

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

February 22, 2011

Attending:

Committee Members

Ray Lambert, Chairman
Dennis Billew
Warren Budd
Robert Leebern
Jim Walters
Philip Watt
Philip Wilheit
Earl Barrs, Board Chairman, ex-officio

Board Members

Bill Archer
Gene Bishop
Joe Hatfield
Walter Hudson
Mabel Jenkins
Mark Smith
Loyce Turner

Visitors

Ronny Just, Georgia Power
Andrew Schock, The Conservation Fund
Katie Kirkpatrick, Metro Atlanta Chamber of Commerce
Doug Fulle, Oglethorpe Power
Steven Hart, Atlanta Environmental Management
Scott Tanner, Joe Tanner & Associates

Staff Members

Mark Williams
Allen Barnes
Todd Holbrook
Spud Woodward
Becky Kelley
Marlin Gottschalk
Dan Forster
Emily Hitchcock
Kyle Pearson
Lauren Curry
Candy Henderson
Steve Friedman
Suzanne Burnes
John Biagi
Linda MacGregor
Jac Capp
Jim Ussery
Doralyn Kirkland
Ben Stowers
Homer Bryson
Cathy Barnette
Paul Nelson
Nathan Schaub
Mary Ann Evans
Hellen Harris

The February 22, 2011 meeting of the Environmental Protection Committee was called to order by Board Chairman Earl Barrs. Chairman Barrs called on Ray Lambert, Chairman of the Environmental Protection Committee.

Mr. Lambert stated that staff of the Environmental Protection Division (EPD) would present three action items and three briefings, and that Jim Ussery, Assistant Director of EPD would give the Division Update in lieu of Director Allen Barnes, who had been called away on State business. He then called on Linda MacGregor, Chief, Watershed Protection Branch, for the first presentation.

Ms. MacGregor stated that the first item for consideration was action on proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to non-storm water general permits. She further stated that the proposed amendments are as follows:

1. Subparagraph (3) is revised to provide the Director discretion to allow coverage under a non-storm water general permit without the submittal of a Notice of Intent (NOI) where the Director finds that requiring such notice would be inappropriate and where the federal regulations at 40 CFR 122.28(b) do not require such notice.
2. Subparagraphs (3), (5), (6), and (7) are revised to correct formatting errors (numbering).

Ms. MacGregor stated that no one attended the public hearing on January 28, 2011, and that no public comments were received. She further stated that she would like to request approval of the proposed amendments.

A motion was made by Mr. Wilheit, seconded by Dr. Watt 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 non-storm water general permits. (Resolution attached hereto and made a part hereof)

Mr. Lambert called on Jac Capp, Chief, Air Protection Branch, for the next item for consideration.

Mr. Capp stated that the next item for consideration was action on proposed Grant Criteria for Diesel Engine Retrofit Grants – 2009 and 2010 Diesel Emissions Reduction Act (DERA). He further stated that the primary purpose of these grants is to assist public school systems in purchasing and installing technologies to reduce particulate matter emissions from heavy-duty diesel engines on school busses.

Mr. Capp stated that one type of grant will be available under the Georgia Diesel Emissions Reduction Program and will allow emission control devices on school buses statewide with preference to those located or operated outside the 24 PM_{2.5} nonattainment area counties.

He further stated that these grants are funded through the Environmental Protection Agency (EPA) and the National Clean Diesel Campaign. He added that this grant does not require matching funds from the applicant. He added that the amount of funding currently available for this program is \$622,958, with an estimated cost of approximately \$6,000 per retrofit. He further added that these funds will allow for retrofit of approximately 100 buses, and requested approval of the proposed Grant Criteria.

Discussion ensued.

A motion was made by Dr. Watt, seconded by Mr. Walters and carried unanimously that the Committee recommends that the Board approve the proposed Grant Criteria for Diesel Engine Retrofit Grants – 2009 and 2010 Diesel Emissions Reduction Act. (Proposed Grant Criteria attached hereto and made a part hereof)

Mr. Capp stated that the next item for consideration was action on proposed Railyard Retrofit Grant Criteria for Floyd County – 2010 Congestion Mitigation and Air Quality (CMAQ) Program. He further stated that the primary purpose of this program is to assist railroads in converting traditional switcher locomotives to generator-set locomotives to reduce emissions of diesel fine Particulate Matter and related pollutants.

