

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

April 28, 2009

Attending:

Committee Members

Walter Hudson, Chairman
Earl Barrs
Warren Budd
Phyllis Johnson
Ray Lambert
Jim Walters
Tom Wheeler
Bill Carruth, Board Chairman, ex-officio

Board Members

Gene Bishop
Joe Hatfield
Bob Rutland
Loyce Turner
Jim Tysinger

Visitors

Phil Zinsmester, Sierra Club
Josh Stancil, Georgia Forestry Association
Ronny Just, Georgia Power
Steve Ewald, Georgia Power
Jim Stokes, Sustainable Solutions of Georgia
Dougle Fulle, Oglethorpe Power Corporation

Staff Members

Chris Clark
Carol Couch
Todd Holbrook
Paul Burkhalter
Susan Shipman
Dan Forster
Marlin Gottschalk
Ray Luce
Jim Ussery
Spud Woodward
Linda MacGregor
Dave Crass
Steve Friedman
Doralyn Kirkland
Wally Woods
Jennifer Kaduck
Connie Buck
Lon Revall
Mark Whitney
Paul Nelson
James Capp
Mark Smith
Jimmy Johnston
Emily Hitchcock
Alexandra Cleary
Sarah Dearman
Mary Ann Evans
Hellen Harris

The April 28, 2009 Environmental Protection Committee was called to order by Board Chairman Bill Carruth.

Chairman Carruth called on Walter Hudson, Chairman of the Environmental Protection Committee. Mr. Hudson called on Linda MacGregor, Chief, Watershed Protection Branch, to present for action the proposed amendments to Rules for Safe Drinking Water, Chapter 391-3-5, pertaining to Federal requirements.

Ms. MacGregor stated that these amendments are to incorporate Federal regulations into our State rules that further protect public health. She further stated that the Environmental Protection Division (EPD) has done early implementation of these items for the last several years, including training and technical assistance. She added that the Board had been briefed on these proposed amendments in February, a public notice and public hearing had been held in March, and that no comments had been received to date.

Ms. MacGregor stated that she would like to request approval of the rule changes as presented to the Board at its February meeting.

A motion was made by Mrs. Johnson, seconded by Mr. Barrs and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the proposed amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, pertaining to Federal requirements. (Resolution attached hereto and made a part hereof)

Mr. Hudson called on Jennifer Kaduck, Chief, Land Protection Branch to present for action the proposed FY-2009 Solid Waste Trust Fund Spending Plan.

Ms. Kaduck stated that she would be requesting approval of a total of \$3,013,100 from the Solid Waste Trust Fund, which consists of \$2.1 million amended FY-09 Appropriation, plus \$920,015 in carry over funds from last year. She further stated that these funds include money that had been saved from freezing positions, drastically cutting operating costs, and fines collected in FY-08. She added that these monies are deposited directly into the Solid Waste Trust Fund and carried over to the next year.

Ms. Kaduck stated that the request came late in the Fiscal Year due to the amended budget process, wherein the Solid Waste Trust Fund had been cut approximately 66 percent from the initial appropriation of \$6 million. She further stated that the Governor's Office of Planning and Budget worked very closely with EPD on analyzing priorities and have concurred with the proposed spending plan. She added that due to the reduced funds, the spending plan covers only EPD and Department of Community Affairs (DCA) staff and minimal operating expenses for those staff, funds to begin clean-up of an old scrap tire dump in Upson County, and a small emergency

reserve set aside to deal with solid waste emergencies at landfills, such as landfill fires and methane explosions hazards.

Ms. Kaduck stated that although there are no funds for additional investments in recycling and litter prevention in FY-09, these important activities are nevertheless continuing in FY-09 through the expenditure of funds previously authorized in FY-07 and FY-08 for this important initiative in statewide solid waste recycling and the litter awareness campaign. She further stated that this includes a network of solid waste recycling hubs that are being built and operated by four local governments for use in their region and through continued use of equipment purchased through the Trust Fund to establish a way to collect recyclables at major public events.

Ms. Kaduck showed a slide of the Upson County site where approximately 3.6 million tires were dumped. She stated that it will cost approximately \$3.3 million to address clean up. She further stated that the major hazard at this site is fire and could impact air quality in that region for hundreds of miles should that occur. She added that a large scrap tire dump similar to this one located near Palmetto, Georgia that caught fire in the past remains on the Hazardous Site Inventory because of groundwater contamination that was caused when some of the tires burned, melted and leaked into the ground. She further added that since this site in Upson County is such a big priority that EPD would like to begin work on it as soon as possible, beginning with Phase I, which would be to stabilize the site, flatten the slope and add soil cover to keep fires away.

