

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

February 24, 2010

Attending:

Committee Members

Ray Lambert, Chairman
Dennis Billew
Warren Budd
Dwight Davis
Walter Hudson
Phyllis Johnson
Jim Tysinger
Jim Walters
Tom Wheeler
Jenny Lynn Bradley, Board Chairman, ex-officio

Board Members

Bill Archer
Gene Bishop
Bill Carruth
Joe Hatfield
Ray Lambert
Loyce Turner

Visitors

Casey Fernung, Jones Day
Hannah Morris, University of Georgia
Bryan Tolar, Georgia Agribusiness Council
Mike Giles, Georgia Poultry Federation
Abit Massey, Georgia Poultry Federation
Ronny Just, Georgia Power Company
Aaron Mitchell, Georgia Power Company
David Word, Joe Tanner & Associates
Scott Tanner, Joe Tanner & Associates
Phil Zinsmeister, Sierra Club

Staff Members

Chris Clark
Allen Barnes
Spud Woodward
Becky Kelley
Dave Crass
Marlin Gottschalk
Jim Ussery
Doralyn Kirkland
Emily Hitchcock
Jac Capp
Steve Friedman
Terry West
Homer Bryson
Antoinette Norfleet
Connie Buck
Bryan Alexander
Suzanne Burnes
David Freedman
Hellen Harris
Mary Ann Evans

Minutes – Environmental Protection Committee
February 24, 2010
Page 2

Katie Kirkpatrick, Metro Atlanta Chamber of Commerce
Bettie Sleeth, Home Builders Association of Georgia

The February 24, 2010 meeting of the Environmental Protection Committee was called to order by Board Chairman Jenny Lynn Bradley. Chairman Bradley called on Ray Lambert, Chairman of the Environmental Protection Committee.

Mr. Lambert stated that he would like to call on Jac Capp, Chief of the Air Protection Branch for two briefings.

Mr. Capp stated that the first briefing would be on proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to air permit fees. He further stated that most of the Air Protection Branch funding comes from permit fees that the regulated community pays and that the fees must be updated every year to fund the next year's activities.

Mr. Capp stated that under the proposed amendments presented, there would be no changes in the existing fee rates, but administrative changes would be as follows:

- As part of the permit fees required, the owner or operator of any stationary source shall also pay administrative fees if they are late reporting their fees to Division.
- The owner or operator shall pay an administrative fee of 0.05 percent of the total fee due for each calendar day in which the air permit fee form is submitted to the Division after October 1 of the calendar year in which the fee was due or October 1, 2010, whichever is later.
- For air permit fee forms submitted using the online Georgia air emissions fee reporting form, that date on which the air permit fee form is submitted to the Division shall be the date in which the owner or operator completes a final submittal on the online reporting form. For air permit fee forms that were submitted using a hard-copy paper form, the date on which the air permit fee form is submitted to the Division shall be the date on which the permit fee form and required payment are received at the address specified in the procedures manual or at the office of the Division's Air Protection Branch.
- Beginning with calendar year 2009 fees, when the ownership of any stationary source is transferred to a new owner or operator, the new owner or operator of the stationary source shall be responsible for paying any past due fees.

Mr. Capp stated that the Division will be soliciting public input and holding a public hearing on April 6, 2010, and expects to present the proposed amendments to the Board for action on May 26, 2010.

Mr. Capp stated that the second briefing was on proposed amendments to the Rules for Air Quality Control Chapter 391-3-1 pertaining to transportation conformity. He further stated that Rule 391-3-1-.15, "Transportation Conformity," is being added to implement the requirements of Section 176(c)(4)(E) of the Clean Air Act, with respect to the conformity of transportation plans, programs, and projects developed, funded or approved under Title 23 United States Code or the Federal Transit Laws to the State's air quality implementation plan.

Mr. Capp stated that EPD works in conjunction with Atlanta Regional Commission (ARC) or other planning organizations for transportation and the Department of Transportation (DOT) to ensure that transportation projects are consistent with federal requirements to receive federal funding. He further stated that this activity was formerly implemented through a Memorandum of Agreement (MOA) between the parties. He added that there was a law change in Congress in 2005 that required EPD to update the procedures and in conjunction with other transportation partners, it was agreed it would make more sense to actually have a Rule that was comprehensive and fashioned so that the MOA would not have to be consistently updated.

Mr. Capp stated that nothing would change in the way EPD interacts with ARC or DOT. He further stated that the Division would be soliciting public input and holding a public hearing on April 6, 2010, and expects to present the proposed Rule to the Board at the May 26, 2010 meeting.

Allen Barnes, Director of EPD, stated that he would like to commend his staff on working through very difficult and complex issues at this time. He further stated that it was a pleasure and honor to be Director of such a group of individuals who work so hard and so efficiently.

Director Barnes gave an update on Georgia's State Water Plan and handed out a brochure on the timeline. He stated that EPD presented the draft baseline resource assessments to the regional water planning councils and invites public comment on the draft, which was Step 10 in the timeline. He further stated that Step 11, which is presenting the preliminary forecasts of regional water supply needs (agricultural, municipal, industrial and energy) and forecasts of regional wastewater treatment needs (municipal and industrial) to the councils, will occur at the end of March or first of April. He added that feedback he has received is that the process has been a success and that the water planning councils appreciate information that has been given as they work on this issue.

Director Barnes encouraged participation in the process and commended the State of Georgia for tackling the process. He stated that as the process continues the water resources councils will begin selecting management practices to move forward.

There being no further business, the meeting was adjourned.