

**The Rules and Regulations for Water Quality Control, Chapter 391-3-6
September 15, 2003**

391-3-6-.21 Animal (Non-Swine) Feeding Operation Permit Requirements

(1) Purpose.

The purpose of this paragraph 391-3-6-.21 is to provide for the uniform procedures and practices to be followed relating to the application for and the issuance or revocation of permits for animal (non-swine) feeding operations. Nothing in this paragraph shall be construed to preclude the modification of any requirement of this paragraph when the Division determines that the requirement is not protective of the environment.

(2) Definitions.

All terms used in this paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this paragraph or in any other paragraph of these Rules:

- (a) "Act" means the Georgia Water Quality Control Act, as amended.
- (b) "Animal feeding operation," "operation," or "AFO" means a lot or facility (other than an aquatic animal production facility or swine feeding operation) 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.
- (c) "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 sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- (d) "Barn" means a structure where confinement feeding (feeding in limited quarters, often under a roof and over slotted floors) occurs. Structures where confinement feeding does not occur are not considered "barns" for the purposes of this rule.
- (e) "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.

- (f) "Closure plan" means the plan approved by the Division for clean up and closure of the AFO and associated waste storage and disposal facilities.
- (g) "Comprehensive Nutrient Management Plan" (CNMP) 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 CNMP 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 CNMP must be developed or modified by a "certified specialist" defined by the Division. The Division will specify the requirements for certification. For an AFO that handles dry manure, the CNMP 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. The requirements for submittal and approval of the CNMP are specified in the following paragraphs.
- (h) "Existing" applies to that which existed prior to the effective date of this rule. "Existing operation" means an AFO that was in operation prior to the effective date of this rule.
- (i) "Natural Resources Conservation Service" (NRCS) is an agency within the United States Department of Agriculture.
- (j) "New or expanding operation" or "new AFO" means an AFO the construction or expansion of which is commenced on or after the effective date of this rule.
- (k) "NRCS guidance" means the latest editions of the Natural Resources Conservation Service (NRCS) Agricultural Waste Management Field Handbook, Part 651, FOTG Section IV Georgia, and other applicable publications of the NRCS. A certified specialist or trained person may use NRCS guidance to develop or modify a CNMP.
- (l) (Reserved)
- (m) "Owner" means any person owning any system for waste treatment and disposal at an AFO.
- (n) "Permit" means a permit applied for and issued in accordance with the terms and conditions for paragraphs 391-3-6-.06, Waste Treatment and

Permit Requirements (individual NPDES permits), or 391-3-6-.11, Land Disposal and Permit Requirements (non-NPDES individual land application system or "LAS" permit), or 391-3-6-.15, Non-Storm Water General Permit Requirements (general NPDES permit), or 391-3-6-.19, General Permit - Land Application System Requirements (non-NPDES general LAS permit), of this Chapter.

- (o) "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.
- (p) "25-year, 24-hour storm event" is the maximum 24-hour precipitation event expressed in inches with a probable recurrence interval of once in 25 years, as defined by the National Weather Service of the United States Department of Commerce in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments.
- (q) "100-year, 24-hour storm event" is the maximum 24-hour precipitation event expressed in inches with a probable recurrence interval of once in 100 years, as defined by the National Weather Service of the United States Department of Commerce in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments.
- (r) "100-year flood plain" is the land inundated from a flood whose peak magnitude would be experienced on an average of once every 100 years. The 100-year flood has a 1% probability of occurring in one given year.
- (s) "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:
 - 1. 200 mature dairy cows, whether milked or dry,
 - 2. 300 veal calves,
 - 3. 300 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs,
 - 4. 150 horses,
 - 5. 3,000 sheep or lambs,
 - 6. 16,500 turkeys,
 - 7. 9,000 laying hens or broilers, if the AFO uses a liquid manure handling system,
 - 8. 1,500 ducks, if the AFO uses a liquid manure handling system

(t) "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:

