

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

**Tuesday, August 22, 2023**  
**9:00 a.m.**

**Committee Members**

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

**Board Members**

Randy Dellinger  
Charles DePriest  
Mark Hennessy  
Penn Hodge  
Duncan Johnson  
Bill Jones  
Tim Lowe  
Gary Vowell  
Harley Yancey

**Guests**

Debbie Phillips, GA Industry Environmental Coalition  
Josh Purdy, Georgia State Parks  
Melanie Reed, GA DNR  
Mark Woodall, Sierra Club  
Chris Manganiello, Chattahoochee Riverkeepers  
Brooks Varnell, DNR Law Enforcement  
Nic Matthew, Office of Planning and Budget  
David Anderson, Office of Planning and Budget  
Rick Dunn, Office of Planning and Budget  
Meris Lutz, Atlanta Journal and Constitution  
Anna Edmondson, Robbins Government Relations

**Staff Members**

Walter Rabon, Commissioner  
Kyle Pearson  
Kate Iannuzzi  
Donald Kirkland  
Cathy Barnette  
Thomas Barnard  
Steve Friedman  
Doug Haymans  
Angie Johnson  
Ted Will  
Jill Andrews  
Antoinette Norfleet  
Scott Robinson  
  
Jeff Cown, Director  
James Boylan  
Chuck Mueller  
Anna Truszczynski

The August 22, 2023 meeting of the Environmental Protection Committee was called to order by Chairman Dwight Davis.

Chairman Jones called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on James Boylan, Chief of the Air Protection Branch, to present Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Miscellaneous Rule Updates.

Mr. Boylan stated EPD regularly updates the rules to incorporate changes to US EPA rules, incorporate new US EPA rules, update references to the most current document, and remove obsolete requirements. Mr. Boylan further stated the key changes to the rule updates are clarifications in the Gasoline Transport Vehicle and Vapor Collection System Requirements and updates to certain New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Mr. Boyland stated after briefing the Environmental Committee of the DNR Board at the March meeting, there was a public hearing on June 29th and a public comment period ending on July 6th. Mr. Boyland further stated no comments were received.

Mr. Boylan requested a favorable consideration.

A motion was made by Mr. Denny, seconded by Mr. Shailendra, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Miscellaneous Rule Updates.

Mr. Lambert asked Mr. Boylan to continue with Item B, Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Startup, Shutdown, and Malfunction Rule Updates.

Mr. Boylan stated the proposed rule revisions streamline the language approved by the DNR Board in 2016. He further stated the amendments allow alternative emission limits during SSM events, but must be incorporated into the SIP, and clarify that alternative emission limits requests must include all the criteria specified by EPA in the proposed disapproval. He added EPD responded to EPA comments clarifying the rule language.

Mr. Boylan stated EPD received comments from the Sierra Club and EIP regarding rule language clarity and responded. He further stated EPD received comments from private citizens and responded to clarify the amendments will reduce excess emissions and strengthen

protection for fence line and downwind communities of industrial facilities in the surrounding areas.

Mr. Boylan stated EPD worked with stakeholders and EPA to revise the Georgia Rules and address deficiencies notes in EPA's proposed disapproval from January 2023 until April 2023. He further stated after briefing the Environmental Committee of the DNR Board at the April 2023 meeting and re-briefing the committee at the May 2023 meeting, there was a public hearing on June 29<sup>th</sup> and a public comment period that ended on July 6<sup>th</sup>. He added following DNR Board adoption, EPD plans to submit the SIP revision to EPA in September.

Mr. Boylan requested favorable consideration.

A motion was made by Ms. Addison, 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 Air Quality Control, Chapter 391-3-1, Pertaining to Startup, Shutdown, and Malfunction Rule Updates.

Mr. Lambert called on Ania Truszczynki, Chief of the Watershed Protection Branch, to present Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Well Construction Standards.

Ms. Truszczynki stated the proposed amendments will reduce the minimum requirements for the construction of steel casing thickness in drinking water wells for 4- and 5-inch diameter wells. She further states EPD received significant comments following the update to the Minimum Standards for Public Water Systems and concurrent rule amendments in March 2021. She added the comments primarily focused on the practical difficulties implementing the new steel pipe well casing thickness for 4-and 5-inch diameter wells.

Ms. Truszczynki stated EPD held a stakeholder meeting on December 14, 2022 and accepted comments through December 21, 2022, and during this time, EPD received four comments. She further stated, as a result of the public comments, EPD developed a recommendation for reducing the minimum wall thickness on 4- and 5-inch steel pipe well casings to the prior standard of 0.188 inches, with the recommendation that these diameter casings not be used in corrosive or high alkalinity water. She added EPD held a second stakeholder meeting on March 9, 2023 and no comments were received in aversion to the revision.

Ms. Truszczynki stated after holding two stakeholder meetings on December 14, 2022 and March 9, 2023, she briefed the DNR Board Environmental Committee at the May 2023 meeting.

