

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WATER QUALITY
PROGRAM - FIELD OPERATIONS DIVISION
ADMINISTRATIVE CODE

CHAPTER 335-6-7

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) BEST
MANAGEMENT PRACTICES, REGISTRATION REQUIREMENTS, TECHNICAL
STANDARDS AND GUIDELINES, CONSTRUCTION AND OPERATION REQUIREMENTS,
WASTE/WASTEWATER AND WASTE PRODUCT TREATMENT, STORAGE, HANDLING,
TRANSPORT, AND DISPOSAL/LAND APPLICATION, NUTRIENT MANAGEMENT, AND
ANIMAL MORTALITY MANAGEMENT REQUIREMENTS FOR OWNERS AND OPERATORS
OF ANIMAL FEEDING OPERATIONS (AFOS) AND CONCENTRATED ANIMAL
FEEDING OPERATIONS (CAFOS)

335-6-7-.25 Discharge Prohibitions And Waste Disposal
Requirements.

(1) Discharge Prohibitions

(a) This Chapter has as its stated purpose the prevention of discharges of pollution to waters of the State from AFOs, and contains conditions which may be broader in scope than federal rules. Except as specifically provided otherwise by this Chapter, discharge of any wastewater from an AFO to waters of the State at any time is prohibited, except as a direct result of periods of chronic or catastrophic precipitation or weather conditions as determined by the Director or his designee, including precipitation equivalent to or in excess of the 25-year, 24-hour storm event, provided:

1. The Department is properly notified and discharges are properly sampled as required by Rule 335-6-7-.31; and
2. Appropriate, effective waste management and land application practices that meet or exceed NRCS technical standards and guidelines have been fully implemented and regularly maintained prior to the causative precipitation event; and
3. The discharge is unavoidable after the AFO owner/operator has taken action to the maximum extent possible to prevent discharge(s); and
4. The owner/operator takes action to the maximum extent possible to terminate discharge(s) as soon as possible; and
5. The owner/operator takes action to the maximum extent possible to mitigate any impacts caused by the discharge(s) as soon as possible.

(b) No flowing surface waters or waters of the State (e.g. rivers, streams, canals, etc.) shall come into direct contact with the animals confined or concentrated in the facility or waste generated by the facility except as provided by NRCS technical standards and guidelines, the requirements of this Chapter, the requirements of the AWPCA, CWA, and regulations promulgated pursuant thereto.

(c) Uncontaminated drainage or runoff (which does not come into contact with waste products, animals, or other pollutants) should be segregated and excluded from wastewaters flowing to the animal waste control structures (settling basins and holding basins) to the maximum extent practicable unless specific provisions are made in a WMSP for the addition of water to aid land application or reduce odors. Failure to segregate uncontaminated runoff from other wastewater shall not be a valid defense to a discharge violation under this Chapter. Diversion ditches, dikes, berms, terraces or other such structures designed to carry uncontaminated runoff peak flows expected at times when the 10-year, 24-hour rainfall event occurs are commonly constructed for this purpose.

(2) The following technical requirements and management practices are applicable to the operation and maintenance of waste control facilities (settling basins, holding ponds, sumps, lagoons, tanks, etc.). Documentation supporting these requirements shall be included in the WMSP that meets or exceeds NRCS technical standards and guidelines, and as approved by the Department.

(a) Waste control facilities must be constructed, maintained and operated so as to retain all contaminated rainfall from open lots and associated areas, process generated wastewater, and all other wastes from the AFO which will enter or be stored in the retention structure. Calculations must also include allowances for surface retention, infiltration, and other site-specific factors. For purposes of this Chapter, land application sites are not included in the definition of waste control facilities.

(b) New, modified, or expanded AFO facilities shall not be built in or over a surface water of the State or in or over specific sites with direct hydrologic connection to groundwater.

(c) Waste/wastewater operating levels in the waste control facilities shall be in accordance with the approved WMSP that meets or exceeds NRCS technical standards and guidelines.

(d) Net freeboard (margin of safety) on any settling basin, lagoon, waste storage pond, sumps, and holding pond(s) shall meet or exceed NRCS technical standards but in no case shall be less than 12 inches.

