

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

Tuesday, February 22, 2022
9:00 a.m.

Committee Members

Ray Lambert, Chair
Dwight Evans, Vice Chair
Nancy Addison
Nick Ayers
William Bagwell
Dwight Davis
Patrick Denney
Joe Hatfield
Rob Leebern
Bodine Sinyard
Dee Yancey
Bill Jones, Board Chair, Ex-officio

Board Members

Randy Dellinger
Duncan Johnson
Tim Lowe
Billy New
Paul Shailendra
Miki Thomaston
Gary Vowell

Guests

Mark Woodall, Sierra Club
Ronny Just, Georgia Power
Tim Earl, Georgia Power
Deb Phillips, Georgia Industry Environmental Coalition
Bryan Tolar, Georgia Urban Ag Council
Kevin Jeselnik, Chattahoochee Riverkeeper
Rena Peck, Georgia River Network

Staff Members

Mark Williams, Commissioner
Walter Rabon
Kyle Pearson
Kate Iannuzzi
Donald Kirkland
Cathy Barnette
Alexandrea Solomon
Thomas Barnard
Jeff Cown
Steve Friedman
Ted Will
Doug Haymans

Richard Dunn, Director
John Eunice
Karen Hays
Chuck Mueller
Anna Truszczynski
Laura Williams

The February 22, 2022 meeting of the Environmental Protection Committee was called to order by Chairman Bill Jones.

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

Mr. Mueller stated the purpose of the proposed changes is to incorporate by reference two Federal CCR regulations, which were revised by US EPA on July 30, 2018 and August 28, 2020. He further stated the proposed amendments delete references to sections of the Federal CCR regulations that have been removed. He added the amendments will clarify deed, permit, and post-closure care requirements.

Mr. Mueller stated after briefing the DNR Board Environmental Protection Committee on October 26, 2021, there was a virtual public hearing held on January 6, 2022, and a public comment period ending on January 10, 2022. He further stated there were no verbal or written comments received during the comment period or the public hearing. He added no changes to the proposed rules are recommended.

Mr. Mueller requested a favorable consideration.

Mark Woodall, Sierra Club, and Kevin Jeselnik, Chattahoochee River Keepers, requested to comment on the proposed amendment and EPD's delegation under EPA to regulate coal ash.

A motion was made by Mr. Ayers, 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 Solid Waste Management, Chapter 391-3-4.

Mr. Lambert asked Mr. Mueller to continue with Item B, Proposed Amendments to the Rules for Lead-Based Paint Hazard Management, Chapter 391-3-24.

Mr. Mueller stated the purpose of the proposed changes is to update the lead-dust hazard standard and the lead-dust clearance standard to match those in Federal requirements. He further stated the updates will lower the amount of lead in surface dust that is allowed in a residential or child-occupied facility as well as lower the amount of lead allowed to remain after cleaning a surface following an abatement activity.

Mr. Mueller stated after briefing the DNR Board Environmental Protection Committee on October 26, 2021, there was a Stakeholder Notification sent on October 27. He further stated there was a virtual public hearing held on January 13, 2022, and a public comment period ending

on January 17, 2022. He added no verbal or written comments received during the comment period or the public hearing and no changes to the proposed rules are recommended.

Mr. Mueller requested a favorable consideration.

A motion was made by Mr. Denney, seconded by Mr. Yancey, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the proposed amendments to the Rules for Lead-Based Paint Hazard Management, Chapter 391-3-24.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch, to present 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 under the current fee structure, annual permit fees are paid by Title V sources, synthetic minor sources, and sources with equipment subject to certain federal New Source Performance Standards (NSPS). She added Title V sources pay a Title V minimum fee or on \$/ton of emissions as well as an annual maintenance fee of \$650 annually while synthetic minor sources pay \$2,100 annually and the NSPS fee is \$1,900 annually.

Ms. Hays stated under the current fee structure, there are permit application fees for certain types of permit applications that vary based on permit application complexity. She further stated there is an optional expedited permit application processing fee since FY 2016. She added projected permit fee expenses for FY 2022 is about \$9.2 million and the projected permit fee revenue is about \$10.3 million.

Ms. Hays stated the annual fees and permit application fees for FY 2023 will remain the same as the current fees. She further stated the proposed amendments will amend the Permit Fee Rule to include a row adding the state FY 2023 annual fees, which are based on calendar year 2021 emissions and are due September 1, 2022. She added the proposed rule changes will adopt the latest version of the Fee Manual by reference (February 3, 2022).

Ms. Hays stated a Permit Fee Advisory Committee meeting was held on December 1, 2021. She further stated after briefing the Environmental Protection Committee today, a 30-day comment period and public hearing will be scheduled for March and April 2022. She added she will request Board adoption of the proposed amendments at the meeting on May 24, 2022.

There being no further business, the meeting was adjourned.