GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

SUMMARY PAGE

Permit Name General NPDES Permit for Animal Feeding Operations

NPDES Permit No. GAG930000

This is a reissuance of the General NPDES Permit for Animal Feeding Operations.

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

List of Facilities Covered under the Existing General NPDES Permit

1. Highbrighton Dairy – Barrington Daily Barn 2 (GAG930004)
2. Barrington Dairy – Barn 1 (GAG930005)
3. Brooksco Dairy, LLC (GAG930061)
4. Pecan Grove Dairy, LLC (GAG930062)
5. Southbrook Dairy, LLC (GAG930063)
6. Westbrook Dairy (GAG930064)
7. Eberly Family Farm (GAG930065)
8. Providence Dairy, Inc. (GAG930066)
9. Harmony Grove Dairy Farm, LLC (GAG930067)
10. Oak Hill Dairy (GAG930068)

Please Note the Following Changes to the Proposed NPDES Permit from The Existing Permit

Part II.A.1.

- Revised to require that for new swine, poultry and veal calf CAFOs after November 20, 2008 there must be no discharge of manure, litter, or process wastewater from production area(s) to waters of the State.

Part I.D.

- Added clarifying language to align with other recently reissued NPDES General Permits.

Part I.E.6.

- Updated to include all of the NOI requirements in accordance with 40 C.F.R. § 122.21(i) and 122.28.

Part II.F.2.

- Updated to the new e-Reporting Phase II compliance date of December 21, 2025, per 40 CFR 127.16. The revision to the rule becomes effective January 4, 2021.

Part VI.A.

- Updated to require the name and address of the recipient for manure transfers of any size.

Part VIII.

- 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.
- The definitions have been corrected to remove the reference to Appendix B and updated to reference 40 C.F.R. § 122.23(b).

Boilerplate Modifications

The permit boilerplate includes modified language or added language consistent with other NPDES permits, as well as corrected formatting and typographical errors throughout.

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 revisions and/or permit fact sheet revisions document(s)

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Revisions to Draft Permit

Name of Facility General NPDES Permit for Animal Feeding Operations

NPDES Permit No. GAG930000

Were there any revisions between the draft proposed NPDES permit placed on public notice and the final proposed NPDES permit? If yes, specify: ☒ Yes ☐ No

Part I.E.6.

- The final permit has been updated to include all of the NOI requirements in accordance with 40 C.F.R. § 122.21(i) and 122.28.

Part II.A.1.

- In accordance with 40 C.F.R. § 412.46, the condition in Part II.A.1. of the permit has been updated. For new swine, poultry and veal calf CAFOs after November 20, 2008 there must be no discharge of manure, litter, or process wastewater from production area(s) to waters of the State, and the 25-year, 24-hour rainfall condition has been removed.

- Updated "feedlot(s) or manure storage areas" has been to "production areas" in the condition.

Part II.H.1.

- The language in Part II.H.1. has been revised from "Provide and maintain buffer strips or other equivalent practices near feedlots, manure storage areas, and land application areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater)." To "Provide and maintain buffer strips or other equivalent practices near production areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater)."

Part II.H.2.

- The language in Part II.H.1. has been revised from "Design and implement management practices to divert clean water and floodwaters from contact with feedlots and holding pens, animal manure, or manure and/or process wastewater storage systems." to "Design and implement management practices to divert clean water and floodwaters from contact with production areas."

Part VI.A.

- Part VI.A. of the permit has been updated to require the name and address of the recipient for manure transfers of any size.

Part VIII.

- 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.

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ENVIRONMENTAL PROTECTION DIVISION

Revisions to Draft Permit

Part VIII.
The definitions have been corrected to remove the reference to Appendix B and updated to reference 40 C.F.R. § 122.23(b).

Minor typographical errors have been updated throughout the permit.

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ENVIRONMENTAL PROTECTION DIVISION

Revisions to Draft Fact Sheet

Name of Facility General NPDES Permit for Animal Feeding Operations

NPDES Permit No. GAG930000

Were there any revisions between the draft proposed NPDES permit fact sheet placed on public notice and the final proposed NPDES permit fact sheet? If yes, specify:

☒ Yes ☐ No

Part 1.3

- Eligibility for coverage updated to "There shall be no discharge of process wastewater from the production area(s) to waters of the State except as provided in Part II.A.1. and 2. of the permit."

Part 1.5

- Added "For new swine, poultry and veal calf CAFOs after November 20, 2008 there must be no discharge of manure, litter, or process wastewater from production area(s) to waters of the State."
- Updated "feedlot(s) or manure storage areas" to "production areas".

Part 3.1.

- Revised to the water quality standards approved by EPA on August 31, 2022.

Part 5.1

- The language has been revised from "Provide and maintain buffer strips or other equivalent practices near feedlots, manure storage areas, and land application areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater)." To "Provide and maintain buffer strips or other equivalent practices near production areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater)."

Part 5.2

- The language has been revised from "Design and implement management practices to divert clean water and floodwaters from contact with feedlots and holding pens, animal manure, or manure and/or process wastewater storage systems." to "Design and implement management practices to divert clean water and floodwaters from contact with production areas."

Public Comments and EPD Responses on Draft NPDES Permit
General NPDES Permit for Animal Feeding Operations – Permit No. GAG930000

COMMENT RECEIVED	EPD RESPONSE
As stated in 40 CFR §122.23(a), "Concentrated animal feeding operations… are point sources subject to permitting requirements," so we appreciate the intent behind this draft permit. We request clarification of the differences in purpose and to whom they apply between GAG92000 and GAG940000 and this draft permit. Only 10 facilities are covered by this draft permit. According to data produced by EPD in 2016, there are at least 80 dairy AFOs and at least 50 swine AFOs, as well as numerous poultry AFOs, operating in Georgia. Why are only 10 facilities from this list required to permit their emergency discharges? Have all of the other facilities demonstrated that they will not have emergency discharges as a result of storm events greater than the facilities' design capacity? It is not explained why this draft permit only applies to a select 10 facilities, or what differentiates them from the other AFOs in Georgia. We need to ensure that all potential emergency discharges from other facilities are disclosed, monitored and transparently reported to EPD. AFOs not covered under this draft permit should be required to report discharges to waters of the State caused by storm events beyond the facilities' design capacity.	In accordance with federal and state regulations coverage under an NPDES permit is required for any animal feeding operation and concentrated animal feeding operation that discharges to Waters of the State. In accordance with 122.23(e), permit coverage is not required for discharges of agricultural stormwater. Where manure, litter, or process wastewater has been applied in accordance with a site-specific nutrient management plan, precipitation-related discharges of manure, litter or process wastewater from land areas under the control of the CAFO is an agricultural stormwater discharge.
We question the continued reliance on a 25-year, 24-hour storm as an adequate measuring stick in an era of more frequent, more severe rain events that are occurring because of climate change.	In accordance with 40 C.F.R. § 412.46, the condition in Part II.A.1. of the permit has been updated. For new swine, poultry and veal calf CAFOs after November 20, 2008 there must be no discharge of manure, litter, or process wastewater from production area(s) to waters of the State, and the 25-year, 24-hour rainfall condition has been removed. For the other types of CAFOs eligible for coverage under this permit, the federal Effluent Limit Guidelines identify a 25-year, 24-hour rainfall event as the standard under which these facilities have been designed.

COMMENT RECEIVED	EPD RESPONSE
The Nutrient Management Plans (NMPs) arguably are the most important document related to this permit and management of stormwater and wastewater on these sites. The first mention of the NMP is in Part I.E.1.c on page 6 of the permit. The NMPs likely should be introduced and addressed earlier in the permit to underscore that these plans are the foundation upon which AFO operators will build their stormwater and wastewater management operations.	This comment has been noted. All conditions of the permit are equally enforceable, regardless of the location within the permit.
It appears that this permit is intended to cover Medium and Large CAFOs as defined by 40 C.F.R. § 122.23. However, the permit goes back and forth between referring to AFOs and CAFOs, which is somewhat confusing, given that not all AFOs are CAFOs. Moreover, as discussed below, the definition of "concentrated animal feeding operation (CAFO)" is incorrect and refers to Appendix B to 40 CFR Part 122, which does not exist. The language should clarify that the permit is intended to cover discharges from Medium and Large CAFOs as defined by EPA and should use CAFO throughout.	Both "AFO" and "CAFO" are defined within the permit to eliminate any confusion between the references made to each. The definitions have been corrected to remove the reference to Appendix B and updated to reference 40 C.F.R. § 122.23(b).
Eligibility for Coverage	
We disagree that this permit should cover extremely large CAFOs with more than 3000 AU. Instead, the general NPDES permit should cover only those CAFOs with more than 300 AU but equal to or less than 3000 AU, regardless of when the AFO began operating. CAFOs with more than 3000 AU are extremely large operations that generate substantial amounts of manure and process wastewater and should be required to obtain individual permits to deal with that much waste.	Conditions have been included in the permit which are conservative and protective of any CAFOs over 300AU, in accordance with the requirements at 40 C.F.R. §122.23.

COMMENT RECEIVED	EPD RESPONSE
Facility Closure	
This provision should be expanded to include proper closure of all production areas, including animal confinement areas and raw materials storage areas such as silage bunkers.	The facility closure requirements in the permit are in accordance with the Rules and Regulations of the State of Georgia 391-3-6-.21(4)(n).
Contents of the NOI	
This list should be expanded to include all the information required for NPDES permit applications/NOIs for CAFOs set forth in 40 C.F.R. §§ 122.21(i) and 122.28 (e.g., receiving streams).	The final permit has been updated to include all of the NOI requirements in accordance with 40 C.F.R. § 122.21(i) and 122.28.
The list should also be expanded to include the following additional information: • information about which pollutant(s) will or may be discharged into state waters • demographics of the surrounding area—within 5 miles—to ensure that issuance of the permit will not have a disparate impact on communities of color or low-wealth communities • how many other AFOs or industrial facilities are located within 5 half miles and where they are located.	EPD uses the federal permit application, EPA Form 3510-2B. This application form is designed to capture all of the applicants information required by the federal regulations.

COMMENT RECEIVED	EPD RESPONSE
Notification of Discharges from Retention Structures and Improper Land Application	
The opening paragraph states, "Agricultural stormwater is not considered a discharge." While this is part of the federal regulations under which this permit is promulgated, this position can and should be clarified to render certain discharges as a result of agricultural stormwater as "emergency discharges" subject to this permit's conditions. When such stormwater washes out a poorly built lagoon or improperly maintained lagoon, it would appear to be or should be considered a discharge covered by this permit.	The permit defines "agricultural stormwater discharge" as a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 40 CFR § 122.42(e)(1)(vi)-(ix). The definition contemplates only the land application in accordance with an approved nutrient management plan. The definition does not include washed out lagoons or improper land application.
Monitoring Requirements for Discharges from Retention Structures	
E.coli should be added to the table of parameters.	EPDs bacteria water quality standards for specific designated uses outlined in the Rules and Regulations of the State of Georgia 391-3-6-.03(6) require a geometric mean of at least 4 samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. Due to the infrequent and short duration of these types of emergency discharges, a geometric mean over a 30-day period may not be calculated. Per Part II.E.5. of the permit, EPD may require additional surface water monitoring in the event of an extended discharge event.
Permittees should be required to take more than one sample after the initial discharge if conditions are safe for sampling and the discharge lasts for more than 4 hours.	EPD does not have reason to believe the effluent characterization would change substantially after 3.5 hours. Additional sampling as well as ensuring those samples make it to a laboratory within the required hold times, while experiencing an emergency event would be overly burdensome and is not expected to provide additional value.

