



University of Arkansas Division of Agriculture

An Agricultural Law Research Project

Application Restrictions Statutes & Regulations

Georgia

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Application Restrictions

STATE OF GEORGIA

1) Ga. Comp. R. & Regs. r. 40-13-8

The statutes and Constitution are current through the 2018 regular and special legislative sessions. The statutes are subject to changes by the Georgia Office of Legislative Counsel.

1) Ga. Comp. R. & Regs. r. 40-13-8

40-13-8-.01 Definitions

(1) "Animal Manure" means manure, litter, process manure water from animal production areas, and extraneous materials, i.e. bedding, feed, soil, urine, etc.

(2) "Animal Manure Handler" means any person, firm, corporation, partnership, association, or other legal entity engaged in removing animal manure from livestock/poultry production areas, transporting animal manure on public roadways, or depositing animal manure to a premise other than its point of origin.

(a) Exemptions:

1. Persons who handle less than five tons or 5,000 gallons of animal manure per year.
2. Persons who solely handle animal manure that originates from their own livestock/poultry operation and that is deposited on property under their ownership, lease agreement or otherwise control or is deposited on other property included in such producer's nutrient management plan.
3. Persons who solely transport, store and land apply animal manure on their own property that has originated from another person's livestock/poultry operation provided, however, that such activities are in compliance with the transportation, storage and land application requirements of this rule.
4. Persons who handle animal manure for other purposes than listed above may request in writing to the Department to be exempted from obtaining an animal manure handlers permit. Any such exemption will be considered on a case-by-case basis.

40-13-8-.02 Animal Disease Control

The Commissioner of Agriculture has the authority to control the movement of animal manure in order to prevent the spread of an infectious or contagious animal disease.

40-13-8-.03 Animal Manure Handlers Permit

- (1) Animal Manure Handlers must first receive a permit from the Department of Agriculture before engaging in the handling of animal manure.
- (2) Application for an Animal Manure Handler permit shall be made to the Department of Agriculture on a form approved by the Department.
- (3) Animal Manure Handlers must notify the Department of Agriculture of any change in their contact information or if they are no longer handling animal manure.

40-13-8-.04 Transportation and Equipment

- (1) Biosecurity precaution should be exercised in the collection, storage, transportation and depositing or spreading of animal manure.
- (2) The truck bed of all vehicles transporting animal manure shall be designed, maintained and in good state of repair in order to prevent leaks or spillage. Such vehicles shall at all times during transit be kept adequately covered to prevent blowing or spillage of loose material or liquids. The Animal Manure Handler is responsible for the cleanup of any spillage or leakage during transportation.
- (3) Animal manure spreaders or other land application equipment shall be calibrated by an approved method prior to use and at least once annually to ensure that proper application rates are being attained.

40-13-8-.05 Storage of Animal Manure by Animal Manure Handlers

- (1) Animal manure in solid or semi-solid form must be stored at a site or facility designed, constructed, maintained and operated to prevent discharge of animal manure. The covering must be such that it prevents runoff and limits breeding of insects. The elevation and surface slope shall be such that water is diverted away from the storage site or facility.
- (2) Animal manure in liquid form must be stored in sealed, leak-proof containers or by another method approved by the Georgia Department of Agriculture.
- (3) The site or facility must be a minimum of 200 feet from the property line unless otherwise approved by the Department.

40-13-8-.06 Land Application

- (1) Animal manure shall not be allowed to come in contact with ground water or be exposed to excessive runoff from rainfall.
- (2) A representative analysis of the animal manure shall be provided by the livestock/poultry producer before transfer of animal manure to an Animal Manure Handler. Animal manure samples should be collected and analyzed in accordance with the producer's nutrient management plan or University of Georgia Cooperative Extension Service guidelines.
- (3) Mortality should be removed from animal manure.
- (4) Animal manure land application shall be as follows:
 - (a) At least 100 feet of non-vegetated distance or 35 feet of perennial vegetated buffer from any down-gradient surface water, including but not limited to, streams, ponds, springs, sinkholes or wetlands, and
 - (b) At least 100 feet from any well, and
 - (c) Applied in a manner in which the manure does not leave the property on which it was intended to be applied.
 - (d) Any exceptions or deviations to land application requirements must have prior Georgia Department of Agriculture approval.

40-13-8-.07 Record Keeping

Animal Manure Handlers shall maintain the following records for two years:

- (1) Name and address of each person where animal manure originates and is delivered.
- (2) Animal manure analysis as provided by the livestock/poultry producer.
- (3) Date and total amount of animal manure delivered or land applied.
- (4) Land application rate of animal manure.
- (5) Date and method of equipment calibration.
- (6) Records must be recorded and made available to the Department upon request.

40-13-8-.08 Penalties

- (1) The Department of Agriculture may deny, suspend or revoke the Animal Manure Broker permit for failure to comply with the rules set forth in this chapter.
- (2) The Department of Agriculture may impose a civil penalty not to exceed \$1,000 for each violation.