

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

**February 24, 2016**

**Attending:**

Committee Members

Ray Lambert, Chairman  
Dwight Evans, Vice Chairman  
Dwight Davis  
Mike Phelps  
Paul Shailendra  
Brother Stewart  
Philip Watt (via conference call)  
William Bagwell, Board Chair, ex-officio

Board Members

Duncan Johnson, Jr.  
Phyllis Johnson  
Bill Jones  
Mark Mobley  
Matt Sawhill  
Bodine Sinyard  
Philip Wilheit  
Dee Yancey

Guests

Ross Smith, PotashCorp/PCS Nitrogen  
Chris Manganiello, Georgia River Network  
Scott Tanner, Joe Tanner and Associates  
Debbie Phillips, Georgia Industry Environmental Coalition  
Ronny Just, Georgia Power  
Bryan Tolar, Georgia Agribusiness Council  
Jonathan Harding, Georgia Agribusiness Council

Staff Members

Mark Williams  
Walter Rabon  
Kyle Pearson  
Mary Kathryn Yearata  
Cathy Barnette  
Amber Carter  
Dave Crass  
Dan Forster  
Becky Kelley  
Steve Friedman  
Eddie Henderson  
Spud Woodward  
Terry West  
Jud Turner  
Mary Walker  
Jeff Cown  
Chuck Mueller  
Doralyn Kirkland  
Karen Hays  
Jenifer Wisniewski  
Robin Hill  
Wally Woods  
Ellen Graham  
John Martin  
Bill Donohue  
Mike Burgamy

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

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

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 the Rules for Hazardous Waste Management.

Mr. Cown stated that in order for the Environmental Protection Division (EPD) to retain primacy for the hazardous waste programs, periodic updates of Chapter 391-3-11, Hazardous Waste Management, are necessary to reflect new regulations published by the United States Environmental Protection Agency (EPA). He further stated that the most recent update was in February 2015 when the Board adopted rules to incorporate requirements of federal regulations in effect through June 30, 2014. He added that the proposed update today is to amend this chapter to incorporate by reference a regulation published by EPA first in October of 2008 and again in January of 2015.

Mr. Cown stated that the proposed rule is known as EPA's final "Definition of Solid Waste Rule." He further stated that when EPA released the rule in 2008, there were a lot of problems and only four of the fifty states adopted a rule. He added that now they have fixed the rule and EPD is ready to bring it to the Board's attention for adoption.

Mr. Cown stated that other changes to the rule will do some streamlining so it will be easier to understand. He further stated that the rule will also address comments that EPA has had on previous rule revisions. He added that proposed amendments will 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 proposed amendments will allow generators of hazardous secondary materials (HSM) to recycle on-site or transfer HSM to a verified recycler. He further stated that this rule will require the following: a notification and recordkeeping by the generator and recycler, no speculative accumulation of HSM, HSM must be contained, recycling must be legitimate, emergency preparedness and response capability, and financial assurance. He added that the previous rule from 2008 just allowed the HSM to be transferred to a facility and there were no further regulations.

Mr. Cown stated that this rule also allows the transfer of higher-valued HSM solvents to an off-site facility for remanufacturing. He further stated that this applies to eighteen solvents generated at pharmaceutical, organic chemical, plastic and resin, and paint and coating manufacturers. He added that we have a facility in Georgia that uses Methyl Ethyl Keytone (MEK) to make contact lenses and with this rule they will be able to transfer it offsite, clean the MEK up and put it back into commerce instead of shipping it off as hazardous waste.

Mr. Cown stated that the four Legitimacy Criteria that the HSM must meet are: (1) The HSM must provide a useful contribution to the recycling process or to a product or intermediate, (2) The recycling process must produce a valuable product or intermediate, (3) The HSM must be managed as a valuable commodity, and (4) The product of the recycling must not contain “toxics along for the ride.” He further stated that the rulemaking timeline starts today with the briefing then will continue in the form of a public hearing toward the end of March, and he hopes to be back to propose adoption of the rule in May.

Chairman Lambert called on Jud Turner to brief the Board on the proposed amendments to the Rules for Radioactive Materials.

Mr. Turner stated that in an effort to streamline briefings, the Board could access the materials in their Board packages for the information on the rule change. He further stated that there would not be a full briefing, but that Karen Hays, Chief of the Air Protection Branch, is here and would be happy to field any questions. He added that after a public hearing is held, he expects to present the amendments to the Board for action at the April 2016 Board meeting.

Chairman Lambert asked if there were any questions or if any of the Board members would like to hear the full briefing.

There being no further business, the meeting was adjourned.