

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

August 28, 2012

Attending:

Committee Members

Ray Lambert, Chairman
Steven Woodruff, Vice Chairman
William Bagwell
Dennis Billew
Phyllis Johnson
Mark Mobley
Philip Watt, Board Chairman, ex-officio

Board Members

Joe Hatfield
Mabel Jenkins
Duncan Johnson
Rob Leebern
Aaron McWhorter
Mark Smith
Loyce Turner
Philip Wilheit, Jr.

Visitors

Hans Neuhauser, Georgia Land Conservation Center
Walter Jones, Morris News Service
Carol Hassell, Georgia Piedmont Land Trust
Doug Hattaway, Trust for Public Land
Daniel Groce, Georgia Agribusiness Council
Phil Zinsmeister, Sierra Club
Katie Kirkpatrick, Metro-Atlanta Chamber of Commerce
Doug Fulle, Oglethorpe Power
Chris Manganiello, Georgia River Network
Ronny Just, Georgia Power
John Eberhart, Georgia Earth Alliance
Debbie Phillips, Georgia Industry Coalition
David Word, Joe Tanner & Associates
Mark Woodall, Sierra Club
Sally Bethea, Chattahoochee RiverKeeper
Juliet Cohen, Chattahoochee RiverKeeper

Board Members

Mark Williams
Todd Holbrook
Homer Bryson
Spud Woodward
Dan Forster
Becky Kelley
Dave Crass
Steve Friedman
Eris Isom
Jac Capp
Keith Bentley
Linda MacGregor
Jim Ussery
Doralyn Kirkland
Lauren Curry
Ben Stowers
Kyle Pearson
Zachary Harris
Paul Nelson
John Bowers
Eddie Henderson
Stephen Adams
Lon Revall
Jeff Cown
Mark Whitney
Linda Willis
Cathy Barnette
Mary Ann Evans
Hellen Harris

The August 28, 2012 meeting of the Environmental Protection Committee was called to order by Board Chairman Philip Watt. Chairman Watt called on Ray Lambert, Chairman of the Environmental Protection Committee.

Mr. Lambert stated that Jud Turner, Director of the Environmental Protection Division (EPD), was out of town and that there would not be a Director's update this month. He further stated that EPD had two action items and two briefings, and called on Jac Capp, Chief of the Air Protection Branch, for the first item.

Mr. Capp stated that he would like to present for action the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to Volatile Organic Compound (VOC) Standard Applicability Thresholds. He further stated that the proposed amendments were as follows:

- **Rule 391-3-1-.01(2)(a)6 – General Provisions, VOC Emission Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations,** is amended to lower the applicability threshold for 14 VOC rules from 100 tons per year to 15 pounds per day for sources located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties effective January 1, 2015.
- **Rule 391-3-1-.01(2)(kkk) – “VOC Emissions from Aerospace Manufacturing and Rework Facilities,”** is being amended to lower the applicability threshold from 100 tons per year to 25 tons per year of sources located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties effective January 1, 2015.

Mr. Capp gave the timeline and stated that he would request the Committee recommend that that the Board adopt the Resolution to approve the amendments as presented.

Discussion ensued

A motion was made by Mr. Woodruff, seconded by Mrs. Johnson and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to VOC Standard Applicability Thresholds, as presented. (Resolution attached hereto and made a part hereof)

Mr. Lambert called on Keith Bentley, Chief of the Land Protection Branch, for presentation of the proposed FY-2013 Spending Plan for the Solid Waste Trust Fund (SWTF).

Mr. Bentley stated that the Georgia Comprehensive Solid Waste Management Act authorizes the Director of EPD to use funds from the SWTF with approval from 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. Bentley stated that EPD is requesting approval to expend up to \$2,009,239 from the SWTF for FY-2013 to fund EPD staff/program operations and the cleanup of illegally disposed scrap tires. He further stated that the amount is comprised of \$1,923,479 in FY-2013 Appropriations and \$85,760 in penalties collection for violations of the Act.

Mr. Bentley stated that a breakdown of the costs associated is provided in the Spending Plan below and that the expenditures are consistent with the purposes of the SWTF.

EPD Staff/Program Operations	\$ 1,663,295
Scrap Tire Cleanups	\$ 345,944
Total	\$ 2,009,239

Mr. Bentley stated that EPD Staff/Program Operations include salaries for personnel that are responsible for the collection of the tire fee and the management of the SWTF, comprehensive management of scrap tires, solid waste permitting, waste reduction and abatement and environmental outreach and education. He further stated that it also includes program operating expenses such as equipment, travel, contractual, office rental, telecommunications and supplies.

Mr. Bentley stated that the Scrap Tire Cleanup expenditures will be used to clean up high-risk scrap tire dumpsites where the party responsible for the dumping is either unknown or financially unable to clean up the site.

Mr. Bentley stated that he would request the Committee recommend that the Board adopt the Resolution to approve the proposed FY-2013 Spending Plan for the SWTF, as presented.

Discussion ensued.

