**Section 502.101 NPDES Permit** **Requirement and Duty to Maintain Permit Coverage**

a) A Concentrated Animal Feeding Operation (CAFO) is a point source. Any discharge of pollutants into the waters of the United States from a CAFO is prohibited unless authorized by an NPDES permit or unless the discharge is an agricultural stormwater discharge as described in Section 502.102(b). A person must not cause or allow a discharge from a CAFO that violates federal or State law, including the Clean Water Act (CWA) (33 U.S.C. 1251), the Act, or Board rules.

b) The owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges.

c) The owner or operator of a CAFO that discharges must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit. If the Agency has not made a general permit available to the CAFO, the CAFO owner or operator must apply for an individual permit to the Agency. All permit applications and applications for permit modifications must contain the information stated in Subpart B.

d) Any permitted CAFO must apply for reissuance of the NPDES permit at least 180 days before the NPDES permit expires unless the CAFO will not discharge after the NPDES permit expires.

e) The owner or operator of a new CAFO that will discharge must apply for NPDES permit coverage at least 180 days before the time that the CAFO begins operation.

f) Once an Animal Feeding Operation is defined as a CAFO for at least one type of animal, the NPDES permit requirements for CAFOs apply to all confined animals at the animal feeding operation and all livestock waste generated by those animals or the production of those animals.

(Source: Amended at 48 Ill. Reg. 3196, effective February 15, 2024)