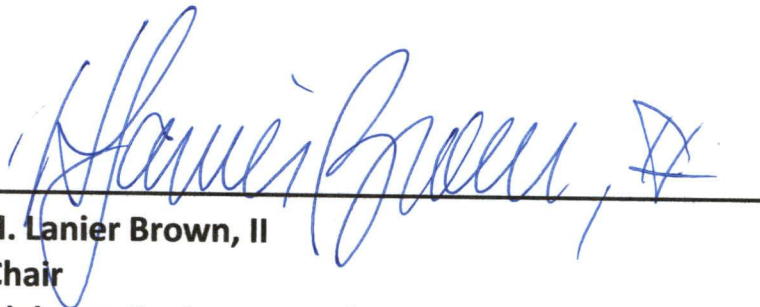


12/21/15

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**October 16, 2015**

**This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on October 16, 2015.**



**H. Lanier Brown, II  
Chair  
Alabama Environmental Management Commission**

**Certified this 18th day of December 2015.**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
October 16, 2015**

**Convened: 11:01 a.m.  
Adjourned: 12:14 p.m.**

**Part A**

**Transcript  
Word Index**

**Part B**

**Attachment Index  
Attachment 1  
Attachment 2  
Attachment 3  
Attachment 4  
Attachment 5  
Attachment 6**

**Part A**



Page 1

1 ALABAMA ENVIRONMENTAL MANAGEMENT  
2 COMMISSION MEETING  
3  
4  
5  
6  
7  
8  
9 ALABAMA DEPARTMENT OF ENVIRONMENTAL  
10 MANAGEMENT  
11 Alabama Room  
12 1400 Coliseum Boulevard  
13 Montgomery, Alabama, 36110-2400  
14 October 16, 2015  
15 11:01 a.m.  
16  
17  
18  
19  
20  
21  
22  
23 Taken by: Victoria M. Castillo, CCR#17

Page 3

1 VICE-CHAIR PHILLIPS: Good  
2 morning. Could everyone pay attention.  
3 Thank you. I'd like to call to order the  
4 October 16th, 2015, Alabama Environmental  
5 Management Commission Meeting. I'd like to  
6 acknowledge we have a quorum.  
7 Agenda Item 1 is consideration  
8 of minutes of the meeting held on August  
9 21st, 2015.  
10 I will entertain a motion from  
11 the Commission regarding the minutes.  
12 DR. MILLER: I move we  
13 accept them as written.  
14 DR. RICHARDSON: Second.  
15 VICE-CHAIR PHILLIPS: I have  
16 a motion and a second.  
17 Any discussion regarding the  
18 motion?  
19 (No response)  
20 VICE-CHAIR PHILLIPS: Being  
21 no further discussion, I will call for the  
22 question.  
23 All in favor, signify with the

Page 2

1 A P P E A R A N C E S  
2  
3 COMMISSION MEMBERS PRESENT:  
4 W. Scott Phillips, Vice Chair  
5 James E. Laier, Ph.D, P.E.  
6 Terry D. Richardson, Ph.D.  
7 Samuel L. Miller, M.D.  
8 Craig Martin, D.V.M.  
9  
10 COMMISSION MEMBERS NOT PRESENT:  
11 H. Lanier Brown, II, Esquire, Chair  
12 Mary J. Merritt  
13  
14 ALSO PRESENT:  
15 Robert Tambling, EMC Legal Counsel  
16 Debi Thomas, EMC Executive Assistant  
17 Lance R. LeFleur, ADEM Director  
18  
19  
20  
21  
22  
23

Page 4

1 sign "aye."  
2 (All Commission members  
3 signify "aye.")  
4 VICE-CHAIR PHILLIPS: All  
5 opposed, same sign.  
6 (No response)  
7 VICE-CHAIR PHILLIPS: Motion  
8 carries. Thank you.  
9 Agenda Item 2: The Commission  
10 will consider the election of the  
11 Commission Chair and Vice-Chair.  
12 I will entertain a motion from  
13 the Commission regarding the election.  
14 DR. MARTIN: Mr. Chairman,  
15 I'd like to make a motion that we accept  
16 the present Commission Chair and Vice-Chair  
17 as their present position. In other words,  
18 keep you as the Vice-Chair and Lanier as  
19 the Commission Chair.  
20 VICE-CHAIR PHILLIPS: I have  
21 a motion to accept the existing Chair and  
22 Vice-Chair as the new Chair and Vice-Chair.  
23 DR. LAIER: Second.

Page 5

1 VICE-CHAIR PHILLIPS: I have  
2 a motion and a second.  
3 Any further discussion on the  
4 motion?  
5 (No response)  
6 VICE-CHAIR PHILLIPS: All in favor,  
7 signify with the sign "aye."  
8 (All Commission members  
9 signify "aye.")  
10 VICE-CHAIR PHILLIPS: All  
11 opposed, same sign.  
12 (No response)  
13 VICE-CHAIR PHILLIPS: Motion  
14 carries. Thank you.  
15 Report from the Director.  
16 Mr. Director.  
17 MR. LeFLEUR: Good morning.  
18 VICE-CHAIR PHILLIPS: Good  
19 morning.  
20 MR. LeFLEUR: During the  
21 last five years, the Department has faced  
22 challenge on top of challenge, the likes of  
23 which the Department has not experienced in

Page 7

1 necessary actions to be taken as a result  
2 of the cuts that will take up the bulk of  
3 today's report.  
4 The balance of today's report  
5 will briefly update you on the Department's  
6 FY 2015 and 2016 Operating Plans and  
7 finally recognize significant  
8 accomplishments by a number of our  
9 personnel that have helped the Department  
10 deal with its challenges.  
11 At the last Commission meeting,  
12 it was anticipated that RCRA Hazardous  
13 Waste dashboards would be presented at this  
14 meeting. That presentation will be  
15 postponed to the December meeting to allow  
16 a more in-depth report on the FY 2016  
17 budget.  
18 Now to the budget. First, a  
19 brief summary of the FY 2016 budget  
20 process.  
21 In November of 2014, the  
22 Department requested a total of \$2.5  
23 million in General Fund appropriations for

Page 6

1 its 33 years of existence. From the  
2 manmade disaster of the 2010 BP oil spill  
3 that added a workload of more than 65,000  
4 employee work hours, or 30 work years, with  
5 no additional compensation to an already  
6 heavily burdened staff; to the natural  
7 disaster of the 2011 tornado outbreak that  
8 killed more than 240 people in Alabama and  
9 required ADEM, among other duties, to play  
10 the pivotal role in securing and, within  
11 three days, bringing back on-line all of  
12 the 511 drinking water and wastewater  
13 treatment systems put out of commission; to  
14 an unprecedented proliferation of unfunded  
15 federal regulations and mandates that were  
16 all too often driven by a political agenda;  
17 to a vigorous, but thus far unsuccessful,  
18 effort by several focused environmental  
19 groups to have EPA withdraw the State's  
20 authority to administer the NPDES water  
21 program; to repeated budget cuts.  
22 It's the repeated budget cuts,  
23 the implication of the cuts, and the

Page 8

1 FY 2016, an increase of \$1 million over and  
2 above the Department's 2015 appropriation.  
3 The additional funding was intended to  
4 cover our emergency response program, new  
5 State comptroller service charges, and the  
6 added costs of statewide accounting system  
7 upgrades.  
8 As reported at the June  
9 Commission meeting, the Legislature, in its  
10 regular session, passed a General Fund  
11 budget that was subsequently vetoed by the  
12 Governor. Although that budget was vetoed,  
13 it was anticipated to be the starting point  
14 for budget considerations in the then  
15 anticipated special session of the  
16 Legislature.  
17 That budget called for zero  
18 funding of ADEM operations and a transfer  
19 of \$7.7 million of Departmental funding  
20 supplied by environmental cleanup fees to  
21 the General Operating Fund of the State.  
22 The Commission was informed that in order  
23 to retain the Department's water program



Page 9

1 authority, it would be necessary to raise  
 2 permit fees by the amount of any reduction  
 3 in funding of the Department's General Fund  
 4 operating appropriation. The amount of the  
 5 necessary increase was estimated at 15 to  
 6 20 percent.

7 In the August Commission  
 8 meeting, it was reported that the first  
 9 special session concluded on August 11th  
 10 with no General Fund budget being sent to  
 11 the Governor, thus requiring a second  
 12 special session. The budgets proposed by  
 13 the House and Senate during the first  
 14 special session again called for zero  
 15 funding of ADEM operations and again called  
 16 for a transfer from environmental cleanup  
 17 fees to the General Fund.

18 The House version of the budget  
 19 set the amount of the transfer at \$4  
 20 million, while the Senate version called  
 21 for a \$7.4 million transfer. These budgets  
 22 also both contained a new ominous provision  
 23 stipulating that the Department could not

Page 10

1 take any of the mandated transfers from the  
 2 Underground Storage Tank Trust Fund. The  
 3 UST Trust Fund is the largest fund  
 4 available for the transfer and the one from  
 5 which the transfer would cause the least  
 6 harm to critical cleanup programs in the  
 7 state; nevertheless, it was exempted from  
 8 contributing its fair share of the transfer  
 9 to the General Fund.

10 As you may be aware, currently  
 11 one cent per gallon is added to the cost of  
 12 fuel to fund the cleanup of leaking  
 13 underground storage tanks in Alabama. That  
 14 one cent per gallon is passed along to  
 15 consumers, who pay the fee at the pump when  
 16 they purchase fuel. Owners of the tanks,  
 17 typically the petroleum marketers, that  
 18 comply with requirements for leak and spill  
 19 prevention and detection procedures in the  
 20 future, are relieved of their individual  
 21 liability for the cost of cleaning up both  
 22 past and future contamination caused by  
 23 their past and future leaking tanks.

Page 11

1 While participation in the UST  
 2 Trust Fund is voluntary for the tank  
 3 owners, virtually all participate since it  
 4 is the consumers who are the ones required  
 5 to pay the one cent per gallon at the pump,  
 6 and the tank owners are thus relieved of  
 7 their liability at essentially no cost to  
 8 themselves.

9 This exclusion of the UST Trust  
 10 Fund as a source of the mandated transfer  
 11 raised the specter that permit fees to  
 12 regulated industries could be required to  
 13 be increased by an additional 100 percent  
 14 to make up for the UST Trust Fund exemption  
 15 and to avoid collapsing the Scrap Tire and  
 16 Solid Waste Funds.

17 The second -- that was the first  
 18 special session. The second special  
 19 session was convened on September 8th,  
 20 2015, and closed on September 16th. A  
 21 final 2016 State General Fund budget passed  
 22 and was signed by the Governor. The FY  
 23 2016 budget calls for the Department to

Page 12

1 receive a General Fund appropriation of  
 2 \$280,000, earmarked to support the  
 3 Concentrated Animal Feeding Operation, or  
 4 CAFO, program, and also calls for ADEM to  
 5 transfer \$1.2 million out of other  
 6 Departmental funds to the General Fund.

7 Let me repeat that last part.  
 8 ADEM is required to send \$1.2 million from  
 9 other sources to the General Fund. The  
 10 \$280,000 CAFO appropriation will not  
 11 adequately fund the CAFO program. The  
 12 other Department funds from which the \$1.2  
 13 million is to be transferred are permit  
 14 fees, the Scrap Tire Fund, and the Solid Waste  
 15 Fund. The budget specifically stipulates  
 16 that not a penny of the \$1.2 million to be  
 17 transferred to the General Fund can come  
 18 from the Underground Storage Tank Trust  
 19 Fund; and, therefore, the money can only  
 20 come from those three remaining sources.

21 Several members of the  
 22 Commission, as well as numerous other  
 23 parties, have expressed deep concern that



Page 13

1 not only has the State virtually eliminated  
2 any funding to support environmental  
3 management activities in Alabama, it has  
4 taken the extraordinary step of diverting  
5 fees expressly instituted to clean up  
6 existing pollution to instead fund General  
7 Fund expenditures of the State.  
8       As a result, with the notable  
9 exception of fees going to the Underground  
10 Storage Tank Trust Fund, environmental fees  
11 are now a revenue stream to support general  
12 state expenditures, rather than the  
13 environmental cleanups for which they were  
14 created. This undermines the mission of  
15 ADEM. The Department strenuously objects  
16 to this action and sees it as a breach  
17 of the public trust.  
18       As you are aware, in January  
19 2010, a number of environmental groups  
20 filed a petition with EPA seeking to have  
21 EPA withdraw the State's authority to  
22 administer the NPDES water program for 26  
23 alleged failures to meet requirements of

Page 15

1 Protection Division of EPA Region 4 offered  
2 ADEM immediate assistance with inspections  
3 and enforcement from EPA to deal with the  
4 recent budget cut. This should not give  
5 anyone a warm, fuzzy feeling.  
6       In light of the ADEM funding  
7 cuts since 2014, and the vigorous efforts  
8 to challenge EPA's action on nonfunding  
9 issues, EPA will be under significantly  
10 increased pressure to begin withdrawal  
11 proceedings based on insufficient funding.  
12       The FY 2016 budget actions put  
13 Alabama in real jeopardy of losing  
14 authority to administer the NPDES water  
15 program. EPA taking over the program would  
16 have a devastating impact on both  
17 attracting new industry and retaining  
18 existing industry.  
19       Decisive action is required.  
20 Operating on the premise that relinquishing  
21 NPDES authority to EPA is to be avoided at  
22 almost any cost, and given that the  
23 Legislature has elected to continue to cut

Page 14

1 the Clean Water Act. In an interim  
2 decision, EPA essentially dismissed all the  
3 allegations, with the exception of those  
4 related to state-provided funding of the  
5 Department.  
6       Several environmental  
7 organizations appealed EPA's interim  
8 decision, and EPA is now in the 11th U.S.  
9 Circuit Court of Appeals defending its  
10 interim decision not to begin proceedings  
11 to withdraw ADEM's authority to administer  
12 the NPDES program. EPA withheld a final  
13 decision on the funding issue until it  
14 could determine the impact of the FY 2014  
15 funding cuts. According to a statement  
16 made by EPA's attorney at the 11th U.S.  
17 Circuit Court of Appeals, EPA anticipates  
18 making its final decision on withdrawal for  
19 insufficient funding by year-end 2016.  
20       EPA appears to be well aware of  
21 the recent budget action by the Legislature  
22 in that two days after the FY 2016 budget  
23 was signed, the Director of the Water

Page 16

1 funding to the Department, on September 21,  
2 I directed the Department to initiate the  
3 formal rulemaking process to increase  
4 permit fees, excluding Clean Air Act Title  
5 V fees, which are regulated by federal  
6 statute, by 20 percent. This will replace  
7 the Department's lost General Fund  
8 appropriation and the pro rata portion of  
9 the \$1.2 million transfer to the General  
10 Fund attributable to permit fees.  
11       The proposed 20 percent  
12 across-the-board permit fee increase is  
13 scheduled to come before you for action at  
14 your December 18th, 2015, Commission  
15 meeting, with an anticipated effective date  
16 36 days later on January 23rd, 2016.  
17       The next few slides will give  
18 you a visual presentation of the  
19 Department's budget situation and the  
20 reason for the proposed 20 percent fee  
21 increase. On this first slide, you see the  
22 Department's actual General Fund budget  
23 appropriations between 2008 and 2016 as



Page 17

1 shown in red. The 2016 operating budget  
2 cut will bring the Department's cut in  
3 annual funding for operations to more than  
4 96 percent. The cuts have varied year to  
5 year, so a trend line is provided which  
6 represents a normalized graph of the cuts.  
7 Regulated industries in Alabama  
8 have already borne the burden of the 83  
9 percent in cuts to ADEM's annual General  
10 Fund appropriation between 2010 and 2015,  
11 as shown by the solid green columns on this  
12 next slide.  
13 Estimated total permit fees,  
14 including the proposed 20 percent -- excuse  
15 me -- 20 percent permit fee increase to  
16 replace the operating funds lost in the FY  
17 2016 budget are shown in the green  
18 cross-striped column at the far right.  
19 Once again, a trend line is provided to  
20 show a normalized graph of the increases,  
21 including the FY 2016 proposed increase.  
22 The trend line smoothes out the  
23 effects of such things as permit renewal

Page 18

1 cycles and other typical year-to-year  
2 variations. The trend lines show that as  
3 General Fund appropriations have gone down,  
4 permit fees have gone up.  
5 The total state-sourced funding  
6 for the Department is the sum of the  
7 General Fund budget appropriations and the  
8 permit fees, as shown by orange columns on  
9 this slide. The estimated total  
10 state-sourced funding for FY 2016 is shown  
11 in the orange cross-striped column at the  
12 far right. I mentioned on a previous slide  
13 that the Department's annual General Fund  
14 appropriation has now declined by more than  
15 96 percent. Previous permit fee increases,  
16 along with the proposed 20 percent permit  
17 fee increase, are anticipated to offset  
18 that 96 percent loss, as evidenced by the  
19 fact that the orange trend line for total  
20 state-sourced funding, with only a slight  
21 downward trend, is close to the target of  
22 constant state-sourced funding in recent  
23 years.

Page 19

1 It should be noted that in April  
2 of 2014, EPA stated it was scrutinizing  
3 funding for FY 2014 as potentially being  
4 insufficient for Alabama to maintain the  
5 NPDES water program.  
6 While we are hopeful that  
7 maintaining the trend line for total  
8 state-sourced funding nearly constant with  
9 FY 2014 will be acceptable to EPA, there is  
10 absolutely no assurance that the proposed  
11 20 percent permit fee increase will be  
12 sufficient to keep EPA from seeking to take  
13 the NPDES water program due to insufficient  
14 funding.  
15 The Legislature has acted. EPA  
16 has said it would act on or before December  
17 31, 2016. Action on the proposed fee  
18 increase at the December Commission meeting  
19 may very well be the last opportunity to  
20 shore up Departmental funding before EPA  
21 acts. The day of reckoning is nearly upon  
22 us.  
23 With just cause, regulated

Page 20

1 industries are very unhappy with the  
2 proposed increase. Twice before in the  
3 last four years regulated industries have  
4 responded when the Legislature has elected  
5 to place the Department on the brink of  
6 financial disaster. Regulated industries  
7 have accepted significant permit fee  
8 increases to avoid the very real  
9 possibility of an EPA takeover of the NPDES  
10 water program.  
11 We are, once again, asking  
12 regulated industries to do what the  
13 Legislature has not, and that is to  
14 responsibly fund the Department. I believe  
15 they understand the dire consequences of  
16 not implementing the increase and will  
17 ultimately step up and support this  
18 initiative.  
19 I have also taken the  
20 extraordinary step of directing that the  
21 Concentrated Animal Feeding Operation fees,  
22 as set forth in the ADEM Administrative  
23 Code, be collected in full beginning at the



Page 21

1 earliest feasible date. In years past,  
2 these fees have been suspended by the  
3 Department because the Legislature provided  
4 an adequate earmarked General Fund  
5 appropriation subsidy to fund a substantial  
6 portion of the operation of the CAFO  
7 program. The reduced FY 2016 appropriation  
8 no longer provides an adequate subsidy to  
9 the CAFO program. And from this point  
10 forward, it will be funded by fees paid by  
11 that program's regulated universe.  
12 As with other regulated  
13 industries, it should be anticipated that  
14 agricultural interests will be very unhappy  
15 about initiating the collection of permit  
16 registration fees, heretofore covered by a  
17 General Fund appropriation.  
18 Stepping back and looking at the  
19 budget situation, I believe all would agree  
20 the public is entitled to expect that State  
21 agencies run lean operations and at the  
22 same time provide effective results.  
23 Without question, over the years ADEM has

Page 22

1 shown it is such an organization. The  
2 Department is now at a point where any  
3 reduction in state-sourced funding takes it  
4 past being a lean operation and puts it at  
5 the brink of financial disaster. That, in  
6 turn, puts Alabama at the brink of disaster  
7 in providing job opportunities for its  
8 citizens. As mentioned earlier, this is  
9 not the first time the Department has been  
10 put in this situation. In fact, this is  
11 the third time in the last four years.  
12 In my experience, this exercise  
13 of constantly being on the edge of  
14 financial disaster is no way to run an  
15 organization. It creates inefficiency. It  
16 creates unnecessary risk. It diverts  
17 efforts from more productive endeavors. It  
18 hurts morale. And it undermines public  
19 confidence.  
20 Such a financial situation is  
21 akin to paying the rent just before being  
22 evicted or paying the electricity bill when  
23 the power company arrives to shut off the

Page 23

1 power. A critical state agency should not  
2 be required to continually operate under  
3 these conditions.  
4 If there is anything beneficial  
5 to come out of this exercise, it is that,  
6 painful as it is to convert funding from  
7 General Fund appropriations to permit fees  
8 paid by regulated industries, it does  
9 provide the Department a more dependable  
10 funding mechanism. If the Legislature does  
11 not continue or expand this year's taking  
12 of dedicated environmental cleanup revenues  
13 to fund other activities of state  
14 government, the Department will at least be  
15 on a more stable financial footing provided  
16 by permit fee revenue, albeit, as I have  
17 said before, at a subsistence level.  
18 The Department is committed to  
19 continue to effectively utilize whatever  
20 funding is available. The new funding  
21 level will certainly not improve our  
22 funding rank above the current level of  
23 49th in the nation. I also believe that

Page 24

1 without additional funding cuts or takings,  
2 there is a reasonable chance the Department  
3 can continue to be one of the top rated  
4 programs in the nation.  
5 I strongly encourage the  
6 Commission to favorably consider the 20  
7 percent permit fee increase when it comes  
8 up for a vote at your December 18th, 2015,  
9 meeting.  
10 As you are aware, in 2014 the  
11 five-year update to the consolidated  
12 strategic plan for the Commission and the  
13 Department was completed. Each fiscal  
14 year, the Department updates its Operating  
15 Plan, which addresses the same goals  
16 reflected in the strategic plan. The goals  
17 are: Effective and responsive Commission;  
18 High-Performing Work Environment; Credible  
19 Relationships with External Stakeholders;  
20 and, Efficient and Effective Departmental  
21 Operations.  
22 Prior to each Commission  
23 meeting, it has been my practice to send



Page 25

1 you a memorandum titled "ADEM Update,"  
2 which, among other things, addresses  
3 progress on the objectives set out in the  
4 Department's Operating Plan.  
5       Since those six memoranda have  
6 served as a running update on the execution  
7 of the FY 2015 annual Operating Plan, it  
8 won't be necessary to repeat the  
9 information, unless you would like  
10 clarification or supplemental information  
11 on some particular item. You've been  
12 provided a red-lined copy of the FY 2016  
13 Departmental Operating Plan, showing  
14 changes from the FY 2015 plan. Copies of  
15 the final FY 2016 Departmental Operating  
16 Plan are available to interested parties on  
17 the table just outside this meeting room.  
18       From time to time, it's been my  
19 pleasure to recognize recent significant  
20 achievements of our personnel. An  
21 important element of the Department's  
22 Annual Operating Plan is to promote the  
23 professional development of ADEM employees.

