

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

August 22, 2018

Attending:

Committee Members

Ray Lambert, Chairman
William Bagwell, Vice Chairman
Dwight Davis
Dwight Evans
Duncan Johnson
Rob Leebern
Mark Mobley
Mike Phelps
Brother Stewart
Philip Wilheit
Dee Yancey
Aaron McWhorter, Board Chair, Ex-officio

Board Members

Nancy Addison
Joe Hatfield
Billy New
Bodine Sinyard
Miki Thomaston

Guests

Bill Hodges
Jim Reyner
Bryan Tolar
Ronny Just
Dan Grogan
Andy Fleming
Chris Manganiello
Brant Lane

Staff

Terry West, DNR Deputy Commissioner
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
Jon Ambrose
John Bowers
James Hamilton
Matt Thomas
Karl Burgess
Alan Isler
Michael Staton
Phillip Spivey
Dallas Ingram
Amanda Hrubesh
VJ Nandiraju
Farida Lammari
Gary Beale

Richard Dunn, EPD Director
Lauren Curry

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Deb Phillips
Kelly Jordan

Jeff Cown
Karen Hays
Chuck Mueller
Laura Williams
Sydney Brogden
Jim Cooley
Jason Metzger
Sarah Visser
Erin Ruoff
Shannon Alexander

The August 22, 2018 meeting of the Environmental Protection Division 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 Rules for Hazardous Site Response, Chapter 391-3-19.

Mr. Cown stated the purpose of this Rule is to update our risk assessment criteria. He further stated the Rule change is to: reflect changes in scientific understanding since 1994, reduce risk to people from contaminated sites, correct values in the current lookup tables, set easily calculated default cleanup standards for contaminated sites, provide additional flexibility for specific site conditions, and update standards that are also used for Brownfield and VRP sites. He added the minor proposed changes include: adding new abbreviations, amending to clarify the soil notification requirement exclusion for Brownfield properties, allowing the Director to designate removal actions under the National Contingency Plan under CERCLA as complying with Type 5 cleanup standards, and amending the wording of the property notice as specified in the Hazardous Site Response Act to make sure the Rule and the law are consistent.

Mr. Cown stated the main changes of the Rule are substantially amending the Risk Reduction Standards to provide for risk-based assessments and default cleanup standards. He further stated the changes include changes in the scientific understanding about toxicity of chemicals and ways that individuals can be exposed to chemicals on contaminated sites. He added that we are making standards consistent with EPA and other Region 4 states, changing calculations that align Georgia's methods with the equations used by EPA, and adding flexibilities in site-specific scenarios.

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Mr. Cown stated we had a public comment period and received six letters. He further stated two were in support, two wanted us to be more stringent, and two were not necessarily in agreement but were in agreement with the process we went through. He added a summary of the comments, which were received from local governments, affected entities, non-profit organizations and consulting firms: support for the risk-based approach and the consistency between state and federal rules, concern about possible cost delay impacts as well as support for anticipated cost reductions, opposition to and support for changing the method used to calculate soil values that are protective of groundwater, support for and opposition to the increased flexibility provided by allowing area averaging and composite sampling, concern that the proposed changes do not go far enough in protecting the environment, concern rule changes would be applied retroactively, request that EPD change the rule to allow wider use of Type 5 standards, request that EPD set risk levels at a 1 in 10,000 cancer risk instead of the current 1 in 100,000, and request for technical clarifications and further refinements of rules.

Mr. Cown stated that no changes to the proposed rules are recommended in response to comments received. He further stated there was a scrivener's error that was corrected in the proposed Equation 2 of Appendix IV. He added that a subtraction symbol has been replaced with a multiplication symbol.

Mr. Cown stated that we had a very robust stakeholder process with this rule that included multiple stakeholder meetings between March and August of last year, as well as a smaller risk work group. He further stated comments came in February 2018, the Board was briefed at the May 2018 meeting, public notice and comment began, a public hearing was held on June 21st, and the end of the comment period was July 6, 2018. He added he asks for the Board's favorable consideration.

Rodger Daniel, American Environmental and Construction Services, spoke in support of the Rule.

Dan Grogan, Georgia Brownfield Association, provided comments to the Board in general support of the Rule, and stated additional changes could be made.

Gerald Pouncey, spoke in support of the Rule changes.

Mr. Lambert asked Mr. Cown a question about averaging and hotspots.

A motion was made by Mr. Bagwell, 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 Hazardous Site Response, Chapter 391-3-19.

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Mr. Lambert called on Jeff Cown, Chief of the Land Protection Branch of the Environmental Protection Division, to present the Proposed FY 2019 Solid Waste Trust Fund Spend Plan.

Mr. Cown stated the Comprehensive Solid Waste Management Act requires that every year we bring the proposed budget to the Board. He further stated the Trust Fund was established in 1990, is funded by the \$1.00 fee on each new tire sold by retail tire dealers. He added the \$1.00 fee was reauthorized by the General Assembly in 2014 and will expire in 2019.

Mr. Cown stated that through the prevention program enforcement we cleaned up 50 sites, contracted cleanups for 36 sites, had 13 projects completed through site-specific local government cleanups and right-of-way cleanups, and held 32 local government amnesty events. He further stated in FY18, we completed a total of 131 projects and 417,000 tires were collected and processed. He added this was done at a cost of \$970,132.

Mr. Bagwell asked a question about why cost is going up per tire and Mr. Cown responded we have actually gone down in cost, and we used to budget around \$3.00 to \$4.00 per tire and now we budget about \$1.75 per tire, and conversation ensued.

Mr. Bagwell asked how they coordinate with local governments for amnesty days and conversation ensued.

Mr. Cown stated we have about 57 illegal scrap tire dump sites remaining on our inventory that we are working on which is about 114,000 passenger tire equivalents, and we believe it will cost us about \$456,000 to clean up. He further stated we are continuing to work on these piles and get the responsible parties to clean them up. He added that the list is fluid and changes based on how our work goes.

Mr. Cown stated the proposed budget includes \$1,802,636 for EPD program execution and management, which funds the program including: scrap tire management and abatement, abandoned landfill care, waste reduction and recycling, solid waste education and enforcement, and funding administration. He further stated we are asking for \$1,080,944 for scrap tire abatement which includes state contracts and local government reimbursements. He added the total requested is \$2,883,580.

Mr. Stewart asked about enforcement actions EPD can take for tire dumps.

Mr. Bagwell asked how we will prepare for an increase in popularity of amnesty events and conversation ensued.

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A motion was made by Mr. Evans, seconded by Mr. Stewart and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the Proposed FY2019 Solid Waste Trust Fund Spend Plan, as presented.

There being no further business, the meeting was adjourned.