

12/14/12

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 19, 2012**

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 19, 2012.

A handwritten signature in black ink, reading "H. Lanier Brown, II". The signature is written in a cursive style and is positioned above a horizontal line.

H. Lanier Brown, II
Chair
Alabama Environmental Management Commission

Certified this 14th day of December 2012.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 19, 2012

Convened: 11:01 a.m.
Adjourned: 11:48 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachments 1 - 7

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 19, 2012
15 11:01 a.m.
16
17
18
19
20
21
22
23 Taken by: Victoria M. Castillo, CCR#17

Page 3

1 (The meeting begins at 11:01 a.m.)
2
3 DR. LESTER: At this time we
4 will convene our meeting because we do have
5 a quorum. Mr. Brown -- we don't know where
6 he -- he's somewhere between here and
7 Birmingham. And we do have a quorum on
8 this. Each commissioner has received the
9 minutes of the August 17th meeting.
10 I entertain a motion regarding
11 the minutes.
12 DR. MILLER: I move we
13 accept the minutes as presented.
14 DR. RICHARDSON: Second the
15 motion.
16 DR. LESTER: Motion and
17 second. All in favor say aye.
18 (All commissioners state aye)
19 DR. LESTER: All opposed?
20 (No response)
21 DR. LESTER: Our first item
22 of business is the election of the new
23 chair and new vice chair.

Page 2

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

Page 4

1 I've enjoyed these two years,
2 and nobody's served more than two years at
3 a time.
4 But -- so at this time I will
5 open up for nominations to the chair.
6 MR. PHILLIPS: I move we
7 elect Lanier Brown as chair.
8 MS. MERRITT: I second.
9 DR. RICHARDSON: I second.
10 DR. LESTER: All in favor?
11 (All commissioners state aye)
12 DR. LESTER: All opposed?
13 (No response)
14 DR. LESTER: Next item is
15 vice chair.
16 DR. RICHARDSON: I move to
17 elect Mr. Scott Phillips.
18 MS. MERRITT: I second.
19 DR. LESTER: Motion and
20 second. All in favor?
21 (All commissioners state aye)
22 DR. LESTER: All opposed?
23 (No response)

<p style="text-align: right;">Page 5</p> <p>1 DR. LESTER: Now since the 2 chairman's not here, the vice chairman will 3 take over. 4 VICE CHAIRMAN PHILLIPS: 5 That wasn't supposed to happen. 6 Thank you, Dr. Lester. First 7 I'd like to thank you for everything you've 8 done and all the help that you've provided 9 to this Commission and to the Department in 10 your loyal service for all these many 11 years, so thank you for that. 12 Agenda item three, report from 13 the director. 14 I just got a report through the 15 doorway here that Lanier Brown is on his 16 way, and he will be here in about 20 17 minutes. 18 DR. LESTER: We will be over 19 by then. 20 VICE CHAIRMAN PHILLIPS: The 21 traffic between here and Birmingham is not 22 always predictable. I well understand any 23 delays there.</p>	<p style="text-align: right;">Page 7</p> <p>1 commissioner because today we are 2 celebrating 30 years since the founding of 3 the Alabama Department of Environmental 4 Management. Dr. Lester has been a part of 5 the leadership that has guided the 6 Department for 18 years and counting of 7 those 30 years. 8 Dr. Lester, today is the day I 9 will try to summarize your extraordinary 10 contributions to this Commission. There is 11 no way I can do your legacy justice; 12 however, I hope those present will be able 13 to glean from my remarks at the end of this 14 report some idea of the true scope of your 15 impact, not only on this Department but the 16 state as a whole. 17 For the moment, suffice it for 18 me to offer my heartfelt personal thanks 19 for your leadership and friendship as I 20 first address the budget and offer updates 21 on some ongoing initiatives of note. 22 We are now entering a new fiscal 23 year, so I will give a quick recap of the</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. LeFLEUR: Good morning. 2 Welcome to all of you present for the first 3 meeting of six scheduled meetings of the 4 Alabama Department of Environmental 5 Management -- excuse me -- the Alabama 6 Environmental Management Commission for 7 fiscal year 2013. 8 Dr. Lester's and 9 Dr. Richardson's terms expired on September 10 30th, 2012. Governor Robert Bentley has 11 reappointed Dr. Richardson, and I look 12 forward to his continuing service. 13 Dr. Lester has served three 14 terms and is not eligible to be named for 15 an additional term. The governor has not 16 yet appointed anyone to fill the 17 chemist/veterinarian position. And 18 although I know we cannot keep Dr. Lester 19 for the long term, I am pleased he is 20 willing to serve until his replacement is 21 named. Thank you. 22 It's very appropriate that 23 Dr. Lester should be with us today as a</p>	<p style="text-align: right;">Page 8</p> <p>1 FY 2012 budget and then briefly address 2 fiscal year 2013 and 2014. The bulk of 3 this report will focus on updating you on 4 some of the Department's ongoing 5 initiatives, and then offering the first of 6 what will be several reports highlighting 7 departmental achievements during the last 8 30 years. 9 As a result of implementing 10 previously announced cost cutting measures, 11 the Department was able to close out fiscal 12 year 2012 within our downgraded budget. 13 This was possible in part by reducing head 14 count through attrition. 15 We start off FY 2013 with 595 16 employees, down from 610 in April of this 17 year, and a total allotted staff of 648. 18 The current head count is at or very near 19 the minimum baseline necessary to retain 20 federally delegated programs; therefore, we 21 do not anticipate additional reductions in 22 staffing. 23 New FY '13 comparison budget</p>

