

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

October 27, 2015

Attending:

Committee Members

William Bagwell, Chairman
Dwight Evans, Vice Chairman
Dwight Davis
Rob Leebern
Aaron McWhorter
Mike Phelps
Brother Stewart
Ray Lambert, Jr., Board Chair, ex-officio

Board Members

Nancy Addison
Duncan Johnson, Jr.
Phyllis Johnson
Bill Jones
Mark Mobley
Paul Shailendra
Bodine Sinyard
Philip Watt (Via Conference Call)
Philip Wilheit

Visitors

Bryan Tolar, Georgia Agribusiness Council
Jonathan Harding, Georgia Agribusiness Council
John Eberhart, Georgia Earth Alliance
Chris Manganiello, Georgia River Network
Doug Fulle, Oglethorpe Power Corporation
Leah Dixon, Georgia Conservancy
Ronny Just, Georgia Power
David Word, Joe Tanner & Associates
Chris Wells, Office of Planning and Budget

Staff Members

Mark Williams
Jud Turner
Walter Rabon
Dan Forster
Dave Crass
Eddie Henderson
Becky Kelley
Spud Woodward
Steve Friedman
Kyle Pearson
Zachary Harris
Mary Kathryn Yearata
Cathy Barnette
Taylor Brown
Mary Walker
John Bowers
Doralyn Kirkland
Karen Hays
Jac Capp
Jeff Cown
Jeff Weaver
Terry West
Brad Gane
Doug Haymans
Jon Ambrose
Erin Ruoff
Jennifer Welte

The October 27, 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 Karen Hays, Chief of the Air Protection Branch, to present the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1.

Ms. Hays stated the purpose of this amendment is to delete Georgia's Heavy-Duty Diesel Engine Requirements Rule in its entirety. She further stated that when the Rule was adopted in 2004, the California Air Resources Board (CARB) standard had more stringent testing and certification requirements than the existing federal standards. She added EPD made the decision to adopt the CARB standards so EPD could include the emission reductions resulting from the cleaner engines in the ozone attainment plan.

Ms. Hays stated this rule is no longer required because the federal manufacturing standards for heavy-duty diesel engines are now more stringent than the Georgia Rule. She further stated this rule was identified for removal from the Georgia Rules in response to the Governor's February 13, 2012 Executive Order on regulatory reform.

Ms. Hays stated the Committee was briefed on this item in August and a public hearing was held in September. She further stated no comments were received during the public notice period.

Ms. Hays stated she would request the Committee recommend that the Board adopt the item as presented.

A motion was made by Mr. Evans, seconded by Mr. Davis 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, as presented.

Chairman Bagwell called on Jac Capp to re-brief the Committee on the proposed amendments to the Rules for Dam Safety, Chapter 391-3-8.

Mr. Capp stated the Board was previously briefed on this item at the June 23, 2015 meeting and EPD held a public hearing on September 9, 2015.

Mr. Capp stated the purpose of amending Rules 391-3-8-.01 through -.11 is to improve the overall effectiveness of the Safe Dams Program. He further stated these amendments are designed to ensure that potential Category I (high hazard) dams are promptly identified and categorized appropriately, that identified Category I dams are permitted, that identified Category I dams are routinely inspected with appropriate follow up actions if problems are discovered and that Category I dams have Emergency Action plans.

Mr. Capp stated based on the comments received during the public comment period, EPD is proposing to make two minor changes to improve the clarity of the proposed rule amendments. He further stated EPD will solicit public input on the proposed rule amendments and hold another public hearing in December of 2015. He added EPD anticipates requesting the Board's final approval at the January 29, 2016 meeting.

Discussion ensued concerning the classification of Category I dams by EPD and the Director.

Chairman Bagwell called on Mr. Capp to brief the Committee on the proposed amendments to Rules for Erosion and Sedimentation Control, Chapter 391-3-7.

Mr. Capp stated EPD proposed to amend Rules 391-3-7-.01 and 391-3-7-.05 and to adopt Rule 391-3-7-.11 to ensure consistency between the Rules for Erosion and Sedimentation Control and the new 2015 amendments to the Erosion and Sedimentation Act under SB 101. He further stated SB 101 establishes a 25 foot buffer along coastal marshlands in Georgia, while also providing exceptions to the coastal marshland buffer requirement and a variance process to be implemented by the Director of EPD.

Mr. Capp stated SB 101 directed DNR to promulgate rules and regulations that contain criteria for the grant or denial by the EPD Director of request for variances. He further stated it also provides for variances by rules, subject to specific conditions, for certain categories of activities within the buffer that will have minimal impact on the water quality or aquatic habitat of the adjacent marsh, including where the area within the buffer is not more than 500 square feet.

Mr. Capp stated that EPD held public stakeholder meetings on June 18, 2015 in Brunswick and July 14, 2015 in Savannah to present and discuss draft rule language.

Mr. Capp stated EPD will solicit public input and hold a public hearing in December 2015. He further stated EPD expects to present the following amendments to the Board for action at the January 29, 2015 meeting.

Mr. Shailendra request that the Board members have access to the EPD PowerPoint presentations.

There being no further business, the meeting was adjourned.