1. 700 mature dairy cows, whether milked or dry,
2. 1,000 veal calves,
3. 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,
4. 500 horses,
5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system,
8. 125,000 chickens or broilers (other than laying hens), if the AFO uses other than a liquid manure handling system (the AFO handles dry manure),
9. 82,000 laying hens, if the AFO uses other than a liquid manure handling system (the AFO handles dry manure),
10. 30,000 ducks, if the AFO uses other than a liquid manure handling system (the AFO handles dry manure),
11. 5,000 ducks, if the AFO uses a liquid manure handling system

(u) "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:

1. 2,100 mature dairy cows, whether milked or dry,
2. 3,000 veal calves,
3. 3,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs,
4. 1,500 horses,
5. 30,000 sheep or lambs,
6. 165,000 turkeys,
7. 90,000 laying hens or broilers, if the AFO uses a liquid manure handling system,
8. 375,000 chickens or broilers (other than laying hens), if the AFO uses other than a liquid manure handling system (the AFO handles dry manure),
9. 246,000 laying hens, if the AFO uses other than a liquid manure handling system (the AFO handles dry manure),
10. 90,000 ducks, if the AFO uses other than a liquid manure handling system (the AFO handles dry manure),
11. 5,000 ducks, if the AFO uses a liquid manure handling system

(3) Basic Permit Requirement.

- (a) Any person who is the owner of an AFO with more than 300 AU shall obtain a permit from the Division in accordance with this paragraph corresponding to the age and size of the AFO.
- (b) Any person who is the owner of an AFO with 300 AU or less is not required to obtain a permit unless the AFO is defined as a concentrated animal feeding operation per 40 CFR 122, or the Division has made a case-by-case designation as a concentrated animal feeding operation, in which case NPDES permitting is required by 40 CFR 122.23. The owner of an AFO with 300 AU or less remains subject to applicable sections of the Act, including civil liability, civil penalty, and criminal penalty, §O.C.G.A. 12-5-51, et seq.
- (c) Two or more AFOs under common ownership are considered to be a single operation subject to this paragraph if they adjoin each other (are contiguous) or if they use a common area or system for the disposal of wastes.
- (d) Exclusions from all permit requirements of this paragraph are made for the following facilities unless they are defined as a concentrated animal feeding operation per 40 CFR 122 or the Division has made a case-by-case designation as a concentrated animal feeding operation, or the Division has determined that they have potential to discharge, in which cases NPDES permitting is required by 40 CFR 122.23:
 - 1. A livestock market, sale barn, stockyard, or auction house where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis and that is under state or federal supervision. However, these facilities are defined as AFOs if they meet the definition of an AFO in subparagraph (2)(b).
 - 2. A poultry operation with up to 125,000 chickens or broilers (other than laying hens) or up to 82,000 laying hens that properly stores and disposes of dry manure and does not use a liquid manure handling system.
 - 3. For poultry operations which have been excluded from all permit requirements, EPD will collect information such as location and voluntary CNMP implementation from the Georgia Department of Agriculture and other organizations.
- (e) Any person who removes and transports animal waste from its point of origin and disposes of it at another location shall conform to the animal manure handler rules of the Georgia Department of Agriculture.

(4) Permit for Existing or New Operations Other than Operations that Handle Dry Manure with more than 300 but equal to or less than 1000 AU.

- (a) Any person who is the owner of an existing AFO with more than 300 but equal to or less than 1000 AU must apply for an LAS permit from the Division by October 31, 2001. The Division may issue an individual or general permit. New or expanding AFOs must obtain an LAS permit from the Division prior to beginning the AFO with more than 300 but equal to or less than 1000 AU. Permit applications for new or expanding AFOs should be submitted 180 days prior to beginning the AFO with more than 300 but equal to or less than 1000 AU. Any person who owns or operates an existing or new AFO must have waste storage and disposal systems pursuant to this rule and meet the conditions in subparagraphs (b) through (i) below. Any person who is the owner of an AFO with more than 300 AU but equal to or less than 1000 AU is not required to obtain an NPDES permit unless the AFO is defined as a concentrated animal feeding operation per 40 CFR 122 or the Division has made a case-by-case designation as a concentrated animal feeding operation, in which case NPDES permitting is required by 40 CFR 122.23.
- (b) There shall be no discharge of pollutants from the operation into surface waters of the State unless a catastrophic rainfall event (25-year, 24-hour storm) occurs.
- (c) Prior to beginning operation of the AFO, new operations must have waste storage and disposal systems in operation that have been designed and constructed in accordance with NRCS guidance.
- (d) By October 31, 2002, the owner of an existing AFO shall submit to the Division a CNMP for the AFO. The CNMP shall be of sufficient substance and quality as to be approvable by the Division. The owner shall implement the CNMP not later than October 31, 2003. The owner of a new operation shall submit to the Division a CNMP and obtain approval prior to beginning operation of the AFO.
- (e) Existing operations shall have a certified operator by October 31, 2002. New operations shall have a certified operator prior to beginning the AFO. The certified operator shall be trained and certified in accordance with 391-3-6-.21(9).
- (f) New operations must be designed and constructed to contain all process generated wastewaters plus the runoff from a 25-year, 24-hour storm event without an overflow from the waste storage lagoon.