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 FY-2013 Spending Plan for the Solid Waste Trust Fund, as presented. (Resolution attached hereto and made a part hereof)

Mr. Bentley stated that the next item was a briefing on the proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4, pertaining to Inert Waste Landfills. He further stated that inert waste consists of soil, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris. He added that inert waste landfills are currently regulated under the Permit-by-Rule provisions in the Rules for Solid Waste Management. He added that this involves simple notification process requiring no response from EPD before a landfill begins operation.

Mr. Bentley stated that numerous inert waste landfill notifications are received every year resulting in a large universe of facilities that EPD does not have the staff to adequately regulate. He further stated that with minimal regulations and operating standards, inert waste landfills threaten environmental quality through siting in floodplains and wetlands, poor waste compaction, inadequate cover, poor erosion and sedimentation control, generation of explosive gases, and underground fires that are difficult to control. He added that void spaces resulting from poor compaction of inert waste result in differential settlement allowing surface water to enter the landfill.

Mr. Bentley stated that this further exacerbates explosive gas problems and spontaneous combustion long after landfills have closed. He further stated that more stringent permitting regulations are needed to reduce the number of operating inert waste landfills and improve siting, operation, monitoring, and closure.

Mr. Bentley stated that the proposed amendments were originally proposed on April 24, 2012. He further stated that in response to a public notice issued in May, comments were received which indicated changes to the proposed rule were necessary. He added that those changes are reflected in these proposed amendments and that they will again be sent out for public comment and brought before the Board for action at the October meeting.

Mr. Lambert called on Linda MacGregor, Chief of the Watershed Protection Branch, for a briefing on the proposed amendments to Rules for water Quality Control, Chapter 391-3-6, pertaining to West Point Lake, Lake Lanier and Carters Lake Standards.

Ms. MacGregor stated that EPD establishes designated uses on the waters in Georgia, and that for the three lakes in question, the uses are recreation and drinking water. She further stated that once it is understood how the waters are used, standards are set to support those uses. She added that EPD wants to be protective enough that the uses are not impaired. She further stated that as the standards are set, we want to understand the impacts to point and nonpoint sources of the potential contributors.

Ms. MacGregor stated that nutrients in three lakes were the main topic of today’s briefing. She further stated that nutrients are essential elements for growth, but too many nutrients can cause algae blooms and eutrophication, which would impair the recreational use of the lakes and increase the costs associated with water treatment. She further stated the summary of the existing and proposed criteria, as shown below:

Summary of Existing and Proposed Criteria

Lake	Existing Criteria	Proposed Criteria
West Point Lake	*LaGrange Intake = 27 ug/L chlorophyll a	*LaGrange Intake = 24 ug/L chlorophyll a Dam Forebay (new compliance site) = 22 ug/L chlorophyll a
Lake Lanier	*Upstream from Flowery Branch confluence = 5 ug/L chlorophyll a *Browns Bridge Road (SR 369) = 5 ug/L chlorophyll a *Total nitrogen = 4 mg/L	*Upstream from Flowery Branch Confluence = 6 ug/L chlorophyll a *Browns Bridge Road (SR 369) = 7 ug/L chlorophyll a *Total nitrogen = 1 mg/L growing season average
Carters Lake	*Woodring Branch = 5 ug/L chlorophyll a *Mountaintown Creek = 8,000 lbs. total annual phosphorus *Total nitrogen = 4.0 mg/L	*Woodring Branch = 10 ug/L chlorophyll a *Mountaintown Creek = 16,000 lbs. total annual phosphorus *Total nitrogen = 1 mg/L growing season average

Mrs. MacGregor stated that standards had been set on six lakes in the late 1990s and early 2000s, and that this briefing was in regard to three of those lakes. She further stated that when those limits were set, they were based on the field data available at the time. She added that since then, quite a few upgrades have occurred that caused nutrient levels to drop, and more studies have been done to back up the details of the proposed amendments.

Ms. MacGregor stated that based on the model results and stakeholder meetings, EPD proposes amendments that will:

- Amend chlorophyll a criteria for West Point Lake.
- Amend total nitrogen criteria and chlorophyll a criteria for Lake Lanier.
- Amend total nitrogen criteria, chlorophyll a criteria and major tributary phosphorus loading criteria for Carters Lake.

Discussion ensued which resulted in a motion by Mr. Woodruff and a second by Mr. Billew to direct staff to proceed with the phosphorus changes and to remove lowering the standards of nitrogen from the proposed amendments, and to bring back to the Board more information and justification on the nitrogen issue.

After further discussion, Mr. Woodruff withdrew his motion.

Mr. Lambert called on Sally Bethea, Executive Director of the Chattahoochee RiverKeeper, for comments.

Ms. Bethea stated that the Chattahoochee RiverKeeper urges the Board to take steps necessary to protect Lake Lanier and once the TMDL plan is finalized, that it is fully implemented. She further stated that nothing is more important than Atlanta's drinking water supply and a recreational source at Lake Lanier.

Ms. Bethea stated that in 1989 West Point Lake was dying as a result of the nutrient levels. She further stated that due to laws passed in the 1990s, the lake is much cleaner. She added that more work needs to be done on the model for West Point Lake before a final decision is made. (A copy of Ms. Bethea's comments are attached hereto and made a part hereof)

There being no further business, the meeting was adjourned.