

391-3-6-.23**Land Disposal of Septage****(1) Purpose.**

The purpose of Paragraph 391-3-6-.23 is to establish procedures:(a) For the regulation and permitting of any land disposal site that receives septic tank waste (septage) that is applied via subsurface injection or incorporation into the soil;

(b) To be followed by persons submitting to the Division engineering reports, plans and specifications, and related materials for the construction of any system for the storage and/or pretreatment of septage; and

(c) To provide for public participation during the permitting process for any land disposal site that receives septic tank waste (septage).

This Paragraph includes general requirements, pollutant limits, pathogen and vector attraction reduction requirements, pretreatment standards, management practices, monitoring, record keeping, reporting, and permitting requirements.

(2) Definitions.

All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in this Paragraph, in Paragraph 391-3-6-.17, or in any other Paragraph of these Rules:

(a) "Agronomic Rate" is the septage application rate based on a dry weight basis determined to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop or vegetation grown on the land; and to minimize the amount of nitrogen in the domestic septage that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

(b) "Annual septage application rate" is the maximum amount of septage (dry weight basis) that may be applied to a unit area of land during a 365-day period.

(c) "Applicant" means the owner of the site or the operator of the site.

(d) "Applier" is the person who applies septage to the land.

(e) "Certification" means the procedure by which an accreditation or certification agency, a state, or a Federal agency evaluates and acknowledges a person as meeting certain qualifications or standards. The certification shall be valid only for the time period specified by the agency.

(f) "Closure Plan" means a plan approved by the Division for the clean up and closure of a Tier 2 operation and associated waste storage and pretreatment facilities.

(g) "County Board of Health" means the County Board of Health established by the Official Code of Georgia Annotated, Title 31-3-1 or its designee.

(h) "DPH" means the Department of Public Health of the State of Georgia.

(i) "Domestic Septage" is the liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or a similar system that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank or similar treatment works that receives either commercial wastewater or industrial wastewater. Domestic septage does not include grease removed from a grease trap.

(j) "Domestic Sewage" means water and wastewater from humans or household operations that is discharged to a treatment works. This includes wastes derived from a toilet, bath, shower, sink, garbage disposal, dishwasher, and/or washing machine. Domestic sewage may include household sewage as well as sewage from establishments such as schools, restaurants, businesses and motels as long as the sewage does not contain other types of waste than those listed above.

(k) "EPA" or "US EPA" means the United States Environmental Protection Agency and any of its authorized personnel.

(l) "Existing Site" means any site that was in operation on January 1, 2002.

- (m) "Land disposal" or "applied to the land" means the spraying or spreading of septage on the land surface; the injection of septage below the land surface; or the incorporation of septage into the soil at agronomic rates for the purpose of soil conditioning or fertilization of crops or vegetation grown in the soil.
- (n) "Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area.
- (o) "Monitoring well" means a well purposely installed, in accordance with Division guidelines, to ensure monitoring results that provide an accurate representation of groundwater quality.
- (p) "New Site" means any site that was not in operation on January 1, 2002.
- (q) "Operator" or "Certified Operator" means the person who has direct general charge of the day-to-day field operation of the septage storage, pretreatment, and disposal system and who is responsible for the quality of the treated septage; and who holds a valid certification acceptable to the Division.
- (r) "Owner" means any person owning land where septage or septic tank waste will be land applied.
- (s) "Permit" means a land disposal system permit issued to an applicant by the Division for a land disposal site that receives septage.
- (t) "Person" means any owner or operator who applies septage to land.
- (u) "Septage" means the same as "domestic septage".
- (v) "Septage management plan" means a detailed plan of operation for land disposal of septage. The plan shall, at a minimum, comply with these regulations, the Federal Code of Regulations, Title 40, Part 503, and any additional requirements established by the Division.
- (w) "Septage Removal and Disposal Permit" is a permit issued by a county board of health under the Rule for Onsite Sewage Management Systems of the Department of Public Health. The permit authorizes a business to remove and dispose of the contents of the on-site sewage management system.
- (x) "Septic Tank Pumping and Hauling Business" is a business that has been issued a septage removal and disposal permit by a county board of health for the removal and/or disposal of domestic septage.
- (y) "Soil Fertility Test" shall mean a test to determine the nitrogen, phosphorous and potassium requirements for a crop grown on a unit of land.
- (z) "Soil Report and Map" means a site specific soil interpretative table that identifies as a minimum the following: the name of the soil series, the percent slope, the seasonal high groundwater table, the depth of any impervious layer, and the absorption rate for each horizon.
- (aa) "Stockpile" means to place septage on land in piles or in any other manner that does not constitute application to the land as defined in land disposal above.
- (bb) "Tier 1 operation" means a land disposal site that receives and land applies septic tank waste from a single permitted septic tank pumping and hauling business.
- (cc) "Tier 2 operation" means a land disposal site that receives septic tank waste from more than one permitted septic tank pumping and hauling business.
- (dd) "Total solids" are the materials in septage that remain as residue when the septage is dried at 103 to 105 degrees Celsius.
- (ee) "Treat, treatment, or pretreatment of septage" is the preparation of septage for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of septage. This does not include storage of septage.

