

Minutes
Environmental Protection Committee
Amicalola Falls Lodge
Oak Hall Ballroom
418 Amicalola Falls Lodge Road
Dawsonville, GA 30534

May 24, 2016

Attending:

Committee Members

Ray Lambert, Chairman
Dwight Evans, Vice Chairman
Dwight Davis
Rob Leebern (via conference call)
Aaron McWhorter
Mike Phelps
Brother Stewart
William Bagwell, Board Chair, ex-officio

Board Members

Nancy Addison
Bill Jones
Mark Mobley (via conference call)
Matt Sawhill
Bodine Sinyard
Philip Wilheit
Dee Yancey

Guests

Bryan Tolar, Georgia Agribusiness Council
Doug Fulle, Oglethorpe Power Corporation
Tommy Suter, Novartis
Catherine Fleming, Georgia Municipal Association

Staff Members

Mark Williams
Walter Rabon
Kyle Pearson
Wes Robinson
Terry West
Cathy Barnette
Taylor Brown
Melanie Johnson
Dave Crass
Dan Forster
Becky Kelley
Steve Friedman
Eddie Henderson
Cpl. Anne Britt
Cpl. Brian Hobbins
Spud Woodward
John Bowers
John Martin
Jud Turner
Mary Walker
Chuck Mueller
Doralyn Kirkland
Jac Capp
Jeff Cown
Bill Donohue
John Erbele

The May 24, 2016 meeting of the Environmental Protection Committee was called to order by Chairman William Bagwell.

Chairman Bagwell called on Ray Lambert, Chairman of the Environmental Protection Committee.

Mr. Lambert stated that there would be an action item and two briefings. He called on Jeff Cown, Chief of the Land Protection Branch of the Environmental Protection Division, to present the proposed amendments to Rules for Hazardous Waste Management, Chapter 391-3-11.

Mr. Cown stated that in order for the Environmental Protection Division (EPD) to retain primacy of our Hazardous Waste Programs, periodic updates of Chapter 391-3-11 are necessary to reflect new hazardous waste regulations published by the Environmental Protection Agency (EPA). He further stated that the proposed amendments today would incorporate by reference regulations promulgated by EPA in December of 2008 and July of 2015. He further stated that these amendments revise several recycling-related provisions within the rules to ensure that hazardous secondary material recycling is encouraged in a way that does not result in an increased risk to human health and the environment.

Mr. Cown stated that the Board was briefed in February and that a public hearing/public comment period took place from March through April. He further stated that they received one comment that was in support of the rule. He added that today he comes before you with this action item to adopt these proposed amendments and asks for your favorable consideration

Mr. Lambert called for a roll call vote. The following Board members indicated they were present for the vote: Mr. Dwight Evans, Mr. Dwight Davis, Mr. Mike Phelps, Mr. Aaron McWhorter, and Mr. Brother Stewart.

Mr. Lambert called for a motion.

A motion was made by Mr. Evans, seconded by Mr. Davis and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Hazardous Waste Management, Chapter 391-3-11, as presented.

Mr. Lambert called on Jeff Cown, Chief of the Land Protection Branch of the Environmental Protection Division, to brief the Board on the proposed amendments to Rules for Solid Waste Management, Chapter 391-3-4.

Mr. Cown stated that under existing rules, the options are limited in rural counties for disposal of leaf, limb, and other debris accumulated from roadway maintenance. He further stated that in order to address this hardship, EPD is proposing two changes in the solid waste rules; one would be a revision to the recovered materials portion of the rule to allow for more flexibility when storing materials that will be recycled or reused and the other would be the addition of a new category of landfill. He added that the definition of yard trimmings is defined as leaves, brush, grass clippings, shrub and tree prunings,

discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Mr. Cown stated that this is hard for local governments to deal with. He further stated that EPD is first proposing to revise the “recovered materials” section to allow for a longer period in which materials may be stored to accommodate the efficient reuse of such materials. He added that they are also proposing to add a new category of landfill called “Yard Trimmings Waste Landfill Operations” to the Permit by Rule section to allow for disposal of yard trimmings in landfills with disposal areas of five acres or less located in counties with a population of less than 65,000.

Mr. Cown stated the rulemaking timeline includes the Board briefing today, a public hearing and comment period in June, and that he would be returning to the Board to request adoption of rule revisions in August.

Mr. Lambert called on Jac Capp, Chief of the Air Protection Branch of the Environmental Protection Division, to re-brief the Board on the proposed amendments to rules for Dam Safety, Chapter 391-3-8.

Mr. Capp stated that under the Safe Dams statute in Georgia to be considered a dam it has to be either 25 feet tall or impound at least 100 acre-feet. He further stated that there are a couple of exemptions to that; if the dam is owned and operated by the federal government, it is not regulated under our state statute and if the structure stores less than 15 acre-feet regardless of how high it is or if it is less than 6 feet tall regardless of how much it stores, it is not considered a dam. He added that dams are used for a variety of purposes: drinking water, recreation, flood control, irrigation, power generation, and waste containment.

Mr. Capp stated that our state breaks down the dams into two categories. He further stated that Category 1 dams, which means that if this dam were to catastrophically fail, there would be a probable loss of life. He added that Category 2 dams are ones where there is no probable loss of life.

Mr. Capp stated that the statute defines how you measure a dam. He further stated that essentially it is from the top of maximum water storage down to the natural stream bed. He added that the EPD staff uses this definition to measure and survey dams.

Mr. Capp stated that what they are trying to do in the program right now is promptly identifying potential Category 1 dams and categorizing them appropriately. He further stated that they are working to ensure all Category 1 dams are permitted, routinely inspected, and that they all have Emergency Action Plans. He added that in addition to the rulemaking he is speaking of, EPD has been doing a lot of increased outreach, and that the legislature increased the staff for these initiatives.

Mr. Capp stated that the proposal he is briefing the board on is an amendment to the inspection section of the rule. He further stated that currently the rule states that the dam owner is required to do routine maintenance and inspections. He added that they have received variable and sporadic compliance with this regulation so they are proposing a more definitive schedule for inspections.

Mr. Capp stated that the schedule would require all Category 1 dams to complete a quarterly inspection form. He further stated that every two years, all Category 1 dams must have an inspection performed by an engineer. He added that Category 1 dams less than 50 feet may be extended to every four years if compliance history is good.

Mr. Capp stated that the next proposed change is in regards to Emergency Action Plans (EAPs). He further stated that dams classified as Category 1 on or after October 1, 2016 will be required to complete EAPs as part of the application for a safe dams permit. He added that dams classified as Category 1 before October 1, 2016 will have to submit their EAP by July 1, 2017.

Mr. Capp stated that the amendments will seek to clarify that a governmental entity that has an easement from a land owner for a dam is the dam owner or operator. He further stated that the land owner is not responsible for operating, maintaining, and/or inspecting the dam in such situations.

Mr. Capp stated that the proposed schedule includes the briefing today, public notice period in June with a public hearing in July. He further stated that he would return to the Board for action at the August meeting.

Discussion ensued concerning the categorization of dams in addition to the details of the required inspections.

Mr. Lambert thanked Director Jud Turner and Assistant Director Mary Walker for their service to the state of Georgia.

There being no further business, the meeting was adjourned.