- (g) New 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, Paragraph 3(e) must be provided with either a compacted clay or synthetic liner such that the vertical hydraulic conductivity does not exceed 5×10^{-7} cm/sec or other criteria as determined by the Division. If it is determined that an existing waste storage lagoon is creating a ground water contamination problem, the Division may require the lagoon to be repaired.
- (h) New barns and new waste storage lagoons for new AFOs started after the effective date of this rule with more than 300 but equal to or less than 1000 AU, or for existing AFOs that are expanding production so that they will have more than 300 but equal to or less than 1000 AU after the effective date of this rule, shall not be located within a 100-year flood plain.
- (i) Any failure to comply with any condition of (a) through (h) above shall be deemed a violation of the Act and may be punishable in accordance with the penalties provided for in the Act.

(5) Permit for Existing Operations Other than Operations that Handle Dry Manure with more than 1000 but equal to or less than 3000 AU.

- (a) Any person who is the owner of an existing AFO with more than 1000 but equal to or less than 3000 AU must apply for an NPDES permit from the Division by October 31, 2001. The Division may issue an individual or general permit. Any person who expands an existing operation to include more than 1000 but equal to or less than 3000 AU becomes subject to the requirements of subparagraph (6), "Permit for New or Expanding Operations Other than Operations that Handle Dry Manure with more than 1000 but equal to or less than 3000 AU."
- (b) There shall be no discharge of process wastewater pollutants per 40 CFR Part 412 from the feedlot(s) or manure storage areas to waters of the United States except when catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process generated wastewater resulting from the operation of the AFO plus all runoff from a 25 year, 24-hour rainfall event for the location of the AFO.
- (c) By October 31, 2002, the owner shall submit to the Division a CNMP for the AFO. The CNMP shall be of sufficient substance and quality as to be approvable by the Division. The owner shall implement the CNMP not later than October 31, 2003.

- (d) The operation shall have a certified operator by October 31, 2002. The certified operator shall be trained and certified in accordance with 391-3-6-.21(9).
- (e) Public notice of the proposed draft permit will be prepared and circulated in accordance with 391-3-6-.06(7) or 391-3-6-.15(7).
- (f) If it is determined that an existing waste storage lagoon is creating a ground water contamination problem, the Division shall require the owner to repair the lagoon, to close the lagoon, or to take other actions to protect the ground water.
- (g) The waste disposal system shall be designed and operated such that it does not cause Nitrate Nitrogen ($\text{NO}_3\text{-N}$) in the ground water at the operation's property line to exceed 10 mg/l. The Division will require the owner to implement corrective actions if the permitted waste disposal system has caused the Nitrate Nitrogen ($\text{NO}_3\text{-N}$) to exceed 10 mg/l as described.
- (h) A setback shall be maintained of 100 feet between wetted areas or waste disposal areas and drainage ditches, surface water bodies, or wetlands. As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.
- (i) Representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. One down gradient ground water monitoring well shall be installed for each waste storage lagoon or series of lagoons. The number, location, design and construction specifications of the monitoring wells shall be included in the CNMP. Existing wells that are approved by the Division can be used for testing. Monitoring wells shall be properly installed within 24 months of permit issuance.
- (j) The permit will contain specific requirements for monitoring the waste storage lagoon effluent to be land applied and for the ground water monitoring wells. This will usually consist, at a minimum, of semiannual monitoring of the effluent for Total Kjeldahl Nitrogen (TKN) and Nitrate Nitrogen ($\text{NO}_3\text{-N}$) as well as semiannual monitoring of the wells for TKN and $\text{NO}_3\text{-N}$.
- (k) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.
- (l) When the owner ceases operation of the AFO, he must notify the Division of that fact within three months, and he must properly close all waste