She further stated there was a public notice issued on June 6<sup>th</sup> and a public hearing held on July 5<sup>th</sup>. She added no comments were received.

Ms. Truszczynki requested favorable consideration.

A motion was made by Mr. Yancey, seconded by Mr. Garcia, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Well Construction Standards.

Mr. Lambert asked Ms. Truszczynki to continue with Item D, Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Lead Service Line Updates.

Ms. Truszczynki stated the purpose of the proposed amendments is to add the requirement for submission of lead service line inventories as required by the Safe Drinking Water Act and to require that the submissions be made electronically to EPD.

Ms. Truszczynki stated the federal Lead and Copper Rule Revisions (LCRR) require all water systems to develop service line inventories by October 16, 2024. She further stated EPA guidance recommends that inventories be conducted in an electronic format. She added EPD proposes to require all water systems to submit service line inventories electronically to EPD by October 16, 2024, and to conduct lead service line inventories and reporting as required by 40 CFR § 141.90(e).

Ms. Truszczynki stated EPD held a public meeting on February 27, 2023 and accepted comments through March 6<sup>th</sup>. She further stated EPD received three comments, which offered suggestions regarding the content and format for electronic submissions.

Ms. Truszczynki stated a public meeting was held for stakeholder feedback on February 27, 2023. She further stated after briefing the DNR Board Environmental Committee at the April 2023 meeting, there was a public notice on May 1<sup>st</sup> and May 24<sup>th</sup> and a public hearing on June 27<sup>th</sup>. She added no comments were received.

Ms. Truszczynki requested favorable consideration.

A motion was made by Mr. Garcia, seconded by Mr. Shailendra, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5, Pertaining to Lead Service Line Updates.

Mr. Lambert called on Chuck Mueller, Chief of the Land Protection Branch, to present Proposed Amendments to the Rules for Hazardous Waste Management, Chapter 391-3-11.

Mr. Mueller stated EPD must periodically update its Hazardous Waste Management Rules to reflect new federal regulations to retain primacy. He further stated the proposed rulemaking would adopt regulation published by the USEPA through October 2021. He added the updated are proposed by incorporating two federal regulations by reference and one revision to correct a previous omission in a cross-reference table.

Mr. Mueller stated the proposed amendments will update twelve Canadian-specific import-export recovery and disposal code numbers and descriptions to match those revised in Canadian regulations. He further stated the amendments will adopt modernizing ignitable liquids determinations, which allows more modern laboratory test methods and equipment to be used.

Mr. Mueller stated after briefing the Environmental Committee of the DNR Board at the May 2023 meeting, there was a public comment period starting June 9<sup>th</sup> and public hearing on July 10<sup>th</sup>. He further stated no comments were received.

Mr. Mueller requested favorable consideration.

A motion was made by Mr. Garcia, seconded by Mr. Shailendra, and carried unanimously that the Committee recommend the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Hazardous Waste Management, Chapter 391-3-11.

Mr. Lambert asked Mr. Mueller to continue with Item F, Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4-.19.

Mr. Mueller stated the proposed changes will amend Scrap and Used Tires Management rules to establish consistency with the Georgia Comprehensive Solid Waste Management Act. He further stated the Act was amended to as a result of the adoption of SB 95 that shifted the Tire Management Fee point of collection from retail dealers to distributors, with an effective date of July 1, 2023.

Mr. Mueller stated the proposed amendments include a new definition for “Distributor” and “New Replacement Tire”, removal of “Retail Dealers” and replacement with “Tire Management Fee” to provide clarifying language regarding the tire management fee, and language that is consistent with the Act to clarify what types of operations are considered distributors. He further stated the amendments add a requirement for distributors to register

and remit fees and a quarterly tire fee report to EPD and updates language throughout to be consistent with the Act.

Mr. Mueller stated after briefing the Environmental Committee of the DNR Board today, EPD plans to hold a public hearing on September 13<sup>th</sup> and a 30-day public comment period. He further states he plans to request adoption of the proposed amendments at the December 2023 meeting.

Mr. Lambert asked Mr. Mueller to continue with Item G, Proposed FY 2024 Spend Plan for the Solid Waste Trust Fund.

Mr. Mueller states the Solid Waste Trust Fund (SWTF) is funded by Georgia's Tire Management Fee, which requires a \$1 charge on new replacement tires sold in Georgia and was reauthorized in 2021 through HB 511. He further states the Tire Management Fee collections shifted from retailers to distributors in 2023 through SB 95, which became effective July 1, 2023.

Mr. Mueller states the FY 2024 SWTF Spend Plan include \$1.75 million for EPD program execution and management, \$300,000 for Keep Georgia Beautiful program, and \$1.1 million for Scrap Tire Abatement. He further states the Plan includes \$3 million for the Solid Waste Trust Fund Grant Program, \$82,200 for Abandoned Landfill closure and post-closure care, and \$650,000 to the emergency reserve. He adds the total is \$6,885,585.

There being no further business, the meeting was adjourned.