

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

February 25, 2013

Attending:

Committee Members

Ray Lambert, Chairman
William Bagwell, Vice Chairman
Nancy Addison
Phyllis Johnson
Aaron McWhorter
Mark Mobley
Mike Phelps
Rob Leebern, Board Chairman, ex-officio

Board Members

Dwight Davis
Duncan Johnson
Paul Shailendra
Bodine Sinyard
Philip Wilheit
Dee Yancey

Visitors

Bill Donohue, LLIDA and NGMA
Harold Reheis, Joe Tanner & Associates
Michael Pisciotta, Georgia Agribusiness Council
Bryan Tolar, Georgia Agribusiness Council
Chris Manganeillo, Georgia River Network
Mark M. Woodall, Sierra Club
Debbie Phillips, GA Industry Environmental Coalition
Sally Clark, Georgia Chamber of Commerce
Doug Fulle, Oglethorpe Power
Leon Watkins, K & M Landfill

Staff Members

Mark Williams
Jud Turner
Homer Bryson
Spud Woodward
Dan Forster
Kyle Pearson
Zachary Harris
Lauren Curry
Steve Friedman
Jac Capp
Keith Bentley
Jim Ussery
Doralyn Kirkland
David Clark
Jeff Cown
John Martin
Michael Chadwell
Paul Nelson
Bryan Alexander
Eddie Henderson
Russ Pennington
Lon Revall
Mary Walker
Antoinette Norfleet
Taylor Brown
Mary Ann Evans
Hellen Harris

The February 25, 2013 meeting of the Environmental Protection Committee was called to order by Board Chairman Rob Leebern. Chairman Leebern called on Ray Lambert, Chairman of the Environmental Protection Committee, who called on Jac Capp, Chief of the Air Protection Branch.

Mr. Capp stated that the only item for consideration was the eligibility and selection criteria for a new sub-program of the Georgia Diesel Emissions Reduction Program. He further stated the primary purpose of these grants is to assist public school systems in purchasing and installing technologies to reduce the particulate matter emissions from heavy-duty diesel engines on school buses.

Mr. Capp stated that the subprogram provides funding through grants to retrofit school buses statewide with preference to those located or operated outside PM2.5 nonattainment or maintenance area counties and that retrofitting may include the installation of emission control devices, rebuilding engines to new emission standards, and/or early replacement of diesel vehicles/equipment. He further stated that this grant requires 50% matching funds for emissions control equipment and 65% matching funds for early bus replacement from the applicant.

Mr. Capp stated that these grants are funded through the EPA and the National Clean Diesel Campaign, and that the amount of funding currently available for this program is \$206,783.

Mr. Capp stated that he would request the committee recommend that the Board approve the proposed Grant Criteria for Diesel Emissions Reduction Program, Chapter 391-3-21-.15, as presented.

A motion was made by Mr. Bagwell, seconded by Mr. McWhorter and carried unanimously that the committee recommends that the Board approve the proposed Grant Criteria for Diesel Emissions Reduction Program, Chapter 391-3-21-.15, as presented. (Copy of the proposed Grant Criteria attached hereto and made a part hereof)

Mr. Capp stated that the next item was a briefing on the proposed amendments to the Rules for Air Quality Control Chapter 391-3-1 pertaining to miscellaneous changes and updates. He further stated that the proposed amendments included the following:

- **Rule 391-3-1-.01, “Definitions”** is being amended revising the definitions of “Volatile Organic Compound,” and “Procedures for Testing and Monitoring Sources of Air Pollutants.”
- **Rule 391-3-1.02(2)(a), “General Provisions”** is amended to clarify applicability for VOC Emission Standards and to remove an obsolete compliance schedule.
- **Rule 391-3-1-.02(2)(e), “Particulate Emissions from Manufacturing Processes”** is amended to remove two tables that are obsolete.
- **Rule 391-3-1-.02(2)(l), “Conical Burners”** is being deleted because it is obsolete.
- **Rule 391-3-1-.02(2)(o), “Cupola Furnaces for Metallurgical Melting”** is being deleted because it is obsolete.

- **Rule 391-3-1-.02(2)(p), “Particulate Emissions from Kaolin and Fuller’s Earth Processes”** is amended to remove two tables that are obsolete.
- **Rule 391-3-1-.02(2)(q), “Particulate Emissions from Cotton Gins”** is amended to remove a table that is obsolete.
- **Rule 391-3-1-.02(2)(gg), “Kraft Pulp Mills”** is amended to revise the definition of “notification date” in order to be consistent with the changes to 391-3-1-.02(2)(a)9.
- **Rule 391-3-1-.02(2)(ttt), “Mercury Emissions from New Electric Generating Units”** is being deleted because it is obsolete.
- **Rule 391-3-1-.02(4), “Ambient Air Standards”** is being revised to correct the standard for lead.
- **Rule 391-3-1-.02(6)(a), “Specific Monitoring and Reporting Requirements for Particular Sources”** is being revised to remove an obsolete implementation period requirement.
- **Rule 391-3-1-.02(8)(b), “New Source Performance Standards”** is being revised to incorporate the new Performance Standards by reference to ensure consistency between the State and Federal programs.
- **Rule 391-3-1-.02(9)(b), “Emission Standards for Hazardous Air Pollutants,”** is being revised to incorporate the new National Emission Standards for Hazardous Pollutants by reference to ensure consistency between the State and Federal programs.
- **Rule 391-3-1-.02(14), “Clean Air Mercury Annual Trading Program”** is being deleted because is it obsolete.
- **Rule 391-3-1-.03(8), “Permit Requirements”** is being revised to remove an obsolete requirement.
- **Rule 391-3-1-.12, “Duties of the Small Business Ombudsman Office”** is being revised to remove the two consecutive term limitation for members of the small business advisory panel.