Page 26

1 Our organization is made up of scientists,  
2 engineers and attorneys with professional  
3 training, skills and continuing education  
4 in their chosen fields; however, with  
5 nearly 600 personnel, our organization  
6 requires people with management training  
7 and skills also.  
8       Today, I am pleased to recognize  
9 14 Departmental personnel who have achieved  
10 important developmental milestones. Five  
11 of these individuals have successfully  
12 completed the first year of rigorous study,  
13 training and testing to be awarded the  
14 designation of the Associate Certified  
15 Public Manager, and nine have completed the  
16 additional work necessary to be awarded the  
17 advanced designation of Certified Public  
18 Manager. The complete two-year program  
19 involves more than 250 hours of classroom  
20 work, plus untold out-of-class hours.  
21       These individuals have taken the  
22 time to become even more valuable members  
23 of our organization by dedicating the time

Page 27

1 and effort necessary to attain these  
2 noteworthy designations. I would like for  
3 them to please stand when their name is  
4 called.  
5       First, those receiving the  
6 Associate CPM Certificate are: Donald  
7 Barron, Bonnie Coleman, Susan Dingman,  
8 Jerome Hand -- back in the corner -- and  
9 Kimberly Minton.  
10       I would also like to have those  
11 -- please keep standing. I would also like  
12 for those to stand who have received the  
13 full CPM certification.  
14       And their names are: Emily  
15 Anderson, Shelane Bergquist, Eric Cleckler  
16 -- Eric in here today? I don't see him --  
17 Kelley Hartley -- Lisa Hicks is not able to  
18 be with us today. I believe she didn't  
19 sneak in, has she -- Heather Jones,  
20 Catherine McNeill, Chris Sasser, and Shawn  
21 Sibley.  
22       Please join me in congratulating  
23 them.

Page 28

1       (Audience applause)  
2       MR. LeFLEUR: Okay. Thank  
3 you very much each one of you.  
4       With that, my report for today  
5 is concluded. I'd be pleased to address  
6 any questions you may have.  
7       VICE-CHAIR PHILLIPS: Thank  
8 you, Mr. Director. And congratulations to  
9 everyone on your staff.  
10       Any questions from the  
11 Commission?  
12       DR. RICHARDSON: Yes,  
13 Mr. Chairman, I have a few questions.  
14       VICE-CHAIR PHILLIPS:  
15 Commissioner Richardson.  
16       DR. RICHARDSON: First off,  
17 congratulations to all of you on the  
18 awards.  
19       And, Director, it speaks very  
20 highly of your staff that they pursue those  
21 on the outside and then actually make the  
22 achievements. I think that's great.  
23       Back on this budget stuff, are



Page 29

1 we a critical state agency?  
2 MR. LeFLEUR: I believe that  
3 I would have to answer that yes, sir.  
4 DR. RICHARDSON: Okay. And  
5 I asked that just to drive home a point,  
6 because my way of thinking about what's  
7 going on here is: Nothing adds up, you  
8 know. That's just the way my brain works  
9 on this.  
10 But this 20 percent fee  
11 increase, if we don't -- if we don't have  
12 it and EPA does nothing, everything stays  
13 pretty much the same, where are you?  
14 MR. LeFLEUR: We will be  
15 reducing services.  
16 DR. RICHARDSON: In what  
17 areas? Do you know yet? Have you thought  
18 along those lines?  
19 MR. LeFLEUR: Well, this is  
20 a \$1.2 million decrease in operating funds,  
21 and it's also a \$1.2 million decrease in  
22 dedicated cleanup services. So we would  
23 have cuts in both of those areas, both the

Page 30

1 operating portions of what we do and the  
2 cleanups that these funds normally would go  
3 toward.  
4 DR. RICHARDSON: For  
5 example, obviously Scrap Tire would take a  
6 hit.  
7 MR. LeFLEUR: Scrap Tire.  
8 The funding that's provided with these  
9 dedicated funds includes such things as  
10 promoting recycling around the state. It  
11 funds, in part, our inspection of  
12 landfills, our permitting activities for  
13 landfills; scrap tires that are picked up  
14 throughout the state by counties. We work  
15 with the counties to do that.  
16 DR. RICHARDSON: I guess one  
17 of the things that's bothering me here is  
18 that we're being asked to shift the burden  
19 of the people to the permit holders again,  
20 with no guarantee at all that it's going to  
21 stave off EPA. We may have the fee  
22 increase and EPA still takes over. So then  
23 our permit holders are left with dealing

Page 31

1 not only with 20 percent increases in fees,  
2 but also dealing with EPA.  
3 MR. LeFLEUR: That's  
4 correct.  
5 DR. RICHARDSON: So there  
6 really is no -- no guarantee that that -- I  
7 mean, I do appreciate that by having the  
8 increase it might make it less likely EPA  
9 will come in. But as you correctly pointed  
10 out, they're already talking about this at  
11 previous funding that you're just trying to  
12 get us back to, you know.  
13 What do other states look like  
14 when comparing their sister agency's  
15 operating budget where their money comes  
16 from, their proportion that comes from fees  
17 versus from state appropriations?  
18 MR. LeFLEUR: Well,  
19 that's -- that's a perfectly valid  
20 question. It's a bit difficult to give you  
21 a complete answer for it. Our permit fees  
22 are currently competitive -- even with the  
23 20 percent increase are competitive with

Page 32

1 the permit fees that are paid from other  
2 states, to the degree that we can determine  
3 that.  
4 Other states typically do  
5 supplement their environmental programs  
6 with General Fund appropriations. We are  
7 ranked by -- according to the most recent  
8 data available, we are ranked 49th in the  
9 nation on a per capita basis from the  
10 combined total of both General Fund and  
11 permit fees.  
12 We have anecdotal evidence that  
13 our fees are considerably below others, but  
14 if -- if a state receives considerable  
15 General Fund appropriations, they can  
16 afford to have a lower level of fees. And  
17 that's what the case was in Alabama  
18 previously. The General Fund, if you will,  
19 subsidized the permit fees that were paid  
20 by regulated industries.  
21 Is that giving you an answer to  
22 what you're --  
23 DR. RICHARDSON: I guess,







Page 37

1 I don't see how on the one hand  
2 we can be losing \$7.7 million and that  
3 requires a 20 percent fee increase, and on  
4 the other hand we're losing \$1.2 million  
5 and that requires a 20 percent fee  
6 increase.  
7 MR. LeFLEUR: I can  
8 appreciate the confusion there. The  
9 transfer was not allowed to come out of  
10 earmarked funds; that is, the Scrap Tire  
11 Fund, the Solid Waste Fund, UST Fund, until  
12 the Legislature adopted a statute after  
13 that initial \$7.7 million transfer that  
14 allowed for unearmarking of those, which  
15 meant that they were then in play to be a  
16 source of the funds to be transferred to  
17 the General Fund.  
18 DR. RICHARDSON: Uh-huh.  
19 MR. LeFLEUR: So the  
20 unearmarking of those was another means  
21 that allowed that to happen.  
22 DR. RICHARDSON:  
23 Mr. Chairman, I have no further comments.

Page 38

1 VICE-CHAIR PHILLIPS: Thank  
2 you, Commissioner Richardson.  
3 Any other Commissioners have  
4 questions?  
5 (No response)  
6 VICE-CHAIR PHILLIPS: Then I  
7 do. Mr. Director, I mean, you've painted a  
8 picture for us that is not pretty at all.  
9 It's very ugly, so I have a few questions  
10 that I've asked you before and I'm going to  
11 ask you again on the record.  
12 You know, at one time you've  
13 made the statement that zeroing out the  
14 budget for ADEM did, as you said today, put  
15 us on a much more stable foundation, which  
16 took away the volatility, as I recall the  
17 word. But we've seemed to have -- so that  
18 strategy would get us to zero anyway to the  
19 General Fund, but the more disturbing thing  
20 now is we're starting to send money back to  
21 the General Fund, which is extremely  
22 concerning.  
23 I'm also concerned that, by

Page 39

1 requirement, we can't charge permit fees  
2 beyond what it costs the Department to  
3 implement those permit programs, correct?  
4 MR. LeFLEUR: That's  
5 correct.  
6 VICE-CHAIR PHILLIPS: And at  
7 the same time, I don't really know what  
8 those costs are. So I -- I hear we're  
9 going to make up the \$1.2 million sending  
10 money back, and I applaud the -- we're not  
11 completely funded for CAFO, so we're going  
12 to start doing things that we didn't used  
13 to do, like asking for fees from the CAFO.  
14 I know that's going to be  
15 difficult for them. I know they're not  
16 going to like it any more, but they're not  
17 going to like it any less than the ones  
18 that are already paying fees.  
19 So to tell you that I'm happy  
20 with where we are today, it feels sort of  
21 like when I paint a floor and you're in a  
22 corner and you can't get out without  
23 stepping in the paint. I don't really know

Page 40

1 that I feel any differently than I did at  
2 the last meeting when I said I'm going to  
3 have to be convinced that a 20 percent  
4 increase in permit fees is the right thing  
5 to do.  
6 So in order to do that, I'm  
7 going to need more information, more study  
8 and understanding, of exactly what it is  
9 that we find ourselves in and are there  
10 other alternatives.  
11 And so I guess I would ask one  
12 question is: Have we looked at other  
13 alternatives in the Department? Are there  
14 any other alternatives beyond just the 20  
15 percent increase to permit holders?  
16 MR. LeFLEUR: We have looked  
17 at a number of alternatives. We are  
18 limited as to our alternatives. The 20  
19 percent fee increase is designed to support  
20 a level of operations that will meet EPA  
21 requirements; that is, numbers of  
22 inspections, numbers of permits that need  
23 to be written and those sort of things.



<p style="text-align: right;">Page 41</p> <p>1 EPA has indicated that it 2 believes the level of fundings from state 3 sources that was present in 2014 was a 4 level that concerned them -- and they 5 stated so -- that it concerned them and 6 that they were not going to act on the 7 petition, the withdrawal petition, until 8 they could determine whether the 2014 level 9 of funding made it so that the Department 10 would be unable to support the NPDES 11 program. And that's -- that's in the 12 record. All of that.</p> <p>13 We do not know what EPA 14 ultimately will do. But they have sent 15 clear signals that the 2014 level of 16 state-sourced funding was of concern to 17 them. So to reduce that state-sourced 18 funding, which is the sum of the General 19 Fund and the permit fees, to reduce that 20 logically says EPA will become more 21 concerned about it.</p> <p>22 Now, whether that concern will 23 rise to the level of EPA commencing</p>	<p style="text-align: right;">Page 43</p> <p>1 years.</p> <p>2 MR. LeFLEUR: Well, the 3 basis for that is our funding level is at 4 the bottom of the barrel in the nation. 5 Our performance levels are at the top in 6 the nation, among the top ten in the 7 nation, as -- not by our judgment, but by 8 the judgment of people like the Office of 9 the Inspector General, using EPA data.</p> <p>10 If you are a low-cost provider 11 and a high-quality supplier, the 12 opportunity for increased efficiency in the 13 operation is limited. We are among -- we 14 are arguably the most efficient in the 15 nation, lowest funded, highest performance.</p> <p>16 To suggest that there is -- 17 there's always room for improvement and 18 efficiency, obviously. But to say that the 19 budget can be made up for, the budget cut 20 can be made up for by increasing efficiency 21 is -- I don't believe is realistic.</p> <p>22 VICE-CHAIR PHILLIPS: I 23 apologize for my lack of communication,</p>
<p style="text-align: right;">Page 42</p> <p>1 withdrawal proceedings, that's not 2 something that we're privy to at this time. 3 But EPA has definitely sent that signal. 4 EPA has also been under increasing pressure 5 from a number of environmental groups to 6 begin those proceedings. And in my 7 comments, I hope I was able to outline the 8 level of pressure that's being put on 9 them.</p> <p>10 The Department can cut our 11 activities. We can reduce our activities, 12 but that reduction in activities is what 13 EPA ultimately is getting at.</p> <p>14 VICE-CHAIR PHILLIPS: Well, 15 I want to applaud you on painting the 16 picture very well. When I hear brink of 17 financial disaster and subsistence levels, 18 there is no confusion on my part about 19 where you believe we stand.</p> <p>20 I just am concerned that I'm 21 hearing one automatic response to that, and 22 it's the same one we've heard, as you 23 pointed out, several times in the last four</p>	<p style="text-align: right;">Page 44</p> <p>1 because I don't think I ever used the word 2 efficiency.</p> <p>3 MR. LeFLEUR: I know you 4 didn't.</p> <p>5 VICE-CHAIR PHILLIPS: My 6 question is: Are there alternative methods 7 for raising revenue? For instance, there 8 are states that charge for emissions 9 testing of automobiles. Much better use of 10 getting the citizens of the state of 11 Alabama to buy into the environment, at 12 least from generating revenue for the 13 Department. Is that something that's been 14 looked at? Are there other things such as 15 that that's been looked at?</p> <p>16 And before you answer, I want to 17 echo what Commissioner Richardson said, but 18 I want to echo it in a different way. He's 19 pointing toward becoming beholden to people 20 who pay permit fees. You didn't show us 21 the graph of EPA funds. We get a 22 substantial amount of money from the 23 federal government.</p>



Page 45

1 So it concerns me equally, if  
2 not more so, Commissioner Richardson, that  
3 we have to depend on that source of funds.  
4 And then at the same time, be able to push  
5 back when we don't agree with what they're  
6 doing.  
7 DR. RICHARDSON: I agree.  
8 VICE-CHAIR PHILLIPS: So now  
9 you can answer. The frustration is  
10 growing.  
11 MR. LeFLEUR: Well, as far  
12 as federal funds, there is a tightrope to  
13 walk.  
14 VICE-CHAIR PHILLIPS: Yes.  
15 MR. LeFLEUR: We do take  
16 issue with EPA and have taken issue with  
17 them on a number of issues that EPA's  
18 agenda is not the same as the state of  
19 Alabama's agenda. And where those differ,  
20 we owe allegiance to the protection of  
21 human health and the environment. But to  
22 the degree that it goes beyond that, we are  
23 with Alabama's concerns as opposed to the

Page 46

1 federal government's concerns, whether it's  
2 that area.  
3 Now, EPA does provide for --  
4 VICE-CHAIR PHILLIPS: Thank  
5 you for -- thank you for saying that.  
6 MR. LeFLEUR: We -- EPA does  
7 provide a substantial portion of our  
8 funding. The amount of funding has been  
9 flat to declining. The mandates from EPA  
10 have been clearly increasing without the  
11 additional funding, which puts additional  
12 pressure on our finances within the  
13 Department.  
14 Other states do charge fees for  
15 a number of different things, and we have  
16 looked at that. Fees are fees, whether  
17 they're in the form of permit fees or  
18 whether you reduce that permit fee increase  
19 and start instituting fees for inspections  
20 or fees for reports or fees for other  
21 different things, they are fees. By any  
22 other name, they're a fee.  
23 This is similar to the State's

Page 47

1 situation where the State does not want to  
2 raise tax revenues; however, they take  
3 funding from the Department, and the  
4 Department then is left with finding that  
5 funding some place else and that becomes,  
6 in effect, a tax that is laid onto the  
7 regulated community, plain and simple.  
8 VICE-CHAIR PHILLIPS: You're  
9 singing to the choir.  
10 MR. LeFLEUR: Right. But  
11 the point being that the total funding for  
12 the Department needs to be at some level to  
13 allow us to perform. Without funding, we  
14 have to reduce the amount that we -- the  
15 amount of people that we put out in the  
16 field to do that.  
17 And that reduction in activity  
18 of the Department is what EPA is getting at  
19 when they say the funding level may be  
20 insufficient. Now, our argument, our  
21 counter-argument to EPA -- and this is the  
22 one that we drive home to EPA -- is our  
23 funding is sufficient as long as we're a

Page 48

1 top performer. And that's a strong  
2 argument with EPA. You cannot come in and  
3 take a program that's performing.  
4 EPA, on the other hand, can say,  
5 You're performing now, but you don't have  
6 the number of personnel to do the  
7 inspections that are in your work plan. So  
8 we see you as not being a performer.  
9 VICE-CHAIR PHILLIPS: I hear  
10 you.  
11 MR. LeFLEUR: I would like  
12 to find other options.  
13 VICE-CHAIR PHILLIPS: And I  
14 appreciate that. I think probably more so  
15 the reason I'm saying that is if there were  
16 ever a time that this Commission needs to  
17 honestly think about what we're responsible  
18 for, which is establishing environmental  
19 policy, promulgating the rules, one of the  
20 very ones that you're proposing, it's now,  
21 if there ever was a day.  
22 And I'm just going to encourage  
23 all my members, and I will -- we need to



Page 49

1 ask hard questions. We need to look for  
2 new options. We do not need to default to  
3 the same old, Here's how we'll raise our  
4 money, and we'll do it this one way. I've  
5 watched it a long time, and I've seen it  
6 happen more in the last four years than  
7 I've ever seen it.  
8       And I think it's irresponsible  
9 for us as a Commission to accept that  
10 that's the only way we can raise revenue to  
11 fund the Department. And it disturbs me to  
12 think that we're being asked to do that  
13 with a 20 percent permit fee increase and  
14 still hit subsistence levels, to still not  
15 feel like we're at the level where we  
16 really can fulfill a mission for the  
17 citizens of the State of Alabama.  
18       MR. LeFLEUR: Well, we  
19 are -- we are looking for options. We  
20 clearly are looking for options.  
21       VICE-CHAIR PHILLIPS: I will  
22 end by just saying, once again, I don't --  
23 I don't envy the position you find

Page 50

1 yourselves in. But at the same time, I  
2 don't envy the position that we should feel  
3 like we're in. Because, quite honestly,  
4 balancing things like attracting new  
5 industries and creating jobs in this state,  
6 while at the same time protecting the  
7 environment, doesn't come without a cost.  
8 And that cost needs to be borne by  
9 everybody, not just the people that hold  
10 permits.  
11       MR. LeFLEUR: The  
12 Legislature --  
13       VICE-CHAIR PHILLIPS: And I  
14 will leave it alone.  
15       MR. LeFLEUR: The  
16 Legislature has decided that they would  
17 prefer --  
18       VICE-CHAIR PHILLIPS: I hear  
19 you.  
20       Commissioner Richardson?  
21       DR. RICHARDSON: Just a  
22 couple more comments. One comment I want  
23 to make is related to my question as: Are

Page 51

1 we a critical state agency?  
2       My comment simply is that it  
3 doesn't seem like it in the eyes of our  
4 legislative colleagues over on the Hill.  
5 But I am curious, just as all of this is  
6 playing out. I am curious as to of the  
7 regulated community, the ones who are going  
8 to be shouldering this 20 percent increase,  
9 how many, if any, of them did you see in  
10 the aisles lobbying for ADEM budget  
11 increase or stability?  
12       MR. LeFLEUR: Well, some of  
13 them are in this room right now, and --  
14       DR. RICHARDSON: Precisely  
15 my reason for asking.  
16       MR. LeFLEUR: Okay. This  
17 situation is no surprise to anybody. This  
18 situation has been on the table since the  
19 Legislature came into session in February  
20 of this year. Regulated industries, I can  
21 attest to, have been doing -- I will -- I  
22 hesitate to say their best, but they have  
23 been doing yeomen's work on the

Page 52

1 Legislature. They have lobbied for this,  
2 to have the Legislature fund the Department  
3 appropriately.  
4       You saw the trend line in what's  
5 been happening in the Legislature with our  
6 General Fund budget. The Legislature has  
7 come to the thought of either, They've --  
8 they've done so much with so little for so  
9 long, they're capable of doing anything  
10 with nothing. But they may also have said,  
11 Look, there is an opportunity for ADEM to  
12 solve the problem by increasing permit fees  
13 because the Commission has statutory  
14 authority to change those fee -- that fee  
15 structure. And they have decided to allow  
16 you-all the pleasure of taking the heat for  
17 increased permit fees.  
18       VICE-CHAIR PHILLIPS: With  
19 the assumption --  
20       DR. RICHARDSON: Or not.  
21       MR. LeFLEUR: Pardon?  
22       VICE-CHAIR PHILLIPS:  
23 Assuming we would.

Page 53

1 DR. RICHARDSON: It's yet to  
2 be determined.  
3 MR. LeFLEUR: Assuming you  
4 would -- it's an option to not do that.  
5 DR. RICHARDSON: Or assume  
6 that if we do not elect to raise the fees,  
7 which will be equally -- equally -- will be  
8 horrific for the regulated industry. I  
9 mean, I know this from personal experience.  
10 I'm -- I'm currently working on cases in  
11 other states where EPA has the NPDES  
12 permitting authority, and everyone feels  
13 like they're being held captive. And a lot  
14 of industry are closing their doors because  
15 of that.  
16 MR. LeFLEUR: My way of  
17 expressing that is sometimes you just have  
18 to let the kids touch the hot stove, and  
19 this may be a situation where the State has  
20 decided, It's time to see if that stove's  
21 really hot.  
22 DR. RICHARDSON:  
23 Unfortunately, you may be right.

Page 54

1 VICE-CHAIR PHILLIPS: Any  
2 other comments from the Commission?  
3 (No response)  
4 VICE-CHAIR PHILLIPS: The  
5 last -- I will end then by saying, number  
6 one, the Department shouldn't take my  
7 frustration as focused at you. It's  
8 focused at those that don't understand.  
9 And I will just reiterate to this  
10 Commission that this dire situation we find  
11 ourselves in necessitates us being careful,  
12 considerate and reflective on what it is  
13 we're being asked, but make sure we're  
14 informed.  
15 And I'm going to ask the  
16 Director that as we try to wrestle with  
17 this before the December meeting that you  
18 please help us get the information that all  
19 the Commissioners may need to make this  
20 decision.  
21 MR. LeFLEUR: I will be  
22 happy to do that and look forward to any --  
23 any ideas that help us deal with this --

Page 55

1 this --  
2 VICE-CHAIR PHILLIPS: Well,  
3 I have a few, so I will be happy to share  
4 them with you.  
5 MR. LeFLEUR: Excellent,  
6 thank you.  
7 DR. MILLER: Are you going  
8 to share with us industry's reaction or the  
9 permittees' reaction to the proposed fee  
10 increase?  
11 MR. LeFLEUR: Well, my  
12 anticipation is that you will be getting  
13 telephone calls and visits and e-mails  
14 regarding this permit fee increase. The  
15 response that I've gotten so far -- and I  
16 can't say this is by any means a  
17 statistically significant sample. But the  
18 response that I have received so far has  
19 been that nobody is happy, but that I have  
20 never heard any of them say that they would  
21 do anything other than support the 20  
22 percent fee increase.  
23 VICE-CHAIR PHILLIPS:

Page 56

1 Relative to that, you're also in public  
2 comment at the moment.  
3 So I'm assuming we will be  
4 getting public comments, correct?  
5 MR. LeFLEUR: I am very  
6 interested --  
7 VICE-CHAIR PHILLIPS: I  
8 would encourage anyone in the room who  
9 would like to make a public comment to  
10 please so do so. So that this Commission  
11 understands the views, not only of the  
12 regulated community, but of the  
13 environmental groups.  
14 Any other questions for the  
15 Director?  
16 (No response)  
17 VICE-CHAIR PHILLIPS: Well,  
18 in a gloomy note, thank you for presenting  
19 it as best as you could. We appreciate  
20 you, and thank you, the Department, for  
21 what you do.  
22 MR. LeFLEUR: Thank you for  
23 your work.



