

**Minutes**  
**Environmental Protection Committee**  
Brasstown Valley Resort & Lodge  
6321 U. S. Highway 76  
Cedar Knob A & B  
Young Harris, GA 30582

**April 24, 2012**

**Attending**

Committee Members

Ray Lambert, Chairman  
Steven Woodruff, Vice Chairman  
William Bagwell  
Dennis Billew  
Walter Hudson  
Phyllis Johnson  
Jim Walters  
Philip Watt, Board Chairman, ex-officio

Board Members

Bill Carruth  
Joe Hatfield  
Duncan Johnson  
Rob Leebern  
Mark Smith  
Loyce Turner  
Philip Wilheit, Jr.

Visitors

Mark Woodall, Sierra Club  
Chris Manganiello, Georgia River Network  
Bryan Tolar, Georgia Agribusiness Council  
Charles Griffin, Georgia Pork Producers  
Doug Fulle, Oglethorpe Power  
Daniel Groce, Georgia Agribusiness Council  
Martin Sullivan, Georgia Department of Agriculture  
Lowry Tribble, Hodges Harbin Newberry Tribble  
Mike Giles, Georgia Poultry Federation  
Melony Wilson, University of Georgia  
Mark Risse, University of Georgia  
Jacki Dehart, Georgia Department of Agriculture  
Ronny Just, Georgia Power Company

Staff Members

Mark Williams  
Judson Turner  
Todd Holbrook  
Homer Bryson  
Dan Forster  
Becky Kelley  
Spud Woodward  
Dave Crass  
Lauren Curry  
Steve Friedman  
Linda MacGregor  
Mark Smith  
Elizabeth Starkey  
Jim Ussery  
Kyle Pearson  
Zachary Harris  
Paul Nelson  
Michael Spencer  
Terry West  
Mark Whitney  
Mary Ann Evans

The April 24, 2012 meeting of the Environmental Protection Committee was called to order by Board Chairman Philip Watt. Chairman Watt called on Ray Lambert, Chairman of the Environmental Protection Committee.

Mr. Lambert called on Jud Turner, Director of Environmental Protection Division (EPD), for comments before presentation of the action item.

Director Turner stated that he would like to holistically address the proposed amendments to the Rules for Water Quality Control regarding Swine Feeding Operations and Animal Feeding Operations. He further stated that the principal reason to bring forth the proposed amendments is to take advantage of the Fifth Circuit Court ruling regarding discharge, which is a regulatory standard that was problematic. He added that the proposed amendments were designed to specifically address those issues to utilize the flexibility of the ruling.

Director Turner stated that there were public comments on the issue of clarity and the appeal to combine the swine feeding and animal feeding rules into one rule. He further stated that the concern for clarity relates to how the rules were structurally organized. He added that he feels the proposed amendments are clear enough for passage and that EPD would purpose to work to further clarify the rule.

Director Turner called on Linda MacGregor, Chief of the Watershed Protection Branch, to present the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to Swine Feeding Operations and Animal Feeding Operations.

Mrs. MacGregor stated that 300 animal units consists of 200 dairy cows, 9,000 laying hens or broiler, 16,500 turkeys, or 7,500 swine greater than 55 pounds. She further stated that these amounts were taken from the federal regulations and is based on how much waste the animal contributes.

Mrs. MacGregor stated that this rule on animal feeding operations is just one tool in the tool box, and also includes other water quality rules and non-regulatory tools, such as NRCS guidance, technical assistance, inspections and enforcement. She further stated that the purpose of the rule change is the Federal court decision, EPA regulation changes, and some clarifications that were needed.

Mrs. MacGregor stated that the proposed amendments include the following:

- No NPDES permit will be required for “potential” to discharge.
- NPDES permits, if any, require Nutrient Management Plans subject to Public Notice.
- Dry poultry operations, which were previously covered, will most likely not need permits.
- Most of the existing Georgia NPDES permits that are issued under the existing rules will be converted to State LAS permits.

