Permit No. GAG920000
Issuance Date: FEB 11 2019

GEORGIA
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

GENERAL LAND APPLICATION SYSTEM PERMIT FOR ANIMAL FEEDING OPERATIONS – 301 TO 1000 ANIMAL UNITS

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

Owners of existing, new, and expanding animal feeding operations (301 to 1000 animal units category) that are required to have a land application system permit shall, on submittal of a Notice of Intent and after acknowledgement by the Environmental Protection Division of coverage under this permit, carry out the land application of animal feeding operation waste in accordance with the limitations, monitoring requirements, and other conditions set forth in this permit.

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

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

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

Richard E. Dunn, Director
Environmental Protection Division

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PART I Coverage Under This General Permit

A. Eligibility for Coverage & Permit Coverage Area

1. This permit regulates the land application of process wastewater generated by medium Animal Feeding Operations (AFO) (301-1000 Animal Units) in the State of Georgia.

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

   a. Systems associated with or containing biosolids;

   b. Systems that are covered by an individual land application system permit;

   c. Systems associated with or containing grease trap waste;

   d. Systems associated with or containing industrial, commercial, hazardous, or non-biodegradable wastes or municipal solid wastes; or

   e. Systems associated with or containing domestic septage.

B. Authorized Operations

1. Any person who is the owner of an AFO with more than 300 AU and uses a liquid manure handling system must submit a Notice of Intent (NOI) and an initial or updated Nutrient Management Plan (NMP) in accordance with this permit to be authorized for coverage under this General Permit. Such Notice of Intent shall be on forms prescribed and furnished by EPD in Part I.C.4.

2. Coverage under this General Permit shall be effective upon receipt of a Notice of Coverage (NOC) letter from EPD.

3. EPD may deny coverage under this permit and require submittal of an application for an individual permit based on a review of the NOI or other information.

C. Permit Application, Termination, and Facility Closure Requirements

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

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

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

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

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

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

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

   a. The permittee must provide a certification no later than one-hundred-and-eighty (180) days after obtaining coverage under the General Permit that the NMP was submitted and approved on or after March 15, 2011, or

   b. If the NMP was not submitted and approved on or after March 15, 2011, then the permittee must submit an updated NMP no later than one-hundred-and-eighty (180) days after obtaining coverage under the General Permit.

   c. If the permittee has submitted an NMP and has not received an approval letter from EPD on or after March 15, 2011 and prior to this permit reissuance, there is no requirement to submit another plan.

   d. Failure to obtain an approved NMP will result in coverage under this permit being modified, terminated, or revoked and reissued in whole or in part during its term.

3. NOI for New or Expanding Operations

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

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

4. Contents of the NOI

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

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

5. Requiring an Individual Permit

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

6. Transfer of Ownership or Control

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

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

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

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

7. Expansion of System

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

8. Termination of Coverage

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

9. Facility Closure

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

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

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

D. Signatory Requirements

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

a. Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:

1. For a corporation, by a responsible corporate officer. A responsible corporate officer means:

   i a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or

   ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

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

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

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

   2. The authorization is made in writing by the person designated under (a) above; and

   3. The written authorization is submitted to the Director.

c. Any changes in written authorization submitted to the permitting authority under (b) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (b) and (b.1) and (b.2) above.

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

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

PART II Effluent Limitations, Monitoring, and Notification

A. General Requirements

1. The land treatment system will be operated in accordance with the design criteria in the approved NMP, the permit application, and/or other written agreements between EPD and the permittee.

2. Unless otherwise approved, no manure and/or process wastewater shall be applied to a site that is frozen, flooded, snow-covered, and/or when conditions are such that the applied wastewater will not be absorbed into the soil. If it is raining or if the soil is saturated, then manure and process wastewater application shall not take place.

3. Land application shall take place within the permitted boundaries identified in the NMP. Manure and process wastewater may be transferred from the permitted facility in accordance with off-site transfer procedures specified in the NOI and NMP.

4. The land treatment system must be operated as a no discharge to surface water system. Corrective actions, which could include curtailing or ceasing production, shall be undertaken if the application rate cannot satisfactorily be handled by the currently approved spray field(s). Agricultural storm water is not considered a discharge. Precipitation-related discharges qualifying as agricultural storm water discharges are not subject to these permit requirements.

B. Monitoring

1. EPD may require the monitoring of pollutants by written notification.

2. Monitoring Procedures

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

3. Detection Limits

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

4. Additional Monitoring Requirements

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

   b. Upon written request by EPD, the permittee may be required to conduct ambient monitoring of surface and/or ground water. This can occur before or after the NMP is approved for facilities with environmental concerns or facilities impacting impaired water bodies.

