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

Tuesday, March 28, 2023
9:00 a.m.

Committee Members
Ray Lambert, Chair
Dan Garcia, Vice Chair
Nancy Addison
Nick Ayers
Patrick Denney
Joe Hatfield
Kevin Jackson
Paul Shailendra
Bodine Sinyard
Dee Yancey
Dwight Davis, Board Chair, Ex-officio

Staff Members
Mark Williams, Commissioner
Walter Rabon
Kyle Pearson
Kate Iannuzzi
Cathy Barnette
Artica Gaston
Donald Kirkland
Thomas Barnard
Jeff Cown
Doug Haymans
Scott Robinson
Tina Johannsen
Angie Johnson
Charlie Killmaster

Board Members
Randy Dellinger
Charles DePriest
Penn Hodge
Duncan Johnson
Tim Lowe
Miki Thomaston
Gary Vowell

Richard Dunn, Director
Erin Ruoff
Karen Hays
Jim Boylan
Chuck Mueller
Anna Truszczynski
Laura Williams

Guests
Jud Turner, Counsel to Elberton Granite Association
Brant Lane, Hodges, Harbin, Newberry and Tribble
Bryan Tolar, Georgia Urban Ag Council
Dominic LaRiccia, Department of Agriculture
Mike Worley, Georgia Wildlife Federation
Mark Woodall, Sierra Club
The March 28, 2023 meeting of the Environmental Protection Committee was called to order by Chairman Dwight Davis.

Chairman Jones called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on Erin Ruoff, Director of Finance, to present Action on Proposed Laboratory Fee Increase.

Ms. Ruoff stated EPD lab fees began in 1992 with subsequent increases in 2004 and 2011, and state funds appropriations for the laboratory ended in FY08/09. She further stated the FY22 lab fees revenue was $4,174,688, which covers roughly 46% of lab expenditures. She added the total FY22 lab expenditures was $9,160,628 with the majority of expenditures coming from personal services and regular operating expenditures and a smaller percentage coming from equipment, IT expenditures, real estate rentals, and telecom.

Ms. Ruoff stated 45.6% of the lab expenditure fund source comes from drinking water lab fees, 31.6% from state funds, 10.5% from drinking water state revolving funds, and the remaining from PPG, GUST, Title V, and I/M. She further stated the cost-of-living increase provided for all state employees in FY23 and proposed for FY24 will cost $917,902 for EPD lab and 45.6% of the cost will be supported by lab fees.

Ms. Ruoff stated lab fees currently range from $45 to $32,500 annually with the fee amount based on water system type, population, number of entry points, and analyses needed. She further stated the fee proposed will increase fees by 10% and increased lab fees will range from $49.50 to $35,750 annually. She added the anticipated increase in revenue is approximately $417,000 with the current 2,328 water systems.

Ms. Ruoff stated after briefing the DNR Board, a notice will go out to various stakeholders and water system owners in April. She further stated between April and May there will be EPD website updates and IT system updates and testing. She added the fee increase will become effective July 1, 2023.

A motion was made by Mr. Garcia, seconded by Mr. Johnson, and carried unanimously that the Committee recommend the Board adopt the Proposed Laboratory Fee Increase.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch, to present Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Miscellaneous Changes and Updates.
Ms. Hays stated EPD regularly updates the rules to incorporate changes to US EPA rules, incorporate new US EPA rules, update references to the most current document, and remove obsolete requirements. She further stated the key changes to the rule amendment are a clarification in the Gasoline Transport Vehicles and Vapor Collection Systems Requirements and an update to certain New Source Performance Standards and Emission Standards for Hazardous Air Pollutants.

Ms. Hays stated after briefing the Environmental Protection Committee of the DNR Board today, there will be a 30-day public comment period and public hearing beginning in April 2023. She further stated she plans to request DNR Board adoption at the August 2023 meeting.

Mr. Lambert asked Ms. Hays to continue with Item C, Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Non-attainment Area New Source Review and Emission Statements Removal.

Ms. Hays stated this is a re-briefing of the December 2022 rule package which proposes the removal of ozone non-attainment area requirements for sources in the Atlanta Metro Area. She further stated the requirements are no longer required by US EPA because the Atlanta Metro Area is now attaining the national ambient air quality standard for ozone. She added ground-level ozone is formed when oxides of nitrogen react with volatile organic compounds in the presence of sunlight and it causes smog as well as respiratory health effects such as asthma, emphysema, and chronic bronchitis.

Ms. Hays stated the EPA sets national ambient air quality standards for ozone and other pollutants to be protective of human health and the environment, with an adequate margin of safety. She further stated the standards are periodically reviewed and revised to ensure that they remain protective, based on the latest science. She added Atlanta met the 2015 ozone standard by working with the regulated community to reduce nitrogen and volatile organic compound emissions, federal manufacturing standards for passenger vehicle emissions reduced vehicle emissions significantly and over the past 30 years nitrogen emissions in Georgia have decreased by 68% and VOC emissions have decreased by 57%.

Ms. Hays stated after briefing the Environmental Committee of the DNR Board in December 2022, there was a comment period that closed on January 20, 2023. She further stated two sets of comments were received regarding emission reduction credit banks, permitting exemption thresholds, and gas turbine emission limits, which prompted edits to the proposed language.
Ms. Hays stated the amendments will revise the definitions of “banking” and “emission reduction credit”, remove the annual Emissions Statements requirement, and clarify that stational gas turbines in certain counties are not subject to the emission limit. She further stated the amendments will remove the requirements to obtain offsetting emission reductions at new or modified major sources in the (former) non-attainment area, remove the requirement to obtain offsetting emission reduction credits at new or modified major sources in the (former) non-attainment area while retaining the ability to create and retain the emission reduction credits, and correct rule language for consistence with Secretary of States’ current protocol.

Ms. Hays stated after briefing the Environmental Committee of the DNR Board in December 2022, there was a public hearing on January 13, a comment period that ended on January 20, and discussions with stakeholders. She further stated after re-briefing the Environmental Committee today, there will be a second public comment period and public hearing beginning in April. She added she plans to request adoption of the proposed amendments at the May 2023 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 amendments are to increase public awareness of potential siting of solid waste handling facilities close to their communities, promote environmentally sound management of materials left over from the manufacturing of dimension stone products, and minor edits to the definitions section and correcting a misspelling. He further stated the proposed changes will add a requirement to prominently display notices of public hearings prior to issuing a permit for a solid waste disposal facility at the main access point to the property being considered, add an exemption of dimension stone fines and spalls from a solid waste handing permit if management as a recovered material, and provide for a Permit-by-Rule in those cases where dimension stone fines and spalls are not, or cannot, be re-used or recycled.

Mr. Mueller stated there was a Stakeholder Meeting on December 15, 2022. He further stated after briefing the Environmental Protection committee today, there will be a public hearing and public comment period beginning in April. He added he will request DNR Board adoption at the June 2023 meeting of the DNR Board.

There being no further business, the meeting was adjourned.