COMMENT RECEIVED	EPD RESPONSE
Pretreatment Facility (Wastewater Pond or Lagoon)	
E.coli should be added to the table of parameters.	There is no requirement for the disinfection of bacteria prior to land application. The land treatment system is the treatment for bacteria and therefore monitoring of this parameter prior to the land treatment system would not provide data regarding the effectiveness of treatment. Therefore, it is not necessary to sample for this parameter at the wastewater pond or lagoon.
Sample location needs to be defined better. Although it refers to the final discharge from the lagoon to the spray fields, clarification is needed to confirm that samples should be taken directly from the spray heads or from the pipe right before the effluent is sprayed onto the fields.	EPD does not believe additional clarity is needed, as the effluent characterization would be expected to be the same immediately before entering the pipe to the land application system and at the spray heads.
Ground Water Limitations and Monitoring	
A minimum of one well downstream of the waste storage pond area is not sufficient to ensure that ground water at the property line does not exceed the 10.0 mg/L MCL for nitrate nitrogen. We recommended 3 monitoring wells at a minimum, with spacing based on the distance from the source of the potential problem. Monitoring wells should also be required downstream of each spray field or each series of sprayfields in which groundwater flows in the same general direction.	Monitoring downgradient of the storage ponds has been included to ensure seepage from the ponds is not occurring. Part II.E.5. of the permit includes provisions for when additional ground water may be required, such as facilities with historical compliance problems, especially large facilities, facilities with significant environmental concerns, or facilities impacting impaired water bodies.
Phosphorous should be included among the parameters to be measured.	The National Primary Drinking Water Regulations do not have a maximum contaminant level for phosphorus; therefore, no limit has been included for phosphorus in ground water.
Sampling should have a more direct connection to precipitation events. EPD should provide guidance on where and when these samples should be taken, taking into consideration recent precipitation and/or drought conditions.	Part II.E.1. of the permit includes language regarding representative sampling.

COMMENT RECEIVED	EPD RESPONSE
Soil Monitoring	
The permittee must be required to use the results of the annual soil monitoring to make necessary modifications to the approved NMP, and this requirement should be included here and in the NMP section of the permit.	This permit condition already requires that the "results of the soil fertility test(s) shall be utilized by the permittee in the continuing operation and maintenance of the land treatment system". Adding this condition again in another portion of the permit would be duplicative.
EPD should provide more guidance and better parameters for this condition. The agency should produce maximal allowed concentrations of soil nutrients (N,P,K), metals (Na, Fe, Ca, Mg, Pb, Cd, As, Se, Cr, Cu, Zn, Ag, Hg, Cs, Mo), and organic carbon. Such paraments should be measured in soil samples regularly. The agency should recommend soil sampling, mixing and storage techniques and best practices to guide this condition.	The requirement of the permit is to perform a soil fertility test in order to determine the nitrogen, phosphorous and potassium requirements for a crop. The commenter did not elaborate on what additional guidance may be needed, however the condition requires that the analytical test is performed in accordance with the latest edition of Methods of Soil Analysis (published by the American Society of Agronomy, Madison, Wisconsin), and specifies that the samples should be collected using the Mehlich-1 extraction procedure. Additional clarity as to how to request this test from the UGA laboratory is also included (S1 or S2). An S1 test includes pH, lime requirement, phosphorus, potassium, calcium, magnesium, zinc, and manganese. The S2 includes the parameters of S1 and also includes sodium, iron, copper, chromium, molybdenum, nickel, cadmium, and lead. Maximum concentrations to be applied are site-specific, and are determined based on the nutrient needs of the crops and current conditions of each field. These are evaluated within the Nutrient Management Plan.

COMMENT RECEIVED	EPD RESPONSE
Surface Water Monitoring	
A new section should be added to the final permit requiring permittees to monitor surface waters flowing through or adjacent to any waste lagoons or spray fields. This monitoring should occur quarterly and sample for those parameters already otherwise collected per the permit.	A buffer of 100 feet or a vegetated buffer of 35 feet is required between the wetted areas or waste disposal areas and all surface waters in order to protect surface waters in the vicinity of the facility. Part II.E.5. of the permit includes provisions for when surface monitoring may be required, such as facilities with historical compliance problems, especially large facilities, facilities with significant environmental concerns, or facilities impacting impaired water bodies.
Retention of Records	
In the first sentence, delete the comma after "Each CAFO" and delete the comma after "are created" for clarity and grammar.	This has been updated in the final permit.
In the first sentence, change "(b)(i) through (b)(vi)" to "(b)(1) through (b)(6)" to accurately reflect how the section is numbered.	This has been updated in the final permit.
The CAFO should be required to make these records available to EPD as well as members of the public upon request. This sentence should also be edited to require the CAFO to make those records available within a specified time (e.g., 7 days).	The permit condition already requires that the CAFO must make the records available to EPD, for review upon request. If a request for these records is submitted to the EPD from the public, EPD will follow the procedures outlined by the Georgia Open Records Act in order to respond to the request.
Change the title of this section to say "Record Keeping" instead of "Recordkeeping" for consistency.	This has been updated in the final permit.
This provision should be edited to include not just a description of weather conditions at the time of application and for 24 hours prior to and following application, but the total amount of precipitation that fell during those time periods.	The condition, as written in the permit, is in accordance with the requirements of 40 C.F.R. § 412.4

COMMENT RECEIVED	EPD RESPONSE
Reporting Requirements	
In Part II.F.3.a.2, "respectfully" should be changed to "respectively."	This has been updated in the final permit.
General Inspection and Monitoring	
Freeboard might be better expressed as a percentage of volume available as opposed to feet below emergency overflow.	The CAFO's nutrient management plan will list the storage for the 25 year 24 hour storm event as feet below emergency overflow level, with an additional 1 foot of freeboard required by the permit, making it simple to compare the value reported with the value submitted on the nutrient management plan.
Assuming that the collections from the waste lagoons will be applied to different areas from day to day, there needs to be a way to track the areas to which the animal wastes are applied each day to prevent overapplication to any area.	Part II.E.8.c.vii. of the permit requires that the CAFO maintain records on-site documenting the total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied, so the field applications are being tracked to prevent overapplication.
Minimum Standards to Protect Water Quality	
The first sentence should be edited to include all production areas, including animal confinement areas and raw materials storage areas, such as silage bunkers, and not be limited to feedlots, manure storage areas, and land application areas.	The language in Part II.H.1. has been revised from "Provide and maintain buffer strips or other equivalent practices near feedlots, manure storage areas, and land application areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater)." To "Provide and maintain buffer strips or other equivalent practices near production areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater)."

COMMENT RECEIVED	EPD RESPONSE
The setback requirement of 100 feet between wetted areas or waste disposal areas and waters of the State is meaningless unless at least some portion of that setback is vegetated. This section should be rewritten to state that there should be a setback of at least 100 feet between wetted areas or waste disposal areas and waters of the State, and the 25 feet directly adjacent to waters of the state shall remain as a vegetated buffer. The compliance alternative of a 35-feet wide vegetated buffer should be increased to 50 feet to better protect our waterways.	The setback requirements in the permit are in accordance with the requirements of 40 C.F.R. § 412.4 (c)(5) and the Rules and Regulations of the State of Georgia 391-3-6-.21(4)(h) and (j). The commenter did not provide further information or evidence to support the statement that a 100 ft buffer is not sufficient to protect state waters.
Divert Clean Water	
The first sentence should be edited to include all production areas, including animal confinement areas and raw materials storage areas such as silage piles.	This has been updated in the final permit.
Prevent Direct Contact of Animals with Waters of the State	
This provision should expressly prohibit animals from having direct access to waters of the State.	The federal regulations at 40 C.F.R. § 122.42(e)(1)(iv) requires that the nutrient management plan include best management practices necessary to prevent direct contact of confined animals with waters of the United States. This requirement has been included in the permit.
Rates of Timing of Land Application of Manure of Wastewater	
Part II. 9.c. This sentence should be edited to state that manure and wastewater **shall not** be applied on land that is flooded, saturated with water, frozen or snow covered at the time of land application where the manure and wastewater may enter Waters of the State. The only exception to this prohibition is if removing wastewater from the waste lagoon(s) is critical to avoid overflows and discharges from the lagoon(s), and the permittee should be required to record/report any such instance.	The federal ELGs for CAFOs do not establish requirements prohibiting manure application to frozen, snow-covered, or saturated ground, or before forecasted rain. Runoff associated with such application could depend on a number of site-specific variables, including soil type, topographic variability, and distance to waters of the State. While it is not normally recommended to land apply under these types of conditions, as the commenter noted, there may be circumstances in which it is necessary. EPD believes the language currently included in the permit is sufficient to ensure these practices are avoided when at all possible.

COMMENT RECEIVED	EPD RESPONSE
This sentence should be edited to state that land application of manure and wastewater **shall be** avoided during rainfall events and **shall be** delayed if precipitation with the potential to create manure and/or wastewater runoff into Waters of the State is forecast within 24 hours of the planned application. As above, the only exception should be in emergency situations where drawing down lagoon levels is necessary to prevent overflows. This sentence should also be edited to clarify how to determine how much precipitation has the potential to create runoff, and which weather forecast should be relied upon.	
Bypassing	
This paragraph appears to be copied from an industrial permit rather than tailored to land application discharges. It should be revised to more specifically address the typical systems and operations, and the type of bypassing likely at an AFO.	The bypass condition included in the permit is required by 40 C.F.R. § 122.41(m). These are required conditions for NPDES permits, but not for state-issued LAS permits.
Spills of Oil, Radioactive Materials, and Hazardous Chemicals	
Facilities that choose not to develop a SPCC plan should be required to affirmatively declare in writing or otherwise demonstrate that an oil spill from their operations could not reach water and that oil onsite is stored as required by this section.	This condition is in accordance with the requirements of Section 1049 of the Water Resources Reform and Development Act. A facility's NMP will indicate whether the facility has developed an SPCC plan.

COMMENT RECEIVED	EPD RESPONSE
Liner Requirement	
All new waste storage lagoons should be constructed to meet the more stringent requirements for lagoons constructed in significant ground water recharge areas, including requiring the use of compacted clay and synthetic liners.	The liner requirement included in the permit is in accordance with the Rules and Regulations of the State of Georgia 391-3-6-.21(4)(e) which requires that "Any new waste storage lagoon or structure must be constructed to ensure that seepage is limited to a maximum of 1/8 inch per day (3.67 x 10-6 cm/sec). However, new waste storage lagoons or structures 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 391-3-16-.02(3)(e) must be provided with either a compacted clay or synthetic liner such that the vertical hydraulic conductivity does not exceed 5 x 10-7 cm/sec or other criteria as determined by the Division. If it is determined that an existing waste storage lagoon or structure is creating a ground water contamination problem, the Division may require the lagoon or structure to be repaired."
Nutrient Management Plant (NMP)	
This part should be amended to clarify that the annual soil monitoring and crop yield data for land application areas must be considered and evaluated every year to ensure that manure and wastewater are being land applied at agronomic rates. In other words, the permittee should be required to reduce the amount of manure/wastewater applied if the data shows that the soils and crops cannot accommodate the initial application rate set out in the NMP. This requirement may already be included in the permit language, but if so, it is not abundantly clear.	Part II.D.3. of the permit requires that the "results of the soil fertility test(s) shall be utilized by the permittee in the continuing operation and maintenance of the land treatment system". Adding this condition to another portion of the permit would be duplicative.

