CHAPTER 62-621

PART I

GENERAL

PART II

NPDES GENERIC PERMITS

PART III

NON-NPDES GENERIC PERMITS

62-621.500 Permits.

(1) through (2) No Change.

(3) Generic Permit for Medium Dairies.

(a) The document "Generic Permit for Discharges from Medium Dairies to Land Application Areas, "DEP Document 62-621.500(3)(a), issued by the Department and dated *(effective date of rule)*, is hereby incorporated by reference and made part of this Chapter. This document may be obtained by either contacting the appropriate Department district office or from the Department's website.

(b) DEP Form 62-621.500(3)(b), Notice of Intent to Use the Generic Permit for Discharges from Medium Dairies to Land Application Areas, effective *(effective date of rule)*, is hereby incorporated by reference and made part of this Chapter. This form may be obtained by either contacting the appropriate Department district office or from the Department's website.

(c) DEP Form 62-621.500(3)(c), Annual Report Form, effective *(effective date of rule)*, is hereby incorporated by reference and made part of this Chapter. This form may be obtained by either contacting the local Department district office or from the Department's website.

(d) DEP Form 62-670.910(3), Notice of Inactivation or Closure for Animal Feeding Operations, effective (*effective date of this rule*) is hereby incorporated by reference and made part of this Chapter.

(e) Applicability and Coverage.

1. This generic permit authorizes the operation of medium dairies defined as medium animal feeding operations in accordance with subsection 62-670.200(13), F.A.C., and meeting the criteria of paragraph 62-621.500(3)(f), F.A.C.

2. This generic permit does not constitute authorization for the construction and operation of stormwater management facilities under Part IV of Chapter 373, F.S.

3. This generic permit does not constitute authorization to discharge pollutants to waters of the United States under the National Pollutant Discharge Elimination System established by the federal Clean Water Act or surface waters of the State.

4. Coverage is available to medium dairies that are not defined as Concentrated Animal Feeding Operations (CAFOs), in accordance with subsection 62-670.200(2), F.A.C., and that stable or confine an annual average number of 200-699 mature dairy cows whether milked or dry.

5. Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage.

6. Coverage under this generic permit shall be effective upon written notification by the Department.

(f) Eligibility Criteria.

The requirements described below must be constructed or implemented, as appropriate, prior to submitting a request for coverage under this generic permit;

1. All waste management and storage facilities shall be designed, constructed, operated and maintained to contain all manure, litter, process wastewater, and normal rainfall and runoff within the production area for the design storage period. Clean stormwater that is diverted and does not come into contact with wastes is not required to be included in the design volume calculations. The minimum design storage period shall be based on the time required for environmentally safe waste utilization considering the climate, crops, soil, equipment and management. The minimum storage period shall be no less than seven days unless otherwise justified in the NMP. In addition, the waste management and storage facilities shall include the capacity to store the direct precipitation and runoff collected within the production area for a 25-year, 24-hour rainfall event.

2. Animals within the production area shall be fenced away from open sinkholes and surface waters of the State.

3. All wastewater lagoons and storage ponds constructed after *(effective date of rule)* for new and existing facilities shall be lined in accordance with subparagraph 62-621.500(3)(f)5., F.A.C.

4. All wastewater lagoons and storage ponds constructed before *(effective date of rule)* shall be lined in accordance with subparagraph 62-621.500(3)(f)5., F.A.C., if the following conditions occur within ¼ mile laterally from the edge of the lagoon or storage pond:

a. The area is underlain by an aquifer that can be used as a source of drinking water (Class F-I, G-I, or G-II ground waters, as defined in Rule 62-520.410, F.A.C.); and

b. The subsurface has highly permeable soil types, or karst areas with solution features or fractures, or unconfined conditions.

5. Lining for wastewater lagoons and storage ponds identified in subparagraphs 62-621.500(3)(f)3. and 4., F.A.C., shall meet the following:

a. Designed and constructed in accordance with the material and design specifications of the NRCS Agricultural Waste Management Field Handbook, Appendix 10D, dated November 1997, and the NRCS-Florida manual, "Field Office Technical Guide - Waste Storage Facility, Code 313", dated September 2003 incorporated herein by reference, or other engineering standards that provide equivalent protection.

b. The hydraulic conductivity of the liner system shall not be greater than $1x10^{-6}$ centimeters per second.

