



## ENVIRONMENTAL PROTECTION DIVISION

### Summary Page

**Name of Facility** General LAS Permit for Animal Feeding Operations - More than 1000 Animal Units

**LAS Permit No.** GAG940000

This permit is a reissuance of an LAS general permit for Animal Feeding Operations – More than 1000 Animal Units

The permit was placed on public notice from **XXXX XX, XXXX to XXXX XX, XXXX**.

### **Please Note The Following Changes to the Proposed LAS Permit From The Existing Permit**

#### Part I.C.1.

- Separated item a. into two parts to clarify NOI differences for general and individual permitholders.

#### Part I.C.2.

- Updated to revise NMP approval date to April 1, 2019 or later.

#### Part I.C.9.

- Added condition requiring the submission of a semi-annual progress report when reporting the cessation of facility operation until the date closure is certified.

#### Part II.C.3.

- Added condition requiring the submission of a semi-annual progress report when reporting the cessation of facility operation until the date closure is certified.

#### Part II.F.3.

- Added clarification that monitoring wells are required for all operations commencing or expanding on or after September 15, 2003.

#### Part VI

- The definition of “animal unit” has been revised to align with the list provided at Rules and Regulations of the State of Georgia 391-3-6-.21.



## ENVIRONMENTAL PROTECTION DIVISION

### Summary Page

#### **Final Permit Determinations and Public Comments**

- Final issued permit did not change from the draft permit placed on public notice.
- Public comments were received during public notice period.
- Public hearing was held
- Final permit includes changes from the draft permit placed on public notice. See attached permit addendum and/or permit fact sheet addendum.



**GENERAL LAND APPLICATION SYSTEM PERMIT FOR  
ANIMAL FEEDING OPERATIONS – MORE THAN 1000 ANIMAL UNITS**

In accordance with the provisions of the Georgia Water Quality Control Act (O.C.G.A. §12-5-20), and the Rules and Regulations (Chapters 391-3-6-.21, as amended) promulgated pursuant thereto, this permit is issued for animal feeding operation waste storage and disposal within the State of Georgia.

Owners of existing, new, and expanding animal feeding operations (more than 1000 animal units category) that are required to have a land application system permit shall, on submittal of a Notice of Intent and after acknowledgement by the Environmental Protection Division of coverage under this permit, carry out the land application of animal feeding operation waste in accordance with the limitations, monitoring requirements, and other conditions set forth in this permit.

This permit is conditioned upon the permittee complying with the limitations, monitoring requirements and other conditions set forth in the permit, with the statements, plans, and supporting data submitted with the Notice of Intent and filed with the Environmental Protection Division of the Department of Natural Resources and with any requirements specified in the Notice of Coverage letter.

**This general permit shall become effective on April 1, 2019.**

**This permit and the authorization to discharge shall expire at midnight March 31, 2024.**



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**Jeffrey W. Cown, Director  
Environmental Protection Division**

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**PART I Coverage Under This General Permit**

**A. Eligibility for Coverage & Permit Coverage Area**

1. This permit regulates the land application of process wastewater generated by large Animal Feeding Operations (AFO) (More than 1000 Animal Units) in the State of Georgia.
2. This permit does not authorize coverage to the following land treatment or disposal systems:
  - a. Systems associated with or containing biosolids;
  - b. Systems that are covered by an individual land application system permit;
  - c. Systems associated with or containing grease trap waste;
  - d. Systems associated with or containing industrial, commercial, hazardous, or non-biodegradable wastes or municipal solid wastes; or
  - e. Systems associated with or containing domestic septage.

**B. Authorized Operations**

1. Any person who is the owner of an AFO with more than 1000 AU and uses a liquid manure handling system must submit a Notice of Intent (NOI) and an initial or updated Nutrient Management Plan (NMP) in accordance with this permit to be authorized for coverage under this General Permit. Such Notice of Intent shall be on forms prescribed and furnished by EPD in Part I.C.4.
2. Coverage under this General Permit shall be effective upon receipt of a Notice of Coverage (NOC) letter from EPD.
3. EPD may deny coverage under this permit and require submittal of an application for an individual permit based on a review of the NOI or other information.

**C. Permit Application, Termination, and Facility Closure Requirements**

Any person wishing to obtain coverage under this General Permit shall submit an NOI in accordance with the following schedule:

1. NOI For Existing Operations Already Covered Under an Individual Permit or Applicable General Permit
  - a. The owner/operator of any AFO currently covered under the existing AFO General Permit that is seeking coverage under this permit must submit a complete application (NOI) to the Georgia EPD within 30 days of the effective date of this permit. For any AFO covered under the existing AFO General

Permit that meets this deadline, authorization under this General Permit is automatically continued until coverage is granted under this permit. If complete NOI and NMP are not submitted within 30 days of the permit effective date, permit coverage will be terminated.

- b. The owner/operator of any AFO that submitted an application for an individual permit prior to issuance of this General Permit and is now seeking coverage under this permit must submit a complete application (NOI) to the EPD within 30 days of the effective date of this permit.
- c. Facilities that currently have operations covered under an individual National Pollutant Discharge Elimination System (NPDES), General NPDES, or LAS permit and seeking coverage under this General Permit shall submit a completed application (NOI) in accordance with the requirements of this permit at least one-hundred-and-eighty (180) days prior to their current permit's expiration date. If applicable, any time during the existing individual NPDES permit cycle, the permittee may submit a completed NOI and NMP in accordance with the requirements of this permit. Such NOIs shall be on forms as provided by EPD. Coverage under this General Permit shall be effective upon the date of the Notice of Coverage letter as provided by EPD.
- d. EPD may delay the permittee's authorization for further review, may notify applicants that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES Permit. EPD will notify permittees in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

2. Submittal of the Nutrient Management Plan (NMP) for Existing Operations

The Nutrient Management Plan (NMP) and other required reports and forms shall be submitted to EPD.

- a. The permittee must provide a certification no later than one-hundred-and-eighty (180) days after obtaining coverage under the General Permit that the NMP was submitted and approved on or after April 1, 2019, or
- b. If the NMP was not submitted and approved on or after April 1, 2019, then the permittee must submit an updated NMP no later than one-hundred-and-eighty (180) days after obtaining coverage under the General Permit.
- c. If the permittee has submitted an NMP and has not received an approval letter from EPD on or after April 1, 2019 and prior to this permit reissuance, there is no requirement to submit another plan.
- d. Failure to obtain an approved NMP will result in coverage under this permit being modified, terminated, or revoked and reissued in whole or in part during its term.