COMMENT RECEIVED	EPD RESPONSE
Land Application Activities Not Under Control of the Permitted AFO or CAFO Operator	
The application of manure is a water quality threat in Georgia. Subsection 2 allows each recipient to receive 2 short tons of manure from an AFO or CAFO with no requirement for record-keeping by the AFO/CAFO or recipient. Given the existing water quality issues from this waste stream and the potential for abuse of this system, the loophole should be closed. All manure sales or giveaways should be subject to recordkeeping.	Part VI.A. of the permit has been updated to require the name and address of the recipient for manure transfers of any size.
Definitions	
In the definition of "Animal Unit," why don't the lists (300, 1000, 3000 AU) have the same animals listed in each one? For instance, the 3000 AU list includes slaughter and feeder cattle but doesn't break down veal calves or cattle other than mature dairy cows or veal calves.	This has been revised to align with the list provided at Rules and Regulations of the State of Georgia 391-3-6-.21.
The definition of "Concentrated animal feeding operation (CAFO)" refers to criteria in 40 C.F.R. Part 122, Appendix B, but that appendix does not exist. The definition should instead reference 40 C.F.R. § 122.23(b).	This has been updated in the final permit.
The definition of "process wastewater" has a typo near the end. The word "fee" should be "feed."	This has been updated in the final permit.

Permit No. GAG930000
Issuance Date: 11/18/2022

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ANIMAL FEEDING OPERATIONS

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the State Act; the Federal Water Pollution Control Act, as amended (33 U.S. C. 1251 et seq.), hereinafter called the Federal Act; owners of new and existing animals feeding operations within the State of Georgia, upon submittal of a permit application and approval from EPD, are authorized to store and dispose of waste in the State of Georgia in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit and with the statements and supporting information submitted with the application.

This general permit shall become effective on December 1, 2022.

This permit and the authorization to discharge shall expire at midnight November 30, 2027.

Richard E. Dunn, Director
Environmental Protection Division

Table of Contents

PART I. Coverage Under This General Permit

A. Permit Coverage

Pursuant to regulations promulgated in accordance with the Federal Water Pollution Control Act, also known as the Clean Water Act (hereinafter "the Act"), a permit is required for any animal feeding operation and concentrated animal feeding operation (CAFO) that discharges to Waters of the State. NPDES permits issued to CAFOs cover the confinement, storage, and handling areas as well as the land application activities under the control of the permitted CAFO owner.

A discharge of wastewater is considered the discharge of pollutants from an animal confinement or storage and handling areas or from the improper use of land application area(s), under the control of the CAFO owner, which enters Waters of the State. EPD is issuing this NPDES General Permit to the following owners:

B. Eligibility for Coverage

1. Existing AFOs in operation before February 28, 2001 with more than 300 but equal to or less than 3000 animal units (AU);

2. Existing AFOs in operation before February 28, 2001 with more than 3000 AU.

3. New or expanding AFOs commencing on or after February 28, 2001 with more than 300 AU;

C. Authorized discharges

There shall be no discharge of process wastewater from the production area(s) to waters of the State except as provided in Part II.A.1. and 2. of this Permit.

D. Discharge(s) To Impaired Waters

1. This Permit does not authorize discharges of pollutants of concern into impaired waters except as described below. Discharges that include pollutants of concern must be consistent with an EPA-approved or EPA/EPD established Total Maximum Daily Load (TMDL) and applicable State Law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA/EPD established TMDL and/or the State of Georgia's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

2. The facility otherwise eligible for coverage, or currently covered, under this Permit must determine whether its discharge(s) contributes directly or indirectly to a water body that is included on the latest 303(d) list or otherwise designated by EPD as impaired or is included in an EPA/EPD-approved or EPA/EPD established TMDL. If the facility has discharges meeting this criterion, it must obtain an individual permit. If the facility can show that it will contain the 100-yr 24 hour event using all available storage including freeboard, coverage can be granted under this permit.

E. Permit – Application (Notice of Intent) (NOI) Requirements

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

1. <u>NOI For Existing Discharges Already Covered Under an Individual Permit or Applicable General Permit</u>

   a. The owner/operator of any CAFO currently covered under the existing CAFO NPDES General Permit that is seeking coverage under this permit must submit a <u>complete application (NOI) and approvable</u> Nutrient Management Plan (NMP) to the Georgia EPD within 90 days of the effective date of this permit. For any CAFO covered under the existing CAFO NPDES 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 90 days of the permit effective date, permit coverage will be terminated.

   b. The owner/operator of any CAFO 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) and approvable NMP to the Georgia EPD within 90 days of the effective date of this permit.

   c. Facilities that currently have discharges covered under an individual NPDES or Land Application System LAS permit and seeking coverage under this General Permit shall submit a completed application (NOI) and NMP in accordance with the requirements of this permit at least 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 at www.epd.georgia.gov. The approvable NMP must be public noticed in accordance with 40 CFR122.23 prior to EPD granting coverage with this General Permit. Coverage under this General Permit shall be effective upon the date of the Notice of Coverage (NOC) 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 or alternative General 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 or alternative General Permit application.

2. NOI for New, Expanding, or New Source Discharges

New or expanding dischargers or new sources seeking coverage under this General Permit must submit a completed NOI and NMP at least 180 days prior to the date of desired coverage. The approvable NMP must be public noticed in accordance with 40 CFR Part 122.23 prior to EPD granting coverage under this general permit. Coverage under this General Permit shall be effective upon the date of the NOC letter as provided by EPD.

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

3. Transfer of Ownership or Control

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

a. The permittee notifies the Director of 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 new permittee (including acknowledgement 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 at least thirty (30) days in advance of the proposed transfer; and

c. The Director, within thirty (30) days, does not notify the current permittee and the new permittee of EPD's intent to modify, revoke and reissue, or terminate the permit and to require that a new NOI be filed rather than agreeing to the transfer of the permit.

4. Termination of Coverage

Notice of Termination (NOT) – A permittee that has ceased operation of the activity for which the permit coverage was obtained must submit a NOT within ninety (90) days after the activity has permanently ceased. A NOT may also be submitted if the permittee is no longer a CAFO or does not want the option to have an NPDES point source discharge.

5. 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 State Rules, 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 a manner so as not to discharge to any surface water.

6. Contents of the NOI

An NOI shall be on forms as may be prescribed and furnished by EPD. The NOI requires the following information to be submitted:

a. Name of the facility;
b. Name of the owner or operator
c. Any and all information related to the facility contact person;
d. Location and mailing address of your facility;
e. Latitude and longitude of the entrance to production area;
f. Topographic map(s);
g. A brief description of the operation;
h. Applicable Standard Industrial Code(s);
i. Number and type of animals;
j. Information about Manure, Litter, and/or Wastewater Production and Use;
k. Total number of acres under control of the applicant available for land application of manure, litter, or process wastewater;
l. Estimated amounts of manure, litter and process wastewater generated per year;
m. Estimated amounts of manure, litter and process wastewater transferred to other persons per year;

n. Type of containment, storage, and capacity
o. Information on Best Management Practices for Land Application Systems
p. Information about applicable Effluent Limits Guidelines
q. Any and all information related to Impaired Waters and Total Maximum Daily Loads (TMDLs)
r. A copy of the facility's nutrient management plan that at a minimum satisfies the requirements specified in § 122.42(e), including, for all CAFOs subject to 40 CFR part 412, subpart C or subpart D, the requirements of 40 CFR 412.4(c), as applicable;
s. Other information provided on the NOI form as prescribed by EPD.

7. Submittal of NOI, NMP, and NOT

The NOI and supporting documentation, NMP or the NOT must be signed by the owner or other authorized person in accordance with Part II.F.3 of this permit and sent to:

Georgia Environmental Protection Division
Wastewater Regulatory Program
2 Martin Luther King Jr. Drive Suite 1152 East Tower
Atlanta, Georgia 30334

8. Requiring an Individual Permit

EPD may require any AFO or CAFO eligible for coverage under this General Permit to apply for, and obtain, an individual NPDES 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 NPDES permit is automatically terminated when: (1) the owner fails to submit the required individual NPDES permit application within the defined time frame; or (2) the individual NPDES permit is issued by EPD.

PART II. Effluent Limitations, Notification, and Inspections

A. Discharge Characteristics

1. The following effluent limitations apply to the operation covered under this permit:

   Except as noted in Part II.A.2. below, there shall be no discharge of process wastewater from the production area(s) to waters of the State except when rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain:

   a. All process wastewater resulting from the operation of the AFO or CAFO; and

   b. All runoff from a 25-year, 24-hour rainfall event for the location of the AFO or CAFO.

2. For new source swine, poultry, and veal calf CAFOS after November 20, 2008, there must be no discharge of manure, litter, or process wastewater from production area(s) to water of the State, subject to paragraphs (a)(1) through (a)(3) of 40 CFR 412.46.

3. For discharges associated with the land application of process wastewater and/or manure under the control of the owner, the permittee must ensure that such activities comply with the Minimum Standard in Part II.H of this permit and the approved NMP.

B. Notification of Discharges from Retention Structures and Improper Land Application

If, for any reason, there is a discharge of pollutants to a water of the State, the permittee is required to make immediate oral notification, within 24-hours of becoming aware of the discharge, to the assigned EPD Compliance Office (or, if after office hours, the Georgia Department of Natural Resources Emergency Operations Center, 800-241-4113) and notify the assigned EPD Compliance Office in writing within five (5) working days of the discharge from the facility. In addition, the permittee shall retain a copy of the written notification submitted to EPD. Agricultural storm water is not considered a discharge. The 5-day written discharge notification shall include the following information:

1. A description of the discharge and its cause, including a description of the flow path to the receiving water body and an estimate of the flow and volume discharge; and

2. The period of non-compliance including exact dates and times, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the discharge.

C. Monitoring Requirements for Discharges from Retention Structures

1. In the event of any overflow or other discharge of pollutants from a manure and/or wastewater storage structure, the permittee must collect and analyze samples for the following parameters:

Parameter	**Sample Type**
Volume of Discharge (MGD)	Estimate[1]
Biochemical Oxygen Demand (BOD_5) (mg/L)	Grab [2, 3]
Total Suspended Solids (mg/L)	Grab [2, 3]

[1] Record an estimate of the volume released with the date and time.

[2] Samples shall be collected from the overflow or discharges from the retention structure and be representative of the discharge

[3] A minimum of one sample shall be collected from the initial discharge (within 30 minutes of becoming aware of the discharge).

2. In accordance with the State Rules, it shall be the permittee's duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream water users. In the performance of this duty, the permittee may not have sufficient time and resources for sampling. Further, conditions may not be safe for sampling. For example, the permittee may be unable to collect samples during dangerous weather conditions (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.). If the permittee is unable to collect a representative sample of the discharge, at a minimum, the permittee shall collect a sample from the retention structure (pond or lagoon) from which the discharge occurred and immediately notify the assigned EPD Compliance Office.