(ff) "Vector attraction" is the characteristic of septage that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(gg) "Volatile solids" is the amount of the total solids in septage lost when the septage is combusted at 550 degrees Celsius in the presence of excess air.

(hh) "Well" means an excavation or opening into the ground by which groundwater is sought for use. This term shall not include monitoring wells used to sample for groundwater quality.

(3) Coverage.

(a) This Paragraph applies to any site that receives septage, to any person who prepares septage for land application, or to any person who applies septage to the land for subsurface injection or incorporation into soil. Any Tier 2 operation shall be required to adhere to the additional requirements specified in Subparagraphs (10), (17), (20), and (21).

(b) This Paragraph does not apply to:

1. Grit and screenings generated during pretreatment of septage.
2. Disposal of septage by means other than land application at agronomic rates via subsurface injection or incorporation into soil with the exception of septage applied to reclamation sites.
3. The incineration of septage.
4. Ash generated during the firing of septage in a septage incinerator.
5. Persons proposing to sell or give away septage in a bag or other container for application to the land. Approval to sell or give away such bagged or contained septage must be obtained from the Georgia Department of Agriculture.

(4) Permit Required.

The requirements in this Paragraph shall be implemented through a permit issued or reissued to an applicant. If the applicant is not the owner of the site, then the applicant must submit a letter of agreement between the applicant and the owner of the site.

(a) It shall be unlawful for any person to operate a land disposal site without having first obtained a valid permit from the Division pursuant to this Paragraph; provided however, that any site that as of June 30, 2007, operated under a valid permit issued on or before such date by the Department of Public Health under Code Section 31-2-8 may continue to operate under such Code Section until July 1, 2014, but a permit shall be obtained from EPD prior to such date in order to continue such operation thereafter as a Tier 1 operation in accordance with this Paragraph.

(b) Disposal of domestic septage by land disposal shall only occur on land with a low potential for public exposure.

(c) Prior to the issuance of a land disposal permit, the applicant shall have submitted and the Division shall have approved a septage management plan. The application for a permit and information for the septage management plan shall be on forms provided by the Division. All information required for the septage management plan must be submitted prior to Division review. For Tier 1 operations the septage management plan shall include an identified section specifying details for the clean up and closure of the operation.

(5) Monitoring, Recording and Reporting Requirements.

Any pollutant discharged into a land disposal system authorized by a permit shall be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director. These requirements may include: the installation of monitoring wells or other equipment; the monitoring of surface waters; the use and maintenance of such monitoring equipment; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results to the Division. The monitoring, recording and reporting

requirements shall be specified in a permit when issued, provided, however, the Director may modify or require additional monitoring, recording and reporting by written notification to the permittee. Any Tier 1 operations covered under this Paragraph will have twenty-four (24) months after date of initial permit issuance to comply with any groundwater or surface water monitoring, recording and reporting requirements that may be specified in a permit.

(a) The frequency of sampling and reporting shall be specified in the permit, but in no case shall the frequency be less than once per year.

(b) The permittee shall retain any records of monitoring activities and results for a minimum of five (5) years, unless otherwise required or extended by the Director upon written notification.

(c) Any holder of a permit that requires monitoring of the authorized pollutant discharged into a land disposal system shall report periodically to the Division results of all required monitoring activities.

(6) Buffer Criteria.

The following buffer distance requirements must be met as a minimum. The Division may require additional buffer distances, on a case-by-case basis.

(a) Land disposal sites shall not be located within 300 feet of a residence or other facility or land frequently used by the general public.

(b) Domestic septage shall not be applied within 300 feet from the normal water level of any impoundment, tributary, stream, or other body of water considered waters of the State; within 300 feet of a sinkhole; within 300 feet of a marsh, wetland or coastal waters.

(c) Domestic septage shall not be applied within 500 feet of a public, non-public, or individual well.

