



GEORGIA
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Action on Proposed Amendments to the Rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33

February 23, 2021

Jac Capp

Purpose

- To require public water systems serving at least 3,300 individuals that do not otherwise hold a water withdrawal permit (referred to as “purchased water systems”) to demonstrate progress toward improving water supply efficiency when renewing their drinking water permit, and that the Director may take permitting action where such system fails to demonstrate progress.
- The proposed amendments would address a category (“purchased water systems”) that was unintentionally left out from the Board’s adoption of this rule chapter in 2015.

Current Rule Structure

391-3-33-.05 Water Supply Efficiency Improvement

(1) Water Loss Control Program

(2) Individualized Goals

(3) Demonstration of Progress

(a) Measures that could be used for demonstration of progress

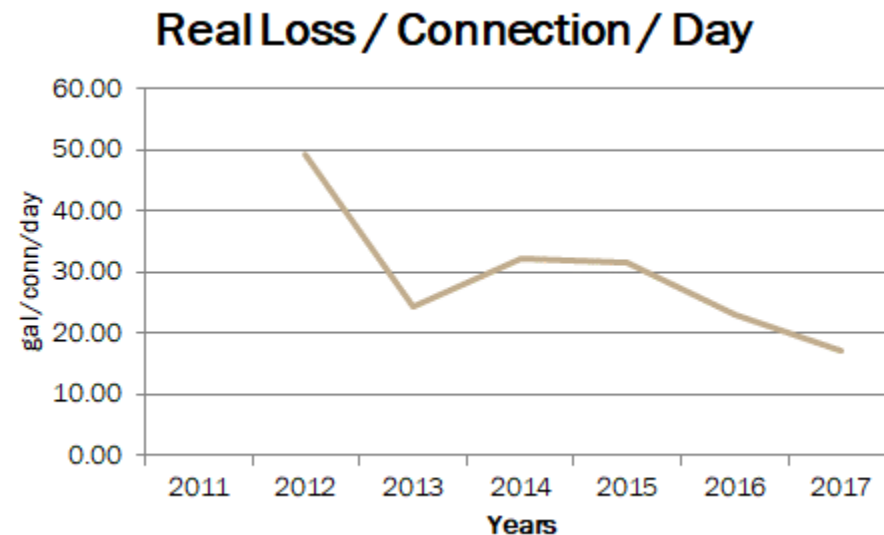
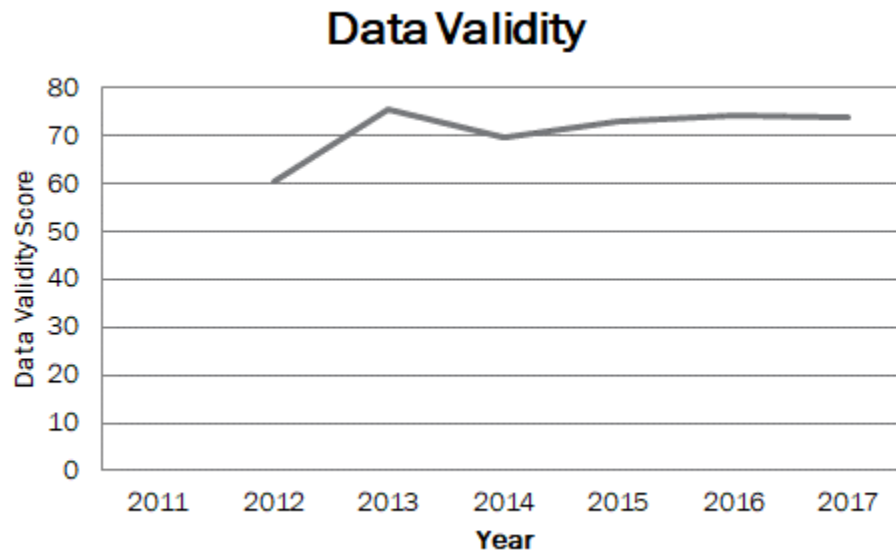
(b) Demonstration of progress shall be considered in certain applications to EPD

(c) The Director may take certain actions if applicants fail to demonstrate progress

(4) Administration and Enforcement

Demonstration of Progress

- Under existing rule, demonstration of progress in improving water supply efficiency has been considered when a public water system seeks to renew or modify a water withdrawal permit (from surface water or groundwater sources).



Demonstration of Progress

- Under proposed rule amendment, demonstration of progress toward improved water supply efficiency would be considered when “purchased water systems” renew their Drinking Water Permit (every 10 years).

