

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

**January 13, 2015**

**Attending:**

**Committee Members**

Ray Lambert, Chairman  
William Bagwell  
Dwight Davis  
Dwight Evans  
Phyllis Johnson  
Aaron McWhorter  
Paul Shailendra  
Philip Wilheit, Jr., Board Chair, ex-officio

**Board Members**

Nancy Addison  
Duncan Johnson, Jr.  
Rob Leebern  
Mark Mobley  
Brother Stewart  
Philip Watt – via telephone  
Dee Yancey

**Visitors**

Doug Miell, Georgia Chamber  
Mike Brown, Georgia Golf Course Superintendents  
Mary Kay Woodworth, Georgia Urban Ag Council  
Chris Manganiello, Georgia River Network  
Doug Fulle, Oglethorpe Power  
Debbie Phillips, Georgia Industry Environmental Coalition  
Scott Tanner, Joe Tanner & Associates  
Bryan Tolar, Georgia Agribusiness Council  
Matthew Smith, Georgia Farm Bureau  
Ronny Just, Georgia Power  
Abit Massey, Georgia Poultry Federation  
Skin Edge

**Staff Members**

Mark Williams  
Jud Turner  
Homer Bryson  
Dave Crass  
Dan Forster  
Eddie Henderson  
Becky Kelley  
Spud Woodward  
Kyle Pearson  
Zachary Harris  
Mary Kathryn Yearata  
Cathy Barnette  
Taylor Brown  
John Martin  
Doug Haymans  
Mark Whitney  
Doralyn Kirkland  
Mary Walker  
Trip Addison  
Wally Woods  
Jac Capp  
Keith Bentley  
Jeff Cown  
Michael Chadwell  
Thom Litts  
Bryan Tucker  
Caylee Noggle

The January 13, 2015 meeting of the Environmental Protection Committee was called to order by Chairman Philip Wilheit.

Chairman Wilheit 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 the Committee's consideration would be the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to the removal of fine particulate matter nonattainment new source review requirements for Macon and Rome.

Mr. Bentley stated this rule is being revised to remove the fine particulate matter nonattainment new source review requirements for the Macon area and for Floyd County. He further stated in 2004, EPA designated these two areas as nonattainment for the fine particulate matter air quality standard set by EPA in 1997. He added in May of 2014, both of these areas were re-designated to "attainment" of the 1997 standard by the EPA.

Mr. Bentley stated this revision will reduce the administrative burden to the EPD and will reduce costs to major industrial sources and utilities that wish to locate or expand in these areas.

Mr. Bentley stated the Board was briefed on this proposal in October 2014 and no comments were received during the public notice period.

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 Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Removal of Fine Particulate Matter Nonattainment New Source Review Requirements to Macon and Rome, as presented.

Mr. Bentley stated the next item for the Committee's consideration would be the proposed amendments to Rules for Radioactive Materials, Chapter 391-3-17, pertaining to miscellaneous changes and updates.

Mr. Bentley stated the purpose of this amendment is to revise the rules to be consistent with the requirements of the Nuclear Regulatory Commission.

Mr. Bentley stated the Board was briefed on this proposal in October 2014 and no comments were received during the public notice period.

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 amendments to Rules for Radioactive Materials, Chapter 391-3-17, pertaining to miscellaneous changes and updates, as presented.

Chairman Lambert called on Jud Turner, Director of the Environmental Protection Division, who commented on the proposed amendments to the Rules for Drought.

Chairman Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to brief the Committee on the proposed Rules for Drought Management: Amendments to Rules for Outdoor Water Use, Chapter 391-3-30; Rules for Groundwater Use, Chapter 391-3-2; and Rules for Water Quality Control, Chapter 391-3-6.

Mr. Capp stated in 2008, HB 1281 was passed by the General Assembly charging the DNR Board to adopt new rules relating to drought management and making public water systems get a variance from EPD to impose more, or less, stringent restrictions on outdoor water use than those imposed by the state.

Mr. Capp stated in 2010, SB 370 (The Water Stewardship Act of 2010) was passed by the General Assembly which establishes year round and state wide limitations on outdoor watering from 4pm to 10am with 13 listed exceptions and provided expedited hearing of variance decisions.

Mr. Capp stated EPD held public stakeholder meetings on May 13, July 15 and October 22, 2014.

Mr. Capp stated EPD proposes The Rules for Drought Management will replace the Rules for Outdoor Water Use, Chapter 391-3-30. He further stated the proposed Rules for Drought Management will incorporate provisions for a drought response committee; drought indicators and triggers; a drought declaration process; pre-drought mitigation strategies designed to minimize the potential effects of drought; and drought response strategies to be implemented during various stages of drought.

Mr. Johnson asked if the pricing rates would return to normal at the end of the drought if drought surcharges or tiered conservation rates were required by the public water system during a drought.

Mr. Bentley stated EPD does not tell the public water systems how to structure rates outside of drought.

Mr. Bentley stated existing rules for Groundwater Use, 391-3-2-.04 and the Rules for Water Quality Control, 391-3-6-.07 contain requirements for permittees to have “drought contingency plans.” He further stated narrow amendments are proposed to ensure consistency between the drought contingency plans and the requirements that public water systems get variances from EPD in order to implement restrictions on outdoor water use that differ from those imposed by the state.

Mr. Bentley stated the public notice period would begin in January 2015. He further stated a public hearing was scheduled for February 2015. He added EPD anticipates bringing the proposed rules to the Board for final adoption in March 2015.

Mr. McWhorter stated he would like to thank Mr. Turner and Mr. Capp for listening to and working with the stakeholders during this process.

Discussion ensued concerning using the term “non-drought” vs. “pre-drought” throughout the rule.

Mr. Lambert called on Skin Edge to comment on the proposed rules.

Mr. Edge stated since this was only a briefing, he would not be making a comment.

Mr. Lambert called on Chris Manganiello, Georgia River Network, who commented on the proposed rules.

Mr. Lambert called on Bryan Tolar, Georgia Agribusiness Council, who commented on the proposed rules.

There being no further business, the meeting was adjourned.