

Minutes
Environmental Protection Committee
Tuesday, February 23, 2021
9:00 a.m.
Via Teleconference

Attendees:

Committee Members

Ray Lambert, Chair
Dwight Evans, Vice Chair
Nick Ayers
William Bagwell
Dwight Davis
Randy Dellinger
Patrick Denney
Duncan Johnson
Bill Jones
Rob Leebern
Bodine Sinyard
Dee Yancey, Board Chair, Ex-officio

Board Members

Nancy Addison
Joe Hatfield
Tim Lowe
Billy New
Paul Shailendra
Miki Thomaston
Gary Vowell

Staff Members

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

Richard Dunn, Director
John Eunice
Jac Capp
Karen Hays
Chuck Mueller
Laura Williams

The February 23, 2021 meeting of the Environmental Protection Committee was called to order by Chairman Dee Yancey.

Chairman Yancey called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to present the Proposed Amendments to the Rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33.

Mr. Capp stated the purpose of the rule amendment is to require public water systems serving at least 3,300 individuals that do not otherwise hold a water withdrawal permit to demonstrate progress toward improving water supply efficiency when renewing their drinking water permit, and that the Director may take permitting action where such system fails to demonstrate progress. He further stated these public water systems are referred to as “purchased water systems” and they were unintentionally left out from the Board’s adoption of the rule chapter in 2015. He added under the proposed rule amendment, demonstration of progress toward improved water supply efficiency would be considered when purchased water systems renew their Drinking Water Permit every 10 years.

Mr. Capp stated the Notice of Stakeholder Draft was published on August 17, 2020 and a public meeting followed on September 9th. He further stated he briefed the DNR Board Environmental Committee on October 27, 2020. He added public notice occurred on November 17, 2020 and January 6, 2021 and a public hearing was held on December 14, 2020 where no public comments were received.

Mr. Capp requested a favorable consideration.

A motion was made by Mr. Evans, seconded by Mr. Bagwell, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the proposed amendments to the Rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33.

Mr. Lambert asked Mr. Capp to continue with Item B, Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5.

Mr. Capp stated the rule amendments address comments from US EPA for EPD to attain final primacy approval of our rules. He further stated the amendments include general cleanup and consistency with the current Secretary of State Office standards for state rule formatting. He added the amendments also include state rule updates that are not impacted by US EPA’s primacy review because they address issues that US EPA’s rules do not address.

Mr. Capp stated the Notice of Stakeholder Draft was published on August 18, 2020 and a public meeting followed on September 2nd. He further stated he briefed the DNR Board Environmental Committee on October 27, 2020. He added public notice occurred on November 16, 2020 and January 6, 2021 and a public hearing was held on December 16, 2020 where no public comments were received.

Mr. Capp requested a favorable consideration.

A motion was made by Mr. Bagwell, seconded by Mr. Davis, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the proposed amendments to the Rules for Safe Drinking Water, Chapter 391-3-5.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch, to present Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

Ms. Hays stated Georgia's Enhanced Inspection and Maintenance Program covers gasoline-powered passenger vehicles registered in the 13-county Atlanta Metropolitan Area as required by the Clean Air Act Amendments for areas that were moderate or higher nonattainment areas for the 1-hour ozone NAAQS. She further stated the proposed changes will remove all referrals to "acceleration simulation mode" requirements. She added acceleration simulation mode requirements are no longer relevant as of January 1, 2020 because model year 1995 and earlier passenger vehicles are no longer subject to emission inspection requirements.

Ms. Hays stated she briefed the Environmental Committee of the DNR Board at the October 2020 meeting. She further stated a public hearing was held on January 4, 2021 and a 30-day comment period closed on January 11th. She added no comments were received at the public hearing or during the comment period.

Ms. Hays requested a favorable consideration.

A motion was made by Mr. Ayers, seconded by Mr. Sinyard, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the proposed amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

Mr. Lambert asked Ms. Hays to continue with Item D, Proposed Amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

Ms. Hays stated the Rules are periodically amended to address requirements of the US Nuclear Regulatory Commission (NRC) for Agreement states. She further stated Georgia is an Agreement State which are required to ensure that the Rules meet the compatibility and health and safety categories established by the NRC. She added the proposed changes remove the definition and references to “Licensing State” as well as minor wording updates.

Ms. Hays stated she briefed the Environmental Committee of the DNR Board at the October 2020 meeting. She further stated a public hearing was held on January 4, 2021 and a 30-day comment period closed on January 11th. She added no comments were received at the public hearing or during the comment period.

Ms. Hays requested a favorable consideration.

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

Mr. Lambert asked Ms. Hays to continue with Item E, Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1.

Ms. Hays stated Georgia EPD is required by the Federal Clean Air Act and Georgia Air Quality Act to collect sufficient revenue in the form of permit fees to fund the direct and indirect costs of the permitting program. She further stated there are annual permit fees for NSPS sources, SM sources, and Title V sources, as well as an Optional Expedited Permitting Program Fee. She added the amendment will include FY 2022 annual fees which are based on CY 2020 emissions with no changes in fees.

Ms. Hays stated a Permit Fee Advisory Committee meeting took place on December 14, 2020. She further stated after briefing the Environmental Committee today, a 30-day comment period and public hearing will be scheduled for March and April. She added she will request Board adoption of the proposed amendments at the May 2021 meeting.

Mr. Lambert called on Chuck Mueller, Chief of the Land Protection Branch, to present Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4.

Mr. Mueller stated the primary purpose of the proposed changes is to address fires at mulching facilities and stability concerns at landfills taking more than 5% by weight High Moisture Content Waste (HMCW). He further stated the revisions will align the Rules with recent changes to the Georgia Comprehensive Solid Waste Management Act to clarify post-

closure care requirements, update references, and make minor edits. He added the proposed changes will remove the requirement to notify legal organ upon permit action but will still require notifications to be sent to local government officials and posted on the EPD website.

Mr. Mueller stated the amendments add a section for mulching operations that specifies the conditions to be considered a recovered materials processing operation. He further stated a section is added specifying requirements for MSW and commercial industrial landfills to require submission of HMCW management plans by facilities that accept, or plant to accept, 5% or more HMCW by weight. He added the amendments will move mulching from the composting section to the Recovered Materials section.

Mr. Mueller stated a stakeholder meeting was held on June 16, 2020 and stakeholder comments were received by July 31st. He further stated after briefing the Environmental Committee today, a 30-day comment period and public hearing will be scheduled for March and April. He added will request Board adoption of the proposed amendments at the May 2021 meeting.

There being no further business, the meeting was adjourned.