

**Synopsis of  
Proposed Amendments to the Rules of the  
Department of Natural Resources  
Environmental Protection Division  
Relating to Chapter 391-3-6, Water Quality Control**

**Rule 391-3-6-.20, “Swine Feeding Operation Permit Requirements For Operations With More Than 3000 Animal Units. Amended.”** is being amended by revising the animal unit (AU) threshold for determining applicability of the Rule and various requirements of the Rule, revising existing definitions in the Rule and by adding a new definition, revising descriptive terminology, and correcting a formatting error.

**Purpose:** To revise language in the title and purpose of the Rule, add and revise definitions associated with animal feeding activities, revise thresholds described throughout the Rule, modify descriptive language, and correcting a formatting error.

**Main Features:** Revises the title of the Rule to become “Swine Feeding Operation Permit Requirements For Operations With More Than 5000 Animal Units. Amended.”. Modifies the applicability threshold in the purpose section of Rule and other paragraphs. Modifies four (4) state definitions: animal units, existing, new, and wetted area or disposal area. Adds a new definition for 5000 animal units.

Specific changes:

- Amends the title of 391-3-6-.20 and the purpose section in 391-3-6-.20(1) with a new applicability threshold.
- Amends 391-3-6-.20(2)(c) with a revised definition.
- Amends 391-3-6-.20(2)(h) with clarification language.
- Amends 391-3-6-.20(2)(k) with clarification language.
- Amends 391-3-6-.20(2)(q) with a revised definition.
- Amends 391-3-6-.20(2)(t) and (t)1. and (t)2. with a new definition.
- Amends 391-3-6-.20(3)(a)1., (a)2., and (e) with a new applicability threshold.
- Amends 391-3-6-.20(3)(f)1. to correct a formatting error.
- Amends 391-3-6-.20(4) and (4)(a) with a new applicability threshold.
- Amends 391-3-6-.20(4)(j)1.-4. with new descriptive language.
- Amends 391-3-6-.20(4)(p) with a new applicability threshold.
- Amends 391-3-6-.20(6)(a) with a new applicability threshold.
- Amends 391-3-6-.20(7) and (7) (b) with new applicability thresholds.
- Amends 391-3-6-.20(8)(b) with a new applicability threshold.

**Rule 391-3-6-.21, “Animal Feeding Operation Permit Requirements. Amended.”** is being amended by revising the animal unit (AU) threshold for determining applicability of the Rule and various requirements of the Rule, and by revising existing definitions in the Rule and by adding new definitions. The subparagraphs are being renumbered due to the addition of a new definition. Revisions are being made to descriptive terminology and a formatting error is being corrected.

**Purpose:** To revise language in the purpose section of the Rule, modify seven (7) state definitions and add two (2) new definitions associated with animal feeding activities, revise thresholds described throughout the Rule, modify descriptive language, and correct a formatting error.

**Main Features:** Modifies language in the purpose section of Rule. Modifies seven (7) state definitions: animal feeding operation, animal units, existing, new, wetted area or disposal area, 300 AU, and 1000 AU. Adds two (2) new state definitions: Liquid manure handling system, and 5000 AU.

Specific changes:

- Amends 391-3-6-.21(1) with clarification language and a new applicability threshold.
- Amends 391-3-6-.21(2)(b) with a new applicability threshold.
- Amends 391-3-6-.21(2)(c) with clarification language.
- Amends 391-3-6-.21(2)(j) with a new definition.
- Renumbers the subparagraphs beginning at 391-36-.21(2)(j) through subparagraph 391-3-6-.21(2)(u).
- Amends 391-3-6-.21(2)(h) with clarification language.
- Amends 391-3-6-.21(2)(k) with clarification language.
- Amends 391-3-6-.21(2)(p) with clarification language.
- Amends 391-3-6-.21(2)(s)7. with clarification language.
- Amends 391-3-6-.21(2)(t)8. with clarification language.
- Amends 391-3-6-.21(2)(u) and (u)1. and (u)2. with a new definition.
- Amends 391-3-6-.21(3)(a) with clarifying language, creating two new subparagraphs.
- Amends 391-3-6-.21(3)(b) with modified language.
- Amends 391-3-6-.21(3)(c) with the additional of clarification language.
- Amends 391-3-6-.21(3)(f)1. to correct a formatting error.
- Amends 391-3-6-.21(4)(a) with the addition of clarification language.
- Amends 391-3-6-.21(4)(j) with definition clarification language.
- Amends 391-3-6-.21(4)(k) with application requirement clarification language.

## STATEMENT OF RATIONALE

### Proposed Amendments to the Rules for Water Quality Control

With a contribution of more than \$65 billion annually to Georgia's \$786.5 billion economy, agriculture is a main contributor to the state's economy. Animal production, particularly poultry and cattle, plays an important role in Georgia agriculture. There are about five thousand livestock feeding farms in Georgia. Currently, 85% of these farms are not required to have Animal Feeding Operation (AFO) or Concentrated Animal Feeding Operation (CAFO) permits because they don't meet the necessary regulatory conditions. For the facilities regulated by permits, Rule 391-3-6-.20, "Swine Feeding Operation Permit Requirements For Operations With More Than 3000 Animal Units. Amended." and Rule 391-3-6-.21, "Animal Feeding Operation Permit Requirements. Amended." define the requirements for obtaining permits and conducting operations at these facilities.

The Swine Rule and Animal Feeding Rule were brought to the Board for amendment in April 2012 primarily to address Federal regulatory changes. At the time of Rule amendment in 2012 the Board directed EPD to work with stakeholders to identify and further clarify the Rules and to study the possibility of having one set of Rules for all livestock.

Subsequently, EPD convened a diverse group of stakeholders to review the Rules and recommend changes pertaining to animal feeding operations. The advisory group included producers, public interest, state and Federal agencies, and academia. Producers more specifically included representatives from animal production facilities (dairy, poultry, and swine) and allied industry trade associations.

In general, the stakeholders wanted additional clarifications throughout both Rules on a variety of issues. Changes were recommended to clarify the design and operating requirements for animal facilities, to add definitions, and remove terms that were confusing.

The proposed revisions to the Rules seek to address the barriers identified by the stakeholders related to thresholds for swine operations. The proposed amendments also clarify the requirements for permitted facilities and provide additional definitions and descriptive language regarding permitting and operational requirements.

The most significant change is a modification to the threshold for applicability of the Swine Rule raising it from 3000 animal units to 5000 animal units. Stakeholder input facilitated by the Georgia Department of Agriculture informed the proposed threshold change to 5000 animal units. The proposed Amendments include other modifications to both the Swine Rule and Animal Feeding Rule.

It is expected that the regulatory requirements will be lessened for animal production facilities, especially swine facilities wishing to produce less than 5000 animal units, so no additional costs or regulatory burden would be placed on this sector.