Page 9

1 numbers for all states have just become
2 available, and ADEM continues to rank 49th
3 in the amount of funding from nonfederal
4 sources on a per capita basis. Staffing
5 costs account for the bulk of departmental
6 expenditures, so it's easy to see how our
7 ranking of 49th in budget dollars
8 translates to low head count.

9 As noted in previous Commission
10 meetings, our FY '13 budget allocation is
11 at least one million dollars lower than the
12 minimum needed to meet our obligations to
13 maintain the primacy of our programs. To
14 make up the difference in FY '13, we have
15 just this week sold the Department's
16 surveillance aircraft for \$1.2 million.

17 The Department will continue to
18 cut costs wherever possible by introducing
19 new efficiencies and generally doing more
20 with less. At this point we are optimistic
21 that, barring any unforeseen cuts in the
22 Department's 2013 budget, ADEM will be able
23 to meet its obligations during this fiscal

Page 11

1 of water policy. As you are aware, at the
2 request of Governor Bentley, the Alabama
3 Water Agency's Working Group was formed, and
4 it is made up of the Office of Water
5 Resources, a division of ADECA; the Alabama
6 Department of Conservation and Natural
7 Resources; Geological Survey of Alabama;
8 Alabama Department of Agriculture and
9 Industry; and ADEM.

10 As reported in previous
11 Commission meetings, the Working Group
12 developed a report identifying Alabama
13 water use policy issues and made it
14 available to the public on the OWR and ADEM
15 Web sites. The document has also been
16 distributed to 231 entities identified as
17 possible interested parties.

18 The Working Group is now in the
19 midst of reaching out to those interested
20 parties who would like to have input in
21 shaping water policy in Alabama. The water
22 issues document is intended to generate
23 discussion, and the comments received will

Page 10

1 year.

2 We are continuing to move
3 forward in reaching out to impacted parties
4 regarding the anticipated 50 percent
5 increase in permit fees that will allow the
6 Department to obtain the minimum funding
7 necessary to maintain state control over
8 the water program for FY 2014.

9 We have met with many impacted
10 organizations to present the reasons for
11 the increase and the consequences of not
12 implementing the increase. Not
13 surprisingly, none are happy about the
14 situation. But to date, we have had no
15 indication that the regulated community
16 will object to implementation.

17 As previously noted, I
18 anticipate presenting a request to the
19 Commission for rulemaking not later than
20 June of 2013 to set the new permit fee
21 schedule.

22 I will now update you on some of
23 our ongoing initiatives. First, the issue

Page 12

1 provide important input to the development
2 of water policy and water legislation.

3 All comments received will be
4 weighed in developing statewide water
5 management plan recommendations to be
6 transmitted to the governor's office.

7 Specific comments on the Water Management
8 Issues in Alabama document can be provided
9 by letter, e-mail, or in person to any
10 member of the Alabama Water Agency's
11 Working Group.

12 Working Group member agencies
13 are available to meet the stakeholder
14 groups to discuss the report and receive
15 any input. We have suggested that members
16 of stakeholder groups develop consensus
17 within their respective organizations in
18 order to maximize the efficiency and impact
19 of their input.

