

**DEP ~~20091996~~ ~~FEEDLOT AND DAIRY WASTEWATER PERMITTING~~
~~TREATMENT 62-670~~
~~AND MANAGEMENT REQUIREMENTS FOR ANIMAL FEEDING~~
OPERATIONS**

CHAPTER 62-670

~~Feedlot and Dairy Wastewater Permitting Treatment and~~

~~Management Requirements For Animal Feeding Operations~~

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Specific Authority 403.061, 403.087, 403.804, FS. Law Implemented 403.021, 403.062, 403.087, 403.088, FS. History -- New

11-27-89, Formerly 17-670.100, Repealed 12-26-96.

EFFECTIVE ~~12-26-96~~

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62-670.150 Intent, Scope and Applicability

(1) It is the intent of this chapter that all animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs), as defined in this chapter, manage their wastes in a manner that minimizes adverse impacts to the environment. This chapter addresses permitting, registration, design, and operational requirements for AFOs.

(2) Requirements in this chapter shall apply to CAFOs, and large, medium and small AFOs as defined or designated in this chapter.

(3) Case-by-Case Designation of CAFOs.

(a) Notwithstanding any other provision of this chapter, the Department shall designate any AFO as a CAFO in accordance with Title 40 Part 122.23(c) of the Code of Federal Regulations (40 CFR), adopted herein by reference.

(b) No Small AFO shall be designated as a CAFO unless it meets one or more of the following conditions:

1. Pollutants are discharged from the production area into surface waters through a man-made ditch, flushing system or other similar man-made device; or

2. Pollutants are discharged directly into surface waters which originate outside of and pass over, across, or through the production area or otherwise come into direct contact with the animals confined in the operation.

(c) An AFO shall not be designated as a CAFO until the Department conducts an onsite inspection of the operations and determine that the operations should and could be regulated under the National Pollutant Discharge Elimination System (NPDES) permit program. An application for a NPDES permit shall be required from an AFO that has been designated as a CAFO only after the Department notifies the owner or operator in writing of the requirement to apply for an NPDES permit, and the basis for imposing such requirement.

(d) Case-by-Case designation as a CAFO is a final agency action. The Department's agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice of designation.

(4) Any exemptions from the ground water discharge permitting requirements in this chapter shall be in accordance with Rule 62-4.040, F.A.C.

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1 (5) All permits required by this chapter, except generic permits, are subject to the general conditions in Rule
2 62-620.610, F.A.C. Chapter 62.670, F.A.C., shall be used in conjunction with Chapter 62-620, F.A.C., Wastewater
3 Facility and Activities Permitting.

4 (6) The following specific facilities are not subject to the permitting and registration requirements of this
5 chapter:

6 (a) Facilities that are not AFOs as defined in this chapter;

7 (b) Small non-dairy AFOs where animals are kept only for recreational purposes, unless they are designated as
8 CAFOs pursuant to paragraph 62-670.150(3)(b), F.A.C.; and

9 (c) Pastures and rangelands under the control of an AFO owner or operator that are not production areas and
10 are not land application areas as defined in this chapter.

11 (7) AFOs that do not have a liquid manure collection and storage system and the manage manure such that it
12 does not cause ground water pollution may request a determination in accordance with subsection 62-670.150(4),
13 F.A.C., that a wastewater permit is not required.

14 Specific Authority 403.051, 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087,
15 403.088 FS. History – New_____.

16
17 **62-670.200 Definitions.**

18 The following words and phrases when used in this chapter shall, unless the context clearly indicates otherwise,
19 have the following meanings:

20 (1) "Animal feeding operation" means a facility (other than an aquatic animal production facility) where the
21 following conditions are met:

22 (a) Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more
23 in any 12 month period; and,

24 (b) Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season
25 over any portion of the lot or facility.

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1 (2) "Concentrated animal feeding operation (CAFO)" means a large AFO as defined in subsection 62-
2 670.200(10), F.A.C., a medium AFO defined as a CAFO in subsection 62-670.200(14), F.A.C., or any AFO that has
3 been designated as a CAFO in accordance with subsection 62-670.150(3), F.A.C.

4 (3) "Dairy" means any place or premises where one or more dairy cows are kept and from which a part or all of
5 the milk is provided, sold, or offered for sale to a milk plant, receiving station, transfer station, or the general public.

6 (4) "Design storage period" means the anticipated maximum period of time all wastewater must be stored
7 based on timing of wastewater application events for environmentally safe waste utilization considering the local
8 climate, crops, and soils.

9 (5) "Drinking water well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or
10 otherwise constructed when the intended use of such excavation is to conduct ground water from a source aquifer to
11 the surface, by pumping or natural flow, when ground water from such excavation is used or is to be used as a
12 source of drinking water for human consumption.

13 (6) "Existing AFO" means an AFO that was in existence prior to (effective date of this rule) whether or not it
14 was permitted as of (effective date of this rule). If the AFO is not in operation, but the AFO production area
15 infrastructure is in place on (the effective date of this rule), the facility is an existing AFO. For dairies, this means an
16 operation that was registered with the Florida Department of Agriculture and Consumer Services (FDOACS) as of
17 (effective date of this rule).

18 (7) "Expanded AFO" means an AFO that increases the number of animals maintained at the facility, from the
19 number of animals in the Department approved nutrient management plan or small dairy registration.

20 (8) "Lake Okeechobee Watershed" means the area defined by Section 373.4595(2)(i), F.S.

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

24 (10) "Large animal feeding operation (Large AFO)" means any AFO that stables or confines as many as or more
25 than the number of animals specified in any one of the following categories on an annual average basis:

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- 1 (a) 700 mature dairy cows, whether milked or dry;
- 2 (b) 1,000 veal calves;
- 3 (c) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers,
- 4 bulls and cow/calf pairs;
- 5 (d) 2,500 swine each weighing 55 pounds or more;
- 6 (e) 10,000 swine each weighing less than 55 pounds;
- 7 (f) 500 horses;
- 8 (g) 10,000 sheep or lambs;
- 9 (h) 55,000 turkeys;
- 10 (i) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
- 11 (j) 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system
- 12 (k) 82,000 laying hens, if the AFO uses other than a liquid manure handling system
- 13 (l) 30,000 ducks, if the AFO uses other than a liquid manure handling system; or
- 14 (m) 5,000 ducks, if the AFO uses a liquid manure handling system.
- 15 (11) "Liquid manure system" means a system for conveyance of manure which uses water.
- 16 (12) "Manure" means substances composed of excreta of animals and excreta mixed with residual materials that
- 17 have been used for bedding, sanitary or feeding purposes for animals.
- 18 (13) "Medium animal feeding operation (Medium AFO)" means any AFO which stables or confines the type
- 19 and number of animals within any one of the following ranges on an annual average basis:
- 20 (a) 200-699 mature dairy cows, whether milked or dry;
- 21 (b) 300 to 999 veal calves;
- 22 (c) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers,
- 23 steers, bulls and cow/calf pairs;
- 24 (d) 750 to 2,499 swine each weighing 55 pounds or more;
- 25 (e) 3,000 to 9,999 swine each weighing less than 55 pounds;

