

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

February 27, 2024
9:00 a.m.

Committee Members

Ray Lambert, Chair
Kevin Jackson, Vice Chair
Nancy Addison
Patrick Denney
Penn Hodge
Duncan Johnson
Lesley Reynolds
Bodine Sinyard
Joe Hatfield, Board Chair, Ex-officio

Board Members

Randy Dellinger
Mark Hennessy
Brent Layton
Gary Vowell

Guests

Bryan Tolar, GA Urban Ag Council
Alice Keyes, One Hundred Miles
Trust for Public Land Board
Aldon Ortego, Samsara

Staff Members

Walter Rabon, Commissioner
Thomas Barnard
Trevor Santos
Kyle Pearson
Kate Iannuzzi
Artica Gaston
Cathy Barnette
Alexus Thompson
Mike England
Steve Friedman
Doug Haymans
Angie Johnson
Ted Will
Jill Andrews
Tina Johannsen

Jeff Cown, Director
James Boylan
Chuck Mueller
Anna Truszczynski
Katie Hegarty

The February 27, 2024 meeting of the Environmental Protection Committee was called to order by Chairman Joe Hatfield.

Chairman Hatfield called on Ray Lambert, Chairman of the Environmental Protection Committee. Mr. Lambert called on DeAnna Oser, Assistant Chief of the Air Protection Branch, to present a briefing on Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1.

Ms. Oser stated these amendments require Georgia Environmental Protection Division (EPD), under the Federal Clean Air Act and the 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 that the fees within the permitting program address things like, reviewing permit applications, implementing and enforcing permit conditions, equipment, facilities, and training, ambient monitoring, preparing regulations and guidance, modeling, analyses and demonstrations, and preparing emission inventories.

Ms. Oser stated that Georgia's current air permit fee structure includes annual permit fees, permit application fees, and optional expedited permit application fees. She further stated that the proposed rule amendments specify the dollar-per-ton rate for annual emissions fees, and that Title V sources pay a Title V minimum fee or dollar-per-ton based on the amount of air emissions. She added that Title V minimum fee is \$4,500. She further added that fees based on emissions are \$35.50/ton for non-electric utility steam generating units (EGUs), or \$37.34/ton for coal-fired EGUs, and all Title V sources also pay an annual maintenance fee of \$650 annually. Finally, she stated that the synthetic minor permit source fee is \$2,100 annually, and that the Federal New Source Performance Standard (NSPS) fee is \$1,900 annually.

Ms. Oser stated that permit application fees, which were implemented in 2019, are charged for certain types of permit applications and vary based on permit application complexity. She further stated that some applications are exempt from permit application fees. She added that the Optional Expedited Permit Application Program, implemented in 2014, allows sources to have the option of paying a fee to expedite their permit application, and this is in addition to the permit application fees.

Ms. Oser stated that the projection for current Fiscal Year 2024, which ends June 30, 2024, are expected to have expenses at \$11.6 million and the revenue for the year will be \$9.9 million. She further stated that the projection for Fiscal Year 2025, which begins July 1, 2024, will have expenses at \$11.9 million and the revenue will be \$9.9 million. She added that revenues are down, due to things such as Plant Wansley closing, and expenses are up, due to staffing costs.

She further added that reserves will make up the projected Fiscal Year 2024 and Fiscal Year 2025 shortfall; however, this may not be the case in Fiscal Year 2026.

Ms. Oser stated that annual fees and permit application fees for Fiscal Year 2025 will remain the same as the current fees and there are no changes proposed. She further stated to adopt the latest version of the Air Permit Fee Manual and amend the Permit Fee Rule to include a row adding the Fiscal Year 2025 annual fees. She added that Fiscal Year 2025 begins July 1, 2024, and the annual fees are based on calendar year 2023 emissions, which are due September 1, 2024.

Ms. Oser stated that there is a proposed rule change to revise the date that administrative fees start being calculated from the day after October 1, to the day following the first business day of September. She further stated that this is not changing the date that administrative fees are due, it simply getting rid of the grace period for late fees. She added that this approach is consistent with other late fees enacted by EPD in other programs. Finally, she stated that this proposed change was taken before the Permit Fee Advisory Council, and they approved of this change as well.

Ms. Oser stated that after briefing the Environmental Committee of the DNR Board today, there will be a public notice in March 2024 and a public hearing in April 2024. She further stated she plans to request adoption of the proposed amendments at the May 20, 2024 DNR Board meeting.

Mr. Lambert called on Chairman Hatfield who asked the question, if the state does not have as many units online today, why does EPD need this amount of staff. Mr. Lambert called on Director Jeff Cown who stated that EPD has reduced the amount of staff, and they are now at the appropriate levels, however, surplus is down and EPD must come back with a fee change. Chairman Hatfield stated he would like a breakdown of staffing at the next meeting and Director Cown stated that EPD will present that along with looking at fees changes to the Optional Expedited Permit Application Program.

There being no further business, the meeting was adjourned.