storage lagoons within eighteen months. In the case of voluntary closure, a period of twenty-four months from notification is allowed. Proper closure of a lagoon entails removing all waste from the lagoon and land applying it at agronomic rates, and in a manner so as not to discharge to any surface water.

- (m) Any failure to comply with any condition of (a) through (j) above or any condition of any individual permit issued for the operation shall be deemed a violation of the Act and may be punishable in accordance with the penalties provided in the Act.

(6) Permit for New or Expanding Operations Other than Operations that Handle Dry Manure with more than 1000 but equal to or less than 3000 AU.

- (a) Any person who proposes to commence operation of a new AFO with more than 1000 but equal to or less than 3000 AU after the effective date of this paragraph, or any person who proposes to expand an existing AFO to more than 1000 but equal to or less than 3000 AU after the effective date of this paragraph, must obtain an NPDES permit in accordance with this subparagraph. The Division may issue an individual or general permit. Permit applications should be submitted 180 days in advance.
- (b) There shall be no discharge of process wastewater pollutants per 40 CFR Part 412 from the feedlot(s) or manure storage areas to waters of the United States except when catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process generated wastewater resulting from the operation of the AFO plus all runoff from a 25-year, 24-hour rainfall event or 100-year, 24-hour rainfall event for the location of the AFO. There shall be no discharge of pollutants into ground water which would cause ground water quality not to comply with the primary maximum contaminant levels established in Georgia's Rules for Safe Drinking Water, Chapter 391-3-5.
- (c) Prior to beginning operation of the AFO, the operation must have waste storage and disposal systems in operation that have been designed and constructed in accordance with NRCS guidance.
- (d) Prior to beginning operation of the AFO, the owner shall submit to the Division a CNMP for the AFO and obtain approval. The CNMP shall be of sufficient substance and quality as to be approvable by the Division.
- (e) The operation shall have a certified operator for the waste storage and disposal system prior to beginning the AFO. The certified operator shall be trained and certified in accordance with 391-3-6-.21(9).

- (f) Public notice of the proposed draft permit will be prepared and circulated in accordance with 391-3-6-.06(7) or 391-3-.15(7).
- (g) Any waste storage lagoon must be constructed to ensure that seepage is limited to a maximum of 1/8 inch per day (3.67×10^{-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, Paragraph 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 5×10^{-7} cm/sec or other criteria as determined by the Division. Individual waste storage lagoons shall not exceed 100 acre-feet in volume.
- (h) It is required that a minimum of 2 feet of freeboard be maintained in the waste storage lagoons at all times.
- (i) Barns and waste storage lagoons shall not be located within a 100-year flood plain.
- (j) The following buffers and setbacks shall be maintained:
 - 1. 100 feet between wetted areas and water wells;
 - 2. 100 feet between waste storage lagoons or barns and drainage ditches, surface water bodies, or wetlands;
 - 3. 500 feet between waste storage lagoons or barns and any existing wells that supply water to a public water system, or any other existing well off the owner's property that supplies water for human consumption.
 - 4. A setback shall be maintained of 100 feet between wetted areas or waste disposal areas and drainage ditches, surface water bodies, or wetlands. As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.
- (k) Representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. One down gradient ground water monitoring well shall be installed for each waste storage lagoon or series of lagoons. The number, location, design and construction specifications of the monitoring wells shall be included in the CNMP. Existing wells that are approved by the Division can be used for testing. Monitoring wells shall be properly installed prior to the beginning of operation of the AFO.