(d) An undisturbed vegetative buffer strip of at least 50 feet wide shall be maintained along all streams and drainage ditches within or adjacent to the land disposal site.

(7) Management of Land Disposal Sites.

(a) Only domestic septage shall be applied to the site. No grease, industrial, solid or hazardous waste shall be applied on the site.

(b) Land disposal of domestic septage shall not be permitted unless an approved pretreatment process has properly treated such septage. Proper pretreatment includes screening and stabilization of all septage. Such pretreatment must occur at the land disposal site.

(c) The pH of the soil in the land disposal area shall be maintained at a pH amenable for growing the cover crop. The pH shall be measured by annual soil tests.

(d) Public access to the land disposal site shall be restricted by fencing or other means approved by the Division. The method of public access control shall be specified in the permit.

(e) Each site entrance shall be posted with a "No Trespassing" sign identifying the area as a land disposal site. The sign shall include the name and address of the person or business engaging in the land disposal of septage and the site permit number.

(f) An annual soil fertility test shall be required and utilized to determine the agronomic application rate. No person shall land apply domestic septage to a site on which the nitrogen requirements have been met for the calendar year.

(g) No person shall land apply domestic septage to a site at a rate that exceeds the annual pollutant loading rate limit in Table 1 for arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium and zinc.

(h) No person shall land apply domestic septage to a site that exceeds the cumulative pollutant loading rate limit in Table 1 for arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium and zinc.

- (i) The Division shall maintain current minimum requirements for a septage management plan.
- (j) The Division shall maintain a list of all acceptable certification agencies and certifications.
- (k) All application of septage shall be under the general supervision of certified operator unless no acceptable certification process exists.

(8) Vector Attraction Reduction Management.

Land application of domestic septage must meet one of the following two vector attraction reduction management practices.

- (a) Subsurface injection: Domestic septage shall be injected below the surface of the land and no significant amount of septage shall be present on the land surface within one hour after septage is injected. Injection may be accomplished by any device(s) that place the septage beneath the soil in a narrow trench at a depth of no greater than 18 inches and promptly replaces the cover soil in the same action of trenching and placing septage. Excavation of a trench followed by placement of septage and later covering of the trench is not considered injection.
- (b) Incorporation: Domestic septage applied to the surface of the land shall be incorporated into the soil within six hours after septage application.

(9) Pathogen Control Requirements.

The following management practices must be met for compliance with pathogen control requirements.

- (a) Food crops with harvested parts that touch the land surface or that develop above the land surface shall not be harvested for fourteen (14) months after domestic septage application.
- (b) Feed crops or fiber crops shall not be harvested for thirty (30) days after domestic septage application.
- (c) Food crops with harvested parts below the land surface shall not be harvested for thirty-eight (38) months after domestic septage application.
- (d) Turf grown on land where domestic septage is applied shall not be harvested for one (1) year after domestic septage application.
- (e) Animals shall not be allowed to graze on the land for thirty (30) days after the application of domestic septage.
- (f) Public access shall be restricted for thirty (30) days after the application of domestic septage.
- (g) Domestic septage shall not be applied to soils saturated with water or during rain events.

(10) Monitoring.

The pollutants listed in Table 1, and any additional parameters contained in the permit, shall be monitored at least once per year for Tier 1 operations and once per quarter for Tier 2 operations. Representative septage samples shall be analyzed in accordance with the analytical methods contained in 40 CFR 503.8 (or as revised by EPA). All samples shall be analyzed by a certified wastewater laboratory analyst or in a commercial environmental laboratory that is approved under the Division's Rules for Commercial Environmental Laboratories.

(11) Application Rate.

The annual application rate for domestic septage applied to a land disposal site shall be based on the Division approved septage management plan.

(12) Septage Holding Facilities.

All septage land disposal systems shall have an alternative method for the temporary holding of domestic septage during periods of adverse weather. Such method(s) shall comply with Division requirements and shall be part of the septage management plan.

(13) Record Keeping.