6. The design and construction of all wastewater management and storage facilities and land application areas shall be specified in the Nutrient Management Plan (NMP).

7. Open wastewater impoundments shall have a depth marker which clearly indicates the minimum available capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. Serial pond and lagoon systems are required to have the depth marker only in the final pond. Depth markers are not required for constant-level stormwater storage impoundments that are designed and operated to contain only clean stormwater.

8. The overflow structure for constant level wastewater impoundments shall be designed and constructed below the height of the impoundment berm to account for a minimum of one foot freeboard and for the depth of the expected head over the structure for the design rainfall event.

9. The following setback distances shall apply to all new medium dairies.

	Manure, Litter, and Process Wastewater Storage or Treatment Facility	Land Application Areas
Existing potable water wells	Not Applicable	500 feet
Existing drinking water wells	Not Applicable	200 feet
Surface waters	500 feet (See Note 1.)	100 feet
Class I water body, Outstanding Florida Water or Outstanding National Resource Water	1,000 feet	1,000 feet

Note 1. Unless Permittee demonstrates that an equivalent level of protection has been provided to prevent impacts to the surface water.

(a) For existing medium dairies, the minimum setback distances of paragraph 62-621.500(3)(f)(9), F.A.C., shall apply to:

1. New or additional manure, litter and process wastewater storage or treatment facilities, and;

2. New or additional land application areas.

(b) If an existing medium dairy expands an existing land application area, or an existing manure, or litter and process wastewater storage or treatment facilities in order to meet the requirements of this rule, the expanded portion shall not be required to meet the setbacks in this rule, provided that:

1. The medium dairy is not increasing the number of animals, and

2. The land application area, or storage and treatment facility is not a new source as defined in 40 CFR Parts 122.22 and 122.29.

10. All new and existing medium dairy land application areas shall not be located closer than 100 feet from surface waters, open tile drain intake structures, open or improperly abandoned agricultural wellheads, or open sinkholes.

11. As an alternative to the setback requirement in subparagraph 62-621.500(3)(f)9., F.A.C., medium dairies located outside the Lake Okeechobee watershed may do the following, provided that land application areas are not located closer than 100 feet from sinkholes:

a. Construct a 35-foot wide vegetated buffer where application of manure, litter, or process wastewater is prohibited; or

b. Demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback.

(g) Requests for Coverage.

1. Requests for coverage under this generic permit shall be submitted to the appropriate Department district office and shall include the following:

a. DEP Form 62-621.500(3)(b), Notice of Intent to Use the Generic Permit for Medium Dairies (NOI);

b. The applicable generic permit fee pursuant to Rule 62-4.050, F.A.C.;

c. A site-specific NMP developed in accordance with subsection 62-621.500(i), F.A.C.; and

d. A site plan showing the proposed location and construction details of the trend well described in paragraph 62-621.500(3)(h), F.A.C.

2. The permittee may request continued coverage under this generic permit in accordance with the requirements contained in subparagraph 62-621.500(3)(g)1., F.A.C. Alternatively, if there are no proposed modifications or expansions to the facility that would require a revision to the NMP, the permittee may request continued coverage by submitting DEP Form 62-621.500(3)(b), along with the applicable generic permit fee pursuant to Rule 62-4.050, F.A.C., and certification, signed and sealed by a professional engineer licensed in the State of Florida with expertise in the area of nutrient management planning or signed by a person certified by the NRCS for nutrient management planning, stating that the Department approved NMP accurately reflects the dairy operations and nutrient management of the facility.

3. Request for continued coverage under this generic permit shall be made at least 180 days before expiration of current coverage.

4. Request for transfer of coverage under this permit shall be submitted to the appropriate Department district office using DEP Form 62-620.910(11), Application for Transfer of a Wastewater Facility or Activity Permit, and the appropriate processing fee pursuant to Chapter 62-4.050, F.A.C.

