

Minutes
Environmental Protection Committee
University of West Georgia
Campus Center Ballroom (#108.1)
West Georgia Drive
Carrollton, GA 30118

December 2, 2014

Attending:

Committee Members

Ray Lambert, Chairman
Walter Hudson, Vice Chairman
William Bagwell
Dwight Davis
Dwight Evans
Phyllis Johnson
Aaron McWhorter
Mike Phelps
Philip Wilheit, Jr., Board Chair, ex-officio

Board Members

Nancy Addison
Duncan Johnson, Jr.
Bill Jones
Rob Leebern
Mark Mobley
Brother Stewart
Philip Watt
Dee Yancey

Visitors

Bryan Tolar, Georgia Agribusiness Council
Harold Reheis, Joe Tanner & Associates
Jeffrey Harvey, Georgia Farm Bureau
Lynn Smith, Georgia House of Representatives
Leah Barnette, Georgia Conservancy
Dr. Kyle Marrero, University of West Georgia
Ashley Jones, University of West Georgia
Bryan Tolar, Georgia Agribusiness Council
Harold Reheis, Joe Tanner & Associates

Staff Members

Mark Williams
Jud Turner
Homer Bryson
Dave Crass
Dan Forster
Eddie Henderson
Becky Kelley
Spud Woodward
Steve Friedman
Kyle Pearson
Mary Kathryn Yearata
Cathy Barnette
Taylor Brown
Zach Harris
Mary Walker
Jac Capp
Jeff Cown
Doralyn Kirkland
Russ Pennington
Jennifer Welte

The December 2, 2014 meeting of the Environmental Protection Committee was called to order by Chairman Philip Wilheit.

Chairman Wilheit called on Ray Lambert, Chairman of the Environmental Protection Committee, who called on Jac Capp, Chief of the Watershed Protection Branch.

Mr. Capp stated he would be requesting the Committee's approval on the proposed amendments to the Rules for Flint River Drought Protection, Chapter 391-3-28.

Mr. Capp stated SB 213 passed during the 2014 legislative session amended the Flint River Protection Act. He further stated the amended law has three main features: amended the irrigation reduction auction provisions by giving the EPD Director more discretion whether to declare a severe drought and to implement the auction; included new provisions for agricultural irrigation efficiency requirements; and included new provisions for protecting certain augmented flows.

Mr. Capp stated rules implementing the Flint River Drought Protection Act become effective after the next regular session of the General Assembly unless a resolution is introduced to disapprove of the rules and it passes both houses. He further stated EPD held a public stakeholder meeting on July 24, 2014 in Albany. He added EPD has consulted with irrigation experts to develop the irrigation efficiency certification form.

Mr. Capp stated one oral comment was received from Flint Riverkeeper at the public hearing and two written comments were received from the Georgia Agribusiness Council and Southern Environmental Law Center.

Mr. Capp stated the Board was briefed on the proposed amendments at the August 26, 2014 meeting and the public hearing was held on September 23, 2014.

Mr. Capp stated that he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Hudson, seconded by Mr. McWhorter and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Flint River Drought Protection, Chapter 391-3-28, as presented.

Chairman Lambert called on Jeff Cown, Chief of the Land Protection Branch.

Mr. Cown stated the next item would be a briefing on the proposed amendments to the Rules for Hazardous Waste Management, Chapter 391-3-11, pertaining to miscellaneous RCRA updates.

Mr. Cown stated that in order for EPD to retain primacy for the hazardous waste programs, periodic updates of Chapter 391-3-11 are necessary to reflect the new hazardous waste regulations published by the United States Environmental Protection Agency. He further stated most of the updates

are proposed by incorporating federal regulations by reference. He added revisions to the rules are also proposed to streamline the rules so that it is easier to understand.

Mr. Cown stated EPD would solicit input and hold a public hearing and expects to present the amendments to the Board for action at the February 2015 meeting.

Mr. Cown stated the final item would be a briefing on the proposed amendments to Rules for Solid Waste Management, Chapter 391-3-4, pertaining to scrap tires.

Mr. Capp stated an amendment to pages 6 and 7 of Item C, Tab C was being presented to the Board at their seats.

Mr. Cown stated during the 2013 session of the General Assembly, the legislature passed HB 226, which expands the requirements for the tire carriers to include both used and scrap tires; requires a carrier permit for any person transporting tires, other than new tires (with exceptions); requires carriers to have a tire carrier decal on their vehicle; changes bond requirements for permitted facilities; and strengthens storage requirements for scrap tires.

Mr. Capp stated the expanded requirements for tire carriers will require any person carrying tires to have a permit unless the person is transporting tires from organized clean-up activities or if it is a private individual transporting more than 10 of their own tires. He further stated carriers will now be required to have two tire decals on each vehicle. He added it also changes bond requirements to no less than \$10,000 or greater than \$20,000.

Mr. Capp stated the expanded requirements for tire processors will require a permitted scrap tire processor to maintain financial assurance in the amount of \$20,000 for each business location. He further stated it also adds a requirement for a design and operation plan prepared by a professional engineer licensed in Georgia.

Mr. Capp stated the amendments would also modify storage requirements for scrap tires. He further stated the proposed amendments decrease the limit for person storing scrap tires to 10; decreases storage limits at retailers or publicly owned vehicle maintenance facilities from 3,000 to 1,500. He further stated the proposal also requires scrap tires to be secured in a locked enclosure or otherwise adequately secured to prevent unauthorized access.

Mr. Capp stated EPD will solicit input and hold a public hearing, and expects the proposed amendments to be presented to the Board at the February 2015 meeting.

Discussion ensued concerning the number of scrap tires an individual can store.

Discussion ensued concerning the fee charged for the decal.

There being no further business, the meeting was adjourned.