

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

Monday, May 20, 2024
9:00 a.m.

Committee Members

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

Board Members

Randy Dellinger
Charles DePriest
Mark Hennessy
Bill Jones
Brent Layton
Harley Yancey

Guests

Debbie Phillips, GA Industry Environmental Coalition
Damon Kirkpatrick, Friends of Georgia State Parks
Bryan Tolar, GA Urban Agriculture Council
Chris Manganiello, Chattahoochee Riverkeeper
Michael O'Reilly, The Nature Conservancy
Brent Churchwell, Senate Budget Office
Mike Oetker, Regional Director, SE Region, USFWS

Staff Members

Walter Rabon, Commissioner
Thomas Barnard
Trevor Santos
Taylor Brown Fisher
Cathy Barnette
Kyle Pearson
Artica Gaston
Mike England
Doug Haymans
Angie Johnson
Ted Will
Brent Womack
Anthony Rabern

Jeff Cown, Director
James Boylan
Chuck Mueller
Anna Truszczynski
Katie Hegarty

The May 20, 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 Permit Fees.

Mr. Boylan stated these amendments require Georgia Environmental Protection Division (EPD), under the Federal Clean Air Act and the 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 that the fees within the permitting program address things like, hiring and training staff for permitting and compliance assurance, reviewing and issuing permit applications, implementing, and enforcing permit conditions, preparing emission inventories, ambient monitoring, preparing regulations and guidance, modeling, analyses and technical demonstrations, and equipment and facilities to implement the program, such as rent.

Mr. Boylan stated that Georgia's current air permit fee structure includes three main categories for permit fees. He further stated that the annual permit fees make up about 90% of the revenue, the permit application fees make up about 5% of the revenue, and the optional expedited permit application fees make up about 5% of the revenue.

Mr. Boylan stated that annual fees and permit application fees for Fiscal Year 2025 will remain the same as the current fees and there are no changes proposed. He further stated to amend the Permit Fee Rule to include a row adding the Fiscal Year 2025 annual fees, and to adopt the latest version of the Air Permit Fee Manual, notated as February 2, 2024.

Mr. Boylan stated that there is a proposed rule change to revise the date that administrative fees start being calculated from the day after October 1, to the day following the first business day of September. He further stated that this approach is consistent with other late fees enacted by EPD in other programs.

Mr. Boylan stated that there was one verbal, public comment and there were no written comments submitted. He further stated that the public comment said, "I'm here to say that I fully support increasing the emission fee for things like coal power plants at \$37/ton. I do not support the 4,000-ton limit and believe it should be removed. Companies should have to pay for their emissions. There should be no cap on this." He added that EPD's response is, "While Georgia EPD may consider increasing fees or making other changes in future rule updates, no fee

increases were necessary for this year. The 4,000 tons per year per stationary source limit for annual fees referenced in the comment is contained in subparagraph (9)(d). This language was previously adopted by the DNR Board and is not the subject of this rule change.”

Mr. Boylan requested a favorable consideration.

Mr. Lambert asked the question, “Are there any more coal plants rolling offline any time soon?” Mr. Boylan responded that there are two coal plants left in Georgia, Plant Bowen and Plant Scherer, and as far as EPD is aware, neither one is going offline anytime soon. He further stated that Plant Wansley went offline last year, and EPD is getting a hit from that revenue, but Plant Bowen and Plant Scherer have not indicated going offline anytime soon.

Mr. Hennessy asked the question, “Did Plant Wansley convert to natural gas, or did they close completely?” Mr. Boylan responded that the coal unit closed completely, but they do have a sister company where they have a gas plant there that is run by Southern Power and on the property. He added that the coal units have been completely shut down and not converted into anything.

Mr. Hennessy asked that coal is down but there’s still a plant that’s producing power for the grid? Mr. Boylan responded, that is correct.

A motion was made by Ms. Reynolds, 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 Air Quality Control, Chapter 391-3-1.

There being no further business, the meeting was adjourned.