**Section 309.208 Permits for Sites Receiving Sludge for Land Application**

a) A construction and an operating permit are required under this Chapter for any site receiving sludge for land application unless:

1) The site receives only livestock wastes; or

2) The site receives only septic tank sludges generated from domestic sources; or

3) The site is regulated under the Board's rules; or

4) The site is specifically identified in an approved sludge management scheme of an operating or NPDES permit issued by the Agency and receives sludge exclusively from the permittee; or

5) All of the following conditions are satisfied:

A) The site is not specifically identified in an NPDES or operating permit of any treatment works or pretreatment works but receives sludge from a treatment works or pretreatment works that has either a valid operating permit issued by the Agency or an NPDES Permit with a sludge management scheme approved by the Agency. The sludge generator must inform the user that this requirement has been met; and

B) The sludge user applies the sludge to less than 121 hectares (300 acres) under common ownership or control in any year; and

C) The sludge is transported, stored and applied by the user in compliance with the approved sludge management scheme of the generator from which the user receives the sludge. Any person who intends to transport, store or apply sludge in any manner other than that described in the approved sludge management scheme must apply for a permit.

b) Regardless of subsections (a)(1) through (5), the Agency may require a user receiving sludge for land application to obtain a permit under this Section when the Agency determines that special circumstances require a permit to protect the environment or the public health. In making its determination, the Agency must consider the following factors:

1) Where the sludge will be stored;

2) The proposed rate and method of application of the sludge to the receiving site;

3) The quality (constituents and concentrations) of the sludge to be applied to the receiving site; and,

4) The geological and hydrological characteristics of the receiving site, including proximity to waters of the State.

c) No permit may be required under subsection (b) for a user receiving sludge for land application unless the owner or operator is notified in writing of the requirement to apply for a permit. That notification must include a statement of the special circumstances requiring the site to be permitted. The requirement of a permit is reviewable only in a permit appeal proceeding.

d) Generators and haulers of municipal water or wastewater treatment plant sludge, which is to be applied to land and which is regulated under this Chapter, need not obtain a special waste hauling permit or prepare, carry and complete a manifest under 35 Ill. Adm. Code 706.

e) The Agency may establish and revise criteria according to Section 309.262 for designing, operating, and maintaining facilities regulated under this Section.

f) For purposes of permit issuance and approval of a sludge management scheme, proof of conformity with Agency criteria is prima facie evidence of no violation of the Act or this Chapter. However, nonconformity with Agency criteria is not grounds for denying a permit or disapproving a sludge management scheme if the applicant submits adequate information showing that the way the sludge will be stored, transported, and applied will not cause a violation of the Act or this Chapter.

(Source: Amended at 47 Ill. Reg. 5017, effective March 23, 2023)