Mr. Capp stated that EPD will solicit public input, hold a public hearing, and expects to present the proposed amendments to the Board for action at the May 2013 meeting.

Mr. Capp stated the next item was a briefing on the proposed repeal of Rules for Radioactive Waste Disposal, Chapter 391-3-9.

Mr. Capp stated that in 1979, the state of Georgia adopted rules for the disposal of radioactive waste, and this rule has never been utilized or implemented, and several provisions are out of date. He further stated that the circumstances for the disposal of low level radioactive waste have changed since the development of this rule making it no longer necessary for Georgia to have rules for the disposal of radioactive waste material.

Mr. Capp stated that as part of the burden reduction measures under the Governor's February 13, 2012 Executive Order on regulatory reform, EPD proposes to repeal Chapter 391-3-9 in its entirety.

Mr. Capp stated that EPD will solicit public input, hold a public hearing, and expects to present the proposed repeal of the rules to the Board for action at the May 2013 meeting.

Mr. Capp stated the next item was a briefing on proposed amendments to Rules for Radioactive Materials, Chapter 391-3-17, pertaining to Federal rule updates. He further stated that the proposed amendments included the following:

- **Rule 391-3-17-.01, "General Provisions"** is being amended to ensure the consistency of the rule with the requirements of the Nuclear Regulatory Commission.
- **Rule 391-3-17-.02, "Licensing of Radioactive Material"** is being amended to ensure the consistency of the rule with the requirements of the Nuclear Regulatory Commission.
- **Rule 391-3-17-.03, "Standards for Protections Against Radiation"** is being amended to ensure the consistency of the rule with the requirements of the Nuclear Regulatory Commission.
- **Rule 391-3-17-.05, "Use of Radionuclides in the Healing Arts"** is being added to ensure the consistency of the rule with requirements of the Nuclear Regulatory Commission.
- **Rule 391-3-17-.07, "Notices, Instructions, and Reports to Workers; Inspections"** is being amended to ensure the consistency of the rule with the requirements of the Nuclear Regulatory Commission.

Mr. Capp stated that EPD will solicit public input, hold a public hearing, and expects to present the proposed amendments to the Board for action at the May 2013 meeting.

Discussion ensued regarding the proposed revisions to the Duties of the Small Business Ombudsman Office to remove the two consecutive term limitation for members of the small business advisory panel. Mr. Capp stated that the Governor, House and Senate Majority Leaders, House and Senate Minority Leaders appoint members to serve on the panel and the EPD Director designates one EPD staff to serve on the panel and that there would continue to be term limits but a member would no longer be forced to leave at the end of a term.

Mr. Lambert called on Keith Bentley, Chief of Land Protection Branch for the final briefing.

Mr. Bentley stated that this briefing was on the proposed amendments to the Rules for Underground Storage Tank Management, Chapter 391-3-15, pertaining to Environmental Assurance Fees.

Mr. Bentley stated that the proposed rule amendment increases the EAF paid by participants of the Georgia Underground Storage Tank (GUST) Trust Fund one-quarter cent (0.25¢) to three-quarters of

a cent (0.75¢) on each gallon of petroleum products imported into Georgia and placed in to underground storage tanks (USTs) covered by the fund. He further stated that the proposed EAF premium increase does not resolve the GUST Trust Fund's long-term solvency issues, but in the short-term it will provide sufficient additional revenue to fund cleanup of petroleum releases from USTs that have been put "on hold" due to the lack of funds. He added that it will ensure that Georgia's GUST Trust Fund maintains USEPA's "approval" as a valid financial assurance mechanism and will provide EPD sufficient time to work with stakeholders to develop solutions to address the trust fund's long-term solvency issues.

Mr. Bentley stated that EPD will solicit public input and anticipates presenting the final amendment(s) to the Rules for Underground Storage Tank Management to the Board for action at the April 2013 meeting.

Mr. Lambert called on Roger T. Lane, Georgia Oilmen's Association, who stated his support for raising fees.

Mr. Lambert called on Jud Turner, Director of EPD, for an update.

Director Turner gave a briefing on EPA's approval of the state of Georgia's request to redesignate the Atlanta area to attainment of the 1997 8-hour ozone standard, Newton County's Bear Creek Reservoir project, Georgia's drought conditions, EPD's legislation before the General Assembly, and the relocation of EPD's Watershed Management staff to the Twin Towers.

There being no further business, the meeting was adjourned.