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1 (f) 150 to 499 horses;

2 (g) 3,000 to 9,999 sheep or lambs;

3 (h) 16,500 to 54,999 turkeys;

4 (i) 9,000 to 29,000 laying hens or broilers, if the AFO uses a liquid manure handling system;

5 (j) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling
6 system;

7 (k) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;

8 (l) 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system; or

9 (m) 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system.

10 (14) "Medium concentrated animal feeding operation (Medium CAFO)" means any medium AFO that:

11 (a) Discharges pollutants from the production area into surface waters through a man-made ditch, flushing
12 system, or other similar man-made device; or

13 (b) Pollutants are discharged directly into surface waters which originate outside of and pass over, across, or
14 through the production area or otherwise come into direct contact with the animals confined in the operation.

15 (15) "New AFO" means an AFO that begins construction on or after (*effective date of this rule*).

16 (16) "Nutrient Management Plan" means, a plan developed by an AFO regulated by this rule to manage the
17 amount, source, placement, form and timing of the application of animal manure, fertilizer or other plant nutrients in
18 order to minimize nutrient loss or runoff, protect water resources and maintain the productivity of crops.

19 (17) "Process wastewater" means for the purposes of this chapter only, water directly or indirectly used in the
20 operations of an AFO for any or all of the following: spillage or overflow from animal or poultry watering systems;
21 washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing,
22 or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact
23 with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

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1 (18) “Production area” means that part of an AFO that includes animal confinement areas, manure storage areas,
2 raw material storage areas, and waste containment areas as defined in 40 CFR 122.23(b)(8), adopted herein by
3 reference.

4 (19) “Small Animal Feeding Operation (Small AFO)” means any AFO which stables or confines less than the
5 number of animals specified in any one of the following categories on an annual average basis:

6 (a) 200 mature dairy cows, whether milked or dry;

7 (b) 300 veal calves;

8 (c) 300 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers,
9 bulls and cow/calf pairs;

10 (d) 750 swine each weighing 55 pounds or more;

11 (e) 3,000 swine each weighing less than 55 pounds;

12 (f) 150 horses;

13 (g) 3,000 sheep or lambs;

14 (h) 16,500 turkeys;

15 (i) 9,000 laying hens or broilers, if the AFO uses a liquid manure handling system;

16 (j) 37,500 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

17 (k) 25,000 laying hens, if the AFO uses other than a liquid manure handling system;

18 (l) 10,000 ducks, if the AFO uses other than a liquid manure handling system; or

19 (m) 1,500 ducks, if the AFO uses a liquid manure handling system.

20 (20) “Vegetated buffer” means a narrow, permanent strip of dense perennial vegetation established between
21 land application areas and sensitive areas such as neighboring property, surface waters, and sinkholes, for the
22 purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any nutrients or pollutants
23 from reaching sensitive areas.

24 (21) “Waters” means those waters defined in Section 403.031(13), F.S.

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1 (22) "25-year, 24-hour rainfall event" means the amount of rainfall within 24 hours that is likely to be exceeded
2 on the average only once in 25 years, as published by the U.S. Weather Bureau in Technical Paper 40 "Rainfall
3 Maps for 24-hour Rainfall Amounts for the Coterminous United States."

4 ~~Terms used in this Rule shall have the meaning specified below. The meaning of any term not defined below may~~
5 ~~be taken from definitions in other rules of the Department, unless such meaning would defeat the purposes or intent~~
6 ~~of this rule.~~

7 ~~(1) "Animal feeding operation" means a lot or facility (other than an aquatic animal production facility)~~
8 ~~where the following conditions are met:~~

9 ~~(a) Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or~~
10 ~~more in any 12 month period; and,~~

11 ~~(b) Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing~~
12 ~~season over any portion of the lot or facility.~~

13 ~~(c) Two or more animal feeding operations under common ownership are deemed to be a single animal~~
14 ~~feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of~~
15 ~~wastes.~~

16 ~~(2) "Animal unit" means a unit of measurement for an animal feeding operation calculated by adding~~
17 ~~the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy~~
18 ~~cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of~~
19 ~~sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.~~

20 ~~(3) "Concentrated animal feeding operation" means a feeding operation where more animals are~~
21 ~~confined than are specified in the categories listed below: Any animal feeding operation that contains process~~
22 ~~wastewater and runoff from the 25 year, 24 hour storm event, is not considered a concentrated animal feeding~~
23 ~~operation regardless of the number of animals at the facility.~~

24 ~~(a) 1,000 slaughter and feeder cattle,~~

25 ~~(b) 700 mature dairy cattle (whether milked or dry cows), except that dairy farms located in the Lake~~
26 ~~Okeechobee Drainage Basin as defined in Rule 62-670.200(8), F.A.C., shall be regulated pursuant to Rules 62-~~
27 ~~670.500, F.A.C.,~~

28 ~~(c) 2,500 swine weighing over 55 pounds each,~~

29 ~~(d) 500 horses,~~

30 ~~(e) 10,000 sheep or lambs,~~

31 ~~(f) 55,000 turkeys,~~

32 ~~(g) 100,000 laying hens or broilers (if the facility has continuous overflow watering),~~

33 ~~(h) 30,000 laying hens or broilers (if the facility has a liquid manure handling system),~~

34 ~~(i) 5,000 ducks, or~~

35 ~~(j) 1,000 animals units.~~

36 ~~(4) "Dairy Farm" means any operation as defined in Rule 5D 1.001(49), F.A.C., and regulated by the~~
37 ~~Florida Department of Agriculture and Consumer Services.~~

38 ~~(5) "Egg production facility" means a commercial facility housing laying hens or cleaning, sorting and~~
39 ~~preserving eggs.~~

