

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

August 25, 2015

Attending:

Committee Members

William Bagwell, Chairman
Dwight Evans, Vice Chairman
Dwight Davis
Phyllis Johnson
Rob Leebern
Aaron McWhorter
Mike Phelps
Matt Sawhill
Ray Lambert, Jr., Board Chair, ex-officio

Board Members

Nancy Addison
Duncan Johnson, Jr.
Mark Mobley
Bodine Sinyard
Brother Stewart
Philip Watt
Philip Wilheit
Dee Yancey

Visitors

Jonathan Harding, Georgia Agribusiness Council
Bryan Tolar, Georgia Agribusiness Council
Bill Lott, UCCTU
Tom Redmon, Chattahoochee Park Conservancy
Ben Emanuel, American Rivers
Dewey G. Grantham, Jr., Liberty Tire Recycling
Dyna Kohler, Chattahoochee Parks Conservancy
Lisa Gordon, U.S. Environmental Protection Agency
Steve Levetan, Pull-a-Part, LLC
Alan Toney, citizen
Jim Harvey, Trout Unlimited
Jennette Gayer, Environment Georgia
Kent Strickland, Environment Georgia
Colleen McLoughlin, Environment Georgia

Staff Members

Mark Williams
Jud Turner
Walter Rabon
Bryan Tucker
Eddie Henderson
Becky Kelley
Spud Woodward
Steve Friedman
Kyle Pearson
Mary Kathryn Yearata
Cathy Barnette
Taylor Brown
Mark Whitney
Doug Haymans
Doralyn Kirkland
Jac Capp
Jeff Cown
Karen Hays
Wally Woods
John Bowers
Mary Walker
Stan Elrod
Tina Brunjes
Jon Ambrose
Terry West
Zachary Harris
Trip Addison

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Debbie Phillips, Georgia Industry Environmental Coalition

Mark Woodall, Friends of the Environment

Dough Niell, Georgia Chamber

Jeffrey Harvey, Farm Bureau

Chris Manganiello, Georgia River Network

Bill Cox, Chattahoochee River N.R.A.

Alyse Williams, Office of Planning and Budget

James Hamilton, North Georgia Mountain Authority

Bill Donahue, North Georgia Mountain Authority

Laura Hartt, Chattahoochee Riverkeeper

John Eberhart, Georgia Earth Alliance

Roger Huff, White Water Learning Center of Georgia

Gerard Gunthert, Chattahoochee Riverkeeper

Joyce Shephard, City of Atlanta Council Member

Jerry Stober, FOMR

William Tomlin, The Sierra Club

Jason Ulseth, Chattahoochee Riverkeeper

Harriet Peacock, citizen

Sally Bethea, citizen

Joshua Hanthorn, citizen

Chris Scalley, Fishing Guide

Roger Buerki, citizen

The August 25, 2015 meeting of the Environmental Protection Committee was called to order by Ray Lambert, Chairman of the Board of Natural Resources.

Chairman Lambert called on William Bagwell, Chairman of the Environmental Protection Committee, who called on Jeff Cown, Chief of the Land Protection Branch, to present the proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4.

Mr. Cown stated Rule 391-3-4-.19 is being amended to incorporate HB226 changes; clarify existing language; update requirements to reflect changes in the industry; revise requirements for processors, generators, carriers and tire storage; add requirements for used tire management; include a definition for “beneficial reuse”; and amend manifest requirements.

Mr. Cown stated three written comments were received during the public notice period and no changes to the proposed rules are recommended in response to the comments received.

Mr. Cown stated the Board was briefed on the proposed revisions to the Rule in December 2014. He further stated a public hearing was held in May 2015 and EPD revised the Rules due to the responses received during the public notice period. He added the rules were re-noticed in July 2015 and a public hearing was held.

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

Chairman Bagwell stated three speakers had signed up to comment on the proposed amendments to the Rules for Solid Waste Management.

Steve Levetan, Pull-A-Part LLC, spoke in support of the proposed rule change.

Dewey G. Grantham, Jr., Liberty Tire Recycling spoke in support of the proposed rule change.

