

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

June 27, 2018

Attending:

Committee Members

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

Board Members

Bodine Sinyard
Nancy Addison
Joe Hatfield
Billy New
Miki Thomaston

Guests

Bryan Tolar, GA Agribusiness Council
Bill Hodges, Hodges Harbin Newberry & Tribble
Brant Lane, Hodges Harbin Newberry & Tribble
Alex Bradford, Farm Bureau
Deb Phillips, GA Industry Environmental Coalition
Kathleen Bowen
Katrina Morris, GA DNR
Brett Albanese, GA DNR
Tom Johnson, Friends of GA State Parks
Maggie Lee, Saporta Report
Jill Nolin, Community Newspaper Holdings, Inc.
Scott Tanner, Joe Tanner & Associates
John Eberhart, GA Earth Alliance

Staff

Mark Williams, Commissioner
Terry West
Walter Rabon
Kyle Pearson
Melanie Johnson
Wes Robinson
Cathy Barnette
Amber Carter
Artica Gaston
Matthew Smith
Dave Crass
Steve Friedman
Rusty Garrison
Doug Haymans
Eddie Henderson
Becky Kelley
Jeff Weaver
Thomas Barnard
James Hamilton
John Bowers
Frank Manning
Matt Thomas
Mark Whitney

Richard Dunn, Director
Jac Capp
Jeff Cown
Karen Hays
Chuck Mueller
Laura Williams
Sydney Brogden
Dika Kuoh
Jim Cooley

Jason Metzger
Sarah Vesser

The June 27, 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 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 federal regulations require EPD to revisit our water quality standards at least every three years and update them as necessary. He further stated water quality standards have three components: designated uses for every waterbody in the state, criteria that support the designated uses, and an antidegradation policy. He added we started our triennial review with a public hearing on February 26, 2016 and held a number of stakeholder and public meetings to get as much input as possible and make sure all of our stakeholders know what EPD is planning to do.

Mr. Capp stated that this triennial review: includes updates to ensure consistency with the federal requirements, incorporates the use of compliance schedules in NPDES permits, clarifies the definition for "estuarine waters", includes pH in the definition of "natural conditions", adopts EPA's 2016 recommended aquatic life cadmium criteria, revises bacteria criteria indicator for drinking water and fishing designated uses to be consistent with the indicator we have for recreational waters, and revisits the units for bacteria measurements. He further stated we are proposing to adopt site-specific lake standards for Lakes Oconee and Sinclair, and to update the designated use of a section of the Chattahoochee River from "fishing" to "recreation". He added this indicates that due to the increased use of that section of the river for recreation purposes, it makes sense to update the designated to reflect a higher level of use and a higher level of protection.

Mr. Capp stated we received a number of comments during the comment period. Mr. Capp further stated that he briefed the Board in March, public notice began in April, and held a public hearing on May 22, 2018. Mr. Capp added that he requests the Board's favorable consideration.

A motion was made by Mr. Bagwell, seconded by Mr. Leebern 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. Lambert called on Karen Hays, Chief of the Air Protection Branch of the Environmental Protection Division, 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 periodically updates the Georgia Rules for Air Quality Control by adopting by reference new federal regulations and amendments to existing federal regulations, and this is part of our obligations under the Clean Air Act in order to retain the delegation of our permitting program. She further stated we are removing some obsolete requirements and making some minor corrections to the Georgia rules. She added the main features of the miscellaneous package are: updating references to the Federal New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs), making revisions to the Duties of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, clarifying that equipment used in firefighting and firefighting training is exempt from permitting, and updating some definitions and rule titles.

Ms. Hays stated she briefed the Environmental Committee in March, held a public hearing on May 7, and the public comment period closed one week later. She further stated no comments were received and no revisions to the proposal have been made since the briefing. She added that she requests the Board's favorable consideration of the proposed amendments.

A motion was made by Mr. Evans, seconded by Mr. Mobley 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, 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 the Rules for Air Quality Control, Chapter 391-3-1.

Mr. Hays stated EPD is proposing rule changes that will make the current agricultural burning exemption less restrictive in response to House Bill 885. She further stated the current rules for Georgia Air Quality Control generally prohibit open burning with some exceptions, specifically "open burning to carry out recognized agricultural procedures necessary for the production or harvesting of crops" is allowed under the current open burning rules. She added House Bill 885 revised the Georgia Air Quality Act and allows burning on any agricultural tract, lot or parcel greater than five acres if the burning is limited to vegetative material.

Ms. Hays stated EPD proposed to expand the open burning exemption for agricultural purposes and burning of vegetative material over any agricultural tract, lot, or parcel greater than five acres for purposes of any existing, expanding, or new agricultural operations will be allowed. She further stated we are updating the "Specific County Restrictions" subparagraph to

address some renumbering. She added we are updating the definition of "prescribed burning" to remove language that was not consistent with HB 885.

Ms. Hays stated she is briefing the Environmental Committee today, the public hearing is tentatively scheduled for July 31st and the public comment period will close about one week after that. She further stated if no revisions to the proposal are needed, she will request adoption of proposed amendments at the September Board meeting. She added she would be happy to answer any questions at this time.

Mr. Davis asked about federal regulations that govern agricultural burning.

Ms. Hays responded that there are no federal regulations per se, but it might come into play with what is in our State Implementation Plan, how we obtain those National Ambient Air Quality Standards. With this change to the Rule, we will have to go back and amend our State Implementation Plan to amend the provisions we are changing and make our case to EPA that this will not change how we achieve the National Ambient Air Quality Standards.

There being no further business, the meeting was adjourned.