3. NOI for New or Expanding Operations

New or expanding operations seeking coverage under this General Permit must submit a completed NOI and NMP at least one-hundred-and-eighty (180) days prior to the date of desired coverage. The NMP must be submitted and approved prior to obtaining coverage under this permit.

EPD may delay the permittee's authorization for further review, may notify applicants that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES Permit. EPD will notify permittees in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

4. Contents of the NOI

An NOI shall be on forms prescribed and furnished by EPD. The NOI requires, at a minimum, the following information to be submitted:

- a. Name of the facility;
- b. Any and all information related to the facility contact person;
- c. Location and mailing address of the facility;
- d. A brief description of the operation;
- e. Applicable Standard Industrial Code(s);
- f. Number and type of animals; and
- g. Other information prescribed on the forms.

5. Requiring an Individual Permit

EPD may require any AFO eligible for coverage under this General Permit to apply for, and obtain, an individual NPDES or Land Treatment permit. EPD will notify the owner, in writing, that an application for an individual permit is required and specify the time frame and procedure for application submission. Coverage of the operation under this General Permit is automatically terminated when: (1) the owner fails to submit the required permit application within the defined time frame; (2) the owner fails to submit a NMP within the defined time frame; or (3) the individual NPDES permit is final and effective by EPD.

6. Transfer of Ownership or Control

A permit may be transferred to another person by a permittee if:

- a. The permittee notifies EPD in writing of the proposed transfer at least thirty (30) days in advance of the proposed transfer;
- b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and proposed permittee

(including acknowledgment that the existing permittee is liable for violations up to that date, and that the proposed permittee is liable for violations from that date on) is submitted to EPD at least thirty (30) days in advance of the proposed transfer with the required NOT and NOI forms; and

- c. The Director, within thirty (30) days, does not notify the current permittee and the proposed permittee of EPD's intent to modify, revoke and reissue, or terminate the permit.

7. Expansion of System

The permittee shall submit an updated NMP for review and approval one-hundred-and-eighty (180) days prior to modifying, increasing the number of animals, or adding any spray fields.

8. Termination of Coverage

A permittee that has ceased operation of the activity for which the permit coverage was obtained must submit a Notice of Termination (NOT) within ninety (90) days after the activity has permanently ceased.

9. Facility Closure

The approved NMP must include a Closure Plan for the abandonment of any facility used for the treatment or storage of animal waste.

- a. In accordance with the Georgia Rules and Regulations For Water Quality Control, Chapter 391-3-6-.21, when the owner ceases operation of the AFO, the permittee must notify EPD in writing of that fact within three (3) months, and
- b. The owner must properly close all waste storage lagoons within twenty-four (24) months. Proper closure of a lagoon, at a minimum, entails removing all waste from the lagoon and land applying it at agronomic rates in accordance with an approved NMP.
- c. Semi-annual reports documenting the status of closure activities must be submitted to EPD no later than June 31 and December 31 of each year following the notification provided per Part I.C.9.a. of this Permit, until closure has been completed per Part I.C.9.b. of this Permit.

**D. Signatory Requirements**

All reports, certifications, data or information submitted in compliance with this permit or requested by EPD must be signed and certified as follows:

- a. Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:
  1. For a corporation, by a responsible corporate officer. A responsible corporate officer means:
    - i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or
    - ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
  3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- b. All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (a) above or a duly authorized representative of such person, if:
  1. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
  2. The authorization is made in writing by the person designated under (a) above; and
  3. The written authorization is submitted to the Director.
- c. Any changes in written authorization submitted to the permitting authority under (b) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (b) and (b.1) and (b.2) above.

d. Any person signing any document under (a) or (b) above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

## **PART II      Effluent Limitations, Notification, and Inspections**

### **A.      General Requirements**

1. The land treatment system will be operated in accordance with the design criteria in the approved NMP, the permit application, and/or other written agreements between EPD and the permittee.
2. Unless otherwise approved, no manure and/or process wastewater shall be applied to a site that is frozen, flooded, snow-covered, and/or when conditions are such that the applied wastewater will not be absorbed into the soil. If it is raining or if the soil is saturated, then manure and process wastewater application shall not take place.
3. Land application shall take place within the permitted boundaries identified in the NMP. Manure and process wastewater may be transferred from the permitted facility in accordance with off-site transfer procedures specified in the NOI and NMP.
4. The land treatment system must be operated as a no discharge to surface water system. Corrective actions, which could include curtailing or ceasing production, shall be undertaken if the application rate cannot satisfactorily be handled by the currently approved spray field(s). Agricultural storm water is not considered a discharge. Precipitation-related discharges qualifying as agricultural storm water discharges are not subject to these permit requirements.

### **B.      Monitoring**

1. Analyses required semiannually (January – June and July – December) will be performed on or before the last day of June and December. Analyses required annually will be performed on or before the last day of December. EPD may require additional monitoring.

#### **2. Monitoring Procedures**

Analytical procedures, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and procedures listed in 40 CFR Part 136. The analytical methods used must be sufficiently sensitive.

#### **3. Detection Limits**

All parameters will be analyzed using the appropriate detection limits. If the results for a given sample are such that a parameter is not detected at or above the specified detection limit, a value of "NOT DETECTED" will be reported for that sample and the detection limit will also be reported.

4. Additional Monitoring Requirements

- a. Upon written request by EPD, the permittee may be required to collect and analyze additional samples including but not limited to soils, surface water, ground water, and/or stored waste in a manner and frequency specified by EPD.
- b. Upon written request by EPD, the permittee may be required to conduct ambient monitoring of surface and/or ground water. This can occur before or after the NMP is approved for facilities with environmental concerns or facilities impacting impaired water bodies.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall have record of the following information:

- a. The exact place, date, and time of sampling or measurements, and the person(s) performing the sampling or the measurements;
- b. The dates and times the analyses were performed, and the person(s) performing the analyses;
- c. The analytical techniques or methods used;
- d. The results of all required analyses.

6. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data.

