

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

June 23, 2015

Attending:

Committee Members

William Bagwell, Chairman
Dwight Evans, Vice Chairman
Dwight Davis
Rob Leebern
Aaron McWhorter
Mike Phelps
Ray Lambert, Jr., Board Chair, ex-officio

Board Members

Duncan Johnson, Jr.
Bill Jones
Mark Mobley
Paul Shailendra
Bodine Sinyard
Brother Stewart
Philip Watt, via telephone
Philip Wilheit
Dee Yancey

Visitors

Debbie Phillips, Georgia Industry Environmental Coalition
Jonathan Harding, Georgia Agribusiness Council
Doug Niell, Georgia Chamber
Bryan Tolar, Georgia Agribusiness Council
Ronny Just, Georgia Power
Kevin Jeselnik, Chattahoochee Riverkeeper
Jennette Gayer, Environment Georgia
Richard Sykes, Environment Georgia
Scott Thomson, AMEC Foster Wheeler
Catherine Fleming, Georgia Municipal Association
Thomas Beusse, Georgia Chemistry Council
Doug Fulle, Oglethorpe Power
David Word, Joe Tanner and Associates
Matthew Smith, Georgia Farm Bureau
Alex Bradford, Georgia Farm Bureau
John Eberhart, Georgia Earth Alliance

Staff Members

Mark Williams
Jud Turner
Dave Crass
Eddie Henderson
Becky Kelley
Steve Friedman
Kyle Pearson
Mary Kathryn Yearata
Cathy Barnette
Taylor Brown
Tina Brunjes
Zachary Harris
Mary Walker
Doralyn Kirkland
Jac Capp
Jeff Cown
Wally Woods
John Bowers
Karen Hays
Mark Whitney
Terry West
Mallory Barfield
Kim Lampkins
Beverly Terrell

The June 23, 2015 meeting of the Environmental Protection Committee was called to order by Ray Lambert, Chairman of the Board of Natural Resources.

Chairman Lambert called on William Bagwell, Chairman of the Environmental Protection Committee, who called on Karen Hays, Chief of the Air Protection Branch, to present the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to miscellaneous changes and updates.

Ms. Hays stated EPD regularly updates rules to incorporate changes to US EPA rules, update references to the most current documents and clarify requirements. She further stated six rule changes are being proposed and are detailed in the board package.

Ms. Hays stated she would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. McWhorter, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to miscellaneous changes and updates, as presented.

Ms. Hays stated the next item for consideration would be the proposed amendments to the Rules for Low Emission Vehicle Certification, Chapter 391-3-25.

Ms. Hays stated “Low Emission Vehicle Certification” is being amended to incorporate the statutory changes of the General Assembly during the 2014 legislative session. She further state HB 348 added a tax credit for purchases of alternative fuel heavy-duty and medium-duty vehicles.

Ms. Hays stated the tax credit is for vehicles purchased after July 1, 2015 and before June 30, 2017. She further stated EPD is responsible for certifying that the vehicles are eligible for the tax credit. She added the Department of Revenue is tasked with approving the tax credit.

Ms. Hays stated the Board was briefed on this item at the April Board meeting. She further stated a public hearing was held in May and no comments were received during the public notice period.

Ms. Hays stated she would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Phelps, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Low Emission Vehicle Certification, Chapter 391-3-25, as presented.

Chairman Bagwell called on Jac Capp, Chief of the Watershed Protection Branch, to present the proposed Grant Criteria for Section 319(h) Nonpoint Source Implementation Grants.

Mr. Capp stated Under Section 319(h) of the Clean Water Act, the US EPA awards a Nonpoint Source Implementation Grant each Federal fiscal year to fund eligible projects that support the implementation of Georgia's Nonpoint Source Management Program. He further stated EPD estimates the year's competitive award value to be approximately \$1.6 million.

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

A motion was made by Mr. Davis, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board approve the proposed Grant Criteria of Section 319(h) Nonpoint Source Implementation Grants, as presented.

Mr. Capp stated the next item for consideration would be the proposed amendments to the Rules for Drought Management. He further stated he would be requesting three separate motions from the Committee for this action item.

Mr. Capp stated under HB 1281, which was adopted by the General Assembly in 2008, the DNR Board must adopt new rules relating to drought management. He further stated in 2010, SB 370 was adopted by the General Assembly, which established a year round and state wide limitation on outdoor watering from 4pm to 10am, with 13 listed exceptions.