- (l) The permit will contain specific requirements for monitoring the waste storage lagoon effluent to be land applied, and for the ground water monitoring wells. This will usually consist, at a minimum, of semiannual monitoring of the effluent for Total Kjeldahl Nitrogen (TKN) and Nitrate Nitrogen (NO₃-N) as well as semiannual monitoring of the wells for TKN and NO₃- N.
- (m) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.
- (n) When the owner ceases operation of the AFO, he must notify the Division of that fact within three months, and he must properly close all waste storage lagoons within eighteen months. In the case of voluntary closure, a period of twenty-four months from notification is allowed. Proper closure of a lagoon entails removing all waste from the lagoon and land applying it at agronomic rates, and in a manner so as not to discharge to any surface water.
- (o) Any failure to comply with any condition of (a) through (n) above or any condition of any individual permit issued for the operation may be deemed a violation of the Act and may be punishable in accordance with the penalties provided in the Act.

(7) Permit for Existing Operations Other than Operations that Handle Dry Manure with more than 3000 AU.

- (a) Any person who owns an existing AFO with more than 3000 AU must apply for an NPDES permit from the Division by October 31, 2001. The Division may issue an individual or general permit. Any person who expands an existing operation to more than 3000 AU becomes subject to the requirements of subparagraph (8), "Permit for New or Expanding Operations Other than Operations that Handle Dry Manure with more than 3000 AU."
- (b) There shall be no discharge of process wastewater pollutants per 40 CFR Part 412 from the feedlot(s) or manure storage areas to waters of the United States except when catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process generated wastewater resulting from the operation of the AFO plus all runoff from a 25 year, 24-hour rainfall event for the location of the AFO.
- (c) By October 31, 2002, the owner shall submit to the Division a CNMP for the AFO. The CNMP shall be of sufficient substance and quality as to be

approvable by the Division. The owner shall implement the CNMP not later than October 31, 2003.

- (d) The operation shall have a certified operator by October 31, 2002. The certified operator shall be trained and certified in accordance with 391-3-6-.21(9).
- (e) Public notice of applications and proposed draft permits will be prepared and circulated in accordance with 391-3-6-.06(7) or 391-3-6-.15(7). Furthermore, a proposed determination to issue an individual permit requires that the applicant shall post the public notice on a three feet by five feet sign at the entrance of the applicant's premises and publish the public notice in one or more newspapers of general circulation in the area affected by the AFO.
- (f) If it is determined that an existing waste storage lagoon is creating a ground water contamination problem, the Division shall require the owner to repair the lagoon, to close the lagoon, or to take other actions to protect the ground water.
- (g) The waste disposal system shall be designed and operated such that it does not cause Nitrate Nitrogen ($\text{NO}_3\text{-N}$) in the ground water at the operation's property line to exceed 10 mg/l. The Division will require the owner to implement corrective actions if the permitted waste disposal system has caused the Nitrate Nitrogen ($\text{NO}_3\text{-N}$) to exceed 10 mg/l as described.
- (h) A setback shall be maintained of 100 feet between wetted areas or waste disposal areas and drainage ditches, surface water bodies, or wetlands. As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.
- (i) Representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. One down gradient ground water monitoring well shall be installed for each waste storage lagoon or series of lagoons. The number, location, design and construction specifications of the monitoring wells shall be included in the CNMP. Existing wells that are approved by the Division can be used for testing. Monitoring wells shall be properly installed within 24 months of permit issuance.
- (j) The permit will contain specific requirements for monitoring the waste storage lagoon effluent to be land applied, and for the ground water monitoring wells. This will usually consist, at a minimum, of semiannual monitoring of the effluent for Total Kjeldahl Nitrogen (TKN) and Nitrate

Nitrogen (NO₃-N) as well as semiannual monitoring of the wells for TKN and NO₃- N.

- (k) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.
- (l) When the owner ceases operation of the AFO, he must notify the Division of that fact within three months, and he must properly close all waste storage lagoons within eighteen months. In the case of voluntary closure, a period of twenty-four months from notification is allowed. Proper closure of a lagoon entails removing all waste from the lagoon and land applying it at agronomic rates, and in a manner so as not to discharge to any surface water.
- (m) Any failure to comply with any condition of (a) through (j) above or any condition of any individual permit issued for the operation shall be deemed a violation of the Act and may be punishable in accordance with the penalties provided in the Act.

