

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

**March 26, 2019**

**Attendees:**

**Committee Members**

Ray Lambert, Chair  
William Bagwell, Vice Chair  
Dwight Davis  
Rob Leebern  
Aaron McWhorter  
Mark Mobley  
Mike Phelps  
Brother Stewart  
Dee Yancey  
Bodine Sinyard, Board Chair, Ex-officio

**Board Members**

Nancy Addison  
Dwight Evans  
Joe Hatfield  
Duncan Johnson  
Tim Lowe  
Billy New  
Miki Thomaston

**Guests**

Bryan Tolar, GA Urban Ag Council  
Bill Hodges, Hodges, Harbin, Newberry & Tribble  
Scott Tanner, Joe Tanner & Associates  
Brant Lane, Hodges, Harbin Newberry & Tribble  
John Eberhart, GA Earth Alliance  
Fletcher Sams, Altamaha Riverkeeper

**Staff Members**

Mark Williams, Commissioner  
Terry West  
Kyle Pearson  
Wes Robinson  
Melanie Johnson  
Cathy Barnette  
Amber Carter  
Artica Gaston  
Houston Webb  
Col. Thomas Barnard  
Jeff Cown  
Dave Crass  
Steve Friedman  
Rusty Garrison  
Doug Haymans  
John Bowers  
Don McGowan  
Tina Johannsen  
Ted Will  
Brad Bullard  
Matt Thomas  
Capt. Stan Elrod  
Cpl. Brian Adams  
  
Richard Dunn, Director  
Lauren Curry  
Jac Capp  
Chuck Mueller  
Laura Williams  
Jim Cooley  
Donald Kirkland  
Dika Kuoh  
Sarah Visser  
Sydney Brogden  
Jenifer Welte

The March 26, 2019 meeting of the Environmental Protection Committee was called to order by Chairman Bodine Sinyard.

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

Mr. Lambert called on Jac Capp, Chief of the Watershed Protection Branch of the Environmental Protection Division, to present the Proposed Grant Criteria for the Award of Section 319(h) Nonpoint Source Implementation Grants and Regional Water Plan Seed Grants, Chapter 391-3-21.

Mr. Capp stated that our grant programs are administered under the Fair and Open Grants Act, and our grant programs are under Chapter 391-3-21. He further stated the two programs we are talking about are the Clean Water Act Section 319(h) Nonpoint Source Implementation Grant program and the Regional Water Plan Seed Grant program. He added these minor updates are based on lessons learned over the last few years.

Mr. Capp stated under 319(h) under the Clean Water Act, EPA gives us around \$1.6 million a year to reduce nonpoint source pollution. He further stated and we typically award those grants to 6 to 9 entities each year for reducing nonpoint source pollution. He added the proposed changes include adjusting the time period for when we call for applications and give awards based on when we typically get those funds from the federal government.

Mr. Capp stated that under the Statewide Water Management Planning Act, EPD encourages and incentivizes local governments to implement ideas they have under their state Regional Water Plans. He further stated there are minor updates to this grant program. He added proposed changes include: removing details better left in the guidance, adjusting timeframes based on when we get those funds. He added that he is requesting favorable consideration of the proposed grant criteria.

Mr. McWhorter asked about who is getting these grants and Mr. Capp replied they can be entities of state and local government.

Mr. Lambert asked if the grants are a matching fund and Mr. Capp responded.

Mr. McWhorter asked about erosion and sedimentation control and conversation ensued.

A motion was made by Mr. Bagwell, seconded by Mr. Stewart and carried unanimously that the Committee recommend that the Board approve the proposed Grant Criteria for the Award of Section 319(h) Nonpoint Source Implementation Grants and Regional Water Plan Seed Grants, Chapter 391-3-21, as presented.

Mr. Lambert called on Jac Capp to brief the Board on the proposed amendments to the Rules for Certification of Environmentally Sensitive Property, Chapter 391-3-18.

Mr. Capp stated the statute has been updated to amend one category and add a new category. Mr. Capp further stated that we have rewritten the rules to make the process a lot simpler and clearer, and removed a provision requiring a person having to be certified in advance by the Department. He added we will have an application form that will guide the process, we will coordinate with WRD, and then will issue a certification letter to the property owner who would then submit the letter to the Department of Revenue.

Mr. Capp stated we propose going out to public notice soon. He further stated we anticipate coming back to the Board in June. He added he is happy to answer any questions.

Mr. Davis asked what is the new category and Mr. Capp responded it is constructed stormwater wetlands.

Mr. Bagwell asked if this is a tax reduction and conversation ensued.

Mr. Lambert called on Chuck Mueller, Chief of the Land Protection Branch of the Environmental Protection Division, to brief the Board on the proposed amendments to the Rules for Oil and Gas Deep Drilling, Chapter 391-3-13.

Mr. Mueller stated these rules are a result of a bill that passed last legislative session, House Bill 205, and the statute passed was specific to hydraulic fracturing, and must include: criteria for public notification, identification of groundwater sources within one-half mile of proposed route, provisions for mandatory disclosure of the chemicals that will be used during hydraulic fracturing, and provisions for the restoration and reclamation of abandoned wells or storage facilities. He further stated that the bill also raised the permit fee, establishes requirements for the applicant to provide public notification as well as some additional requirements for the Director of EPD, added requirements that must be included in the application, and increased the bond amount. He added draft rule highlights include: removed definitions already established in Georgia code or elsewhere, clarification for which wells would be regulated under this rule, an application fee of \$500, updated bond amounts, added permit requirements added by the statute, requirements specific to hydraulic fracturing, public notice requirements, and updates addressing confidentiality.

Mr. Mueller stated we conducted a stakeholder process in October and November 2018 before drafting the rules. He further stated we are briefing the Board today, will hold a formal public comment period, and will come back in June for an action on this item. He added he will answer any questions.

Mr. Lambert asked if there are any wells being drilled or active applications. Mr. Mueller responded there are not.

Mr. Bagwell asked how long after the well is drilled, how long will the groundwater be monitored? Mr. Mueller responded there is no set timeline, but we require comprehensive water monitoring plans to be submitted and it is site specific.

Mr. Lowe asked if the \$100,000 bond is adequate and Mr. Mueller responded it is what is allowed by statute.

There being no further business, the meeting was adjourned.