

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT NO. GAG930000
ANIMAL FEEDING OPERATIONS**

FACT SHEET

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AUGUST 18, 2017

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The 1972 amendments to the Federal Water Pollution Control Act (FWPCA, also referred to as the Clean Water Act or CWA) prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit.

General Permit No. GAG930000 will regulate 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 application will include specific information about the facility and the receiving waters for the discharge(s). The application and complete Nutrient Management Plan (NMP) shall be completed in its entirety and submitted to the Georgia EPD. Specific forms are available from EPD. This permit will be valid for a maximum period of 5 years.

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.

B. ELIGIBILITY

This permit authorizes, subject to the conditions of this General Permit, discharges of:

1. Contaminated runoff from corrals, stock piled manure, and silage piles;

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2. Overflow from manure storage facilities;
3. Discharges associated with improper land application of manure and/or wastewater activities under the control of the CAFO owner;
4. Manure and/or wastewater discharges from retention ponds, manure storage facilities, or lagoons; and
5. Discharges of manure and/or wastewater due to pipe breakage or equipment failure.

C. 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. 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.

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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. 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.

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 application be filed rather than agreeing to the transfer of the permit.

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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.

D. PERMIT EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. 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.

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

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

3. Ground Water Limitations and Monitoring

Ground water at the operation's property line, in which the groundwater in the wells 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 groundwater shall be monitored from each groundwater 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

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4. 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. **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.

1. Buffers or Equivalent Practices

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). 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.

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2. Divert Clean Water

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. 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.

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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.

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- 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.

F. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

1. Comment Period

The Georgia Environmental Protection Division (EPD) proposes to issue an NPDES 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 "NPDES CAFO 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.

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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 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 reason 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 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;

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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 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 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.