D. Effluent Limitations and Monitoring Requirements for the Land Application System

1. Pretreatment Facility (Wastewater Pond or Lagoon)

The effluent shall refer to the effluent final discharge from the treatment facility to the spray field(s) and shall be limited and monitored as follows:

Parameter (Units)	**Monitoring Requirements**		
	Measurement Frequency	**Sample Type**	**Sample Location**
Total Flow (MGD)	Daily	Total	Effluent to Spray Field
Total Kjeldahl Nitrogen (mg/L)	Semiannually	Grab	Effluent to Spray Field
Nitrate as Nitrogen (mg/L)	Semiannually	Grab	Effluent to Spray Field
Total Phosphorus	Semiannually	Grab	Effluent to Spray Field

2. Ground Water Limitations and Monitoring

Ground water at the operation's property line must not exceed the primary maximum contaminant levels for drinking water. The maximum contaminant level for nitrate nitrogen is 10.0 mg/L, in the Safe Drinking Water Rules and Regulations, as amended. A minimum of one well is required downstream of the waste storage pond area. Samples of the ground water shall be monitored from each ground water monitoring well(s) by the permittee for the parameters and at the frequency listed below:

Parameter	**Measurement Frequency**
TKN (mg/L as N)	Semiannually
NO_3-N (mg/L as N)	Semiannually
Depth to Ground Water	Semiannually

3. Soil Monitoring

A Soil Fertility Test(s) (as referenced by UGA as the S1 "Routine Test" or an S2) shall be performed annually 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. Representative soil samples shall be collected from each major soil series present within the spray field area using the Mehlich-1 extraction procedure. Results of the Soil Fertility Test(s) shall be utilized by the permittee in the continuing operation and maintenance of the land treatment system. The sampling analysis shall be retained on site.

E. Monitoring and Records

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. The permittee shall maintain a record of the sampling and monitoring schedule.

2. Monitoring Procedures

Analytical methods, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and methods listed in 40 CFR Part 136. The analytical method used shall be sufficiently sensitive. EPA-approved methods must be applicable to the concentration ranges of the National Pollutant Discharge Elimination System (NPDES) permit samples.

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. Laboratory Analyst Certification

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.

5. Additional Monitoring Requirements

a. Upon 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 request by EPD, the permittee may be required to conduct ambient monitoring of surface and/or ground water. For example, facilities with historical compliance problems, especially large facilities, facilities with significant environmental concerns, or facilities impacting impaired water bodies.

6. Sampling Period

a. Unless otherwise specified in this permit, quarterly samples shall be taken during the periods January-March, April-June, July-September, and October-December.

b. Unless otherwise specified in this permit, semiannual samples shall be taken during the periods January-June and July-December.

c. Unless otherwise specified in this permit, annual samples shall be taken during the period of January-December.

7. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record 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.

8. Retention of Records

a. The permittee shall retain records of all monitoring information, including all records of analyses performed, calibration and maintenance of instrumentation, copies of all reports required by this permit, and records of all data used to complete the NOI for this permit, for a minimum of five (5) years from the date of the sample, measurement, report, or application or longer if requested by EPD.

b. Record Keeping Requirements for the Production Area

Each CAFO must maintain on-site for a period of five years from the date they are created a complete copy of the information required by 40 CFR 122.21(i)(1) and 40 CFR 122.42(e)(1)(ix) and the records specified in paragraphs (b)(1.) through (b)(6.) of this section. The CAFO must make these records available to EPD, for review upon request.

1. Records documenting the inspections required in this permit;

2. Weekly records of the depth of the manure and process wastewater in the liquid impoundment as indicated by the depth marker;

3. Records documenting any actions taken to correct deficiencies required. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction;

4. Records of mortalities management and practices used by the CAFO to meet the requirements of this permit;

5. Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity;

6. Records of the date, time, and estimated volume of any overflow.

c. Record Keeping Requirements for the Land Application Areas

1. Each CAFO must maintain on-site a copy of its site-specific nutrient management plan.

2. Each CAFO, must maintain on-site for a period of five years from the date they are created, a complete copy of the information required by §412.4 and 40 CFR 122.42(e)(1)(ix) and the records specified in paragraphs in the section below. The CAFO must make these records available to EPD for review upon request.

i. Expected crop yields;

ii. The date(s) manure, litter, or process waste water is applied to each field;

iii. Weather conditions at time of application and for 24 hours prior to and following application;

iv. Test methods used to sample and analyze manure, litter, process waste water, and soil;

v. Results from manure, litter, process waste water, and soil sampling;

vi. Explanation of the basis for determining manure application rates, as provided in the technical standards established by the Director.

vii. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;

viii. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;

ix. The method used to apply the manure, litter, or process wastewater;

x. Date(s) of manure application equipment inspection.

9. Availability of Reports

Except for data deemed to be confidential under O.C.G.A. § 12-5-26 or by the Regional Administrator of the EPA under the Code of Federal Regulations, Title 40, Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at an office of EPD. Effluent data, permit applications, permittee's names and addresses, and permits shall not be considered confidential.

F. Reporting Requirements

1. The permittee must electronically report the DMR, OMR and additional monitoring data using the web based electronic NetDMR reporting system, unless a waiver is granted by EPD.

   a. The permittee must comply with the Federal National Pollutant Discharge Elimination System Electronic Reporting regulations in 40 CFR §127. The permittee must electronically report the DMR, OMR, and additional monitoring data using the web based electronic NetDMR reporting system online at: https://netdmr.epa.gov/netdmr/public/home.htm

   b. Monitoring results obtained during the calendar month shall be summarized for and reported on the DMR. The results of each sampling event shall be reported on the OMR and submitted as an attachment to the DMR.

   c. All other reports required herein, unless otherwise stated, shall be submitted to the EPD Office listed on the permit issuance letter signed by the Director of EPD.

2. No later than December 21, 2025, the permittee must electronically report the following compliance monitoring data and reports using the online web based electronic system approved by EPD, unless a waiver is granted by EPD:

   a. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports;
   b. Sewer Overflow/Bypass Event Reports;
   c. Noncompliance Notification;
   d. Other noncompliance; and
   e. Bypass

3. Signatory Requirements

   All applications, reports, or information submitted in compliance with this permit or requested by EPD Director must be signed and certified consistent with 40 CFR §122.22:

   a. All permit applications shall be signed as follows:

      1. For a corporation: By a responsible corporate officer. For the purpose of this section, 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, and where 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 for a partnership or the proprietor, respectively.

      3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

   b. All reports or requests for information required by the permit issuing authority shall be signed by a person designated in (a) above or by 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 a document under this section 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."

G. General Inspection and Monitoring

The permittee shall inspect, monitor, and record the results of such inspection and monitoring in accordance with the following table:

Facility Location	Units	Frequency
Facility Inspection[1]		
Review all facilities and land application areas addressed in the NMP to evaluate whether measures to reduce pollutant loadings identified in the NMP are adequately and properly implemented in accordance with the terms of the permit or whether additional control measures are needed.	NA	Annually
Production Area		
Visual inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure.	NA	Weekly
Visual inspection of water lines, including drinking water or cooling water lines	NA	Daily
Lagoon or Storage Structure Monitoring and Inspection		
Visual inspections of the manure, litter, and process wastewater impoundments. The inspection will note the level in liquid impoundments as indicated by the depth marker	Feet	Weekly
Freeboard[2]	Feet	Weekly
Structural integrity (i.e., integrity of berms)[3]	NA	Weekly
Integrity of liners[4]	NA	Annually
Land Application Activities		
Duration of land application activities[5]	Hours/day	Daily
Quantity of wastewater applied to land application fields[5]	Gallons/day or Cubic Feet/day	Daily
Application rate[5]	lb/acre	Daily
Application area[5]	Acres	Daily
Rainfall[6]	Inches	Daily

[1] A complete inspection of the facility shall be done and a report made annually. The report shall be retained on site.

[2] For lagoons or other liquid storage basins, report the water level as feet below the emergency overflow level. For solid manure storage structures, report the percentage of remaining storage capacity. A minimum of 1 foot freeboard and storage for the 25 year 24 hour

storm event be maintained in the waste storage lagoons or structures.

[3] Documentation of compliance with this requirement must be compiled in an inspection report to be kept at the facility.

[4] Inspect visible portions of all liners for uniformity, damage, and imperfections as follows: 1) soil based and mixed liners for imperfections that may increase permeability, e.g., cracks and root holes; 2) synthetic liners for tight seams and joints, and absence of tears. Permittee shall document compliance with this requirement by preparing a report that must be kept at the facility.

[5] Monitor in accordance with Part II.D of this permit. Land application practices must be conducted in accordance with the permittee's NMP.

[6] The permittee shall maintain a precipitation gauge at each permitted facility and record the rainfall for each 24-hour period.

H. Minimum Standards to Protect Water Quality

The following permit requirements are the specific Minimum Standards that the permittee shall meet to prevent pollutants from manure and/or wastewater from entering Waters of the State, including standards that address proper land application of manure and wastewater. The minimum standards (or portions thereof) shall be implemented immediately upon issuance of this permit. All of the Minimum Standards to protect water quality must be incorporated into the site-specific NMP developed and implemented for the permitted facility. The Minimum Standards are as follows.

Each of the following minimum standards is designed to achieve the objective of preventing discharges of pollutants to Waters of the State from AFOs or CAFOs and from land application activities under the operational control of the AFO or CAFO.

1. Buffers or Equivalent Practices

Provide and maintain buffer strips or other equivalent practices near production areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater). These practices may include but are not limited to residue management, conservation crop rotation, grassed waterways, strip cropping, vegetative buffers, forested riparian buffers, terracing, and diversion. For all permitted facilities, a setback shall be maintained of 100 feet between wetted areas or waste disposal areas and Waters of the State excluding subsurface water (ground water). As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.

2. Divert Clean Water

Design and implement management practices to divert clean water and floodwaters from contact with production areas. Clean water includes rain falling on the roofs of facilities, runoff from adjacent land, or other sources. In keeping with the objective of preventing discharges of pollutants to Waters of the State, diversion should be implemented to the fullest extent practicable in accordance with the approved site-specific NMP. Clean water and floodwaters that are not diverted should be accounted for in the volume of temporary storage and the capacity of the land application facilities.

3. Prevent Direct Contact of Animals with Waters of the State

Develop and implement appropriate controls to prevent direct access of animals in confinement to Waters of the State to protect water quality.

4. Animal Mortality

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.

5. Chemical Disposal

Prevent introduction of chemicals into manure and wastewater storage structures for purposes of disposal. "Introduction" means direct introduction for purposes of disposal with manure. Examples include pesticides, hazardous and toxic chemicals, and petroleum products/by-products. However, chemicals such as soaps, disinfectants, and medicine residue and pesticides when used as directed on the labels are acceptable in minor amounts in the waste stream.

6. Proper Operation and Maintenance

a. Implement an operation and maintenance program that involves periodic visual inspection and maintenance of all manure storage and handling equipment and structures and all runoff management devices (e.g., cleaning separators, barnyards, catch basins, screens, calibration of land application equipment, maintenance of filter strips) and to minimize discharges of pollutants in accordance with the State Rules.

b. All manure application equipment should be tested and calibrated to ensure proper application rates.

