



Ohio Administrative Code

Rule 901:10-3-01 Additional requirements for a NPDES permit application.

Effective: February 13, 2021

(A) Concentrated animal feeding operations must have or seek to obtain coverage under a NPDES permit within the time frame provided in accordance with 40 C.F.R. 122.23(f) and in division (J) of section 903.08 of the Revised Code.

(B) Unless otherwise indicated, the application for an individual NPDES permit and the NPDES permit (if issued by the director) shall contain the following information:

(1) The information required in rule 901:10-1-02 of the Administrative Code for NPDES permits.

(2) To the extent required by federal law, a manure management plan that complies with the requirements of rules 901:10-2-08 to 901:10-2-11, 901:10-2-13 to 901:10-2-16 and rule 901:10-2-18 of the Administrative Code.

(a) Inspections required in rule 901:10-2-08 of the Administrative Code.

(b) Information on nutrient budget, manure characterization, soil tests, distribution and utilization methods for manure (if applicable to the facility), and land application of manure as required in rules 901:10-2-09 to 901:10-2-14 of the Administrative Code.

(3) An operating record developed in accordance with rule 901:10-2-16 of the Administrative Code with the use of forms prescribed by the director and other forms selected by the owner or operator for the facility and approved by the director. The operating record shall be maintained at the site office at all times. Upon approval of the NPDES permit, the operating record shall be deemed part of the NPDES permit.

(4) An emergency response plan containing the information required in rule 901:10-2-17 of the Administrative Code.



(C) Any person who discharges or proposes to discharge pollutants and who does not have an effective NPDES permit, except persons covered by a general NPDES permit, must submit a complete application to the director in accordance with this rule. The director shall not issue a NPDES permit before receiving a complete application for a NPDES permit except NPDES general permits. An application for a NPDES permit is complete when the director receives an application form and any supplemental information which are completed to his or her satisfaction. All applicants for NPDES permits must provide the following information to the director:

(1) The activities conducted by the applicant, which require it to obtain a NPDES permit;

(2) The following information about the applicant's facilities:

(a) Information about the number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, chickens other than layers, swine weighing fifty-five pounds or more, swine weighing less than fifty-five pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);

(b) The types of manure storage areas, waste containment areas, and total capacity for manure storage (tons/gallons);

(c) The total number of acres under control of the applicant available for land application of manure;

(d) Estimated amounts of manure generated per year (tons/gallons);

(e) Estimated amounts of manure transferred to other persons per year (tons/gallons); and

(f) For operations that must seek coverage under a permit after December 31, 2006, certification that a nutrient management plan has been completed and will be implemented upon the date of permit coverage.

(3) The name and address of the owner and operator and information required by paragraph (C)(1) of rule 901:10-2-01 of the Administrative Code;



- (4) Whether the operation is located on Indian lands;
 - (5) A listing of all permits or construction approvals received or applied for under any of the following programs:
 - (a) Hazardous waste management program under the Resource Conservation and Recovery Act (RCRA);
 - (b) Underground injection control (UIC) program under the Safe Drinking Water Act (SDWA);
 - (c) The "Prevention of Significant Deterioration" (PSD) program under the Clean Air Act;
 - (d) Non-attainment program under the Clean Air Act;
 - (e) "National Emissions Standards for Hazardous Pollutants" (NESHAPS) preconstruction approval under the Clean Air Act;
 - (f) Dredge or fill permits under section 404 of the Clean Water Act;
 - (g) Other relevant environmental permits, including state permits;
 - (6) Latitude and longitude of the production area (entrance to the production area); and
 - (7) A topographic map of the geographic area in which the concentrated animal feeding operation is located showing the specific location of the production area.
- (D) Purpose and applicability of the individual NPDES permit.

Persons that have been issued a NPDES permit by the director are required to comply with the following requirements as determined by the director:

- (1) Rule 901:10-3-10 of the Administrative Code;



- (2) Rules 901:10-3-02 to 901:10-3-06 of the Administrative Code;
- (3) Applicable water quality standards adopted under section 6111.041 of the Revised Code;
- (4) National standards of performance for new sources;
- (5) The antidegradation policy adopted under section 6111.12 of the Revised Code;
- (6) Other applicable requirements of the act; and,
- (7) The terms of the concentrated animal feeding operations manure management plan. For purposes of NPDES permitting, the terms of the manure management plan are the information, protocols, best management practices, and other conditions in the manure management plan determined by the director to be necessary to meet the following requirements:
 - (a) Ensure adequate storage of manure, including procedures to ensure proper operation and maintenance of manure storage or treatment facilities. These requirements include the operating levels, freeboard, and inspections for manure storage or treatment facilities established in the manure management plan pursuant to paragraphs (D)(1) to (D)(3) and (D)(5) to (D)(7) of rule 901:10-2-08 of the Administrative Code;
 - (b) Ensure proper management of livestock mortalities as required in paragraph (A)(4)(m) of rule 901:10-2-08 and rule 901:10-2-15 of the Administrative Code to ensure that there shall be no discharge of pollutants from mortalities to waters of the state and no disposal in a manure or storm water storage or treatment facility that is not specifically designed to treat animal mortalities;
 - (c) Ensure that clean water is diverted, as appropriate, from the production area, in accordance with paragraph (D)(8) of rule 901:10-2-08 of the Administrative Code;
 - (d) Prohibit direct contact of confined animals with waters of the state as required in paragraph (A) of rule 901:10-2-08 of the Administrative Code;
 - (e) Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure



or storm water storage or treatment facility that is not specifically designed to treat such chemicals and other contaminants, as required by paragraph (D)(4) of rule 901:10-2-08 of the Administrative Code;