Mr. Capp stated that the award requires a 30% match from a participating railroad. He further stated that funds totaling \$900,000 for FY-2010 will be awarded to convert diesel switcher locomotives in the Floyd County PM_{2.5} nonattainment area through a proposal solicitation and award process. He added that he would like to request approval of the proposed Grant Criteria.

Discussion ensued.

A motion was made by Mr. Billev, seconded by Mr. Walter and carried unanimously that the Committee recommends that the Board approve the proposed Railyard Retrofit Grant Criteria for Floyd County – 2010 Congestion Mitigation and Air Quality Program. (Grant Criteria attached hereto and made a part hereof)

Mr. Capp stated that the next item was a briefing on proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to Miscellaneous Changes and Updates, as follows:

- **Rule 391-3-1-.01(cccc)**, the definition of “**Synthetic minor permit**,” is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. Note: For a limit to be “enforceable as a practical matter,” the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limit. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. For a limit to be “federally enforceable,” the limit must also go through public notice and comment.
- **Rule 391-3-1-.01 (nnnn)**, the definition of “**Procedures for Testing and Monitoring Sources of Air Pollutants**” is amended to reference the most recent revision of the manual.

- **Rule 391-3-1-.02(4), “Ambient Air Standards,”** is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards.
- **Rule 391-3-1-.02, Subparagraph (9)b, “Emission Standards for Hazardous Air Pollutants,”** is updated with the latest amendment dates of the existing rules incorporated into Georgia Rules by reference and to make minor changes to ensure consistency between the state and federal programs.
- **Rule 391-3-1-.03(11), “Permit by Rule,”** is being amended to revise the applicability provisions of each of the eleven permit by rule standards from sources without “federally enforceable” permit conditions to sources without conditions “that are federally enforceable or enforceable as a practical matter.”

Mr. Capp stated that EPD would hold a public hearing on April 11, 2011, and expects to present the following proposed amendments to the Board for action at its June 29, 2011 meeting.

Mr. Capp updated the Committee and Board on the Tailoring Rule regarding Green House Gases, stating that the new Rule took effect January 1, 2011, but that EPD has not issued a permit with Green House Emission Standards yet. He added that there were a few applications pending that are subject to those emission standards, but are still in the process of being evaluated.

Discussion ensued.

Mr. Capp stated that the next briefing item was proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to prevention of significant deterioration (PSD) and Nonattainment New Source Review (NSR) for Particulate Matter ^{2.5} (PM_{2.5}), as follows:

- **Rule 391-3-1-.02(7), “Prevention of Significant Deterioration of Air Quality,”** is being amended to add the definition of “Regulated NSR Pollutant.”
- **Rule 391-3-1-.03(8), “Permit Requirements,”** is being amended to add nonattainment new source review requirements for fine particulate matter to the Rule.

Mr. Capp stated that EPD would hold a public hearing on April 11, 2011, and expects to present the following proposed amendments to the Board for action at its June 29, 2011 meeting.

Mr. Capp stated that the final briefing was on proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Permit Fees, as follows:

- **Rule 391-3-1-.03(9), “Permit Fees,”** is being amended to specify the fee rate, reference a new fee manual for Calendar Year 2010 fees.

Mr. Capp stated that EPD would hold a public hearing on April 11, 2011, and expects to present the following proposed amendments to the Board for action at its June 29, 2011 meeting.

Discussion ensued.

Mr. Ussery gave the Division Update, stating that on February 16, 2011, EPD issued the 401 Water Quality Certification for the Savannah Harbor Extension. He further stated that the Corps of Engineers proposed a channel improvement to deepening activities in the Savannah River. He added that the Certification included 15 conditions which range from maintaining water quality standards to protecting Savannah's drinking water supply to monitoring for salt water intrusion. He further stated that this would be a long-term project.

Mr. Ussery stated that on February 18, 2011, due to conditions in the southwest Georgia lower Flint River Basin, the EPD Director decided not to declare a severe drought in accordance with the Flint River Drought Protection Act. He further stated that stream flows and groundwater levels do not support a severe drought recommendation at this time.

Mr. Ussery stated that he handed out a Quarterly Compliance and Permitting Report, which will give an idea of how EPD is maintaining permitting compliance.

Mr. Lambert encouraged Committee and Board members to read the report and ask any questions they may have.

There being no further business, the meeting was adjourned.