

Minutes
Environmental Protection Committee
Brasstown Valley Resort
Creekside Pavilion
6321 Highway 76
Young Harris, GA 30582

Tuesday, December 5, 2023
9:00 a.m.

Committee Members

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

Board Members

Randy Dellinger
Charles DePriest
Penn Hodge
Duncan Johnson
Bill Jones
Gary Vowell
Harley Yancey

Guests

J. D. McCrary, GA Forest Watch
Anna Edmondson, Robbins Government Relations
Alice Keyes, One Hundred Miles
Brian Foster, Georgia Conservancy
Bill Sapp, Southern Environmental Law Center

Staff Members

Walter Rabon, Commissioner
Thomas Barnard
Trevor Santos
Kyle Pearson
Cathy Barnette
Artica Gaston
Mike England
Steve Friedman
Doug Haymans
Angie Johnson
Ted Will
Heather Abercrombie

Jeff Cown, Director
James Boylan
Chuck Mueller
Katie Hegarty

The December 5, 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 Chuck Mueller, Chief of the Land Protection Branch, to present the Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4-.19.

Mr. Mueller stated that Georgia EPD recommends amending Chapter 391-3-4-.19 of the Rules for Solid Waste Management, Scrap and Used Tire Management to establish consistency with the Georgia Comprehensive Solid Waste Management Act (“Act”) O.C.G.A. § 12-8-27.1 as amended with the adoption of SB95. He further stated that the amendment became effective July 1, 2023, and shifted the Tire Management Fee point of collection from retail dealers to distributors.

Mr. Mueller stated the proposed amendments include a new definition for “Distributor” and “New Replacement Tire”; updating other definitions to be consistent with the Act; removal of “Retail Dealers” and replacement with “Tire Management Fee” to provide clarifying the language regarding the tire management fee; language that is consistent with the Act to clarify what types of operations are considered distributors; a requirement for distributors to register and remit fees and a quarterly tire fee report to EPD; and updates of language throughout to be consistent with the Act.

Mr. Mueller stated after briefing the Environmental Committee of the DNR Board in August 2023, there was a public hearing September 13, 2023 and a public comment period ending on September 23, 2023. He further stated three comments were received during the comment period. Two in support of the changes and one comment suggested additional revisions.

Mr. Mueller stated that American Tire Distributors respectfully requested EPD to clarify that the prohibition against Tire Carriers storing scrap tires does not apply to Tire Carriers which are otherwise allowed to store scrap tires pursuant to Ga. Comp. R. & Regs. 391-3-4-.19(6)(b). He further stated that this comment is beyond the scope of the current rulemaking process, and this comment will be considered by EPD for future rule amendment proposals.

Mr. Mueller requested a favorable consideration.

A motion was made by Mr. Garcia, seconded by Ms. Addison, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4.-19.

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

Mr. Boylan stated these amendments will help the U.S. Environmental Protection Agency (EPA) approve Georgia's State Plans for Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration (CISWI) Units which was submitted to EPA on June 10, 2020, and Existing Municipal Solid Waste (MSW) Landfills which was submitted to EPA on January 13, 2023.

Mr. Boylan stated that Rule 391-3-1-.02(2)(ggg), "Existing Municipal Solid Waste Landfills," is being amended to further clarify its application, reflect the latest amendment date of the incorporated Federal rule, and add missing language. He further stated that Rule 391-3-1-.02(2)(ppp), "Commercial and Industrial Solid Waste Incineration Units," is being amended to reflect the latest amendment date of the incorporated Federal rule.

Mr. Boylan stated after briefing the Environmental Committee of the DNR Board today, there will be a public hearing and 30-day public comment period beginning in December 2023. He further stated he plans to request adoption of the proposed amendments at the March 26, 2024 DNR Board meeting.

Mr. Lambert asked Mr. Boylan to continue with Item C, Proposed Amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

Mr. Boylan stated the Rules for Radioactive Materials are periodically amended to address requirements of the U.S. Nuclear Regulatory Commission (NRC) for Agreement States. He further stated that agreement states (e.g., Georgia) are required to ensure that the Rules meet the compatibility and health and safety categories established by the NRC.

Mr. Boylan stated Rules 391-3-17-.03, 391-3-17-.05, 391-3-17-.08, 391-3-17-.09, and 391-3-17-.13 are being amended to incorporate rule updates effective September 8, 2021, December 30, 2021, May 9, 2022, and December 14, 2022, under the designation of NRC's Regulation Amendment Tracking System (RATS) 2021-1, 2021-2, 2022-1 and 2022-2, respectively. He further stated the NRC comment letter dated May 25, 2022 updates citations, updates terminology, and corrects formatting and grammar.

Mr. Boylan stated that fees were added to the Rules for Radioactive Materials in October 2014 and have not been adjusted since. He further stated that large-scale IT improvements (electronic application submittals for the customer, electronic development of licenses, tracking of inspections, etc.), full staffing in the Program, and new salary requirements have necessitated revising the current fee schedule. He added that Georgia's Radioactive Materials fees are 17% of NRC's fees, and with the proposed fee increases, the fees will be at 21%. This is still significantly lower for the citizens and businesses of Georgia. He further added that the new fees will be included in the CY2025 annual fee bill which will be sent in late 2024.

Mr. Boylan stated that comments on the proposed fee increase were requested from a representative stakeholder group that included small business representatives/consultants, large hospitals, and national corporations with outlets in Georgia. He further stated that comments have been favorable.

Mr. Boylan stated Rule 391-3-17-.10 is being amended to replace Table 1 "Radioactive Materials License Fee Schedule" in subparagraph .10(2)(d) with a new table to display the restructured fee schedule and addition of the Reciprocity Administrative Fee. He further stated a base 20% increase across the board was used and then each fee category was looked at for its impact on the Radioactive Materials Program and the licensees. He added that fees were adjusted up or down from the 20% base increase based on specific criteria, and the restructuring of the fee schedule and addition of the Reciprocity Administrative Fee will increase fee collections by approximately \$300,000 or 24%.

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There being no further business, the meeting was adjourned.