

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

August 26, 2013

Attending:

Committee Members

Ray Lambert, Chairman
William Bagwell, Vice Chairman
Nancy Addison
Phyllis Johnson
Mark Mobley
Rob Leebern, Board Chairman, ed-officio

Board Members

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

Visitors

Michael Pisciotta, Georgia Agribusiness Council
John Worley, University of Georgia
Melony Wilson, University of Georgia
Craig Manganiello, Georgia River Network
Lauren Joy, Southern Environmental Law Center
Gordon Rogers, Flint Riverkeeper
Charles Griffin, Georgia Pork Producers Association
Terry Danforth, Georgia Pork Producers Association
Mark Woodall, Sierra Club
Juliet Cohen, Chattahoochee Riverkeeper
Greg Blount, Troutman Sanders
Justin Wong, Troutman Sanders
Gina Rogers, Georgia Wildlife Federation
Todd Holbrook, Georgia Wildlife Federation
Doug Fulle, Oglethorpe Power
Deb Phillips, Georgia Industry Environmental Coalition
Daniel Johnson, ARC
Ronny Just, Georgia Power Company

Staff Members

Mark Williams
Jud Turner
Homer Bryson
Spud Woodward
Dave Crass
Dan Forster
Becky Kelley
Eddie Henderson
Steve Friedman
Kyle Pearson
Lauren Curry
Zachary Harris
Cathy Barnette
Taylor Brown
Doralyn Kirkland
Russ Pennington
Terry West
Michael Chadwell
Doug Haymans
John Bowers
John Biagi
Jac Capp
Keith Bentley
Jeff Cown
Mary Walker

The August 26, 2013 meeting of the Environmental Protection Committee was called to order by Chairman Rob Leebern.

Chairman Leebern called on Ray Lambert, Chairman of the Environmental Committee, who called on Jeff Cown, Chief of the Land Protection Branch, to present an action item.

Mr. Cown stated he was presenting the FY 2014 Spending Plan for the Solid Waste Trust Fund.

Mr. Cown stated the Solid Waste Trust Fund was established in 1990 and is funded by a \$1 fee on each new tire sold. He further stated this fee was reauthorized by the General Assembly in 2011 and is scheduled to sunset in 2014.

Mr. Cown stated EPD's goals for the Solid Waste Trust Fund for the upcoming year were to reauthorize the fee for the next five years, continue to focus on scrap tire prevention and cleanup, clean up abandoned landfills, respond to solid waste emergencies, continue to work to reduce solid waste in Georgia, and increase recovery of materials.

Mr. Cown stated EPD's priority list for scrap tires consists of 285 scrap tire sites, consisting of 641,177 tires, which will cost \$1,927,468 to clean.

Mr. Cown stated EPD's proposal for 2014 is to spend \$2,006,389 for the Solid Waste Trust Fund to fund the activities enumerated in the FY 2014 Solid Waste Fund Spending Plan.

Mr. Cown stated he would request the Committee recommend that the Board approve the item as presented.

Ms. Johnson asked what percentage of the total funds would be spent on cleanup.

Mr. Cown stated 17.3% of the funds would be spent on cleanup. He further stated 33% of the funds would operate the scrap tire program, 26.8% of the funds would be spent on corrective action to abandoned solid waste handling facilities, 17.6% on waste reduction in Georgia, and 5% would go to operating expenses.

Mr. Davis asked Mr. Cown to elaborate on the cleanup process.

Mr. Cown stated EPD issues a request for proposal to approved state contractors who then bid on the site. Mr. Cown stated the contractor who is selected then picks up the tires from the site and transfers them to an approved processing plant in Georgia where the tires will be re-purposed.

Jud Turner, Director of EPD, gave background information on the Solid Waste Trust Fund and the 2014 Spending Plan.

A motion was made by Ms. Johnson, seconded by Ms. Addison and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed FY 2014 Spending Plan for the Solid Waste Trust Fund, as presented.

Chairman Lambert called on Jac Capp, Chief of the Watershed Protection Branch to present an action on the proposed amendment to Rules for Water Quality Control, Chapter 391-3-6, pertaining to nutrient standards for Lake Lanier, Carters Lake, and West Point Lake.

