

**Minutes**  
**Environmental Protection Committee**  
Brasstown Valley Resort  
Salon 1-2  
6321 US-76  
Young Harris, GA 30582

**December 6, 2017**

**Attending:**

Committee Members

Ray Lambert, Chairman  
William Bagwell, Vice Chairman  
Dwight Davis  
Dwight Evans  
Rob Leebern  
Aaron McWhorter  
Brother Stewart  
Dee Yancey

Board Members

Duncan N. Johnson, Jr., Chairman  
Bodine Sinyard, Secretary  
Nancy Addison  
Mark Mobley  
Miki Thomaston  
Philip Watt (via conference call)  
Philip Wilheit

Guests

Clay Jones  
John Poole  
Kevin Jeselnik  
Hutton Brown  
Jen Hillburn  
Debbie Phillips  
Todd Williamson  
Caleb Williamson

Staff Members

Mark Williams  
Kyle Pearson  
Wes Robinson  
Cathy Barnette  
Amber Carter  
Artica Gaston  
Dave Crass  
Rusty Garrison  
Eddie Henderson  
Doug Haymans  
Becky Kelley  
Steve Friedman  
James Hamilton  
Bill Donohue  
Eric Bentley  
Thomas Barnard  
Jeff Weaver  
Richard Dunn  
Lauren Curry  
Jac Capp  
Jeff Cown  
Karen Hays  
Chuck Mueller  
Laura Williams

The December 6, 2017 meeting of the Environmental Protection Division was called to order by Chairman William Bagwell.

Chairman Bagwell stated that at the request of the Chairman and Director Dunn, we have a briefing coming up and it is the option of the chair to allow public comment and while the Board does not typically accept that on a briefing, due to their openness they would like to. He further stated that he would like the comments kept to three minutes a piece. He added that if any Board questions come up to write down your questions and Jac will come up and answer questions at the end.

Chairman Bagwell 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 Radioactive Materials, Chapter 391-3-17.

Ms. Hays stated that she is bringing an action item on proposed amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

Ms. Hays stated that Georgia is an Agreement State with the US Nuclear Regulatory Commission, which means EPD has the authority to license and inspect users of radioactive materials, and one of the conditions of retaining this authority is we have to amend Rules to ensure consistency with the Nuclear Regulatory Commission rules periodically.

Ms. Hays stated the main feature of the rule change is adoption of 10 CFR Part 37 which is “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials”, and also its subsequent amendments into the Georgia rules. She further stated there are about 28 license holders in Georgia that are subject to these Part 37 requirements. She added Georgia license holders have been compliant with Part 37 since March 2016.

Ms. Hays stated she briefed the committee at the August Board meeting and provided a 30- day public comment period. She further stated the public hearing was held on October 10<sup>th</sup> and nobody from the public attended, the public comment period closed one week later and no comments were received. She added that today she requests favorable consideration of the proposed amendments.

Mr. Lambert called for a motion.

A motion was made by Mr. Bagwell, seconded by Mr. Yancey 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, as presented.

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

Mr. Capp stated that we are briefing on a change to our Narrative Water Quality Standards. He further stated the change is a clarification only and does not change the stringency of the narrative standards being amended.

Mr. Capp stated under the Clean Water Act, we have a designated use for all of our water bodies. He further stated that we have water quality standards that protect those designated uses. He added whenever we have an interpretation issue related to those water quality standards, it has to be interpreted in context of the designated use.

Mr. Capp stated paragraph (b) and paragraph (c) of the Rule use the same phrase. He further stated we are concerned that someone could interpret the phrase, “interfere with legitimate water uses”, such that if anybody did not like a condition, whether it be color, odor, turbidity, or some other objectionable condition, they could say it is interfering with their use and therefore it is a violation of the standard.

Mr. Capp stated that we would insert the word “unreasonably” immediately before the word “interfere” in both of those rule paragraphs, and the second proposed change is to substitute the phrase “the designated use of the water body” in place of “legitimate water uses” in those same paragraphs. He further stated the changes are consistent with the interpretation and application we have had with those standards, so our interpretation and application will not change.

Mr. Capp stated that we are briefing today and go to public notice very soon, our public hearing is scheduled for January 25<sup>th</sup>, we will take comment through January 31<sup>st</sup>, and we anticipate coming back to the Board in March. He further stated that he would be happy to answer any questions.

Mr. Lambert called on the public speakers.

Clay Jones, Georgia Association of Manufactures, commended EPD on clarifying the standards.

John Poole, Georgia Paper and Forest Products Association, made comments in support of the proposed rule.

Hutton Brown, Southern Environmental Law Center, asked the Board to table the regulation and made comments about legitimate use being broader than designated use.

Kevin Jeselnik, Chattahoochee Riverkeeper, asked the Board to table the regulation and made comments stating they do not believe the current rule is ambiguous or that it needs clarification.

Mr. Lambert asked for questions/comments.

Dwight Davis stated he will recuse himself from voting and spoke about the interpretation of the Rule in court.

There being no further business, the meeting was adjourned.