

**Minutes**  
**Environmental Protection Committee**  
**DNR Boardroom**  
**2 Martin Luther King, Jr. Drive, SE**  
**1252 East Tower**  
**Atlanta, GA 30334**

**October 26, 2021**  
**9:00 a.m.**

**Attendees:**

**Committee Members**

Ray Lambert, Chair  
Dwight Evans, Vice Chair  
Nick Ayers  
William Bagwell  
Dwight Davis  
Randy Dellinger  
Patrick Denney  
Duncan Johnson  
Rob Leebern  
Bodine Sinyard  
Dee Yancey, Board Chair, Ex-officio

**Board Members**

Nancy Addison  
Joe Hatfield  
Tim Lowe  
Billy New  
Miki Thomaston  
Gary Vowell

**Guests**

Sam Collier, Sierra Club  
Ronny Just, Georgia Power  
Leslie Miller, Georgia Power  
Max Brown, Sierra Club  
Rena Ann Peck, Georgia River Network  
Josh Marks, Parker Poe  
Reaganne Coile, Office of the Governor

**Staff Members**

Mark Williams, Commissioner  
Walter Rabon  
Kyle Pearson  
Kate Iannuzzi  
Cathy Barnette  
Donald Kirkland  
Alexandrea Solomon  
Soheila Naji  
Thomas Barnard  
Steve Friedman  
Doug Haymans  
Ted Will

Richard Dunn, Director  
Jac Capp  
Karen Hays  
Chuck Mueller  
Laura Williams  
Sara Lips  
Steve Allison  
Anna Aponte  
Jim Boylan  
William Cook

The October 26, 2021 meeting of the Environmental Protection Committee was called to order by Chairman Dee Yancey.

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

Ms. Hays stated the Rules are periodically amended to address requirements of the US Nuclear Regulatory Commission (NRC) for Agreement States, which are required to ensure the Rules meet the compatibility and health and safety categories established by the NRC. She further stated the Rules are being amended to incorporate rules updates published in 2020 by the NRC. She added the updates include adding NRC's Regulation Amendment Tracking System references and removing references to Georgia administrating Industrial Radiographer exams and issuing certification ID cards.

Ms. Hays stated after briefing the Environmental Committee today, a 30-day comment period and public hearing will be scheduled for November and December 2021. She further stated she will request Board adoption of the proposed amendments at the February 2022 meeting.

Mr. Lambert asked Ms. Hays to continue with Item B, Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

Ms. Hays stated Georgia's Enhanced Inspection and Maintenance Program covers gasoline-powered passenger vehicles registered in the 13-county Atlanta Metropolitan Area and is required by the Clean Air Act Amendments for areas that were moderate or higher nonattainment areas for the 1-hour ozone NAAQS. She further stated the rules are being amended to include updates to reflect the widespread use of on-board diagnostic systems, remove outdated Acceleration Simulation Mode requirements for older cars no longer subject to emission inspection requirements, and update terminology.

Ms. Hays stated after briefing the Environmental Committee today, a 30-day comment period and public hearing will be scheduled for November and December 2021. She further stated she will request Board adoption of the proposed amendments at the February 2022 meeting.

Mr. Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to present Proposed Amendments to the Rules for Water Quality Control, Chapter 391-3-6, pertaining to Triennial Review of Water Quality Standards.

Mr. Capp stated the Federal Clean Water Act requires States to review their water quality standards at least once every three years and revise if appropriate. He further stated initial public hearings began in February 2019 to solicit items to be considered for the 2019 Triennial Review. He added comprehensive public meetings and targeted stakeholder meetings were held throughout 2021.

Mr. Capp stated the 2019 Triennial Review will resolve issues from the 2016 Triennial Review including removing the word “unreasonably” from the general criteria, revising and clarifying the state’s bacterial criteria, and updating pH criteria and removing Total Nitrogen and Total Phosphorus criteria for Lake Oconee and Sinclair. He further stated the Triennial Review will add definitions for primary and secondary contact recreation, adopt EPA’s aquatic life acrolein and carbaryl criteria, add water effects ratio multiplier to the metal freshwater aquatic life criteria equations, and add language to allow site-specific metal criteria based on the Biotic Ligand Model or on water effect ratios. He added EPD is recommending 14 waterbody segments for a designated use change from fishing and/or drinking water to recreation based on evaluation of nomination packages received.

Mr. Capp stated after briefing the Environmental Committee today, a public notice for comment will be issued in November 2021 and a public hearing will be held in December 2021. He further stated he will request Board adoption of the proposed amendments at the January 2022 meeting.

Mr. Lambert called on Chuck Mueller, Chief of the Land Protection Branch, to present Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4.

Mr. Mueller stated the purpose of the proposed changes is to update Georgia’s CCR Rules to align with the most recent EPA changes and to clarify deed, permit, and post-closure care requirements. He further stated the amendments will include references to the July 30, 2018 Federal Rule amendments and the August 28, 2020 Federal CCR Rule amendments. He added the proposed updates remove requirements for deed notation of CCR disposal for CCR units closed by removal, delete references to federal provisions that were vacated in the 2016 Federal CCR Amendment, and add clarifying language.

Mr. Mueller stated after briefing the Environmental Committee today, a 30-day comment period and public hearing will be scheduled for December 2021. He further stated he will request Board adoption of the proposed amendments at the February 2022 meeting.

Mr. Lambert asked Mr. Mueller to continue with Item E, Proposed Amendments to the Rules for Lead-Based Paint Hazard Management, Chapter 391-3-24.

Mr. Mueller stated the purpose of the proposed changes is to update the lead-dust hazard standard and the lead-dust clearance standard to match those in Federal requirements. He further stated the updates will lower the amount of lead in surface dust that is allowed in a residential or child-occupied facility as well as lower the amount of lead allowed to remain after cleaning a surface following an abatement activity.

Mr. Mueller stated after briefing the Environmental Committee today, a 30-day comment period and public hearing will be scheduled for November and December 2021. He further stated he will request Board adoption of the proposed amendments at the February 2022 meeting.

There being no further business, the meeting was adjourned.