Individuals involved in the land disposal of domestic septage shall maintain the following information for five (5) years. The information shall be available for inspection at the place of business by the Division, the DPH, the local County Board of Health, or the US EPA. A septage application record form shall be used to record the following information:

- (a) The location, by street address (if available) and either latitude and longitude or GIS coordinates, of each site on which domestic septage is applied.
- (b) The number of acres of each site on which domestic septage is applied.
- (c) The date, time, and quantity of domestic septage applied to each site.
- (d) The crop or vegetation grown on each site.
- (e) The rate in gallons per acre per year at which domestic septage is applied to each site.
- (f) The cumulative loading of the parameters in Table 1 per acre for the site(s).
- (g) A description of how management requirements for pathogen control and vector reduction requirements are met.
- (h) The name and signature of the person who land applied the domestic septage.
- (i) The person supervising the land disposal of domestic septage at the site shall sign the following certification statement: "I certify under penalty of law, that the pathogen control requirements and the vector reduction requirements have been met. This determination has been made under my direction and supervision and I am aware that there are significant penalties for the false certification including the possibility of fine or imprisonment".

(14) Inspection.

- (a) Representatives of the Division, the Department of Public Health, the local County Health Department and or the US Environmental Protection Agency, after proper identification, shall be permitted to enter any property permitted as a land disposal site at any reasonable time for the purpose of making inspections to determine compliance with this Paragraph or the permit.
- (b) Representatives of the Division, the Department of Public Health, the local County Health Department and or the US Environmental Protection Agency, during inspections of the land disposal site, may review records to determine compliance with provisions of these regulations.

(15) Compliance.

Except as described in 391-3-6-.23(4)(a), a land disposal site that receives septic tank waste shall not operate until such time as the Division has issued a valid permit and the permit becomes effective.

(16) Modification, Revocation, Suspension and Termination of Permits.

- (a) The Director shall have the power and authority to modify, suspend, or revoke permits for good cause, including failure to provide accurate information in the permit application or septage management plan, or failure to comply with any provisions of the permit or this Chapter. Suspension is effective upon service of a written notice and operation must cease immediately. The notice must state the basis for the suspension and advise the permit holder of the right to a preliminary hearing on request within 72 hours. If a hearing is not requested, upon correction of all violations, the permit holder may request an inspection to reinstate the permit.
- (b) Prior to any such modification, suspension or termination of an issued permit by the Director (other than modification of the monitoring, recording or reporting requirements), the Director will provide public notice and an opportunity for public hearing in accordance with the procedures set forth in this chapter.

(17) Application for a Permit.

The Division may issue individual permits or coverage under a general permit. Any person seeking coverage under an individual permit shall submit an application for an individual permit to the Director. Any person seeking coverage under a general permit shall submit a notice of intent, or NOI, to the Director.

(a) Applications for a permit required under O.C.G.A. 12-8-41 shall be on forms as may be prescribed and furnished from time to time by the Division. Applications shall be accompanied by all pertinent information as the Division may require, including but not limited to complete engineering reports, closure plan, schedule of progress, plans and specifications, maps, measurements, quantitative and qualitative determinations, records, local ordinances applicable to the land disposal of septage and all related materials.

(b) Engineering reports, plans, and specifications submitted to the Division in support of a Tier 2 operation permit application shall be prepared by a professional engineer, competent in the field of sewage and industrial waste treatment. Other materials in support of engineering reports, plans, specifications, and permit applications may be prepared by other persons competent in their field.

(c) Materials submitted shall be complete and accurate.

(d) Any permit application form or any other form submitted to the Division shall be signed in accordance with the following:

1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means 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

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.

(e) All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:

1. The representative so authorized is responsible for the overall operation of the facility, e.g., a manager, superintendent or person of equivalent responsibility; and

2. The authorization is made by the person designated under (d) above and written authorization of such is submitted to the Director.

(f) Any changes in the written authorization submitted to the permitting authority under (e) 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 (e) above.

(g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under 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."

(h) A complete NOI for coverage under a general permit shall, at a minimum, meet the requirements of subparagraph 391-3-6-.19(5).

(18) Notice and Public Participation.

(a) Tentative determination and draft permits:

1. When the Division is satisfied that the application for an individual permit is complete, a tentative determination will be made to issue or deny the permit. If the tentative determination is to issue the permit, a draft permit will be prepared prior to the issuance of a public notice. If the tentative determination is to deny the permit the applicant will be notified in writing by the Director and such notification shall include suggested revisions and modifications necessary to meet the requirements for a permit.
2. If the Director makes a tentative determination to issue a general permit, a draft permit will be prepared in accordance with applicable State laws prior to issuance of a public notice.