7. Record Keeping and Testing

a. Maintain a log that documents the visual inspections, findings, and preventive maintenance activities.

b. Document the date, rate, location, type of crops, and methods used for application of manure and wastewater as well as other nutrients to land under the control of the AFO or CAFO owner.

c. Where manure and wastewater are not applied on land under the operational control of the AFO or CAFO owner, maintain a record of the transfer of the manure off-site.

d. Record the results of manure and wastewater sampling to determine nutrient content in accordance with the permit requirements.

e. Record the results of representative soil sampling and analyses conducted in accordance with the permit requirements to determine nutrient content.

8. Maintain Proper Storage Capacity

a. Maintain sufficient freeboard in liquid manure storage structures to ensure compliance with the permit conditions and State Rules.

b. Store dry manure, such as that produced in certain poultry and beef operations, in production buildings or in storage facilities or otherwise store in such a way as to prevent polluted runoff (e.g., located on relatively flat land, away from water bodies, wetlands, and wells, and/or surrounded by a berm or buffer). Properly operating dry litter poultry operations are excluded in accordance with the State Rules, paragraph 391-3-6-.21(3)(d)(2) effective February 28, 2001.

c. Provide adequate storage capacity so that land application occurs only during periods when land or weather conditions are suitable for manure and wastewater application. (See Minimum Standard no. 9 below.)

9. Rates and Timing of Land Application of Manure or Wastewater

a. Land apply manure and/or wastewater in accordance with proper agricultural practices.

b. Land apply manure and/or wastewater in accordance with land application rates developed on a site-specific basis as needed to protect water quality. At a minimum, land application rates should (1) prevent application of nutrients at rates that will exceed the capacity of the soil and the planned crops to assimilate nutrients and minimize water pollution; and (2) be quantified and based on the most appropriate nutrient in the soil, type of crop, realistic crop yields, soil type, and all nutrient inputs in addition to those from manure and wastewater.

c. Manure and wastewater should not be applied on land that is flooded, saturated with water, frozen or snow covered at the time of land application where the manure and wastewater may enter Waters of the State.

d. Land application of manure and wastewater should be avoided during rainfall events and should be delayed if precipitation with the potential to create manure and/or wastewater runoff into Waters of the State is forecast within 24 hours of the planned application.

PART III. Operational and Management Requirements

A. Facility Operation

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.

B. Operator Certification Requirements

1. AFOs shall have certified operators prior to beginning operation of the AFO.

2. 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. Best Management Practices

The permittee will implement best management practices to control the discharge of hazardous and/or toxic materials from ancillary manufacturing 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.

D. 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 the noncomplying discharge.

E. Bypassing

If the permittee knows in advance of the need for a bypass, it shall submit prior notice to EPD at least ten (10) days (if possible) before the date of the bypass. The permittee shall submit notice of any unanticipated bypass with an oral report within 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:

1. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Any diversion or bypass of facilities covered by this permit is prohibited, except (i) where unavoidable to prevent loss of life, personal injury, or severe property damage; (ii) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if the permittee could have installed adequate back-up equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and (iii) the permittee submitted a notice as required above. The permittee shall operate the treatment works, including the treatment plant and total sewer system, to minimize discharge of the pollutants listed in Part I of this permit from combined sewer overflows or bypasses. Upon written notification by EPD, the permittee may be required to submit a plan and schedule for reducing bypasses, overflows, and infiltration in the system.

F. Power Failures

Upon the reduction, loss, or failure of the primary source of power to said water pollution control facilities, the permittee shall use an alternative source of power if available to reduce or otherwise control production and/or all discharges in order to maintain compliance with the effluent limitations and prohibitions of this permit.

If such alternative power source is not in existence, and no date for its implementation appears in Part I or Part II, the permittee shall halt, reduce or otherwise control production and/or all discharges from wastewater control facilities upon the reduction, loss, or failure of the primary source of power to said wastewater control facilities.

G. Notification of Changes

1. The permittee shall provide EPD at least 90 days advance notice of any planned physical alterations or additions to the permitted facility that meet the following criteria:

   a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b);

   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or

   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give at least 90 days advance notice to EPD of any planned changes to the permitted facility or activity which may result in noncompliance with permit requirements.

3. Following the notice in paragraph a. or b. of this condition the NMP may be modified or an individual permit may be required. The permittee shall not make any changes, or conduct any activities, requiring notification in paragraph G.1.a. or G.1.b. of this condition without approval from EPD.

4. The permittee shall provide at least 30 days advance notice to EPD of:

   a. any planned expansion or increase in production capacity that could increase the quantity of pollutants discharged or result in the discharge of pollutants that were not being discharged prior to the planned change; or

   b. any planned installation of new equipment or modification of existing processes that could increase the quantity of pollutants discharged or result in the discharge of pollutants that were not being discharged prior to the planned change

   If such change was not identified in the permit application(s) upon which this permit is based and for which notice was not submitted under paragraphs H.1.a. or H.1.b. of this condition.

H. Emergency Discharge Impact Abatement

Discharges authorized by Part II.A(1) of this permit must, where practicable, be properly discharged to land application fields or held in secondary containment (if any) for filtering to minimize discharge to waters of state.

I. Irrigation Control

Irrigation systems shall be managed so as to: (1) reduce or minimize ponding or puddling of wastewater on land application fields; and (2) protect ground and surface water in accordance with the State Rules.

J. Spills of Oil, Radioactive Materials, and Hazardous Chemicals

Appropriate measures necessary to prevent and clean up such spills shall be taken. If possible spills are anticipated, materials handling procedures and storage must be specified in the SPCC (if one is required). The SPCC should be included with the NMP but is not part of the NMP. Procedures for cleaning up spills shall be identified, and the necessary equipment to implement clean up shall be made available to facility personnel. All spills of oil, radioactive materials, and hazardous chemicals must be reported immediately to the U.S. Environmental Protection Agency National Response Center (1-800-424-8802) and the Georgia Department of Natural Resources Emergency Operations Center (1-800-241-4113).

A Spill Prevention, Control, and Countermeasure (SPCC) Plan will help you prevent spills and be prepared if a spill accidentally happens.

You need an SPCC Plan if an oil spill from your farm could reach water and you store oil (such as diesel, gasoline, hydraulic oil, lube oil, crop oil or vegetable oil, etc.) in:

1. Above ground quantities of more than 2,500 gallons (with history of reportable discharge);

2. Above ground quantities of more than 6,000 gallons (with no reportable discharge history); or

3. Completely buried tanks with more than 42,000 gallons of oil.

K. Measurement of Rainfall

A rain gauge shall be kept on site and properly maintained. A written log of all measurable rainfall events shall be kept on site by the AFO or CAFO owner.

L. Liner Requirement

Seepage from ponds, lagoons, and basins of the retention structure must not contaminate surface waters nor contaminate ground water in accordance with the State Rules as follows:

1. Existing Operations

   If it is determined that an existing waste storage lagoon is creating a ground water contamination problem, EPD shall require the owner to repair the lagoon, to close the lagoon, or to take other actions to protect the ground water; or

2. New or Expanding Operations

   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 EPD. Individual waste storage lagoons shall not exceed 100 acre-feet in volume.

M. Employee Training

Where employees are responsible for work activities which relate to permit compliance, those employees must be regularly trained or informed of any information pertinent to the proper operation and maintenance of the facility and waste disposal. The permittee covered

by this permit shall comply with the "Certified Operator" requirements in the State Rules as implemented by the Georgia Department of Agriculture.

PART IV. Nutrient Management Plan (NMP)

A. NMP Retention

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

B. Elements of a NMP

Each AFO or CAFO 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 developed and implemented to meet all of the minimum standards identified in Part II.H of this permit to protect water quality. 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 United States;

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 United States;

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/or modified by a Certified Planner by the Georgia Department of Agriculture. However, on a case-by-case basis, EPD may approve an NMP by another qualified individual, such as a registered professional engineer. It is the permittee's sole responsibility to ensure that the effective implementation of the NMP results in compliance with all permit conditions.

D. Duty to Amend the NMP

The permittee must amend the NMP whenever: (1) the facility makes a substantive change in how it manages its operations, including the location, method, timing or frequency of land application; or (2) a discharge occurs in violation of this NPDES permit. 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.

1. If EPD determines that the changes to the terms of the nutrient management plan are substantial, EPD must notify the public and make the proposed changes and the information submitted by the CAFO owner or operator available for public review and comment. Substantial changes to the terms of a nutrient management plan incorporated as terms and conditions of a permit include, but are not limited to:

    a. Addition of new land application areas not previously included in the CAFO's nutrient management plan. Except that if the land application area that is being added to the nutrient management plan is covered by terms of a nutrient management plan incorporated into an existing NPDES permit in accordance with the requirements of 40 CFR 122.42 (e)(5) of this section, and the CAFO owner or operator applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the new CAFO owner or operator's nutrient management plan but not a substantial change for purposes of this section;

    b. Any changes to the field-specific maximum annual rates for land application, as set forth in 40 CFR 122.42 (e)(5)(i), and to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop, as set forth in 40 CFR 122.42 (e)(5)(ii);

c. Addition of any crop that is not substantially similar to the crops specified in the NMP or other significant uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application expressed in accordance with 40 CFR 122.42 (e)(5); and

d. Changes to site-specific components of the CAFO's nutrient management plan, where such changes are likely to increase the risk of nitrogen and phosphorus transport to Waters of the State.

PART V. Annual Report

A. The permittee must submit an annual report by February 15th of each year.

B. The annual report must include the following information:

1. The number and type of confined animals, whether in open confinement or housed under roof;

2. Estimated amount of total manure and process wastewater generated in the previous 12 months (tons and gallons, respectively);

3. Estimated amount of total manure and process wastewater transferred to other persons in the previous 12 months (tons and gallons respectively);

4. Total number of acres for land application covered by the nutrient management plan;

5. 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;

6. 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

7. A statement indicating whether the current version of the permittee's NMP was developed or approved by a certified nutrient management planner.

PART VI. Land Application Activities Not Under the Control of the Permitted AFO or CAFO Operator.

A. In cases where the AFO or CAFO generated manure is sold or given away to be used for land application activities that are not under the operational control of the permitted AFO or CAFO, such land application does not need to be addressed in the permitted AFO or CAFO's NMP. However, the permittee must ensure the environmentally acceptable use of the AFO or CAFO generated manure by complying with the following conditions:

1. Maintain records showing the date, name and address of the recipient, and amount of manure and/or wastewater that leaves the permitted operation;

2. Provide the recipient(s) with representative information on the nutrient content of the manure and/or wastewater to be used in determining the appropriate land application rates; and

3. Inform the recipient of his/her responsibility to properly manage the land application of the manure and/or wastewater to minimize the discharge of pollutants to Waters of the State

B. These records should be retained on-site, and should be submitted to the EPD upon request.

PART VII. Standard and General Permit Conditions

A. General Conditions

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, as well as ALL applicable regulations.

B. Schedule of Compliance

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule: N/A

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. Biomonitoring and Toxicity Reduction Requirements

1. The permittee shall comply with effluent standards or prohibitions established by section 307(a) of the Federal Act and with chapter 391-3-6-.03(5)(e) of the State Rules and may not continuously discharge toxic pollutants in concentrations or combinations that are harmful to humans, animals, or aquatic life. Agricultural storm water is not considered a discharge.

