

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

June 28, 2017

Attending:

Committee Members

Ray Lambert, Chairman
William Bagwell, Vice Chairman
Dwight Davis
Dwight Evans
Rob Leebern
Aaron McWhorter
Mike Phelps
Brother Stewart
Dee Yancey
Duncan Johnson, Jr., Board Chairman, Ex-Officio

Board Members

Bill Jones
Matt Sawhill
Paul Shailendra
Bodine Sinyard
Miki Thomaston
Philip Watt
Philip Wilheit

Guests

Harold Reheis, Joe Tanner and Associates
Andrew Schook, The Conservation Fund
Chris Manganiello, Chattahoochee Riverkeeper
Debbie Phillips, Georgia Industry Environmental Coalition
Ronny Just, Georgia Power
Tommy Tucker, Georgia Power
Hunter Loggins, Georgia Agribusiness
Thomas Farmer, The Nature Conservancy
Bryan Tolar, Georgia Agribusiness Council
Kimberly Anderson, Robbins Firm
Mike Worley, Georgia Wildlife Federation
Alex Bradford, Georgia Farm Bureau

Staff Members

Mark Williams
Walter Rabon
Terry West
Kyle Pearson
Melanie Johnson
Wes Robinson
Cathy Barnette
Amber Carter
Artica Gaston
Shellby Johnson
Dave Crass
Steve Friedman
Rusty Garrison
Col. Eddie Henderson
Becky Kelley
Spud Woodward
John Bowers
Maj. Thomas Barnard
Eric Bentley
Sgt. Eric Brown
Brittany Calhoun
RFC Quinn Fogle
RFC Patrick Gibbs
Richie Golden
James Hamilton
Thom Litts
Cpl. Adam Loudermilk
John Martin
Sgt. Jason Roberson
Nyleta Wallace
Lt. Col. Jeff Weaver
Richard Dunn
Jac Capp
Jeff Cown
Karen Hays
Chuck Mueller
Donald Kirkland

Laura Williams
Sydney Brogden
Dika Kuoh
Sarah Visser

The June 28, 2017 meeting of the Environmental Protection Division was called to order by Chairman Duncan Johnson, Jr.

Chairman Johnson called on Ray Lambert, Chairman of the Environmental Protection Committee.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch of the Environmental Protection Division, to present the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Particulate Emissions from Cotton Gins.

Ms. Hays stated that the Rules for Air Quality Control regulate particulate emissions from cotton gins. She further stated there are about sixty cotton gins currently operating in Georgia. She added demonstrating compliance with the Rule as written is challenging for the cotton gins because the Rule is written as if cotton gins had a single stack and cotton gins do not work that way.

Ms. Hays stated that a couple of years ago we began working with the Southeastern Cotton Ginners Association to develop a work practice alternative as a compliance option for this Rule. She further stated the proposed rule change will allow cotton gins the option of complying by operating cyclones on their process equipment and screens are cycloned on the lint handling system. She added this equipment is industry standard in controlling particulate emissions and dust from cotton gins.

Ms. Hays stated that in March she came before the Environmental Protection Committee and the Board to brief them on the rule changes. She further stated that there was a public comment period that ended on May 15 with a public hearing on May 9 and no comments were received on these proposed changes. She added that today she comes before you with this action item to adopt these proposed amendments and asks for your favorable consideration.

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

Mr. Lambert called on Karen Hays to present the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Cross- State Air Pollution Rule.

Ms. Hays stated that the proposed amendments remove EPA's Clean Air Interstate Rule from the Georgia Rules for Air Quality Control and replace it with EPA's Cross State Air Pollution Control Rule. She further stated that as a result of litigation, EPA replaced the Clean Air Interstate Rule with the Cross

State Air Pollution Control Rule in 2011, and the Cross State Air Pollution Rule addresses air pollution that crosses state lines by setting budgets or emission caps on sulfur dioxide and oxide of nitrogen emissions from power plants. She added that power plants in 27 states in the Southeast are subject to this rule.

Ms. Hays stated that the Cross State Air Pollution Rule, like the Clean Air Interstate Rule, was also subject to legal challenges. Ms. Hays further stated that we waited to adopt it into the Georgia Rule until those legal challenges were resolved. She added that at this point we are ready to move forward with adopting the Cross State Air Pollution Rule into the Georgia Rules in order to meet our Clean Air Act obligations, and emissions from power plants in Georgia are below their budgets in large part due to the emission control equipment they have put on in the last decade or so.

Ms. Hays stated that we are amending three sections of our Rules for the three separate Cross State Air Pollution trading programs: the Annual Trading Program for Oxides of Nitrogen Emissions, the Annual Trading Program for Sulfur Dioxide Emissions, and the Ozone Season Trading Program.

Ms. Hays stated that in March she came before the Environmental Protection Committee and the Board to brief them on the rule changes. She further stated that we had a public comment period that ended on May 15 with a public hearing on May 8 and received no comments. She added that today she comes before you with this action item to adopt these proposed amendments and asks for your favorable consideration.

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

Mr. Lambert called on Karen Hays to present the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Miscellaneous Changes and Updates.

Ms. Hays stated that EPD periodically updates the Georgia Rules by adopting by reference new federal regulations and amendments to existing federal regulations. She further stated that this is part of our obligations under the Clean Air Act. She added we are removing some obsolete requirements and making some minor corrections to the Rules.

Ms. Hays stated that the main features of the rule package are adding the 2015 National Ambient Air Quality Standards for ozone of 70 ppb standard, and the old standard (2008) was 75 ppb. She further stated we are removing some permitting requirements for sources of fine particulate matter emissions in the Atlanta area. She added we can do this because as of 2016 all areas in Georgia, including Atlanta, are attaining EPA's fine particulate matter standard.