Ms. Kaduck stated that sites like this one is also a huge mosquito hazard, as they breed in open tires where water collects. She further explained that the Solid Waste Trust Fund Spending Plan for FY-09 includes: \$1,562,653 for EPD staff and program operations; \$910,947 for scrap tire clean up; \$439,500 for state agency agreements; and \$100,000 for emergency reserves. She added that she would like to request approval of the proposed FY-09 Spending Plan for the Solid Waste Trust Fund.

Discussion ensued.

A motion was made by Mrs. Johnson, seconded by Mr. Walters and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the Proposed FY-09 Spending Plan for the Solid Waste Trust Fund. (Resolution attached hereto and made a part hereof)

Mr. Hudson called on Mark Smith, Chief, Hazardous Waste Management Branch, for a briefing on the proposed amendments to Rules for Hazardous Site Response, Chapter 391-3-19, pertaining to State requirements and miscellaneous revisions.

Mr. Smith stated that the Hazardous Site Program began in 1992 in response to an individual who purchased land in Douglas County to be used as a farm, but it turned out to be a burial site for hazardous waste. He further stated that State and Federal governments had been involved with the site, but that the individual who purchased it did not know that it was a hazardous waste burial site. He added that the Georgia Legislature acted to pass the Hazardous Site Response Act, with its primary purpose being to notify the public of the existence of contaminated sites.

Mr. Smith stated that other functions of the Act are to process notifications when hazardous waste is found on properties. He further stated that when hazardous waste is discovered on a site, the property owner has 30 days to report it to EPD. He added that EPD then determines if the site proposes a threat to human health and the environment. He further added that one out of five sites have enough potential to require their listing on the Hazardous Site Inventory (HSI).

Mr. Smith stated that EPD works with landowners as well as local governments to effect clean up of the hazardous sites so that they meet the standards of the Rules for Hazardous Site Response.

Mr. Smith stated that several legislative updates had occurred over the past years that require these proposed amendments to the Rules for Hazardous Site Response. He further stated that the changes were as follows: The Hazardous Site Response Act allowed changes in fees in 2002; the Uniform Environmental Covenant Act was passed in 2008, which allowed a property owner to restrict the use of their property so to prohibit use of groundwater to prevent future contamination; and the Safe Drinking Water Act was updated in 2004 to revise the maximum contaminant levels (MCLs), which set the clean up standards.

Mr. Smith stated that the proposed non-legislative updates included toxicological hierarchy, notification forms, errors associated with earlier rule changes, and regulated substances.

Mr. Smith stated that current legislation increased fees approximately 15 percent when reauthorized. He further stated that fees currently reflect the old rates and include out of date schedules. He added that the proposed amendments would be public noticed in July, a public hearing would be held in September, and be presented for action to the Board in October. (Copy of Mr. Smith's PowerPoint presentation attached hereto and made a part hereof)

Discussion ensued.

Mr. Hudson called on James Capp, Chief, Air Protection Branch, for a briefing on proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to permit fees and miscellaneous provisions.

Mr. Capp stated that permit fees fund Title V activities from collected fees from stationary sources of air pollution and that no changes are proposed in the fee rate of \$34.00 per ton. He further stated that a stakeholder committee had been consulted and that these funds would be for FY-10 Title V activities.

Mr. Capp stated that the definition of Volatile Organic Compound (VOC) would be revised to be consistent with Federal regulations. He further stated that the definition for procedures for testing and monitoring sources of air pollutants would be revised to reference the most recent version of this document.

Mr. Capp stated that several miscellaneous changes regarding electric utility rules, ambient air quality standards, and incorporation by reference of Federal standards. He further stated that a few typographical errors had been corrected; the method for calculating value of emission reduction revised, and threshold levels had been corrected to be consistent with Federal requirements. He added that there would be a public hearing on the proposed amendments in June, and that they would be presented to the Board for action at the June meeting. (Copy of Mr. Capp's PowerPoint presentation attached hereto and made a part hereof)

There being no further business, the meeting was adjourned.