   If toxicity is suspected in the effluent, EPD may require the permittee to perform any of the following actions:

   a. Acute biomonitoring tests;

   b. Chronic biomonitoring tests;

   c. Stream studies;

   d. Priority pollutant analyses;

   e. Toxicity reduction evaluations (TRE); or

   f. Any other appropriate study.

2. EPD will specify the requirements and methodologies for performing any of these tests or studies. Unless other concentrations are specified by EPD, the critical concentration used to determine toxicity in biomonitoring tests will be the effluent in-stream wastewater concentration (IWC) based on the representative plant flow of the facility and the critical low flow of the receiving stream (7Q10). The endpoints that will be reported are the effluent concentration that is lethal to 50%

of the test organisms (LC50) if the test is for acute toxicity and the no observed effect concentration (NOEC) of effluent if the test is for chronic toxicity. The permittee must eliminate effluent toxicity and supply EPD with data and evidence to confirm toxicity elimination.

D. Permit Modification

After written notice and opportunity for a hearing, this permit may be modified, suspended, revoked or reissued in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

3. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or

4. To comply with any applicable effluent limitation issued pursuant to the order of the United States District Court for the District of Columbia issued on June 8, 1976, in Natural Resources Defense Council, Inc. et.al. v. Russell E. Train, 8 ERC 2120 (D.D.C. 1976), if the effluent limitation so issued:

   a. is different in conditions or more stringent than any effluent limitation in the permit; or

   b. controls any pollutant not limited in the permit.

E. Noncompliance Notification

If, for any reason, the permittee does not comply with, or will be unable to comply with any effluent limitation specified in this permit, the permittee shall provide EPD with an oral report within 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:

1. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

F. Duty to Comply

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act (O.C.G.A. § 12-5-20 et. seq) and is grounds for enforcement action; for permit termination, revocation, and reissuance; or for denial of a permit renewal application. Any instances of noncompliance must be reported to EPD as specified in Part III.E of this permit.
2. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et. seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required 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 Georgia Water Quality Control Act (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.

G. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

H. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants, which are present in the discharge within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Penalties for Violations - Federal Water Pollution Control Act

1. Criminal Penalties

a. Negligent violations: The Act provides that any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act or any condition or limitation implementing those provisions in a permit issued under Section 402 is subject to a fine of not less than $2,750 nor more than $27,500 per day of violation, or by imprisonment for not more than one year, or both.

b. Knowing violations: The Act provides that any person who knowingly violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act or any permit conditions implementing those provisions is subject to a fine of not less than $5,500 nor more than $55,000 per day of violation, or by imprisonment for not more than three years, or both.

c. Knowing endangerment: The Act provides that any person who knowingly violates Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act or permit conditions implementing those provisions and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $275,000, or by imprisonment for not more than 15 years, or both.

d. False statements: The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $11,000, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $22,000 per day of violation, or by imprisonment of not more than four years, or by both. [See Section 309(c)4 of the Act]

2. Civil Penalties

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $27,500 per day for each violation. [See Section 309(d)]

3. Administrative Penalties

The Act provides that the Administrator may assess a Class I or Class II administrative penalty if the Administrator finds that a person has violated Sections 301, 302, 306, 307, 308, 318, or 405 of the Act or a permit condition or limitation implementing these provisions, as follows [See Section 309(g)]:

a. Class I penalty: Not to exceed $11,000 per violation nor shall the maximum amount exceed $27,500.

b. Class II penalty: Not to exceed $11,000 per day for each day during which the violation continues nor shall the maximum amount exceed $137,500.

J. 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 180 days prior to the expiration of this permit unless the permit has been terminated consistent with § 122.64(b). 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 180 days prior to 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 discharge;

2. Issuance of an individual permit for the discharges;

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

5. The permitting authority grants the permittee's request for termination of permit coverage.

K. 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.

L. 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, and the Federal Clean Water Act, as amended. Receipt of the permit constitutes notice of such action. The conditions, requirements, terms and provisions of this permit authorizing discharge under the National Pollutant Discharge Elimination System govern discharges from this facility.

M. Duty to Provide Information

1. The permittee shall furnish to the EPD Director, within a reasonable time, any information which the EPD Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating 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.

2. When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts and information.

N. Right of Entry

1. The permittee shall allow the Director of EPD, the Regional Administrator of EPA, and/or their authorized representatives, agents, or employees, upon the presentation of credentials. To enter upon the permittee's premises where a discharge source is located or in which any records are required to be kept under the terms and conditions of this permit; 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 in any location.

O. Criminal and Civil Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

P. 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 Rule, law or regulation under authority preserved by Section 510 of the Act.

Q. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

R. Upset Provisions

Provisions of 40 CFR 122.41(n)(1)-(4), regarding "Upset" shall be applicable to any civil, criminal, or administrative proceeding brought to enforce this permit.

S. 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.

T. 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.

PART VIII. Definitions

"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.

"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.

"Agronomic Rate" is the rate of wastewater application necessary to satisfy the plants' nutritional requirements while minimizing the amount of nutrients that run off to surface waters or which pass below the root zone of the plants.

"Agricultural Stormwater Discharge" means a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 40 CFR § 122.42(e)(1)(vi)-(ix).

"Ammonia (as N)" means ammonia reported as nitrogen.

"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

"Application" means the EPA standard national forms for applying for an NPDES permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in "approved States," including any approved modifications or revisions [e.g. for this NPDES general permit, Form 1 and 2B].

"BOD_5" means 5-day biochemical oxygen demand.

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

"Barn" means a structure where confinement feeding (feeding in limited quarters under a roof) occurs. Structures where confinement feeding does not occur are not considered "barns" for the purposes of this rule.

"Catastrophic rainfall event" is equivalent to a 25-year, 24-hour storm event. Catastrophic events include tornadoes, hurricanes, or other catastrophic conditions that would cause an overflow from the waste retention structure that is designed, constructed, operated, and maintained to meet all the requirements of this permit.

"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.

"Chronic rainfall" is a series of wet weather conditions that preclude dewatering of properly maintained waste retention structures.

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

"Concentrated animal feeding operation (CAFO)" means an "animal feeding operation" which meets the criteria in 40 CFR Part 122.23(b), or which the Director designates (see definition of designation below) as a significant contributor of pollution pursuant to 40 CFR 122.23. Animal feeding operations defined as "concentrated" in 40 CFR 122.23(b)are as follows:

1. Operations that stable or confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers of animals specified in any of the following categories:

    a. 1,000 veal cattle,
    b. 700 mature dairy cattle (whether milked or dry cows),
    c. 1,000 cattle other than nature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
    d. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
    e. 10,000 swine each weighing less than 55 pounds;
    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 (other than laying hens), if the AFO uses other than a liquid manure handling system;
    k. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
    l. 30,000 ducks (if the AFO uses other than a liquid manure handling system);
    m. 5,000 ducks (if the AFO uses a liquid manure handling system), or
    n. 1,000 animal units;

2. Operations where pollutants are discharged into Waters of the State either: (a) through a man-made ditch, flushing system, or other similar man-made device, or (b) directly into Waters of the State which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the confined animals, *and* which stable or

confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers or types of animals in the following categories:

a. 300 veal cattle,
b.. 200 mature dairy cattle (whether milked or dry cows),
c. 750 swine each weighing over 25 kilograms (approximately 55 pounds),
d. 150 horses,
e. 3000 sheep or lambs,
f. 16,500 turkeys,
g. 9000 laying hens or broilers (if the facility has a liquid manure handling system),
h. 25,000 laying hens, if the AFO uses other than a liquid manure handling system;
i. 10,000 ducks (if the AFO uses other than a liquid manure handling system); or
j. 1,500 ducks (if the AFO uses a liquid manure handling system); or
k. 300 animal units

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

"Department" means the Georgia Department of Natural Resources.

"Designation" means that EPD may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to Waters of the State. In making this determination, EPD shall consider the following factors:

1. The size of the animal feeding operation and the amount of wastes reaching Waters of the State,

2. The location of the animal feeding operation relative to Waters of the State,

3. The means of conveyance of animal wastes and process wastewater to Waters of the State,

4. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into Waters of the State, and

5. Other relevant factors.

No animal feeding operation with less than the numbers of animals set forth in 40 CFR §122 122.23(b) shall be designated as a concentrated animal feeding operation unless: (1) pollutants are discharged into Waters of the State through a manmade ditch, flushing system, or other similar manmade device; or (2) pollutants are discharged directly into Waters of the State which originate outside of the facility and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.

"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."

"EPA" means the United States Environmental Protection Agency.

"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.

"Fecal coliform" means fecal coliform bacteria.

"Federal Act" means The Clean Water Act.

"Freeboard" is the extra depth added to a waste storage lagoon or structure as a safety factor between the designed full depth and the overflow depth. This is the vertical distance below the lowest point of the lagoon or structure berm above which the liquid level must never rise except in the case of a storm event exceeding the design maximum precipitation event or other chronic events.

"Grab Sample" an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

"General Permit" means an NPDES permit issued under Title 40 of the Code of Federal Regulations (40 CFR), Part 122.28 authorizing a category of discharges under the Federal Clean Water Act (Federal Act) within a geographical area.

"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.

"**Liner"** means any barrier in the form of a layer, membrane or blanket, installed to significantly reduce discharges to Waters of the State

"MGD" means million gallons per day.

"Natural Resources Conservation Service" (NRCS) is an agency within the United States Department of Agriculture.

"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.

"Nitrate (as N)" means nitrate reported as nitrogen.

"NOC" means Notice of Coverage.

"NOT" means Notice of Termination.

"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 an NMP.

"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. The requirements for submittal and approval of the NMP are specified in this permit.

"OMR" means Operational Monitoring Report.

"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.

"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).

"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.

"Process-generated wastewater" means any water directly or indirectly used in the operation of a feedlot for any of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits, or other feedlot; direct contact swimming, washing or spray cooling of animals, and dust control.

"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.

"Swine feeding operation" or "operation" means a lot or facility where swine have been, are, or will be stabled or confined or 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.

"The Act" means Federal Water Pollution Control Act as amended, also known as the Clean Water Act as amended, found at 33 USC 1251 et seq.

"Total coliform" means all coliform bacteria.

"Total dissolved solids" means nonfilterable residue.

"Toxic pollutants" means any pollutant listed as toxic under Section 307(a)(1) of the Act.

"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.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

The Georgia Environmental Protection Division proposes to reissue the general NPDES permit GAG930000, which authorizes the disposal of manure and process wastewater from new and existing animal feeding operations (AFOs) on a land application system and emergency discharges to waters of the State for owners of existing, new, and expanding AFOs. 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

1. FACILITY INFORMATION

1.1 NPDES Permit No.: GAG930000

1.2 Permit Coverage

Pursuant to regulations promulgated in accordance with the Federal Water Pollution Control Act, also known as the Clean Water Act (hereinafter "the Act"), a permit is required for any animal feeding operation and concentrated animal feeding operation (CAFO) that discharges to Waters of the State. NPDES permits issued to CAFOs cover the confinement, storage, and handling areas as well as the land application activities under the control of the permitted CAFO owner.

A discharge of wastewater is considered the discharge of pollutants from an animal confinement or storage and handling areas or from the improper use of land application area(s), under the control of the CAFO owner, which enters Waters of the State.

