

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

March 26, 2024
9:00 a.m.

Committee Members

Ray Lambert, Chair
Nancy Addison
Patrick Denney
Dan Garcia
Duncan Johnson
Lesley Reynolds
Bodine Sinyard
Joe Hatfield, Board Chair, Ex-officio

Board Members

Charles DePriest
Mark Hennessy
Brent Layton
Gary Vowell
Harley Yancey

Guests

Deb Buckner, GA Industry Government Coalition
Bryan Tolar, GA Urban Agriculture Council
Anna Edmondson, Robbins Government Relations

Staff Members

Walter Rabon, Commissioner
Thomas Barnard
Trevor Santos
Kyle Pearson
Kate Iannuzzi
Artica Gaston
Cathy Barnette
Alexus Thompson
Mike England
Steve Friedman
Doug Haymans
Angie Johnson
Thom Litts
Taylor Brown
Andre McLendon
Ellen Graham
Brent Womack

Jeff Cown, Director
James Boylan
Chuck Mueller
Anna Truszczynski

The March 26, 2024 meeting of the Environmental Protection Committee was called to order by Chairman Joe Hatfield.

Chairman Hatfield called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on James Boylan, Chief of the Air Protection Branch, to present action on Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1 pertaining to Existing Municipal Solid Waste Landfills and Commercial and Industrial Solid Waste Incineration Units.

Mr. Boylan stated these amendments will help the U.S. EPA approve Georgia's State Plans for Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration (CISWI) Units which was submitted to EPA on June 10, 2020, and Existing Municipal Solid Waste (MSW) Landfills which was submitted to EPA on January 13, 2023.

Mr. Boylan stated that the rule for Existing Municipal Solid Waste Landfills is being amended to further clarify its application, reflect the latest amendment date of the incorporated Federal rule, and add missing language. He further stated that the rule for Commercial and Industrial Solid Waste Incineration Units, is being amended to reflect the latest amendment date of the incorporated Federal rule.

Mr. Boylan stated after briefing the Environmental Committee of the DNR Board in December 2023, there was a public hearing February 6, 2024, and a public comment period ended on February 13, 2024. He further stated one comment was received during the comment period by the U.S. EPA suggesting removal of subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I), since it is duplicative. He added that Georgia EPD agrees that subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I) is duplicative, however, Georgia EPD feels that it is necessary to include subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I) in order to explicitly emphasize that the exemptions for air curtain incinerators do not exclude a facility from the requirement in 40 CFR 60.2805 to apply for and obtain a Title V permit. He concluded that no change came from the one comment.

Mr. Boylan requested a favorable consideration.

A motion was made by Ms. Addison, seconded by Mr. Denney, 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.

Mr. Lambert asked Mr. Boylan to continue with Item B, action on Proposed Amendments to the Rules for Radioactive Materials, Chapter 391-3-17.

Mr. Boylan stated the Rules for Radioactive Materials are periodically amended to address requirements of the U.S. Nuclear Regulatory Commission (NRC) for Agreement States. He further stated that agreement states (e.g., Georgia) are required to ensure that the Rules meet the compatibility and health and safety categories established by the NRC.

Mr. Boylan stated Rules 391-3-17-.03, 391-3-17-.05, 391-3-17-.08, 391-3-17-.09, and 391-3-17-.13 are being amended to incorporate rule updates effective September 8, 2021, December 30, 2021, May 9, 2022, and December 14, 2022, under the designation of NRC's Regulation Amendment Tracking System (RATS) 2021-1, 2021-2, 2022-1 and 2022-2, respectively. He further stated the NRC comment letter dated May 25, 2022 updates citations, updates terminology, and corrects formatting and grammar.

Mr. Boylan stated that fees were added to the Rules for Radioactive Materials in October 2014 and have not been adjusted since. He further stated that large-scale IT improvements (electronic application submittals for the customer, electronic development of licenses, tracking of inspections, etc.), full staffing in the Program, and new salary requirements have necessitated revising the current fee schedule. He added that Georgia's Radioactive Materials fees are 17% of NRC's fees, and with the proposed fee increases, the fees will be at 21%. This is still significantly lower for the citizens and businesses of Georgia. He further added that the new fees will be included in the CY2025 annual fee bill which will be sent in late 2024.

