

Minutes
Environmental Protection Committee
Mercer University
President's Dining Room
1501 Mercer University Drive
Macon, GA 31207

Tuesday, April 25, 2023
9:00 a.m.

Committee Members

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

Board Members

Randy Dellinger
Charles DePriest
Mark Hennessy
Penn Hodge
Duncan Johnson
Bill Jones
Tim Lowe
Gary Vowell

Guests

Mark Woodall, Sierra Club
Brant Lane, Hodges, Harbin, Newberry and Tribble
Seth Clark, Ocmulgee National Park and Preserve Initiative
Anna Edmondson, Robbins Governmental Relations
Joshua Andrews, Georgia Power Company
Rosa Chi, Georgia Power Company
Shelley Cartwright, Georgia Power Company

Staff Members

Mark Williams, Commissioner
Walter Rabon
Kyle Pearson
Donald Kirkland
Cathy Barnette
Artica Gaston
Major Bob Holley
Angie Johnson
Steve Friedman
Doug Haymans
Ted Will

Richard Dunn, Director
Karen Hays
Jim Boylan
Anna Truszczynski

The April 25, 2023 meeting of the Environmental Protection Committee was called to order by Chairman Dwight Davis.

Chairman Davis called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on Ania Truszczynski, Chief of the Watershed Protection Branch, to present Action on Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Asset Management Plans.

Ms. Truszczynski stated the purpose of the proposed amendments is to update the rule title and add requirements for asset management plans in accordance with America's Water Infrastructure Act of 2018 (AQIA). She further stated the proposed amendments will require specific types of public water systems serving a population of 3,300 or greater to submit an asset management plan when seeking a new permit, the renewal of an existing permit, or a change in ownership, starting January 1, 2024.

Ms. Truszczynski stated the AWIA required state drinking water programs to include appropriate asset management requirements. She further stated the proposed changes will require Community Water Systems and Non-Transient Non-Community Water Systems to submit an asset management plan for new permits, permit renewals, or changes in ownership on or after January 1, 2024. She further stated EPD developed draft guidance, which will be included as an Appendix to EPD's Minimum Standards for Public Water Systems.

Ms. Truszczynski stated EPD held a public meeting on October 19, 2022, and accepted comments through October 28, 2022, and EPD received two comments. She further stated based on the public comments, EPD changed the requirement for asset management plans for new permits from all new public water systems to just those that serve a population of 3,300 or greater. She added the approach developed by EPD to address asset management was approved by USEPA on February 7, 2023.

Ms. Truszczynski stated a public meeting was held on October 19, 2022 for stakeholder feedback. She further stated after briefing the DNR Board Environmental committee on February 21, 2023, there was a public notice on February 23, and a public hearing on March 15. She added no comments were received.

Ms. Truszczynski requested a favorable consideration.

A motion was made by Mr. Garcia, seconded by Mrs. Addison, and carried unanimously that the Committee recommend the Board adopt the Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Asset Management Plans.

Mr. Lambert asked Ms. Truszczynski to continue with Item B, Briefing on Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Electronic Reporting of Lead Service Line Inventories.

Ms. Truszczynski stated the purpose of the proposed amendments is to add the requirement for submission of lead service line inventories as required by the Safe Drinking Water Act and to require that the submissions be made electronically to EPD. She further stated the federal Lead and Copper Rule Revisions (LCRR) require all water systems to develop service line inventories by October 16, 2024 and EPA guidance recommends that inventories be conducted in an electronic format. She added EPD proposes to require all water systems to submit service electronically line inventories to EPD by October 16, 2024, and to conduct lead service line inventory and reporting as required by 40 CFR § 141.90(e).

Ms. Truszczynski stated EPD held a public meeting on February 27, 2023, and accepted comments through March 6, 2023 and EPD received three comments. She further stated none of the public comments objected to the electronic submission requirement, but they did offer suggestions regarding the content and format for electronic submissions. She added the proposed changes added a requirement for the development of lead service line inventories by all public water systems by October 16, 2024 and a requirement to conduct lead service line inventory and reporting.

Ms. Truszczynski stated a public meeting was held on February 27, 2023 for stakeholder feedback. She further stated after briefing the DNR Board Environmental Committee today, there will be a public notice beginning in April 2023 and a public hearing in May 2023. She added she plans to request Board adoption at the June 2023 DNR Board meeting.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch, to present Briefing on Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Startup, Shutdown and Malfunction Emissions.

Ms. Hays stated the proposed rule revisions pertain to excess emissions that may occur during startup, shutdown, or malfunction (SSM) periods. She further stated industrial processes and air pollution control equipment are designed to be very efficient when operating normally; however, they are often less efficient during SSM events and can lead to exceedances of the emission limit. She added to address times when sources are unable comply with the underlying emissions limit for brief periods, EPD developed a rule that allows excess emissions that occur during SSM periods, provided that the source takes reasonable precautions to minimize those

emissions. She added the Excess Emissions Rule has been in the Georgia Rules and approved into Georgia's State Implementation Plan (SIP) with EPA since 1980.

Ms. Hays stated EPA issued a Finding of Substantial Inadequacy for Georgia's State Implementation Plan in May 2015, the reason being emissions standards must apply continuously. She further stated the finding required EPD to revise or remove Excess Emissions Rule and submit changes as a State Implementation Plan revision to EPA for approval. She added EPD chose to join litigation led by the State of Florida and work with stakeholders to revise the Georgia Rules in 2016, which allowed facilities to develop alternative emission limits that applied during SSM events and would go into effect only after EPA approved the SIP revision.

Ms. Hays stated after DNR Board approved the rule revision in 2016, EPA issued a new SSM policy in 2020 and Sierra Club filed a lawsuit in 2021 to force EPA to act on SSM SIPs received. She further stated EPA rescinded the 2020 SSM policy in 2021 and announces it intends to enforce the 2015 SSM SIP call and resumes legal defense. She added oral arguments began in March 2022 and no decision has been issued to date.

Ms. Hays stated EPA signed a consent decree setting a deadline for EPA to act on Georgia's SSM SIP submittal in June 2022 and in November 2022, EPA proposed disapproval of the Georgia SIP submitted in 2016. She further stated the new proposed amendments streamline the language from the 2016 rule revision. She added the revisions state alternative emission limits are allowed during SSM events but must be incorporated into the SIP and the revision clarifies that alternative emission limits requests must include all the criteria specified by EPA in the proposed disapproval.

Ms. Hays stated EPD worked with stakeholders and EPA to revise the Georgia Rules and address deficiencies noted in EPA's proposed disapproval between January 2023 and April 2023. She further stated after briefing the Environmental Committee today, there will be a public hearing and public comment period beginning in May 2023. She added she plans to request DNR Board adoption at the August 2023 meeting and will submit the SIP revisions to EPA in December 2023.

There being no further business, the meeting was adjourned.