



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

n-74-2

JUL 29 1974

OFFICE OF
ENFORCEMENT AND GENERAL COUNSEL

PAED #1974-9

MEMORANDUM

TO : All Regional Administrators
All State Program Directors

FROM : Assistant Administrator for Enforcement & General Counsel

SUBJECT: Feedlot Permit Format

Pursuant to requests received at the last Regional Administrator's meeting, a standard permit format for feedlots (except ducks) has been finalized. A copy is attached. The conditions developed reflect the Agency's stated position as contained in the promulgated guideline. It further allows the flexibility felt necessary to assure a viable compliance program.

This format should be used in the feedlot permits that you are presently developing.

Alan G. Kirk II

Attachment

cc: Enforcement Directors
Permits Branch
Individuals at Chicago meeting

Permit No.
Application No.

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; the "Act"),

from a facility located at

is authorized only such discharge as is in accordance with discharge limitations, monitoring requirements and other conditions set forth herein, to receiving waters named

This permit shall become effective on

This permit shall expire at midnight,

Signed this - day of

A. DISCHARGE LIMITATION AND MONITORING REQUIREMENTS

1. Discharge Limitation

- a. During the period beginning _____ and lasting through _____, the permittee shall not discharge process wastewater pollutants to navigable waters except overflow from facilities as defined in paragraph (b) below.
- b. "Facilities" means waste control facilities designed, constructed, and maintained in a state of availability to contain the runoff from _____ inches of rainfall in 24 hours plus _____ gallons of process generated wastewater.

2. Monitoring Recurements

- a. The permittee shall monitor and record precipitation daily using a National Weather Service standard rain gage or equivalent if he elects to maintain a precipitation gage at the facility.
- b. The official precipitation gage for this permit shall be
- c. The permittee shall monitor and record the liquid level of retention facilities _____
(frequency)

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. RECORDING AND REPORTING

1. Annual Report

Discharge occurrences during the previous 12 months shall be reported postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on _____ Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

2. Reporting of Discharge

When a discharge occurs, the permittee shall notify the permit issuing authority as follows:

- a. By telephone, _____, within _____ hours of occurrence or during the first business day following a discharge that occurs on a weekend or holiday, for discharges resulting from precipitation events;
- b. By telephone, _____, immediately upon occurrence, for discharge resulting from non-precipitation events (e.g., dike or structural failure, equipment breakdown, human error);
- c. In writing, within five (5) days of occurrence, with the following information:
 - (1) Cause of the discharge;
 - (2) Period of discharge, including exact dates and times;
 - (3) An estimate of the discharge volume; and
 - (4) Corrective steps taken, if appropriate.

3. Recording of Results

For each measurement taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of measurements;
- b. The person who performed the measurements; and
- c. The methods used.

4. Record Retention

All records and information resulting from the monitoring activities required by this permit shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the State water pollution control agency.

D. MANAGEMENT REQUIREMENTS

1. Change in Discharge

No discharge is authorized herein except those consistent with the terms and conditions of this permit. A discharge of pollutants not authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process

modifications which will result in new, different, or increased probability of discharge of pollutants must be reported by submission of a new NPDES application unless such changes will not violate the discharge prohibition specified in this permit.

2. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

3. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit.

4. Removed Substances

Solids, sludges, liquid wastes, or other pollutants retained in the course of control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

E. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the head of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this

permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State water pollution control agency.

3. Availability of Reports

Except for data determined to be confidential under Section 303 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

5. Toxic Pollutants

Notwithstanding Part E-4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. 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 Act.

7. State Laws

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

8. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. 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.