

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

**March 25, 2013**

**Attending:**

Committee Members

Ray Lambert, Chairman  
William Bagwell, Vice Chairman  
Nancy Addison  
Walter Hudson  
Phyllis Johnson  
Aaron McWhorter  
Mark Mobley  
Mike Phelps  
Rob Leebern, Board Chair, ex-officio

Board Members

Dwight Davis  
Duncan Johnson  
Bill Jones  
Paul Shailendra  
Bodine Sinyard  
Philip Watt  
Philip Wilheit  
Dee Yancey

Visitors

Brant Lane  
Ronny Just, Georgia Power  
Max Zygmunt, MZCZ Law  
Scott Tanner, Joe Tanner & Associates  
Sally Bethea, Chattahoochee Riverkeeper  
David Word, Joe Tanner & Associates  
Chris Manganeillo, Georgia River Network  
Bryan Tolar, Georgia Agribusiness Council  
Michael Pisciotta, Georgia Agribusiness Council  
Ward Black, Longdale Industries  
John Eberhart, Georgia Earth Alliance  
Juliet Cohen, Chattahoochee Riverkeeper  
Jill Sistino, Chattahoochee Riverkeeper  
Todd Holbrook, Georgia Wildlife Federation

Staff Members

Mark Williams  
Jud Turner  
Homer Bryson  
Spud Woodward  
Becky Kelley  
Dave Crass  
Steve Friedman  
Jac Capp  
Keith Bentley  
Linda MacGregor  
Mark Whitney  
John Bowers  
Eddie Henderson  
Kyle Pearson  
Zachary Harris  
Jim Ussery  
Mary Ann Evans  
Cathy Barnette  
Taylor Brown  
Terry West  
Stephen Adams  
David Webb  
Mary Walker

The March 25, 2013 meeting of the Environmental Protection Committee was called to order by Board Chairman Rob Leebern.

Chairman Leebern called on Ray Lambert, Chairman of the Environmental Protection Committee, who called on Jac Capp, Chief of the Air Protection Branch.

Mr. Capp stated the first item for consideration was an action item on the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to open burning.

Mr. Capp stated Rule 391-3-1-.02(5), "Open Burning" was being revised to harmonize year-round open burning restrictions, which apply to all counties with a population exceeding 65,000, and the summertime open burning restrictions.

Mr. Capp stated the revision allows three additional open burning activities to be conducted in the affected counties which include disposal of vegetative debris from storm damage, weed abandonment, disease, and pest prevention, and land clearing purposes. He further stated that the counties affected by this revision include Bulloch, Chatham, Dougherty, Glynn, Lowndes, Muscogee, and Whitfield.

Mr. Capp stated the proposed amendments were brought to the Board for a briefing in January. He further stated following the Board Meeting, EPD issued public notice on January 29, 2013 and held a public hearing on March 5, 2013.

Mr. Capp stated he would request the committee recommend that the Board approve the item as presented.

A motion was made by Mr. Bagwell, seconded by Mr. McWhorter 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 391-2-1-.02(5), "Open Burning," as presented.

Mr. Capp stated the next item was a briefing on the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to permit fees. He further stated the purpose of this amendment was to specify the fee rate and reference a new fee manual for the Calendar Year 2012 fees. He added the proposed amendments included the following:

- **Rule 391-3-1-.03(9)(b)** "The dollar-per-ton fee" is being amended by adding the 2012 "\$/Ton Rate" to be \$37.34/ton for coal-fired electric generating units and to be \$35.50/ton for all other sources. It also adds the 2012 "Procedural Manual" to be the "Procedures for Calculating Air Permit Fees for Calendar Year 2012" dated February 5, 2013.

Chairman Lambert called on Jud Turner, Director of EPD, who commented on the fee adjustment. Discussion ensued on this topic.

Chairman Lambert called on Randy Quintrell, who was representing the Pulp and Paper Industry, to speak on the proposed amendment. Mr. Quintrell stated the stakeholder group had not yet met with

EPD or amongst themselves to discuss the proposed amendments to Chapter 391-3-1, pertaining to permit fees.

Chairman Lambert called on Mr. Capp for the next item, which Mr. Capp stated would be a briefing on the proposed amendments to the Rules for Radioactive Materials, Chapter 391-3-17, pertaining to program fees.

Mr. Capp stated the purpose of the amendment was to revise the Radioactive Materials License Fee and remove obsolete terms. He further stated the new fee schedule would result in additional costs to the regulated persons that manufacture, produce, receive, possess, use, transfer, own or acquire radiation as necessary for EPD to effectively administer a radioactive materials regulatory program. He added the proposed fee schedule sets the fees to be 37% of the corresponding National Regulatory Commission's fees.

Discussion ensued between the board members and Mr. Capp concerning the program's administration and the increased fee.

Mr. Capp stated that EPD would have a public comment period in May and hold a public hearing. He further stated EPD expects to present the amendments to the Board for consideration at the June 2013 Board Meeting.

Chairman Lambert called on Linda MacGregor, Chief of the Watershed Protection Branch, to brief the Board on the proposed amendments to the Rules for Erosion and Sedimentation Control, Chapter 391-3-7, pertaining to stream buffer variances.

Ms. MacGregor stated the purpose of the proposed amendments was to provide clarification for one of the criteria used to review buffer variance applications and also mitigation requirements for temporary and permanent buffer variances.

Ms. MacGregor stated additional criteria are being amended to address permitting issues and an expiration date for buffer variance approvals is being added. She further stated additional housekeeping changes are made to correct numerical and alphabetical inconsistencies.

Ms. MacGregor stated that following the Board Meeting the proposed amendments would be publically noticed and a public hearing would be advertised. She further stated EPD would be bringing the proposed amendments to the Board for consideration at the June 2013 Board Meeting.

Chairman Lambert called on Sally Bethea, Director of the Chattahoochee Riverkeeper, who spoke in support of the proposed amendments to Chapter 391-3-7.

Chairman Lambert called on Ms. MacGregor for a briefing on the proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6, pertaining to the nutrient standards for Lake Lanier, Carters Lake, and West Point Lake.

Ms. MacGregor stated the purpose for the proposed amendments was to modify the nutrient standards for West Point Lake, Lake Lanier, and Carters Lake. She further stated that after EPD analyzed the newest available data, EPD is amending the current standards which will make criteria more stringent for West Point Lake and make criteria less stringent for Lake Lanier and Carters Lake.

Ms. MacGregor stated the public comment period would begin late March, followed by public hearings. She further stated EPD would bring the proposed amendments for the Board's consideration at the June 2013 Board Meeting.

Chairman Lambert called on speaker Juliet Cohen, General Counsel for Chattahoochee Riverkeeper, who made comments on the proposed lake standards for Lake Lanier and West Point Lake.

Chairman Lambert called on Jud Turner, Director of EPD, for a division update which included an update on the Ogeechee River, FAQ's shared with legislatures, an update on the Flint River Protection Act, proposed augmented flows on the Flint River, and a legislative update.

There being no further business, the meeting was adjourned.