Page 57

1 VICE-CHAIR PHILLIPS: Thank  
2 you, Mr. Director.  
3 Report from the Commission Chair  
4 is Agenda Item No. 4, on a cheery note.  
5 All I have is the Chair, who is at a camp  
6 with his daughter for three days and would  
7 love to be here -- but has to be there and  
8 wants to be there -- did ask that I make  
9 sure that the Commissioners know that he  
10 had sent a letter to all Commissioners that  
11 he received this week, and I think to you,  
12 Mr. Director. And I think he intends when  
13 he comes back to get to you to try to see  
14 if there's anything to do. I think the  
15 name of it was Get Smart, whatever that is.  
16 So that's all he wanted me to mention. So  
17 if you would, check your e-mails.  
18 I don't know if he had you send  
19 it out Debi, or he sent it?  
20 MS. THOMAS: He sent it.  
21 VICE-CHAIR PHILLIPS: He  
22 sent it. And if he didn't send it to the  
23 Director, please make sure the Director

Page 58

1 gets it. So that when he gets back, you'll  
2 know what he's talking about. So that's  
3 all. And he asked if any of the  
4 Commissioners had any thoughts, please  
5 share it with them. Okay.  
6 Agenda Item No. 5: A report on  
7 the recommendations from the Personnel  
8 Committee on the ADEM Director job  
9 performance evaluation for Commission  
10 consideration.  
11 I will call on the Personnel  
12 Committee Chair Dr. Laier for the report  
13 and recommendations from the Personnel  
14 Committee.  
15 DR. LAIER: Thank you.  
16 VICE-CHAIR PHILLIPS: You're  
17 welcome.  
18 DR. LAIER: As directed by  
19 Board Chair Brown, on July 19th, 2015, the  
20 Personnel Committee has completed their  
21 assessment of our Director's performance  
22 evaluation, according to the guidelines,  
23 and has determined that his performance is

Page 59

1 of high quality.  
2 As a consequence of our hard  
3 work, we are recommending several items to  
4 be considered today by the Board.  
5 Item No. 1: The recommending  
6 that the Committee adopt a salary advance  
7 for Director LeFleur of two steps, step 17,  
8 pay grade 90, per-year salary of \$164,440.  
9 MS. THOMAS: Excuse me, 160  
10 -- \$160,000.  
11 DR. LAIER: I am sorry --  
12 160 -- 1-6-0, that is -- I'm sorry if I was  
13 misstating that.  
14 Item No. 2: Recommend -- our  
15 Committee recommends that Commission  
16 authorize the present Committee Chair to  
17 meet with Director LeFleur regarding the  
18 summary of the written comments presented  
19 to the entity of ADEM regarding his  
20 performance and evaluation, and  
21 recommendations of the Personnel Committee  
22 adopted today at our general meeting and  
23 session, and to execute the Verification of

Page 60

1 Understanding between the Commission and  
2 the Director regarding the results of our  
3 performance evaluation.  
4 We would like the Board to  
5 consider these two items today.  
6 VICE-CHAIR PHILLIPS: Okay.  
7 Thank you, Chair.  
8 Do I have a second?  
9 DR. MILLER: Second.  
10 VICE-CHAIR PHILLIPS: I have  
11 a motion and a second.  
12 Discussion?  
13 Do I have any discussion?  
14 DR. MARTIN: Is this  
15 discussion on both the salary and raise  
16 and --  
17 VICE-CHAIR PHILLIPS: On  
18 both --  
19 DR. MARTIN: Okay.  
20 VICE-CHAIR PHILLIPS: You've  
21 offered those as two motions, or one  
22 motion?  
23 DR. LAIER: One motion,

Page 61

1 correct.  
2 VICE-CHAIR PHILLIPS: One  
3 motion.  
4 DR. MARTIN: I also serve on  
5 the Personnel Committee, and we all were in  
6 agreement that the job performance of the  
7 Director is excellent, and as further  
8 reviews that were sent in.  
9 And I had a differing opinion on  
10 the raise just due to the times of  
11 austerity to which we live, and it was  
12 solely based on that. You know, due to the  
13 financial state of ADEM and the State of  
14 Alabama, I didn't know that it was -- I  
15 don't think it's responsible to give a pay  
16 raise at this time.  
17 VICE-CHAIR PHILLIPS: Do I  
18 have any other discussion?  
19 DR. RICHARDSON: Yes,  
20 Mr. Chairman. I am of the mind set that  
21 these two recommendations compiled into one  
22 motion should be separated.  
23 For example, I don't think the

Page 62

1 consideration of a salary increase and the  
2 approval or denial of that increase should  
3 affect whether or not the Chair of the  
4 Personnel Committee sits down and goes over  
5 the evaluation with the Director. I think  
6 the Director's entitled to receive the  
7 evaluation and discuss that input with the  
8 Personnel Director Chair one way or the  
9 other.  
10 VICE-CHAIR PHILLIPS: Are  
11 you offering a substitute motion?  
12 DR. RICHARDSON: I am  
13 offering to amend the motion as presented,  
14 striking recommendation two from that  
15 motion.  
16 VICE-CHAIR PHILLIPS:  
17 Clarify that, the motion as it would be --  
18 as it would stand with your amendment.  
19 Just restate the motion as you would  
20 present it.  
21 DR. RICHARDSON: I move that  
22 the Commission approve a salary advance for  
23 Director LeFleur of two steps to step 17 in

Page 63

1 pay grade 90, a per-year salary of  
2 \$160,440. End of motion.  
3 VICE-CHAIR PHILLIPS: So  
4 you're just amending it to remove the  
5 second portion of his motion?  
6 DR. RICHARDSON: As stated,  
7 that's correct.  
8 VICE-CHAIR PHILLIPS: Okay.  
9 Do I have a second on that or approval for  
10 the --  
11 DR. LAIER: You have  
12 approval from me, yes.  
13 VICE-CHAIR PHILLIPS: Okay.  
14 So if I'm not correct -- and I just want to  
15 clarify -- we're in essence saying we're  
16 separating item one and item two and making  
17 them two motions instead of one; is that  
18 correct?  
19 DR. MILLER: He just made  
20 one motion. We will have to do a second  
21 motion.  
22 VICE-CHAIR PHILLIPS: So the  
23 first motion is to approve the salary

Page 64

1 advance?  
2 DR. RICHARDSON: No.  
3 VICE-CHAIR PHILLIPS: Okay.  
4 DR. RICHARDSON: The motion  
5 to be considered right now is the amendment  
6 to the motion.  
7 VICE-CHAIR PHILLIPS: So do  
8 I have a second?  
9 DR. MARTIN: Second.  
10 VICE-CHAIR PHILLIPS: All  
11 approved?  
12 (All Commission members  
13 signify "aye.")  
14 VICE-CHAIR PHILLIPS: Any --  
15 (No response)  
16 VICE-CHAIR PHILLIPS: All  
17 right. So let's move forward with that  
18 motion.  
19 Any discussion on that motion?  
20 DR. RICHARDSON: I just  
21 would simply echo the comments that were  
22 just made. I just think under the current  
23 conditions it's just really difficult to



Page 65

1 justify an increase at this point, given  
2 all of the things that we have just gone  
3 over and discussed in detail.  
4 VICE-CHAIR PHILLIPS: Okay.  
5 Any other discussion?  
6 (No response)  
7 VICE-CHAIR PHILLIPS: There  
8 being no other discussion, all in favor  
9 with the motion signify with the sign "aye"  
10 and raise your hand.  
11 (Dr. Miller and  
12 Dr. Laier signify  
13 with "aye.")  
14 VICE-CHAIR PHILLIPS: All  
15 opposed, signify with the sign "nay" and  
16 raise your hand.  
17 (Dr. Martin and  
18 Dr. Richardson signify with  
19 "nay.")  
20 VICE-CHAIR PHILLIPS: And I  
21 break the tie, so nay. Motion is defeated.  
22 Do I have another motion for the  
23 second portion of the item?

Page 66

1 DR. LAIER: So moved.  
2 VICE-CHAIR PHILLIPS: I have  
3 a second to authorize the Committee Chair  
4 to meet with the Director and to execute a  
5 Verification of Understanding of  
6 Performance.  
7 Do I have a second?  
8 DR. RICHARDSON: Second.  
9 VICE-CHAIR PHILLIPS: Okay.  
10 Any discussion on that motion?  
11 (No response)  
12 VICE-CHAIR PHILLIPS: All in  
13 favor, signify with the sign "aye."  
14 (All Commission members  
15 signify "aye.")  
16 VICE-CHAIR PHILLIPS: Motion  
17 carries.  
18 We will wait to -- do you have  
19 those?  
20 MS. THOMAS: Let me let you  
21 sign two signature pages, and then I can  
22 get the front page --  
23 VICE-CHAIR PHILLIPS: Thank

Page 67

1 you.  
2 MS. THOMAS: -- together for  
3 you.  
4 VICE-CHAIR PHILLIPS: While  
5 Debi's doing that, we'll move to Agenda  
6 Item No. 6: Report from the Rulemaking  
7 Committee on ADEM Administrative Code  
8 335-2, Environmental Management Commission  
9 Regulations.  
10 I'm going to call on Commission  
11 Member Richardson to give the report from  
12 our Committee.  
13 Dr. Richardson.  
14 DR. RICHARDSON: Thank you,  
15 Mr. Chairman. We met today to continue our  
16 discussion on this particular rule and any  
17 changes or considerations about it. With  
18 our making progress, we've made a lot of  
19 progress. We have been able to  
20 incorporate, I think, a lot of comments  
21 from the public, along with the concerns of  
22 the Commission that we've seen voiced. And  
23 we have a really good document in place

Page 68

1 that's coming to conclusion. I think we're  
2 really, really close, and we hope that at  
3 the next meeting, that is the December 18th  
4 meeting, that we're going to be able to --  
5 of the Committee, that we're going to be  
6 able to complete this and wrap it up and  
7 then offer it as a recommendation to the  
8 full Commission at the December 18th  
9 meeting. And that's the end of the report.  
10 VICE-CHAIR PHILLIPS: Thank  
11 you, Commissioner Richardson.  
12 Any questions for Commissioner  
13 Richardson on the Committee report?  
14 (No response)  
15 VICE-CHAIR PHILLIPS: Thank  
16 you again.  
17 Agenda Item No. 7:  
18 Consideration of the adoption of proposed  
19 amendments to ADEM Administrative Code  
20 335-3, Air Pollution Control Program  
21 Regulations.  
22 I will call on the Department  
23 for comments.

Page 69

1 MR. GORE: Good morning,  
2 Mr. Chairman, Gentlemen. My name is Ron  
3 Gore. I'm with the Department's Air  
4 Division. I'm here to ask you to make  
5 three changes to the Department's air  
6 pollution regulations.  
7 The first change is to --  
8 VICE-CHAIR PHILLIPS:  
9 Mr. Gore, could I ask your indulgence for a  
10 moment --  
11 MR. GORE: Okay.  
12 VICE-CHAIR PHILLIPS: -- and  
13 let us get this passed through so that we  
14 don't distract you or not listen to you  
15 well?  
16 MR. GORE: Okay.  
17 VICE-CHAIR PHILLIPS:  
18 Mr. Gore?  
19 MR. GORE: Thank you. The  
20 Department's asking you to make three  
21 changes to the -- to the Department's air  
22 pollution regulations. The first is our  
23 periodic catch-up of EPA rules that we

Page 70

1 adopt by reference in order to maintain  
2 privacy for administering those rules.  
3 The second is a major rule which  
4 changes our Nitrogen Oxide/Sulphur Dioxide  
5 Trading Program from what used to be  
6 called the Clean Air Interstate Rule to the  
7 Cross-State Air Pollution Rule, and that  
8 was mandated by some federal court action.  
9 And last and least is the  
10 definition of VOC to allow one organic  
11 compound not to be considered to be an  
12 ozone precursor.  
13 We held a public comment period  
14 from July 27th through September 11th, a  
15 hearing on September 9th. We did get  
16 written comments from the EPA, but they  
17 were only clarifying comments, and we  
18 received one pro-comment on adopting the  
19 VOC rule. The reconciliation of those  
20 comments is in your package.  
21 And pending any questions, I ask  
22 that you approve these three changes.  
23 VICE-CHAIR PHILLIPS: Thank

Page 71

1 you, Mr. Gore.  
2 Any questions for Mr. Gore  
3 before making the motion?  
4 (No response)  
5 VICE-CHAIR PHILLIPS: Do I  
6 have a motion?  
7 DR. MILLER: I move we  
8 accept his report and recommendation.  
9 VICE-CHAIR PHILLIPS: Do I  
10 have a motion to accept?  
11 DR. LAIER: Second.  
12 DR. MARTIN: Second.  
13 VICE-CHAIR PHILLIPS: Any  
14 further discussion?  
15 (No response)  
16 VICE-CHAIR PHILLIPS: All in  
17 favor, signify with the sign "aye."  
18 (All Commission members  
19 signify "aye.")  
20 VICE-CHAIR PHILLIPS: All  
21 opposed?  
22 (No response)  
23 VICE-CHAIR PHILLIPS: Motion

Page 72

1 carries. Thank you, Mr. Gore.  
2 MR. GORE: Thank you.  
3 VICE-CHAIR PHILLIPS:  
4 Agenda Item No. 8: Other business. Is  
5 there any other business to come before the  
6 Commission?  
7 (No response)  
8 VICE-CHAIR PHILLIPS: There  
9 being no other business, we will move to  
10 Agenda Item 9, which is our future business  
11 session. Our next Commission meeting is on  
12 December 18, 2015, just to confirm that  
13 everyone will be there. As far as you know  
14 at the moment. Okay. If not please, let  
15 Debi know.  
16 Moving to the next agenda item,  
17 which is public comment period, I will  
18 entertain a motion regarding the granting  
19 or denying of the request from David Ludder  
20 on the ineffective enforcement by the  
21 Alabama Department of Environmental  
22 Management and the need for the Commission  
23 to develop environmental policy for the



1 state and/or to advise the Director, as  
2 authorized by Alabama Code §22-22A-6a, to  
3 ensure effective enforcement.

4 Do I have a motion to grant the  
5 request or deny the request? Anyone?

6 (No response)

7 VICE-CHAIR PHILLIPS: There  
8 not being a motion to bring forward, it  
9 dies for lack of a motion.

10 Moving to adjournment, I will  
11 entertain a motion to adjourn.

12 DR. LAIER: So moved.

13 VICE-CHAIR PHILLIPS:

14 Second?

15 DR. RICHARDSON: Second.

16 VICE-CHAIR PHILLIPS: All in  
17 favor?

18 (All Commission members  
19 signify "aye.")

20 VICE-CHAIR PHILLIPS: Thank  
21 you.

22 (The meeting concluded at  
23 12:14 p.m.)

1 STATE OF ALABAMA)

2 COUNTY OF MONTGOMERY)

3

4 I hereby certify that the above  
5 proceedings were taken down by me and  
6 transcribed by me using computer-aided  
7 transcription and that the above is a true  
8 and accurate transcript of said proceedings  
9 taken down by me and transcribed by me.

10 I further certify that I am  
11 neither of kin nor of counsel to any of the  
12 parties nor in anywise financially  
13 interested in the outcome of this case.

14 I further certify that I am duly  
15 licensed by the Alabama Board of Court  
16 Reporting as a Certified Court Reporter as  
17 evidenced by the ACCR number following my  
18 name found below.

19

20

21

22 \_\_\_\_\_  
VICTORIA CASTILLO, ACCR #17, 9/30/16

23 FREELANCE COURT REPORTER

1 STATE OF ALABAMA)

2 COUNTY OF MONTGOMERY)

3  
4 I hereby certify that the above  
5 proceedings were taken down by me and  
6 transcribed by me using computer-aided  
7 transcription and that the above is a true  
8 and accurate transcript of said proceedings  
9 taken down by me and transcribed by me.

10 I further certify that I am  
11 neither of kin nor of counsel to any of the  
12 parties nor in anywise financially  
13 interested in the outcome of this case.

14 I further certify that I am duly  
15 licensed by the Alabama Board of Court  
16 Reporting as a Certified Court Reporter as  
17 evidenced by the ACCR number following my  
18 name found below.

19  
20   
21 \_\_\_\_\_

22 VICTORIA CASTILLO, ACCR #17, 9/30/16

23 FREELANCE COURT REPORTER

	14:1;16:4;19:16; 41:6	<b>advance (3)</b> 59:6;62:22;64:1	67:21	<b>approval (3)</b> 62:2;63:9,12
<b>§</b>	<b>acted (1)</b> 19:15	<b>advanced (1)</b> 26:17	<b>alternative (1)</b> 44:6	<b>approve (3)</b> 62:22;63:23;70:22
<b>\$1 (1)</b> 8:1	<b>action (7)</b> 13:16;14:21;15:8,19; 16:13;19:17;70:8	<b>advise (1)</b> 73:1	<b>alternatives (5)</b> 40:10,13,14,17,18	<b>approved (1)</b> 64:11
<b>\$1.2 (10)</b> 12:5,8,12,16;16:9; 29:20,21;36:21;37:4; 39:9	<b>actions (2)</b> 7:1;15:12	<b>affect (1)</b> 62:3	<b>Although (1)</b> 8:12	<b>April (1)</b> 19:1
<b>\$160,000 (1)</b> 59:10	<b>activities (7)</b> 13:3;23:13;30:12; 34:5;42:11,11,12	<b>afford (1)</b> 32:16	<b>always (1)</b> 43:17	<b>area (1)</b> 46:2
<b>\$160,440 (1)</b> 63:2	<b>activity (1)</b> 47:17	<b>again (9)</b> 9:14,15;17:19;20:11; 30:19;36:14;38:11; 49:22;68:16	<b>amend (1)</b> 62:13	<b>areas (2)</b> 29:17,23
<b>\$164,440 (1)</b> 59:8	<b>acts (1)</b> 19:21	<b>agencies (1)</b> 21:21	<b>amending (1)</b> 63:4	<b>arguably (1)</b> 43:14
<b>\$2.5 (1)</b> 7:22	<b>actual (1)</b> 16:22	<b>agency (4)</b> 23:1;29:1;33:2;51:1	<b>amendment (2)</b> 62:18;64:5	<b>argument (2)</b> 47:20;48:2
<b>\$280,000 (3)</b> 12:2,10;36:20	<b>actually (1)</b> 28:21	<b>agency's (1)</b> 31:14	<b>amendments (1)</b> 68:19	<b>around (1)</b> 30:10
<b>\$4 (1)</b> 9:19	<b>added (3)</b> 6:3;8:6;10:11	<b>Agenda (12)</b> 3:7;4:9;6:16;45:18, 19;57:4;58:6;67:5; 68:17;72:4,10,16	<b>among (4)</b> 6:9;25:2;43:6,13	<b>arrives (1)</b> 22:23
<b>\$7.4 (2)</b> 9:21;36:18	<b>additional (8)</b> 6:5;8:3;11:13;24:1; 26:16;36:9;46:11,11	<b>agree (3)</b> 21:19;45:5,7	<b>amount (7)</b> 9:2,4,19;44:22;46:8; 47:14,15	<b>assessment (1)</b> 58:21
<b>\$7.7 (6)</b> 8:19;35:2,19;36:5; 37:2,13	<b>address (1)</b> 28:5	<b>agreement (1)</b> 61:6	<b>and/or (1)</b> 73:1	<b>assistance (1)</b> 15:2
<b>§</b>	<b>addresses (2)</b> 24:15;25:2	<b>agricultural (1)</b> 21:14	<b>Anderson (1)</b> 27:15	<b>Associate (2)</b> 26:14;27:6
<b>§22-22A-6a (1)</b> 73:2	<b>adds (1)</b> 29:7	<b>Air (7)</b> 16:4;68:20;69:3,5, 21;70:6,7	<b>anecdotal (1)</b> 32:12	<b>assume (1)</b> 53:5
<b>A</b>	<b>ADEM (21)</b> 6:9;8:18;9:15;12:4, 8;13:15;15:2,6;20:22; 21:23;25:1,23;35:3; 38:14;51:10;52:11; 58:8;59:19;61:13;67:7; 68:19	<b>Alabama (14)</b> 3:4;6:8;10:13;13:3; 15:13;17:7;19:4;22:6; 32:17;44:11;49:17; 61:14;72:21;73:2	<b>Animal (2)</b> 12:3;20:21	<b>Assuming (3)</b> 52:23;53:3;56:3
<b>able (7)</b> 27:17;34:14;42:7; 45:4;67:19;68:4,6	<b>ADEM's (2)</b> 14:11;17:9	<b>aisles (1)</b> 51:10	<b>annual (5)</b> 17:3,9;18:13;25:7,22	<b>assumption (1)</b> 52:19
<b>above (2)</b> 8:2;23:22	<b>adequate (2)</b> 21:4,8	<b>akin (1)</b> 22:21	<b>anticipated (6)</b> 7:12;8:13,15;16:15; 18:17;21:13	<b>assurance (1)</b> 19:10
<b>absolutely (1)</b> 19:10	<b>adequately (1)</b> 12:11	<b>Alabama's (2)</b> 45:19,23	<b>anticipates (1)</b> 14:17	<b>attain (1)</b> 27:1
<b>accept (6)</b> 3:13;4:15,21;49:9; 71:8,10	<b>adjourn (1)</b> 73:11	<b>albeit (1)</b> 23:16	<b>anticipation (1)</b> 55:12	<b>attention (1)</b> 3:2
<b>acceptable (1)</b> 19:9	<b>adjournment (1)</b> 73:10	<b>allegations (1)</b> 14:3	<b>apologize (1)</b> 43:23	<b>attest (1)</b> 51:21
<b>accepted (1)</b> 20:7	<b>administer (4)</b> 6:20;13:22;14:11; 15:14	<b>alleged (1)</b> 13:23	<b>appealed (1)</b> 14:7	<b>attorney (1)</b> 14:16
<b>accomplishments (1)</b> 7:8	<b>administering (1)</b> 70:2	<b>allegiance (1)</b> 45:20	<b>Appeals (2)</b> 14:9,17	<b>attorneys (1)</b> 26:2
<b>According (3)</b> 14:15;32:7;58:22	<b>Administrative (3)</b> 20:22;67:7;68:19	<b>allow (4)</b> 7:15;47:13;52:15; 70:10	<b>appears (1)</b> 14:20	<b>attracting (2)</b> 15:17;50:4
<b>accounting (1)</b> 8:6	<b>adopt (2)</b> 59:6;70:1	<b>allowed (3)</b> 37:9,14,21	<b>applaud (2)</b> 39:10;42:15	<b>attributable (1)</b> 16:10
<b>achieved (1)</b> 26:9	<b>adopted (2)</b> 37:12;59:22	<b>almost (2)</b> 15:22;33:10	<b>applause (1)</b> 28:1	<b>Audience (1)</b> 28:1
<b>achievements (2)</b> 25:20;28:22	<b>adopting (1)</b> 70:18	<b>alone (1)</b> 50:14	<b>appreciate (4)</b> 31:7;37:8;48:14; 56:19	<b>August (3)</b> 3:8;9:7,9
<b>acknowledge (1)</b> 3:6	<b>adoption (1)</b> 68:18	<b>along (4)</b> 10:14;18:16;29:18;	<b>appropriately (1)</b> 52:3	<b>austerity (1)</b> 61:11
<b>across-the-board (1)</b> 16:12			<b>appropriation (12)</b> 8:2;9:4;12:1,10; 16:8;17:10;18:14;21:5, 7,17;35:10,15	<b>authority (8)</b> 6:20;9:1;13:21; 14:11;15:14,21;52:14; 53:12
<b>Act (4)</b>			<b>appropriations (8)</b> 7:23;16:23;18:3,7; 23:7;31:17;32:6,15	<b>authorize (2)</b> 59:16;66:3
				<b>authorized (1)</b> 73:2
				<b>automatic (1)</b>



