**Section 391.APPENDIX A Applicable Board Rules From 35 Ill. Adm. Code: Subtitle C, Chapter I**

Section 309.155 Terms and Conditions of NPDES Permits Concerning Sewage Sludge Disposal

In establishing the terms and conditions of each issued NPDES permit, the Agency shall apply and ensure compliance with applicable regulations promulgated under Section 405 of the CWA governing the disposal of sewage sludge from treatment works.

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 tank sludges generated from domestic sources; or

3) The site is regulated under Parts 700 et seq. of the Board's regulations; 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 which has a valid operating permit issued by the Agency, or an NPDES permit with a sludge management scheme approved by the Agency. The sludge generator shall inform the user that this requirement has been met; and

B) The sludge user applies the sludge to less than 121 ha (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) Notwithstanding subparagraphs (1) through (5) of paragraph (a), 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 exist such that a permit is required to protect the environment or the public health. In making its determination, the Agency shall 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 shall 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 Part 706 of the Board's Special Waste Hauling regulations.

e) The Agency may establish the revise criteria in accordance with Rule 309.262 of this Chapter for the design, operation, and maintenance of facilities regulated under this Rule.

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