

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

January 16, 2019

Attendees:

Committee Members

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

Board Members

Nancy Addison
Joe Hatfield
Bill Jones
Billy New
Paul Shailendra
Bodine Sinyard
Miki Thomaston

Guests

Bryan Tolar, GA Urban Agriculture Council
Chris Manganiello, Chattahoochee Riverkeeper
Debbie Phillips, GA Industry Environmental Coalition
Kevin Berry, Hodges Harbin Newberry & Tribble
Colette Williams, Georgia Department of Transportation
Carol Comer, Georgia Department of Transportation

Staff Members

Mark Williams, Commissioner
Terry West
Walter Rabon
Kyle Pearson
Melanie Johnson
Cathy Barnette
Amber Carter
Artica Gaston
Houston Webb
Thomas Barnard
Jeff Cown
Dave Crass
Steve Friedman
Rusty Garrison
Doug Haymans
John Bowers
Brittney Tellecamp
Jeff Weaver
Mark Whitney
Tina Johannsen
Charlie Killmaster
Ryan Meckel
John Bearden
Bobby Bond
Sonja Daniels
Alan Isler

Richard Dunn, Director
Lauren Curry
Jac Capp
Karen Hays
Chuck Mueller

Dika Kuoh
Jim Cooley
Sarah Visser

The January 16, 2019 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. Chairman Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to present the Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, and Rules for Environmental Planning Criteria, Chapter 391-3-16.

Mr. Capp stated Reservoir Management Plans are developed in accordance with O.C.G.A. § 12-2-8, and rules addressing Reservoir Management Plans are found in 391-3-5 and 391-3-16. He further stated the rules have been in effect since 1990 and the agency has identified some things that can make the rules better. He added Reservoir Management Plans apply to governmentally owned reservoirs that have the primary purpose of providing drinking water, and do not apply to large multipurpose reservoirs owned by the Corps, privately owned lakes, or governmentally owned lakes that are not for the primary purpose of providing drinking water.

Mr. Capp stated the amendments will emphasize that recreational uses of drinking water are permitted as long as the water, after treatment, will meet the Safe Drinking Water standards, and reservoir owners are able to allow recreational uses in, on, and around the reservoirs as long as they have a written plan that addresses those uses approved by EPD. Mr. Capp further stated that specific changes include: incorporating more positive language regarding the potential for recreational uses at drinking water reservoirs, adding “adjacent property owner access” as a permissible recreational water use if water quality is adequately protected, removing ground slope and soil types as a specific and sole criteria for evaluating proposed reservoir buffers other than 150 feet, and deleting duplicative language. Mr. Capp added the Board was briefed in September, the rule went to public notice in October, we held a public hearing in November, and we are requesting Board action today.

Mr. Capp stated we did receive comments from entities in opposition to the rule, including concerns that the change would encourage more recreation on water supply reservoirs and potentially put drinking water safety at risk, commenters want the rule change to shift responsibility from the owner to EPD, concern regarding change in the justification

criteria for consideration of different buffer distances, and concern the rule change could make it more difficult to get Corps approval for new water supply projects. Mr. Capp further stated he can answer any questions. He added that he requests favorable consideration of these rule amendments.

Chairman Lambert called on Chris Manganiello, Chattahoochee Riverkeeper, to speak on the proposed amendments.

Dr. Manganiello stated the Georgia Water Coalition is not categorically opposed to recreational uses of the water supply reservoirs, but does not support all of the proposed changes.

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 Rules for Safe Drinking Water, Chapter 391-3-5, and Rules for Environmental Planning Criteria, 391-3-16, as presented.

Chairman Lambert called on Karen Hays, Chief of the Air Protection Branch, to present the Proposed Amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

Ms. Hays stated Georgia is an Agreement State, which means Georgia has been delegated authority to license sources and users of radioactive materials in the State. She further stated in order for us to maintain our agreement state status, we are required to ensure that our Rules are compatible with the Nuclear Regulatory Commission's rules. She added the main features of the rule change are: the entire chapter is being updated to clarify that the "Director" of the Environmental Protection Division has the authority to issue licenses for users or possessors of radioactive materials, the Rules are being updated to ensure consistency with the requirements of the Nuclear Regulatory Commission, and minor wording updates.

Ms. Hays stated the briefing of the Environmental Committee was held at the October meeting of last year, a public hearing was held on November 28, and the public comment period closed December 5. She further stated no comments were received. She added she is requesting favorable consideration of the rule amendments at this time.

A motion was made by Mr. Leebern, 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 Radioactive Materials, Chapter 391-3-17.

Chairman Lambert called on Karen Hays, Chief of the Air Protection Branch, to present the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1.

Ms. Hays stated EPD is proposing to update the rule to be consistent with recent changes to 40 CFR Part 63 Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities. She stated that the rules are required by US EPA. She added that specific changes include: the specialty coating emission standards are being updated, the use of “manufacturers’ supplied data” to show compliance is now allowed, the use of annual purchase records as an alternative to monthly usage records is now allowed, and new coating application methods were added.

Ms. Hays stated we had a stakeholder meeting last July, and all comments made by the stakeholders were addressed prior to the October Board briefing. She further stated a public hearing was held November 29, and the public comment period closed December 6, with no comments received. She added that today she requests favorable consideration of the proposed amendments.

A motion was made by Mr. Mobley, 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 Air Quality Control, Chapter 391-3-1.

Chairman Lambert called on Karen Hays, Chief of the Air Protection Branch, to present the Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

Ms. Hays stated the Enhanced Inspection and Maintenance Program covers gasoline-powered passenger vehicles registered in the 13-county Atlanta Metropolitan Area, it is required under the Clean Air Act, and there are currently over 80 vehicle emission testing stations and approximately 2,400 vehicle emissions testing inspectors. She further stated we are updating language in the “Testing of Exhaust Emissions by Remote Sensing Technology or Other Means” rule to be consistent with Federal requirements, updating the “Inspector Qualifications and Certification” rule for clarity, and the “Waivers” rule to be consistent with federal requirements. She added that we are also adding definitions and updating terminology.

Ms. Hays stated she briefed the Environmental Committee at the October Board meeting, a public hearing was held on November 29, and the public comment period closed on December 6. She further stated no comments were received. She added that she is requesting favorable consideration of the rule amendments at this time.

A motion was made by Mr. Yancey, 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.

Chairman Lambert called on Karen Hays, Chief of the Air Protection Branch, for a briefing on Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Permit Fees.

Ms. Hays stated the Federal Clean Air Act and the Georgia Air Quality Act require EPD collect sufficient revenue in the form of permit fees to fund the direct and indirect costs of the air permitting program. She further stated the revenue stream collected from air permit fees have declined due to decreased emissions, and although emissions have decreased, the workload has not decreased. She added that we at EPD have been working for a few years to address the shortfall.

Ms. Hays stated the proposed amendments are for setting the permit fees for State Fiscal Year 2020, which begins July 1, 2019. She further stated EPD is proposing no change to the dollar per ton annual fee and they will be calculated on emissions from 2018 and shall be due September 2019. She added that no changes are proposed to the permit application fees set to begin March 1, 2019.

Ms. Hays stated today she is briefing the Environmental Committee of the Board. She further stated the public hearing is tentatively scheduled for February 25, and the public comment period will close about one week after that. She added if no changes to the proposed rule packet are needed, she will request action at the April meeting.

There being no further business, the meeting was adjourned.