<p>42:21 <b>automobiles (1)</b> 44:9 <b>available (5)</b> 10:4;23:20;25:16; 32:8;36:11 <b>avoid (2)</b> 11:15;20:8 <b>avoided (1)</b> 15:21 <b>awarded (2)</b> 26:13,16 <b>awards (1)</b> 28:18 <b>aware (4)</b> 10:10;13:18;14:20; 24:10 <b>away (1)</b> 38:16 <b>aye (12)</b> 4:1,3;5:7,9;64:13; 65:9,13;66:13,15; 71:17,19;73:19</p>	<p><b>Bergquist (1)</b> 27:15 <b>best (2)</b> 51:22;56:19 <b>better (1)</b> 44:9 <b>beyond (3)</b> 39:2;40:14;45:22 <b>bill (1)</b> 22:22 <b>bit (1)</b> 31:20 <b>bite (1)</b> 33:14 <b>Board (3)</b> 58:19;59:4;60:4 <b>Bonnie (1)</b> 27:7 <b>borne (2)</b> 17:8;50:8 <b>both (8)</b> 9:22;10:21;15:16; 29:23,23;32:10;60:15, 18 <b>bothering (1)</b> 30:17 <b>bottom (1)</b> 43:4 <b>BP (1)</b> 6:2 <b>brain (1)</b> 29:8 <b>breach (1)</b> 13:16 <b>break (1)</b> 65:21 <b>brief (1)</b> 7:19 <b>briefly (1)</b> 7:5 <b>bring (2)</b> 17:2;73:8 <b>bringing (1)</b> 6:11 <b>brink (4)</b> 20:5;22:5,6;42:16 <b>Brown (1)</b> 58:19 <b>budget (32)</b> 6:21,22;7:17,18,19; 8:11,12,14,17;9:10,18; 11:21,23;12:15;14:21, 22;15:4,12;16:19,22; 17:1,17;18:7;21:19; 28:23;31:15;34:23; 38:14;43:19,19;51:10; 52:6 <b>budgets (2)</b> 9:12,21 <b>bulk (1)</b> 7:2 <b>burden (2)</b> 17:8;30:18</p>	<p><b>burdened (1)</b> 6:6 <b>business (4)</b> 72:4,5,9,10 <b>buy (2)</b> 34:18;44:11 <b>buying (1)</b> 34:19</p>	<p><b>certification (1)</b> 27:13 <b>Certified (2)</b> 26:14,17 <b>Chair (14)</b> 4:11,16,19,21,22; 57:3,5;58:12,19;59:16; 60:7;62:3,8;66:3 <b>Chairman (6)</b> 4:14;28:13;37:23; 61:20;67:15;69:2 <b>challenge (3)</b> 5:22,22;15:8 <b>challenges (1)</b> 7:10 <b>chance (1)</b> 24:2 <b>change (2)</b> 52:14;69:7 <b>changes (6)</b> 25:14;67:17;69:5,21; 70:4,22 <b>charge (3)</b> 39:1;44:8;46:14 <b>charges (1)</b> 8:5 <b>check (1)</b> 57:17 <b>cheery (1)</b> 57:4 <b>choir (1)</b> 47:9 <b>chosen (1)</b> 26:4 <b>Chris (1)</b> 27:20 <b>Circuit (2)</b> 14:9,17 <b>citizens (3)</b> 22:8;44:10;49:17 <b>clarification (1)</b> 25:10 <b>Clarify (2)</b> 62:17;63:15 <b>clarifying (1)</b> 70:17 <b>classroom (1)</b> 26:19 <b>clean (4)</b> 13:5;14:1;16:4;70:6 <b>cleaning (1)</b> 10:21 <b>cleanup (6)</b> 8:20;9:16;10:6,12; 23:12;29:22 <b>cleanups (2)</b> 13:13;30:2 <b>clear (1)</b> 41:15 <b>clearly (2)</b> 46:10;49:20 <b>Cleckler (1)</b> 27:15</p>	<p><b>close (3)</b> 18:21;33:1;68:2 <b>closed (1)</b> 11:20 <b>closing (1)</b> 53:14 <b>Code (4)</b> 20:23;67:7;68:19; 73:2 <b>Coleman (1)</b> 27:7 <b>collapsing (1)</b> 11:15 <b>colleagues (1)</b> 51:4 <b>collected (1)</b> 20:23 <b>collection (1)</b> 21:15 <b>column (2)</b> 17:18;18:11 <b>columns (2)</b> 17:11;18:8 <b>combined (1)</b> 32:10 <b>coming (4)</b> 35:15,20;36:4;68:1 <b>commencing (1)</b> 41:23 <b>comment (7)</b> 34:16;50:22;51:2; 56:2,9;70:13;72:17 <b>comments (12)</b> 37:23;42:7;50:22; 54:2;56:4;59:18;64:21; 67:20;68:23;70:16,17, 20 <b>Commission (44)</b> 3:5,11;4:2,9,11,13, 16,19;5:8;6:13;7:11; 8:9,22;9:7;12:22; 16:14;19:18;24:6,12, 17,22;28:11;48:16; 49:9;52:13;54:2,10; 56:10;57:3;58:9;59:15; 60:1;62:22;64:12; 66:14;67:8,10,22;68:8; 71:18;72:6,11,22; 73:18 <b>Commissioner (7)</b> <b>cleaning (1)</b> 28:15;38:2;44:17; 45:2;50:20;68:11,12 <b>Commissioners (5)</b> 38:3;54:19;57:9,10; 58:4 <b>committed (1)</b> 23:18 <b>Committee (15)</b> 58:8,12,14,20;59:6, 15,16,21;61:5;62:4; 66:3;67:7,12;68:5,13 <b>communication (1)</b> 43:23</p>
<b>B</b>		<b>C</b>		
<p><b>back (11)</b> 6:11;21:18;27:8; 28:23;31:12;34:23; 38:20;39:10;45:5; 57:13;58:1 <b>balance (1)</b> 7:4 <b>balancing (1)</b> 50:4 <b>barrel (1)</b> 43:4 <b>Barron (1)</b> 27:7 <b>based (2)</b> 15:11;61:12 <b>basically (3)</b> 34:5,6;35:2 <b>basis (2)</b> 32:9;43:3 <b>become (3)</b> 26:22;34:3;41:20 <b>becomes (1)</b> 47:5 <b>becoming (1)</b> 44:19 <b>begin (3)</b> 14:10;15:10;42:6 <b>beginning (1)</b> 20:23 <b>beholden (2)</b> 33:11;44:19 <b>believes (1)</b> 41:2 <b>below (1)</b> 32:13 <b>beneficial (1)</b> 23:4</p>		<p><b>CAFO (7)</b> 12:4,10,11;21:6,9; 39:11,13 <b>call (5)</b> 3:3,21;58:11;67:10; 68:22 <b>called (6)</b> 8:17;9:14,15,20; 27:4;70:6 <b>calls (3)</b> 11:23;12:4;55:13 <b>came (1)</b> 51:19 <b>camp (1)</b> 57:5 <b>campaign (1)</b> 34:13 <b>campaigns (1)</b> 34:11 <b>can (17)</b> 12:17,19;24:3;32:2, 15;37:2,7;42:10,11; 43:19,20;45:9;48:4; 49:10,16;51:20;66:21 <b>capable (1)</b> 52:9 <b>capita (2)</b> 32:9;36:21 <b>captive (1)</b> 53:13 <b>careful (1)</b> 54:11 <b>carries (4)</b> 4:8;5:14;66:17;72:1 <b>case (1)</b> 32:17 <b>cases (1)</b> 53:10 <b>catch-up (1)</b> 69:23 <b>Catherine (1)</b> 27:20 <b>cause (2)</b> 10:5;19:23 <b>caused (1)</b> 10:22 <b>cent (3)</b> 10:11,14;11:5 <b>certainly (3)</b> 23:21;34:3,8 <b>Certificate (1)</b> 27:6</p>		

<b>community (3)</b> 47:7;51:7;56:12	32:13	8:4	72:12	<b>designation (2)</b> 26:14,17
<b>company (1)</b> 22:23	<b>considerate (1)</b> 54:12	<b>covered (1)</b> 21:16	<b>decided (3)</b> 50:16;52:15;53:20	<b>designations (1)</b> 27:2
<b>comparing (1)</b> 31:14	<b>consideration (4)</b> 3:7;58:10;62:1; 68:18	<b>CPM (2)</b> 27:6,13	<b>decision (6)</b> 14:2,8,10,13,18; 54:20	<b>designed (1)</b> 40:19
<b>compensation (1)</b> 6:5	<b>considerations (2)</b> 8:14;67:17	<b>created (1)</b> 13:14	<b>Decisive (1)</b> 15:19	<b>detail (1)</b> 65:3
<b>competitive (2)</b> 31:22,23	<b>considered (3)</b> 59:4;64:5;70:11	<b>creates (2)</b> 22:15,16	<b>declined (1)</b> 18:14	<b>detection (1)</b> 10:19
<b>compiled (1)</b> 61:21	<b>consolidated (1)</b> 24:11	<b>creating (1)</b> 50:5	<b>declining (1)</b> 46:9	<b>determine (3)</b> 14:14;32:2;41:8
<b>complete (3)</b> 26:18;31:21;68:6	<b>constant (2)</b> 18:22;19:8	<b>Credible (1)</b> 24:18	<b>decrease (2)</b> 29:20,21	<b>determined (2)</b> 53:2;58:23
<b>completed (4)</b> 24:13;26:12,15; 58:20	<b>constantly (1)</b> 22:13	<b>critical (4)</b> 10:6;23:1;29:1;51:1	<b>dedicated (3)</b> 23:12;29:22;30:9	<b>devastating (1)</b> 15:16
<b>completely (1)</b> 39:11	<b>consumers (2)</b> 10:15;11:4	<b>Cross-State (1)</b> 70:7	<b>dedicating (1)</b> 26:23	<b>develop (1)</b> 72:23
<b>comply (1)</b> 10:18	<b>contained (1)</b> 9:22	<b>cross-striped (2)</b> 17:18;18:11	<b>deep (1)</b> 12:23	<b>development (1)</b> 25:23
<b>compound (1)</b> 70:11	<b>contamination (1)</b> 10:22	<b>curious (2)</b> 51:5,6	<b>default (1)</b> 49:2	<b>developmental (1)</b> 26:10
<b>comptroller (1)</b> 8:5	<b>continually (1)</b> 23:2	<b>current (2)</b> 23:22;64:22	<b>defeated (1)</b> 65:21	<b>dictated (1)</b> 34:6
<b>Concentrated (2)</b> 12:3;20:21	<b>continue (5)</b> 15:23;23:11,19;24:3; 67:15	<b>currently (3)</b> 10:10;31:22;53:10	<b>defending (1)</b> 14:9	<b>dies (1)</b> 73:9
<b>concern (4)</b> 12:23;34:11;41:16, 22	<b>continuing (1)</b> 26:3	<b>cut (6)</b> 15:4,23;17:2,2; 42:10;43:19	<b>definitely (1)</b> 42:3	<b>differ (1)</b> 45:19
<b>concerned (5)</b> 38:23;41:4,5,21; 42:20	<b>contribute (1)</b> 34:12	<b>cuts (11)</b> 6:21,22,23;7:2; 14:15;15:7;17:4,6,9; 24:1;29:23	<b>definition (1)</b> 70:10	<b>different (3)</b> 44:18;46:15,21
<b>concerning (1)</b> 38:22	<b>contributing (2)</b> 10:8;34:17	<b>cycles (1)</b> 18:1	<b>degree (2)</b> 32:2;45:22	<b>differently (1)</b> 40:1
<b>concerns (6)</b> 34:8,22;45:1,23; 46:1;67:21	<b>Control (1)</b> 68:20		<b>denial (1)</b> 62:2	<b>differing (1)</b> 61:9
<b>concluded (3)</b> 9:9;28:5;73:22	<b>convened (1)</b> 11:19	<b>D</b>	<b>deny (1)</b> 73:5	<b>difficult (3)</b> 31:20;39:15;64:23
<b>conclusion (1)</b> 68:1	<b>convert (1)</b> 23:6	<b>dashboards (1)</b> 7:13	<b>denying (1)</b> 72:19	<b>difficulty (1)</b> 34:2
<b>conditions (2)</b> 23:3;64:23	<b>convinced (1)</b> 40:3	<b>data (2)</b> 32:8;43:9	<b>Department (45)</b> 5:21,23;7:9,22;9:23; 11:23;12:12;13:15; 14:5;16:1,2;18:6;20:5, 14;21:3;22:2,9;23:9, 14,18;24:2,13,14; 33:19;34:4,9;35:16,21, 23;39:2;40:13;41:9; 42:10;44:13;46:13; 47:3,4,12,18;49:11; 52:2;54:6;56:20;68:22; 72:21	<b>Dingman (1)</b> 27:7
<b>confidence (1)</b> 22:19	<b>Copies (1)</b> 25:14	<b>date (2)</b> 16:15;21:1	<b>Department's (15)</b> 7:5;8:2,23;9:3;16:7, 19,22;17:2;18:13;25:4, 21;69:3,5,20,21	<b>Dioxide (1)</b> 70:4
<b>confirm (1)</b> 72:12	<b>copy (1)</b> 25:12	<b>daughter (1)</b> 57:6	<b>depend (1)</b> 45:3	<b>dire (2)</b> 20:15;54:10
<b>confusion (2)</b> 37:8;42:18	<b>corner (2)</b> 27:8;39:22	<b>David (1)</b> 72:19	<b>dependable (1)</b> 23:9	<b>direct (1)</b> 34:14
<b>congratulating (1)</b> 27:22	<b>correctly (1)</b> 31:9	<b>day (2)</b> 19:21;48:21	<b>depending (1)</b> 36:17	<b>directed (2)</b> 16:2;58:18
<b>congratulations (2)</b> 28:8,17	<b>cost (6)</b> 10:11,21;11:7;15:22; 50:7,8	<b>days (4)</b> 6:11;14:22;16:16; 57:6		<b>directing (1)</b> 20:20
<b>consequence (1)</b> 59:2	<b>costs (3)</b> 8:6;39:2,8	<b>deal (3)</b> 7:10;15:3;54:23		<b>direction (1)</b> 33:17
<b>consequences (1)</b> 20:15	<b>counter-argument (1)</b> 47:21	<b>dealing (2)</b> 30:23;31:2		<b>Director (22)</b> 5:15,16;14:23;28:8, 19;38:7;54:16;56:15; 57:2,12,23,23;58:8; 59:7,17;60:2;61:7; 62:5,8,23;66:4;73:1
<b>consider (3)</b> 4:10;24:6;60:5	<b>counties (2)</b> 30:14,15	<b>Debi (2)</b> 57:19;72:15		<b>Director's (2)</b> 58:21;62:6
<b>considerable (1)</b> 32:14	<b>couple (1)</b> 50:22	<b>Debi's (1)</b> 67:5		<b>disaster (7)</b> 6:2,7;20:6;22:5,6,14; 42:17
<b>considerably (1)</b>	<b>Court (3)</b> 14:9,17;70:8	<b>December (9)</b> 7:15;16:14;19:16,18; 24:8;54:17;68:3,8;		
	<b>cover (1)</b>			



<b>discuss (1)</b> 62:7	<b>E</b>	49:22;54:5;63:2; 68:9	72:13	5:21
<b>discussed (1)</b> 65:3		<b>endeavors (1)</b> 22:17	<b>evicted (1)</b> 22:22	<b>fact (3)</b> 18:19;22:10;36:13
<b>discussion (13)</b> 3:17,21;5:3;60:12, 13,15;61:18;64:19; 65:5,8;66:10;67:16; 71:14	<b>earlier (1)</b> 22:8	<b>enforcement (3)</b> 15:3;72:20;73:3	<b>evidence (1)</b> 32:12	<b>failures (1)</b> 13:23
<b>dismissed (1)</b> 14:2	<b>earliest (1)</b> 21:1	<b>engineers (1)</b> 26:2	<b>evidenced (1)</b> 18:18	<b>fair (1)</b> 10:8
<b>distract (1)</b> 69:14	<b>earmarked (3)</b> 12:2;21:4;37:10	<b>ensure (1)</b> 73:3	<b>exactly (1)</b> 40:8	<b>far (7)</b> 6:17;17:18;18:12; 45:11;55:15,18;72:13
<b>disturbing (1)</b> 38:19	<b>echo (3)</b> 44:17,18;64:21	<b>entertain (4)</b> 3:10;4:12;72:18; 73:11	<b>example (2)</b> 30:5;61:23	<b>favor (6)</b> 3:23;5:6;65:8;66:13; 71:17;73:17
<b>disturbs (1)</b> 49:11	<b>edge (1)</b> 22:13	<b>entitled (2)</b> 21:20;62:6	<b>Excellent (2)</b> 55:5;61:7	<b>favorably (1)</b> 24:6
<b>diverting (1)</b> 13:4	<b>education (1)</b> 26:3	<b>entity (1)</b> 59:19	<b>exception (2)</b> 13:9;14:3	<b>feasible (1)</b> 21:1
<b>diverts (1)</b> 22:16	<b>effect (1)</b> 47:6	<b>Environment (7)</b> 24:18;33:3,6,20; 44:11;45:21;50:7	<b>excluding (1)</b> 16:4	<b>February (1)</b> 51:19
<b>Division (2)</b> 15:1;69:4	<b>effective (5)</b> 16:15;21:22;24:17, 20;73:3	<b>Environmental (17)</b> 3:4;6:18;8:20;9:16; 13:2,10,13,19;14:6; 23:12;32:5;42:5;48:18; 56:13;67:8;72:21,23	<b>exclusion (1)</b> 11:9	<b>federal (6)</b> 6:15;16:5;44:23; 45:12;46:1;70:8
<b>document (1)</b> 67:23	<b>effectively (1)</b> 23:19	<b>envy (2)</b> 49:23;50:2	<b>excuse (2)</b> 17:14;59:9	<b>fee (25)</b> 10:15;16:12,20; 17:15;18:15,17;19:11, 17;20:7;23:16;24:7; 29:10;30:21;36:23; 37:3,5;40:19;46:18,22; 49:13;52:14,14;55:9, 14,22
<b>Donald (1)</b> 27:6	<b>effects (1)</b> 17:23	<b>EPA (46)</b> 6:19;13:20,21;14:2, 8,12,17,20;15:1,3,9,15, 21;19:2,9,12,15,20; 20:9;29:12;30:21,22; 31:2,8;40:20;41:1,13, 20,23;42:3,4,13;43:9; 44:21;45:16;46:3,6,9; 47:18,21,22;48:2,4; 53:11;69:23;70:16	<b>execute (2)</b> 59:23;66:4	<b>Feeding (2)</b> 12:3;20:21
<b>done (1)</b> 52:8	<b>efficiency (4)</b> 43:12,18,20;44:2	<b>EPA's (4)</b> 14:7,16;15:8;45:17	<b>execution (1)</b> 25:6	<b>feeds (1)</b> 33:15
<b>doors (1)</b> 53:14	<b>Efficient (2)</b> 24:20;43:14	<b>equally (3)</b> 45:1;53:7,7	<b>exempted (1)</b> 10:7	<b>feel (3)</b> 40:1;49:15;50:2
<b>down (3)</b> 18:3;36:15;62:4	<b>effort (2)</b> 6:18;27:1	<b>Eric (2)</b> 27:15,16	<b>exemption (1)</b> 11:14	<b>feeling (1)</b> 15:5
<b>downward (1)</b> 18:21	<b>efforts (2)</b> 15:7;22:17	<b>essence (1)</b> 63:15	<b>exercise (2)</b> 22:12;23:5	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>either (1)</b> 52:7	<b>essentially (2)</b> 11:7;14:2	<b>existence (1)</b> 6:1	<b>fees (49)</b> 8:20;9:2,17;11:11; 12:14;13:5,9,10;16:4,5, 10;17:13;18:4,8;20:21; 21:2,10,16;23:7;31:1, 16,21;32:1,11,13,16, 19;35:3,7;36:1,10,22; 39:1,13,18;40:4;41:19; 44:20;46:14,16,16,17, 19,20,20,21;52:12,17; 53:6
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>elect (1)</b> 53:6	<b>establishing (1)</b> 48:18	<b>existing (3)</b> 4:21;13:6;15:18	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>elected (2)</b> 15:23;20:4	<b>estimate (1)</b> 35:9	<b>expand (1)</b> 23:11	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>election (2)</b> 4:10,13	<b>estimated (4)</b> 9:5;17:13;18:9; 35:11	<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>electricity (1)</b> 22:22	<b>evaluation (6)</b> 58:9,22;59:20;60:3; 62:5,7	<b>exempted (1)</b> 10:7	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>element (1)</b> 25:21	<b>even (2)</b> 26:22;31:22	<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>eliminated (1)</b> 13:1	<b>everybody (1)</b> 50:9	<b>exemption (1)</b> 11:14	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>else (1)</b> 47:5	<b>everyone (4)</b> 3:2;28:9;53:12;	<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>e-mails (2)</b> 55:13;57:17		<b>exemption (1)</b> 11:14	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>emergency (1)</b> 8:4		<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>Emily (1)</b> 27:14		<b>exemption (1)</b> 11:14	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>emissions (1)</b> 44:8		<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>employee (1)</b> 6:4		<b>exemption (1)</b> 11:14	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>employees (1)</b> 25:23		<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>encourage (3)</b> 24:5;48:22;56:8		<b>exemption (1)</b> 11:14	<b>feeling (1)</b> 15:5
<b>DR (60)</b> 3:12,14;4:14,23; 28:12,16;29:4,16;30:4, 16;31:5;32:23;34:21; 35:12,17,22;36:7,12; 37:18,22;45:7;50:21; 51:14;52:20;53:1,5,22; 55:7;58:12,15,18; 59:11;60:9,14,19,23; 61:4,19;62:12,21;63:6, 11,19;64:2,4,9,20; 65:11,12,17,18;66:1,8; 67:13,14;71:7,11,12; 73:12,15	<b>end (4)</b>		<b>exemption (1)</b> 11:14	<b>feels (2)</b> 39:20;53:12
			<b>F</b>	
			<b>faced (1)</b>	<b>final (4)</b> 11:21;14:12,18; 25:15