40 ~~(6) "Egg wash wastewater" means wastewater generated as a result of cleaning, sorting and preserving~~
41 ~~eggs.~~

42 ~~(7) "High intensity use area" means all areas of concentrated animal density generally associated with~~
43 ~~milking barns, feedlots, holding pens, travel lanes and contiguous milk herd pasture where the permanent vegetative~~
44 ~~cover is equal to or less than 80 percent, under average annual worst case conditions, as determined by USDA Soil~~
45 ~~Conservation Service methods.~~

46 ~~(8) "Lake Okeechobee Drainage Basin" means the drainage basin consisting of the following sub-~~
47 ~~drainage basins:~~

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- 1 ~~_____ (a) _____ lower Kissimmee River basin below structure S-65;~~
- 2 ~~_____ (b) _____ Taylor Creek Nubbin Slough basin;~~
- 3 ~~_____ (c) _____ Fish Eating Creek basin;~~
- 4 ~~_____ (d) _____ Indian Prairie and Harney Pond basins;~~
- 5 ~~_____ (e) _____ C 41A basin;~~
- 6 ~~_____ (f) _____ Nicodemus Slough basin; and,~~
- 7 ~~_____ (g) _____ drainage areas tributary to the South Florida Water Management District Pump Stations designated~~
- 8 ~~as S 127, S 129, S 131, S 133, S 135, S 2, S 3, and S 4. The geographical boundaries of these sub basins shall be~~
- 9 ~~as designated by the South Florida Water Management District in its Technical Publication 81-2, May, 1981.~~
- 10 ~~_____ (9) _____ "Liquid manure system" means a system for conveyance of manure which uses water.~~
- 11 ~~_____ (10) _____ "Major egg production facility" means an egg production facility which has:~~
- 12 ~~_____ (a) _____ More than 100,000 laying hens, or~~
- 13 ~~_____ (b) _____ More than 30,000 laying hens when the facility has a liquid manure system, or~~
- 14 ~~_____ (c) _____ On site facilities which process at least the number of eggs produced by 100,000 laying hens, not~~
- 15 ~~necessarily from on site hens, on a daily basis.~~
- 16 ~~_____ (11) _____ "Man made" means constructed by man and used for the purpose of transporting wastes.~~
- 17 ~~_____ (12) _____ "Management Plan" means a site specific detailed plan, with design calculations, providing for~~
- 18 ~~collection, storage and disposal of all wastewater from the milking barn, and of the runoff from the 25 year, 24 hour~~
- 19 ~~storm event from all "high intensity" areas within the dairy farm. In addition, the plan shall include provision for~~
- 20 ~~implementation of required management practices. Such plan shall be prepared in accordance with the standards of~~
- 21 ~~the USDA Soil Conservation Service and shall include detailed instructions for operation and maintenance of~~
- 22 ~~wastewater/runoff collection, storage and disposal systems.~~
- 23 ~~_____ (13) _____ "Process generated wastewater" means water directly or indirectly used in the operation of a feedlot~~
- 24 ~~for any or all of the following: Spillage or overflow from animal or poultry watering systems; washing, cleaning or~~
- 25 ~~flushing pens, barns, manure pits or other feedlot activities; direct contact swimming, washing or spray cooling of~~
- 26 ~~animals; and dust control.~~
- 27 ~~_____ (14) _____ "Process wastewater" means any process generated wastewater and any precipitation which comes~~
- 28 ~~into contact with any manure, litter of bedding, or any other raw material or intermediate product used in or resulting~~
- 29 ~~from the production of animals or poultry or direct products.~~
- 30 ~~_____ (15) _____ "25 year, 24 hour Storm Event" means the amount of rainfall within 24 hours that is likely to be~~
- 31 ~~exceeded on the average only once in 25 years, as published by the U.S. Weather Bureau in Technical Paper 40~~
- 32 ~~"Rainfall Maps for 24 hour Rainfall Amounts for the Coterminous United States."~~
- 33 ~~Specific Authority 403.051, 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087,~~
- 34 ~~403.088 FS. History -- New 11-27-89, Amended 4-2-90, Formerly 17-670.200, Amended 12-26-96, _____.~~

37 **62-670.230 Interim Reports.**

38 (1) No later than (12 months from effective date of rule) and annually thereafter, all owners or operators of
39 existing dairy AFOs shall submit an interim report of their operations using DEP Form 62-670.910(4) to the
40 appropriate Department district office.

41 (2) This requirement does not apply to dairy AFOs that have applied for or have been issued a wastewater
42 permit before (effective date of rule).

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1 (3) Interim Reports are no longer required after the Department has received one of the following forms from
2 the dairy as required by this Chapter:

3 (a) Small Dairy Registration form;

4 (b) Notice of Intent for coverage under the Generic Permit for Discharges from Medium Dairies to Land
5 Application Areas; or

6 (c) Individual wastewater permit application.

7 Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088 FS. History-
8 New_____.

9
10 **62-670.250 Wastewater Permit Application and Registration Requirements.**

11 (1) All CAFOs shall apply for a NPDES permit in accordance with paragraphs 62-620.100(3)(r) through (w),
12 F.A.C. In addition, unless exempted from ground water discharge permitting in accordance with subsection 62-
13 670.150(4), F.A.C., all CAFOs shall apply for an individual wastewater permit for ground water discharge in
14 accordance with this chapter. Unless separate permits are requested by the applicant, one individual wastewater
15 permit will be issued to address both NPDES and ground water discharge requirements.

16 (2) Two or more AFOs under common ownership are considered to be a single AFO if:

17 (a) They are adjacent to each other; or

18 (b) They utilize a common area or system for the disposal of waste.

19 (3) Medium AFOs not defined or designated as medium CAFOs in accordance with this chapter shall:

20 (a) Apply for an individual wastewater permit for ground water discharge in accordance with the requirements
21 of this chapter, or

22 (b) Alternatively, a medium AFO may apply for a generic permit if an applicable generic permit is available
23 and the AFO meets the eligibility criteria specified in Rule 62-621.500, F.A.C.

24 (4) Small dairy AFOs not designated as small CAFOs in accordance with this chapter shall:

25 (a) Apply for an individual wastewater permit for ground water discharge in accordance with the requirements
26 of this chapter, or

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1 (b) Alternatively, a small dairy AFO may submit a Small Dairy Registration Form, DEP Form 62.670.910(2),
2 if it meets the registration requirements specified in Rule 62-670.700, F.A.C.