Mr. Capp stated the purpose of the proposed rule change for Drought Management, Chapter 391-3-30 is to incorporate provisions for a drought response committee; drought indicators and triggers; a drought declaration process; predrought mitigation strategies designed to minimize the potential effects of drought; and drought response strategies to be implemented during various stages of drought. He further stated the drought response strategies that will be implemented during different stages of drought include public education, outdoor water use restrictions, rate structure requirements, numeric water usage reduction requirements, and a menu of other practices designed to achieve water use reductions during periods of drought. He added 391-3-30-.08, "Variance Requests" is a new rule regarding the granting of variances by the EPD Director to local governments or authorities that would allow them to impose restrictions on outdoor water use that are more, or less, stringent than those specified in the rule.

Mr. Capp stated narrow amendments are also proposed to the Rules for Groundwater Use, 391-3-2-.04 and the Rules for Water Quality Control, 391-3-6-.07, to ensure consistency between the drought contingency requirements of those rules and the provisions of the proposed Rules for Drought Management.

Mr. Capp stated EPD received 18 sets of comments on the proposed rules during the public notice period from public water systems, local governments, businesses, industry, agriculture, green industry, electric utilities, and environmental groups. He further stated the comments were generally supportive of the rule and the process. He added no changes to the proposed rules were recommended in response to comments received.

Mr. Capp stated the Board was briefed on this item at the January 2015 Board meeting and re-briefed at the March 2015 Board meeting. He further stated a public hearing was held on May 5, 2015.

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

Chairman Bagwell stated two people had signed up to speak on this item. He asked each speaker to limit their comments to no more than three minutes.

Kevin Jeselnik, Chattahoochee Riverkeeper, spoke on the proposed amendments.

Bryan Tolar, Georgia Agribusiness Council, spoke on the proposed amendments.

Mr. Davis asked Mr. Capp and Jud Turner, Director of the Environmental Protection Division, to follow up on the comments made by the two speakers.

A motion was made by Mr. Davis, seconded by Mr. McWhorter and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Outdoor Water Use, Chapter 391-3-30, as presented.

A motion was made by Mr. Davis, 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 Groundwater Use, Chapter 391-3-2, as presented.

A motion was made by Mr. Davis, seconded by Mr. Phelps and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, as presented.

Mr. Leebern entered the meeting.

Mr. Capp stated the next item for consideration would be the proposed new rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33.

Mr. Capp stated as called for in the Georgia Water Stewardship Act of 2010, the DNR Board must adopt rules to encourage public water systems to develop and improve water loss abatement programs. He further stated the proposed Rules for Public Water Systems to Improve Water Supply Efficiency require public water systems to conduct an annual water loss audit and to submit the results of that audit to EPD. He added the proposed rule also requires public water systems to develop and

implement a water loss control program to investigate, assess, and implement efforts to improve water supply efficiency and to demonstrate progress toward improving water supply efficiency over time.

Mr. Capp stated nine sets of comments were received during the public notice period. He further stated no changes to the proposed rule were recommended in response to these comments.

Mr. Capp stated a stakeholder meeting was held on October 22, 2014. He further stated the Board had been briefed on this item at the March 2015 Board meeting and a public hearing was held on May 5, 2015.

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

Chairman Bagwell stated there was one speaker signed up to speak on this item. He asked that the speaker limit their comments to three minutes or less.

Jennette Gayer, Environment Georgia, spoke on the proposed rule.

A motion was made by Mr. Evans, seconded by Mr. Leebern and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed Rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33, as presented.

Mr. Phelps left the meeting.

Mr. Capp stated the final item for consideration would be a briefing on the proposed amendments to Rules for Dam Safety, Chapter 391-3-8.

Mr. Capp stated EPD is proposing to amend Chapter 391-3-8-.01 through -.11 to improve the overall effectiveness of the Safe Dams Program. He further stated that a dam is categorized as at least 25 feet high or stores at least 100 acre-feet under the Safe Dams Act.

Mr. Capp stated these amendments are designed to ensure that potential Category I dams are promptly identified and categorized appropriately, that identified Category I dams are permitted, that identified Category I dams are routinely inspected with appropriate follow up actions if problems are discovered, and that Category I dams have Emergency Action Plans.

Mr. Capp stated the proposed amendments will go out for public notice in July 2015. He further stated a public hearing will be held in August. He added EPD anticipates requesting Board approval on this item at the September 24, 2015 meeting.

Director Turner commented on the proposed amendments to the Rules for Dam Safety.

There being no further business, the meeting was adjourned.