

Chapter 40-14 State Warehouse Division

Subject 40-14-1 Definitions

Rule 40-14-1-.02 Definitions

The following words or terms shall have the meaning set forth herein when used in these rules and regulations.

- (a) “Act” means the Georgia State Warehouse Act.
- (b) “Agricultural product” means individually and collectively all grains, cotton, meat, fruit, vegetables, and other farm products offered or accepted for storage in their raw or natural state; provided, however, that products which have been processed only to the extent of shelling, cleaning, and grading shall be included; and, provided, further, that any warehouseman storing refrigerated or processed agricultural products may, at his option, come under the operation of this article.
- (c) “Commissioner” means the Commissioner of Agriculture.
- (d) ~~The term~~ “Director” ~~shall mean~~ means the officer who has been lawfully commissioned, appointed, and delegated to supervise the section of the Marketing Division of the Department of Agriculture which is responsible for administering this Act.
- (e) ~~The term~~ “Examiner” means an employee charged with the duty of making and reporting warehouse examinations.
- (f) ~~The term~~ “Field Supervisor” means an employee charged with the duty of supervising warehouse examinations and examiners.
- (g) “Grain” means all products commonly classified as grain, such as wheat, corn, oats, barley, rye, rice, field peas, soybeans, clover, grain sorghum, and other products ordinarily stored in grain warehouses.
- (h) “Person” means any individual, partnership, firm, corporation, association or other organized group having a joint or common interest.
- (i) “Producer” means a farmer or grower of agricultural products.
- (j) “Public warehouse” or “warehouse” means any building, structure, or other enclosure other than a refrigerated building or structure in this state at which any agricultural product is received from the public for storage for hire.
- (k) “Receipt” means a warehouse receipt issued under this article.
- (l) “Storer” means the depositor of agricultural products stored under a non-negotiable receipt or the holder of a negotiable receipt for such products issued by a warehouseman licensed under this article.

(m) “Temporary Grain Storage Unit” means a structure or device used for temporary storage purposes.

(n) “Temporary Storage” means space used for a year or less for storage of grain on a temporary basis due to a need for additional storage in excess of permanent storage capacity.

~~(m)~~ (o) “Warehouseman” means a person engaged in the business of operating a warehouse or any person who uses or undertakes to use a warehouse for the purpose of storing agricultural products for compensation for more than one person; provided, however, any person operating a warehouse not covered by this article may elect to come under this article.

Authority: O.C.G.A. § 10-4-2.

Subject 40-14-4 Storage

Rule 40-14-4.06 Temporary Grain Storage

The Department may approve and authorize a temporary grain storage unit under the requirements set forth by this rule. All temporary grain storage units must be under control of a licensed warehouse operator, whose obligation to maintain the quality and quantity of grain stored at the operator's licensed facility applies to all grain stored within the operator's authorized temporary grain storage unit. The authorization of a temporary storage unit will not relieve a warehouse operator of any other obligations set forth for warehouse operators by Georgia law and regulations.

(1) Authorization – Authorization for a temporary grain storage unit may be issued at any time; however, it will expire one year following the date of first fill, absent an official extension. A warehouse operator who desires to store grain in temporary storage must apply to the Department in writing for approval following completion or acquisition of the temporary storage unit but prior to placing any grain in the unit. In submitting an application, the warehouse operator must advise the Department of the operator's intent to use temporary storage and indicate the location, construction, quantity of grain to be stored, and estimated duration of storage.

(2) Extensions – The authorization period for a temporary grain storage unit may be extended beyond the one-year limitation; however, the extension of an authorization period for a temporary storage unit will never result in the granting of a new full authorization period. The Department may grant an extension where an authorized licensee demonstrates good cause for an extension and requests the extension no later than 30 days prior to the expiration of the authorization period or extension then in effect. The Department must inspect the licensee's temporary storage unit and commodities for quantity and quality before granting any requested extension. If an extension is granted, the temporary storage unit must continue to meet all requirements set forth by this rule. Every approved extension must be in writing signed by the warehouse operator and provide the extension's expiration date.

(3) Expiration – The warehouse operator must either purchase the grain stored in the temporary storage unit or remove the grain from the temporary storage unit prior to the expiration of the initial authorization period or granted extension. If the warehouse operator elects to continue using the temporary storage unit for company-owned grain after the expiration of the initial authorization or granted extension, the warehouse operator must remove the grain's quantity from the warehouse's official records, not use the grain to cover the warehouse's storage or warehouse receipted obligations, and agree the quantity will not be included in any warehouse examination conducted by the Department. If the warehouse operator elects to move grain held in temporary storage into licensed space, the warehouse operator must notify the Department in writing upon the move's completion.

(4) Specifications for temporary grain storage units – Every temporary grain storage unit must be approved by the Georgia Department of Agriculture. The design of each storage unit

must assure the quality of stored grain is maintained. To receive Departmental approval, each grain storage unit must meet the following qualifications:

- (a) Each storage unit must prevent exposure to the elements;
- (b) Each storage unit must be immobile;
- (c) Each storage unit must resist tearing under normal expected conditions;
- (d) Each storage unit must allow for sufficient drainage; and
- (e) Each storage unit must allow for sufficient ventilation.

(5) Periodic maintenance – The warehouse operator must make observations at regular intervals of grain temperature, aeration outlet temperature and odor, and condition of the cover and drainage as necessary to ensure the grain’s safe storage. If a bagging system is utilized, the warehouse operator’s observation requirement will be limited to condition of the cover and drainage.

(6) Records – Warehouse operators must maintain a separate record of all grain stored in temporary storage space as well as accounting for such grain on the daily position record. Separate records must be maintained for each individual storage unit.

(7) Inspection Access – Each storage unit must be accessible for the Department’s examination and sampling. If ready access for inspection purposes is not available at the temporary unit, the warehouse operator must remove the covering to the degree required by the examiner to determine the stored grain’s quality, condition, and quantity. If the Department cannot visibility verify the contents of a storage unit due to the unit’s design, then the storage unit must be marked with the following information regarding the stored grain: type of commodity, date of first fill, date of final fill, and amount held in the storage unit.

(8) Revocation of authorization – The Department will issue written notice to the warehouse operator for any temporary storage unit which no longer meets the requirements set forth by this rule. Failure of the warehouse operator to place the unit in a suitable condition within a reasonable length of time will result in the elimination of the unit from coverage under the warehouse operator license.

Authority: O.C.G.A. § 10-4-5.