

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

June 28, 2011

Attending:

Committee Members

Ray Lambert, Chairman
Steven Woodruff, Vice Chairman
Dennis Billew
Warren Budd
Phyllis Johnson
Jim Walters
Philip Watt
Philip Wilheit
Earl Barrs, Board Chairman, ex-officio

Board Members

Bill Carruth
Joe Hatfield
Walter Hudson
Mabel Jenkins
Duncan Johnson
Aaron McWhorter
Loyce Turner

Visitors

Ronny Just, Georgia Power Company
Kurt Ebersbach, Green Law
Andy Fleming, Friends of Georgia State Parks
Glenn Flake, Friends of Georgia State Parks, Chattahoochee Bend
Karl Ledford, Georgia Transmission
Dale Kemmerick, Retired
Walter Jones, Morris News Service
Bettie Sleeth, Home Builders Association of Georgia
Aaron Mitchell, Georgia Power Company
John Eberhart, Georgia Earth Alliance
Kelly Jordan, Arabia mountain Heritage Area Alliance
Will Wingatge, Georgia Conservancy
Maggie Lee, Freelance Reporter
Doug Fulle, Oglethorpe Power
Kathryn Keisler, Green Law

Staff Members

Mark Williams
Allen Barnes
Todd Holbrook
Homer Bryson
Spud Woodward
Becky Kelley
Dan Forster
Dave Crass
Emily Hitchcock
Kyle Pearson
Steve Friedman
Doug Haymans
Jim Ussery
Doralyn Kirkland
Mark Smith
Jac Capp
Paul Nelson
John Bowers
Lauren Curry
Wally Woods
Ben Stowers
David Clark
John Biagi
Sally Winchester
Connie Buck
Tim Banks
Elizabeth Starkey
Lon Revall
Eric VanDeGenachte
Sherry Crew-Jay
Cathy Barnette
Mary Ann Evans
Hellen Harris

The June 28, 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, who called on Mark Smith, Chief, Land Protection Branch.

Mr. Smith stated that the first item for action was Proposed FY-2012 Spending Plan for the Solid Waste Trust Fund (SWTF). He further stated that the proposal was for approval to expend up to \$2,185,589 from the SWTF. He added that the Georgia Comprehensive Solid Waste Management Act authorizes the Director of the Environmental Protection Division (EPD) to use funds from the SWTF with approval of the Board of Natural Resources for multiple purposes, including:

- Eliminating scrap tire dumps and establishing a statewide scrap tire management program to prevent future tire dumps; and
- Developing and implementing a comprehensive statewide program for the proper management of solid waste in the state.

Mr. Smith stated that EPD has worked closely with the Office of Planning and Budget (OPB) in preparing the FY-2012 spending plan for the SWTF. He further stated that \$1,143,514 is now available for expenditure and includes FY-2011 penalties collected, close out of prior year contracts, and other cost savings.

Mr. Smith stated that EPD is seeking approval to use the \$1,143,514 and the FY-2012 appropriation of \$1,042,075 to fund EPD staff/program operations and scrap tire pile cleanups at 33 high priority scrap tire dumpsites where the responsible party is either unknown or financially unable to complete cleanup of the site.

Discussion ensued.

Mr. Smith stated that he would like to request that the Committee recommend that the Board approve the Proposed FY-2012 Spending Plan for the SWTF as presented.

A motion was made by Mr. Walters, seconded by Mrs. Johnson and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the Proposed FY-2012 Spending Plan for the Solid Waste Trust Fund. (Proposed FY-2012 Spending Plan attached hereto and made a part hereof)

Mr. Lambert called on Jac Capp, Chief, Air Protection Branch, for presentation of the remaining action items.

Mr. Capp stated that the first action item was for proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Miscellaneous Revisions. He further stated that the proposed revisions include the following:

- 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.
- 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-.01(4), “Ambient Air Standards,” is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with Federal standards.
- Rule 391-3-1-.02(9)(b), “Emission Standards for Hazardous Air Pollutants,” is updated with the latest amendment dates of the existing rules incorporated into the 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 11 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.

Discussion ensued.

Mr. Capp stated that he would like to request that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments as presented.

A motion was made by Mrs. Johnson, 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 Air Quality Control, Chapter 391-3-1, pertaining to Miscellaneous Revisions. (Resolution attached hereto and made a part hereof)

Mr. Capp stated that the next action item was for proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review. He further stated that the proposed amendments include the following:

- 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.

Discussion ensued.

Mr. Capp stated that he would like to request that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments as presented.

A motion was made by Mr. Wilheit, 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 Air Quality Control, Chapter 391-3-1, pertaining to Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review. (Resolution attached hereto and made a part hereof)

Mr. Capp stated that the next action item was for proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Air Quality Permit Fees. He further stated that the proposed amendments include the following:

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

Discussion ensued.

Mr. Capp stated that he would like to request that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments as presented.

A motion was made by Mr. Woodruff, seconded by Mr. Billew and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Air Quality Permit Fees. (Resolution attached hereto and made a part hereof)

Mr. Capp stated that the final action item was for proposed amendments for Air Quality Control, Chapter 391-3-1, pertaining to Multipollutant Rule Compliance Dates. He further stated that the proposed amendments include the following:

- Rule 391-3-1-.02(2)(sss), "Multipollutant Control for Electric Utility Steam Generating Units," is being amended to revise the installation deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer and to include emission caps on certain units.
- Rule 391-3-1-.02(2)(uuu), "SO₂ Emissions from Electric Utility Steam Generating Units," is being amended to revise the compliance deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer.

Discussion ensued.

Mr. Lambert called on Kurt Ebersbach, Attorney with Green Law, who voiced his concerns about the proposed amendments.

Mr. Lambert called on Ronny Just, Georgia Power Company, who voiced his support for the proposed amendments.

Mr. Capp stated that he would like to request that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments as presented.

A motion was made by Mr. Billew, seconded by Mrs. Johnson and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the proposed amendments to Rules for Air Quality Control, Chapter 391-3-1, pertaining to Multipollutant Rule Compliance Dates. (Resolution attached hereto and made a part hereof)

Mr. Lambert stated that he would like to applaud EPD's branches for their hard work, and called on Allen Barnes, Director of EPD, for an update.

Director Barnes gave an update on the State Water Plan, the Governor's Water Supply Task Force, and the fish kill on the Ogeechee River.

There being no further business, the meeting was adjourned.