Mr. Capp stated the revised standards for all three lakes had undergone a lengthy stakeholder process. He further stated the Board was briefed on the proposed amendments multiple times and a public hearing was held for the public in July.

Mr. Capp stated the new standards are based on new monitoring data, better available monitoring tools, and proposed TMDL reductions.

Mr. Capp discussed the proposed criteria for Lake Lanier, Carters Lake, and West Point Lake. He stated EPD has found the existing standards were unattainable, even without human impact.

Mr. Capp stated 13 comments were received during the public notice period. He further stated there were concerns from the public on raising the chlorophyll criteria at Lake Lanier and Carters Lake. He added EPD did not feel like the current criteria were achievable.

Mr. Capp stated EPD is committed to revisiting this issue periodically as more information becomes available.

Mr. Capp stated he would request the Committee recommend that the Board approve the item as presented.

Chairman Lambert called on Juliet Cohen, Chattahoochee Riverkeeper, to speak on the item. He asked Ms. Cohen to limit her comments to three minutes.

Ms. Cohen stated Chattahoochee Riverkeeper was concerned about the development of the TMDL Implementation Plan at Lake Lanier and Carters Lake and how this plan will insure that the significant reductions that are needed to reduce nutrient loading into the lake will occur. She further stated the proposed standards for West Point Lake were negligible and not sufficiently protective of the lake and drinking water.

A motion was made by Ms. Addison, seconded by Ms. Johnson and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to nutrient standards for Lake Lanier, Carters Lake, and West Point Lake, as presented.

Chairman Lambert called on Keith Bentley, Chief of the Air Protection Branch, to present an action item.

Mr. Bentley stated he would be presenting the Grant Criteria for the Supplemental Environmental Project Grant Programs.

Mr. Bentley stated over the past eight years 2,600 school buses have been retrofitted with emission control devices. He further stated \$14,800,000 in grants and Supplemental Environmental Projects (SEPs) have been spent. He added \$6,000,000 in grants are now available to be administered to replace and retrofit additional buses.

Mr. Bentley stated many grants are funded by SEPs, which have resulted from settlements of enforcement actions to offset penalties taken by APA and DOJ. He further stated EPD then enters into agreements with these companies to administer grants.

Mr. Bentley stated the Owens-Brockway Grant provides \$200,000 for retrofitting school buses with emission controls or to help fund costs of new propane, natural gas, or hybrid electric buses in Atlanta Public Schools or Fulton County Public Schools. He further stated there are no match requirements from the school system.

Mr. Bentley stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Bagwell, seconded by Ms. Johnson and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed Grant Criteria for the Supplemental Environmental Project Grant Program: Owens-Brockway Supplemental Environmental Project- Georgia School Bus Retrofit Program, Chapter 391-3-21-.21, as presented.

Mr. Bentley stated the following item would be an amendment to the Georgia-Pacific SEP Grant.

Mr. Bentley stated in 2005, \$3,600,000 was funded by Georgia-Pacific for the school bus retrofit program. He further stated 2 years into the project, products were recalled and removed from the buses. He added refunds for the equipment removed by the manufacturer were returned to EPD.

Mr. Bentley stated \$340,645 was now available for the Georgia-Pacific SEP Grant to redistribute. He further stated the grant funds are available to all Georgia Public School Systems. He added that first priority would be given to the school systems who removed the recalled equipment.

Mr. Bentley stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Bagwell, seconded by Ms. Johnson and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed Grant Criteria for

the Supplemental Environmental Grant Programs: the Georgia-Pacific Supplemental Environmental Project- Georgia's School Bus Retrofit Program, Chapter 391-3-21-.22, as presented.

Chairman Lambert called on Mr. Bentley to brief the Board on the proposed amendments to Rules for Radioactive Materials, Chapter 391-3-17, pertaining to Federal updates.

Mr. Bentley stated the purpose of the proposed rule change is to revise the Radioactive Materials Rules in order to be consistent with the requirements of the U.S. Nuclear Regulatory Commission (NRC).