<p><b>finally (1)</b> 7:7</p> <p><b>finances (1)</b> 46:12</p> <p><b>financial (7)</b> 20:6;22:5,14,20; 23:15;42:17;61:13</p> <p><b>find (4)</b> 40:9;48:12;49:23; 54:10</p> <p><b>finding (1)</b> 47:4</p> <p><b>First (13)</b> 7:18;9:8,13;11:17; 16:21;22:9;26:12;27:5; 28:16;34:23;63:23; 69:7,22</p> <p><b>fiscal (1)</b> 24:13</p> <p><b>five (2)</b> 5:21;26:10</p> <p><b>five-year (1)</b> 24:11</p> <p><b>flat (1)</b> 46:9</p> <p><b>floor (1)</b> 39:21</p> <p><b>focused (3)</b> 6:18;54:7,8</p> <p><b>following (1)</b> 35:13</p> <p><b>footing (1)</b> 23:15</p> <p><b>form (1)</b> 46:17</p> <p><b>formal (1)</b> 16:3</p> <p><b>forth (1)</b> 20:22</p> <p><b>forward (4)</b> 21:10;54:22;64:17; 73:8</p> <p><b>foundation (1)</b> 38:15</p> <p><b>four (6)</b> 20:3;22:11;36:17,18; 42:23;49:6</p> <p><b>front (1)</b> 66:22</p> <p><b>frustration (2)</b> 45:9;54:7</p> <p><b>fuel (2)</b> 10:12,16</p> <p><b>fulfill (1)</b> 49:16</p> <p><b>full (3)</b> 20:23;27:13;68:8</p> <p><b>function (1)</b> 33:3</p> <p><b>Fund (58)</b> 7:23;8:10,21;9:3,10, 17;10:2,3,3,9,12;11:2, 10,14,21;12:1,6,9,11,</p>	<p>14,15,17,19;13:6,7,10; 16:7,10,22;17:10;18:3, 7,13;20:14;21:4,5,17; 23:7,13;32:6,10,15,18; 35:10,15,21;36:5,6; 37:11,11,11,17;38:19, 21;41:19;49:11;52:2,6</p> <p><b>funded (4)</b> 21:10;33:5;39:11; 43:15</p> <p><b>funding (46)</b> 8:3,18,19;9:3,15; 13:2;14:4,13,15,19; 15:6,11;16:1;17:3; 18:5,10,20,22;19:3,8, 14,20;22:3;23:6,10,20, 20,22;24:1;30:8;31:11; 33:9;34:9;41:9,16,18; 43:3;46:8,8,11;47:3,5, 11,13,19,23</p> <p><b>fundings (1)</b> 41:2</p> <p><b>Funds (14)</b> 11:16;12:6,12;17:16; 29:20;30:2,9,11;35:15; 37:10,16;44:21;45:3, 12</p> <p><b>further (5)</b> 3:21;5:3;37:23;61:7; 71:14</p> <p><b>future (5)</b> 10:20,22,23;34:5; 72:10</p> <p><b>fuzzy (1)</b> 15:5</p> <p><b>FY (18)</b> 7:6,16,19;8:1;11:22; 14:14,22;15:12;17:16, 21;18:10;19:3,9;21:7; 25:7,12,14,15</p>	<p>15:22;65:1</p> <p><b>giving (1)</b> 32:21</p> <p><b>gloomy (1)</b> 56:18</p> <p><b>goals (2)</b> 24:15,16</p> <p><b>goes (2)</b> 45:22;62:4</p> <p><b>Good (7)</b> 3:1;5:17,18;33:7,16; 67:23;69:1</p> <p><b>GORE (11)</b> 69:1,3,9,11,16,18,19; 71:1,2;72:1,2</p> <p><b>government (2)</b> 23:14;44:23</p> <p><b>government's (1)</b> 46:1</p> <p><b>Governor (3)</b> 8:12;9:11;11:22</p> <p><b>grade (2)</b> 59:8;63:1</p> <p><b>grant (1)</b> 73:4</p> <p><b>granting (1)</b> 72:18</p> <p><b>graph (3)</b> 17:6,20;44:21</p> <p><b>great (2)</b> 28:22;34:2</p> <p><b>green (2)</b> 17:11,17</p> <p><b>groups (4)</b> 6:19;13:19;42:5; 56:13</p> <p><b>growing (1)</b> 45:10</p> <p><b>guarantee (2)</b> 30:20;31:6</p> <p><b>guess (6)</b> 30:16;32:23;34:10; 35:13;36:12;40:11</p> <p><b>guidelines (1)</b> 58:22</p>	<p><b>Hazardous (1)</b> 7:12</p> <p><b>health (1)</b> 45:21</p> <p><b>hear (5)</b> 36:15;39:8;42:16; 48:9;50:18</p> <p><b>heard (2)</b> 42:22;55:20</p> <p><b>hearing (2)</b> 42:21;70:15</p> <p><b>heat (1)</b> 52:16</p> <p><b>Heather (1)</b> 27:19</p> <p><b>heavily (1)</b> 6:6</p> <p><b>held (3)</b> 3:8;53:13;70:13</p> <p><b>help (2)</b> 54:18,23</p> <p><b>helped (1)</b> 7:9</p> <p><b>Here's (1)</b> 49:3</p> <p><b>heretofore (1)</b> 21:16</p> <p><b>hesitate (1)</b> 51:22</p> <p><b>Hicks (1)</b> 27:17</p> <p><b>high (1)</b> 59:1</p> <p><b>highest (1)</b> 43:15</p> <p><b>highly (1)</b> 28:20</p> <p><b>High-Performing (1)</b> 24:18</p> <p><b>high-quality (1)</b> 43:11</p> <p><b>Hill (1)</b> 51:4</p> <p><b>hit (2)</b> 30:6;49:14</p> <p><b>hold (1)</b> 50:9</p> <p><b>holders (4)</b> 30:19,23;33:12; 40:15</p> <p><b>home (2)</b> 29:5;47:22</p> <p><b>honestly (2)</b> 48:17;50:3</p> <p><b>hope (2)</b> 42:7;68:2</p> <p><b>hopeful (1)</b> 19:6</p> <p><b>horrific (1)</b> 53:8</p> <p><b>hot (2)</b> 53:18,21</p> <p><b>hours (3)</b></p>	<p>6:4;26:19,20</p> <p><b>House (3)</b> 9:13,18;36:17</p> <p><b>human (1)</b> 45:21</p> <p><b>hurts (1)</b> 22:18</p>
<b>G</b>		<b>I</b>		
<p><b>gallon (3)</b> 10:11,14;11:5</p> <p><b>General (39)</b> 7:23;8:10,21;9:3,10, 17;10:9;11:21;12:1,6, 9,17;13:6,11;16:7,9,22; 17:9;18:3,7,13;21:4, 17;23:7;32:6,10,15,18; 35:10,14,21;36:6; 37:17;38:19,21;41:18; 43:9;52:6;59:22</p> <p><b>generates (1)</b> 35:3</p> <p><b>generating (1)</b> 44:12</p> <p><b>Gentlemen (1)</b> 69:2</p> <p><b>gets (2)</b> 58:1,1</p> <p><b>given (2)</b></p>	<p><b>giving (1)</b> 32:21</p> <p><b>gloomy (1)</b> 56:18</p> <p><b>goals (2)</b> 24:15,16</p> <p><b>goes (2)</b> 45:22;62:4</p> <p><b>Good (7)</b> 3:1;5:17,18;33:7,16; 67:23;69:1</p> <p><b>GORE (11)</b> 69:1,3,9,11,16,18,19; 71:1,2;72:1,2</p> <p><b>government (2)</b> 23:14;44:23</p> <p><b>government's (1)</b> 46:1</p> <p><b>Governor (3)</b> 8:12;9:11;11:22</p> <p><b>grade (2)</b> 59:8;63:1</p> <p><b>grant (1)</b> 73:4</p> <p><b>granting (1)</b> 72:18</p> <p><b>graph (3)</b> 17:6,20;44:21</p> <p><b>great (2)</b> 28:22;34:2</p> <p><b>green (2)</b> 17:11,17</p> <p><b>groups (4)</b> 6:19;13:19;42:5; 56:13</p> <p><b>growing (1)</b> 45:10</p> <p><b>guarantee (2)</b> 30:20;31:6</p> <p><b>guess (6)</b> 30:16;32:23;34:10; 35:13;36:12;40:11</p> <p><b>guidelines (1)</b> 58:22</p>	<b>H</b>	<p><b>Hand (7)</b> 27:8;33:15;37:1,4; 48:4;65:10,16</p> <p><b>happen (2)</b> 37:21;49:6</p> <p><b>happening (1)</b> 52:5</p> <p><b>happy (4)</b> 39:19;54:22;55:3,19</p> <p><b>hard (2)</b> 49:1;59:2</p> <p><b>harm (1)</b> 10:6</p> <p><b>Hartley (1)</b> 27:17</p>	<p><b>ideas (1)</b> 54:23</p> <p><b>immediate (1)</b> 15:2</p> <p><b>impact (2)</b> 14:14;15:16</p> <p><b>implement (1)</b> 39:3</p> <p><b>implementing (1)</b> 20:16</p> <p><b>implication (1)</b> 6:23</p> <p><b>important (2)</b> 25:21;26:10</p> <p><b>improve (1)</b> 23:21</p> <p><b>improvement (1)</b> 43:17</p> <p><b>includes (1)</b> 30:9</p> <p><b>including (2)</b> 17:14,21</p> <p><b>incorporate (1)</b> 67:20</p> <p><b>increase (38)</b> 8:1;9:5;16:3,12,21; 17:15,21;18:17;19:11, 18;20:2,16;24:7;29:11; 30:22;31:8,23;35:6,11; 36:1,9,19,23;37:3,6; 40:4,15,19;46:18; 49:13;51:8,11;55:10, 14,22;62:1,2;65:1</p> <p><b>increased (4)</b> 11:13;15:10;43:12; 52:17</p> <p><b>increases (4)</b> 17:20;18:15;20:8; 31:1</p> <p><b>increasing (4)</b> 42:4;43:20;46:10; 52:12</p> <p><b>in-depth (1)</b> 7:16</p> <p><b>indicated (1)</b> 41:1</p> <p><b>individual (1)</b> 10:20</p> <p><b>individuals (2)</b> 26:11,21</p> <p><b>indulgence (1)</b> 69:9</p> <p><b>industries (13)</b></p>

<p>11:12;17:7;20:1,3,6, 12:21;13:23;8;32:20; 33:11;34:6;50:5;51:20 <b>industry (4)</b> 15:17,18;53:8,14 <b>industry's (1)</b> 55:8 <b>ineffective (1)</b> 72:20 <b>inefficiency (1)</b> 22:15 <b>information (4)</b> 25:9,10;40:7;54:18 <b>informed (2)</b> 8:22;54:14 <b>initial (1)</b> 37:13 <b>initiate (1)</b> 16:2 <b>initiating (1)</b> 21:15 <b>initiative (1)</b> 20:18 <b>input (1)</b> 62:7 <b>inspection (1)</b> 30:11 <b>inspections (4)</b> 15:2;40:22;46:19; 48:7 <b>Inspector (1)</b> 43:9 <b>instance (1)</b> 44:7 <b>instead (2)</b> 13:6;63:17 <b>instituted (1)</b> 13:5 <b>instituting (1)</b> 46:19 <b>insufficient (5)</b> 14:19;15:11;19:4,13; 47:20 <b>intended (1)</b> 8:3 <b>intends (1)</b> 57:12 <b>intention (1)</b> 34:13 <b>interested (2)</b> 25:16;56:6 <b>interests (1)</b> 21:14 <b>interim (3)</b> 14:1,7,10 <b>Interstate (1)</b> 70:6 <b>into (7)</b> 33:8,13;34:18,19; 44:11;51:19;61:21 <b>involves (1)</b> 26:19 <b>irresponsible (1)</b></p>	<p>49:8 <b>issue (3)</b> 14:13;45:16,16 <b>issues (2)</b> 15:9;45:17 <b>Item (15)</b> 3:7;4:9;25:11;57:4; 58:6;59:5,14;63:16,16; 65:23;67:6;68:17;72:4, 10,16 <b>items (2)</b> 59:3;60:5</p> <p style="text-align: center;"><b>J</b></p> <p><b>January (2)</b> 13:18;16:16 <b>jeopardy (1)</b> 15:13 <b>Jerome (1)</b> 27:8 <b>job (3)</b> 22:7;58:8;61:6 <b>jobs (1)</b> 50:5 <b>join (1)</b> 27:22 <b>Jones (1)</b> 27:19 <b>judgment (2)</b> 43:7,8 <b>July (2)</b> 58:19;70:14 <b>June (1)</b> 8:8 <b>justify (1)</b> 65:1</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep (3)</b> 4:18;19:12;27:11 <b>Kelley (1)</b> 27:17 <b>kids (1)</b> 53:18 <b>killed (1)</b> 6:8 <b>Kimberly (1)</b> 27:9</p> <p style="text-align: center;"><b>L</b></p> <p><b>lack (2)</b> 43:23;73:9 <b>laid (1)</b> 47:6 <b>LAIER (11)</b> 4:23;58:12,15,18; 59:11;60:23;63:11; 65:12;66:1;71:11; 73:12 <b>landfills (2)</b></p>	<p>30:12,13 <b>Lanier (1)</b> 4:18 <b>largest (1)</b> 10:3 <b>last (11)</b> 5:21;7:11;12:7; 19:19;20:3;22:11;40:2; 42:23;49:6;54:5;70:9 <b>later (2)</b> 16:16;36:16 <b>leak (1)</b> 10:18 <b>leaking (2)</b> 10:12,23 <b>lean (2)</b> 21:21;22:4 <b>least (4)</b> 10:5;23:14;44:12; 70:9 <b>leave (1)</b> 50:14 <b>LeFLEUR (42)</b> 5:17,20;28:2;29:2, 14,19;30:7;31:3,18; 34:7;35:8,14,19;36:3, 8;37:7,19;39:4;40:16; 43:2;44:3;45:11,15; 46:6;47:10;48:11; 49:18;50:11,15;51:12, 16;52:21;53:3,16; 54:21;55:5,11;56:5,22; 59:7,17;62:23 <b>left (2)</b> 30:23;47:4 <b>legislative (1)</b> 51:4 <b>Legislature (17)</b> 8:9,16;14:21;15:23; 19:15;20:4,13;21:3; 23:10;37:12;50:12,16; 51:19;52:1,2,5,6 <b>less (6)</b> 31:8;33:23,23,23,23; 39:17 <b>letter (1)</b> 57:10 <b>level (15)</b> 23:17,21,22;32:16; 40:20;41:2,4,8,15,23; 42:8;43:3;47:12,19; 49:15 <b>levels (3)</b> 42:17;43:5;49:14 <b>liability (2)</b> 10:21;11:7 <b>light (1)</b> 15:6 <b>likely (1)</b> 31:8 <b>likes (1)</b> 5:22 <b>limited (2)</b></p>	<p>40:18;43:13 <b>line (6)</b> 17:5,19,22;18:19; 19:7;52:4 <b>lines (2)</b> 18:2;29:18 <b>Lisa (1)</b> 27:17 <b>listen (1)</b> 69:14 <b>little (1)</b> 52:8 <b>live (1)</b> 61:11 <b>lobbied (1)</b> 52:1 <b>lobbying (1)</b> 51:10 <b>logically (1)</b> 41:20 <b>long (3)</b> 47:23;49:5;52:9 <b>longer (1)</b> 21:8 <b>look (4)</b> 31:13;49:1;52:11; 54:22 <b>looked (5)</b> 40:12,16;44:14,15; 46:16 <b>looking (4)</b> 21:18;33:19;49:19, 20 <b>losing (4)</b> 15:13;36:21;37:2,4 <b>loss (3)</b> 18:18;36:2,3 <b>lost (2)</b> 16:7;17:16 <b>lot (3)</b> 53:13;67:18,20 <b>love (1)</b> 57:7 <b>low-cost (1)</b> 43:10 <b>lower (1)</b> 32:16 <b>lowest (1)</b> 43:15 <b>Ludder (1)</b> 72:19</p> <p style="text-align: center;"><b>M</b></p> <p><b>maintain (2)</b> 19:4;70:1 <b>maintaining (1)</b> 19:7 <b>major (1)</b> 70:3 <b>makes (1)</b> 33:10 <b>making (4)</b></p>	<p>14:18;63:16;67:18; 71:3 <b>manage (2)</b> 33:3,20 <b>Management (5)</b> 3:5;13:3;26:6;67:8; 72:22 <b>Manager (2)</b> 26:15,18 <b>managing (1)</b> 33:6 <b>mandated (3)</b> 10:1;11:10;70:8 <b>mandates (2)</b> 6:15;46:9 <b>manmade (1)</b> 6:2 <b>many (1)</b> 51:9 <b>marketers (1)</b> 10:17 <b>MARTIN (7)</b> 4:14;60:14,19;61:4; 64:9;65:17;71:12 <b>may (12)</b> 10:10;19:19;28:6; 30:21;34:10;35:4; 36:14;47:19;52:10; 53:19,23;54:19 <b>McNeill (1)</b> 27:20 <b>mean (4)</b> 31:7;33:1;38:7;53:9 <b>means (3)</b> 34:18;37:20;55:16 <b>meant (1)</b> 37:15 <b>mechanism (1)</b> 23:10 <b>meet (4)</b> 13:23;40:20;59:17; 66:4 <b>Meeting (20)</b> 3:5,8;7:11,14,15;8:9; 9:8;16:15;19:18;24:9, 23;25:17;40:2;54:17; 59:22;68:3,4,9;72:11; 73:22 <b>Member (1)</b> 67:11 <b>members (9)</b> 4:2;5:8;12:21;26:22; 48:23;64:12;66:14; 71:18;73:18 <b>memoranda (1)</b> 25:5 <b>memorandum (1)</b> 25:1 <b>mention (1)</b> 57:16 <b>mentioned (4)</b> 18:12;22:8;35:4,5 <b>met (1)</b></p>
---	--	---	--	---



67:15 <b>methods (1)</b> 44:6 <b>might (1)</b> 31:8 <b>milestones (1)</b> 26:10 <b>MILLER (6)</b> 3:12;55:7;60:9; 63:19;65:11;71:7 <b>million (21)</b> 7:23;8:1,19;9:20,21; 12:5,8,13,16;16:9; 29:20,21;35:2,20;36:5, 18,21;37:2,4,13;39:9 <b>mind (1)</b> 61:20 <b>Minton (1)</b> 27:9 <b>minutes (2)</b> 3:8,11 <b>mission (2)</b> 13:14;49:16 <b>misstating (1)</b> 59:13 <b>moment (3)</b> 56:2;69:10;72:14 <b>money (6)</b> 12:19;31:15;38:20; 39:10;44:22;49:4 <b>morale (1)</b> 22:18 <b>more (25)</b> 6:3,8;7:16;17:3; 18:14;22:17;23:9,15; 26:19,22;33:4,4,5,10, 10;38:15,19;39:16; 40:7,7;41:20;45:2; 48:14;49:6;50:22 <b>morning (4)</b> 3:2;5:17,19;69:1 <b>most (2)</b> 32:7;43:14 <b>motion (43)</b> 3:10,16,18;4:7,12,15, 21;5:2,4,13;60:11,22, 23;61:3,22;62:11,13, 15,17,19;63:2,5,20,21, 23;64:4,6,18,19;65:9, 21,22;66:10,16;71:3,6, 10,23;72:18;73:4,8,9, 11 <b>motions (2)</b> 60:21;63:17 <b>move (6)</b> 3:12;62:21;64:17; 67:5;71:7;72:9 <b>moved (2)</b> 66:1;73:12 <b>Moving (2)</b> 72:16;73:10 <b>much (5)</b> 28:3;29:13;38:15;	44:9;52:8  N  <b>name (4)</b> 27:3;46:22;57:15; 69:2 <b>names (1)</b> 27:14 <b>nation (7)</b> 23:23;24:4;32:9; 43:4,6,7,15 <b>natural (1)</b> 6:6 <b>nay (3)</b> 65:15,19,21 <b>nearly (3)</b> 19:8,21;26:5 <b>necessary (6)</b> 7:1;9:1,5;25:8; 26:16;27:1 <b>necessitates (1)</b> 54:11 <b>need (8)</b> 33:21;40:7,22;48:23; 49:1,2;54:19;72:22 <b>needs (3)</b> 47:12;48:16;50:8 <b>nevertheless (1)</b> 10:7 <b>new (7)</b> 4:22;8:4;9:22;15:17; 23:20;49:2;50:4 <b>next (6)</b> 16:17;17:12;36:16; 68:3;72:11,16 <b>nine (1)</b> 26:15 <b>Nitrogen (1)</b> 70:4 <b>nobody (1)</b> 55:19 <b>nonfunding (1)</b> 15:8 <b>normalized (2)</b> 17:6,20 <b>normally (1)</b> 30:2 <b>notable (1)</b> 13:8 <b>note (2)</b> 56:18;57:4 <b>noted (1)</b> 19:1 <b>noteworthy (1)</b> 27:2 <b>November (1)</b> 7:21 <b>NPDES (10)</b> 6:20;13:22;14:12; 15:14,21;19:5,13;20:9; 41:10;53:11 <b>number (8)</b>	7:8;13:19;40:17; 42:5;45:17;46:15;48:6; 54:5 <b>numbers (3)</b> 35:4;40:21,22 <b>numerous (1)</b> 12:22  O <b>objectives (1)</b> 25:3 <b>objects (1)</b> 13:15 <b>obviously (2)</b> 30:5;43:18 <b>October (1)</b> 3:4 <b>off (3)</b> 22:23;28:16;30:21 <b>offer (1)</b> 68:7 <b>offered (2)</b> 15:1;60:21 <b>offering (2)</b> 62:11,13 <b>Office (1)</b> 43:8 <b>offset (2)</b> 18:17;35:7 <b>often (1)</b> 6:16 <b>oil (1)</b> 6:2 <b>old (1)</b> 49:3 <b>ominous (1)</b> 9:22 <b>Once (3)</b> 17:19;20:11;49:22 <b>one (28)</b> 10:4,11,14;11:5; 24:3;28:3;30:16;36:16; 37:1;38:12;40:11; 42:21,22;47:22;48:19; 49:4;50:22;54:6;60:21, 23;61:2,21;62:8;63:16, 17,20;70:10,18 <b>ones (4)</b> 11:4;39:17;48:20; 51:7 <b>on-line (1)</b> 6:11 <b>only (8)</b> 12:19;13:1;18:20; 31:1;36:10;49:10; 56:11;70:17 <b>onto (1)</b> 47:6 <b>operate (1)</b> 23:2 <b>Operating (17)</b> 7:6;8:21;9:4;15:20;	17:1,16;24:14;25:4,7, 13,15,22;29:20;30:1; 31:15;35:9;36:4 <b>Operation (6)</b> 12:3;20:21;21:6; 22:4;34:17;43:13 <b>operations (6)</b> 8:18;9:15;17:3; 21:21;24:21;40:20 <b>opinion (1)</b> 61:9 <b>opportunities (1)</b> 22:7 <b>opportunity (3)</b> 19:19;43:12;52:11 <b>opposed (6)</b> 4:5;5:11;34:19; 45:23;65:15;71:21 <b>option (1)</b> 53:4 <b>options (4)</b> 48:12;49:2,19,20 <b>orange (3)</b> 18:8,11,19 <b>order (4)</b> 3:3;8:22;40:6;70:1 <b>organic (1)</b> 70:10 <b>organization (5)</b> 22:1,15;26:1,5,23 <b>organizations (1)</b> 14:7 <b>others (1)</b> 32:13 <b>ourselves (2)</b> 40:9;54:11 <b>out (13)</b> 6:13;12:5;17:22; 23:5;25:3;31:10;37:9; 38:13;39:22;42:23; 47:15;51:6;57:19 <b>outbreak (1)</b> 6:7 <b>outline (1)</b> 42:7 <b>out-of-class (1)</b> 26:20 <b>outside (2)</b> 25:17;28:21 <b>over (7)</b> 8:1;15:15;21:23; 30:22;51:4;62:4;65:3 <b>owe (1)</b> 45:20 <b>Owners (3)</b> 10:16;11:3,6 <b>Oxide/Sulphur (1)</b> 70:4 <b>ozone (1)</b> 70:12  P	<b>package (1)</b> 70:20 <b>page (1)</b> 66:22 <b>pages (1)</b> 66:21 <b>paid (4)</b> 21:10;23:8;32:1,19 <b>painful (1)</b> 23:6 <b>paint (2)</b> 39:21,23 <b>painted (1)</b> 38:7 <b>painting (1)</b> 42:15 <b>Pardon (1)</b> 52:21 <b>part (3)</b> 12:7;30:11;42:18 <b>participate (1)</b> 11:3 <b>participation (1)</b> 11:1 <b>particular (2)</b> 25:11;67:16 <b>parties (2)</b> 12:23;25:16 <b>passed (4)</b> 8:10;10:14;11:21; 69:13 <b>past (4)</b> 10:22,23;21:1;22:4 <b>pay (7)</b> 3:2;10:15;11:5; 44:20;59:8;61:15;63:1 <b>paying (3)</b> 22:21,22;39:18 <b>pending (1)</b> 70:21 <b>penny (1)</b> 12:16 <b>people (11)</b> 6:8;26:6;30:19;33:4, 5,13,18;43:8;44:19; 47:15;50:9 <b>per (5)</b> 10:11,14;11:5;32:9; 36:20 <b>percent (29)</b> 9:6;11:13;16:6,11, 20;17:4,9,14,15;18:15, 16,18;19:11;24:7; 29:10;31:1,23;35:6; 36:1,19,23;37:3,5;40:3, 15,19;49:13;51:8; 55:22 <b>perfectly (1)</b> 31:19 <b>perform (1)</b> 47:13 <b>performance (9)</b> 43:5,15;58:9,21,23;
--	--	--	---	--