7. Record Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the NOI for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. That period may be extended by request of EPD at any time.

**C. Reporting**

1. Semi-Annual Reporting

Analytical results required by this permit shall be summarized on an Operation Monitoring Report (OMR) form. The OMR forms shall be completed twice per year with the summarized monitoring results, signed in accordance with the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6-.19(5)(e), and shall be maintained on file at the operation, unless otherwise notified in writing by EPD. EPD may require the reporting of additional monitoring results or more frequent reporting.

Semi-annual reports documenting the status of closure activities must be submitted to EPD no later than June 31 and December 31 of each year in accordance with Part I.C.9. of this Permit.

2. Annual Reports

Annual reports for the previous calendar year (January through December) shall be summarized and reported on the "Georgia LAS AFO Permit Annual Report" form as prescribed by EPD. This form and any other required reports and information shall be completed, signed in accordance with the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6-.19(5)(e) and submitted to EPD, postmarked no later than the 15th day of February each year.

3. All reports or information generated in compliance with this permit must be signed in accordance with the Georgia Rules and Regulations For Water Quality Control, Chapter 391-3-6-.19(5)(e).

**D. Submittal of Information**

The permittee shall furnish to EPD any information which EPD may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit or to determine compliance with this permit. The permittee shall also furnish to EPD upon request, copies of records required to be kept by this permit. Where the permittee becomes aware that it failed to submit any relevant information in a NOI or NMP, or submitted incorrect information in a NOI or NMP or in any report to EPD, the permittee shall promptly submit such facts or information.

## **E. Limitations and Monitoring Requirements**

### **1. Waste Storage Lagoon or Structure**

- a. The permittee may be required to sample for additional parameters. If it is determined that a waste storage lagoon or structure is creating a groundwater contamination problem, EPD may require the lagoon or structure to be repaired, or may require additional corrective action.

Parameter (Units)	Monitoring Requirements		
	Measurement Frequency	Sample Type	Sample Location
Total Flow (MGD)	Daily	Total	Effluent to spray field
TKN (mg/L as N)	Semiannually	Grab	Effluent to spray field
Nitrate as Nitrogen (mg/L as N)	Semiannually	Grab	Effluent to spray field
Total Phosphorus (mg/L)	Semiannually	Grab	Effluent to spray field

- b. EPD recommends monitoring for Ammonia Nitrogen be performed in addition to the parameters listed above to quantify loading to spray fields.

### **2. Soil Monitoring Requirements**

Representative samples shall be collected from each major soil series present within the land application area. The samples shall be analyzed in accordance with the latest edition of Methods of Soil Analysis (published by the American Society of Agronomy, Madison, Wisconsin) or other methods approved by EPD. The soil samples shall be analyzed for the parameters and at the frequency listed below:

Parameter	Measurement Frequency
Soil Fertility Test	Annually

The soil fertility test is to include soil pH, phosphorus, potassium, calcium, magnesium, zinc, and manganese using the Mehlich I extraction procedure. The permittee may be required to sample for additional parameters as requested by EPD.

### **3. Groundwater Limitations and Monitoring**

The waste storage and disposal system shall be designed and operated in which the groundwater in the wells must not exceed the primary maximum contaminant levels (MCLs) for drinking water. The maximum contaminant level for nitrate nitrogen is 10.0 mg/l, as amended in the Safe Drinking Water Rules and Regulations for Water Quality Control, Chapter 391-3-6-.21(4)(h)(3)(i). The groundwater shall be monitored from each groundwater monitoring well by the permittee for the parameters and at the frequency listed below:

Parameter	Measurement Frequency
TKN (mg/L as N)	Semiannually
Nitrate as Nitrogen (mg/L as N)	Semiannually
Depth to Groundwater	Semiannually

The permittee may be required to sample for additional parameters.

- a. For operations commencing or expanding on or after September 15, 2003, a monitoring well system that is sufficient to monitor groundwater down and/or cross gradient from the waste storage lagoons or structures shall be installed and monitored. The plan for installing monitoring wells shall be submitted with the NMP and reviewed and approved by EPD. All newly constructed wells shall be installed in accordance with the Georgia Department of Natural Resources Manual for Groundwater Monitoring (September 1991, as amended). The wells must be installed prior to beginning the animal feeding operation.

### **4. Measurement of Rainfall**

A rain gauge shall be installed and properly maintained at the facility. A written log of all measurable rainfall events shall be retained on site in accordance with Part II.C.3 of this permit.

## **F. Compliance**

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Act, and the Georgia Rules and Regulations for Water Quality Control and is grounds for any of the following:
  - a. Enforcement action;
  - b. Permit termination, revocation and reissuance;
  - c. Denial of a permit renewal application; or

- d. Requiring a permittee to apply for and obtain an individual permit.
2. It shall not be a defense of the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.
3. The permittee must implement corrective actions if the permitted waste disposal system has caused the Nitrate Nitrogen (NO<sub>3</sub>-N) to exceed 10 mg/l as described. The permittee must submit a Corrective Action Plan to the Director within thirty (30) days of becoming aware of such condition.
4. The Corrective Action Plan will be implemented by the permittee immediately upon EPD approval.

**G. Noncompliance Notification**

1. If, for any reason the permittee does not comply with, or will be unable to comply with any terms and limits specified in the permit, the permittee shall provide EPD with an oral report within twenty-four (24) hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including the exact date and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - c. The steps taken to reduce, eliminate, and prevent recurrence of the non-compliance.
2. If, for any reason the permittee anticipates a noncompliance event, the permittee shall give written notice to EPD at least ten (10) days before:
  - a. Any planned changes in the permitted facility; or
  - b. Any activity that may result in noncompliance with the permit.
3. The permittee must report all instances of noncompliance not reported under other specific reporting requirements, at the time monitoring reports are submitted. The reports shall contain the information required under conditions of twenty-four (24) hour reporting.

## **PART III     Operational and Management Requirements**

### **A.     Facility Operation**

1. The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
2. Proper operation of the land treatment system also includes the best management practices of establishing and maintaining crops, vegetation, forage growth or post-harvest residues in the normal growing season on the land application site.

