Minutes
Environmental Protection Committee
2 Martin Luther King Jr. Drive, S. E.
Suite 1252 East Tower
Atlanta, GA 30334

January 13, 2015

Attending:

Committee Members
Ray Lambert, Chairman
William Bagwell
Dwight Davis
Dwight Evans
Phyllis Johnson
Aaron McWhorter
Paul Shailendra
Philip Wilheit, Jr., Board Chair, ex-officio

Staff Members
Mark Williams
Jud Turner
Homer Bryson
Dave Crass
Dan Forster
Eddie Henderson
Becky Kelley
Spud Woodward
Kyle Pearson
Zachary Harris
Mary Kathryn Yearta
Cathy Barnette
Taylor Brown
John Martin
Doug Haymans
Mark Whitney
Doralyn Kirkland
Mary Walker
Trip Addison
Wally Woods
Jac Capp
Keith Bentley
Jeff Cown
Michael Chadwell
Thom Litts
Bryan Tucker
Caylee Noggle

Board Members
Nancy Addison
Duncan Johnson, Jr.
Rob Leebern
Mark Mobley
Brother Stewart
Philip Watt – via telephone
Dee Yancey

Visitors
Doug Miell, Georgia Chamber
Mike Brown, Georgia Golf Course Superintendents
Mary Kay Woodworth, Georgia Urban Ag Council
Chris Manganiello, Georgia River Network
Doug Fulle, Oglethorpe Power
Debbie Phillips, Georgia Industry Environmental Coalition
Scott Tanner, Joe Tanner & Associates
Bryan Tolar, Georgia Agribusiness Council
Matthew Smith, Georgia Farm Bureau
Ronny Just, Georgia Power
Abit Massey, Georgia Poultry Federation
Skin Edge
The January 13, 2015 meeting of the Environmental Protection Committee was called to order by Chairman Philip Wilheit.

Chairman Wilheit called on Ray Lambert, Chairman of the Environmental Protection Committee, who called on Keith Bentley, Chief of the Air Protection Branch.

Mr. Bentley stated the first item for the Committee’s consideration would be the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to the removal of fine particulate matter nonattainment new source review requirements for Macon and Rome.

Mr. Bentley stated this rule is being revised to remove the fine particulate matter nonattainment new source review requirements for the Macon area and for Floyd County. He further stated in 2004, EPA designated these two areas as nonattainment for the fine particulate matter air quality standard set by EPA in 1997. He added in May of 2014, both of these areas were re-designated to “attainment” of the 1997 standard by the EPA.

Mr. Bentley stated this revision will reduce the administrative burden to the EPD and will reduce costs to major industrial sources and utilities that wish to locate or expand in these areas.

Mr. Bentley stated the Board was briefed on this proposal in October 2014 and no comments were received during the public notice period.

Mr. Bentley stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Bagwell, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Removal of Fine Particulate Matter Nonattainment New Source Review Requirements to Macon and Rome, as presented.

Mr. Bentley stated the next item for the Committee’s consideration would be the proposed amendments to Rules for Radioactive Materials, Chapter 391-3-17, pertaining to miscellaneous changes and updates.

Mr. Bentley stated the purpose of this amendment is to revise the rules to be consistent with the requirements of the Nuclear Regulatory Commission.

Mr. Bentley stated the Board was briefed on this proposal in October 2014 and no comments were received during the public notice period.

Mr. Bentley stated he would request the Committee recommend that the Board approve the item as presented.
A motion was made by Mr. Bagwell, seconded by Ms. Johnson and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Radioactive Materials, Chapter 391-3-17, pertaining to miscellaneous changes and updates, as presented.

Chairman Lambert called on Jud Turner, Director of the Environmental Protection Division, who commented on the proposed amendments to the Rules for Drought.

Chairman Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to brief the Committee on the proposed Rules for Drought Management: Amendments to Rules for Outdoor Water Use, Chapter 391-3-30; Rules for Groundwater Use, Chapter 391-3-2; and Rules for Water Quality Control, Chapter 391-3-6.

Mr. Capp stated in 2008, HB 1281 was passed by the General Assembly charging the DNR Board to adopt new rules relating to drought management and making public water systems get a variance from EPD to impose more, or less, stringent restrictions on outdoor water use than those imposed by the state.

Mr. Capp stated in 2010, SB 370 (The Water Stewardship Act of 2010) was passed by the General Assembly which establishes year round and state wide limitations on outdoor watering from 4pm to 10am with 13 listed exceptions and provided expedited hearing of variance decisions.

Mr. Capp stated EPD held public stakeholder meetings on May 13, July 15 and October 22, 2014.

Mr. Capp stated EPD proposes The Rules for Drought Management will replace the Rules for Outdoor Water Use, Chapter 391-3-30. He further stated the proposed Rules for Drought Management will incorporate provisions for a drought response committee; drought indicators and triggers; a drought declaration process; pre-drought mitigation strategies designed to minimize the potential effects of drought; and drought response strategies to be implemented during various stages of drought.

Mr. Johnson asked if the pricing rates would return to normal at the end of the drought if drought surcharges or tiered conservation rates were required by the public water system during a drought.

Mr. Bentley stated EPD does not tell the public water systems how to structure rates outside of drought.

Mr. Bentley stated existing rules for Groundwater Use, 391-3-2-.04 and the Rules for Water Quality Control, 391-3-6-.07 contain requirements for permittees to have “drought contingency plans.” He further stated narrow amendments are proposed to ensure consistency between the drought contingency plans and the requirements that public water systems get variances from EPD in order to implement restrictions on outdoor water use that differ from those imposed by the state.
Mr. Bentley stated the public notice period would begin in January 2015. He further stated a public hearing was scheduled for February 2015. He added EPD anticipates bringing the proposed rules to the Board for final adoption in March 2015.

Mr. McWhorter stated he would like to thank Mr. Turner and Mr. Capp for listening to and working with the stakeholders during this process.

Discussion ensued concerning using the term “non-drought” vs. “pre-drought” throughout the rule.

Mr. Lambert called on Skin Edge to comment on the proposed rules.

Mr. Edge stated since this was only a briefing, he would not be making a comment.

Mr. Lambert called on Chris Manganiello, Georgia River Network, who commented on the proposed rules.

Mr. Lambert called on Bryan Tolar, Georgia Agribusiness Council, who commented on the proposed rules.

There being no further business, the meeting was adjourned.