

**Minutes**  
**Environmental Protection Committee**  
Charlie Elliott Wildlife Center  
Shepherd Conference Room

**December 3, 2013**

**Attending:**

Committee Members

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

Board Members

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

Visitors

Chris Manganiello, Georgia River Network  
April Ingle, Georgia River Network  
Michael Pisciotta, Georgia Agribusiness Council  
Katherine Zitsch, Atlanta Regional Commission  
Andrew Schock, The Conservation Fund  
Danny Johnson, Atlanta Regional Commission  
Steve Caley, GreenLaw  
Jimmy Kirkland, WCSR  
Debbie Phillips, Georgia Industry Environmental Coalition  
Mark Woodall, Sierra Club  
Ronny Just, Georgia Power  
Thomas Farmer, The Nature Conservancy  
Lea Kirschaw, GADA

Staff Members

Mark Williams  
Jud Turner  
Homer Bryson  
Spud Woodward  
Dave Crass  
Becky Kelley  
Eddie Henderson  
Steve Friedman  
Kyle Pearson  
Lauren Curry  
Taylor Brown  
Keith Bentley  
Jac Capp  
Jeff Cown  
Mary Walker  
Russ Pennington  
Jeff Weaver  
Stephen Adams  
John Bowers  
Mark Whitney  
Antoinette Norfleet  
Rusty Garrison

The December 3, 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 Protection Committee, who called on Keith Bentley, Chief of the Air Protection Branch.

Mr. Bentley stated the first item for consideration would be taking an action on the proposed amendments to the Rules for Radioactive Materials, Chapter 391-3-17, pertaining to Federal updates.

Mr. Bentley stated the purpose of the rule change was to revise the Radioactive Materials Rules in order to be consistent with the requirements of the U.S. Nuclear Regulatory Commission (NRC). He further stated NRC policy requires that Agreement States adopt equivalent regulations no later than three years after new or revised federal regulation becomes effective.

Mr. Bentley stated there were five federal regulations the NRC has promulgated for which Georgia must adopt revisions in order to be consistent and compatible.

Mr. Bentley stated the Board was briefed on the proposed revisions in February 2013. He further stated during the public notice period additional changes were made based on comments received from the NRC. He added the Board was re-briefed on rules changes in August and a second public notice was issued September 20, 2013.

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

A motion was made by Mr. Phelps, seconded by Ms. Addison and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Radioactive Materials, Chapter 391-3-17, pertaining to Federal updates, as presented.

Chairman Lambert called on Jac Capp, Chief of the Water Protection Branch.

Mr. Capp stated the next item for consideration would be an action on the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to management of made inflows to reservoirs.

Mr. Capp stated the stated proposed rule was to clarify, consistent with federal law, the State's policy regarding made inflows to federal reservoirs. He further stated the policy encourages return flows to surface waters.

Mr. Capp stated the proposed rule allows the EPD Director to retain authority to control the use and storage of surface waters within the State. He further stated the proposed rule change describes the criteria the EPD Director would use to exercise the authority.

Mr. Capp stated the Board was briefed on this item in September 2013 and a minor change was made. The Board was re-briefed in October 2013 and a public hearing was held on October 25, 2013.

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

Chairman Lambert asked Mr. Capp how many comments were received during the public notice period.

Mr. Capp stated three supportive comments were received from Cobb County-Marietta Water Authority, Georgia Association of Water Professionals, and Joe Tanner and Associates. He further stated Georgia Water Coalition commented that the rule was overly vague, could incentivize inter-basin transfers or new reservoirs, and that EPD should develop a new instream flow policy.

Chairman Lambert called on Chris Manganiello, Georgia River Network, to speak on the proposed rule change.

Mr. Manganiello expressed concerns with the proposed amendments. He stated he would request the Board send the proposed rule change back to EPD.

A motion was made by Ms. Addison, seconded by Mr. Bagwell 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 management of made inflows to reservoirs, as presented.

Chairman Lambert called on Jeff Cown, Chief of the Land Protection Branch.

Mr. Cown stated he would be briefing the Board on the proposed amendments to the Rules for Hazardous Site Response, Chapter 391-3-19.

Mr. Cown stated EPD would convene a stakeholder process hoping to improve the Rules by making them more reasonable and helping with corrective actions.

Mr. Cown stated the proposed changes to the Rules would propose a 90 day deferment of notification scoring to allow responsible parties to conduct corrective action and confirmation sampling contingent on providing interim measures as needed. He further stated the proposed rules would allow the delisting of Type 5 sites upon concurrence of Compliance Status Report (CSR) and execution of Uniform Environmental Covenant (UEC). He added the proposed changes would change thresholds used to delineate ground water and soil contamination.

Mc. Cown stated the proposed rules would also change the publication of notices to only the host county's legal organ.

Mr. Cown stated EPD anticipates convening the stakeholders to seek input in February of 2014. He further stated the Board would be briefed on the proposed revisions in August and a public hearing would take place in September. He added the EPD anticipates requesting the Board's approval to the proposed amendments in December of 2014.

Ms. Johnson asked Mr. Cown to explain the process of selecting stakeholders.

Mr. Cown stated EPD would select people who have been interested in issues concerning hazardous sites in the past, local governments, and people involved in the corrective action process.

Chairman Lambert called on Mr. Capp to give an informational briefing on Rivers Alive.

Mr. Capp stated Rivers Alive is Georgia's annual volunteer cleanup that targets all state waterways. He further stated since it began in 1999, that 8,224,866 pounds of trash have been removed from Georgia's waterways.

Discussion ensued on the topic of prevention and disposal of the trash removed by the Rivers Alive program.

Chairman Lambert stated this was a wonderful program and he applauds EPD for this effort.

Mr. Capp stated he would be briefing the Board on the proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6, pertaining to land application of septage.

Mr. Capp stated in 2006 the Senate Septage Disposal Study Committee recommended transferring authority to regulate land disposal of septage from the Georgia Department of Public Health to EPD as of July 1, 2012. He further stated the law changed in 2007 as recommended and EPD developed general permits to cover sites formerly regulated by the Department of Public Health in 2010.

Mr. Capp stated in 2011 concerns were raised that permit requirements were cost prohibitive for small pumpers (land disposal sites taking septage from only one company). He further stated in 2012 the legislature approved a two year delay in transition to July 1, 2014.

Mr. Capp stated for the past year EPD has been working with an industry group to draft rule changes that would address this issue.

Mr. Capp stated EPD proposes to amend the permit requirements of these Rules to provide for EPD's assumption of the authority to regulate all land disposal sites as of July 1, 2014. He further stated these amendments establish a two-tiered permitting system that distinguishes between single pumper site operations and larger facilities receiving waste from more than one pumper and provide for the issuance of a general permit. He added the amendments provide clarification through the modification of language, the amendment of existing definitions, and the addition of new definitions.

Mr. Capp stated the proposed rule change would go out for public notice in December 2013 and a public hearing would be held in January 2014. He further stated EPD anticipates requesting the Board's approval in February 2014.

Discussion ensued on this topic.

There being no further business, the meeting was adjourned.