1.3 Eligibility for Coverage

There shall be no discharge of process wastewater from the production area(s) to waters of the State except as provided in Part II.A.1. and 2. of the permit.

1.4 Application Requirements

Any person wishing to obtain coverage under this General Permit shall submit an application and Nutrient Management Plan (NMP) in accordance with the following schedule:

1.4.1. Application For Existing Discharges Already Covered Under an Individual Permit

The owner/operator of any CAFO currently covered under the existing CAFO NPDES General Permit that is seeking coverage under this permit must submit a complete application and approvable NMP to the Director within 90 days of the effective date of this permit. For any CAFO covered under the existing CAFO NPDES General Permit that meets this deadline, authorization under this General Permit is automatically continued until coverage is granted under this permit. If the complete NOI and NMP are not submitted by the deadline, permit coverage will be automatically terminated.

The owner/operator of any CAFO 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 and approvable NMP to the Director within 90 days of the effective date of this permit.

Facilities that currently have discharges covered under an individual NPDES or Land Application System LAS permit and seeking coverage under this General Permit shall submit a completed application and Nutrient Management Plan (NMP) in accordance with the requirements of this permit at least 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 application and NMP in accordance with the requirements of this permit. Such NOI shall be on forms as provided by EPD at www.epd.georgia.gov. The approvable NMP must be public noticed in accordance with 40 CFR 122.23 prior to EPD granting coverage with this General Permit. Coverage under this General Permit shall be effective upon the date of the Notice of Coverage (NOC) 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 or alternative General 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 or alternative General Permit application.

1.4.2 Application For New or Expanding Discharges or New Sources

New or expanding dischargers or new sources seeking coverage under this General Permit must submit a completed application and NMP at least 180 days prior to the date of desired coverage. The application and approvable NMP must be public noticed in accordance with 40 CFR Part 122.23 prior to EPD granting coverage under this general permit. Coverage under this General Permit shall be effective upon the date of the NOC letter as provided by EPD.

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

1.4.3 Transfer of Ownership or Control

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

1. The permittee notifies the Director of EPD in writing of the proposed transfer at least thirty (30) days in advance 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 acknowledgement 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 at least thirty (30) days in advance of the proposed transfer; and

3. The Director, within thirty (30) days, does not notify the current permittee and the new permittee of EPD's intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

1.4.4. Termination of Coverage

Notice of Termination (NOT) – A permittee that has ceased operation of the activity for which the permit coverage was obtained must submit a NOT within ninety (90) days after the activity has permanently ceased. A NOT may also be submitted if the permittee does not want the option to have an NPDES point source discharge.

1.5 Type of Wastewater Discharge

☒ process wastewater[(1)(2)] ☒ stormwater

☐ domestic wastewater ☒ combined

☐ other (mine dewatering)

(1) There shall be no discharge of process wastewater from the production area(s) to waters of the State except when rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained, and operated to contain: all process wastewater resulting from the operation of the AFO or CAFO; and all runoff from a 25-year, 24-hour rainfall event for the location of the AFO or CAFO.

(2) For new swine, poultry and veal calf CAFOs after November 20, 2008 there must be no discharge of manure, litter, or process wastewater from production area(s) to waters of the State."

2. APPLICABLE REGULATIONS

2.1 State Regulations

Chapter 391-3-6 of the Georgia Rules and Regulations for Water Quality Control

2.2 Federal Regulations

Source	Activity	Applicable Regulation
Industrial	Non-Process Water Discharges	40 CFR 122 40 CFR 125
	Process Water Discharges	40 CFR 122 40 CFR 125 40 CFR 412

2.3 Industrial Effluent Limit Guideline(s)

Code of Federal Regulations, 40 CFR Part 412

Subpart A – Horses and Sheep
Subpart B – Ducks
Subpart C – Dairy Cows and Cattle Other than Veal Calves
Subpart D – Swine, Poultry, and Veal Calves

3. WATER QUALITY STANDARDS & RECEIVING WATERBODY INFORMATION

3.1 Specific Water Quality Criteria for Classified Water Usage [391-3-6-.03(6)]:

Drinking Water Supplies: Those waters approved as a source for public drinking water systems permitted or to be permitted by the Environmental Protection Division. Waters classified for drinking water supplies will also support the fishing use and any other use requiring water of a lower quality.

(i) Bacteria:

1. For the months of May through October, when primary water contact recreation activities are expected to occur, culturable E. coli not to exceed a geometric mean of 126 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.

2. For the months of November through April, culturable E. coli not to exceed a geometric mean of 265 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 861 counts per 100 mL in the same 30-day interval.

3. The State does not encourage swimming in these surface waters since a number of factors which are beyond the control of any State regulatory agency contribute to elevated levels of bacteria.

(ii) Dissolved oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for waters designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for water supporting warm water species of fish.

(iii) pH: Within the range of 6.0 - 8.5.

(iv) No material or substance in such concentration that, after treatment by the public water treatment system, exceeds the maximum contaminant level established for that substance by the Environmental Protection Division pursuant to the Georgia Rules for Safe Drinking Water.

(v) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there

shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.

Recreation: General recreational activities such as water skiing, boating, and swimming, or for any other use requiring water of a lower quality, such as recreational fishing. These criteria are not to be interpreted as encouraging water contact sports in proximity to sewage or industrial waste discharges regardless of treatment requirements:

(i) Bacteria:

1. Coastal and estuarine waters: Culturable enterococci not to exceed a geometric mean of 35 counts per 100 mL. The geometric mean duration shall not be greater than 30 days. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 130 counts per 100 mL in the same 30-day interval.

2. All other recreational waters: Culturable E. coli not to exceed a geometric mean of 126 counts per 100 mL. The geometric mean duration shall not be greater than 30 days. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.

(ii) Dissolved Oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for waters designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for waters supporting warm water species of fish.

(iii) pH: Within the range of 6.0 - 8.5.

(iv) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F natural stream temperatures.

Fishing: Propagation of Fish, Shellfish, Game and Other Aquatic Life; secondary contact recreation in and on the water; or for any other use requiring water of a lower quality.

(i) Bacteria:

1. For the months of May through October, when primary water contact recreation activities are expected to occur, culturable enterococci not to exceed a geometric mean of 35 counts per 100 mL based on at least four

samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 130 counts per 100 mL the same 30-day interval.

For the months of November through April, culturable enterococci not to exceed a geometric mean of 74 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 273 counts per 100 mL in the same 30-day interval.

2. All other fishing waters:

For the months of May through October, when primary water contact recreation activities are expected to occur, culturable E. coli not to exceed a geometric mean of 126 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.

For the months of November through April, culturable E. coli not to exceed a geometric mean of 265 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 861 counts per 100 mL in the same 30-day interval.

3. The State does not encourage swimming in these surface waters since a number of factors which are beyond the control of any State regulatory agency contribute to elevated levels of bacteria.

4. For waters designated as shellfish growing areas by the Georgia DNR Coastal Resources Division, the requirements will be consistent with those established by the State and Federal agencies responsible for the National Shellfish Sanitation Program. The requirements are found in National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, 2007 Revision (or most recent version), Interstate Shellfish Sanitation Conference, U.S. Food and Drug Administration.

(ii) Dissolved Oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for water designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for waters supporting warm water species of fish.

(iii) pH: Within the range of 6.0 - 8.5.

(iv) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F natural stream temperatures.

Trout Streams: Streams designated as Primary Trout Waters are waters supporting a self-sustaining population of Rainbow, Brown or Brook Trout. Streams designated as Secondary Trout Streams are those with no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. Trout streams are classified in accordance with the designations and criteria as follows:

(i) There shall be no elevation of natural stream temperatures for Primary Trout Waters; 2°F or less elevation for Secondary Trout Waters.

(ii) No person shall construct an impoundment on Primary Trout Waters, except on streams with drainage basins less than 50 acres upstream of the impoundment. Impoundments on streams with drainage basins less than 50 acres must be approved by the Division.

(iii) No person shall construct an impoundment on Secondary Trout Waters without the approval of the Division.

3.2 Georgia 305(b)/303(d) List Documents

Coverage under this permit will not be granted for facilities discharging into 303(d) listed waters for parameters of concern for this category of discharges. If the facility's receiving waters become listed on the 303(d) list during the current general permit cycle, the EPD will reach out to the facility on a case by case basis.

4. EFFLUENT LIMITS AND PERMIT CONDITIONS

4.1 Reasonable Potential Analysis (RP)

Title 40 of the Federal Code of Regulations, 40 CFR 122.44(d) requires delegated States to develop procedures for determining whether a discharge causes, has the reasonable potential to cause, or contributes to an instream excursion above a narrative or numeric criteria within a State water. If such reasonable potential is determined to exist, the NPDES permit must contain pollutant effluent limits and/or effluent limits for whole effluent toxicity. Georgia's Reasonable Potential Procedures are based on Georgia's Rules and Regulations for Water Quality Control (Rules), Chapter 391-3-6-.06(4)(d)5. The chemical specific and biomonitoring data and other pertinent information in EPD's files will be considered in accordance with the

review procedures specified in the Rules in the evaluation of a permit application and in the evaluation of the reasonable potential for an effluent to cause an exceedance in the numeric or narrative criteria.

A Reasonable Potential Analysis was performed on the data submitted with the application and the results of those analyses are stated below in the following sections.

EPD evaluated the data provided in the application and supporting documents. If a pollutant is listed below, EPD determined it was a pollutant of concern and there may be a reasonable potential to cause or contribute to an instream violation of the Georgia Water Quality Standards. If a pollutant is not listed below, EPD determined that the pollutant is not a pollutant of concern or has determined, based on the data provided in the application, there is no reasonable potential to cause or contribute to an instream violation of the Georgia Water Quality Standards. An example would be if the applicant reported "not detect," "below detection limit," or a value that was below the detection limit for a pollutant.

4.2 Applicable Water Quality and Technology Based Effluent Limitations

Water Quality Based Effluent Limits (WQBELs)

When drafting a National Pollutant Discharge Elimination System (NPDES) permit, a permit writer must consider the impact of the proposed discharge on the quality of the receiving water. Water quality goals for a waterbody are defined by state water quality standards. By analyzing the effect of a discharge on the receiving water, a permit writer could find that technology-based effluent limitations (TBELs) alone will not achieve the applicable water quality standards. In such cases, the Clean Water Act (CWA) and its implementing regulations require development of water quality-based effluent limitations (WQBELs). WQBELs help meet the CWA objective of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters and the goal of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water (*fishable/swimmable*).

WQBELs are designed to protect water quality by ensuring that water quality standards are met in the receiving water and downstream uses are protected. On the basis of the requirements of Title 40 of the *Code of Federal Regulations* (CFR) 125.3(a), additional or more stringent effluent limitations and conditions, such as WQBELs, are imposed when TBELs are not sufficient to protect water quality.

The term *pollutant* is defined in CWA section 502(6) and § 122.2. Pollutants are grouped into three categories under the NPDES program: conventional, toxic, and nonconventional. Conventional pollutants are those defined in CWA section 304(a)(4) and § 401.16 (BOD_5, TSS, fecal coliform, pH, and oil and grease). Toxic (priority) pollutants are those defined in CWA section 307(a)(1) and include 126 metals and manmade organic compounds. Nonconventional pollutants are those that do not fall under either of the above categories (conventional or toxic pollutants) and include parameters such as chlorine, ammonia, nitrogen, phosphorus, chemical oxygen demand (COD), and whole effluent toxicity (WET).

