

WHY IT IS IMPORTANT TO TAKE PART IN THIS ONGOING NPDES EFFORT

Illinois Coalition for Clean Air & Water

ICCAW www.iccaw.org

For many years ICCAW has argued that all livestock facilities over 1000 AU (ie. 2500 weighing swine over 55 lbs) be regulated by this Federal Permit. Comments on the General Permit can be as simple as asking the agency to require all CAFOs to obtain coverage under the water pollution control permit and/or more stringent requirements for waste management.

Unfortunately, due to lax oversight only about 13 livestock facilities are being regulated under the General Permit despite the fact that there are thousands of CAFOs in our state. F

One of the best reasons for requiring a General Permit is to provide public participation and the opportunity for public review of the nutrient (waste) management plan. Under the current state permit program the IDOA does not allow the plan to be available for public review. As such, neighbors are denied the knowledge of where millions of gallons of manure are being dispersed.

Federal laws provide EPA and authorized state regulatory agencies with various methods of taking enforcement actions against violators of permit requirements. For example, EPA and state regulatory agencies may issue administrative orders which require facilities to correct violations and that assess monetary penalties. The laws also allow EPA and state agencies to pursue civil and criminal actions that may include mandatory injunctions or penalties, as well as jail sentences for persons found willfully violating requirements and endangering the health and welfare of the public or environment. Equally important is how the general public can enforce permit conditions. The facility monitoring reports of CAFOs in your community under a NPDES permit are public documents, and the general public can review them. Then, if any member of the general public finds that a facility is violating its NPDES permit, that member can independently start a legal action, unless EPA or the state regulatory agency has taken an enforcement action.

More Background

A large body of scientific evidence has accumulated in the last decade demonstrating that CAFOs are a clear threat to the integrity of this nation's surface waters. Because of Illinois' hydrology and topography, all CAFOs are exposed to climatic conditions that cause them to discharge. Nearly all operators must land-apply waste in a climate with frozen, snow-covered, or saturated ground during several months of the year - often on fields located up-slope from waters of the U.S.

Moreover, large tracts of land in Illinois are tiled, creating innumerable direct conduits for pollutants to travel from production and land application areas into waters of the U.S. Further, **CAFOs by nature do not have adequate land bases to absorb the excess nutrients they produce and dispose of through land application.** Data from the United States Department of Agriculture's 1997 Census of Agriculture demonstrates that a considerable portion of the nutrients

from manure generated at CAFOs exceed crop nutrient needs, both at the facility and local county levels.

Illinois presents unique circumstances that must be considered when adapting federal CWA rules to local conditions.

- **First, Illinois boasts a particularly intensive livestock industry. This state is the fourth largest hog producer in the country** The magnitude of our livestock industry necessarily means that the state will have a lot of manure waste to deal with and needs strong rules to protect water quality and our quality of life.
- **Second, Illinois has an abundance of surface waters: nearly 120,000 stream miles and over 300,000 lake acres.**
- **Third, Illinois has been extensively tile-drained, which allows pollution to reach surface waters more quickly and easily.**
- **Fourth, Illinois' relatively long winters create a narrower window within which to safely land-apply manure.**

It should be made clear that all CAFOs in Illinois should be required to apply for permit coverage under this permit. This is because all of them discharge at some point and this is the only way for the agency to assert proper regulatory oversight over this industry.

Why do all CAFOs in IL need to be required to have permits?

Suggested Comments:

- CAFOs cause water pollution, not only from the CAFO buildings themselves, but also their land application areas, mortality composting sites, and on roads where manure is transported
- It is IEPA's responsibility to protect and restore the state's waters. IEPA - not the Illinois Department of Agriculture
- The IEPA needs to better regulate CAFOs before they pollute
- Issuing NPDES permits will help regulate the industry and keep the public informed. .
- Pursuant to federal law, CAFOs have to submit their waste management plans and those plans need to be made available to the public for comment before IEPA issues an NPDES permit to a CAFO.
- Illinois the only state in the region, if not the country, that doesn't have any kind of environmental operating permits to regulate CAFOs
- Most states require regulatory oversight over both construction and operation.
- Illinois has created a safe haven for polluters and thus has to stop • Talk about instances of WATER pollution events or other bad waste management practices
- Often pollution events occur without anyone knowing and/or without regulatory oversight and many CAFO operators claim that they are allowed to pollute water under an "ag-stormwater

exemption” when they actually don't qualify for that exemption because they aren't following proper practices.

- The IEPA needs to put in place a regulatory structure that will better allow citizens to monitor for improper waste disposal in their neighborhoods This could be done by requiring and making publicly available agency approved waste management plans through permitting or a registration program administered by IEPA
- All owners, operators, and integrators need to be identified in permit applications
- Often times it is difficult to know who is responsible for CAFO pollution or who should be made aware of problems at a CAFO
- Requiring this information will help the agency and the public quickly identify the responsible parties. Often CAFOs layer LLCs, so it's hard to identify who really owns/operates, or manages
- There need to be greater setbacks from water water wells and drinking water supplies.
- Major changes to waste management plans or the amount of waste being produced at a CAFO should trigger the requirement to apply for a new permit
- There need to be stronger protections for all waters of the state (not just waters of the U.S.
- All livestock facilities with 1,000 animal units or more (i.e. 2,500 55 lb. or over swine) must apply for the CAFO NPDES General Permit before operating their facility and maintain coverage under an operating permit for the duration of their operation
- All CAFOs must submit a nutrient management plan to IEPA that is available for public review and public comment.
- The CAFO NPDES General Permit should include groundwater and surface water monitoring that includes reporting to IEPA so that the public has access to information about the quality of their local water.
- Require greater setbacks of livestock waste sites near surface waters, water supply wells, homes, businesses, recreation facilities, and other locations where protections of public health and environment are needed.
- Livestock waste runoff onto or nuisance odors to neighboring properties should be de facto violations of a General NPDES CAFO permit.

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