Ms. Hays stated that in March she came before the Environmental Protection Committee and the Board to brief them on the rule changes, and the public comment period ended on May 15 with a

public hearing on May 9 and we received two comments. She further stated that they considered the comments and no changes were made to the proposed amendments as a result of the comments received. She added that today she comes before you with this action item to adopt the proposed amendments and asks for your favorable consideration.

A motion was made by Mr. Bagwell, seconded by Mr. Leebern and carried unanimously that the Committee recommended that the Board adopt the Resolution to approve the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, as presented.

Mr. Lambert called on Jeff Cown, Chief of the Land Protection Branch of the Environmental Protection Division, to brief the Board on the proposed amendments to the Rules for Underground Storage Tank Management, Chapter 391-3-15.

Mr. Cown stated that in July 2015 EPA published changes to the 1988 UST Regulations. He further stated our State Program Approval that allows us to administer this program in Georgia requires adoption of federal regulations and be no less stringent than those requirements. He added that we will be incorporating the regulations by reference and will have two additional state-specific revisions.

He stated that EPA changed it from 1988 to 2015, the Federal Energy Act of 2005, and we already adopted some of these regulations, and these rules will adopt the rest of those regulations. He further stated the new requirements are periodic operation and maintenance requirements with: monthly/annual walkthrough inspections, spill prevention equipment testing, overfill prevention equipment inspections, release detection equipment testing, and containment sump hydrostatic testing.

Mr. Cown stated that many times the piping and fittings on these underground storage tank systems are where we have most of the leaks so we are updating the amount of time they have to visually look at these. He further stated the first test or inspection will be due no later than three years after the effective date of this Rule.

Mr. Cown stated the new federal requirements: discontinue the use of ball floats for overfill prevention, require testing after repairs, compatibility demonstration for biofuel blends, permanent closure of failing tanks with non-repairable internal liners, update Codes of Practice, and remove past deferrals for emergency generator tanks, field constructed tanks, and airport hydrant systems.

Mr. Cown stated that the new state requirements increase records retention timeframe for all records to 3 years and revise the annual tank registration date from September 1 to December 31. He further stated that they used to do the registration on paper but now it is electronic and the registration goes pretty quickly. He added that there are about 9,700 facilities and we have to do enforcement on about 5% to get those registrations.

Mr. Cown stated that we have held stakeholder meetings and we met with the Georgia Oilmen's Association, the Atlanta Retailers Association, the Georgia Tank and Equipment Contractors, and the

Georgia Association of Convenience Stores to talk about the proposed rule and we did receive comments. He further stated that in response to comments, we extended the implementation timeframes to meet the federal requirements.

Mr. Cown stated that the public comment period and public hearing will take place in June and the public hearing will take place in July and he will return to the Board to request adoption of rules at the September 27 meeting. He added that once these rules are adopted, we have to go back to EPA for State Program Approval.

Mr. Lambert asked how long the operators would have to comply with the mechanical changes after the September 27th vote. Mr. Cown stated that once the Board votes, the Rule will be transmitted to the Secretary of State and it will go into effect in late October or early November, then they will have 3 years after that date.

Ms. Thomaston asked if three years come from the EPA ruling. Mr. Cown stated that yes if we get a rule and we request state approval, then we can implement these extended timeframes for three years and there are different timeframes, but most of them are three years out.

Mr. Lambert called on Jac Capp, Chief of the Watershed Protection Branch of the Environmental Protection Division to brief the Board on the proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6.

Mr. Capp stated that the amended Rules are for ensuring consistency between the Georgia Rules for Water Quality Control and the federal NPDES Electronic Reporting Rule. He further stated the Federal Rule replaces most paper-based NPDES reporting requirements with electronic reporting and the Federal Rule does not increase the amount of information from NPDES permittees. He added the federal EPA rule became effective on December 21, 2015 and specifies various electronic reporting requirements for NPDES permittees to be implemented in two phases: December 21, 2016 and December 21, 2020.

Mr. Capp stated that in the first phase, NPDES permittees who currently submit their Discharge Monitoring Reports (DMRs) are required to submit these reports electronically instead of paper. He further stated that this is the largest stack of paper reports that we receive in the agency and transitioning these reports from paper to electronic is a very good thing. He added we have approximately 900+ permittees that are subject to this requirement and going back to May, we received 742 electronic reports from permittees that month, which is about 84% already submitting reports electronically.

Mr. Capp stated that phase two would include a number of additional reports, most notably: Notices of Intent to discharge in compliance with an NPDES general permit, biosolids/sewage sludge annual program reports submitted to state governments, and other NPDES program reports.

Mr. Capp stated that the Federal Rule requires permittees to submit these reports electronically, regardless of what our Rule says. He further stated that our rule change is to ensure our Rules are consistent with the Federal Rule. He added that as a positive, this should save EPA, the states and the permittees money and will result in more complete and accurate information about the NPDES program.

Mr. Capp stated that the public comment period will begin shortly and the public hearing will take place in July and he will return to the Board to request adoption of rules at the September 27 meeting.

Mr. Stewart asked if we have guidelines/software presently that when they are submitting this information electronically will automatically update if there is a problem. Mr. Capp stated that the DMR system is a federal system that we have adopted, so it is not a state designed system and one of the great features of it is allows you to do queries of problems. He added that while it might not flag or ding the computer, the ability to do searches for problems is much better than it would be if we got a paper based report.

Mr. Lambert asked if that is something that is possible to modify and it would be great if it could flag an issue. Mr. Capp stated that he will talk with IT about it and see if that is possible.

There being no further business, the meeting was adjourned.