5. Recording of Results

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

   a. The exact place, date, and time of sampling or measurements, and the person(s) performing the sampling or the measurements;

   b. The dates and times the analyses were performed, and the person(s) performing the analyses;

   c. The analytical techniques or methods used; and

   d. The results of all required analyses.

6. Record Retention

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

C. Reporting

1. EPD may require the collection, analysis of samples, and reporting of monitoring results.

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

D. Submittal of Information

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

E. Limitations and Monitoring Requirements

1. Waste Storage Lagoon(s) or Structure(s)

If it is determined that a waste storage lagoon or structure is contributing to exceedance of the primary maximum contaminant levels for drinking water, EPD may require the lagoon or structure to be repaired, or may require additional corrective actions by the permittee.

2. Soil Sampling Requirements

Representative samples shall be collected and analyzed in accordance with the latest edition of Methods of Soil Analysis (published by the American Society of Agronomy, Madison, Wisconsin) or other methods approved by EPD.

3. Groundwater Limitations and Monitoring

The waste storage and disposal system shall be designed and operated in which the groundwater in the wells must not exceed any of the primary maximum contaminant levels (MCLs) for drinking water. The maximum contaminant level for nitrate nitrogen is 10.0 mg/L, as amended in the Safe Drinking Water Rules and Regulations for Water Quality Control, Chapter 391-3-6-.21(4)(h)(3)(i).

a. Upon request, the permittee may be required to install groundwater monitoring wells if they were not included in the original design, or if the existing wells are determined to be inadequate.

b. If information obtained by the permittee exceeds any MCL for drinking water in groundwater or has the reasonable potential to cause or contribute to an instream violation in surface waters, problems with meeting operational criteria, or changes from design criteria due to increased production or other factors, the permittee shall immediately (within 24 hours) notify EPD.

4. Measurement of Rainfall

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

F. Compliance

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Act, and the Georgia Rules and Regulations for Water Quality Control and is grounds for any of the following:

   a. Enforcement action;

   b. Permit termination, revocation and reissuance;

   c. Denial of a permit renewal application; or

   d. Requiring a permittee to apply for and obtain an individual permit.

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

G. Noncompliance Notification

1. If, for any reason the permittee does not comply with, or will be unable to comply with any terms and limits specified in the permit, the permittee shall provide EPD with an oral report within twenty-four (24) hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including the exact date and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and

   c. The steps taken to reduce, eliminate, and prevent recurrence of the noncompliance.

2. If, for any reason the permittee anticipates a noncompliance event, the permittee shall give written notice to EPD at least ten (10) days before:

   a. Any planned changes in the permitted facility; or

   b. Any activity that may result in noncompliance with the permit.

3. The permittee must report all instances of noncompliance not reported under other specific reporting requirements, at the time monitoring reports are submitted. The reports shall contain the information required under conditions of twenty-four (24) hour reporting.

PART III Operational and Management Requirements

A. Facility Operation

1. The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Proper operation of the land treatment system also includes the best management practices of establishing and maintaining crops, vegetation, forage growth or post-harvest residues in the normal growing season on the land application site.

B. Operator Certification Requirements

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

2. The operator in charge of the land application and treatment system shall be certified prior to beginning the animal feeding operation.

C. Laboratory Analyst Certification Requirements

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

D. Best Management Practices

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

E. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as necessary to determine the nature and impact of a noncomplying discharge.

F. Irrigation Control

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

G. Liner Requirement for Waste Storage Lagoons

1. Existing Storage Lagoons

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

2. New Storage Lagoons

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

PART IV Standard and General Permit Conditions

A. Permit Modification

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

a. Permit violations;

b. Obtaining permit coverage by misrepresentation or by failure to disclose all relevant facts;

c. Changing any condition that requires either a temporary or permanent reduction or elimination of the permitted land application; and

d. Significant changes in animal feeding operation manure and process wastewater characteristics not addressed in the NOI or approved NMP.

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

B. Property Rights

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

C. Previous Permits

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

D. Right of Entry

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

1. To enter the permittee's premises where a regulated activity or facility is located, or where any records required by this permit are kept; and

2. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and to sample any substance or parameters at any location.

E. Criminal and Civil Liability

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

F. State Laws

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

G. Penalties

1. The State Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine or by imprisonment, or by both. The State Act also provides procedures for imposing civil penalties which may be levied for violations of the Act, any permit condition or limitation established pursuant to the Act, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director of EPD.

