

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

**August 25, 2009**

**Attending:**

Committee Members

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

Board Members

David Allen  
Bill Archer  
Gene Bishop  
Jenny Lynn Bradley  
Joe Hatfield  
Mabel Jenkins  
Bob Rutland  
Loyce Turner  
Jim Tysinger

Visitors

Emory Brown, Georgia Falconry Association  
Joseph Seabolt, Georgia Falconry Association  
Karl Ledford, Georgia Transmission Corporation  
Steve Hein, Georgia Southern University  
Shana Udvardy, Georgia Conservancy  
Gordon Rogers, Satilla RiverKeeper  
Katie Kirkpatrick, Metro Atlanta Chamber of Commerce  
Debbie Phillips, Georgia Industry Environmental Coalition  
Nate Hunt, Southern Environmental Law Center

Staff Members

Chris Clark  
Carol Couch  
Paul Burkhalter  
Todd Holbrook  
Susan Shipman  
Dan Forster  
Becky Kelley  
Marlin Gottschalk  
Ray Luce  
Karl Burgess  
Mark Whitney  
Jim Ozier  
Jon Ambrose  
Steve Friedman  
Jennifer Kaduck  
Jac Capp  
Mark Smith  
Linda MacGregor  
Doralyn Kirkland  
Jim Ussery  
Emily Hitchcock  
Lauren Curry  
Dave Crass  
Pam Earl  
William Cook  
Dick Swanson  
Mike Harris  
Terry West  
Jan Simmons  
Brad Gane  
Keith Weaver  
Mary Ann Evans  
Yolanda Fanning

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Clayton Doherty, Georgia Transmission Corporation

Thomas Farmer, The Nature Conservancy

Tara Vogel, Georgia Power

Steve Ewald, Georgia Power

Robert Gordon, Georgia Falconry Association

Joel Volpi, Georgia Falconry Association

Phil Zinsmeister, Sierra Club

Scott Tanner, Joe Tanner & Associates

Josh Stancil, Georgia Forestry Association

Doug Cloud, Alston & Bird

Shirl Parsons, Georgia Wildlife Federation

Mike Giles, Georgia Poultry Federation

Abit Massey, Georgia poultry Federation

R. Riley Wilson, Georgia Game Hawkers

William Woodall, Georgia Hunting & Fishing Federation

Bettie Sleeth, Home Builders Association of Georgia

Patricia Barmeyer, King & Spalding

The August 25, 2009 meeting of the Environmental Protection Committee was called to order by Board Chairman Bill Carruth.

Chairman Carruth called on Walter Hudson, Chairman of the Environmental Protection Committee, who called on Jennifer Kaduck, Chief, Land Protection Branch, for a presentation on the proposed amendments to Rules for Underground Storage Tank Management, Chapter 391-3-15, pertaining to training requirements for operators of underground storage tanks (UST).

Mrs. Kaduck stated that these Rules incorporate federal mandates of the U. S. Energy Act of 2005, including operator training for UST's. She further stated that the Committee had been briefed in June on the proposed amendments to this Rule by Dick Swanson, Manager of the UST program, who will be retiring on September 1. She commended Mr. Swanson for his years of faithful service in the Environmental Protection Division (EPD).

Mrs. Kaduck stated that after the June briefing, the Rule had been public noticed and a public hearing was held July 14, with no public comments being received. She further stated that she would like to request the Committee's approval of the proposed amendments.

A motion was made by Mr. Walters, seconded by Mr. Lambert and carried unanimously that the Committee recommends that the Board adopt the Resolution approving the proposed amendments to Rules for Underground Storage Tank Management, Chapter 391-3-15 pertaining to training requirements for operators of underground storage tanks. (Resolution attached hereto and made a part hereof)

Mr. Hudson called on Jac Capp, Chief, Air Protection Branch, for presentation of the action item on Grant Criteria for American Recovery and Reinvestment Act (ARRA) Georgia Truck Stop Electrification (TSE) and Green Corridors Grant Program.

Mr. Capp stated that that the TSE will provide hotel comforts for long haul truck drivers during their extended rest periods by allowing the driver to connect to electrical power and/or an external air conditioning system. He further stated that the use of TSE will allow the driver to shut down the primary engines, which will result in a reduction of idling by heavy-duty long haul trucks along the interstate corridors. He added that shutting down of the primary engine will reduce emissions of nitrogen oxides (NOx), fine particulate matter and other air pollutants.

Mr. Capp stated that eligible applicants are TSE vendors who would partner with a particular truck stop to submit an application. He further stated that the total available

funding for this project is \$748,000.00. He added that the targeted completion date of the program is September 2010.

A motion was made by Mr. Walters, seconded by Mrs. Johnson and carried unanimously that the Committee recommends that the Board approve the Grant Criteria for American Recovery and Reinvestment Act (ARRA) Georgia Truck Stop Electrification and Green Corridors Grant Program. (Grant Criteria attached hereto and made a part hereof)

Mr. Capp stated that the next item for consideration was action on Grant Criteria for AARA State Clean Diesel Grant Program. He further stated that the primary purpose is to add a new grant program to assist public school systems and public transit systems in purchasing and/or installing technologies to reduce particulate matter emissions from heavy-duty diesel engines on school buses and transit buses.