### **B.     Operator Certification Requirements**

1. The permittee shall ensure that the operator in charge of the daily operation of the land application and treatment system is a certified animal feeding operator in accordance with the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6-.21(5) and the Rules of the Georgia Department of Agriculture Animal Industry Division, Chapter 40-16-5.
2. The operator in charge of the land application and treatment system shall be certified prior to beginning the animal feeding operation.

### **C.     Laboratory Analyst Certification Requirements**

The permittee shall ensure that, when required by O.C.G.A. § 43-51-6 (Ga. Rule 750-3-.01), the person in responsible charge of the laboratory performing the analyses for determining permit compliance is certified in accordance with the Georgia Certification of Water and Wastewater Treatment Plant operators and Laboratory Analysts Act, as amended, and the Rules promulgated thereunder.

### **D.     Best Management Practices**

The permittee will implement best management practices to control the discharge of hazardous and/or toxic materials from ancillary activities. Such activities include, but are not limited to, materials storage, in-plant transfer, process and material handling, loading and unloading operations, managing plant site runoff, and sludge and waste disposal.

### **E.     Adverse Impact**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the

environment, including such accelerated or additional monitoring as necessary to determine the nature and impact of a noncomplying discharge.

**F. Irrigation Control**

Irrigation systems shall be managed so as to: (1) not allow ponding or puddling of wastewater on permitted spray fields; and (2) protect ground and surface water in accordance with the State Rules.

**G. Liner Requirement for Waste Storage Lagoons**

1. Existing Storage Lagoons

If it is determined that an existing waste storage lagoon is exceeding a MCL for drinking water, EPD will require the owner to repair the lagoon, close the lagoon, or take other actions to protect the ground water.

2. New Storage Lagoons

All waste storage lagoon(s) must be constructed to ensure that seepage is limited to a maximum of 1/8 inch per day ( $3.67 \times 10^{-6}$  cm/sec). For waste storage lagoons located within significant ground water recharge areas which fall within the categories defined in the Georgia Department of Natural Resources Rules for Environmental Planning Criteria, Chapter 391-3-15-.02(3)(e), the lagoons must be provided with either a compacted clay or a synthetic liner such that the vertical hydraulic conductivity does not exceed  $5 \times 10^{-7}$  cm/sec or other criteria as determined by EPD. Individual waste storage lagoons shall not exceed 100 acre-feet in volume.

## **PART IV Standard and General Permit Conditions**

### **A. Permit Modification**

Coverage under this permit may be modified, terminated, or revoked and reissued in whole or in part during its term for causes including, but not limited to:

- a. Permit violations;
- b. Obtaining permit coverage by misrepresentation or by failure to disclose all relevant facts;
- c. Changing any condition that requires either a temporary or permanent reduction or elimination of the permitted land application; and
- d. Significant changes in animal feeding operation manure and process wastewater characteristics not addressed in the NOI or approved NMP.

The filing of a request by the permittee for permit modification, termination, revocation and reissuance, or notification of planned changes or anticipated noncompliance does not negate any permit condition.

### **B. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

### **C. Previous Permits**

All previous State wastewater permits issued to this facility, whether for construction or operation, are hereby revoked by the issuance of this permit. This action is taken to assure compliance with the Georgia Water Quality Control Act, as amended.

### **D. Right of Entry**

The permittee shall allow the Director of EPD and/or authorized representatives, agents, or employees after they present credentials:

1. To enter the permittee's premises where a regulated activity or facility is located, or where any records required by this permit are kept; and
2. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any facilities, equipment (including

monitoring and control equipment), practices, or operations regulated or required under this permit; and to sample any substance or parameters at any location.

**E. Criminal and Civil Liability**

The permittee is liable for civil or criminal penalties for noncompliance with this permit and must comply with applicable State laws including promulgated water quality standards. The permit cannot be interpreted to relieve the permittee of this liability even if it has not been modified to incorporate additional requirements.

**F. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

**G. Penalties**

1. The State Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine or by imprisonment, or by both. The State Act also provides procedures for imposing civil penalties which may be levied for violations of the Act, any permit condition or limitation established pursuant to the Act, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director of EPD.
2. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

**H. Severability**

The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the provision does not affect other circumstances or the remainder of this permit.

**I. Contested Hearings**

Any person who is aggrieved or adversely affected by an action of the Director of EPD shall petition the Director for a hearing within thirty (30) days of notice of such action.

**J. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

**K. No Point Source Discharge(s) of a Pollutant to Surface Waters of the State**

The land treatment system must be operated and maintained to ensure there is no point source discharge(s) of pollutants to surface waters of the State. Agricultural storm water is not considered a discharge.

**L. Expiration of Permit and Duty to Reapply**

This permit will expire five (5) years from the effective date. The permittee must re-apply for permit coverage no later than thirty (30) days from the expiration date of the permit. If this permit is not reissued or replaced prior to the expiration date, the permit will be administratively continued and remain in force and effect. Any permittee who has submitted a completed application as provided by EPD within thirty (30) days of the expiration date of the permit and has been granted permit coverage will automatically remain covered by the administratively continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the permittee must comply with the application conditions of the new permit to maintain authorization to operate the land application and treatment system;
2. Issuance of an individual permit for the operations;
3. A formal decision by the permitting authority not to reissue this general permit, at which time the permittee must seek coverage under an individual permit; or
4. The permitting authority grants the permittee's request for termination of permit coverage.

## **PART V      Nutrient Management Plan (NMP)**

### **A.      NMP Retention**

Permittees must retain on site a copy of the permit and the mostly recently approved NMP.

### **B.      Elements of a NMP**

Each AFO covered by this permit shall develop and implement a site-specific NMP that includes the following elements as appropriate to the needs and circumstances of the permitted facility: animal outputs: manure handling and storage, land application of manure and wastewater, site management, record keeping, and other manure utilization options. Not all operations will require all elements. The NMP should include emergency response planning and a closure plan for abandonment of any facility used for the treatment or storage of animal waste. The NMP must be designed and implemented to meet the requirements of the Rules.

Each NMP shall specifically identify and describe practices that are to be implemented to assure compliance with the limitations and conditions of this permit. NMPs must contain the following information:

1. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;
2. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;
3. Ensure that clean water is diverted, as appropriate, from the production area;
4. Prevent direct contact of confined animals with waters of the State;
5. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
6. 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;
7. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;
8. Establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater; and

9. Identify specific records that will be maintained to document the implementation and management of the minimum elements described in paragraphs B.1 through B.8 above in this section.
10. The NMP shall be signed by the owner or other signatory authority in accordance with the requirements of the permit.

