

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

February 25, 2020
9:00 a.m.

Attendees:

Committee Members

Ray Lambert, Chair
Dwight Evans, Vice Chair
William Bagwell
Dwight Davis
Paul Shailendra
Bodine Sinyard
Brother Stewart
Dee Yancey
Nancy Addison, Board Chair, Ex-officio

Board Members

Joe Hatfield
Duncan Johnson
Bill Jones
Rob Leebern
Tim Lowe
Billy New
Miki Thomaston

Guests

Chris Manganiello, Chattahoochee Riverkeeper
Bryan Tolar, GA Urban Ag Council
Jim Laine, Retired
Ronny Just, GA Power
Rena Ann Peck, GA River Network
Debbie Phillips, GA Industry Environmental Coalition
John Eberhart , Georgia Earth Alliance

Staff Members

Mark Williams, Commissioner
Walter Rabon
Kyle Pearson
Josh Hildebrandt
Cathy Barnette
Amber Carter
Artica Gaston
Courtney Hall
Thomas Barnard
Jeff Cown
Steve Friedman
Rusty Garrison
Doug Haymans
Johnny Johnson
Taylor Brown
Lindsey Brown

Richard Dunn, Director
Lauren Curry
Jac Capp
Karen Hays
Chuck Mueller
Laura Williams
Donald Kirkland
Sara Lips
Dika Kuoh

The February 25, 2020 meeting of the Environmental Protection Committee was called to order by Chair Nancy Addison.

Chair Nancy Addison called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch to present the Proposed Amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

Ms. Hays stated Georgia is an Agreement State, which means Georgia has been delegated authority to license sources and users of radioactive materials in the State. She further states in order for Georgia to maintain its agreement state status, we are required to ensure the Rules meet the compatibility and health and safety categories established by the US Nuclear Regulatory Commission. She added the main features of the rule change are: updating the training requirements for Radiation Safety Officers, Associate Radiation Safety Officers, and Authorized Medical Physicists, the Rules are being updated to ensure consistency with the requirements of the Nuclear Regulatory Commission, and minor wording updates.

Ms. Hays stated the briefing of the Environmental Committee was held at the October meeting of last year, a public hearing was held on December 4, and the public comment period closed December 11. She further stated no comments were received. She added she is requesting favorable consideration of the rule amendments at this time.

A motion was made by Mr. Bagwell, seconded by Mr. Shailendra and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

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

Ms. Hays stated the Federal Clean Air Act and the Georgia Air Quality Act require EPD collect sufficient revenue in the form of permit fees to fund direct and indirect costs of the permitting program. She further stated the current fee structure includes annual permit fees for NSPS sources, SM sources, and Title V sources, Title V minimum fee or pay per ton of emissions, and an optional expediated permitting program free. She added the revenue stream collected from air permit fees have declined due to facilities retiring and reduced emissions, and although total emissions have decreased, the workload has not.

Ms. Hays stated the projected shortfall for fiscal year 2021 is roughly \$1,050,000 and EPD had been working for a few years to address the shortfall. She further stated EPD built in reserves in FY 2015, 2016, and 2017 to delay fee increases. She added EPD convened a Permit Fee Advisory Committee to explore options to address shortfalls, eliminated some permit fee funded positions, and began phase-in of new application fees in March of last year.

Ms. Hays stated the proposed amendments includes an increase in fiscal year 2021 SM and NSPS annual fees, which are based on calendar year 2019 emissions, an increase in permit application fees effective March 1, 2021, and a proposed new fee for annual maintenance for all Title V sources.

She further stated EPD is proposing no changes to the dollar per ton annual fee or the Title V minimum fee. She added the final change is a 25% increase in the optional expedited permitting program fees.

Ms. Hays stated she met with the Permit Fee Advisory Committee to discuss projected shortfalls and proposals on November 1 and December 10 as well as held a Permit Fee Stakeholder Meeting on January 17. She further stated after briefing the Environmental Committee today, there will be a public hearing in April and the public comment period will close shortly afterward. She added if no changes to the proposed rule packet are needed, she will request action at the May meeting.

Mr. Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to present the Proposed Amendments to the Rules for Water Quality Control, Chapter 391-3-6.

Mr. Capp stated the EPA updated the federal regulations regarding the method used for public notification of permit actions under the National Pollutant Discharge Elimination System. He further stated the updates enables permitting authorities to provide public notice of permitting actions under wastewater and stormwater permits on a publicly available website in lieu of the current newspaper publication requirement. He added the proposed amendments will change notice requirements from newspaper publication, mailed notices, and/or physical posting to posting to the Branch's public announcements website and email notification to subscribers as well as maintaining newspaper notice for permits with approved sludge or sewage management plans and pretreatment programs.

Mr. Capp stated EPD will continue to post notices to the Watershed Protection Branch's Public Announcements website. He further stated the Branch will establish a permit-related notices email subscription topic to facilitate electronic public notice. He added the Branch will also establish email subscription topics for "State Water Buffer Variance Notices" and other non-permit related notices.

Mr. Capp stated there was a Notice of Stakeholder draft on December 2 as well as a public meeting on January 15. He further stated after briefing the Environmental Committee today, there will be a public hearing in March and the public comment period will close shortly afterward. He added if no changes to the proposed rule packet are needed, he will request action at the April meeting.

There being no further business, the meeting was adjourned.