Joyce Sheperd, City of Atlanta Council Member, spoke in support of the proposed rule change.

A motion was made by Mr. Evans, seconded by Mr. Leebern and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4, as presented.

Chairman Bagwell called on Mr. Cown to present the Proposed FY 2016 Solid Waste Trust Fund Spend Plan.

Mr. Cown stated the EPD requests Board of Natural Resources approval to expend up to \$2,969,057 from the Solid Waste Trust Fund during FY 2016. He further stated the FY 2016 spending priorities include: focus on scrap tire pile and prevention and cleanup; initiate program to reimburse local governments for scrap tire abatement projects; clean up abandoned landfills and respond to solid waste emergencies; and reduce solid waste and increase recovery of materials.

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

A motion was made by Mr. Evans, seconded by Mr. Leebern and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the Proposed FY 2016 Solid Waste Trust Fund Spend Plan, as presented.

Chairman Bagwell called on Jac Capp, Chief of the Watershed Protection Branch, to present the proposed Grant Criteria for the Award of Regional Water Plan Seed Grants for FY 2016.

Mr. Capp stated the total available funds for the SFY-2015 are \$150,000. He further stated these funds will represent 60% of the total project cost and grant recipients will be required to provide the remaining 40% of project costs in the way of match, with a minimum of 10% of the total project cost in the form of a cash match.

Mr. Capp stated eligible projects are those that address critical information needs or data gaps; tracking available monitoring data and reporting on water resource conditions; and developing regional guidelines for regional water plan implementation. He further stated a competitive process for selecting projects will be used.

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

A motion was made by Mr. Davis, seconded by Mr. Stewart and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the Proposed Grant Criteria for the Award of Regional Water Plan Seed Grants for FY 2016, as presented.

Chairman Bagwell called on Mr. Capp to present the proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6.

Mr. Capp stated EPD proposes to amend provisions of Rules 391-3-6-.03 and 391-3-6-.06, relating to water use classifications and water quality standards and waste treatment and permit requirements as part of EPD's Triennial Review of Water Quality Standards.

Mr. Capp stated the proposed rule change would designate the headwaters of the Conasauga River wholly contained within the Cohutta Wilderness Area of Chattahoochee National Forest as Outstanding National Resource Water.

Mr. Capp stated the proposed rule change would adopt site specific copper criteria at Buffalo Creek. He further stated existing criteria is more stringent than necessary at high Dissolved Organic Carbon levels. He added this site specific adoption would cover Buffalo Creek from Richards Lake Dam to confluence with the Little Tallapoosa River.

Mr. Capp stated the proposed rule change would include the adoption of the EPA's 2012 Recreation Bacteria Criteria. He further stated this criterion protects human health from primary contact recreation. He added wastewater treatment plants will be able to meet the new criteria with existing treatment technology.

Mr. Capp stated the proposed rule change will add the designation of Recreational Use to five estuarine waters with coastal beaches and fourteen lakes with DNR Park beaches. He further stated these beaches are used for primary contact recreation and are currently sampled for bacteria to protect human health.

Mr. Capp stated the proposed rule change will remove reference to the minimum flow at Peachtree Creek of 750 cfs. He further stated removal of the footnote will make clear that this section of the Chattahoochee will be treated consistent with all other regulated streams.

Mr. Capp stated the proposed rule change will clarify the total lake loading of phosphorus and remove the Variance to the Narrative Toxicity Standard at Cabin Creek.

Mr. Capp stated EPD received 17 written comments and 21 commenters spoke at public meetings including local governments, public water systems, national park service, recreational users (including businesses that target these users) and environmental groups. He further stated no changes to the proposed rules are recommended in response to comments received.

Mr. Capp stated the Board was briefed on this item in April 2015. He further stated the public notice period began in May and a public hearing was held in June.

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

Jud Turner, Director of the Environmental Protection Division, commented on the proposed rule changes to the Rules for Water Quality Control.

Chairman Bagwell stated 18 speakers had signed up to speak on the proposed amendments to the Rules for Water Quality Control. He further stated he would ask all speakers to limit their comments to three minutes.