Applicable Technology Based Effluent Limits (TBELs)

Technology-based effluent limitations aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. TBELs are developed independently of the potential impact of a discharge on the receiving water, which is addressed through water quality standards and water quality-based effluent limitations. The NPDES regulations at Title 40 of the Code of Federal Regulations 125.3(a) require NPDES permit writers to develop technology-based treatment requirements, consistent with CWA section 301(b), that represent the minimum level of control that must be imposed in a permit. The regulation also indicates that permit writers must include in permits additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. For pollutants not specifically regulated by Federal Effluent Limit Guidelines, the permit writer must identify any needed technology-based effluent limitations and utilize best professional judgment to establish technology-based limits or determine other appropriate means to control its discharge if there is a reasonable potential to cause or contribute to a violation of the water quality standards.

4.3 Monitoring Requirements for Discharges from Retention Structures

a. In the event of any overflow or other discharge of pollutants from a manure and/or wastewater storage structure, the permittee must collect and analyze samples for the following parameters:

Parameter	**Sample Type**
Volume of Discharge (MGD)	Estimate[1]
Biochemical Oxygen Demand (BOD_5) (mg/L)	Grab [2, 3]
Total Suspended Solids (mg/L)	Grab [2, 3]

[1] Record an estimate of the volume released with the date and time.

[2] Samples shall be collected from the overflow or discharges from the retention structure and be representative of the discharge

[3] A minimum of one sample shall be collected from the initial discharge (within 30 minutes of becoming aware of the discharge).

b. In accordance with the State Rules, it shall be the permittee's duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream water users. In the performance of this duty, the permittee may not have sufficient time and resources for sampling. Further, conditions may not be safe for sampling. For example, the permittee may be unable to collect samples during dangerous weather conditions (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.). If the permittee is unable to collect a representative sample of the discharge, at a minimum, the permittee shall collect a sample from the retention structure (pond or lagoon) from which the discharge occurred and immediately notify the assigned EPD Compliance Office.

4.4 Effluent Limitations and Monitoring Requirements for the Land Application System

4.4.1. Pretreatment Facility (Wastewater Pond or Lagoon)

The effluent shall refer to the effluent final discharge from the treatment facility to the spray field(s) and shall be limited and monitored as follows:

Parameter (Units)	Monitoring Requirements		
	Measurement Frequency	Sample Type	Sample Location
Total Flow (MGD)	Daily	Total	Effluent to Spray Field
Total Kjeldahl Nitrogen (mg/L)	Semiannually	Grab	Effluent to Spray Field
Nitrate as Nitrogen (mg/L)	Semiannually	Grab	Effluent to Spray Field
Total Phosphorus	Semiannually	Grab	Effluent to Spray Field

4.4.2. Ground Water Limitations and Monitoring

Ground water at the operation's property line must not exceed the primary maximum contaminant levels for drinking water. The maximum contaminant level for nitrate nitrogen is 10.0 mg/L, in the Safe Drinking Water Rules and Regulations, as amended. A minimum of one well is required downstream of the waste storage pond area. Samples of the ground water shall be monitored from each ground water monitoring well(s) by the permittee for the parameters and at the frequency listed below:

Parameter	Measurement Frequency
TKN (mg/L as N)	Semiannually
NO_3-N (mg/L as N)	Semiannually
Depth to Ground Water	Semiannually

4.4.3. Soil Monitoring

A Soil Fertility Test(s) (as referenced by UGA as the S1 "Routine Test" or an S2) shall be performed annually 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. Representative soil samples shall be collected from each major soil series present within the spray field area using the Mehlich-1 extraction procedure. Results of the Soil Fertility Test(s) shall be utilized by the permittee in the continuing operation and maintenance of the land treatment system. The sampling analysis shall be retained on site.

4.5. Compliance Schedules

The permittee shall attain compliance with all limits on the effective date of the permit

4.6 Anti-Backsliding

The limits in this permit are in compliance with the 40 C.F.R. 122.44(l), which requires a reissued permit to be as stringent as the previous permit.

5. WATER QUALITY STANDARDS AND MINIMUM STANDARDS TO PROTECT WATER QUALITY

The following permit requirements are the specific Minimum Standards that the permittee shall meet to prevent pollutants from manure and/or wastewater from entering Waters of the State, including standards that address proper land application of manure and wastewater. The minimum standards (or portions thereof) shall be implemented immediately upon issuance of this permit. All of the Minimum Standards to protect water quality must be incorporated into the site-specific NMP developed and implemented for the permitted facility. The Minimum Standards are as follows.

Each of the following minimum standards is designed to achieve the objective of preventing discharges of pollutants to Waters of the State from AFOs or CAFOs and from land application activities under the operational control of the AFO or CAFO.

5.1 Buffers or Equivalent Practices

Provide and maintain buffer strips or other equivalent practices near production areas that are sufficient to minimize discharge of pollutants to Waters of the State (e.g., soil erosion and manure and wastewater). These practices may include but are not limited to residue management, conservation crop rotation, grassed waterways, strip cropping, vegetative buffers, forested riparian buffers, terracing, and diversion. For all permitted facilities, a setback shall be maintained of 100 feet between wetted areas or waste disposal areas and Waters of the State excluding subsurface water (ground water). As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is

prohibited.

5.2 Divert Clean Water

Design and implement management practices to divert clean water and floodwaters from contact with production areas. Clean water includes rain falling on the roofs of facilities, runoff from adjacent land, or other sources. In keeping with the objective of preventing discharges of pollutants to Waters of the State, diversion should be implemented to the fullest extent practicable in accordance with the approved site-specific NMP. Clean water and floodwaters that are not diverted should be accounted for in the volume of temporary storage and the capacity of the land application facilities.

5.3 Prevent Direct Contact of Animals with Waters of the State

Develop and implement appropriate controls to prevent direct access of animals in confinement to Waters of the State to protect water quality.

5.4 Animal Mortality

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.

5.5 Chemical Disposal

Prevent introduction of chemicals into manure and wastewater storage structures for purposes of disposal. "Introduction" means direct introduction for purposes of disposal with manure. Examples include pesticides, hazardous and toxic chemicals, and petroleum products/by-products. However, chemicals such as soaps, disinfectants, and medicine residue and pesticides when used as directed on the labels are acceptable in minor amounts in the waste stream.

5.6 Proper Operation and Maintenance

1. Implement an operation and maintenance program that involves periodic visual inspection and maintenance of all manure storage and handling equipment and structures and all runoff management devices (e.g., cleaning separators, barnyards, catch basins, screens, calibration of land application equipment, maintenance of filter strips) and to minimize discharges of pollutants in accordance with the State Rules.

2. All manure application equipment should be tested and calibrated to ensure proper application rates.

5.7 Record Keeping and Testing

1. Maintain a log that documents the visual inspections, findings, and preventive maintenance activities.

2. Document the date, rate, location, type of crops, and methods used for application of manure and wastewater as well as other nutrients to land under the control of the AFO or CAFO owner.

3. Where manure and wastewater are not applied on land under the operational control of the AFO or CAFO owner, maintain a record of the transfer of the manure off-site.

4. Record the results of manure and wastewater sampling to determine nutrient content in accordance with the permit requirements.

5. Record the results of representative soil sampling and analyses conducted in accordance with the permit requirements to determine nutrient content.

5.8 Maintain Proper Storage Capacity

1. Maintain sufficient freeboard in liquid manure storage structures to ensure compliance with the permit conditions and State Rules.

2. Store dry manure, such as that produced in certain poultry and beef operations, in production buildings or in storage facilities or otherwise store in such a way as to prevent polluted runoff (e.g., located on relatively flat land, away from water bodies, wetlands, and wells, and/or surrounded by a berm or buffer). Properly operating dry litter poultry operations are excluded in accordance with the State Rules, paragraph 391-3-6-.21(3)(d)(2) effective February 28, 2001.

3. Provide adequate storage capacity so that land application occurs only during periods when land or weather conditions are suitable for manure and wastewater application. (See Minimum Standard no. 9 below.)

5.9 Rates and Timing of Land Application of Manure or Wastewater

1. Land apply manure and/or wastewater in accordance with proper agricultural practices.

2. Land apply manure and/or wastewater in accordance with land application rates developed on a site-specific basis as needed to protect water quality. At a minimum, land application rates should (1) prevent application of nutrients at rates that will exceed the capacity of the soil and the planned crops to assimilate nutrients and minimize water pollution; and (2) be quantified and based on the most appropriate nutrient in the soil, type of crop, realistic crop yields, soil type, and all nutrient inputs in addition to those from manure and wastewater.

3. Manure and wastewater should not be applied on land that is flooded, saturated with water, frozen or snow covered at the time of land application where the manure and wastewater may enter Waters of the State.

4. Land application of manure and wastewater should be avoided during rainfall events and should be delayed if precipitation with the potential to create manure and/or wastewater runoff into Waters of the State is forecast within 24 hours of the planned application.

6. REPORTING

6.1 Compliance Office

Compliance is assigned to the Agricultural Inputs Division of the Georgia Department of Agriculture:

Georgia Department of Agriculture
19 Martin Luther King, Jr. Dr. SW
Atlanta, GA 30334

6.2 E-Reporting

The permittee is required to electronically submit documents in accordance with 40 CFR Part 127.

7. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

Not applicable

8. PERMIT EXPIRATION

The permit will expire five years from the effective date.

9. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

9.1 Comment Period

The Georgia Environmental Protection Division (EPD) proposes to issue general NPDES permit GAG930000 subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

The Notice of Intent, draft permit, and other information are available for review at 2 Martin Luther King Jr. Drive, Suite 1152 East, Atlanta, Georgia 30334, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For additional information, you can contact Whitney Fenwick at (470) 607-3078, or *Whitney.Fenwick@dnr.ga.gov*.

9.2 Public Comments

Persons wishing to comment upon or object to the proposed determinations are invited to submit same in writing to the EPD address above, or via e-mail at *EPDcomments@dnr.ga.gov* within 30 days of the initiation of the public comment period. All comments received prior to that date will be considered in the formulation of final determinations regarding the application. The permit number should be placed on the top of the first page of comments to ensure that your comments will be forwarded to the appropriate staff.

9.3 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 NPDES 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 reasons why a hearing is requested, and those specific portions of the application or other NPDES 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. If a public hearing is held, notice of same shall be provided at least thirty (30) days in advance of the hearing date.

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 Director or a designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements, as deemed appropriate.

Following a public hearing, the Director, unless it is decided to deny the permit, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit.

If no public hearing is held, and, after review of the written comments received, the Director determines that a permit should be issued and that the 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 made available to all interested persons and those persons that submitted written comments to the Director on the proposed permit.

If no public hearing is held, but the Director determines, after a review of the written comments received, that a permit should be issued but that substantial changes 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-.06(7)(b). The 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.

9.4 Final Determination

At the time that any final permit decision is made, the Director shall issue a response to comments. The issued permit and responses to comments can be found at the following address:

http://epd.georgia.gov/watershed-protection-branch-permit-and-public-comments-clearinghouse-0

9.5 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:

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