3 (5) Small AFOs, other than dairies, with a liquid manure collection and storage system that discharges
4 pollutants into ground water shall apply for a permit for ground water discharge after written notification by the
5 Department. A determination that a small non-dairy AFO requires a permit will be based on an onsite inspection by
6 the Department.

7 (6) Permit Applications and Registration Procedures.

8 All AFOs, including CAFOs, subject to individual wastewater permits shall submit to the appropriate
9 Department district office:

10 (a) Completed DEP Forms 62-620.910(1) and 62-670.910(1) in accordance with the instructions provided with
11 the forms;

12 (b) The applicable fee in accordance with Rule 62-4.050, F.A.C.;

13 (c) A site-specific Nutrient Management Plant (NMP) meeting the requirements of this chapter; and

14 (d) A Ground Water Monitoring Plan meeting the requirements of this chapter and applicable parts of Chapter
15 62-520, F.A.C., if the application includes ground water discharge.

16 (7) Schedules for submittal of permit application or registration.

17 (a) Existing AFOs, including existing CAFOs, shall submit a permit application or register in accordance with
18 the following.

19 1. CAFOs other than dairies, shall submit an application for a NPDES permit by February 27, 2009, in
20 accordance with paragraph 62-620.100(3)(u), F.A.C.

21 2. Medium dairy AFOs shall submit a Notice of Intent for coverage under the Generic Permit for Discharges
22 from Medium Dairies to Land Application Areas DEP Document 62-621.500(3) or an application for an individual
23 wastewater permit for ground water discharge in accordance with the following submittal schedule in Table 1
24 below:

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Table 1

<u>Counties</u>	<u>Submittal Schedule</u>
<u>Alachua, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, and Taylor</u>	<u>No later than 36 months after (effective date of this rule)</u>
<u>Citrus, Hernando, Holmes, Hillsborough, Jackson, Jefferson, Lake, Leon, Marion, Pasco, Pinellas, Polk, Sumter, Wakulla, and Washington</u>	<u>No later than 48 months after (effective dated of this rule)</u>
<u>All other counties not otherwise listed in this table paragraph 62-670.250(7)(a), F.A.C.</u>	<u>No later than 60 months after (effective date of this rule)</u>

2

3 3. Small dairy AFOs shall submit a small dairy registration form or application for an individual wastewater
4 permit for ground water discharge in accordance with the following submittal schedule in Table 2 below:

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Table 2

<u>Counties</u>	<u>Submittal Schedule</u>
<u>Alachua, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, and Taylor</u>	<u>No later than 48 months after (effective date of this rule)</u>
<u>Citrus, Hernando, Holmes, Hillsborough, Jackson, Jefferson, Lake, Leon, Marion, Pasco, Pinellas, Polk, Sumter, Wakulla, and Washington</u>	<u>No later than 60 months after (effective dated of this rule)</u>
<u>All other counties not otherwise listed in this table paragraph 62-670.250(7)(a), F.A.C.</u>	<u>No later than 72 months after (effective date of this rule)</u>

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10 4. AFOs, other than dairies, shall submit an application for a ground water discharge permit in accordance
11 with the following submittal schedule in Table 3 below:

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1

Table 3

<u>AFO Size</u>	<u>Submittal Schedule</u>
<u>Large</u>	<u>Within 48 months after (effective date of this rule)</u>
<u>Medium</u>	<u>Within 48 months after (effective date of this rule)</u>
<u>Small</u>	<u>Within 180-days following written notification from the Department that a permit is required</u>

2

3

(b) New AFOs, including new CAFOs, shall submit a permit application or register in accordance with the following submittal schedule in Table 4 below:

4

5

Table 4

<u>Facility Type</u>	<u>Application Type</u>	<u>Submittal Schedule</u>
<u>New CAFOs</u>	<u>NPDES permit</u>	<u>No later than 180 days prior to commencing operation of that facility</u>
<u>New medium AFOs</u>	<u>Ground Water Discharge Permit or a Notice of Intent under a Generic Permit</u>	<u>No later than 180 days prior to commencing operation of that facility</u>
<u>New small dairy AFOs</u>	<u>Ground Water Discharge Permit</u>	<u>No later than 180 days prior to commencing operation of that facility</u>
	<u>Small Dairy Registration Form</u>	<u>At least 30 days before commencing operation, if the facility meets the eligibility requirements in Rule 62-670.700, F.A.C.</u>
<u>New small AFOs, other than dairies</u>	<u>Ground Water Discharge Permit</u>	<u>Within 180-days following written notification from the Department that a permit is required</u>

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1 (c) AFOs, other than dairies, designated as CAFOs after (effective date of this rule) shall submit an application
2 for an NPDES permit by February 27, 2009 or 90 days after receiving notice of CAFO designation from the
3 Department, whichever is later.

4 (d) Dairy AFOs designated as CAFOs shall submit an application for an NPDES permit within 90 days
5 following written notification from the Department.

6 (8) Permit Renewal.

7 The permittee shall submit an application to renew an existing permit at least 180 days before the expiration date of
8 the existing permit in accordance with Rule 62-620.335, F.A.C. and subsection 62-670.250(6), F.A.C.

9 (9) Transfer of Permit.

10 Request for transfer of permit shall be submitted to the appropriate Department district office in accordance with
11 Rule 62-620.340, F.A.C.

12 (10) Facility Inactivation or Closure.

13 In the event of closure or inactivation, all permitted AFOs and registered small dairies shall provide reasonable
14 assurance of water resource protection and shall submit written notice to the Department at least 60 days before
15 inactivation or closure of the facility using DEP Form 62-670.910(3).

16 Specific Authority 403.051, 403.061, 403.087, FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087, 403.088,
17 FS. History – New _____.

18
19 **62-670.300 Design, Setback, Operation and Maintenance Requirements.**

20 AFOs with individual wastewater permits and all CAFOs shall meet the following requirements. Additional
21 requirements for CAFOs are provided in subsection 62-670.300(4), F.A.C.

22 (1) Design Requirements.

23 (a) All waste management and storage facilities shall be designed, constructed, operated and maintained to
24 contain all manure, litter, process wastewater, and normal rainfall and runoff within the production area, for the
25 design storage period. Clean stormwater that is diverted and does not come into contact with wastes is not required
26 to be included in the design volume calculations. The minimum design storage period shall be based on the time

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1 required for environmentally safe waste utilization considering the climate, crops, soil, equipment and management.
2 The minimum storage period shall be no less than seven days, unless otherwise justified in the NMP. In addition,
3 the waste management and storage facilities shall include the capacity to store the direct precipitation and runoff
4 collected within the production area for a 25-year, 24-hour rainfall event.