(b) Public Notice:

1. Public notice of every approvable permit application for an individual permit will be prepared and circulated in a manner designed to inform interested and potentially interested persons of the proposed septage system and of the proposed determination to issue a permit for the proposed septage system. Procedures for circulation of the public notice shall include the following:

- (i) Circulation by publication in one (1) or more newspapers of general circulation in the area of the applicant;
- (ii) A copy of the public notice shall be mailed to the permit applicant and a copy shall be available for review and inspection at the Division office in Atlanta;
- (iii) Mailing of the public notice to any persons or group upon written request to the Division. The Division shall maintain a mailing list for distribution of public notices for permits. Any person or group may request that their names be added to the mailing list. The request should be in writing to the Division office in Atlanta and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list for permit notification;
- (iv) The Division shall provide a period of not less than thirty (30) days following the date of the public notice in which interested persons may submit their written views on the tentative determination with respect to the permit application. All written comments submitted during the thirty (30) day comment period will be retained by the Division, and will be considered in the final determination with respect to the permit application. The comment period may be extended at the discretion of the Director.

2. Public notice of every draft general permit will be prepared and circulated as described in subparagraph 391-3-6-.19(6).

(c) Public Hearing:

1. The Director shall provide an opportunity for an applicant, any affected state or interstate agency, or any other interested agency, person or group of persons to request a public hearing with respect to a draft general permit or an application for an individual permit. Any such request for a public hearing shall be filed within the thirty (30) day comment period prescribed, and shall indicate the interest of the party filing such request, reasons why a hearing is requested and identify the specific portions of the general permit, application or other septage system form or information to be considered at the public hearing. The Director shall hold a hearing if he determines that there is sufficient public interest in holding such a hearing;
2. Any public hearing held pursuant to this subparagraph shall be held in the geographical area of the proposed septage system, or other appropriate location at the discretion of the Director;

3. The Director may hold one public hearing on related groups of permit applications;
4. Public notice of any hearing held pursuant to this subparagraph shall be provided at least thirty (30) days in advance of the hearing date and shall be circulated in accordance with the public notification procedures in this chapter.

(19) Authorization Under a General Permit

(a) Authorization to operate under a general permit shall be effective upon receipt of notification of inclusion from the Division, except for any site that as of June 30, 2007, operated under a valid permit issued on or before such date by the Department of Public Health under Code Section 31-2-8. For such sites, initial coverage shall be effective upon submission of an NOI.

(b) The Director may revoke such authorization if the conditions of the general permit are not met, if the septage management plan is not approvable, if the closure plan, if required, is not approvable, or as otherwise provided for by State law.

(20) Trust Indenture for Non-governmentally Owned Septage Systems.

For non-governmentally owned Tier 2 operations, a trust indenture or other legal contract or agreement, acceptable to the Division, must be filed with the application for a permit. The trust indenture or other legal contract must establish and maintain evidence of financial responsibility to provide for the clean up and closure of the septage treatment facilities and the proper disposal of any remaining septage after closure of the facility. Available financial responsibility mechanisms include but are not limited to insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees.

(21) Closure Plans for Non-governmentally Owned Septage Systems.

Prior to the issuance of a land disposal permit to a Tier 2 operation, the applicant shall have submitted and the Division shall have approved a detailed closure plan for clean up and closure of the facility. The closure plan shall include a schedule for completion of closure within six months after the facility is removed from service. This plan shall be updated with future reissuances of the permit.

(22) Duration, Transferability, and Reissuance of Permits.

(a) Any permit issued shall have a fixed term not to exceed five years. Upon expiration of such permit a new permit may be issued by the Director, provided that an application for renewal is filed with the Director at least 180 days prior to the expiration date of the existing permit. The issuance of such new permit shall likewise have a fixed term not to exceed five years.

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

1. The permittee notifies the Director of the proposed transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) is submitted to the Director; and

3. The Director within thirty (30) days does not notify the current permittee and the new permittee of the Division's intent to modify, revoke and reissue, or terminate the permit and to require that new application be filed rather than agreeing to the transfer of the permit. A new application will be required when the change of ownership is accompanied by a change or proposed change in process or wastewater characteristics or a change or a potential change in any circumstances that the Director believes will affect the conditions or restrictions in the permit.

(23) Enforcement.

Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

(24) Effective Date.

This Paragraph shall become effective twenty days after filing with the Secretary of State's office.

Table 1
Land Application Pollutant Limits for Domestic Septage

Pollutant	Annual Pollutant Loading Rate Limits (kilograms per hectare per 365-day period)	Cumulative Pollutant Loading Rate Limits (kilograms per hectare)
Arsenic	2.0	41
Cadmium	1.9	39
Chromium	150	3,000
Copper	75	1,500
Lead	15	300
Mercury	0.85	17
Nickel	21	420
Selenium	5.0	100
Zinc	140	2,800

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