(8) Permit for New or Expanding Operations Other than Operations that Handle Dry Manure with more than 3000 AU.

- (a) Any person who proposes to be the owner or operator of a new AFO with more than 3000 AU, and any person who is the owner or operator of an existing operation that is expanding production so that it will have more than 3000 AU, which proposes to commence operation after the effective date of this rule must obtain an individual NPDES permit in accordance with this paragraph prior to commencing construction for the operation.
 - 1. Permit applications should be submitted 180 days in advance.
 - 2. (Reserved)
 - 3. The owner of an existing operation that is expanding production so that it will have more than 3000 AU after the effective date of this rule must obtain an individual NPDES permit.
- (b) There shall be no discharge of process wastewater pollutants per 40 CFR Part 412 from the feedlot(s) or manure storage areas to waters of the United States except when catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process generated wastewater resulting from the operation of the AFO plus all runoff from a 25-year, 24-hour rainfall event or 100-year, 24-hour rainfall event for the location of the AFO. There shall be no discharge of pollutants into ground water which would cause ground water quality not to comply with the primary

maximum contaminant levels established in Georgia's Rules for Safe Drinking Water, Chapter 391-3-5.

- (c) Prior to beginning operation of the AFO, the operation must have waste storage and disposal systems in operation that have been designed and constructed in accordance with NRCS guidance.
- (d) Prior to beginning operation of the AFO, the owner and operator if co-permitted, shall submit to the Division a CNMP for the AFO and obtain approval. The CNMP shall be of sufficient substance and quality as to be approvable by the Division.
- (e) The operation shall have a certified operator for the waste storage and disposal system prior to beginning the AFO. The certified operator shall be trained and certified in accordance with 391-3-6-.21(9).
- (f) Public notice of the completed application and proposed draft permit will be prepared and circulated in accordance with 391-3-6-.06(7). Furthermore, a proposed determination to issue an individual permit requires that the applicant shall post the public notice on a three feet by five feet sign at the entrance of the applicant's premises and publish the public notice in one or more newspapers of general circulation in the area affected by the AFO.
- (g) Any waste storage lagoon must be constructed to ensure that seepage is limited to a maximum of 1/8 inch per day (3.67×10^{-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, Paragraph 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 5×10^{-7} cm/sec or other criteria as determined by the Division. Individual waste storage lagoons shall not exceed 100 acre-feet in volume.
- (h) It is required that a minimum of 2 feet of freeboard be maintained in the waste storage lagoons at all times.
- (i) Barns and waste storage lagoons shall not be located within a 100-year flood plain.
- (j) The following buffers and setbacks shall be maintained:
 - 1. 100 feet between wetted areas and water wells;

2. 100 feet between waste storage lagoons or barns and drainage ditches, surface water bodies, or wetlands;
 3. 500 feet between waste storage lagoons or barns and any existing wells that supply water to a public water system, or any other existing well off the owner's property that supplies water for human consumption.
 4. A setback shall be maintained of 100 feet between wetted areas or waste disposal areas and drainage ditches, surface water bodies, or wetlands. As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.
- (k) Representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. One down gradient ground water monitoring well shall be installed for each waste storage lagoon or series of lagoons. The number, location, design and construction specifications of the monitoring wells shall be included in the CNMP. Existing wells that are approved by the Division can be used for testing. Monitoring wells shall be properly installed prior to the beginning of operation of the AFO.
- (l) The permit will contain specific requirements for monitoring the waste storage lagoon effluent to be land applied, and for the ground water monitoring wells. This will usually consist, at a minimum, of semiannual monitoring of the effluent for Total Kjeldahl Nitrogen (TKN) and Nitrate Nitrogen ($\text{NO}_3\text{-N}$) as well as semiannual monitoring of the wells for TKN and $\text{NO}_3\text{-N}$.
- (m) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.
- (n) When the owner or operator ceases operation of the AFO, he must notify the Division of that fact within three months, and he must properly close all waste storage lagoons within eighteen months. In the case of voluntary closure, a period of twenty-four months from notification is allowed. Proper closure of a lagoon entails removing all waste from the lagoon and land applying it at agronomic rates, and in a manner so as not to discharge to any surface water.
- (o) Any failure to comply with any condition of (a) through (n) above or any condition of any individual permit issued for the operation may be deemed a violation of the Act and may be punishable in accordance with the penalties provided in the Act.