**C. Certified Specialists to Develop NMPs**

The NMP must be developed and signed by a Certified Specialist by the Georgia Department of Agriculture or Certified Conservation Planner through an NRCS recognized program in accordance with Georgia Rules and Regulations Chapter 40-16-6. However, on a case-by-case basis, EPD may approve a NMP by another qualified individual, such as a registered professional engineer.

**D. Duty to Amend the NMP**

1. The permittee must amend the NMP whenever the facility makes a substantive change in how it manages its operations, including the location, method, timing or frequency of land application. The NMP does not need to be amended as long as the total loading to the land application fields are the same.
2. The permittee must amend the NMP when growing a crop that has a lower nitrogen uptake rate. The NMP does not need to be amended as long as the total potential nitrogen uptake rate is the same or higher.
3. When applicable, where the facility is located in an impaired watershed, EPD may review the NMP and direct the permittee to amend it as part of the TMDL process. The facility should complete an annual review of the NMP to assess its adequacy in protecting water quality.

**E. NMP Implementation**

It is the permittee's sole responsibility to ensure that the effective implementation of the NMP results in compliance with all permit conditions.

**PART VI Annual Report**

1. The permittee must submit an annual report by February 15<sup>th</sup> of each year.
2. The annual report must include the following information:
  - a. The number and type of confined animals, whether in open confinement or housed under roof;
  - b. Estimated amount of total manure and process wastewater generated in the previous 12 months (tons and gallons, respectively);
  - c. Estimated amount of total manure and process wastewater transferred to other persons in the previous 12 months (tons and gallons respectively);
  - d. Total number of acres for land application covered by the nutrient management plan;
  - e. Total number of acres under control of the permittee that were used for land application of manure and process wastewater in the previous 12 months;
  - f. Summary of all manure and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and
  - g. A statement indicating whether the current version of the permittee's NMP was developed or approved by a certified nutrient management planner.

## PART VII Definitions

All terms used in this permit shall be interpreted in accordance with the definitions contained in the Rules and Regulations for Water Quality Control, unless otherwise defined in this permit.

**"Animal feeding operation (AFO)"** means a lot or facility (other than an aquatic animal production facility or swine feeding operation with more than 3000 AU) where animals have been, are, or will be stabled or confined and fed or maintained for a total of at least 45 days in any 12-month period, and the confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.

**"Animal unit (AU)"** is a unit of measurement for any AFO calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

1. "300 AU" means three hundred animal units. Paragraph 391-3-6-.21 (2) (c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 300 AU:
  - a. 200 mature dairy cattle (whether milked or dry cows),
  - b. 300 veal cows,
  - c. 750 swine each weighing over 55 pounds
  - d. 300 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs,
  - e. 150 horses,
  - f. 3,000 sheep or lambs,
  - g. 16,500 turkeys,
  - h. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
  - i. 1,500 ducks, if the AFO uses a liquid manure handling system.
2. "1000 AU" means one thousand animal units. Paragraph 391-3-6-.21 (2) (c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 1000 AU:
  - a. 700 mature dairy cattle (whether milked or dry cows),
  - b. 1,000 veal calves,
  - c. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
  - d. 10,000 swine each weighing less than 55 pounds (immature swine or nursery pigs)
  - e. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs,
  - f. 500 horses,
  - g. 10,000 sheep or lambs,
  - h. 55,000 turkeys,
  - i. 30,000 laying hens or broilers (if the facility has a liquid manure handling system),
  - j. 125,000 chickens or broilers (other than laying hens), if the AFO handles dry manure only,

- k. 82,000 laying hens, if the AFO handles dry manure only,
- l. 30,000 ducks, if the AFO handles dry manure only,
- m. 5,000 ducks, if the AFO uses a liquid manure handling system.

3. "3000 AU" means three thousand animal units. Paragraph 391-3-6-.21 (2) (c) notwithstanding the numbers of animals in any of the following categories are equivalent to 3000 AU:

- a. 3,000 slaughter and feeder cattle,
- b. 2,100 mature dairy cattle (whether milked or dry cows),
- c. 7,500 swine each weighing over 25 kilograms (approximately 55 pounds),
- d. 30,000 swine each weighing less than 55 pounds (immature swine or nursery pigs).
- e. 1,500 horses,
- f. 30,000 sheep or lambs,
- g. 165,000 turkeys,
- h. 300,000 laying hens or broilers (if the facility has continuous overflow watering),
- i. 90,000 laying hens or broilers (if the facility has a liquid manure handling system),
- j. 15,000 ducks

**"Certified operator"** means any person who has been trained and certified by the Georgia Department of Agriculture and has direct general charge of the day-to-day field operation of an AFO waste storage and disposal system, and who is responsible for the quality of the treated waste.

**"Closure plan"** means the plan approved by EPD for cleanup and closure of the AFO and associated waste storage and disposal facilities.

**"Department"** means the Georgia Department of Natural Resources.

**"Director"** means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

**"Discharge Monitoring Report"** means DMR.

For the purposes of this permit **"Discharge of a Pollutant"** means any addition of any "pollutant" or combination of pollutants to "Waters of the States" from any "point source." This definition includes additions of pollutants into waters of the (United) States from: surface runoff which is collected or channeled by man (however agricultural runoff is not considered a point source no matter how it leaves the field); discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

**"EPD"** means the Environmental Protection Division of the Department of Natural Resources.

**"Existing"** applies to that which existed prior to September 15, 2003. "Existing operation" means an AFO that was in operation prior to September 15, 2003.

**"Ground water"** means water below the land surface in a zone of saturation (40 CFR §258.2)

**“Land application”** area means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.

**“Land Disposal System”** means any method of disposing of pollutants in which the pollutants are applied to the surface or beneath the surface of a parcel of land and which results in the pollutants percolating, infiltrating, or being absorbed into the soil and then into the waters of the State. Land disposal systems exclude landfills and sanitary landfills but include ponds, basins, or lagoons used for disposal of wastes or wastewaters, where evaporation and/or percolation of the wastes or wastewaters are used or intended to be used to prevent point discharge of pollutants into waters of the State. Septic tanks or sewage treatment systems, as defined in Chapter 511-3-1-.02 (formally in Chapter 270-5-25-.01) and as approved by appropriate County Boards of Public Health, are not considered land disposal systems for purposes of Chapter 391-3-6-.11.