5 (b) Animals within the production area shall be fenced away from open sinkholes and surface waters of the
6 State.

7 (c) All wastewater lagoons and storage ponds constructed after (*effective date of rule*) for new and existing
8 facilities shall be lined in accordance with paragraph 62-670.300(1)(e), F.A.C.

9 (d) All wastewater lagoons and storage ponds constructed before (*effective date of rule*) shall be lined in
10 accordance with paragraph 62-670.300(1)(e), F.A.C., if the following conditions occur within ¼ mile laterally from
11 the edge of the lagoon or storage pond:

12 1. 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
13 ground waters, as defined in Rule 62-520.410, F.A.C.), and

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

16 (e) Linings for wastewater lagoons and storage ponds identified in paragraphs 62-670.300(1)(c) and (d),
17 F.A.C., shall meet the following:

18 1. Designed and constructed in accordance with the material and design specifications of the Natural
19 Resource and Conservation Service (NRCS) Agricultural Waste Management Field Handbook, Appendix 10D,
20 dated November 1997, and the NRCS-Florida manual, “Field Office Technical Guide – Waste Storage Facility,
21 Code 313”, dated September 2003, incorporated herein by reference, or other engineering standards that provide
22 equivalent protection.

23 2. The hydraulic conductivity of the liner system shall not be greater than 1×10^{-6} centimeters per second.

24 3. Wastewater lagoons and storage ponds constructed and lined prior to (*effective date of this rule*), not
25 meeting design requirements of 62-670.300(1)(e)1. and 2., F.A.C., shall be evaluated by a Florida licensed

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1 Professional Engineer at the time of permit application or renewal to ensure that the liner provides reasonable
2 assurance of ground water protection. The evaluation shall include ground water sampling for the parameters in 62-
3 670.450(3), F.A.C. If the evaluation determines that the liner does not provide reasonable assurance then the
4 application must include provisions for meeting the requirements of this rule.

5 (f) AFOs with wastewater lagoons and storage ponds located in areas where lining is not feasible due to
6 hydrogeologic conditions, may propose an alternate design that provides equivalent protection.

7 (g) Land application areas shall be designed and constructed as specified in the Department approved NMP.

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

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

15 (2) Setback Distances.

16 (a) The following minimum setback distances shall apply to all new AFOs.

17

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

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

3 (b) For existing AFOs the minimum setback distances of paragraph 62-670.300(2)(a), F.A.C., shall apply to:

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

5 2. New or additional land application areas.

6 (c) If an existing AFO needs to expand an existing land application area, or an existing manure, litter and
7 process wastewater storage or treatment facilities in order to meet the requirements of this rule, the expanded portion
8 shall not be required to meet the setbacks in this rule, provided that:

9 1. The AFO is not increasing the number of animals; and

10 2. The land application area, or storage and treatment facility is not a new source as defined in 40 CFR Parts
11 122.22 and 122.29.

12 (d) All new and existing AFO land application areas shall not be located closer than 100 feet from surface
13 waters, open tile drain intake structures, open or improperly abandoned agricultural wellheads, or open sinkholes.

14 (e) As an alternative to the setback requirement in paragraph 62-670.300(2)(d), F.A.C., permittees located
15 outside the Lake Okeechobee watershed may do the following, provided that land application areas are not located
16 closer than 100 feet from sinkholes:

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

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

22 (3) Operation and Maintenance Requirements.

23 (a) Discharge of process wastewater from AFOs to surface water is prohibited.

24 (b) Runoff of process wastewater from land application areas is prohibited.

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1 (c) Stormwater runoff from land application areas is not considered to be a discharge of process wastewater
2 provided that:

3 1. Runoff does not occur during land application of manure, litter or process wastewater; and

4 2. Land application activities are performed in accordance with the Department approved NMP.

5 (d) Land application of process wastewater is not allowed unless the water table is eighteen inches or deeper
6 below the normal ground surface when wastewater is applied to the land, except where removal of wastewater from
7 a wastewater storage pond or lagoon is necessary to prevent wastewater from overflowing and damaging the storage
8 pond or lagoon embankment due to chronic or catastrophic rainfall events.

9 (e) Nutrient loading on land application areas shall not exceed the amount specified in accordance with the
10 Department approved NMP.

11 (f) The permittee shall inspect the production area and land application areas as specified in the Department
12 approved NMP to ensure that the facility is operating in accordance with the NMP and all other permit requirements.
13 The permittee shall correct deficiencies as soon as possible. Inspections shall include:

14 1. Stormwater diversion devices, runoff diversion structures, and devices channeling contaminated
15 stormwater to the wastewater and manure storage and containment structure;

16 2. Water and wastewater distribution lines, including drinking water and cooling water lines;

17 3. Manure, litter and process wastewater impoundments. The permittees shall record the level in liquid
18 impoundments monthly as indicated by the depth marker required in paragraph 62-670.300(1)(h), F.A.C.

19 (g) All equipment used for collection, storage, treatment, distribution, and land application of manure, litter, or
20 process wastewater shall be adequately maintained in accordance with the permit requirements.

21 (h) Lined wastewater lagoons and ponds shall be inspected for leakage every 10 years to ensure they meet the
22 requirements of paragraph 62-670.300(1)(e), F.A.C. Anytime an unusual decrease in pond level is observed that
23 does not result from pumping, the pond shall be tested for leakage.

24 (i) Dead animals shall be properly disposed in accordance with the Florida Department of Agriculture and
25 Consumer Services (FDOACS) rules. Dead animals shall not be disposed of in any manure, stormwater, or process

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1 wastewater storage or treatment system that is not specifically designed to treat dead animals. Dead animals shall be
2 handled in a manner to prevent contamination of waters of the State, or create a public health hazard in accordance
3 with Section 823.041, F.S.

4 (j) All manure and waste solids shall be stored in a manner that does not cause ground water or surface water
5 pollution.

6 (4) CAFOs shall also meet the following requirements.