Mr. Bentley stated there were currently five regulations that need to be updated. He further stated these rules were last updated in 2009. He added the proposed amendments were language changes to match the federal rules and do not make the EPD rules any more stringent.

Mr. Bentley stated the Board was briefed on this item in February and public notice was issued in March. He further stated as a result of the comments received during the public notice period, EPD revised the proposed amendments to incorporate additional citation of NRC regulations and federal requirements.

Mr. Bentley stated EPD would present the proposed amendments to these rules to the Board for action at the December Board Meeting.

Chairman Lambert called on Jac Capp to brief the Board on the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to Concentrated Animal Feeding Operations (CAFO).

Mr. Capp stated the purpose of the rule change is to amend the permit requirements of these rules to increase the threshold that triggers the applicability of the swine feeding operation rule and to provide clarification through the modification of language, the amending of the existing definitions, and the addition of new definitions.

Mr. Capp stated the CAFO rules were last amended in April 2012. He further stated at that time, EPD received direction from the Board to continue working with stakeholders to improve these rules.

Mr. Capp stated the primary change being briefed today is a modification to the threshold for the Swine Rule from 3000 animal units to 5000 animal units.

Mr. Capp stated the proposed amendments would be issued for public notice in September and a public hearing would be held in October. He further stated EPD would present the proposed amendments to the Board in December for action.

Mr. Sinyard asked Mr. Capp how many operating facilities in Georgia are currently operating over 3000 swine.

Mr. Capp stated there are currently no facilities over 3000 swine. He further stated that there are existing facilities which are 3000 swine or less.

Discussion ensued on the topic of changing the threshold from 3000 to 5000 swine.

Chairman Lambert stated there were several speakers signed up to speak on the topic. He further stated each speaker should limit their comments to three minutes or less.

Lauren Joy, Southern Environmental Law Center, commented on the proposed rules. She stated the current rules have stricter requirements and protections in place for large swine operations. She further stated Southern Environmental Law Center looks forward to further participation in the stakeholder process.

Chris Manganiello, Georgia River Network, spoke on the dramatic threshold increase compared to the stand-alone swine rule adopted by a previous DNR Board in 1999. He further stated the problems seen in North Carolina hog farms following natural disasters. He added he would ask the Board to carefully consider the proposed amendments.

Gordon Rogers, Flint Riverkeeper, spoke on the dangers of swine waste being spread through Georgia's waters. He further stated this was not a small regulatory change. He added the Flint Riverkeeper will be sending additional materials and information to the Board in the coming weeks.

Mark Woodall, Chairman of the Executive Committee Georgia Chapter of the Sierra Club, urged the Board to not change the threshold on swine regulations and protect private property rights and water quality.

Michael Pisciotta, Georgia Agribusiness Council, spoke in support of the proposed changes citing that these changes would help grow the agriculture industry. He further stated Georgia Agribusiness Council hopes to continue to be involved in the stakeholder process.

Melony Wilson, Animal Waste Specialist at the University of Georgia, spoke in support of the proposed rules. She stated these operations are very highly regulated and all facilities must follow a Nutrient Management Plan. She further stated this change supports our agriculture industry by creating an economy of scale to better produce Georgia's meat.

Chairman Lambert called on Mr. Cown for a briefing on the Rules for Solid Waste Management, Chapter 391-3-4, pertaining to legislative changes for inert landfills.

Mr. Cown stated in January 2013 the Board adopted rules that required the permitting of inert landfills, which were previously regulated under permit by rule. He further stated HB 320 provided a mechanism for those facilities that were in compliance with the rules in force on January 1, 2012 to be exempt from the January rule amendments. He added these facilities will be allowed to continue

operation under their permit by rule if the facility can be certified by a Georgia Professional Engineer as in compliance with those requirements.

Mr. Cown stated a public hearing would be held in September and EPD would expect to present the proposed amendments to the Board for action in October.

Chairman Lambert stated the Committee would forgo the Director's Report, which would instead be presented at the Board Meeting.

There being no further business, the meeting was adjourned.