20 If there are any parties in this
21 meeting today that would like to be heard
22 on this issue, we would be pleased to
23 provide the document and add you to our

Page 13

1 list.

2 The deadline for interested

3 parties to submit their comments is

4 November 1 of this year. Also, all

5 interested parties should be aware that

6 there is a Permanent Joint Legislative

7 Committee on Water Policy which has been

8 holding public meetings on water policy.

9 Attending those meetings is another way to

10 get additional information about water

11 policy in Alabama.

12 Another substantial ongoing

13 initiative is the comprehensive assessment

14 of solid waste management procedures in

15 Alabama. As previously reported, ADEM

16 selected Auburn University to oversee the

17 study in order to ensure an independent,

18 unbiased perspective on the current state

19 of Alabama's solid waste program.

20 Auburn University has been

21 conducting a series of meetings around the

22 state to gather input from the general

23 public as well as focused interest groups.

Page 15

1 2013 regular session.

2 One of the areas covered in the

3 study involves recycling. As called for in

4 the 2008 Solid Waste and Recyclable

5 Materials Act, every three years at this

6 time, following a review of the most

7 recent -- of the most current recycling

8 data available statewide, the Department

9 announces a statewide recycling goal.

10 The Department proposes to

11 retain the 25 percent goal currently in

12 place. This is an -- it is anticipated

13 that action recommendations resulting from

14 the study currently underway will assist in

15 the attainment of our statewide goal.

16 Next I will provide you an

17 update on two ongoing enforcement actions

18 by the Department that are receiving

19 considerable media attention. The first

20 involves a significant Mercaptan release.

21 The Department has been

22 overseeing the assessment and remediation

23 of that release in the Eight Mile area near

Page 14

1 To date, 11 of the planned 13

2 public meetings have been completed. All

3 the meetings are scheduled to be completed

4 before year end. The public is encouraged

5 to attend one of these meetings and submit

6 written comments.

7 Alabama -- or, excuse me --

8 Auburn has established a project Web site,

9 www.eng.auburn.edu/asws/, and a Facebook

10 page to provide pertinent information to

11 interested parties and provide additional

12 opportunities for input and discussion.

13 All comments received will be

14 compiled by Auburn into a report that will

15 be presented to ADEM early next year. This

16 final report will also include a list of

17 potential solid waste program enhancements

18 identified during the study project.

19 Following review of that -- of

20 the report and in consultation with the

21 Department of Public Health, the Department

22 will make its final recommendations to the

23 governor and the legislature following the

Page 16

1 Mobile. Mercaptan is the odorant added to

2 natural gas to aid in leak detection.

3 The Department has entered into

4 an investigation agreement with Mobile Gas

5 Service Corporation. On September 28th of

6 this year, pursuant to the terms of that

7 agreement, the Department approved a plan

8 for the next phase of investigation to

9 characterize the lateral and vertical

10 extent of the soil and groundwater

11 contamination and required measures to

12 mitigate the odor to be implemented within

13 14 days. Odor mitigation efforts are

14 underway.

15 In the meantime, the Alabama

16 Department of Public Health, ATSDR, and the

17 CDC are working together to conduct a

18 Health Study Consultation for the community

19 so they will be fully informed on the

20 nature and extent of any possible personal

21 health impacts.

22 The second enforcement action

23 receiving considerable public attention

Page 17

1 involves the bankrupt industrial wastewater
 2 treatment facility in Sylacauga, known as
 3 REEF, R-E-E-F. For year -- several years
 4 ADEM had pursued all administrative
 5 enforcement remedies available to the
 6 Department. Final court action is still
 7 pending. Bankruptcy of the operating
 8 company and unavailability of state funds
 9 have prevented site remediation.

10 Efforts to involve local elected
 11 officials, utility officials, industrial
 12 development groups, and other local
 13 entities in seeking a local solution were
 14 unsuccessful. With all other options
 15 exhausted, the Department, on October 1st,
 16 2012, requested federal assistance in the
 17 form of physical and financial resources,
 18 as well as federal enforcement authority,
 19 available solely to the Environmental
 20 Protection Agency.

21 EPA responded robustly. And
 22 working in partnership with ADEM, the
 23 hazardous gas buildup has now been

Page 19

1 Department, the Commission, and the people
 2 of Alabama can rightfully celebrate. A
 3 more comprehensive report showing 30 years
 4 of progress is being developed and will be
 5 available in the coming months.