Tom Redmon, Chattahoochee Parks Conservancy, spoke in opposition to the removal of the 750 cfs footnote.

Jim Harvey, Upper Chattahoochee Chapter of Trout Unlimited, spoke in opposition of the removal of the 750 cfs footnote.

Alan Tony, citizen, spoke in opposition of the removal of the 750 cfs footnote.

Jerry Stober, Friends of McIntosh Reserve, spoke in opposition of the removal of the 750 cfs footnote.

Bill Cox, Chattahoochee River National Recreation Area, spoke in opposition of the removal of the 750 cfs footnote.

Jennette Gayer, Environment Georgia, spoke in support of the Conasauaga River designation as Outstanding National Resource Waters.

Mark Woodall, Friends of the Environment, spoke in opposition of the removal of the 750 cfs footnote.

Ben Emanuel, American Rivers, spoke in opposition of the removal of the 750 cfs footnote.

Chris Manganiello, Policy Director of the Georgia River Network, spoke in opposition of the removal of the 750 cfs footnote.

William Tomlin, Sierra Club, Committee Chair, spoke in opposition of the removal of the 750 cfs footnote.

Jason Ulseth, Chattahoochee Riverkeeper, spoke in opposition of the removal of the 750 cfs footnote.

Harriet Peacock, citizen, spoke in opposition of the removal of the 750 cfs footnote.

Sally Bethea, citizen, spoke in opposition of the removal of the 750 cfs footnote.

Joshua Hanthorn, citizen, spoke in opposition of the removal of the 750 cfs footnote.

Chris Scalley, Fishing Guide, spoke in opposition of the removal of the 750 cfs footnote.

Gerard Gunthert, citizen, spoke in opposition of the removal of the 750 cfs footnote.

Roger Huff, Whitewater Learning Center of Georgia, spoke in opposition of the removal of the 750 cfs footnote.

Roger Buerki, citizen, spoke in opposition of the removal of the 750 cfs footnote.

Discussion ensued concerning the removal of the 750 cfs footnote and the effects on the Chattahoochee River if the proposed amendments are approved by the Board.

A motion was made by Mr. Davis, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6, as presented.

Chairman Bagwell called on Mr. Capp to brief the Board on the proposed amendments to Rules for Safe Drinking Water, Chapter 391-3-5.

Mr. Capp stated the purpose of the proposed amendments is to maintain consistency with federal drinking water regulations and therefore maintain primacy of the program. He further stated EPA finalized the Revised Total Coliform Rule (RTCR) on February 13, 2013. He added the compliance date set by EPA is April 1, 2016 and applies to all public water systems.

Mr. Capp stated the purpose of this rule change is to amend provisions of eight Rules in Chapter 391-3-5 to incorporate the requirements of EPA's 2013 Revised Total Coliform Rule. He further stated the proposed amendments will change the Maximum Containment Level (MCL) from total coliform to E. coli; eliminate public notification when total coliform present but not E. coli; and requires public waters systems to assess their systems when monitoring results.

Mr. Capp stated approximately 8 free workshops will be conducted by GRWA prior to April 1, 2016 to provide specific training on the RTCR. He further stated EPD will do mass mailing to all public water systems in the State in order to provide additional guidance on the RTCR.

Mr. Capp stated a public notice period will begin in September 2015 and a public hearing will be held in October 2015. He further stated EPD anticipates presenting the Rules for final adoption at the December 1, 2015 meeting.

Chairman Bagwell called on Karen Hays, Chief of the Air Protection Branch, to brief the Board on the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1.

Ms. Hays stated the proposed amendments will delete Georgia's Heavy-Duty Diesel Engine Requirements Rule 391-3-1-.02(2)(ooo) in its entirety. She further stated this rule was added in 2004 as part of attainment strategy for the 1997 ozone standard. She added Federal Rules are now more stringent than Rule 391-3-1-.02(2)(ooo).

Ms. Hays stated the public notice period will begin in September and a public hearing will be held. She further stated EPD anticipates bringing the final Rule to the Board for adoption in October 2015.

There being no further business, the meeting was adjourned.