manure management plan in paragraph (A)(1) of rule 901:10-2-07 of the Administrative Code and record keeping requirements in rule 901:10-2-16 of the Administrative Code.
  - (b) The operation shall attain the limitations and requirements of this paragraph by December 31, 2006.
- (B) Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).
  - (1) Except as provided in rule 901:10-3-08 of the Administrative Code, any existing point source subject to this rule must achieve the following effluent limitations representing the application of BCT:
    - (a) For operation production areas: the operation shall attain the same limitations and requirements in paragraph (A)(1) of this rule.
    - (b) For the land application areas: the operation shall attain the same limitations and requirements in paragraph (A)(2) of this rule.
- (C) Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

Except as provided in rule 901:10-3-08 of the Administrative Code, any existing point source subject to this rule must achieve the following effluent limitations representing the application of BAT:

  - (1) For production areas: the concentrated animal feeding operation shall attain the same limitations and requirements in paragraph (A)(1) of this rule.
  - (2) For land application areas: the concentrated animal feeding operation shall attain the same limitations and requirements listed in paragraph (A)(2) of this rule.
- (D) New source performance standards (NSPS).

Any new source subject to this rule must achieve the following effluent limitations representing the application of NSPS.

  - (1) For production areas: there must be no discharge of manure into waters of the

state from the production area, subject to paragraphs (D)(1)(a) to (D)(1)(~~b~~)(c) of this rule.

(a) ~~Manure storage and treatment facilities designed, constructed, operated, and maintained to contain all manure including the runoff and the direct precipitation from a one hundred year, twenty four hour rainfall event and operated in accordance with the manure management plan and records required by rules 901:10-2-08 and 901:10-2-16 of the Administrative Code, will fulfill the requirements of paragraph (D) of this rule.~~ A new source subject to this rule may request that the director establish NPDES permit best management practice effluent limitations designed to ensure no discharge of manure, litter, or process wastewater based upon a site-specific evaluation of the concentrated animal feeding operation's open surface manure storage or treatment facilities. The NPDES permit best management practice effluent limitations must address the CAFO's entire production area. In the case of any CAFO using an open surface manure storage or treatment facility for which the Director establishes such effluent limitations, no discharge of manure as used in this section, means that the manure storage or treatment facility is designed, operated, and maintained in accordance with best management practices established by the Director on a site-specific basis after a technical evaluation of the manure storage or treatment facility. The technical evaluation must address the elements established in 40 CFR 412.46(a)(1). Manure storage or treatment facilities designed, constructed, operated, and maintained consistent with the analysis conducted in 40 CFR 412.46(a)(1)(i) through (a)(1)(vii) and operated in accordance with the manure management plan and records required by rules 901:10-2-08 and 901:10-2-16 of the Administrative Code will fulfill the requirements of this rule. The director has the discretion to request additional information to support a request for effluent limitations based on a site-specific open surface manure storage structure.

(b) The production area shall be operated in accordance with the requirements set forth in the manure management plan in rule 901:10-2-08 of the Administrative Code and the records required by rule 901:10-2-16 of the Administrative Code.

(~~b~~)(c) Provisions for upset/bypass, as provided in paragraphs (T) and (U) of rule 901:10-3-10 of the Administrative Code, apply to a new source subject to paragraph (D) of this rule.

(2) For land application areas: the operation shall comply with the requirements listed for the manure management plan required by paragraph (A)(1) of rule

901:10-2-07 of the Administrative Code and the recordkeeping requirements of rule 901:10-2-16 of the Administrative Code.

- (3) The operation shall attain the limitations and requirements of paragraph (D) of this rule as of the date of permit coverage.
- ~~(4) Voluntary superior environmental performance standards. Any new source concentrated animal feeding operation subject to this rule may request the director to establish alternative NPDES permit limitations based upon a demonstration that site specific innovative technologies will achieve overall environmental performance across all media which is equal to or superior to the reductions achieved by baseline standards as provided by paragraph (D)(1)(a) of this rule. The quantity of pollutants discharged from the production area must be accompanied by an equivalent or greater reduction in the quantity of pollutants released to other media from the production area (e.g., air emissions from housing and storage) and/or land application areas for all manure at on-site and off-site locations. The comparison of quantity of pollutants must be made on a mass basis where appropriate. The director has the discretion to request supporting information to supplement such a request.~~
- ~~(5)~~(4) Any source subject to this rule that commenced discharging after April 14, 1993 and prior to April 14, 2003 which was a new source subject to the standards specified in 40 CFR 412.15, revised as of July 1, 2002, must continue to achieve those standards for the applicable time period specified in 40 CFR 122.29(d)(1). Thereafter, the source must achieve the standards specified in paragraphs (A)(1) and (A)(2) of this rule.
- (5) Any source subject to this rule that commenced discharging after April 14, 2003 and prior to January 20, 2009 which was a new source subject to the standards specified in 40 CFR 412.46(a) through (d) in the July 1, 2008 edition of 40 CFR part 439, must continue to achieve those standards for the applicable time period specified in 40 CFR 122.29(d)(1).

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CERTIFIED ELECTRONICALLY

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Certification

07/18/2011

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Date

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