<p>59:20;60:3;61:6;66:6  <b>performer (2)</b>  48:1,8  <b>performing (2)</b>  48:3,5  <b>period (2)</b>  70:13;72:17  <b>periodic (1)</b>  69:23  <b>permit (39)</b>  9:2;11:11;12:13;  16:4,10,12;17:13,15,  23;18:4,8,15,16;19:11;  20:7;21:15;23:7,16;  24:7;30:19,23;31:21;  32:1,11,19;33:12;36:9;  39:1,3;40:4,15;41:19;  44:20;46:17,18;49:13;  52:12,17;55:14  <b>permits (3)</b>  33:21;40:22;50:10  <b>permittees' (1)</b>  55:9  <b>permitting (2)</b>  30:12;53:12  <b>personal (1)</b>  53:9  <b>personnel (13)</b>  7:9;25:20;26:5,9;  48:6;58:7,11,13,20;  59:21;61:5;62:4,8  <b>per-year (2)</b>  59:8;63:1  <b>petition (3)</b>  13:20;41:7,7  <b>petroleum (1)</b>  10:17  <b>PHILLIPS (84)</b>  3:1,15,20;4:4,7,20;  5:1,6,10,13,18;28:7,14;  38:1,6;39:6;42:14;  43:22;44:5;45:8,14;  46:4;47:8;48:9,13;  49:21;50:13,18;52:18,  22;54:1,4;55:2,23;  56:7,17;57:1,21;58:16;  60:6,10,17,20;61:2,17;  62:10,16;63:3,8,13,22;  64:3,7,10,14,16;65:4,7,  14,20;66:2,9,12,16,23;  67:4;68:10,15;69:8,12,  17;70:23;71:5,9,13,16,  20,23;72:3,8;73:7,13,  16,20  <b>picked (1)</b>  30:13  <b>picture (2)</b>  38:8;42:16  <b>pivotal (1)</b>  6:10  <b>place (3)</b>  20:5;47:5;67:23  <b>plain (1)</b></p>	<p>47:7  <b>plan (10)</b>  24:12,15,16;25:4,7,  13,14,16,22;48:7  <b>Plans (1)</b>  7:6  <b>play (2)</b>  6:9;37:15  <b>playing (1)</b>  51:6  <b>please (8)</b>  27:3,11,22;54:18;  56:10;57:23;58:4;  72:14  <b>pleased (2)</b>  26:8;28:5  <b>pleasure (2)</b>  25:19;52:16  <b>plus (1)</b>  26:20  <b>pm (1)</b>  73:23  <b>point (7)</b>  8:13;21:9;22:2;29:5;  36:20;47:11;65:1  <b>pointed (2)</b>  31:9;42:23  <b>pointing (1)</b>  44:19  <b>policy (3)</b>  34:15;48:19;72:23  <b>political (3)</b>  6:16;34:11,12  <b>pollution (5)</b>  13:6;68:20;69:6,22;  70:7  <b>portion (7)</b>  16:8;21:6;35:9;36:4;  46:7;63:5;65:23  <b>portions (1)</b>  30:1  <b>position (3)</b>  4:17;49:23;50:2  <b>possibility (1)</b>  20:9  <b>postponed (1)</b>  7:15  <b>potentially (2)</b>  19:3;34:4  <b>power (2)</b>  22:23;23:1  <b>practice (1)</b>  24:23  <b>Precisely (1)</b>  51:14  <b>precursor (1)</b>  70:12  <b>prefer (1)</b>  50:17  <b>premise (1)</b>  15:20  <b>present (5)</b>  4:16,17;41:3;59:16;</p>	<p>62:20  <b>presentation (2)</b>  7:14;16:18  <b>presented (4)</b>  7:13;35:1;59:18;  62:13  <b>presenting (1)</b>  56:18  <b>pressure (4)</b>  15:10;42:4,8;46:12  <b>pretty (2)</b>  29:13;38:8  <b>prevention (1)</b>  10:19  <b>previous (3)</b>  18:12,15;31:11  <b>previously (1)</b>  32:18  <b>primary (1)</b>  33:2  <b>Prior (1)</b>  24:22  <b>privacy (1)</b>  70:2  <b>privy (1)</b>  42:2  <b>pro (1)</b>  16:8  <b>probably (1)</b>  48:14  <b>problem (1)</b>  52:12  <b>procedures (1)</b>  10:19  <b>proceedings (4)</b>  14:10;15:11;42:1,6  <b>process (2)</b>  7:20;16:3  <b>pro-comment (1)</b>  70:18  <b>productive (1)</b>  22:17  <b>professional (2)</b>  25:23;26:2  <b>program (19)</b>  6:21;8:4,23;12:4,11;  13:22;14:12;15:15,15;  19:5,13;20:10;21:7,9;  26:18;41:11;48:3;  68:20;70:5  <b>programs (4)</b>  10:6;24:4;32:5;39:3  <b>program's (1)</b>  21:11  <b>progress (3)</b>  25:3;67:18,19  <b>proliferation (1)</b>  6:14  <b>promote (1)</b>  25:22  <b>promoting (1)</b>  30:10  <b>promulgating (1)</b></p>	<p>48:19  <b>proportion (1)</b>  31:16  <b>proposed (11)</b>  9:12;16:11,20;17:14,  21;18:16;19:10,17;  20:2;55:9;68:18  <b>proposing (1)</b>  48:20  <b>protecting (2)</b>  33:6;50:6  <b>Protection (2)</b>  15:1;45:20  <b>provide (4)</b>  21:22;23:9;46:3,7  <b>provided (6)</b>  17:5,19;21:3;23:15;  25:12;30:8  <b>provider (1)</b>  43:10  <b>provides (1)</b>  21:8  <b>providing (1)</b>  22:7  <b>provision (1)</b>  9:22  <b>public (11)</b>  13:17;21:20;22:18;  26:15,17;56:1,4,9;  67:21;70:13;72:17  <b>pump (2)</b>  10:15;11:5  <b>purchase (1)</b>  10:16  <b>pursue (1)</b>  28:20  <b>push (1)</b>  45:4  <b>put (6)</b>  6:13;15:12;22:10;  38:14;42:8;47:15  <b>puts (3)</b>  22:4,6;46:11</p>	<p><b>rank (1)</b>  23:22  <b>ranked (2)</b>  32:7,8  <b>rata (1)</b>  16:8  <b>rated (1)</b>  24:3  <b>rather (1)</b>  13:12  <b>RCRA (1)</b>  7:12  <b>reaction (2)</b>  55:8,9  <b>Reagan's (1)</b>  34:16  <b>real (3)</b>  15:13;20:8;33:7  <b>realistic (1)</b>  43:21  <b>really (9)</b>  31:6;39:7,23;49:16;  53:21;64:23;67:23;  68:2,2  <b>reason (3)</b>  16:20;48:15;51:15  <b>reasonable (1)</b>  24:2  <b>recall (1)</b>  38:16  <b>receive (2)</b>  12:1;62:6  <b>received (4)</b>  27:12;55:18;57:11;  70:18  <b>receives (1)</b>  32:14  <b>receiving (1)</b>  27:5  <b>recent (5)</b>  14:21;15:4;18:22;  25:19;32:7  <b>reckoning (1)</b>  19:21  <b>recognize (3)</b>  7:7;25:19;26:8  <b>Recommend (1)</b>  59:14  <b>recommendation (3)</b>  62:14;68:7;71:8  <b>recommendations (4)</b>  58:7,13;59:21;61:2,1  <b>recommending (2)</b>  59:3,5  <b>recommends (1)</b>  59:15  <b>reconciliation (1)</b>  70:19  <b>reconciling (2)</b>  34:2;36:13  <b>record (2)</b>  38:11;41:12  <b>recycling (1)</b></p>
---	---	--	--	---



30:10	16:6;17:16	22;36:7,12;37:18,22;	<b>scrutinizing (1)</b>	<b>shift (1)</b>
<b>red (1)</b>	<b>Report (13)</b>	38:2;44:17;45:2,7;	19:2	30:18
17:1	5:15;7:3,4,16;28:4;	50:20,21;51:14;52:20;	<b>Second (24)</b>	<b>shore (1)</b>
<b>red-lined (1)</b>	57:3;58:6,12;67:6,11;	53:1,5,22;61:19;62:12,	3:14,16;4:23;5:2;	19:20
25:12	68:9,13;71:8	21;63:6;64:2,4,20;	9:11;11:17,18;60:8,9,	<b>shouldering (1)</b>
<b>reduce (5)</b>	<b>reported (2)</b>	65:18;66:8;67:11,13,	11;63:5,9,20;64:8,9;	51:8
41:17,19;42:11;	8:8;9:8	14;68:11,13;73:15	65:23;66:3,7,8;70:3;	<b>show (3)</b>
46:18;47:14	<b>reports (1)</b>	<b>right (12)</b>	71:11,12;73:14,15	17:20;18:2;44:20
<b>reduced (1)</b>	46:20	17:18;18:12;35:17,	<b>securing (1)</b>	<b>showing (1)</b>
21:7	<b>represents (1)</b>	18,23;36:7;40:4;47:10;	6:10	25:13
<b>reducing (1)</b>	17:6	51:13;53:23;64:5,17	<b>seeing (2)</b>	<b>shown (6)</b>
29:15	<b>request (3)</b>	<b>rigorous (1)</b>	33:1,2	17:1,11,17;18:8,10;
<b>reduction (4)</b>	72:19;73:5,5	26:12	<b>seeking (2)</b>	22:1
9:2;22:3;42:12;	<b>requested (1)</b>	<b>rise (1)</b>	13:20;19:12	<b>shut (1)</b>
47:17	7:22	41:23	<b>seem (1)</b>	22:23
<b>reference (1)</b>	<b>require (3)</b>	<b>risk (1)</b>	51:3	<b>Sibley (1)</b>
70:1	35:6;36:9,22	22:16	<b>seemed (1)</b>	27:21
<b>reflected (1)</b>	<b>required (6)</b>	<b>role (1)</b>	38:17	<b>sign (9)</b>
24:16	6:9;11:4,12;12:8;	6:10	<b>seems (1)</b>	4:1,5;5:7,11;65:9,15;
<b>reflective (1)</b>	15:19;23:2	<b>Ron (1)</b>	33:10	66:13,21;71:17
54:12	<b>requirement (1)</b>	69:2	<b>sees (1)</b>	<b>signal (1)</b>
<b>regarding (8)</b>	39:1	<b>Ronald (1)</b>	13:16	42:3
3:11,17;4:13;55:14;	<b>requirements (3)</b>	34:16	<b>Senate (3)</b>	<b>signals (1)</b>
59:17,19;60:2;72:18	10:18;13:23;40:21	<b>room (4)</b>	9:13,20;36:17	41:15
<b>Region (1)</b>	<b>requires (4)</b>	25:17;43:17;51:13;	<b>send (5)</b>	<b>signature (1)</b>
15:1	26:6;34:9;37:3,5	56:8	12:8;24:23;38:20;	66:21
<b>registration (1)</b>	<b>requiring (1)</b>	<b>rule (5)</b>	57:18,22	<b>signed (2)</b>
21:16	9:11	67:16;70:3,6,7,19	<b>sending (1)</b>	11:22;14:23
<b>regular (1)</b>	<b>responded (1)</b>	<b>rulemaking (2)</b>	39:9	<b>significant (4)</b>
8:10	20:4	16:3;67:6	<b>sent (8)</b>	7:7;20:7;25:19;
<b>regulated (16)</b>	<b>response (20)</b>	<b>rules (3)</b>	9:10;41:14;42:3;	55:17
11:12;16:5;17:7;	3:19;4:6;5:5,12;8:4;	48:19;69:23;70:2	57:10,19,20,22;61:8	<b>significantly (1)</b>
19:23;20:3,6,12;21:11,	38:5;42:21;54:3;55:15,	<b>run (2)</b>	<b>separated (1)</b>	15:9
12;23:8;32:20;47:7;	18;56:16;64:15;65:6;	21:21;22:14	61:22	<b>signify (14)</b>
51:7,20;53:8;56:12	66:11;68:14;71:4,15,	<b>running (1)</b>	<b>separating (1)</b>	3:23;4:3;5:7,9;
<b>regulations (5)</b>	22;72:7;73:6	25:6	63:16	64:13;65:9,12,15,18;
6:15;67:9;68:21;	<b>responsible (2)</b>		<b>September (5)</b>	66:13,15;71:17,19;
69:6,22	48:17;61:15	<b>S</b>	11:19,20;16:1;70:14,	73:19
<b>reiterate (1)</b>	<b>responsibly (1)</b>	<b>salary (7)</b>	15	<b>similar (1)</b>
54:9	20:14	59:6,8;60:15;62:1,	<b>serve (1)</b>	46:23
<b>related (2)</b>	<b>responsive (1)</b>	22;63:1,23	61:4	<b>simple (1)</b>
14:4;50:23	24:17	<b>same (12)</b>	<b>served (1)</b>	47:7
<b>Relationships (1)</b>	<b>restate (1)</b>	4:5;5:11;21:22;	25:6	<b>simply (2)</b>
24:19	62:19	24:15;29:13;39:7;	<b>service (1)</b>	51:2;64:21
<b>Relative (1)</b>	<b>result (2)</b>	42:22;45:4,18;49:3;	8:5	<b>singing (1)</b>
56:1	7:1;13:8	50:1,6	<b>services (2)</b>	47:9
<b>relieved (2)</b>	<b>results (2)</b>	<b>sample (1)</b>	29:15,22	<b>sister (1)</b>
10:20;11:6	21:22;60:2	55:17	<b>session (10)</b>	31:14
<b>relinquishing (1)</b>	<b>retain (1)</b>	<b>Sasser (1)</b>	8:10,15;9:9,12,14;	<b>sits (1)</b>
15:20	8:23	27:20	11:18,19;51:19;59:23;	62:4
<b>remaining (1)</b>	<b>retaining (1)</b>	<b>saw (1)</b>	72:11	<b>situation (10)</b>
12:20	15:17	52:4	<b>set (4)</b>	16:19;21:19;22:10,
<b>remove (1)</b>	<b>revenue (5)</b>	<b>saying (5)</b>	9:19;20:22;25:3;	20;33:8;47:1;51:17,18;
63:4	13:11;23:16;44:7,12;	46:5;48:15;49:22;	61:20	53:19;54:10
<b>renewal (1)</b>	49:10	54:5;63:15	<b>several (5)</b>	<b>situations (1)</b>
17:23	<b>revenues (2)</b>	<b>scheduled (1)</b>	6:18;12:21;14:6;	33:13
<b>rent (1)</b>	23:12;47:2	16:13	42:23;59:3	<b>six (1)</b>
22:21	<b>reviews (1)</b>	<b>scientists (1)</b>	<b>share (4)</b>	25:5
<b>repeat (2)</b>	61:8	26:1	10:8;55:3,8;58:5	<b>skills (2)</b>
12:7;25:8	<b>RICHARDSON (44)</b>	<b>Scrap (6)</b>	<b>Shawn (1)</b>	26:3,7
<b>repeated (2)</b>	3:14;28:12,15,16;	11:15;12:14;30:5,7,	27:20	<b>slide (4)</b>
6:21,22	29:4,16;30:4,16;31:5;	13;37:10	<b>Shelane (1)</b>	16:21;17:12;18:9,12
<b>replace (2)</b>	32:23;34:21;35:12,17,		27:15	<b>slides (1)</b>

16:17 <b>slight (1)</b> 18:20 <b>Smart (1)</b> 57:15 <b>smoothes (1)</b> 17:22 <b>sneak (1)</b> 27:19 <b>solely (1)</b> 61:12 <b>Solid (4)</b> 11:16;12:14;17:11; 37:11 <b>solve (1)</b> 52:12 <b>sometimes (1)</b> 53:17 <b>sorry (2)</b> 59:11,12 <b>sort (2)</b> 39:20;40:23 <b>source (5)</b> 11:10;34:10;36:10; 37:16;45:3 <b>sources (3)</b> 12:9;20;41:3 <b>speaks (1)</b> 28:19 <b>special (6)</b> 8:15;9:9,12,14; 11:18,18 <b>specifically (1)</b> 12:15 <b>specter (1)</b> 11:11 <b>spill (2)</b> 6:2;10:18 <b>stability (1)</b> 51:11 <b>stable (2)</b> 23:15;38:15 <b>staff (3)</b> 6:6;28:9,20 <b>stake (2)</b> 33:21;34:1 <b>Stakeholders (1)</b> 24:19 <b>stand (4)</b> 27:3,12;42:19;62:18 <b>standing (1)</b> 27:11 <b>start (2)</b> 39:12;46:19 <b>starting (2)</b> 8:13;38:20 <b>State (28)</b> 8:5,21;10:7;11:21; 13:1,7,12;21:20;23:1, 13;29:1;30:10,14; 31:17;32:14;33:4,19; 41:2;44:10;45:18;47:1; 49:17;50:5;51:1;53:19;	61:13,13;73:1 <b>stated (3)</b> 19:2;41:5;63:6 <b>statement (2)</b> 14:15;38:13 <b>state-provided (1)</b> 14:4 <b>states (6)</b> 31:13;32:2,4;44:8; 46:14;53:11 <b>State's (3)</b> 6:19;13:21;46:23 <b>state-sourced (8)</b> 18:5,10,20,22;19:8; 22:3;41:16,17 <b>statewide (1)</b> 8:6 <b>statistically (1)</b> 55:17 <b>statute (2)</b> 16:6;37:12 <b>statutory (1)</b> 52:13 <b>stave (1)</b> 30:21 <b>stays (1)</b> 29:12 <b>step (5)</b> 13:4;20:17,20;59:7; 62:23 <b>Stepping (2)</b> 21:18;39:23 <b>steps (2)</b> 59:7;62:23 <b>still (3)</b> 30:22;49:14,14 <b>stipulates (1)</b> 12:15 <b>stipulating (1)</b> 9:23 <b>Storage (4)</b> 10:2,13;12:18;13:10 <b>stove (1)</b> 53:18 <b>stove's (1)</b> 53:20 <b>strategic (2)</b> 24:12,16 <b>strategy (1)</b> 38:18 <b>stream (1)</b> 13:11 <b>strenuously (1)</b> 13:15 <b>striking (1)</b> 62:14 <b>strong (1)</b> 48:1 <b>strongly (1)</b> 24:5 <b>structure (1)</b> 52:15 <b>study (2)</b>	26:12;40:7 <b>stuff (2)</b> 28:23;35:3 <b>subsequently (1)</b> 8:11 <b>subsidized (1)</b> 32:19 <b>subsidy (2)</b> 21:5,8 <b>subsistence (3)</b> 23:17;42:17;49:14 <b>substantial (3)</b> 21:5;44:22;46:7 <b>substitute (1)</b> 62:11 <b>successfully (1)</b> 26:11 <b>sufficient (2)</b> 19:12;47:23 <b>suggest (1)</b> 43:16 <b>sum (2)</b> 18:6;41:18 <b>summary (2)</b> 7:19;59:18 <b>summer (1)</b> 35:1 <b>supplement (1)</b> 32:5 <b>supplemental (1)</b> 25:10 <b>supplied (1)</b> 8:20 <b>supplier (1)</b> 43:11 <b>support (7)</b> 12:2;13:2,11;20:17; 40:19;41:10;55:21 <b>sure (3)</b> 54:13;57:9,23 <b>surprise (1)</b> 51:17 <b>Susan (1)</b> 27:7 <b>suspended (1)</b> 21:2 <b>system (1)</b> 8:6 <b>systems (1)</b> 6:13	<b>Tank (5)</b> 10:2;11:2,6;12:18; 13:10 <b>tanks (3)</b> 10:13,16,23 <b>target (1)</b> 18:21 <b>tax (2)</b> 47:2,6 <b>telephone (1)</b> 55:13 <b>ten (1)</b> 43:6 <b>testing (2)</b> 26:13;44:9 <b>therefore (1)</b> 12:19 <b>thinking (1)</b> 29:6 <b>third (1)</b> 22:11 <b>THOMAS (4)</b> 57:20;59:9;66:20; 67:2 <b>thought (2)</b> 29:17;52:7 <b>thoughts (1)</b> 58:4 <b>three (6)</b> 6:11;12:20;57:6; 69:5,20;70:22 <b>throughout (1)</b> 30:14 <b>thus (3)</b> 6:17;9:11;11:6 <b>tie (1)</b> 65:21 <b>tightrope (1)</b> 45:12 <b>times (2)</b> 42:23;61:10 <b>Tire (5)</b> 11:15;12:14;30:5,7; 37:10 <b>tires (1)</b> 30:13 <b>Title (1)</b> 16:4 <b>titled (1)</b> 25:1 <b>Today (10)</b> 26:8;27:16,18;28:4; 38:14;39:20;59:4,22; 60:5;67:15 <b>today's (2)</b> 7:3,4 <b>together (1)</b> 67:2 <b>took (1)</b> 38:16 <b>top (5)</b> 5:22;24:3;43:5,6; 48:1	<b>tornado (1)</b> 6:7 <b>total (8)</b> 7:22;17:13;18:5,9, 19;19:7;32:10;47:11 <b>touch (1)</b> 53:18 <b>toward (2)</b> 30:3;44:19 <b>towards (1)</b> 33:19 <b>Trading (1)</b> 70:5 <b>training (3)</b> 26:3,6,13 <b>transfer (14)</b> 8:18;9:16,19,21; 10:4,5,8;11:10;12:5; 16:9;35:20;36:18;37:9, 13 <b>transferred (3)</b> 12:13,17;37:16 <b>transfers (1)</b> 10:1 <b>treatment (1)</b> 6:13 <b>trend (8)</b> 17:5,19,22;18:2,19, 21;19:7;52:4 <b>trouble (1)</b> 36:13 <b>Trust (8)</b> 10:2,3;11:2,9,14; 12:18;13:10,17 <b>try (2)</b> 54:16;57:13 <b>trying (1)</b> 31:11 <b>turn (1)</b> 22:6 <b>Twice (1)</b> 20:2 <b>two (10)</b> 14:22;59:7;60:5,21; 61:21;62:14,23;63:16, 17;66:21 <b>two-year (1)</b> 26:18 <b>typical (1)</b> 18:1 <b>typically (2)</b> 10:17;32:4
		<b>T</b>		
		<b>table (2)</b> 25:17;51:18 <b>takeover (1)</b> 20:9 <b>takings (1)</b> 24:1 <b>talk (1)</b> 36:15 <b>talking (2)</b> 31:10;58:2		<b>U</b>
				<b>ugly (1)</b> 38:9 <b>ultimately (3)</b> 20:17;41:14;42:13 <b>unable (1)</b> 41:10 <b>uncommon (1)</b> 33:13



