

**Minutes**  
**Environmental Protection Committee**  
2 Martin Luther King, Jr. Drive, S. E.  
Suite 1252 East Tower  
Atlanta, GA 30334  
404-656-3500

**January 26, 2011**

**Attending:**

Committee Members

Ray Lambert, Chairman  
Earl Barrs  
Dennis Billew  
Warren Budd  
Walter Hudson  
Phyllis Johnson  
Jim Walters

Board Members

Bill Archer  
Bill Carruth  
Joe Hatfield  
Mabel Jenkins  
Robert Leebern  
Mark Smith  
Loyce Turner  
Philip Watt  
Philip Wilheit  
Steven Woodruff

Visitors

David Word, Joe Tanner & Associates  
Katie Kirkpatrick, Metro Atlanta Chamber of Commerce  
Bryan Tolar, Georgia Agribusiness Council  
Jim Scarbrough, Gwinnett Water  
Juliet Cohen, Upper Chattahoochee RiverKeeper  
Sally Bethea, Upper Chattahoochee RiverKeeper  
Bob Troxler, Infratec, Consultants, Inc.  
Doug Miell, Georgia Chamber of Commerce

Staff Members

Mark Williams  
Allen Barnes  
Todd Holbrook  
Paul Burkhalter  
Spud Woodward  
Marlin Gottschalk  
Dan Forster  
Becky Kelley  
Dave Crass  
Emily Hitchcock  
Kyle Pearson  
Homer Bryson  
Linda MacGregor  
Jim Ussery  
Doralyn Kirkland  
Lauren Curry  
Cathy Barnette  
Mark Whitney  
Suzanne Burnes  
Lisa Mehalko  
Kevin Chambers  
Connie Buck  
John Martin  
Jeff Weaver  
Steve Friedman  
Vonetta Pryor  
Terry West  
Wally Woods  
Mary Ann Evans  
Hellen Harris

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John Eberhart, Georgia Earth Alliance  
Phil Zinsmeister, Sierra Club  
Thomas Farmer, The Nature Conservancy  
Bob Fletcher, Georgia Chapter, Sierra Club  
Tas Smith, Georgia Farm Bureau  
Phil Potter, Georgia Farm Bureau  
Gil Rogers, Southern Environmental Law Center  
Dave Williams, Atlanta Business Chronicle  
Tom Crawford, The Georgia Report  
Carolyn Pait, Oglethorpe Power Corporation  
Rob McDowell, Vinson Institute of Government  
Kelly Jordan  
Gordon Rogers, Flint RiverKeeper  
Kelly Dudley, Office of Planning & Budget  
Leah Barnett, Georgia Conservancy  
Kevin McGrath, Georgia Trout Unlimited  
Mark Woodall, Sierra Club  
Walter Jones, Morris News Service  
Brad Carver, Hall Booth Smith & Slove  
Scott Cole, Hall Booth Smith & Slove  
Will Wingate, Georgia Conservancy  
Debbie Phillips, Georgia Industry Environmental Coalition  
Ronny Just, Georgia Power  
Shirl Parsons, Georgia Wildlife Federation  
April Ingle, Georgia River Network  
Jennette Gayer, Environment Georgia  
Bettie Sleeth, Home Builders Association of Georgia  
Scott Tanner, Joe Tanner & Associates  
Mike Giles, Georgia Poultry Federation  
Abit Massey, Georgia Poultry Federation  
State Senator Ross Tolleson  
Jim Elzer, Senate Aide  
Joe Cook, Coosa River Basin Initiative  
State Representative Carol Fullerton  
State Representative Debbie Buckner  
Tom Gehl, Georgia Municipal Association  
Todd Edwards, Association County Commissioners of GA  
Wylly Harrison, Council for Quality Growth  
Eston Melton, Tallulah River Watershed Council  
Joe Cook, Coosa River Basin Initiative  
Jack Dozier, Georgia Association of Water Professionals

The January 26, 2011 meeting of the Environmental Protection Committee was called to order by Board Vice Chairman, Earl Barrs.

Vice Chairman Barrs called on Ray Lambert, Chairman of the Environmental Protection Committee, who called on Linda MacGregor, Chief, Watershed Protection Branch.

Ms. MacGregor stated that she would present for consideration the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to Surface Water Withdrawals (Interbasin Transfers).

Ms. MacGregor stated that these proposed amendments will fulfill an action that was called for in the State Water Plan and will:

- update the definition of an interbasin transfer
- provide for donor basin considerations
- provide for receiving basin considerations
- provide for considerations affection both basins
- remove the requirements for a press release and public advisory and adds the requirement for public notice and comment periods typically used for EPD permitting actions.

Ms. MacGregor stated that the Board had been briefed on the proposed amendments in December and a Public Notice was issued on December 9. She further stated that a Public Hearing was held on January 5, and 16 people attended. She added that five people made verbal statements at the meeting. She further added that approximately 1,000 written comments had been received and that 20 of those written comments recommended moving forward with the Rule as drafted.

Ms. MacGregor stated that the most common comment was to change “should” to “shall” and recommended that the Rule be applicable to existing interbasin transfers, not just new interbasin transfers. She further stated that the modifications to the Rule were intended to fulfill implementation actions in the State Water Plan, and the language in the proposed Rule is taken directly from the State Water Plan, which was developed through very extensive public involvement processes over a multi-year period.

Ms. MacGregor stated that changes recommended in the comments received go beyond the provisions of the State Water Plan and, therefore, EPD does not support the

requested changes from the comments received. She further stated that she would like to request approval of the proposed changes as submitted.

Mr. Lambert called on Tom Gehl, Georgia Municipal Association, who stated his support of the Rule as written.

Mr. Lambert called on Todd Edwards, Association County Commissioners of Georgia, who stated his support of the Rule as written.

Mr. Lambert called on David Word, Joe Tanner & Associates, who stated his support of the Rule as written.

Mr. Lambert called on Wiley Harrison, Council for Quality Growth, who stated his support of the Rule as written.

Mr. Lambert called on Bryan Tolar, President of Georgia Agribusiness Council, who stated his support of the Rule as written.

Mr. Lambert called on Eston Melton, Tallulah River Watershed Council, who stated his concern about criteria for approving interbasin transfers, and stated that the Board of Commissioners of Rabun County was not in agreement with the proposed changes.

Mr. Lambert called on Gordon Rogers, Flint RiverKeeper and Georgia Water Coalition, stated his concerns about grandfathered permits and said he was in favor of strong regulations.

Mr. Lambert called on Kevin McGrath, Georgia Trout Unlimited, who stated his concern that the language be changed from “should” to “shall” in the Rule for new permits and re-permitting.

Mr. Lambert called on Joe Cook, Coosa River Basin Initiative, who stated his concern that the language be changed from “should” to “shall,” as he believes the wording “should” sends the wrong message.

Mr. Lambert called on Jack Dozier, Georgia Association of Water Professionals, who stated his support of the Rule as written.

Mr. Lambert called on State Senator Ross Tolleson, who stated his support of the Rule as written. He further stated that every stakeholder had a voice in the process of writing the proposed Rule and that he would ask the Board to raise the bar by passing it as written. He added that if the Rule needs to be strengthened going forward, EPD and the Board can take another look at it in the future.

Dr. Turner thanked Senator Tolleson for taking time to come to the Board meeting to explain in depth the balance that this Rule affords.

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 amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to Surface Water Withdrawals. (Resolution attached hereto and made a part hereof)

There being no further business, the meeting was adjourned.