(f) Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state, as required in paragraph (D)(8) of rule 901:10-2-08 of the Administrative Code;

(g) Identify the protocols for appropriate testing of manure and soil as required in rules 901:10-2-10 and 901:10-2-13 of the Administrative Code;

(h) Identify specific records that will be maintained as required by paragraphs (A)(1)(a) to (A)(1)(f), (A)(1)(k) to (A)(1)(l), (A)(2), (A)(3)(b) to (A)(3)(s), and (A)(6) of rule 901:10-2-16 of the Administrative Code, to the extent they are applicable to the facility's manure management plan;

(i) Establish protocols to land apply manure in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure. The terms of the manure management plan, with respect to protocols for land application of manure, include the land application areas identified as available pursuant to paragraph (C) of rule 901:10-2-09 of the Administrative Code; the field-specific rates of application properly developed, pursuant to the requirements of rule 901:10-2-14 of the Administrative Code, to ensure appropriate agricultural utilization of the nutrients in the manure; and any timing limitations identified in the manure management plan concerning land application on the land application areas. The terms must address rates of application using the approach set forth below, consistent with the requirements of rule 901:10-2-14 of the Administrative Code.

(i) The terms include the maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the manure management plan, in chemical forms determined to be acceptable to the director, in pounds per acre, for each land application area, and certain factors necessary to determine such amounts. At a minimum, the factors that are terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field determined pursuant to paragraphs (D) and (E) of rule 901:10-2-14 of the Administrative Code; the planned crops to be planted in each field or any other uses such as pasture or fallow fields



(including alternative crops identified in accordance with paragraph (D)(1)(g)(ix)(b) of this rule; the realistic yield goal for each crop or use identified for each land application area; and the nitrogen and phosphorus recommendations from appendix C, tables 1, 2, or 3 of rule 901:10-2-14 of the Administrative Code for each crop or use identified for each field. In addition, the terms include the methodology by which the manure management plan accounts for the following factors when calculating the amounts of manure to be land applied: results of soil tests; credits for all nitrogen in the field that will be plant available; the amount of nitrogen and phosphorus in the manure to be applied; consideration of multi-year phosphorus application; accounting for all other additions of plant available nitrogen and phosphorus to the field; the form and source of manure; the timing and method of land application; and volatilization of nitrogen and mineralization of organic nitrogen. The methodology that must be used to account for each of these factors is set forth in rules 901:10-2-13 and 901:10-2-14 of the Administrative Code.

(ii) The terms of the nutrient management plan include alternative crops identified in the concentrated animal feeding operation's manure management plan that are not in the planned crop rotation. Where a concentrated animal feeding operation includes alternative crops in its manure management plan, the crops must be listed by land application area, in addition to the crops identified in the planned crop rotation for that land application area, and the manure management plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations from appendix C, tables 1, 2, or 3 of rule 901:10-2-14 of the Administrative Code for each crop. Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure to be applied must be determined in accordance with the methodology identified in paragraph (D)(1)(g)(ix)(a) of this rule.

(iii) The following projections must be included in the manure management plan submitted to the director, but are not terms of the nutrient management plan: The concentrated animal feeding operation's planned crop rotations for each field for the period of permit coverage; the projected amount of manure to be applied; projected credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application; accounting for all other additions of plant available nitrogen and phosphorus to the field; and the predicted form, source, and method of application of manure, litter, and process wastewater for each crop. Timing of application for each field, insofar as it concerns the calculation of rates of application, is not a term of the manure management plan.



(iv) Concentrated animal feeding operations must calculate maximum amounts of manure to be land applied at least once each year using the methodology identified in paragraph (D)(1)(g)(ix)(a) of this rule before land applying manure and must rely on the following data:

(a) A field-specific determination of soil levels of nitrogen and phosphorus, including, for nitrogen, a concurrent determination of nitrogen that will be plant available consistent with the methodology required by paragraph (D)(1)(g)(ix)(a) of this rule, and for phosphorus, the results of the most recent soil test conducted in accordance with the soil testing requirements set forth in rule 901:10-2-13 of the Administrative Code; and

(b) The results of most recent representative manure tests for nitrogen and phosphorus taken within twelve months of the date of land application in accordance with rule 901:10-2-10 of the Administrative Code, in order to determine the amount of nitrogen and phosphorus in the manure to be applied.

(E) In establishing the terms and conditions of the NPDES permit, the director, to the extent consistent with the act, shall consider technical feasibility and economic costs and shall allow a reasonable period of time for coming into compliance with the permit.

(F) In addition to conditions required in all permits to meet the requirements of rule 901:10-3-10 of the Administrative Code, the director shall establish conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the act and regulations. These shall include conditions under 40 CFR sections 122.44, 122.46, 122.47, 122.48 and 40 CFR Part 132 which establishes compliance schedules and authority to set interim compliance dates.