Rulemaking Timeline

Date	Milestone
August 17, 2020	Notice of Stakeholder Draft
September 9, 2020	Public Meeting
October 27, 2020	Brief the DNR Board Environmental Committee
November 16, 2020	Public Notice
December 14, 2020	Public Hearing
January 6, 2021	Public Notice
February 23, 2021	Request DNR Board Adoption



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Action on Proposed Amendments to the Rules for Safe Drinking Water, Chapter 391-3-5

February 23, 2021

Jac Capp

Overview

- These rule amendments primarily fit into 3 categories
 - Addressing comments from US EPA in order get final primacy approval of our rules
 - General cleanup and consistency with current Secretary of State Office standards for state rule formatting
 - State rule updates that are not impacted by US EPA's primacy review (because they address issues that US EPA's rules do not address)

Rulemaking Timeline

Date	Milestone
August 18, 2020	Notice of Stakeholder Draft
September 2, 2020	Public Meeting
October 27, 2020	Brief the DNR Board Environmental Committee
November 16, 2020	Public Notice
December 16, 2020	Public Hearing
January 6, 2021	Public Notice
February 23, 2021	Request DNR Board Adoption



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Action on Proposed Amendments to the Rules for Enhanced Inspection and Maintenance

February 23, 2021

Karen Hays

Rules for Enhanced Inspection and Maintenance

- Georgia's Enhanced Inspection and Maintenance (I/M) Program covers gasoline-powered passenger vehicles registered in the 13-county Atlanta Metropolitan Area
- Required by the Clean Air Act Amendments for areas that were moderate or higher nonattainment areas for the 1-hour ozone NAAQS
- Approximately 3 million vehicles tested in 2020

Proposed Amendments

- Rules 391-3-20-.01, 391-3-20-.04, 391-3-20-.05, 391-3-20-.07, 391-3-20-.09, and 391-3-20-.11 are being amended
- Removal of “acceleration simulation mode” (ASM) requirements
 - MY 1995 and earlier passenger vehicles are no longer subject to emission inspection requirements
 - MY 1996 and newer passenger vehicles are equipped with onboard diagnostic systems (OBD)
- Updates to the definitions and terminology

Rulemaking Timeline

Date	Milestone
October 27, 2020	Brief the Environmental Committee of the DNR Board
January 4, 2021	Public hearing
January 11, 2021	Close of public comment period – no comments received
February 23, 2021	Request adoption of proposed amendments



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Briefing on Proposed Amendments to the Rules and Regulations for Radioactive Materials

February 23, 2021

Karen Hays

Rules and Regulations for Radioactive Materials

- The Rules are periodically amended to address requirements of the US Nuclear Regulatory Commission (NRC) for Agreement States
- Agreement States (e.g., Georgia) are required to ensure that the Rules meet the compatibility and health and safety categories established by the NRC

Proposed Amendments

- Rules 391-3-17-.01, 391-3-17-.02, 391-3-17-.03, 391-3-17-.04, 391-3-17-.05, 391-3-17-.06, 391-3-17-.08, and 391-3-17-.13 are being updated to incorporate rule updates published November 18, 2019 and December 5, 2019 by the NRC
 - Regulation Amendment Tracking System (RATS) 2019-1 and 2019-2
 - Removal of the definition of “Licensing State” and references to “Licensing State”
 - Minor wording updates

Rulemaking Timeline

Date	Milestone
October 27, 2020	Briefed the Environmental Committee of the DNR Board
January 4, 2021	Public hearing
January 11, 2021	Close of public comment period – no comments received
February 23, 2021	Request adoption of proposed amendments



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Briefing on Proposed Amendments to the Georgia Rules for Air Quality Control

February 23, 2021

Karen Hays

Background on Permit Fees

- Georgia EPD is required by the Federal Clean Air Act Amendments of 1990 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
 - Reviewing permit applications
 - Implementing and enforcing permit conditions
 - Equipment, facilities and training
 - Emissions and ambient monitoring
 - Preparing regulations or guidance
 - Modeling, analyses, and demonstrations
 - Preparing inventories and tracking emissions

Current Fee Structure

- Annual permit fees for NSPS sources, SM Sources, and Title V sources
- Title V sources pay Title V minimum fee or \$ per ton of emissions and an annual maintenance fee
 - Title V minimum fee is \$4,500
 - \$35.50/ton for non-EGUS
 - \$37.34/ton for EGUs
 - Annual maintenance fee of \$650 annually