6 Thirty years ago the Alabama
 7 Department of Environmental Management was
 8 formed by an act of the legislature when
 9 seven agencies, including the Air Pollution
 10 Control Commission, the Water Improvement
 11 Commission, and the Solid Waste Division of
 12 the Alabama Department of Public Health
 13 were combined into a single organization.

14 ADEM was organized in five
 15 divisions: Air, Water, Land, Field
 16 Operations -- which is our boots on the
 17 ground -- and Permits and Services, which
 18 includes IT, finance, and other services.

19 Today we will focus on a few of
 20 the accomplishments in the Air and Water
 21 arenas.

22 Please direct your attention to
 23 the monitor. These slides that I am about

Page 18

1 eliminated, the contents of the basins
 2 stabilized, and a remediation plan is in
 3 development.

4 A Unified Command Center has
 5 been established at the site with
 6 representatives of ADEM, EPA, and the
 7 Talladega County Emergency Management
 8 Agency.

9 Since those delivering waste to
 10 the facility have been unwilling to
 11 participate voluntarily, site cleanup
 12 activities will be undertaken utilizing EPA
 13 resources, and responsible parties will be
 14 pursued for contribution and reimbursement
 15 of up to three times the cost of the
 16 cleanup.

17 Switching gears, I will now
 18 present the first installment of a look
 19 back at the 30 years since ADEM was
 20 created. At this and future Commission
 21 meetings during the next year, I will
 22 highlight a few of the significant
 23 environmental accomplishments the

Page 20

1 to present will highlight some of the
 2 significant milestones achieved along the
 3 way in the past 30 years.

4 The citizens of Alabama have
 5 been the beneficiaries of these
 6 achievements. In some cases Alabama's
 7 success and innovation has prompted other
 8 states, and even EPA, to upgrade their
 9 activities or implement comparable
 10 programs.

11 Beginning with Air. In December
 12 2011 ADEM's air program was ranked by the
 13 Office of Inspector General, the federal
 14 watchdog agency, as the number one air
 15 program in the nation.

16 The map before you identifies
 17 those states that were in the top quartile
 18 in the nation, and our air program was
 19 obviously in the top quartile, along with
 20 those of much wealthier states.

21 If you can see Alabama on
 22 this -- this map, it's the light red
 23 designation for the top quartile.

Page 21

1 In 1982 there were 20 areas of
2 the state unable to meet the air quality
3 standards in place at that time. Since
4 1982, air quality standards have tightened
5 considerably, and there are only two areas
6 yet to achieve to new lower levels that
7 have been put in place. People in
8 Birmingham and other areas can see and, by
9 breathing, tell the difference.

10 In 1982 there were -- excuse
11 me -- in 1982 some 500 stack tests were
12 conducted, reviewed, or observed each year
13 to determine compliance with permit
14 conditions.

15 Stack tests are a measure of
16 enforcement activity. Today that number
17 has grown to 1,000 per year, and stacks
18 with the largest emissions are tested each
19 year.

20 On the regulatory side, several
21 important air initiatives have been
22 implemented in the last 30 years. Two of
23 the most important are with the Visible

Page 23

1 diesel engines to modern low emissions
2 diesel engines.

3 Moving now to Water. The map
4 before you compares the water programs in
5 all the states like the earlier slide
6 compared air programs. It shows the Office
7 of Inspector General ranking of all
8 states.

9 Although the water program was
10 not number one in the nation, like the --
11 like the air program, you can see the ADEM
12 Water Program is included in those states
13 that were in the top quartile in the
14 nation.

15 Once again, Alabama shares this
16 distinction which -- with much wealthier
17 states. At ADEM's inception 30 years ago,
18 there were no waters of the state that were
19 classified as either Outstanding Alabama
20 Waters or Outstanding National Resource
21 Waters.

22 These classifications both
23 recognize the existing high quality of the

Page 22

1 Emissions Training Program and the Regional
2 Haze Visibility Program.

3 The Visible Emissions Training,
4 affectionately called Smoke School, shown
5 in the photo certifies 400 operators and
6 inspectors each year. The Regional Haze
7 Visibility Program is a regional
8 initiative.

9 Alabama has a goal of reaching
10 visibility standards by 2018 and has met
11 them an impressive six years ahead of the
12 goal.