(h) Ground Water Monitoring Well

Medium Dairies covered under this generic permit are required to install one ground water monitoring well to evaluate trends in ground water quality in the water table aquifer. A site plan showing the proposed location and construction details shall be submitted with the NOI. A revised site plan shall be submitted after the monitoring well is installed if the location is different from the proposal. The monitoring well shall be located within or immediately outside and hydraulically downgradient of the wetted area. The well casing shall be at least 2-inch inside diameter and shall be constructed such that a water quality sample representative of the ground water beneath the wetted area can be collected. The location and construction of the monitoring well shall be approved by the Department prior to installation. A soil boring shall be completed at the time of well installation.

(i) Nutrient Management Plan.

1. All medium dairies shall develop, or revise as necessary, a site-specific Nutrient Management Plan (NMP), in accordance with the nutrient management standards and guidelines from the Natural Resources Conservation Services (NRCS), the University of Florida Institute of Food and Agricultural Services (IFAS), or the Florida Department of Agriculture and Consumer Services (FDOACS). NMPs prepared in accordance with the NRCS-Florida "Field Office Technical Guide – Nutrient Management, Code 590", shall be acceptable to the Department.

2. The NMP shall be prepared and signed by a person certified by NRCS for nutrient management planning or prepared, signed and sealed by a professional engineer licensed in the State of Florida with expertise in the area of nutrient management planning.

3. The manure and wastewater handling and storage component shall be signed and sealed by a professional engineer licensed in the State of Florida.

4. The NMP shall meet the requirements of this Rule and be submitted with the NOI and shall include the following components:

a. Nutrient management;

b. Manure and wastewater handling and storage; and

c. Land treatment practices.

5. The NMP shall:

a. Ensure adequate storage of manure, litter, and process wastewater to meet the design requirements of subparagraph 62-621.500(3)(f), F.A.C. The NMP shall include procedures to ensure proper operation and maintenance of the storage and handling facilities;

b. Address proper management of dead animals to ensure that they are not disposed in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat dead animals;

c. Ensure that clean stormwater is diverted, as appropriate, from the production area;

d. Provide measures to prevent direct contact of animals confined in the production area with surface waters of the State;

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

f. Identify appropriate site-specific conservation practices to be implemented for the production area and land application areas including appropriate setback requirements as specified in this chapter, buffers, or equivalent practices to control runoff of pollutants to surface waters;

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

h. Identify records to be maintained to document the implementation and management of the NMP;

i. Identify appropriate site-specific conservation practices to be implemented for management of all land application areas to minimize erosion, to minimize the formation of denuded areas, and to minimize impacts to surface waters and ground water;

j. Identify appropriate self-inspection schedule based on the size and complexity of the operation;

k. Include a schedule that identifies modifications or improvements necessary to implement the NMP;

l. Identify the frequency interval for soil fertility testing. The interval shall be at least once every five years with consideration for more frequent testing if increases in soil phosphorus levels are expected. The soil fertility testing used to develop the NMP shall be less than one year old;

m. Establish specific rates of application and procedures for land application of manure, litter, process wastewater and all nutrient sources for each land application area through the term of the permit. As part of establishing the application rates, The NMP shall include:

1. A specific assessment of the potential for phosphorus movement from each land application area;

2. A listing and quantification of all nutrient sources to each land application area.

3. The current and planned plant production sequence or crop rotation for each land application area through the term of the permit;

4. Realistic annual yield goals for each crop identified for each land application area;

5. The recommended nitrogen and phosphorus application rates (i.e. nutrient demand) for the crops grown in each land application area;

6. Methods of manure, litter and process wastewater application for each land application area; and

7. The methodology and calculations used to determine the application rates for each land application area.

Specific Authority 403.061, 403.087, 403.088, 403.0814, FS. Law Implemented 403.061, 403.087, 403.0877, 403.088, 403.814, FS. History – New 5-10-05, Amended 2-7-07, _____.