

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

February 28, 2018

Attending:

Committee Members

Ray Lambert, Chairman
William Bagwell, Vice Chairman
Dwight Davis
Dwight Evans
Duncan Johnson
Rob Leebern
Mark Mobley – Via Conference Call
Brother Stewart
Philip Wilheit
Aaron McWhorter, Board Chairman, Ex-Officio

Board Members

Nancy Addison
Bodine Sinyard
Miki Thomaston
Philip Watt

Guests

Ronnie Just, Georgia Power
Rosa Chi, Georgia Power
Bill Hodges, Hodges, Harbin, Newberry & Tribble
Leon Watkins, Whitestone Valley Landfill
David Word, Tanner & Associates
Debbie Philips, Georgia Industry Environmental Coalition

Staff Members

Mark Williams, Commissioner
Terry West
Walter Rabon
Kyle Pearson
Wes Robinson
Melanie Johnson
Cathy Barnette
Amber Carter
Artica Gaston
Dave Crass
Rusty Garrison
Doug Haymans
Eddie Henderson
Becky Kelley
Steve Friedman
Thomas Barnard
Antoinette Norfleet
Larry Blankenship
Daniel Brown
Richard Dunn, Director
Lauren Curry
Jac Capp
Jeff Cown
Karen Hays
Chuck Mueller
Laura Williams
Sydney Brogden
Erin Ruoff
Donald Kirkland
Bert Langley
Jim Cooley
Dika Kuoh
Sarah Visser
Elizabeth Munsey
Eric Cornwell

The February 28, 2018 meeting of the Environmental Protection Committee was called to order by Chairman Aaron McWhorter.

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

Mr. Lambert called on Jeff Cown, Chief of the Land Protection Branch of the Environmental Protection Division, to present the proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4.

Mr. Cown stated he is bringing one action item to the Board, proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4. He further stated the basis of these amendments is to modernize the Solid Waste Rules. He added that with the revisions we are deleting outdated or inaccurate references, providing EPD the ability to review permits on a 5- year basis, allowing EPD to receive EPA approval for our state's coal combustion residual permit program, provide more flexibility in post-closure care periods for certain facilities and certain composting operations, and clarifying scrap tire sorters.

Mr. Cown stated we revised definitions for CCR Landfill, Construction and Demolition Landfill, and we defined Contaminant. He further stated that we deleted definitions for Existing Municipal Solid Waste Landfills or landfill unit and New Municipal Solid Waste Landfills. He added that these terms are no longer utilized.

Mr. Cown stated that for our solid waste handling permits, we are providing a permit review process. He further stated that we are removing automatic 45-day approval for a small category of minor modifications. He added that we are clarifying our CCR Rule.

Mr. Cown stated that we are proposing changes in Rule 12, our Post-Closure Criteria. He further stated we are making changes in our composting section. He added in Scrap Tire Management we are clarifying dates for reporting, clarifying requirements for sorters, and added a requirement for used tire dealers to an inventory.

Mr. Cown stated we received a number of public comments. He further stated that we had around 35 written comments and 8 speakers. He further stated that they responded to the comments. He added that no changes to the proposed rules are recommended in response to comments received.

Mr. Cown stated that we had our formal stakeholder meeting August 17th. He further stated he briefed the Board at the October meeting, went out for public comment November 9th, and public comment period ended December 18. He added that he is requesting favorable consideration of these proposed amendments.

Mr. Stewart asked about the timeline for private landfills versus county and city landfills.

Mr. Cown clarified the timelines and discussion ensued.

Chairman Lambert opened the public comment period.

Chairman Lambert called on Rachael Thompson with Glynn Environmental Coalition. Ms. Thompson spoke on behalf of the Magnolia Park and College Park Planning Assembly.

Chairman Lambert called on Leon Watkins with the Whitestone Valley Landfill.

Mr. Watkins spoke in favor of the proposed rule.

Chairman Lambert called on Bill Hodges.

Mr. Hodges spoke in favor of the proposed rule.

Mr. McWhorter asked about Best Management Practices in the proposed rule.

Mr. Cown responded.

Mr. Lambert called for a motion.

A motion was made by Mr. Bagwell, seconded by Mr. Stewart, and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4, as presented.

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 Enhanced Inspection and Maintenance, Chapter 391-3-20.

Ms. Hays stated that this is the Enhanced Inspection and Maintenance program for passenger vehicles that are registered or to be registered in the 13-county Atlanta Metro Area. She further stated the proposed amendments update terminology. She added that the rules update definitions and clarify language that vehicles sold or to be sold outside of the 13-county area are not required to have an emissions test.

Ms. Hays stated that we received two comments from the same organization. She further stated the written comment was submitted prior to the public hearing, and once they received clarification, the commenter expressed support for the proposed amendments during the public hearing. She added that no changes were made as a result of the comments received.