7 Discharge of process wastewater from the production area to surface waters is prohibited except:

8 (a) When precipitation causes the discharge; and

9 (b) The permittee has designed, constructed, operated and maintained the production area in accordance with
10 the requirements of this chapter; and

11 (c) The production area is operated in accordance with this chapter and the following visual inspections are
12 performed:

13 1. Weekly inspections of all stormwater diversion devices, runoff diversion structures, and devices channeling
14 contaminated stormwater to the wastewater and manure storage and containment structure;

15 2. Daily inspection of water and wastewater distribution lines, including drinking water and cooling water
16 lines, within the production area, and weekly inspection of water lines outside of the production area; and

17 3. Weekly inspections of the manure, litter, and process wastewater impoundments; the inspector will record
18 the level in liquid impoundments as indicated by the required depth marker.

19 4. Any deficiencies found as a result of these inspections must be corrected as soon as possible.

20 (5) CAFOs may design waste management and storage facilities based on an alternative performance standard
21 as provided in 40 CFR Part 412.31(a)(2), adopted herein by reference.

22 Specific Authority 403.051, 403.061, 403.087, FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087, 403.088,
23 FS. History – New _____.

24
25 **62-670.350 Record Keeping and Reporting Requirements**

26 (1) Record Keeping Requirements.

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1 (a) AFOs with individual wastewater permits and all CAFOs shall maintain the following records at the
2 permitted facility at all times:

- 3 1. A copy of the current permit;
4 2. A copy of the Department approved NMP.

5 (b) Maintain copies for five years of the following:

- 6 1. Records of the depth marker reading in liquid impoundments;
7 2. Records that document the implementation and management of the required NMP elements described in
8 Rule 62-670.430, F.A.C.;

9 3. Records of the date, time, and estimated volume of any overflow from a wastewater lagoon or storage
10 pond;

11 4. Results, including test methods, from manure, litter, process wastewater, and soil sampling.

12 (c) AFOs with individual permits and all CAFOs shall maintain records at the permitted facility for at least five
13 years, of any manure, litter or process wastewater transferred off-site and no longer under the control of the AFO
14 including the following items:

- 15 1. Date of transfer;
16 2. Recipient name;
17 3. Recipient address; and
18 4. Amount of manure, litter or process wastewater transferred off-site.;

19 (d) Additionally, CAFOs shall maintain written records showing that the recipient was provided with the most
20 current nutrient analysis prior to transferring any manure, litter or process wastewater.

21 (e) CAFOs shall also maintain the following records:

- 22 1. A copy of record drawings;
23 2. Records documenting the visual inspections;
24 3. Records documenting any actions taken to correct deficiencies. Deficiencies not corrected within 30 days
25 must be accompanied by an explanation of the factors preventing immediate correction;

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1 4. Expected crop yields, on a dry matter basis, for each land application area;

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

3 6. Water table depth for each land application area located in an area with a high water table;

4 7. The date(s) and application method used to apply manure, litter, or process wastewater to each land
5 application area;

6 8. Calculations and documentation showing the total nitrogen and phosphorous to be applied annually to each
7 field, including nutrient sources other than manure, litter, or process wastewater;

8 9. Calculations and documentation for the total amount of nitrogen and phosphorus applied to each field from
9 all nutrient sources; and

10 10. Records of manure application equipment inspections and calibrations.

11 (2) Reporting Requirements.

12 AFOs with individual permits and all CAFOs shall submit an annual report using DEP Form 62-670.910(5) to
13 the appropriate Department district office by February 28th of every year.

14 Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087, 403.088 FS.

15 History – New _____.

16
17 **62-670.400 Requirements For Concentrated Animal Feeding Operations.**

18 Specific Authority 403.051, 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087,

19 403.088 FS. History -- New 11-27-89, Amended 4-2-90, Formerly 17-670.400, Amended 12-26-96, Repealed XX-XX-XX.

20
21 **62-670.430 Nutrient Management Plan Requirements.**

22 (1) AFOs with individual permits and all CAFOs shall develop and implement a site-specific Nutrient
23 Management Plan (NMP). The NMP shall be developed, or revised as necessary in accordance with nutrient
24 management standards and guidelines from the Natural Resources Conservation Service (NRCS), the University of
25 Florida Institute of Food and Agricultural Services (IFAS), or the Florida Department of Agriculture and Consumer
26 Services (FDOACS). NMPs prepared in accordance with the NRCS-Florida manual, "Field Office Technical Guide

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1 – Nutrient Management, Code 590”, (NRCS Code 590) dated September 2007, shall be acceptable to the
2 Department.

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

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

8 (4) The NMP shall meet the requirements of this chapter and be submitted as a part of the required permit
9 application and shall include the following components:

10 (a) Nutrient management;

11 (b) Manure and wastewater handling and storage; and

12 (c) Land treatment practices.

13 (5) The NMP shall:

14 (a) Ensure adequate storage of manure, litter, and process wastewater to meet the design requirements of
15 subsection 62-670.300(1), F.A.C. The NMP shall include procedures to ensure proper operation and maintenance of
16 the storage and handling facilities;

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

19 (c) Ensure that clean stormwater is diverted, as appropriate, from the production area;

20 (d) Provide measures to prevent direct contact of animals confined in the production area with surface waters
21 of the State;

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

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

4 (g) Identify protocols for appropriate testing of manure, litter, process wastewater and soil;

5 (h) Identify records to be maintained to document the implementation and management of the NMP;

6 (i) Identify appropriate site-specific conservation practices to be implemented for management of the
7 production area and all land application areas to minimize erosion, to minimize the formation of denuded areas, and
8 to minimize impacts to surface waters and ground water;

9 (j) Identify appropriate self-inspection schedule based on the size and complexity of the operation. CAFOs
10 must meet the visual inspection schedule required in paragraph 62-670.300(4)(c), F.A.C.;

11 (k) Include a schedule that identifies modifications or improvements necessary to implement the NMP and to
12 meet the requirements of this Chapter;

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

16 (m) Establish specific rates of application and procedures for all land application of manure, litter, process
17 wastewater and all nutrients sources for each land application area through the term of the permit. As part of
18 establishing the application rates, the NMP shall include:

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

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

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

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

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

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

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

3 (6) NMP Revisions.

4 The Department approved NMP shall be revised and submitted to the Department for approval prior to the
5 following:

6 (a) The permittee proposes to become an expanded AFO, as defined in subsection 62-670.200(7), F.A.C.; or

7 (b) The permittee proposes new nutrient management or land application practices, or changes to the manure
8 and wastewater handling and storage operations that will result in a higher nutrient loading or application rates than
9 in the Department approved NMP, or will require modifications as defined in Rule 62-620.200, F.A.C., to the
10 manure and wastewater handling and storage infrastructure.