Mr. Boylan stated after briefing the Environmental Committee of the DNR Board in December 2023, there was a public hearing on February 5, 2024, and the 30-day public comment period ended on February 12, 2024. He further stated comments were received from Emory University Environmental Health and Safety Office and Applied Technical Services during the comment period.

Mr. Boylan stated that requests the additional notification of the NRC Headquarters Operations Center for incidents be removed, however, the notification language in question must be included based on formal comments received from the US Nuclear Regulatory Commission in a Regulatory Review Letter dated May 25, 2022. He further stated that in paragraph 391-3-17-.05(24), the official name of the organization referenced is the "Accreditation Council for Pharmacy Education", not "Accreditation Council on Pharmaceutical Education". He added that EPD has updated 391-3-17-.05(24)(a)1. from "Accreditation Council on Pharmaceutical Education (ACPE)" to "Accreditation Council for Pharmacy Education (ACPE) (previously named the American Council on Pharmaceutical Education)." Finally, he stated that the comment was made regarding the addition of the change to the Reciprocity Administrative Fee, to consider using a percentage increase to the fee instead of a flat amount increase. He further stated that a

percentage increase versus a flat reciprocity administrative fee was considered, but adding a flat fee was the simplest approach to achieve.

Mr. Boylan requested a favorable consideration.

A motion was made by Ms. Reynolds, seconded by Mr. Johnson, 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 called on Ania Truszczynski, Chief of the Watershed Protection Branch, to present action on Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5.

Ms. Truszczynski stated these amendments will add a Class IIIG public water system classification to accommodate a new drinking water operator license classification. She further stated that the Georgia Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts (“Board of Examiners”) has created a new classification that will enable operators who treat only groundwater for drinking water systems serving a population between 1,000 and 9,999 people to attend a more abbreviated training course that does not go into technical details regarding surface water treatment.

Ms. Truszczynski stated that the Board of Examiners was requested by water systems to create a new groundwater certification to help relieve the shortage of drinking water operators for groundwater only systems. She further stated that the proposed amendments will incorporate the new Class IIIG into the Rules for Safe Drinking Water.

Ms. Truszczynski stated that after briefing the Environmental Committee of the DNR Board in January 2024, there was a public notice on January 25, 2024, and a public hearing February 26, 2024. She further stated no comments were received during the comment period.

Ms. Truszczynski requested a favorable consideration.

A motion was made by Mr. Garcia, seconded by Mr. Johnson, 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 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 Miscellaneous Changes and Updates

Mr. Boyland stated that in order for the EPD to retain primacy for air quality programs, periodic updates of the Rules for Air Quality Control, Chapter 391-3-1, are necessary to reflect new regulations published by the U.S. Environmental Protection Agency (EPA). He further stated that EPD proposes to amend Rules 391-3-1-.01 and 391-3-1-.02, and the proposed amendments are being adopted by reference and are in no way any more restrictive than the federal requirements.

Mr. Boylan stated that the key changes are updates to the definition of “Volatile organic compound”, updates to certain New Source Performance Standards (NSPS), which are technology-based standards that limit criteria air pollutant emissions from new sources in specific source categories, and updates to certain Emission Standards for Hazardous Air Pollutants, which are control technology requirements that limit hazardous air pollutant emissions from sources in specific source categories. He further stated there are updates to the Cross State Air Pollution Rules to add the latest amendment dates and to update the new unit set-asides, including the NOx Annual Trading Program (decrease the new unit set-aside), the SO2 Annual Trading Program (increase the new unit set-aside), and the NOx Ozone Season Trading Program (increase the new unit set-aside).

Mr. Boylan stated that after briefing the Environmental Committee of the DNR Board today, there will be a public comment period and a public hearing within April and May of 2024. He further stated he plans to request adoption of the proposed amendments at the June 25, 2024 DNR Board meeting.

There being no further business, the meeting was adjourned.