

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

Tuesday, May 23, 2023
9:00 a.m.

Committee Members

Ray Lambert, Chair
Dan Garcia, Vice Chair
Nancy Addison
Patrick Denney
Joe Hatfield
Kevin Jackson
Paul Shailendra
Dwight Davis, Board Chair, Ex-officio

Board Members

Charles DePriest
Duncan Johnson
Bill Jones
Gary Vowell

Guests

Mark Woodall, Sierra Club
Bryan Tolar, GA Urban Ag Council
Debbie Phillips, GA Industry Environmental Coalition
Lindsay McVicar, GA Senate Budget and Evaluation Office
John Eberhart, GA Earth Alliance
Reaganne Hart, Office of the Governor

Staff Members

Mark Williams, Commissioner
Walter Rabon
Kyle Pearson
Kate Iannuzzi
Donald Kirkland
Cathy Barnette
Artica Gaston
Thomas Barnard
Jeff Cown
Steve Friedman
Ted Will
Mark Patterson
Mike England
Stephen Adams
Tina Johannsen

Richard Dunn, Director
James Boylan
Chuck Mueller
Anna Truszczynski
Laura Williams
DeAnna Oser
Sarah Visser

The May 23, 2023 meeting of the Environmental Protection Committee was called to order by Chairman Dwight Davis.

Chairman Davis called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on James Boylan, Chief of the Air Protection Branch, to present Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Non-attainment Area New Source Review and Emission Statement Removal.

Mr. Boylan stated the purpose of the proposed amendments is to remove ozone non-attainment area permitting and emissions statements requirements for sources in the Atlanta Metro Area. He further stated these requirements are no longer required by US EPA because the Atlanta Metro Area is now attaining the National Ambient Air Quality Standard for ozone. He added 2 sets of comments were received after the December 2022 DNR Board briefing regarding emission reduction credits (ERC) already banked and inadvertent language that would subject some gas turbines to lower emission limits.

Mr. Boylan stated the proposed amendments were revised by changing the definitions of “banking” and “emission reduction credit”, clarifying that stationary gas turbines in certain counties are not subject to the emission limit, and removing the annual Emissions Statements requirement. He further stated the revised re-proposed amendments eliminates references to the non-attainment area and removes the requirement to obtain offsetting emission reductions at new or modified major sources in the (former) non-attainment area and removes the requirement to obtain offsetting emission reduction credits at new or modified major sources in the (former) non-attainment area while retaining the ability to create and retain the emission reduction credits. He added the re-proposed amendments corrects rule language for consistency with Secretary of States’ current protocol.

Mr. Boylan stated after briefing the DNR Board Environmental Committee in December 2022, there was a public hearing on January 13 and a comment period which ended January 20. He further stated after discussions with stakeholders, he re-briefed the Board at the March 2023 meeting and there was a public comment period and public hearing on April 28. He added no comments were received during the second public comment period.

Mr. Boylan requested a favorable consideration.

A motion was made by Mr. Garcia, seconded by Ms. Addison, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed

Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Non-attainment Area New Source Review and Emission Statement Removal.

Mr. Lambert asked Mr. Boylan to continue with Item B, Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Permit Fees.

Mr. Boylan 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. He further stated Title V sources pay a Title V minimum fee or on \$ per ton of emissions and all title V sources also pay an annual maintenance fee of \$650 annually. He added synthetic minor sources pay a SM source fee of \$2,100 annually and Federal New Source Performance Standard fee is \$1,900 annually.

Mr. Boylan stated permit application fees are charged for certain types of permit applications, fees vary based on permit application complexity, and some applications are exempt from permit application fees. He further stated optional expedited permit application program is an option sources have to expedite their permit application and is in addition to applicable permit application fees. He added the projection for current FY 2023 is about \$10.9 million in expenses and \$10.1 million in revenue and the projection for FY 2024 is about \$10.9 million in expenses and \$9.6 million in revenue.

