

**Minutes
Environmental Protection Committee**

Columbus Marriott
Empire Mills Room
800 Front Avenue
Columbus, GA 31901

September 26, 2018

Committee Members

Ray Lambert, Chairman
William Bagwell, Vice Chairman – Via Conference Call
Dwight Evans
Duncan Johnson
Rob Leebern
Mark Mobley
Brother Stewart
Dee Yancey
Aaron McWhorter, Board Chairman, Ex-Officio

Board Members

Nancy Addison – Via Conference Call
Joe Hatfield
Bill Jones
Billy New
Miki Thomaston

Guests

Mark Woodall, Sierra Club
Brent Widener, Fort Benning Environmental Division
Bill Hodges, Hodges Harbin Newberry & Tribble
Mike Worley, Georgia Wildlife Federation
Ronny Just, Georgia Power Company

Staff Members

Mark Williams, Commissioner
Terry West
Walter Rabon
Kyle Pearson
Wes Robinson
Cathy Barnette
Amber Carter
Artica Gaston
Jeff Cown
Dave Crass
Steve Friedman
Rusty Garrison
Doug Haymans
Eddie Henderson
Jeff Weaver
Thomas Barnard
Caleb Eubanks
Greg Nelms
Kim Piemme
Scott Bardenwerper

Richard Dunn, Director
Jac Capp
Karen Hays
Chuck Mueller

The September 26, 2018 meeting of the Environmental Protection Committee was called to order by Chairman Aaron McWhorter.

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

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch of the Environmental Protection Division, to present the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1.

Ms. Hays stated that the current rules generally prohibit open burning, with some exceptions, specifically to carry out recognized agricultural procedures necessary for the production or harvesting of crops. She further stated the phrase “necessary for the production or harvesting of crops” was being inconsistently interpreted. She added House Bill 885 was signed into law, which revises the Georgia Air Quality Control Act, and HB 885 allows for burning on any agricultural land more than five acres if the burning is limited to vegetative material, and HB 885 used a very broad definition for ‘agricultural’ and ‘agricultural operations’.

Ms. Hays stated that she is asking for the environmental committee’s consideration of the proposed amendments to the Georgia Rules for Air Quality Control to be consistent with the changes to the Georgia Air Quality Act. She further stated specifically, we are proposing to update the Rules for agricultural purposes, updating the “specific county restrictions” subparagraph to address the renumbered exemptions, and updating the definition of “prescribed burning” to remove language that was not consistent with HB 885. She added that she briefed the Environmental Committee at the June meeting, held a public hearing on August 13, the public comment period closed one week later with no comments received, and she requests favorable consideration of the proposed amendments.

A motion was made by Mr. Yancey, seconded by Mr. Leebern, and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Open Burning, as presented.

Mr. Lambert called on Jac Capp, Chief of the Water Protection Branch of the Environmental Protection Division, for his briefing on the proposed amendments to Rules for Safe Drinking Water, Chapter 391-3-5 and Rules for Environmental Planning Criteria, Chapter 391-3-16.

Mr. Capp stated we are talking about two different rules, but they deal with the same issue, which is Reservoir Management Plans. He further stated Reservoir Management Plans are required under the Planning Act of 1989 and they are addressed once in our Safe Drinking Water Rules and once in our Rules for Environmental Planning Criteria. He added the current rules have been in effect since 1990, apply to governmentally owned reservoirs for the primary purpose of providing drinking water, and exclude multipurpose reservoirs or does not apply to

privately owned reservoirs or lakes that are not used for the primary purpose of providing drinking water.

Mr. Capp stated the purpose for the proposed changes includes: emphasizing that recreational uses of drinking water reservoirs are allowed provided that there is an adequate plan in place to protect that drinking water source. He further stated that specifically, we are proposing to: incorporate more positive language regarding the potential for recreational uses at these reservoirs, add a criterion for “adjacent property owner access”, as well as remove ground slope and soil types as the sole criteria for evaluation of proposed reservoir buffers and that the default bumper size remains at 150 ft., but it does allow for any relevant criteria to adjust the buffer size. He added that describing the reservoir management plans in both rules was duplicative and created potential for differing interpretations, so the Drinking Water Rules will reference the Environmental Planning Criteria Rules and the Reservoir Management Plan criteria will be in the Rules for Environmental Planning Criteria.

Mr. Capp stated we are briefing this morning, plan to go to public notice and comment shortly, and anticipate coming back to the Board and requesting action at the January Board meeting.

There being no further business, the meeting was adjourned.