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

H. Severability

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

I. Contested Hearings

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

J. Duty to Mitigate

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

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

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

L. Expiration of Permit and Duty to Reapply

This permit will expire five (5) years from the effective date. The permittee must re-apply for permit coverage one-hundred-and-eighty (180) days prior to the expiration of this permit. If this permit is not reissued or replaced prior to the expiration date, the permit will be administratively continued and remain in force and effect. Any permittee who has submitted a completed application as provided by EPD one-hundred-and-eighty (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 operate the land application and treatment system;

2. Issuance of an individual permit for the operations;

3. A formal decision by the permitting authority not to reissue this general permit, at which time the permittee must seek coverage under an individual permit; or

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

PART V Nutrient Management Plan (NMP)

A. NMP Retention

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

B. Elements of a NMP

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

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

1. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;

2. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

3. Ensure that clean water is diverted, as appropriate, from the production area;

4. Prevent direct contact of confined animals with waters of the State;

5. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

6. Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the State;

7. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;

8. Establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater; and

9. Identify specific records that will be maintained to document the implementation and management of the minimum elements described in paragraphs B.1 through B.8 above in this section.

10. The NMP shall be signed by the owner or other signatory authority in accordance with the requirements of the permit.

C. Certified Specialists to Develop NMPs

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

D. Duty to Amend the NMP

1. The permittee must amend the NMP whenever the facility makes a substantive change in how it manages its operations, including the location, method, timing or frequency of land application. The NMP does not need to be amended as long as the total loading to the land application fields are the same.

2. The permittee must amend the NMP when growing a crop that has a lower nitrogen uptake rate. The NMP does not need to be amended as long as the total potential nitrogen uptake rate is the same or higher.

3. When applicable, where the facility is located in an impaired watershed, EPD may review the NMP and direct the permittee to amend it as part of the TMDL process. The facility should complete an annual review of the NMP to assess its adequacy in protecting water quality.

E. NMP Implementation

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

PART VI Definitions

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

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

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

a) "300 AU" means three hundred animal units. Paragraph 391-3-6-.21 (2) (c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 300 AU:

1. 300 veal cows,
2. 200 mature dairy cattle (whether milked or dry cows),
3. 150 horses,
4. 750 swine each weighing over 25 kilograms (approximately 55 pounds),
5. 3,000 sheep or lambs,
6. 16,500 turkeys,
7. 300 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs,
8. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
9. 1,500 ducks, if the AFO uses a liquid manure handling system.

b) "1000 AU" means one thousand animal units. Paragraph 391-3-6-.21 (2) (c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 1000 AU:

1. 1,000 veal calves,
2. 700 mature dairy cattle (whether milked or dry cows),
3. 10,000 swine each weighing less than 55 pounds (immature swine or nursery pigs)
4. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
5. 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,
6. 500 horses,
7. 10,000 sheep or lambs,
8. 55,000 turkeys,

9. 125,000 chickens or broilers (other than laying hens), if the AFO handles dry manure only,
10. 30,000 laying hens or broilers (if the facility has a liquid manure handling system),
11. 82,000 laying hens, if the AFO handles dry manure only,
12. 30,000 ducks, if the AFO handles dry manure only,
13. 5,000 ducks, if the AFO uses a liquid manure handling system.

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

1. 3,000 slaughter and feeder cattle,
2. 2,100 mature dairy cattle (whether milked or dry cows),
3. 7,500 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 30,000 swine each weighing less than 55 pounds (immature swine or nursery pigs).
5. 1,500 horses,
6. 30,000 sheep or lambs,
7. 165,000 turkeys,
8. 300,000 laying hens or broilers (if the facility has continuous overflow watering),
9. 90,000 laying hens or broilers (if the facility has a liquid manure handling system),
10. 15,000 ducks

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

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

"Department" means the Georgia Department of Natural Resources.

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

"Discharge Monitoring Report" means DMR.

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

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

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

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

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

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

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

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

"MGD" means million gallons per day.

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

"NOC" means Notice of Coverage.

"NOI" means Notice of Intent.

"NOT" means Notice of Termination.

"Nutrient Management Plan" (NMP) is a plan which identifies actions or priorities that will be followed to meet clearly defined nutrient management goals at an agricultural operation. Defining nutrient management goals and identifying measures and schedules for attaining the goals are critical to reducing threats to water quality and public health. The NMP should address activities related to compliance with effluent limitations and other permit requirements, including manure handling and storage, land application of manure and wastewater, site management, record keeping, and management of other utilization options. For an AFO with a liquid manure handling system, the NMP must be developed or modified by a "certified specialist" as defined by EPD. EPD will specify the requirements for certification. For an AFO that handles dry manure, the NMP must be developed by a

person trained in the subject by an academic or trade organization. It should include emergency response planning and a closure plan for abandonment of any facility used for the treatment or storage of animal waste.

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

"Owner" means any person owning any system for waste treatment and disposal at an AFO.

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

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

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

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

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

"Rules" as used herein means the Georgia Rules and Regulations for Water Quality Control.

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

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

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

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

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

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