Mr. Capp stated that the grants are funded by the AARA of 2009 and total available funding for this project is \$1,567,811. He further stated that the first priority would be for school systems whose fleets are based in counties that have not been officially designated as nonattainment for the PM2.5 standard and that install emission control devices on school buses. He further stated that all projects would be ranked by cost effectiveness.

Discussion ensued about the use of biodiesel fuels.

A motion was made by Mr. Walters, seconded by Mr. Barrs and carried unanimously that the Committee recommends that the Board approve the Grant Criteria for American Recovery and Reinvestment Act (ARRA) State Clean Diesel Grant Program. (Grant Criteria attached hereto and made a part hereof)

Mr. Capp stated that the next item would be a briefing on the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Hazardous Air Pollutants and other Standards. He further stated that these proposed amendments include correcting typographical errors and re-inserting a paragraph inadvertently omitted in a previous rulemaking.

Mr. Capp stated that there were a number of federal regulations for National Emission Standards for Hazardous Air Pollutants (NESHAP) that have not yet been adopted in the Georgia Rules, and were part of these proposed amendments as well.

Mr. Capp stated that the proposed amendments would be public noticed on August 30, and a public hearing would be held on September 29, and that he anticipates coming back to the Committee and Board for approval in October.

Mr. Hudson called on Mark Smith, Chief, Hazardous Waste Management Branch, to present a briefing on proposed amendments to Rules for Hazardous Waste Management, Chapter 391-3-11, pertaining to federal requirements.

Mr. Smith stated that the U. S. Environmental Protection Agency (EPA) has published four new hazardous waste regulations that need to be adopted and terminated one program that needs to be removed. He further stated that these are minor changes to existing rules. He added that EPD proposed to amend the Georgia Rules for Hazardous Waste Management and continue to have primacy for these regulations. He further added that the EPA timeline for submitting primacy revision packages for these changes is July 2010.

Mr. Smith stated that on April 8, 2008, EPA published a regulation that finalizes amendments to standards for hazardous waste combustors. He further stated that this federal regulation clarifies monitoring provisions and corrects typographical errors and omissions in previous regulations. He added that the proposed amendment of Rule 391-3-11-.10 incorporates this federal regulation.

Mr. Smith stated that the regulation amends the F019 listing to exempt the wastewater treatment sludge generated from certain zinc phosphating processes used in automobile assembly. He further stated that to qualify for the exemption, the wastes can not be placed outside on land prior to shipment to a landfill for disposal and must be disposed in a landfill unit subject to certain liner requirements. He added that removing these controls will facilitate the use of aluminum in motor vehicles which will be advantageous to the environment since lighter-weight vehicles are capable of achieving increased fuel economy and associated decreased exhaust air emissions. He further added that the proposed amendment of Rule 391-3-11-.07 incorporates this federal regulation.

Mr. Smith stated that another new federal regulation establishes an alternative set of generator requirements applicable to eligible academic entities that are flexible and protective and addresses the specific nature of hazardous waste generation and accumulation in these laboratories. He further stated that the regulation provides incentives for eligible academic entities to conduct laboratory clean-outs of old, unneeded chemicals. He added that the proposed amendment of Rule 391-3-11-.08 incorporates the federal regulation.

Mr. Smith stated that due to reorganization of EPA's Office of Solid Waste, its name has been changed to the Office of Resource Conservation and Recovery. He further stated that the previous name is referred to in federal regulations previously

adopted in the Georgia Rules for Hazardous Waste Management and the proposed amendments incorporate this change throughout our Rules.

Mr. Smith stated that EPA has terminated the National Environmental Performance Track Program. He further stated that former members of this program must now comply with the standard Resource Conservation and Recovery Act (RCRA) requirements for hazardous waste accumulation times and facility inspections. He added that the proposed amendments to Rule 391-3-11-.08 remove the National Environmental Performance Track Program from our Rules.

Mr. Smith stated that a public notice would be issued on August 27, a public hearing would be held on September 28, and EPD anticipates bringing the proposed amendments to the Committee and Board for action in October.

Mr. Hudson called on Linda MacGregor, Chief, Watershed Protection Branch, to present a briefing on proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to federal requirements on pretreatment.

Ms. MacGregor stated that she had briefed the Committee in May on changes to the pretreatment Rules and subsequently went out for public notice and public hearing. She further stated that comments were received which resulted in changes to clarify EPD's requirements for publicly-owned treatment works. She further stated that the proposed amendments would be public noticed again and would be presented to the Committee and Board later in the year.

Mr. Hudson called on Carol Couch, Director of EPD, for an update on several items of interest.

Dr. Couch presented a PowerPoint on the July 17 ruling by Federal Court Judge Magnuson regarding Lake Lanier. She stated that this was a PowerPoint Governor Perdue has used throughout the state on this topic. (PowerPoint attached hereto and made a part hereof)

Discussion ensued.

Dr. Couch stated that the combined permits for air, water and land for Plant Washington, the proposed coal-fired power plant in Sandersville, has been released for public notice and will close after a 60-day period, culminating on October 27.

There being no further business, the meeting was adjourned.