(9) Certified Operator - Training and Certification Requirements for Operations Other than Operations that Handle Dry Manure.

- (a) AFOs shall have certified operators according to the following schedule:
 - 1. Existing operations with 301 to 1000 AU, 1001 to 3000 AU, and more than 3000 AU: October 31, 2002.
 - 2. New or expanding AFOs with 301 to 1000 AU, 1001 to 3000 AU, and more than 3000 AU: Prior to beginning the AFO.
- (b) AFO certified operators shall be trained and certified by the Georgia Department of Agriculture. Proof of such training, certification and continuing education may be maintained by the Department of Agriculture and records provided to the Georgia Environmental Protection Division.
- (c) Certification training, agenda and topics will be determined by the Georgia Department of Agriculture; but will include, at a minimum, best management practices, comprehensive nutrient management planning, understanding regulations and water quality laws, standards and practices, siting, pollution prevention, monitoring and record keeping. Training programs will be structured to address the needs of the certified operators of differing sizes and various waste management technologies. Continuing education will be required to maintain this certification.

(10) Permit for Existing Operations that Handle Dry Manure with more than 1000 AU.

- (a) Any person who is the owner of an existing AFO that handles dry manure with more than 1000 AU must apply for an NPDES permit from the Division by October 31, 2005. The Division may issue an individual or general permit. Any person who expands an existing operation to include more than 1000 AU becomes subject to the requirements of subparagraph (11), "Permit for New or Expanding Operations that Handle Dry Manure with more than 1000 AU."
- (b) There shall be no discharge of process wastewater pollutants per 40 CFR Part 412 from the feedlot(s) or manure storage areas to waters of the United States except when catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process generated wastewater resulting from the operation of the AFO plus all runoff from a 25 year, 24-hour rainfall event for the location of the AFO.
- (c) A CNMP must be prepared and implemented. The owner of an existing AFO shall prepare a CNMP and implement it not later than October 31,

2006. The owner shall submit the CNMP to the Division for review and approval only upon written request from the Division.

- (d) A setback shall be maintained of 100 feet between waste disposal areas and drainage ditches, surface water bodies, or wetlands. As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.
- (e) Representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. This will consist, at a minimum, of monitoring of the soils for phosphorus content once every five years.
- (f) The permit will contain specific requirements for monitoring the waste to be land applied. This will usually consist, at a minimum, of annual monitoring of the waste for nitrogen and phosphorus content.
- (g) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.

(11) Permit for New or Expanding Operations that Handle Dry Manure with more than 1000 AU.

- (a) Any person who proposes to commence operation of a new AFO that handles dry manure with more than 1000 AU after the effective date of this paragraph, or any person who proposes to expand an existing AFO to more than 1000 AU after the effective date of this paragraph, must obtain an NPDES permit in accordance with this subparagraph. The Division may issue an individual or general permit. Permit applications should be submitted 180 days in advance.
- (b) There shall be no discharge of process wastewater pollutants per 40 CFR Part 412 from the feedlot(s) or manure storage areas to waters of the United States except when catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain all process generated wastewater resulting from the operation of the AFO plus all runoff from a 100 year, 24-hour rainfall event for the location of the AFO.
- (c) A CNMP must be prepared and implemented. The owner of a new AFO shall prepare a CNMP and implement it concurrently with beginning operation of the AFO. The owner shall submit the CNMP to the Division for review and approval only upon written request from the Division.
- (d) A setback shall be maintained of 100 feet between waste disposal areas and drainage ditches, surface water bodies, or wetlands. As a compliance

alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.

- (e) Representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. This will consist, at a minimum, of monitoring of the soils for phosphorus content once every five years.
- (f) The permit will contain specific requirements for monitoring the waste to be land applied. This will usually consist, at a minimum, of annual monitoring of the waste for nitrogen and phosphorus content.
- (g) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.

Authority: §O.C.G.A. Section 12-5-20, et. seq.