(e) Solid material (sludges, manure, or other pollutants) accumulated in the waste control facilities shall be removed as necessary according to the approved WMSP to maintain the facilities' design treatment and storage volume. Solids, sludges, manure, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed or land applied in accordance with the requirements of this Chapter and in a manner so as to prevent pollutants from being discharged to waters of the State.

(f) All basin, lagoon, and waste storage pond/sump liners shall be designed, constructed, and maintained to prevent leaking and control seepage in a manner that meets or exceeds NRCS technical standards and guidelines. Any leaks or observed seeps shall be documented and reported to the Department as required by this Chapter and appropriately corrected. Any discharge from the waste storage, treatment, or transport system, including but not limited to, discharges caused by overflow, observed or evident leaks or seeps, conveyance structure failure, broken pipe, broken pump or other equipment, etc. shall be reported to the Department in accordance with Rule 335-6-7-.31.

(g) Waste/wastewater handling/storage/treatment/ retention facilities, confinement buildings, holding pens, etc. may not be located in the 100-year flood plain unless the facility is constructed, maintained, and effectively protected from inundation and damage that may occur during that flood event.

(h) Waste handling, treatment, and management shall not create an environmental or a public health hazard; shall not result in the contamination of drinking water; and shall not cause or contribute to a violation of any Water Quality Standard(s).

(i) The owner/operator shall take all reasonable precautions to prevent the discharge of waters which have been, or could be contaminated by pesticides. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutant from such material from entering the waters of the State and according to applicable State and federal law.

(j) Confinement buildings, settling basins, lagoons, waste storage ponds, sumps, and other animal waste control structures shall comply with the set-back requirements of this Chapter in order to ensure the protection of water quality.

(k) Collection, storage, handling, transport, and disposal of solid animal waste shall be managed in accordance with recognized practices of good agricultural management and as authorized by the requirements of this Chapter.

(l) Appropriate measures necessary, as documented in the facility's SPCC plan, to prevent spills and to clean up spills of any toxic pollutant shall be fully implemented. Where potential spills can occur, materials handling procedures and storage shall be specified. Procedures for immediate cleanup/remediation of spills shall be described in the training plans and the necessary equipment to implement a clean up shall be made available to facility personnel.

(m) AFO facilities located in the drainage area of a municipal separate storm sewer system (MS4) shall comply with applicable requirements in the storm water management program developed under an NPDES permit issued to the MS4. Failure to comply with this requirement is a violation of this Chapter and may subject the AFO owner/operator to enforcement action.

(n) AFO facilities discharging through a publicly/ privately owned treatment works (POTW) shall comply with applicable requirements in any NPDES permit issued to the POTW receiving the AFO facility discharge. Failure to comply with this requirement is a violation of this Chapter and may subject the AFO owner/operator to enforcement action.

(o) Facilities shall not expand operations, either in size or numbers, change land application procedures or areas, or implement significant change in waste treatment, handling or disposal as determined by the Director or his designee, unless the approved WMSP has been revised to meet or exceed NRCS technical standards and guidelines for the expanded/modified operations, and implementation of the approved, revised WMSP has been certified by the QCP.

(p) Facilities shall not expand operations, either in size or numbers, prior to amending or enlarging the waste handling procedures and structures to accommodate any additional wastes that will be generated by the expanded operations. Facilities shall not expand operations, either in size or numbers, unless adequate land is available and has been secured to properly land apply waste/wastewater for the existing operation and any additional waste/wastewater that will be generated by the expanded operations, or unless waste/wastewater disposal and land application responsibilities are properly contracted in writing to a valid CAWV.

(q) Waste and wastewater storage/treatment facilities, retention facilities, holding pens, or waste/wastewater disposal sites shall be located in accordance with the approved plans and specifications designed and implemented that meet or exceed NRCS technical standards and guidelines, and as accepted by the Department.

(3) All influent to containment structures shall be composed entirely of process wastewaters and contaminated stormwater from

the proper operation and maintenance of the AFO and any precipitation from the AFO areas. The disposal of any other materials or pollutants into the containment/treatment structures or waste management system that is not approved by the Director or his designee, is prohibited.

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Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; 22-28-1 to 22-28-23; 22-22A-1 to 22-22A-16 et seq., as amended.

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