11 Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.062, 403.087, 403.088 FS. History
12 – New _____.

13
14 **62-670.450 Monitoring Requirements.**

15 (1) Manure, Litter and Process Wastewater Effluent Testing

16 AFOs with individual permits and all CAFOs shall collect representative samples of manure, litter, or process
17 wastewater effluent at a point prior to land application. Sampling shall be conducted twice per year (once in winter
18 and once in summer). The samples shall be analyzed for total Kjeldahl nitrogen (TKN), total ammonia, and total
19 phosphorus. Sampling locations shall be specified in the wastewater permit.

20 (2) Ground Water Monitoring Plans.

21 (a) AFOs applying for an individual wastewater permit and all CAFOs applying for a permit that includes
22 ground water discharge shall submit a ground water monitoring plan in accordance with the requirements of Chapter
23 62-520, F.A.C., as part of the wastewater permit application. Ground water monitoring plans shall include
24 provisions for sampling and analysis of ground water at monitoring wells for the parameters listed in subsection 62-
25 670.450(3), F.A.C.

26 (b) Location of Monitoring Wells.

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1 1. Monitoring wells shall be located as follows:

2 a. One up gradient well located as close as possible to the operation, without being affected by the discharge,
3 to determine the background, or natural background quality where available, of the ground water (background well);

4 b. One well at the edge of the zone of discharge downgradient from the site (compliance well); and

5 c. One well within the zone of discharge (intermediate well).

6 2. Other wells, as needed, based on the complexity of the hydrogeology of the site, discharge flow and
7 characteristics, or the potential impacts to drinking water supplies.

8 3. Facilities with more than one land application area may propose to select one or more representative land
9 application areas for ground water monitoring, rather than all land application areas. The land application area(s)
10 proposed shall be selected based on similarity to other land application areas considering factors such as
11 hydrogeological characteristics, soil characteristics, vegetative cover, and land application methods.

12 4. If an alternate design for wastewater lagoons or storage ponds is developed in accordance with paragraph
13 62-670.300(1)(e), F.A.C., the ground water monitoring plan shall include additional monitoring wells, as needed, to
14 verify performance of the alternate design.

15 (3) Ground Water Monitoring

16 (a) AFOs with individual wastewater permits and CAFOs shall sample and analyze ground water as follows:

17 1. Large and medium AFOs shall monitor quarterly for nitrate and nitrite as nitrogen, total nitrogen, total
18 phosphorus, pH, and annually (during the months of June, July and August) for fecal coliforms;

19 2. Small AFOs shall monitor twice per year; once in summer (the months of June, July, August and
20 September)and once in winter (the months of December, January, February and March), for nitrate and nitrite as
21 nitrogen, total nitrogen, total phosphorus, pH, and annually (during the summer months) for fecal coliforms.

22 (b) Ground water monitoring requirements shall be specified in the facility's individual wastewater permit.

23 (4) Additional Testing Requirements

24 (a) In the event of an overflow from a wastewater lagoon or storage pond, whether or not there is a discharge
25 to surface water, the permittee shall notify the Department in accordance with subsection 62-620.610(20), F.A.C.

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1 (b) In the event of any overflow from a wastewater lagoon or storage pond the permittee shall:

2 1. Sample and analyze the discharge for nitrate and nitrite as nitrogen, total ammonia, total nitrogen, total
3 phosphorus, pH, fecal coliforms, five-day biochemical oxygen demand (BOD5), total suspended solids, and
4 temperature;

5 2. Record an estimate of the volume of the release and the starting and ending date and time; and

6 3. If conditions are not safe for sampling, the permittee shall document why samples could not be collected
7 and analyzed. For example, the permittee may be unable to collect samples during extreme weather conditions
8 (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.). However, once dangerous
9 conditions have passed, the permittee shall collect a sample from the retention structure (pond or lagoon) from
10 which the discharge occurred.

11 (5) The Department shall increase or decrease monitoring requirements, including sampling frequency based
12 on the following factors:

13 (a) Variability of facility effluent characteristics;

14 (b) Degree of similarity between monitoring locations, where the sampling of one monitoring location is
15 representative of others; or

16 (c) Site-specific considerations including the facility's history of compliance with permit requirements, ground
17 water monitoring results and trend analysis.

18 (6) Increases or reductions in monitoring requirements shall be conducted in accordance with Rule 62-620.325,
19 F.A.C. Any increase or reduction in monitoring shall only become effective upon issuance of a permit revision by
20 the Department. Any request by a permittee to reduce routine monitoring frequency for a specific parameter shall
21 include a summary of the monitoring data and an engineering evaluation providing justification for the action.

22 Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088 FS. History
23 – New _____.

24
25 **62-670.500 Requirements for Dairy Farms In The Lake Okeechobee Drainage Basin.**

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1 Specific Authority 403.051, 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087,
2 403.088 FS. History -- New 11-27-89, Amended 4-2-90, Formerly 17-670.500, Amended 12-26-96. Repealed XX-XX-XX

3

4 **62-670.510 Management Practice Requirements.**

5 Specific Authority 403.061, 403.062, 403.087, 403.804 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.088 FS.
6 History -- New 11-27-89, Amended 4-2-90, Formerly 17-670.510, Repealed 12-26-96.

7

8 **62-670.520 Setback Distances.**

9 Specific Authority 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.088 FS. History
10 -- New 11-27-89, Amended 4-2-90, Formerly 17-670.520, Repealed 12-26-96.

11

12 **62-670.530 Ground Water Quality Monitoring Requirements.**

13 Specific Authority 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.088 FS. History
14 -- New 11-27-89, Amended 4-2-90, Formerly 17-670.530, Repealed 12-26-96.

15

16 **62-670.540 Permit Requirements.**

17 Specific Authority 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.062, 403.087, 403.088 FS. History -- New
18 11-27-89, Formerly 17-670.540, Repealed 12-26-96.

19

20 **62-670.600 Wastewater Treatment for Commercial Egg Production Facilities.**

21 Specific Authority 403.051, 403.061, 403.087, 403.804 FS. Law Implemented 403.021, 403.051, 403.062, 403.087, 403.088 FS.
22 History -- New: 4-2-90, Formerly 17-670.600, Amended 12-26-96. Repealed XX-XX-XX

23

24 **62-670.700 Small Dairy Registration Requirements.**

25 (1) Small dairy AFOs not designated as CAFOs in accordance with subsection 62-670.150(3), F.A.C., and
26 meeting all of the requirements of this subsection shall submit a completed Small Dairy Registration Form in
27 accordance with the schedule in subsection 62-670.250(4), F.A.C. The registration form shall be completed and

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1 submitted once every five years thereafter, unless an application for an individual wastewater permit for ground
2 water discharge in accordance with the requirements of this chapter has been submitted to the Department.