13 The Air Division has also
14 implemented several initiatives in the last
15 30 years that represent voluntary rather
16 than mandatory activities. Some examples
17 include the No Idling Campaign to encourage
18 shutting off internal combustion engines
19 rather than engaging in prolonged idling in
20 circumstances like school buses and parents
21 waiting for students at schools -- Air
22 Quality Forecasts that benefit those with
23 breathing disorders and converting old

Page 24

1 water and provide protections to maintain
2 the quality in the future. Much data
3 collection analysis and protection activity
4 is required to obtain these
5 classifications.

6 As you can see, these efforts
7 are paying off with more than 1,000 miles
8 of waterways and more than 5,000 acres of
9 water, receiving the highest
10 classifications available.

11 Likewise, at the lower end of
12 the scale, the number of miles of
13 watercourses with the lowest classification
14 has been cut from more than 700 miles to
15 about 140 miles, an 80 percent reduction.

16 In 1987 there were 30 drinking
17 water contaminants regulated, including
18 organic and inorganic chemicals, microbes,
19 and radionuclides. Today there are nearly
20 100 potential contaminants regulated.
21 Today's standards are much more
22 protective. The very high rate of 94
23 compliance with fewer contaminants in 1987

Page 25

1 is now even higher with 97 percent
2 compliance for nearly 100 contaminants.
3 Drinking water quality in
4 Alabama was high and continues to improve.
5 Like the Air Division, the Water Division
6 over the last 30 years has implemented
7 numerous initiatives not mandated by EPA.
8 These initiatives have improved
9 the quality of life for our citizens,
10 increased operating efficiencies for our
11 industry, and streamlined the regulatory
12 process.
13 Here are few examples. The
14 treasured lake -- excuse me -- The
15 Treasured Alabama Lake designation brings a
16 new incentive to preserve high quality
17 impounded waters. The Alabama Water
18 Optimization Program helps water utilities
19 deliver high quality drinking water at
20 lower cost.
21 The general permit program
22 provides an optional permitting process
23 that is convenient for the regulated

Page 26

1 community and at the same time sets higher
2 environmental standards.
3 Closing out the discussion of
4 the Water Division, I am pleased to make
5 you aware of two important recognitions
6 recently earned by the Water Division.
7 First, I'd like to recognize
8 Scott Ramsey, Chief of the Municipal
9 Section in our Water Division. The
10 American Academy -- if you would, come on
11 up, Scott. The American Academy of
12 Certified Public Managers awarded him
13 Alabama's first George C. Askew Award for
14 his exemplary work on a project, evaluating
15 the implementation of a mandatory
16 electronic discharge monitoring reporting
17 system. The award was presented -- was it
18 yesterday or day before yesterday?
19 MR. RAMSEY: Wednesday.
20 MR. LeFLEUR: -- at the
21 state capitol. Unlike the Nobel Prize,
22 there's no money that goes with it, but a
23 fine medal. And this is the first example

Page 27

1 of this award being awarded in the state,
2 and I congratulate you.
3 (Audience applause)
4 MR. LeFLEUR: Good job. The
5 second recognition is for the EPA Region 4
6 Excellence in Public Participation Award
7 awarded to the Water Quality Branch in the
8 Water Division. I won't read the two pages
9 describing the award and setting forth the
10 excellent work that earned recognition;
11 however, it involves both leading edge
12 science as well as involvement of those we
13 all serve, the citizens of Alabama.
14 The award is rarely given. EPA
15 representatives were unable or unsure of
16 the last time it was awarded. And this is
17 the first time Alabama has been recognized
18 in this matter -- this manner.
19 Lynn Sisk is our Water Quality
20 Branch Chief, and I congratulate him.
21 Lynn, are you here? There you are. Come
22 on up here. I congratulate him on behalf
23 and his staff for the fine work that

Page 28

1 they've done in receiving this award.
2 Once again, like the Nobel
3 Prize, we do not have any money associated
4 with it. But --
5 (Audience applause)
6 MR. LeFLEUR: Lynn will be
7 speaking with you a little later in the
8 agenda and presenting some regulation
9 updates that were developed as a result of
10 this public involvement.
11 My final slide, in 1982 when
12 ADEM was created, regulatory efforts were
13 focused on the largest potential sources of
14 pollution. Efforts to control discharges
15 from those sources have met with
16 considerable success.
17 This has allowed the Department
18 to focus on ever smaller sources of
19 potential pollution. In 1982 power plants,
20 paper mills, chemical manufacturers were
21 front and center. Today discharges from
22 such additional sources as gas stations,
23 dry cleaners, construction sites, and