Ms. Hays stated she briefed the Board at the October meeting and we held a public hearing on December 18th. She further stated public comment period closed on December 22nd. She added that at this time she request favorable consideration of the proposed amendments.

Mr. Johnson asked a question about the 13-county area.

Ms. Hays responded.

Mr. Lambert called for a motion.

A motion was made by Mr. Johnson, seconded by Mr. Bagwell and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, as presented.

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.

Ms. Hays stated that the next three rules are three separate incinerator rules, but she will talk about them at one time because they are so similar. She further stated that EPA establishes emission guidelines for several categories of solid waste incinerators, as required by the Clean Air Act. She added that EPD is amending our own rules to be consistent with the federal rules, and our rules are no more stringent than EPA's.

Ms. Hays stated that she briefed the Board at the October meeting, and held three separate public hearings on December 11th. She further stated that on December 18th the public comment period closed. She added that at this time she requests favorable consideration of the proposed amendments to the three incinerator rules.

Mr. Lambert called for a motion.

A motion was made by Mr. Wilheit, seconded by Mr. Stewart, 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 Hospital/Medical/Infectious Waste Incinerators, as presented.

Mr. Lambert called for a motion.

A motion was made by Mr. Evans, seconded by Mr. Wilheit, 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 Commercial and Industrial Solid Waste Incineration Units, as presented.

Mr. Lambert called for a motion.

A motion was made by Mr. Stewart, seconded by Mr. Johnson, 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 Sewage Sludge Incineration Units, as presented.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch of the Environmental Protection Division, to brief the Board on the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, Pertaining to NAA NSR Rule Removal.

Ms. Hays stated that this is a briefing on the Nonattainment New Source Review rule removal. She further stated that we can remove the rule because the air quality in Atlanta has improved. She added that the Atlanta Metro Area is now attaining the 1990, 1997, and 2008 ozone standards.

Ms. Hays stated that she is briefing the Board today. She further stated that we have a public hearing tentatively scheduled for April 17th, and the public comment period will close about a week after that. She added that if no changes are needed, she will request adoption at the May 2018 Board meeting.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch of the Environmental Protection Division, to brief the Board on the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Permit Fees.

Ms. Hays stated that EPD is proposing to implement a permit application fee in addition to the existing annual permit fees that are based on emissions. She further stated the Clean Air Act requires that state permitting programs collect sufficient revenue in the form of permit fees to fund the direct and indirect costs of the permitting program. She added that air emissions in Georgia have declined, and this significantly impacts our revenue.

Ms. Hays stated we have been working for several years to address the fee shortfall. She further stated that we propose to add permit application fees to begin March 1, 2019. She added we propose to adopt a new fee manual.

Ms. Hays stated that we began meeting with the Permit Fee Advisory Committee in 2015 to discuss the fee shortfall, in November of 2017 we had a permit fee stakeholder meeting, and today she is briefing the Board. She further stated the public hearing is tentatively scheduled for April 17th, with the public comment period closing about a week after that. She added that if no changes to the proposed amendments are needed, she plans to request adoption at the May 2018 Board meeting and those application fees would begin for permit applications submitted after March 1, 2019.

Mr. Stewart asked about staffing levels and conversation ensued.

Mr. Lambert called on Chuck Mueller, Director of Cross Media Programs, Environmental Protection Division, to brief the Board on the proposed amendments to Rules for Petroleum Pipeline Eminent Domain Permit Procedures, Chapter 391-3-23.

Mr. Mueller stated during the 2017 Legislative Session, a bill was passed that changed the way we permit petroleum pipelines in Georgia. He further stated that statute highlights include: we have to have rules adopted by July 2018, we will charge a non-refundable permit application fee, public notice must be conducted by the applicants, public meetings will be conducted, and the applicant has to provide evidence of financial responsibility. He added our rules follow closely with the statute.

Mr. Mueller stated that we have conducted a series of stakeholder meetings beginning in September. He further stated we took those comments, modified the rule some, and sent the rule back out for a second round of stakeholder comments. He added that he is briefing the Board today, conduct the public comment period in the March timeframe, and request adoption in May.

Mr. Lambert asked about other permits required.

Mr. Mueller responded that the applicant still has to get all the other applicable permits.

Dr. Watt asked about the certificate of public convenience and necessity.

Mr. Mueller stated this part is separated now and they still must go through that process.

Mr. Davis asked about the automatic approval period.

Mr. Mueller stated it is in the statute.

Mr. Bagwell asked about the public comment period.

Mr. Mueller stated EPD will review the comments and also go through a separate comment period.

Ms. Thomaston asked about the stakeholder meeting.

There being no further business, the meeting was adjourned.