**“Land Treatment System”** means any land disposal system in which vegetation on the site is used for additional treatment of wastewater to remove some of the pollutants applied.

**“Liner”** means any barrier in the form of a layer, membrane or blanket, installed to prevent discharges to Waters of the State.

**“MGD”** means million gallons per day.

“New” applies to that which existed on or after September 15, 2003. “New or expanding operation” or “new AFO” means an AFO the construction or expansion of which is commenced on or after September 15, 2003.

**“NOC”** means Notice of Coverage.

**“NOI”** means Notice of Intent.

**“NOT”** means Notice of Termination.

**“Nutrient Management Plan”** (NMP) is a plan which identifies actions or priorities that will be followed to meet clearly defined nutrient management goals at an agricultural operation. Defining nutrient management goals and identifying measures and schedules for attaining the goals are critical to reducing threats to water quality and public health. The NMP should address activities related to compliance with effluent limitations and other permit requirements, including manure handling and storage, land application of manure and wastewater, site management, record keeping, and management of other utilization options. For an AFO with a liquid manure handling system, the NMP must be developed or modified by a “certified specialist” as defined by EPD. EPD will specify the requirements for certification. For an AFO that handles dry manure, the NMP must be developed by a person trained in the subject by an academic or trade organization. It should include emergency response planning and a closure plan for abandonment of any facility used for the treatment or storage of animal waste.

**“Overflow”** means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure.

**“Owner”** means any person owning any system for waste treatment and disposal at an AFO.

**“Point Source”** means any discernible, confined, or discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

**“Pollutant”** means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes, municipal waste, and agricultural waste discharged into the Waters of the State.

**“Process wastewater”** means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, egg or bedding.

**“Production area”** means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

**“Retention facility or retention structures”** means all collection ditches, conduits and swales for the collection of runoff and wastewater, and all basins, ponds and lagoons used to store wastes, wastewater and manures.

**“Rules”** as used herein means the Georgia Rules and Regulations for Water Quality Control.

**“Spray Field”** means the wetted area of the land treatment system or land disposal system where treated wastes, treated effluent from industrial processes, agricultural or domestic wastewater, domestic sewage sludge, industrial sludge or other sources is applied to the land via spray, excluding the buffer zone.

**“State Act”** means the Georgia Water Quality Control Act (Official Code of Georgia Annotated; Title 12, Chapter 5, Article 2), as amended.

**“State Rules”** means the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6, as amended.

**“Surface water(s) of the State”** or **“surface water(s)”** shall mean any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs producing in excess of 100,000 gallons per day, and all other bodies of surface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

**“Waters of Georgia or Waters of the State”** means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not confined and retained completely upon the property of a single individual, partnership, or corporation.

**“Wetted area”** or **“disposal area”** is the land area where AFO waste is sprayed, spread, incorporated, or injected so that the waste can either condition the soil or fertilize crops or vegetation grown in the soil.



The Georgia Environmental Protection Division proposes to reissue the general NPDES permit GAG940000, which authorizes the disposal of manure and process wastewater from new, existing, and expanding animal feeding operations (AFOs) on a land treatment system. The draft permit places conditions on the discharge of pollutants from the water pollution control plants to waters of the State.

**Technical Contact:** Whitney Fenwick (*Whitney.Fenwick@dnr.ga.gov*)  
(470) 607-3078

**Draft permit:**

- First issuance
- Reissuance with no or minor modifications from previous permit
- Reissuance with substantial modifications from previous permit
- Modification of existing permit
- Requires EPA review

#### **A. PERMIT COVERAGE**

This permit regulates the land application of process wastewater generated by large Animal Feeding Operations (AFO) (More than 1000 Animal Units) in the State of Georgia.

This permit does not authorize coverage to the following land treatment or disposal systems:

- a. Systems associated with or containing biosolids;
- b. Systems that are covered by an individual land application system permit;
- c. Systems associated with or containing grease trap waste;
- d. Systems associated with or containing industrial, commercial, hazardous, or non-biodegradable wastes or municipal solid wastes; or
- e. Systems associated with or containing domestic septage.

#### **B. ELIGIBILITY**

1. Any person who is the owner of an AFO with more than 1000 AU and uses a liquid manure handling system must submit a Notice of Intent (NOI) and an initial or updated Nutrient Management Plan (NMP) in accordance with this permit to be authorized for coverage under this General Permit. Such Notice of Intent shall be on forms prescribed and furnished by EPD.

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2. Coverage under this General Permit shall be effective upon receipt of a Notice of Coverage (NOC) letter from EPD.
3. EPD may deny coverage under this permit and require submittal of an application for an individual permit based on a review of the NOI or other information.

## **C. APPLICATION REQUIREMENTS**

Any person wishing to obtain coverage under this General Permit shall submit an NOI in accordance with the following schedule:

1. NOI For Existing Operations Already Covered Under an Individual Permit or Applicable General Permit

The owner/operator of any AFO currently covered under the existing AFO General Permit that is seeking coverage under this permit must submit a complete application (NOI) to the Georgia EPD within 30 days of the effective date of this permit. For any AFO covered under the existing AFO General Permit that meets this deadline, authorization under this General Permit is automatically continued until coverage is granted under this permit. If complete NOI and NMP are not submitted within 30 days of the permit effective date, permit coverage will be terminated.

The owner/operator of any AFO that submitted an application for an individual permit prior to issuance of this General Permit and is now seeking coverage under this permit must submit a complete application (NOI) to the EPD within 30 days of the effective date of this permit.

Facilities that currently have operations covered under an individual National Pollutant Discharge Elimination System (NPDES), General NPDES, or LAS permit and seeking coverage under this General Permit shall submit a completed application (NOI) in accordance with the requirements of this permit at least one-hundred-and-eighty (180) days prior to their current permit's expiration date. If applicable, any time during the existing individual NPDES permit cycle, the permittee may submit a completed NOI and NMP in accordance with the requirements of this permit. Such NOIs shall be on forms as provided by EPD. Coverage under this General Permit shall be effective upon the date of the Notice of Coverage letter as provided by EPD.