Page 29

1 pesticide applicators are now controlled.
2 Much has improved over the last
3 30 years in the air and water arenas. High
4 performance continues. This 30th
5 anniversary year provides an opportunity to
6 highlight the progress. Let me now close
7 my remarks with an attempt to recognize the
8 tremendous contributions made by Dr. Lester
9 to the Department, the Commission, and the
10 people of Alabama.
11 This may embarrass you a little
12 bit, Dr. Lester, but please bear with me.
13 John Howard Lester, D.V.M, began his
14 service in the chemist/veterinarian
15 position on the Alabama Environmental
16 Management Commission with his appointment
17 in 1994 by Governor Jim Folsom.
18 Both succeeding governors
19 reappointed Dr. Lester for additional
20 six-year terms in 2001 and 2006, and he is
21 the longest serving member in the history
22 of the Commission.
23 In addition to his service on

Page 31

1 directors. I can attest that he has been
2 supportive of the directors of ADEM, its
3 managers, and its staff, often expressing
4 his gratitude for their efforts.
5 Dr. Lester has been instrumental
6 in the adoption of rules and regulations
7 protective of the health and environment of
8 Alabama. Among these are: Tightening of
9 cancer risk levels in the water quality
10 regulations; revisions and additions to
11 water quality stream classifications,
12 including the establishment of the
13 Treasured Lake -- Treasured Alabama Lake
14 special designation; development of rules
15 and regulations as well as funding for
16 scrap tire cleanup and recycling;
17 establishing trust fund programs pertaining
18 to dry cleaning operations, underground
19 storage tanks, solid waste recycling, and
20 drinking water; revisions to air rules and
21 regulations, including those regulating
22 acid rain, ozone, fine particles, and other
23 air pollutants; revision and addition of

Page 30

1 the Commission, Dr. Lester practiced
2 veterinary medicine for 47 years at the
3 Lester & Donaldson Veterinary Hospital in
4 Enterprise, Alabama.
5 He also served as President of
6 the Enterprise City Council for 20 years.
7 During his span of 18 years on the
8 Commission, Dr. Lester has been a leader on
9 the Commission, having served twice as
10 chair and once as vice-chair.
11 His recurring role of making
12 sure the trains run on time has contributed
13 in no small way to the Department's many
14 successes during this time.
15 Dr. Lester played an integral
16 part in helping the Commission carry out
17 its duties of managing the Director of the
18 Alabama Department of Environmental
19 Management -- me -- promulgating rules, and
20 hearing appeals.
21 During his 18-year tenure,
22 Dr. Lester has been directly involved in
23 the hiring and managing of five ADEM

Page 32

1 rules and regulations regarding water
2 discharge permits, among them enhanced
3 oversight of concentrated animal feeding
4 operations; and revisions to regulations to
5 provide adequate funding of ADEM
6 operations.
7 Through Commission resolutions,
8 Dr. Lester has sponsored expressions of
9 gratitude to legislators for enacting the
10 Scrap Tire Management Program and abating
11 taxes to ensure that brownfield -- to
12 encourage brownfield redevelopment.
13 He has also encouraged the
14 legislature to reauthorize funding for the
15 Forever Wild program. On his watch, all
16 areas of the state which were designated as
17 nonattainment for ozone and fine
18 particulates reduced concentrations to
19 attainment levels.
20 As part of his service on the
21 Commission, Dr. Lester, along with his
22 fellow commissioners, acted upon appeals of
23 ADEM's permit issuance, administrative

Page 33

1 orders, and regulations.
2 Among the most courageous
3 actions was the one to uphold the issuance
4 of air and hazardous waste permits for the
5 incineration of chemical munitions at the
6 Anniston Army Depot, which, though
7 stridently opposed by activist groups,
8 resulted in the safe and thorough
9 destruction of more than 600,000 deadly
10 chemical weapons, and thereby dramatically
11 improving and making safer the environment
12 in the state of Alabama.
13 During his term of service, ADEM
14 was able to move from spread-out inadequate
15 offices and laboratory facilities at
16 multiple sites in Montgomery to modern,
17 efficient facilities at a single site,
18 which we enjoy here today.
19 Throughout his 18 years of
20 service, Dr. Lester has consistently
21 demonstrated his dedication to the
22 Commission and ADEM and his concern for the
23 environments and the -- the environment and