<p><b>under (4)</b> 15:9;23:2;42:4; 64:22</p> <p><b>Underground (4)</b> 10:2,13;12:18;13:9</p> <p><b>undermines (2)</b> 13:14;22:18</p> <p><b>understands (1)</b> 56:11</p> <p><b>unearmarking (2)</b> 37:14,20</p> <p><b>Unfortunately (1)</b> 53:23</p> <p><b>unfunded (1)</b> 6:14</p> <p><b>unhappy (2)</b> 20:1;21:14</p> <p><b>universe (1)</b> 21:11</p> <p><b>unless (1)</b> 25:9</p> <p><b>unnecessary (1)</b> 22:16</p> <p><b>unprecedented (1)</b> 6:14</p> <p><b>unsuccessful (1)</b> 6:17</p> <p><b>untold (1)</b> 26:20</p> <p><b>up (16)</b> 7:2;10:21;11:14; 13:5;18:4;19:20;20:17; 24:8;26:1;29:7;30:13; 36:1;39:9;43:19,20; 68:6</p> <p><b>update (4)</b> 7:5;24:11;25:1,6</p> <p><b>updates (1)</b> 24:14</p> <p><b>upgrades (1)</b> 8:7</p> <p><b>upon (1)</b> 19:21</p> <p><b>use (1)</b> 44:9</p> <p><b>used (3)</b> 39:12;44:1;70:5</p> <p><b>users (1)</b> 34:6</p> <p><b>using (1)</b> 43:9</p> <p><b>UST (5)</b> 10:3;11:1,9,14;37:11</p> <p><b>utilize (1)</b> 23:19</p>	<p>18:2</p> <p><b>varied (1)</b> 17:4</p> <p><b>Verification (2)</b> 59:23;66:5</p> <p><b>version (2)</b> 9:18,20</p> <p><b>versus (1)</b> 31:17</p> <p><b>vetoed (2)</b> 8:11,12</p> <p><b>VICE-CHAIR (89)</b> 3:1,15,20;4:4,7,11, 16,18,20,22,22;5:1,6, 10,13,18;28:7,14;38:1, 6;39:6;42:14;43:22; 44:5;45:8,14;46:4; 47:8;48:9,13;49:21; 50:13,18;52:18,22; 54:1,4;55:2,23;56:7, 17;57:1,21;58:16;60:6, 10,17,20;61:2,17; 62:10,16;63:3,8,13,22; 64:3,7,10,14,16;65:4,7, 14,20;66:2,9,12,16,23; 67:4;68:10,15;69:8,12, 17;70:23;71:5,9,13,16, 20,23;72:3,8;73:7,13, 16,20</p> <p><b>views (1)</b> 56:11</p> <p><b>vigorous (2)</b> 6:17;15:7</p> <p><b>virtually (2)</b> 11:3;13:1</p> <p><b>visits (1)</b> 55:13</p> <p><b>visual (1)</b> 16:18</p> <p><b>VOC (2)</b> 70:10,19</p> <p><b>voiced (1)</b> 67:22</p> <p><b>volatility (1)</b> 38:16</p> <p><b>voluntary (1)</b> 11:2</p> <p><b>vote (1)</b> 24:8</p>	<p><b>wastewater (1)</b> 6:12</p> <p><b>watched (1)</b> 49:5</p> <p><b>water (10)</b> 6:12,20;8:23;13:22; 14:1,23;15:14;19:5,13; 20:10</p> <p><b>way (8)</b> 22:14;29:6,8;44:18; 49:4,10;53:16;62:8</p> <p><b>week (1)</b> 57:11</p> <p><b>welcome (1)</b> 58:17</p> <p><b>what's (2)</b> 29:6;52:4</p> <p><b>whose (1)</b> 33:2</p> <p><b>willing (1)</b> 33:14</p> <p><b>withdraw (3)</b> 6:19;13:21;14:11</p> <p><b>withdrawal (4)</b> 14:18;15:10;41:7; 42:1</p> <p><b>withheld (1)</b> 14:12</p> <p><b>within (2)</b> 6:10;46:12</p> <p><b>Without (6)</b> 21:23;24:1;39:22; 46:10;47:13;50:7</p> <p><b>word (2)</b> 38:17;44:1</p> <p><b>words (1)</b> 4:17</p> <p><b>work (10)</b> 6:4,4;24:18;26:16, 20;30:14;48:7;51:23; 56:23;59:3</p> <p><b>working (1)</b> 53:10</p> <p><b>workload (1)</b> 6:3</p> <p><b>works (1)</b> 29:8</p> <p><b>wrap (1)</b> 68:6</p> <p><b>wrestle (1)</b> 54:16</p> <p><b>written (4)</b> 3:13;40:23;59:18; 70:16</p> <p><b>wrong (2)</b> 35:5;36:15</p>	<p>14:19</p> <p><b>years (10)</b> 5:21;6:1,4;18:23; 20:3;21:1,23;22:11; 43:1;49:6</p> <p><b>year's (1)</b> 23:11</p> <p><b>year-to-year (1)</b> 18:1</p> <p><b>yeomen's (1)</b> 51:23</p> <p><b>you-all (1)</b> 52:16</p>	<p><b>2010 (3)</b> 6:2;13:19;17:10</p> <p><b>2011 (1)</b> 6:7</p> <p><b>2014 (10)</b> 7:21;14:14;15:7; 19:2,3,9;24:10;41:3,8, 15</p> <p><b>2015 (12)</b> 3:4,9;7:6;8:2;11:20; 16:14;17:10;24:8;25:7, 14;58:19;72:12</p> <p><b>2016 (19)</b> 7:6,16,19;8:1;11:21, 23;14:19,22;15:12; 16:16,23;17:1,17,21; 18:10;19:17;21:7; 25:12,15</p> <p><b>21 (1)</b> 16:1</p> <p><b>21st (1)</b> 3:9</p> <p><b>23rd (1)</b> 16:16</p> <p><b>240 (1)</b> 6:8</p> <p><b>250 (1)</b> 26:19</p> <p><b>26 (1)</b> 13:22</p> <p><b>27th (1)</b> 70:14</p>
	<b>W</b>		<b>Z</b>	
			<p><b>zero (3)</b> 8:17;9:14;38:18</p> <p><b>zeroing (1)</b> 38:13</p>	
			<b>1</b>	
			<p><b>1 (2)</b> 3:7;59:5</p> <p><b>100 (2)</b> 11:13;36:19</p> <p><b>11th (4)</b> 9:9;14:8,16;70:14</p> <p><b>12:14 (1)</b> 73:23</p> <p><b>14 (1)</b> 26:9</p> <p><b>15 (3)</b> 9:5;35:6;36:1</p> <p><b>160 (2)</b> 59:9,12</p> <p><b>1-6-0 (1)</b> 59:12</p> <p><b>16th (2)</b> 3:4;11:20</p> <p><b>17 (2)</b> 59:7;62:23</p> <p><b>18 (1)</b> 72:12</p> <p><b>18th (4)</b> 16:14;24:8;68:3,8</p> <p><b>19th (1)</b> 58:19</p>	
			<b>2</b>	
			<p><b>2 (2)</b> 4:9;59:14</p> <p><b>20 (23)</b> 9:6;16:6,11,20; 17:14,15;18:16;19:11; 24:6;29:10;31:1,2,3; 35:6;36:1,22;37:3,5; 40:3,14,18;49:13;51:8; 55:21</p> <p><b>2008 (1)</b> 16:23</p>	
				<b>3</b>
				<p><b>30 (1)</b> 6:4</p> <p><b>31 (1)</b> 19:17</p> <p><b>33 (1)</b> 6:1</p> <p><b>335-2 (1)</b> 67:8</p> <p><b>335-3 (1)</b> 68:20</p> <p><b>36 (1)</b> 16:16</p>
				<b>4</b>
				<p><b>4 (2)</b> 15:1;57:4</p> <p><b>49th (2)</b> 23:23;32:8</p>
				<b>5</b>
				<p><b>5 (1)</b> 58:6</p> <p><b>511 (1)</b> 6:12</p>
<b>V</b>				
<p><b>valid (2)</b> 31:19;34:8</p> <p><b>valuable (1)</b> 26:22</p> <p><b>variations (1)</b></p>	<p><b>wait (1)</b> 66:18</p> <p><b>walk (1)</b> 45:13</p> <p><b>wants (1)</b> 57:8</p> <p><b>warm (1)</b> 15:5</p> <p><b>Waste (4)</b> 7:13;11:16;12:14; 37:11</p>			
			<b>Y</b>	
			<p><b>year (5)</b> 17:4,5;24:14;26:12; 51:20</p> <p><b>year-end (1)</b></p>	

<b>6</b>				
<b>6 (1)</b> 67:6				
<b>600 (1)</b> 26:5				
<b>65,000 (1)</b> 6:3				
<b>7</b>				
<b>7 (1)</b> 68:17				
<b>8</b>				
<b>8 (1)</b> 72:4				
<b>83 (1)</b> 17:8				
<b>8th (1)</b> 11:19				
<b>9</b>				
<b>9 (1)</b> 72:10				
<b>90 (2)</b> 59:8;63:1				
<b>96 (3)</b> 17:4;18:15,18				
<b>9th (1)</b> 70:15				



**Part B**

## **Attachment Index**

**Attachment 1 Agenda**

**Attachment 2 Order to adopt motion to accept Lanier Brown as Chair and Scott Phillips as Vice Chair  
(Agenda Item 2)**

**Attachment 3 Director's Slides  
(Agenda Item 3)**

**Attachment 4 Order on motion to approve a two step salary advance for Director LeFleur  
(Motion not adopted)  
(Agenda Item 5)**

**Attachment 5 Order to authorize the Personnel Committee Chair to meet with Director LeFleur and to execute a verification of understanding of the performance evaluation  
(Agenda Item 5)**

**Attachment 6 Resolution to adopt amendments to ADEM Admin. Code 335-3, Air Pollution Control Program Regulations  
(The amended regulations are on file with the Commission meeting records.)  
(Agenda Item 7)**



**Attachment 1**

Amended 10/9/15

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
DATE: October 16, 2015  
TIME: 11:00 a.m.  
LOCATION: Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Conference Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on August 21, 2015**	2
2. Elections	2
3. Report from the Director	2
4. Report from the Commission Chair	2
5. Report and recommendations from the Personnel Committee on the ADEM Director Job Performance Evaluation for Commission consideration	2
6. Report from the Rulemaking Committee on ADEM Admin. Code 335-2, Environmental Management Commission Regulations	2
7. Consideration of adoption of proposed amendments to ADEM Admin. Code 335-3, Air Pollution Control Program Regulations	2
8. Other business	2
9. Future business session	2
PUBLIC COMMENT PERIOD	3 & Attachment

\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under Environmental Management Commission.

\*\* The Minutes for this meeting will be available on the ADEM website under Environmental Management Commission.



1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 21, 2015

2. ELECTIONS

The Commission will elect a Commission Chair and Vice Chair.

3. REPORT FROM THE DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. REPORT AND RECOMMENDATIONS FROM THE PERSONNEL COMMITTEE ON THE ADEM DIRECTOR JOB PERFORMANCE EVALUATION FOR COMMISSION CONSIDERATION

The Personnel Committee will report on the ADEM Director Job Performance Evaluation and present the Committee's recommendations to the Commission for consideration.

6. REPORT FROM THE RULEMAKING COMMITTEE ON ADEM ADMIN. CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS

The Rulemaking Committee will report on the Committee's re-examination and study of ADEM Admin. Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda, Sections (1) through (3).

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Admin. Code 335-3, Air Pollution Control Program Regulations. The Alabama Department of Environmental Management proposes to amend ADEM Admin. Code Rules 335-3-1-.02, 335-3-10-.01, 335-3-10-.02, 335-3-10-.03, 335-3-11-.01, 335-3-11-.02, 335-3-11-.03, 335-3-11-.06, 335-3-11-.07, 335-3-11A-.01, 335-3-11A-.02, and Appendix C, and the addition of rules 335-3-5-.06 through 335-3-5-.36, and rules 335-3-8-.07 through 335-3-8-.70. Revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The definition of volatile organic compounds (VOCs) in Chapter 335-3-1 is also being proposed for revision to be consistent with EPA's revisions. Revisions to chapters 335-3-5 and 335-3-8 include new regulations to implement EPA's Cross State Air Pollution Rules (CSAPR), which requires states to reduce power plant emissions that contribute to ozone and/or fine particle pollution in other states. Chapters 335-3-1, 5, and 8 are considered part of the federally-enforceable State Implementation Plan (SIP). Revisions to these Chapters are proposed to be incorporated into Alabama's SIP. Also, Alabama's Regional Haze SIP is being proposed for revision to replace reliance on the Clean Air Interstate Rule (CAIR) with reliance on CSAPR. The Department held a public hearing on the proposed amendments on September 9, 2015.

8. OTHER BUSINESS

9. FUTURE BUSINESS SESSION

**PUBLIC COMMENT PERIOD**

(The Request from the public to address the Commission is attached to the agenda.)

David A. Ludder, Esq., on behalf of the Environmental Defense Alliance  
SUBJECT: “Ineffective Enforcement by the Alabama Department of Environmental Management”  
and the need for the Commission to “develop environmental policy for the State” and/or to  
“advise the Director” as authorized by the Ala. Code § 22-22A-6(a) to ensure effective enforcement  
(The full Commission will vote on whether or not to grant the Request  
prior to moving to the Public Comment Period.)



REQUEST



September 29, 2015  
~~April 3, 2015~~

**Delivered Via Facsimile**

H. Lanier Brown, II, Chair  
Environmental Management Commission  
1400 Coliseum Boulevard  
Montgomery, AL 36110-2400

**October 16**

Re: **Request to Speak at ~~April 17~~ AEMC Meeting**

Dear Chair Brown:

On behalf of the Environmental Defense Alliance, I request the opportunity to address the Environmental Management Commission on the topic of "Ineffective Enforcement by the Alabama Department of Environmental Management" and the need for the Commission to "develop environmental policy for the State" and/or to "advise the Director" as authorized by Ala. Code § 22-22A-6(a) to ensure effective enforcement. The history of enforcement against a single unnamed facility will be used to illustrate the ineffective enforcement. A copy of written materials to be presented is attached.

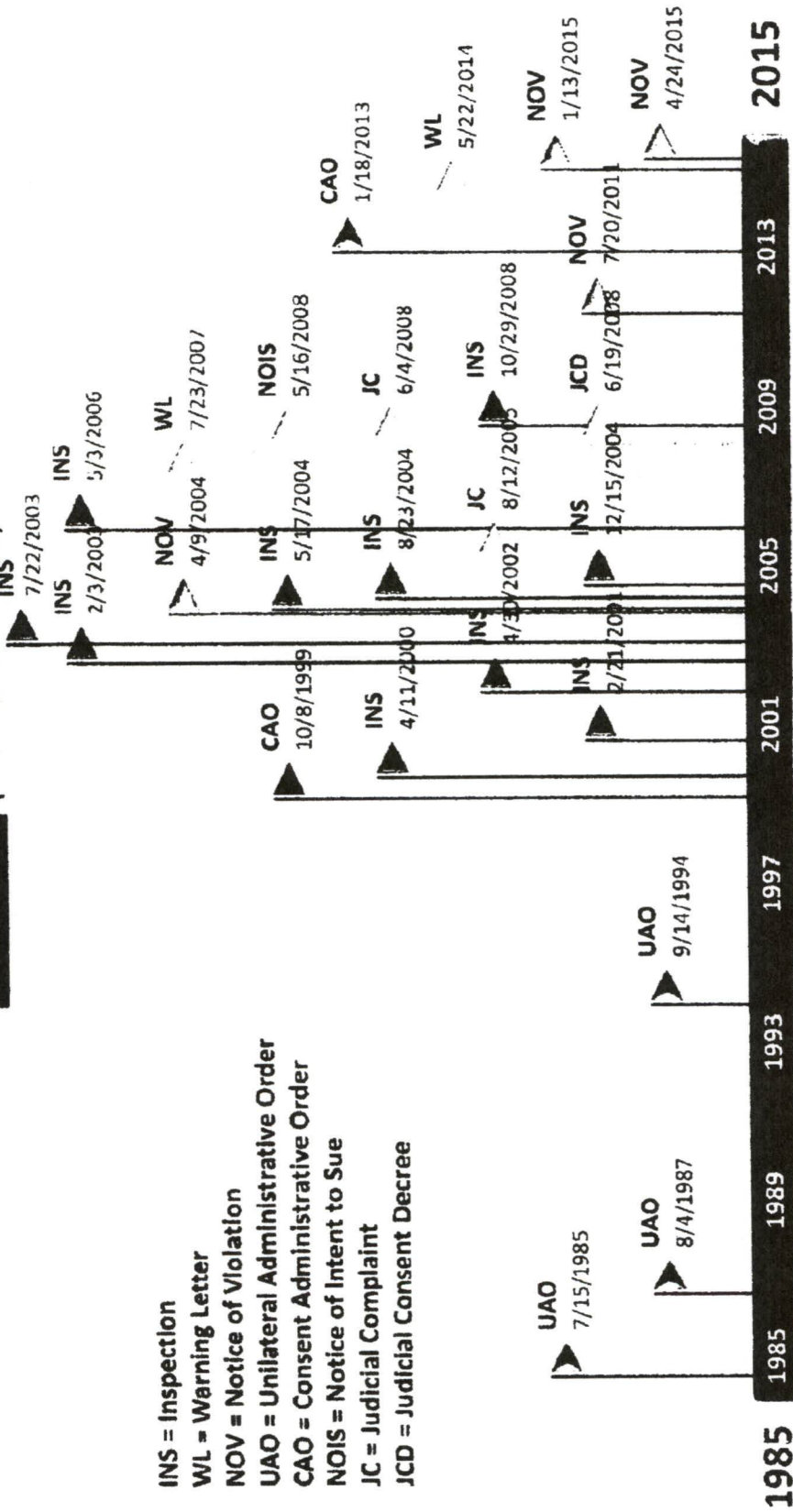
Sincerely,

David A. Ludder



NPDES Permit No. [REDACTED]  
 (Fish & Wildlife)

- INS = Inspection
- WL = Warning Letter
- NOV = Notice of Violation
- UAO = Unilateral Administrative Order
- CAO = Consent Administrative Order
- NOIS = Notice of Intent to Sue
- JC = Judicial Complaint
- JCD = Judicial Consent Decree



1985 1989 1993 1997 2001 2005 2009 2013 2015



The following policies should prevent a repetition of the failures experienced in the [REDACTED] case:

(1) ADEM should promptly issue a Notice of Violation or Administrative Order to any permittee that has violated permit conditions during three consecutive months; *provided however*, that if the permittee has been issued a Notice of Violation for the same type of violation during the previous twelve months, the enforcement action shall be an Administrative Order or Judicial Action;

(2) ADEM should promptly issue an Administrative Order (consent or unilateral) to, or commence a Judicial Action against, any permittee that has violated permit conditions during any six of the preceding twelve months; *provided however*, that if the permittee has been issued a Administrative Order for the same type of violation during the previous twelve months, the enforcement action shall be a Judicial Action;

(3) All Administrative Orders issued by ADEM (consent and unilateral) should require compliance with permit conditions as expeditiously as possible and by a date certain;

(4) All Administrative Orders issued by ADEM (consent and unilateral) that include schedules for the completion of interim tasks should include the assessment of prospective administrative penalties in a sufficient amount to ensure that permittees will meet the schedules;

(5) If a permittee is in violation of an Administrative Order (consent or unilateral), ADEM should seek compliance by filing suit to enforce the Order or by assessment of an administrative penalty in a sufficient amount to ensure a prompt return to compliance;

(6) ADEM should oppose the entry of any Consent Decree that does not include a date after which the violator must achieve and maintain compliance with permit conditions;

(7) Negotiations of Judicial Consent Decrees should be concluded promptly (less than 12 months).