Current Fee Structure, continued

- Optional Expedited Permitting Program Fees since FY 2016
 - Fees increasing 25% on March 1, 2021
- Began assessing permit application fees for certain types of permit applications on March 1, 2019, with the phase-in of the permit application fees to be completed on March 1, 2021

Proposed Rule Changes

- Amend Fee Rule:
 - Include FY 2022 annual fees, which are based on CY 2020 emissions and are due September 1, 2021
 - No changes in fees
- Adopt 2020 Fee Manual by reference

Rulemaking Timeline

Date	Milestone
December 14, 2020	Permit Fee Advisory Committee meeting
February 23, 2021	Brief the Environmental Committee of the DNR Board
March - April 2021	Comment period and public hearing
May 2021	Request DNR Board adoption



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Briefing on Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4

February 23, 2021

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Chuck Mueller

Purpose and Proposed Changes

The primary purpose of the proposed changes is to address fires at mulching facilities and stability concerns at landfills taking more than 5% by weight High Moisture Content Waste (HMCW). In addition, EPD is suggesting revisions to align the Rule with recent changes to the Georgia Comprehensive Solid Waste Management Act, to clarify post-closure care requirements, update references, and make minor edits. The following are substantive sections to the draft rule:

- Requirements for mulching operations which will reduce fire hazards and allow the feedstock and mulch to be considered recovered materials
- Requirements for submittal of high moisture-content waste (HMCW) management plans by municipal solid waste and commercial industrial landfills that accept more than 5% HMCW
- Deletion of references to mulching in the composting section of the Rule

Proposed Changes to Definitions (391-3-4-.01)

New Definitions

- Bulking Agent
- High Moisture Content Waste (HMCW)
- Mulch
- Solidification
- Solidification/stabilization (S/S) agents

Edited Definitions

- Mulching - Moved from composting section and revised for consistency with new Mulch definition
- Align with Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-22
 - Recovered Materials Processing Facility
 - Recycling
 - Solid Waste
 - Solid Waste Handling
 - Solid Waste Handling Facility

Proposed Changes

Public Participation (391-3-4-.03)

- Removed requirement to notify legal organ upon permit action
- Notifications will continue to be sent to local government officials and posted on the EPD website – Notification of the legal organ is not statutorily required

General. Amended (391-3-4-.04)

- Changed speculative accumulation timeframe from calendar year to “rolling 12-month period,”
- Provides more flexibility in meeting speculative accumulation requirements

Proposed Changes to General (391-3-4-.04)

- Added section for mulching operations that specifies the conditions to be considered a recovered materials processing operation
 - Stockpile maximum dimensions
 - Processing time limit
 - Speculative accumulation
 - Fire plan and guidelines
 - Buffers
 - Stormwater BMPs
 - Erosion and sedimentation BMPs
 - Compliance deadline for existing facilities

Proposed Changes

Criteria for Siting (391-3-4-.05)

- Allow municipal solid waste landfills that have been permitted and were operational prior to July 1, 1997 to expand within two miles of a federally restricted military air space used for a bombing range

Proposed Changes

Landfill Design and Operations (391-3-4-.07)

- Added section specifying requirements for High Moisture Content Waste Management Plan for MSW and commercial industrial landfills
 - Require submission of HMCW management plans by facilities that accept, or plan to accept, 5% or more HMCW by weight
 - Require incorporation of HMCW plan into D&O plan by minor or major modification
 - Require incorporation of HMCW plan with five-year permit reviews
- NOTE: Initiated a stakeholder process to develop guidance for content of HMCW management plans.

Proposed Changes

Post-Closure Care (391-3-4-.12)

- Added clarification for when post-closure care period can be reduced,
 - Facility must not be in active remediation
 - No contaminants with a statistically significant increase above background, but statistically below the groundwater protection standard
 - Methane migration limits regardless if facility is in active remediation
 - Facility is currently in the closure or post-closure period

Proposed Changes

Composting, Mulching, and Anaerobic Digestion Facilities (391-3-4-.16)

- Removed mulching from composting section and added it to the Recovered Materials section to emphasize it is a recovered material and not compost

Scrap and Used Tire Management (391-3-4-.19)

- Removed storage requirement for processors, sorters, and disposal facilities that referenced 1998 standards from National Fire Protection Association
- Added “Georgia State Certified Fire Inspector” as another approved certifying official for fire lane specifications and fire safety inspections

Rulemaking Timeline

Date	Milestone
June 16, 2020	Stakeholder meeting
July 31, 2020	Stakeholder comments received
February 23, 2021	Brief the DNR Board Environmental Committee
March/April 2021	Public hearing and comment period
May 2021	Request DNR Board Adoption