

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

**Tuesday, February 21, 2023**  
**9:00 a.m.**

**Committee Members**

Ray Lambert, Chair  
Dan Garcia, Vice Chair  
Nancy Addison  
Patrick Denney  
Joe Hatfield  
Kevin Jackson  
Paul Shailendra  
Bodine Sinyard  
Dee Yancey  
Dwight Davis, Board Chair, Ex-officio

**Board Members**

Randy Dellinger  
Charles DePriest  
Duncan Johnson  
Tim Lowe  
Miki Thomaston  
Gary Vowell

**Guests**

Anna Edmondson, Robbins Firm  
Rena Peck, Georgia River Network  
Kim Scott, Georgia Women's Action for New Directions  
Mark Woodall, Sierra Club

**Staff Members**

Mark Williams, Commissioner  
Walter Rabon  
Kyle Pearson  
Kate Iannuzzi  
Cathy Barnette  
Artica Gaston  
Thomas Barnard  
Jeff Cown  
Steve Friedman  
Ted Will  
Doug Haymans  
Lacey Creech  
Aubrey Pawlikowski  
Melissa Cummings  
Sara Califf  
Rick Lavender

Richard Dunn, Director  
John Eunice  
Karen Hays  
Chuck Mueller  
Anna Truszczynski  
Laura Williams

The February 21, 2023 meeting of the Environmental Protection Committee was called to order by Chairman Dwight Davis.

Chairman Davis called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch, to present Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

Ms. Hays stated Georgia's Enhanced Inspection and Maintenance Program covers gasoline-powered passenger vehicles registered in the 13-county Atlanta Metropolitan Area and is required by the Clean Air Act Amendments for areas that were moderate or higher nonattainment areas for the 1-hour ozone NAAQS. She further stated over 3.3 million emissions tests were conducted in 2022 and there are 719 vehicle emissions testing stations and 1,963 active inspectors. She added the amendments will reflect the use of biometric identification to initiate an inspection, update terminology, and add clarifying language.

Ms. Hays stated after briefing the Environmental Committee of the DNR Board in October 2022, there was a public hearing January 5, 2023, and a public comment period ending on January 12, 2023. She further stated no comments were received during the public comment period.

Ms. Hays requested a favorable consideration.

A motion was made by Mr. Garcia, seconded by Mr. Sinyard, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

Mr. Lambert called on Ania Truszczynski, Chief of the Watershed Protection Branch, to present Proposed Amendments to the Rules for Water Quality Control, Chapter 391-3-6.

Ms. Truszczynski stated the proposed changes will amend specific provisions of the Sewage Sludge (Biosolids) Requirements to remove references to the Georgia Department of Agriculture's rules and will eliminate an obsolete paragraph regarding the effective date of the Rule. She further stated GDA is proposing amendments to their regulations regarding soil amendments and discussions with GDA highlighted the importance of making clear distinction between EPD's sewage sludge regulations and the soil amendment regulations. She added EPD's Rule is directly ties to EPA's federal regulations for sewage sludge at 40 CFR Part 503.

Ms. Truszczynski stated the amendments will remove references to GDA from 391-3-6-.17(3)(c), other exclusions from coverage, describing pathways for managing sewage sludge

through composting, incineration, and distribution, and 391-3-6-.17(10)(e)(4), regarding labeling requirements for sewage sludge that is sold or given away. She further stated there was a targeted stakeholder feedback solicitation on November 4<sup>th</sup>.

Ms. Truszczynski stated after briefing the Environmental Protection Committee in December 2022, there was a public hearing January 18, 2023 and a 30-day public comment period ending on January 25, 2023. She further stated 2 comments were received in favor of the proposed rule from a representative of the Georgia Association of Water Professionals' Biosolids and Residuals Committee and from a representative of Douglasville-Douglas County Water and Sewer Authority.

Ms. Truszczynski requested a favorable consideration.

Mr. Hatfield stated he will recuse himself from voting on Item B.

A motion was made by Mr. Garcia, seconded by Mr. Denney, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Water Quality Control, Chapter 391-3-6.

Mr. Lambert asked Ms. Truszczynski to continue with Item C, Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5.

Ms. Truszczynski stated the proposed changed will update the rule title and add requirements for asset management plans in accordance with America's Water Infrastructure Act of 2018. She further stated the amendments will require specific types of public water systems serving a population of 3,300 or greater to submit an asset management plan when seeking a new permit, the renewal of an existing permit, or a change in ownership, starting January 1, 2024. She added EPD developed draft guidance, which will be included as an Appendix to EPD's Minimum Standards for Public Water Systems.

Ms. Truszczynski stated EPD held a public meeting on October 19, 2022, and accepted comments through October 28, 2022, and received two comments during that period. She further stated, based on the public comments, EPD changed the requirement for asset management plans for new permits from all new public water systems to just those that serve a population of 3,300 or greater. She added the approach developed by EPD to address asset management was approved by USEPA on February 7, 2023.

Ms. Truszczynski stated after briefing the Environmental Committee of the DNR Board today, there will be a public hearing and 30-day comment period beginning in March 2023. She

further stated she plans to request adoption of the proposed amendments at the April 2023 Board meeting.

Mr. Lambert called on Karen Hays, Chief of the Air Protection Branch, to present Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1.

Ms. Hays stated Georgia EPD is required by the Federal Clean Air Act and Georgia Air Quality Act to collect sufficient revenue in the form of permit fees to fund the direct and indirect costs of the permitting program. She further stated Title V sources pay a Title V minimum fee or on \$ per ton of emissions and all title V sources also pay an annual maintenance fee of \$650 annually. She added synthetic minor sources pay a SM source fee of \$2,100 annually and Federal New Source Performance Standard fee is \$1,900 annually.

Ms. Hays stated permit application fees are charged for certain types of permit applications, fees vary based on permit application complexity, and some applications are exempt from permit application fees. She further stated the optional expedited permit application program is an option sources have to expedite their permit application and is in addition to applicable permit application fees. She added the projection for current FY 2023 is about \$10.9 million in expenses and \$10.1 million in revenue and the projection for FY 2024 is about \$10.9 million in expenses and \$9.6 million in revenue.

Ms. Hays stated the proposed rule changes will keep annual fees and permit application fees for FY 2024 the same as the current fees. She further stated the amendments will include a row adding the FY 2024 annual fees and adopt the latest version of the Fee Manual by reference.

Ms. Hays stated there was a Permit Fee Advisory Committee meeting on December 2, 2022. She further stated after briefing the Environmental Committee of the DNR Board today, there will be a public hearing and 30-day comment period beginning in March 2023. She further stated she plans to request adoption of the proposed amendments at the May 2023 Board meeting.

There being no further business, the meeting was adjourned.