GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

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MEMORANDUM

TO: Richard Dunn, Director

FROM: Jeff Cown, Branch Chief, Land Protection

SUBJECT: CCR Draft Permit Public Comment Process

Establishing the Environmental Protection Division's Coal Combustion Residuals (CCR) Permit Program is an important step in regulating CCR disposal facilities in Georgia. With the continued public interest in CCR disposal, the Land Protection Branch (LPB) proposes adopting a policy to include a public comment process on draft CCR permits. With your concurrence, LPB will adopt procedures listed below to allow additional public participation during the CCR permitting process.

Need for Additional Public Participation Opportunities
The 2015 federal rules for CCR disposal did not create a permitting program; its rules were self-implementing. The federal Water Infrastructure for Improvements to the Nation (WIIN) Act of 2016 changed CCR disposal regulations by giving states the ability to apply for permit programs to regulate CCR disposal. The WIIN Act left the procedures for CCR permit issuance and associated public participation processes largely up to states. The existing Federal regulations for CCR disposal facilities primarily require owners and operators to make certain information about CCR disposal units available on their internet sites. These internet posting requirements give the public the opportunity to stay informed of CCR disposal facilities' compliance with the rules, but further public participation requirements are limited.

Public Participation in the Existing Permit Process
State rules treat CCR landfills as private industrial solid waste disposal facilities (PISWDFs), which are not required to have a public hearing during the permitting process. EPA has three stated goals for CCR permit programs with regards to public participation: that the permit applications and supporting documents be made available for public review, that public comments be considered by the permitting program, and that final determinations on permit applications are made known to the public. The additions to the CCR Permitting Process proposed below will ensure that these three goals are met.

Proposed Additions to the CCR Permitting Process

LPB intends to adopt a policy that will allow a public comment period on draft CCR handling permits. The process would go as follows:

1. Notification to the applicant and public: After all documentation for a permit application has been reviewed and found to adequately demonstrate the requirements for siting, design standards, and operation standards, LPB will issue a draft CCR Permit to the CCR facility owner. (See the attached "Sample transmittal letter for CCR Draft Permit"). Concurrently, anyone who has signed up to receive emails for coal ash related announcements will be notified that the draft permit has been posted online.

2. Availability of documents to review: LPB will post the draft permit on the Land Protection Branch Public Announcements page of the EPD website as well as in hard copy at the LPB Tradeport Office. All information submitted as part of the CCR permit application can also be reviewed in person at the Branch's Tradeport office, and copies can be made for the standard fees.

3. Public Comment Period: Once the Public Notice has been published on LPB's Public Announcements page, the public comment period will officially begin. The draft permit will be available for public comment for 30 days.

4. Comment submittal: Written comments may be accepted via email or mail.

5. Comment review: After the comment period ends, LPB will review all comments received during this period before making a final permit recommendation to the Director.

6. Final Decision and Notification: When issuing a final permit, the facility owner and public will be notified in the same manner given in step 1 above. A response to comments on the draft permit will also be released. The final permit and response to comments will be available to review online on EPD's Coal Ash Information page.

Approved by:

Richard E. Dunn
Director

4/13/18
Date

Enclosures:

1. CCR transmittal letter template
2. CCR public notice template