Mr. Boylan stated the proposed rule changes will keep annual fees and permit application fees for FY 2024 the same as the current fees. He further stated the amendments will include a row adding the FY 2024 annual fees and adopt the latest version of the Fee Manual by reference.

Mr. Boylan stated there was a Permit Fee Advisory Committee meeting on December 2, 2022. He further stated after briefing the Environmental Committee of the DNR Board in February 2023, there was a public hearing on April 10 and the close of the public comment period on April 17. He added no comments were received during the public comment period.

Mr. Boylan requested a favorable consideration.

A motion was made by Mr. Jackson, seconded by Ms. Addison, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Permit Fees.

Mr. Lambert asked Mr. Boylan to continue with Item C, Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Startup, Shutdown and Malfunction Emissions.

Mr. Boylan stated the proposed rule revisions streamline the language from the 2016 rule revision. He further stated the amendments allow alternative emission limits during SSM events, but must be incorporated into the SIP, and clarify that alternative emission limits requests must include all the criteria specified by EPA in the proposed disapproval. Mr. Boylan added three subparagraphs were inadvertently included in the proposed rule package, and subparagraphs (iii), (iv), and (v) will be removed from the rule amendments.

Mr. Boylan stated EPD worked with stakeholders and EPA to revise the Georgia Rules and address deficiencies noted in EPA's proposed disapproval between January 2023 and April 2023 and he briefed the Environmental Committee of the DNR Board at the April 2023 meeting. He further stated after briefing the Environmental Committee today, there will be a public hearing and public comment period beginning in June 2023. He added he plans to request DNR Board adoption at the April 2023 meeting and submit the SIP revisions to EPA in September.

Mr. Lambert called on Ania Truszczynski, Chief of the Watershed Protection Branch, to present Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5.

Ms. Truszczynski stated the purpose of the amendments is to reduce the minimum requirements for construction of steel casing thickness in drinking water wells for 4- and 5-inch diameter wells. She further stated EPD received significant comments following the update to the Minimum Standards for Public Drinking Water Systems and concurrent rule amendment in March 2021, which primarily focused on the practical difficulties implementing the new steel pipe well casing thicknesses for 4- and 5-inch diameter wells. She added EPD held a stakeholder meeting on December 14, 2022 and received four comments.

Ms. Truszczynski stated as a result of public comments, EPD developed a recommendation for reducing the minimum wall thickness on 4- and 5-inch steel pipe well casings to the prior standard of 0.188 inches, with the recommendation that these diameter casings not be used in corrosive or high alkalinity water. She further stated EPD held a public meeting on March 9 and did not receive any comments adverse to this revision.

Ms. Truszczynski stated there were public meetings for stakeholder feedback held on December 14, 2022 and March 9, 2023. She further stated after briefing the DNR Board Environmental Committee today, there will be a public notice and public hearing in July 2023. She added she plans to request DNR Board at the August 2023 meeting.

Mr. Lambert called on Chuck Mueller, Chief of the Land Protection Branch, to present Proposed Amendments to the Rules for Hazardous Waste Management, Chapter 391-3-11.

Mr. Mueller stated the purpose of the proposed amendments is to modernize ignitable liquids determinations, code changes for Canada import export recover and disposal, and update cross reference table. He further stated the amendments will expand flash point laboratory test methods, allow alternatives to mercury thermometers for certain air sampling and stack emissions test methods, codify definitions of “aqueous” as “50% water by weight”, correct cross references to US DOT regulations and remove obsolete information, and make other conforming amendments related to updated test methods. He added test method changes provide additional flexibility and cost savings to regulated community.

Mr. Mueller stated the amendments will update 12 Canadian-specific import-export recovery and disposal code numbers and descriptions to match those revised in Canadian regulations. He further stated the regulated community will not need to change how they use the EPA’s Waste Import Export Tracking System.

Mr. Mueller stated after briefing the Environmental Committee of the DNR Board today, there will be a public hearing and 30-day public comment period beginning in June. He further stated he plans to request Board adoption of the proposed amendments at the August 2023 meeting.

There being no further business, the meeting was adjourned.