Mrs. MacGregor stated that if you have an operation with less than 300 animal units, you are not subject to this rule. She further stated that other parts of the Clean Water Act apply, but a permit would not be required. She further stated that if you have an operation with greater than 1,000 animal

units and you discharge, the NPDES rules apply. She added that if you have greater than 300 animal units using spray irrigation, you would be subject to the LAS permit.

Mrs. MacGregor stated that if you have an operation with 3,000 animal units of swine and discharge, you are subject to NPDES permits. She further stated that if you have an operation of 3,000 animal units of swine using spray irrigation, you would be subject to the LAS permit.

Mrs. MacGregor stated that the Board had been briefed in January 2012, a public notice was let in February 2012, and a public hearing was held in March 2012. She further stated that 312 written comments and 6 verbal comments had been received. She added that the concerns voiced included lack of clarity of the proposed amendments, no obligation for these amendments, and that it threatened the viability of small farmers.

Mrs. MacGregor stated that she would like to request that the Committee recommend that the Board approve the proposed amendments as presented.

Discussion ensued.

Mr. Lambert called on Chris Manganiello, Policy Director of the Georgia River Network, who voiced his concerns regarding the clarity of the proposed amendments.

Mr. Lambert called on Dr. Mark Risse, University of Georgia Professor, who voiced his concerns regarding the clarity of the proposed amendments, and stated that he feels there should be one set of rules for all livestock.

Mr. Lambert called on Bryan Tolar, President of the Georgia Agribusiness Council, who voiced his concerns regarding the clarity of the proposed amendments, and stated that he feels there should be one set of rules for all livestock.

Mr. Lambert called on Mike Giles, President of the Georgia Poultry Federation, who voiced his concerns regarding the clarity of the proposed amendments in regard to the size of poultry farms and nutrient management plans. He offered a handout, which is attached hereto and made a part hereof.

Mr. Lambert called on Charles Griffin, Georgia Pork Producers, who voiced his concerns regarding the clarity of the proposed amendments, and stated that he feels there should be one set of rules for all livestock. He offered a handout, which is attached hereto and made a part hereof.

Discussion ensued regarding the issue of clarity and how it will be resolved going forward.

A letter from Gary Black, Commissioner of the Georgia Department of Agriculture, was sent via e-mail and displayed on the screen for everyone to read. A copy of the letter is attached hereto and made a part hereof. Director Turner stated that he had conversations with Commissioner Black regarding the clarity of the proposed amendments and the possibility of having one set of rules for all livestock.

Discussion ensued with Mr. Lambert thanking EPD staff and all the speakers who participated.

A motion was made by Mr. Woodruff, seconded by Mrs. Johnson and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6, pertaining to Swine Feeding Operations and Animal Feeding Operations, as presented. (Resolution attached hereto and made a part hereof)

Mr. Lambert stated that he would like to direct EPD staff to create a stakeholder group to identify and further clarify the rule and to study the possibility of having one set of rules for all livestock.

Mr. Lambert called on Mark Smith, Chief of the Land Protection Branch, to present a briefing on proposed amendments to Rules for Solid Waste Management, Chapter 391-3-4, pertaining to Inert Waste Landfills.

Mr. Smith stated inert waste landfills accept only wastes that have a low potential for harm to the environment, such as earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings; and land clearing debris such as stumps, limbs and leaves. He further stated that the current rule regulates inert waste landfills through a notification process. He added that once the operator has notified EPD, the facility is considered to have a permit by rule. He further added that improvements are needed to ensure that facilities operate in a manner that is protective of human health and the environment.

Mr. Smith stated that inert waste landfill issues include potential for fires, explosion hazards from methane gas, uncontrolled dumping and failure to cover waste, and erosion of soil and waste materials.

Mr. Smith stated that the proposed amendments include:

- Permitting process for new inert waste landfills including the following requirements:
  - Methane gas monitoring;
  - 200-foot buffer;
  - Financial assurance for closure and post-closure care.
- An 18-month transition process for currently operating inert waste landfills to get a permit or close under existing regulations.

Mr. Smith stated that EPD will solicit public input and hold a public hearing in June, and expects to present the proposed amendments to Rules for Solid Waste Management to the Board for action in September.

Discussion ensued regarding methane monitoring.

There being no further business, the meeting was adjourned.