EPD may delay the permittee's authorization for further review, may notify applicants that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES Permit. EPD will notify permittees in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

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## 2. Submittal of the Nutrient Management Plan (NMP) for Existing Operations

The Nutrient Management Plan (NMP) and other required reports and forms shall be submitted to EPD.

- a. The permittee must provide a certification no later than one-hundred-and-eighty (180) days after obtaining coverage under the General Permit that the NMP was submitted and approved on or after April 1, 2019, or
- b. If the NMP was not submitted and approved on or after April 1, 2019, then the permittee must submit an updated NMP no later than one-hundred-and-eighty (180) days after obtaining coverage under the General Permit.
- c. If the permittee has submitted an NMP and has not received an approval letter from EPD on or after April 1, 2019 and prior to this permit reissuance, there is no requirement to submit another plan.
- d. Failure to obtain an approved NMP will result in coverage under this permit being modified, terminated, or revoked and reissued in whole or in part during its term.

## 3. NOI for New or Expanding Operations

New or expanding operations seeking coverage under this General Permit must submit a completed NOI and NMP at least one-hundred-and-eighty (180) days prior to the date of desired coverage. The NMP must be submitted and approved prior to obtaining coverage under this permit.

EPD may delay the permittee's authorization for further review, may notify applicants that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES Permit. EPD will notify permittees in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

## 4. Transfer of Ownership or Control

A permit may be transferred to another person by a permittee if:

- a. The permittee notifies EPD in writing of the proposed transfer at least thirty (30) days in advance of the proposed transfer;
- b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and proposed permittee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the proposed permittee is liable for violations from that date on) is submitted to EPD at least thirty (30) days in advance of the proposed transfer with the required NOT and NOI forms; and

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- c. The Director, within thirty (30) days, does not notify the current permittee and the proposed permittee of EPD's intent to modify, revoke and reissue, or terminate the permit.

5. **Termination of Coverage**

A permittee that has ceased operation of the activity for which the permit coverage was obtained must submit a Notice of Termination (NOT) within ninety (90) days after the activity has permanently ceased.

6. **Facility Closure**

The approved NMP must include a Closure Plan for the abandonment of any facility used for the treatment or storage of animal waste.

In accordance with the Georgia Rules and Regulations For Water Quality Control, Chapter 391-3-6-.21, when the owner ceases operation of the AFO, the permittee must notify EPD in writing of that fact within three (3) months, and

The owner must properly close all waste storage lagoons within twenty-four (24) months. Proper closure of a lagoon, at a minimum, entails removing all waste from the lagoon and land applying it at agronomic rates in accordance with an approved NMP.

**D. PERMIT EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

Analyses required semiannually (January – June and July – December) will be performed on or before the last day of June and December. Analyses required annually will be performed on or before the last day of December. EPD may require additional monitoring.

1. **Monitoring Procedures**

Analytical procedures, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and procedures listed in 40 CFR Part 136. The analytical methods used must be sufficiently sensitive.

2. **Detection Limits**

All parameters will be analyzed using the appropriate detection limits. If the results for a given sample are such that a parameter is not detected at or above the specified detection limit, a value of "NOT DETECTED" will be reported for that sample and the detection limit will also be reported.

3. **Additional Monitoring Requirements**

- a. Upon written request by EPD, the permittee may be required to collect and analyze additional samples including but not limited to soils, surface water, ground water, and/or stored waste in a manner and frequency specified by EPD.
- b. Upon written request by EPD, the permittee may be required to conduct ambient

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monitoring of surface and/or ground water. This can occur before or after the NMP is approved for facilities with environmental concerns or facilities impacting impaired water bodies.

4. **Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall have record of the following information:

- a. The exact place, date, and time of sampling or measurements, and the person(s) performing the sampling or the measurements;
- b. The dates and times the analyses were performed, and the person(s) performing the analyses;
- c. The analytical techniques or methods used;
- d. The results of all required analyses.

If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data.

5. **Waste Storage Lagoon or Structure**

- a. The permittee may be required to sample for additional parameters. If it is determined that a waste storage lagoon or structure is creating a groundwater contamination problem, EPD may require the lagoon or structure to be repaired, or may require additional corrective action.

Parameter (Units)	Monitoring Requirements		
	Measurement Frequency	Sample Type	Sample Location
Total Flow (MGD)	Daily	Total	Effluent to spray field
TKN (mg/L as N)	Semiannually	Grab	Effluent to spray field
Nitrate as Nitrogen (mg/L as N)	Semiannually	Grab	Effluent to spray field
Total Phosphorus (mg/L)	Semiannually	Grab	Effluent to spray field

- b. EPD recommends monitoring for Ammonia Nitrogen be performed in addition to the parameters listed above to quantify loading to spray fields.

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## 6. Soil Monitoring Requirements

Representative samples shall be collected from each major soil series present within the land application area. The samples shall be analyzed in accordance with the latest edition of Methods of Soil Analysis (published by the American Society of Agronomy, Madison, Wisconsin) or other methods approved by EPD. The soil samples shall be analyzed for the parameters and at the frequency listed below:

Parameter	Measurement Frequency
Soil Fertility Test	Annually

The soil fertility test is to include soil pH, phosphorus, potassium, calcium, magnesium, zinc, and manganese using the Mehlich I extraction procedure. The permittee may be required to sample for additional parameters as requested by EPD.

## 7. Groundwater Limitations and Monitoring

The waste storage and disposal system shall be designed and operated in which the groundwater in the wells must not exceed the primary maximum contaminant levels (MCLs) for drinking water. The maximum contaminant level for nitrate nitrogen is 10.0 mg/l, as amended in the Safe Drinking Water Rules and Regulations for Water Quality Control, Chapter 391-3-6-.21(4)(h)(3)(i). The groundwater shall be monitored from each groundwater monitoring well by the permittee for the parameters and at the frequency listed below:

Parameter	Measurement Frequency
TKN (mg/L as N)	Semiannually
Nitrate as Nitrogen (mg/L as N)	Semiannually
Depth to Groundwater	Semiannually

The permittee may be required to sample for additional parameters.

