

Land Application System
General Permit No. GAG920000
Animal Feeding Operations

FACT SHEET

General Permit No. GAG920000 will regulate the disposal of manure and process wastewater from new and existing animal feeding operations (AFOs) on a land treatment system.

The notice of intent (application) will include specific information about the facility and the operation(s). The application shall be submitted to the Georgia EPD 180 days before the permit expiration date. Specific NOI forms are available from EPD. This permit will be valid for a maximum period of 5 years.

A. PERMIT COVERAGE

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.

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

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

B. ELIGIBILITY

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

C. APPLICATION REQUIREMENTS

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

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

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

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

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

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. 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.

5. Termination of Coverage

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

6. Facility Closure

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

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

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

D. PERMIT LIMITATIONS AND MONITORING REQUIREMENTS

EPD may require the monitoring of pollutants by written notification.

1. Monitoring Procedures

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

2. Detection Limits

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

3. Additional Monitoring Requirements

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

4. Recording of Results

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

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

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

5. 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.

6. 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.

7. Groundwater Limitations and Monitoring

The waste storage and disposal system shall be designed and operated in which the groundwater in the wells must not exceed 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.

8. Measurement of Rainfall

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

E. ELEMENTS OF AN NMP

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

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

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

F. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

1. Comment Period

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

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

Persons wishing to comment upon or object to the determinations are invited to submit same in writing to the EPD address above, or via e-mail at EPDcomments@dnr.ga.gov, within 30 days of the fact sheet date. If you choose to e-mail your comments, please be sure to include the words “LAS AFO General Permit-” in the subject line to ensure that your comments will be forwarded to the correct staff. All comments received prior to that date will be considered in the formulation of final determinations regarding the application. The permit application number should be placed on the envelope next to the above address and also at the top of the first page of comments.

2. Public Hearing

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

The draft permit, fact sheet, and comments received and other information are available for review at the Wastewater Regulatory Program, 2 Martin Luther King Jr. Drive, Suite 1152 East, Atlanta, Georgia 30334 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For more information contact: Audra Dickson, Wastewater Regulatory Program, Phone (404) 463-1511.

In the event that a public hearing is held, both oral and written comments will be accepted; however, for the accuracy of the record, written comments are encouraged. The EPD Director or his designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements, as he deems appropriate.

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

3. Contested Hearings

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

Petitions for a contested hearing must include the following:

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

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

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

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