3 (2) Design Requirements.

4 (a) All waste management and storage facilities shall be designed, constructed, operated and maintained to
5 contain all manure, litter, process wastewater, and normal rainfall and runoff within the production area, for the
6 design storage period. The minimum design storage period shall be based on the timing required for
7 environmentally safe waste utilization considering the climate, crops, soil, equipment and management. In addition,
8 the waste management and storage facilities shall include the capacity to store the direct precipitation and runoff
9 collected within the production area for a 25-year, 24-hour rainfall event.

10 (b) Animals within the production area shall be fenced away from open sinkholes and waters of the State.

11 (c) All wastewater lagoons and storage ponds constructed after (effective date of rule) for new and existing
12 facilities shall be lined in accordance with paragraph 62-670.700(2)(e) F.A.C.

13 (d) All wastewater lagoons and storage ponds constructed before (effective date of rule) for existing facilities
14 shall be lined in accordance with paragraph 62-670.700(2)(e), F.A.C., if the following conditions occur within ¼
15 mile:

16 1. 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
17 ground waters, as defined in Rule 62-520.410, F.A.C.), and

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

20 (e) Linings for wastewater lagoons and storage ponds identified in paragraphs 62-670.700(2)(c) and (d), shall
21 meet the following:

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

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2. The hydraulic conductivity of the liner system shall not be greater than 1×10^{-6} centimeters per second.

(f) 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.

(g) 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.

(3) Setback Distances.

(a) The following setback distances shall apply to all new small dairy AFOs.

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

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

(b) For existing small dairy AFOs, the minimum setback distances of paragraph 62-670.700(3)(a), F.A.C., shall apply to:

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

2. New or additional land application areas.

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1 (c) If an existing small dairy AFO expands an existing land application area, or an existing manure, or litter
2 and process wastewater storage or treatment facilities in order to meet the requirements of this registration, the
3 expanded portion of the facility shall not be required to meet the setbacks in this rule, provided that:

4 1. The small dairy AFO is not increasing the number of animals; and

5 2. The land application area, or storage or treatment facility is not a new source as defined in 40 CFR Parts
6 122.22 and 122.29.

7 (d) All new and existing small dairy AFO land application areas shall not be located closer than 100 feet from
8 surface waters, open tile drain intake structures, sinkholes, open or improperly abandoned agricultural wellheads, or
9 other conduits to surface waters.

10 (e) As an alternative to the setback requirement in paragraph 62-670.700(3)(d), F.A.C., permittees located
11 outside the Lake Okeechobee watershed may do the following, provided that land application areas are not located
12 closer than 100 feet from sinkholes:

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

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

18 (4) Operation and Maintenance Requirements.

19 (a) Discharge of process wastewater from land application areas is prohibited.

20 (b) Stormwater runoff from land application areas is not considered to be a discharge of process wastewater
21 provided that:

22 1. Runoff does not occur during land application of manure, litter, or process wastewater; and

23 2. Nutrient loading on land application areas does not exceed crop needs.

24 (c) Land application of process wastewater is not allowed unless the water table is eighteen inches or deeper
25 below the normal ground surface when wastewater is applied to the land, except where removal of wastewater from

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1 a wastewater storage pond or lagoon is necessary to prevent wastewater from overflowing and damaging the storage
2 pond or lagoon embankment due to chronic or catastrophic rainfall events.

3 (d) Lined wastewater lagoons and ponds shall be inspected for leakage every 10 years to ensure they meet the
4 requirements of paragraph 62-670.700(2)(e), F.A.C. Anytime an unusual decrease in pond level is observed that
5 does not result from pumping, the pond shall be tested for leakage.

6 (e) Dead animals shall be properly disposed in accordance with the Florida Department of Agriculture and
7 Consumer Services (FDOACS) rules. Dead animals shall not be disposed of in any manure, stormwater, or process
8 wastewater storage or treatment system that is not specifically designed to treat dead animals. Dead animals shall be
9 handled in a manner to prevent contamination of waters of the State, or create a public health hazard in accordance
10 with Section 823.041, F.S.

11 (f) The permittee shall ensure that clean water is diverted, as appropriate, from the production area.

12 (g) The permittee shall ensure that chemicals and other contaminants handled on-site are not disposed of in any
13 manure, litter, process wastewater, or stormwater storage or treatment systems unless specifically designed to treat
14 such chemicals and other contaminants.

15 (5) Registered small dairy AFOs shall maintain the following records onsite for at least five years from the date
16 the record or document is created, and make them available to the Department for inspection:

17 (a) Records of all data, including reports and documents used to complete the registration;

18 (b) A copy of the current Small Dairy Registration Form;

19 (c) Records of the date, time and estimated volume of any overflow from a wastewater lagoon or storage pond;

20 (d) Records to demonstrate that nutrients are not being over applied on land application areas.

21 Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.062, 403.087, 403.088 FS. History

22 - New _____.

23

24

25 **62-670.900 Forms.**

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1 Specific Authority 120.53(1), 403.061 FS. Law Implemented 120.53(1), 120.55, 403.0875 FS. History -- New 11-27-89,
2 Formerly 17-670.900, Repealed 12-26-96.

3
4

5 **62-670.910 Forms.**

6 Copies of the forms may be obtained at the Department district offices or the Department's internet site. The
7 Department adopts and incorporates by reference in this section the following forms:

8 (1) DEP Form 62-670.910(1), Animal Feeding Operation Wastewater Permit Application, effective (*effective*
9 *date of this rule*).

10 (2) DEP Form 62-670.910(2), Small Dairy Registration, effective (*effective date of this rule*).

11 (3) DEP Form 62-670.910(3), Notice of Inactivation or Closure for Animal Feeding Operations, effective
12 (*effective date of this rule*).

13 (4) DEP Form 62-670.910(4), Interim Report for Dairies, effective (*effective date of this rule*).

14 (5) DEP Form 62-670.910(5), Animal Feeding Operations Annual Report, effective (*effective date of this rule*).

15 Specific Authority 403.061, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History –
16 New _____.