For operations commencing or expanding on or after September 15, 2003, a monitoring well system that is sufficient to monitor groundwater down and/or cross gradient from the waste storage lagoons or structures shall be installed and monitored. The plan for installing monitoring wells shall be submitted with the NMP and reviewed and approved by EPD. All newly constructed wells shall be installed in accordance with the Georgia Department of Natural Resources Manual for Groundwater Monitoring (September 1991, as amended). The wells must be installed prior to beginning the animal feeding operation.

## 8. Measurement of Rainfall

A rain gauge shall be installed and properly maintained at the facility. A written log of all measurable rainfall events shall be retained on site in accordance with Part II.C.3 of this permit.

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## **E. ELEMENTS OF AN NMP**

Each AFO covered by this permit shall develop and implement a site-specific NMP that includes the following elements as appropriate to the needs and circumstances of the permitted facility: animal outputs; manure handling and storage, land application of manure and wastewater, site management, record keeping, and other manure utilization options. Not all operations will require all elements. The NMP should include emergency response planning and a closure plan for abandonment of any facility used for the treatment or storage of animal waste. The NMP must be designed and implemented to meet the requirements of the Rules.

Each NMP shall specifically identify and describe practices that are to be implemented to assure compliance with the limitations and conditions of this permit. NMPs must contain the following information:

1. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;
2. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;
3. Ensure that clean water is diverted, as appropriate, from the production area;
4. Prevent direct contact of confined animals with waters of the State;
5. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
6. 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;
7. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;
8. Establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater; and
9. Identify specific records that will be maintained to document the implementation and management of the minimum elements described in paragraphs B.1 through B.8 above in this section.
10. The NMP shall be signed by the owner or other signatory authority in accordance with the requirements of the permit.

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## **F. Annual Report**

1. The permittee must submit an annual report by February 15<sup>th</sup> of each year.
2. The annual report must include the following information:
  - a. The number and type of confined animals, whether in open confinement or housed under roof;
  - b. Estimated amount of total manure and process wastewater generated in the previous 12 months (tons and gallons, respectively);
  - c. Estimated amount of total manure and process wastewater transferred to other persons in the previous 12 months (tons and gallons respectively);
  - d. Total number of acres for land application covered by the nutrient management plan;
  - e. Total number of acres under control of the permittee that were used for land application of manure and process wastewater in the previous 12 months;
  - f. Summary of all manure and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and
  - g. A statement indicating whether the current version of the permittee's NMP was developed or approved by a certified nutrient management planner.

## **G. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS**

1. Comment Period

The Georgia Environmental Protection Division (EPD) proposes to issue an LAS permit to this applicant subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

Georgia Department of Natural Resources  
Environmental Protection Division  
Wastewater Regulatory Program  
2 Martin Luther King Jr. Drive  
Suite 1470A East  
Atlanta, Georgia 30334

Persons wishing to comment upon or object to the determinations are invited to submit same in writing to the EPD address above, or via e-mail at [EPDcomments@dnr.ga.gov](mailto:EPDcomments@dnr.ga.gov), within 30 days of the fact sheet date. If you choose to e-mail your comments, please be sure to include the words "LAS AFO General Permit-" in the subject line to ensure that your comments will be forwarded to the correct staff. All comments received prior to that date will be considered in the formulation of final

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determinations regarding the application. The permit application number should be placed on the envelope next to the above address and also at the top of the first page of comments.

2. **Public Hearing**

Any applicant, affected state or interstate agency, the Regional Administrator of the U.S. Environmental Protection Agency (EPA) or any other interested agency, person or group of persons may request a public hearing with respect to an LAS permit application if such request is filed within thirty (30 days) following the date of the public notice for such application. Such request must indicate the interest of the party filing the request, the reason why a hearing is requested, and those specific portions of the application or other LAS form or information to be considered at the public hearing. The EPD Director shall hold a hearing if he determines that there is sufficient public interest in holding such a hearing. If a public hearing is held, notice of same shall be provided at least thirty (30) days in advance of the hearing date.

The draft permit, fact sheet, and comments received and other information are available for review at the Wastewater Regulatory Program, 2 Martin Luther King Jr. Drive, Suite 1407A East, Atlanta, Georgia 30334 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For more information contact: Whitney Fenwick, Wastewater Regulatory Program, Phone (470) 607-3078. In the event that a public hearing is held, both oral and written comments will be accepted; however, for the accuracy of the record, written comments are encouraged. The EPD Director or his designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements, as he deems appropriate.

Following a public hearing, the Director, unless a determination to deny the permit is made, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit. Notice of issuance or denial will be circulated via EPD's website to those persons who submitted written comments to the Director on the proposed permit and to all persons or groups included on the EPD mailing list.

3. **Contested Hearings**

Any person who is aggrieved or adversely affected by the issuance or denial of a permit by the Director of EPD may petition the Director for a hearing if such petition is filed in the office of the director within thirty (30) days from the date of notice of such permit issuance or denial. Such hearing shall be held in accordance with the EPD Rules, Water Quality Control, Subparagraph 391-3-6-01.

Petitions for a contested hearing must include the following:

- a. The name and address of the petitioner;
- b. The grounds under which petitioner alleges to be aggrieved or adversely affected by the issuance or denial of a permit;
- c. The reason or reasons why petitioner takes issue with the action of the Director;
- d. All other matters asserted by petitioner which are relevant to the action in question.

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#### 4. Issuance of the Permit When No Public Hearing is Held

If no public hearing is held, and after review of the written comments received, the EPD Director determines that a permit should be issued and that his determinations as set forth in the proposed permit are substantially unchanged, the permit will be issued and will become final in the absence of a request for a contested hearing. Notice of issuance or denial will be circulated to those persons who submitted written comments to the Director on the proposed permit within thirty (30) days from the date of the public notice of such proposed permit; and to all persons or groups included on the EPD mailing list.

If no public hearing is held, but the EPD Director determines, after a review of the written comments received, that a permit should be issued by that substantial changed in the proposed permit are warranted, public notice of the revised determinations will be given and written comments accepted in the same manner as the initial notice of application was given and written comments accepted pursuant to EPD Rules, Water Quality Control, subparagraph 391-3-6-.19(6)(b). The EPD Director shall provide an opportunity for public hearing on the revised determinations. Such opportunity for public hearing and the issuance or denial of a permit thereafter shall be in accordance with the procedures as are set forth above.