Implementation of these policies may require revisions in *Memorandum #105, Compliance and Enforcement Strategy* (eff. Jan. 1, 2008) and *NPDES and Pretreatment Permit Program Compliance/Enforcement Management Strategy (CMS/EMS)* (Jan. 28, 2011).

---

**Attachment 2**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept Lanier Brown as Chair and

Scott Phillips as Vice Chair

ORDER


This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:


1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

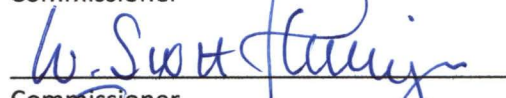
Environmental Management Commission Order  
Page 2

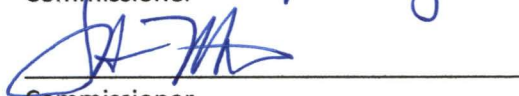
ISSUED this 16<sup>th</sup> day of October 2015.


APPROVED:

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

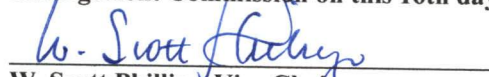
DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

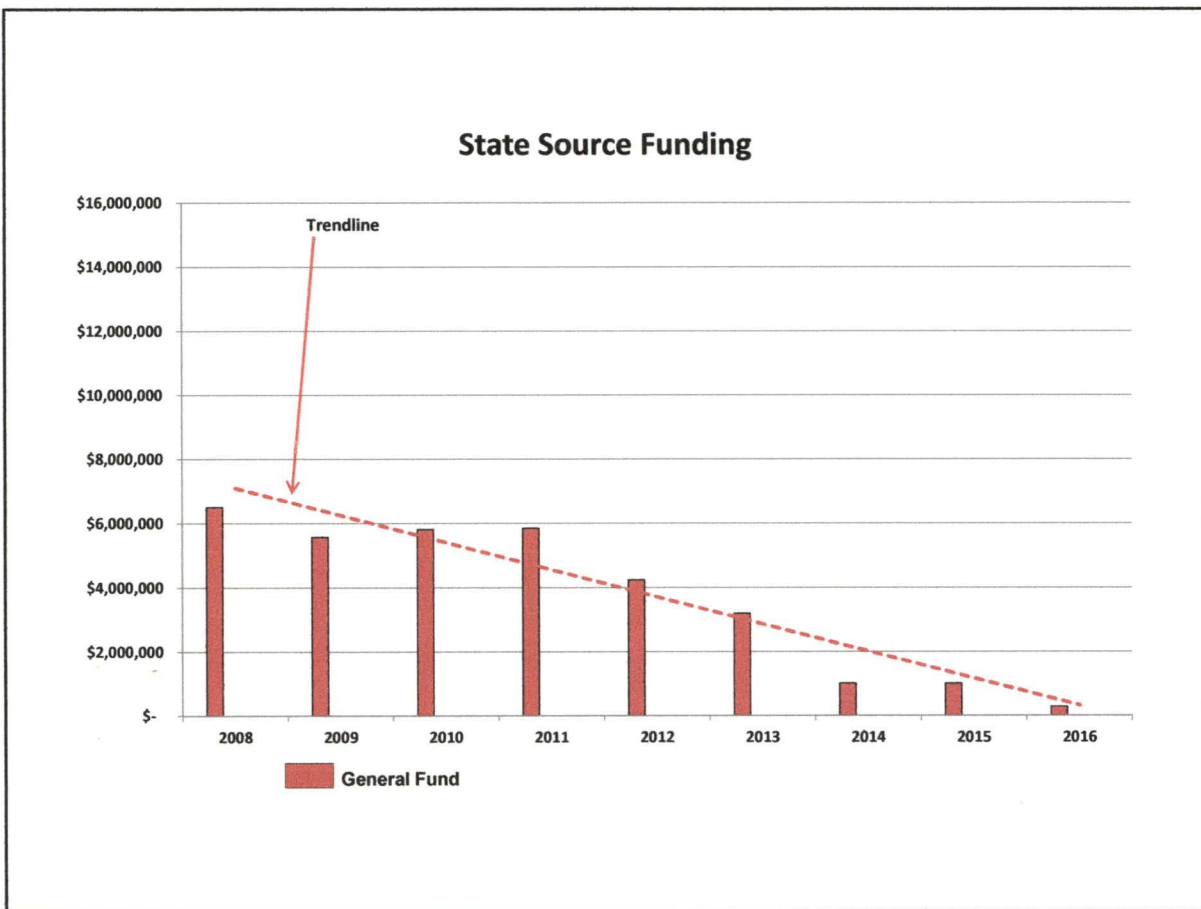
\_\_\_\_\_  
Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of October 2015.

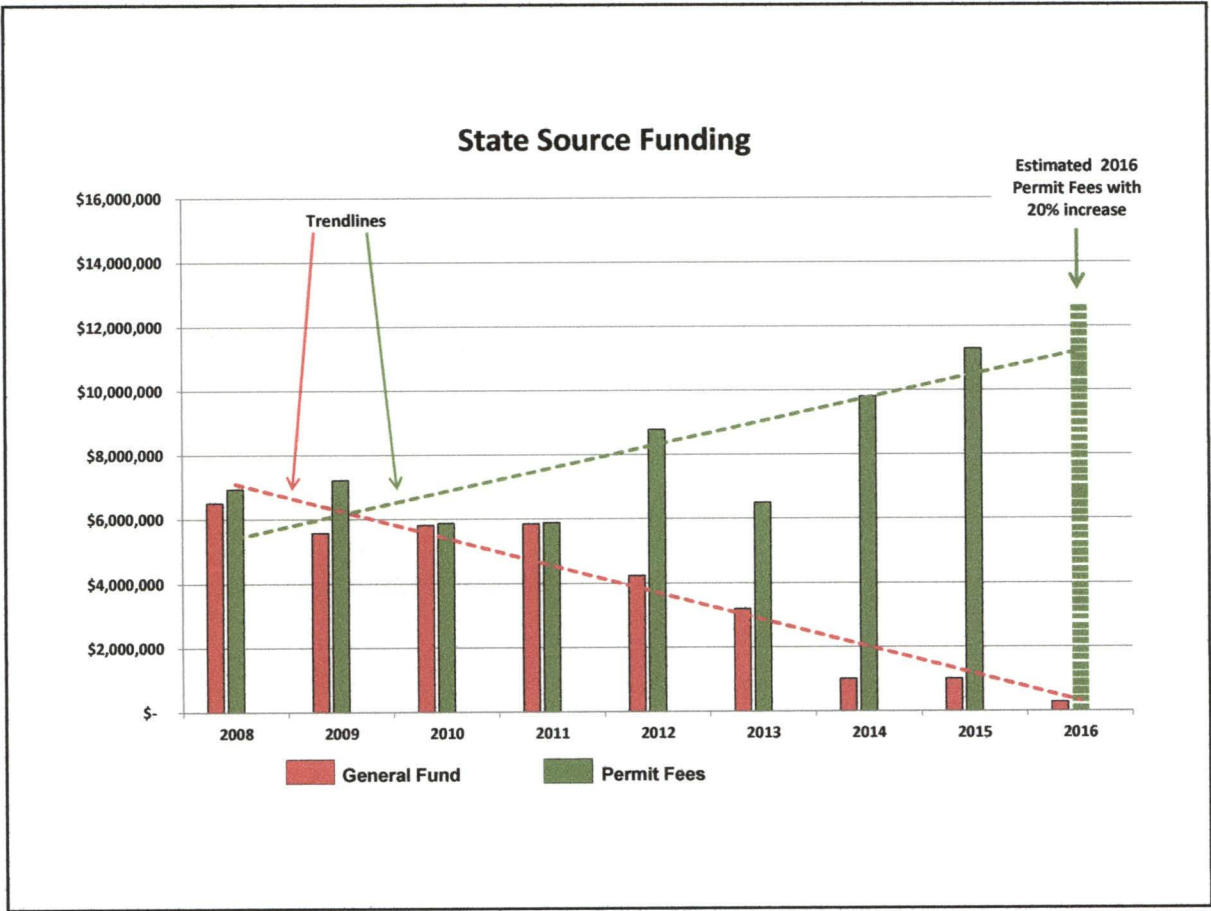
  
\_\_\_\_\_  
W. Scott Phillips, Vice Chair  
Environmental Management Commission  
Certified this 16th day of October 2015

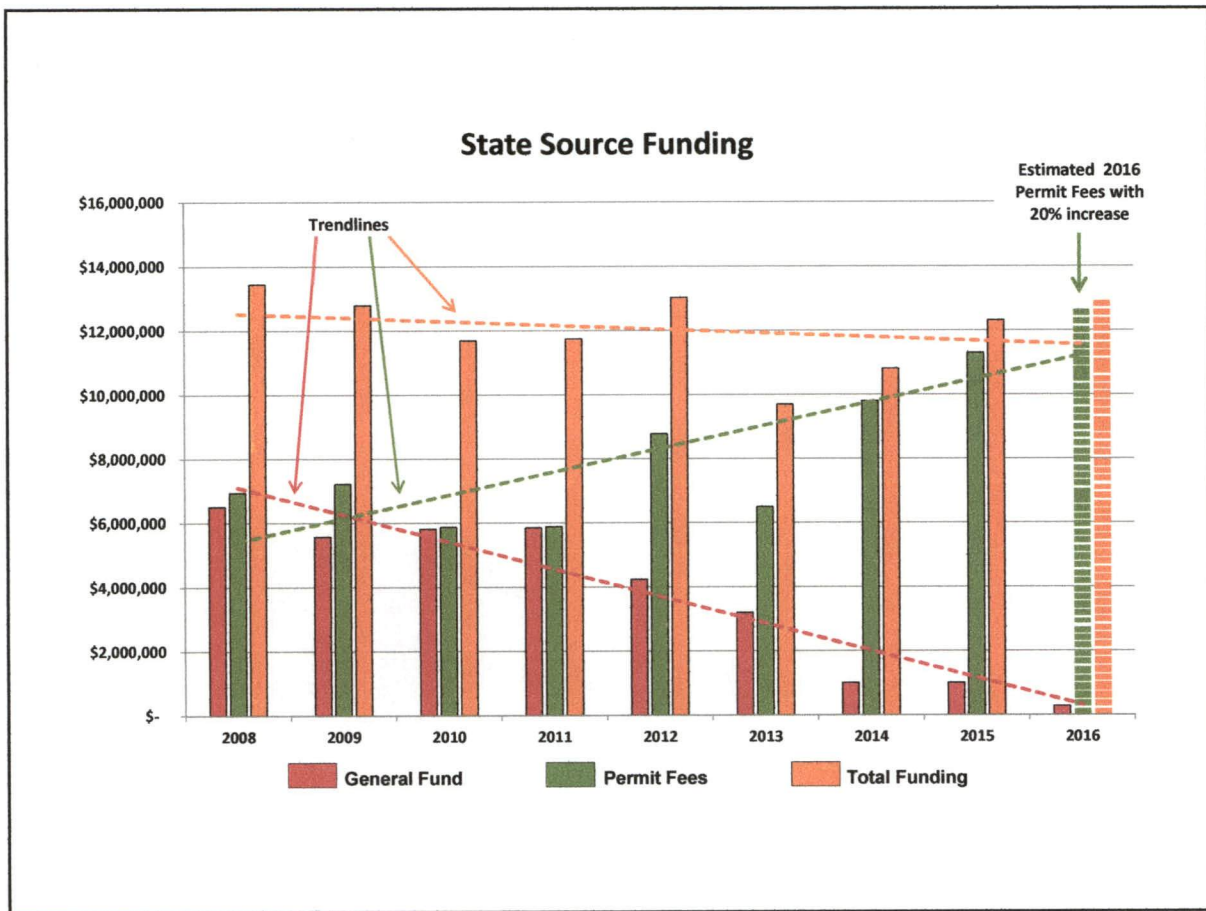


**Attachment 3**









**Attachment 4**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Approve a salary advance for Director LeFleur of two steps  
to Step 17 in Pay Grade 90, a per-year salary of \$160,440

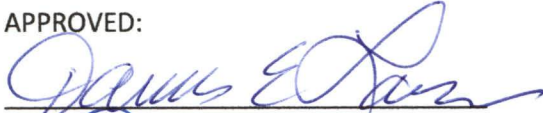
ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

IN WITNESS WHEREOF, we have affixed our signatures below on this 16th day of October 2015.

APPROVED:

  
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

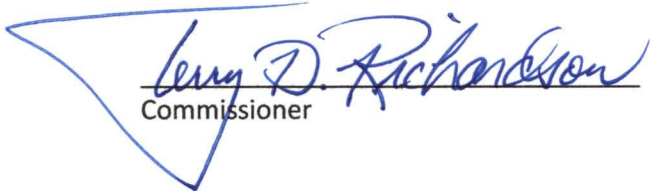
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner


DISAPPROVED:

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of October 2015.

  
\_\_\_\_\_  
W. Scott Phillips, Vice Chair  
Environmental Management Commission  
Certified this 16th day of October 2015

**Attachment 5**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Authorize the Personnel Committee Chair to meet with Director LeFleur  
and to execute a verification of understanding of the performance evaluation

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

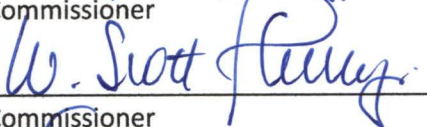
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

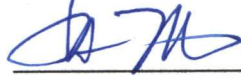
IN WITNESS WHEREOF, we have affixed our signatures below on this 16th day of October 2015.

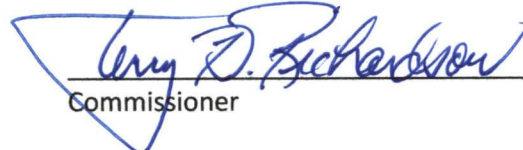
APPROVED:

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

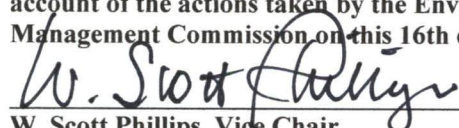
DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of October 2015.

  
\_\_\_\_\_  
W. Scott Phillips, Vice Chair  
Environmental Management Commission  
Certified this 16th day of October 2015

**Attachment 6**



**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-3 of the Department's Air Division – Air Pollution Control Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [rules 335-3-1-.02/Definitions (Amend); 335-3-5-.06/TR SO<sub>2</sub> Trading Program-Purpose and Definitions (New); 335-3-5-.07/TR SO<sub>2</sub> Trading Program-Applicability (New); 335-3-5-.08/TR SO<sub>2</sub> Trading Program-Retired Unit Exemption (New); 335-3-5-.09/TR SO<sub>2</sub> Trading Program-Standard Requirements (New); 335-3-5-.10/ TR SO<sub>2</sub> Trading Program-Computation of Time (New); 335-3-5-

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

.11/Administrative Appeal Procedures (New); 335-3-5-.12/ TR SO<sub>2</sub> Trading Budgets and Variability Limits (New); 335-3-5-.13/ TR SO<sub>2</sub> Allowance Allocations (New); 335-3-5-.14/Authorization of Designated Representative and Alternate Designated Representative (New); 335-3-5-.15/Responsibilities of Designated Representative and Alternate Designated Representative (New); 335-3-5-.16/Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (New); 335-3-5-.17/Certificate of Representation (New); 335-3-5-.18/Objections Concerning Designated Representative and Alternate Designated Representative (New); 335-3-5-.19/Delegation by Designated Representative and Alternate Designated Representative (New); 335-3-5-.20/Reserved (New); 335-3-5-.21/Establishment of Compliance Accounts, Assurance Accounts, and General Accounts (New); 335-3-5-.22/Recordation of TR SO<sub>2</sub> Allowance Allocations and Auction Results (New); 335-3-5-.23/Submission of TR SO<sub>2</sub> Allowance Transfers (New); 335-3-5-.24/Recordation of TR SO<sub>2</sub> Allowance Transfers (New); 335-3-5-.25/Compliance with TR SO<sub>2</sub> Emissions Limitation (New); 335-3-5-.26/Compliance with TR SO<sub>2</sub> Assurance Provisions (New); 335-3-5-.27/Banking (New); 335-3-5-.28/Account Error (New); 335-3-5-.29/Administrator's Action on Submissions (New); 335-3-5-.30/Reserved (New); 335-3-5-.31/General Monitoring, Recordkeeping, and Reporting Requirements (New); 335-3-5-.32/Initial Monitoring System Certification and Recertification Procedures (New); 335-3-5-.33/Monitoring System Out-of-Control Periods (New); 335-3-5-.34/Notifications Concerning Monitoring (New); 335-3-5-.35/Recordkeeping and Reporting (New); 335-3-5-.36/Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements (New); 335-3-8-.07/TR NO<sub>x</sub> Annual Trading Program-Purpose and Definitions (New); 335-3-8-.08/ TR NO<sub>x</sub> Annual Trading Program-Applicability (New); 335-3-8-.09/ TR NO<sub>x</sub> Annual Trading Program-Retired Unit Exemption (New); 335-3-8-.10/ TR NO<sub>x</sub> Annual Trading Program-Standard Requirements (New); 335-3-8-.11/ TR NO<sub>x</sub> Annual Trading Program-Computation of Time (New); 335-3-8-.12/Administrative Appeal Procedures (New); 335-3-8-.13/NO<sub>x</sub> Annual Trading Budgets and Variability Limits (New); 335-3-8-.14/ TR NO<sub>x</sub> Annual Allowance Allocations (New); 335-3-8-.16/Authorization of Designated Representative and Alternate Designated Representative (New); 335-3-8-.17/Responsibilities of Designated Representative and Alternate Designated Representative (New); 335-3-8-.18/Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (New); 335-3-8-.19/Certificate of Representation (New); 335-3-8-.20/Objections Concerning Designated Representative and Alternate Designated Representative (New);



**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

335-3-8-.21/Delegation by Designated Representative and Alternate Designated Representative (New); 335-3-8-.23/Establishment of Compliance Accounts, Assurance Accounts, and General Accounts (New); 335-3-8-.24/Recordation of TR NO<sub>x</sub> Annual Allowance Allocations and Auction Results (New); 335-3-8-.25/Submission of TR NO<sub>x</sub> annual Allowance Transfers (New); 335-3-8-.26/Recordation of TR NO<sub>x</sub> Annual Allowance Transfers (New); 335-3-8-.27/Compliance with TR NO<sub>x</sub> Annual Emissions Limitation (New); 335-3-8-.28/Compliance with TR NO<sub>x</sub> Annual Assurance Provisions (New); 335-3-8-.29/Banking (New); 335-3-8-.30/Account Error (New); 335-3-8-.31/Administrator's Action on Submissions (New); 335-3-8-.33/General Monitoring, Recordkeeping, and Reporting Requirements (New); 335-3-8-.34/Initial Monitoring System Certification and Recertification Procedures (New); 335-3-8-.35/Monitoring System Out-of-Control Periods (New); 335-3-8-.36/Notifications Concerning Monitoring (New); 335-3-8-.37/Recordkeeping and Reporting (New); 335-3-8-.38/Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements (New); 335-3-8-.39/ TR NO<sub>x</sub> Ozone Season Trading Program-Purpose and Definitions (New); 335-3-8-.40/ TR NO<sub>x</sub> Ozone Season Trading Program-Applicability (New); 335-3-8-.41/ TR NO<sub>x</sub> Ozone Season Trading Program-Retired Unit Exemption (New); 335-3-8-.42/ TR NO<sub>x</sub> Ozone Season Trading Program-Standard Requirements (New); 335-3-8-.43/ TR NO<sub>x</sub> Ozone Season Trading Program-Computation of Time (New); 335-3-8-.44/Administrative Appeal Procedures (New); 335-3-8-.45/NO<sub>x</sub> Ozone Season Trading Budgets and Variability Limits (New); 335-3-8-.46/ TR NO<sub>x</sub> Ozone Season Allowance Allocations (New); 335-3-8-.47/Reserved (New); 335-3-8-.48/Authorization of Designated Representative and Alternate Designated Representative (New); 335-3-8-.49/Responsibilities of Designated Representative and Alternate Designated Representative (New); 335-3-8-.50/Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (New); 335-3-8-.51/Certificate of Representation (New); 335-3-8-.52/Objections Concerning Designated Representative and Alternate Designated Representative (New); 335-3-8-.53/Delegation by Designated Representative and Alternate Designated Representative (New); 335-3-8-.54/Reserved (New); 335-3-8-.55/Establishment of Compliance Accounts, Assurance Accounts, and General Accounts (New); 335-3-8-.56/Recordation of TR NO<sub>x</sub> Ozone Season Allowance Allocations and Auction Results (New); 335-3-8-.57/Submission of TR NO<sub>x</sub> Ozone Season Allowance Transfers (New); 335-3-8-.58/Recordation of TR NO<sub>x</sub> Ozone Season Allowance Transfers (New); 335-3-8-.59/Compliance with TR NO<sub>x</sub> Ozone Season Emissions Limitation (New); 335-3-8-.60/Compliance with TR NO<sub>x</sub> Ozone Season Assurance Provisions (New); 335-3-8-



**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

.61/Banking (New); 335-3-8-.62/ TR NO<sub>x</sub> Ozone Season Trading Program-Account Error (New); 335-3-8-.63/ TR NO<sub>x</sub> Ozone Season Trading Program-Administrator's Action on Submissions (New); 335-3-8-.64/Reserved (New); 335-3-8-.65/General Monitoring, Recordkeeping, and Reporting Requirements (New); 335-3-8-.66/Initial Monitoring System Certification and Recertification Procedures (New); 335-3-8-.67/Monitoring System Out-of-Control Periods (New); 335-3-8-.68/Notifications Concerning Monitoring (New); 335-3-8-.69/Recordkeeping and Reporting (New); 335-3-8-.70/Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements (New); 335-3-10-.01/General (Amend); 335-3-10-.02/Designated Standards of Performance (Amend); 335-3-10-.03/Appendices to 40 CFR 60 (Amend); 335-3-11-.01/General (Amend); 335-3-11-.02/Designated Emission Standards (Amend); 335-3-11-.03/Appendices to 40 CFR 61 (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend); 335-3-11-.07/Appendices to 40 CFR 63 (Amend); 335-3-11A-.01/General (Amend); 335-3-11A-.02/Designated Emission Standards (Amend); 335-3 Appendix C/EPA Regulation Reference Documents for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (Amend)] of the Department's Air Division – Air Pollution Control Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-3 - Air Pollution Control Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 16th day of October 2015.

APPROVED:


DISAPPROVED:

_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINED:

_____	_____
-------	-------

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of October 2015.

W. Scott Phillips, Vice Chair  
Environmental Management Commission  
Certified this 16th day of October 2015