Page 34

1 the citizens of Alabama.
2 These thoughts have been set out
3 in the form of a commendation from the
4 governor of Alabama, and I'm pleased to
5 present you with that document on behalf of
6 a grateful state.
7 I won't ask you to -- to walk
8 around here, but if you would like to,
9 certainly --
10 The commendation is by the
11 governor of the state of Alabama. It's a
12 very long commendation for a very long and
13 fruitful career. And I congratulate you.
14 (Audience applause)
15 DR. LESTER: Looking around
16 to see who he was talking about -- that no
17 one can do this by themselves. I've got a
18 good Commission and we got a good
19 director. The day we hired Lance, he left
20 Montgomery that very day and went to Mobile
21 for the BP cleanup. That was his first day
22 on the job. Got that pretty well coming
23 under control, then we had the tornado in

Page 35

1 Tuscaloosa, which he had to split our folks
2 up and send them there. And then we -- at
3 the same time we had a big oil spill up in
4 north Alabama. So he got his feet on the
5 ground in a hurry. So without him as our
6 leadership now, his staff -- office
7 staff -- see if any of them are in here --
8 but anyway, his office staff
9 departmentheads -- he has my philosophy on
10 it. Hire good departmentheads and let them
11 do the job. No micromanagement.
12 Plus, in turn, right now we're
13 doing the reduction of employees. We're
14 down to I think 591, or something like
15 that, and every one of them served this
16 Commission, served Alabama every day. No
17 exceptions. Robert --
18 MR. LeFLEUR: Dr. Lester, I
19 hate to interrupt you, but this is an honor
20 for you, not for me.
21 DR. LESTER: Well, it's all
22 of you-all. And without Robert to keep us
23 out of trouble on the legal side, I don't

Page 36

1 know where we'd be. Because if we have a
2 problem, we get Robert and he tell us which
3 way we can go and what we can't do.
4 And the number one helper is
5 Debi Thomas. Debi has been here since the
6 beginning of the whole thing, and she has
7 helped me for the 18 years --
8 (Dr. Brown enters the room.)
9 DR. LESTER: -- thousands of
10 e-mails, phone calls, anything, and I
11 have -- like, Lance, we have a problem.
12 I'd pick up the phone and call either one
13 of them, and they'd just like that we get
14 help and results. So without all of
15 you-all, I couldn't have done anything.
16 MR. LeFLEUR:
17 Congratulations.
18 (Audience applause)
19 DR. LESTER: I'm glad we've
20 got Chairman Brown, which we elected to
21 do --
22 CHAIRMAN BROWN: Doesn't pay
23 to be late. I apologize, everyone. I was

Page 37

1 working in Mississippi the last couple of
2 days, and I've been driving since the crack
3 of dawn.
4 DR. LESTER: And a lot of
5 highway construction.
6 CHAIRMAN BROWN: And a lot
7 of construction.
8 MR. LeFLEUR: You've been
9 elected chairman in your absence. I'm
10 confident I speak for his fellow
11 commissioners and the employees of the
12 Department in saying it's been a privilege
13 to know and work with Dr. Lester.
14 Once again, let me close my
15 remarks with thanks to you for your service
16 to the state and for allowing me to serve
17 the State in this capacity. And I will be
18 pleased to answer any questions that you
19 may have.
20 VICE CHAIRMAN PHILLIPS:
21 Thank you, Director. Do any of the
22 commissioners have questions for Lance?
23 (No response)

Page 38

1 VICE CHAIRMAN PHILLIPS:
2 Thank you. And, Dr. Lester, as if that
3 weren't enough, in walks the new chairman
4 and it's my pleasure to turn over agenda
5 item number four, which is a report from
6 the commission chair, so that he can tell
7 you that we have something for you also.
8 CHAIRMAN BROWN: We have --
9 we have a resolution which reads, Whereas,
10 John Howard Lester, D.V.M, completed 18
11 years of service as a member of the Alabama
12 Environmental Management Commission in the
13 chemist/veterinarian position as of October
14 1st, 2012 and will continue to serve until
15 the new member is appointed to this
16 position; and, whereas, his leadership
17 abilities were recognized by his election
18 as vice-chair of the Commission in October
19 2009, the position he held until October
20 2010, and as chair of the Commission for
21 two terms, spanning from October 2010 to
22 October 2012; and, whereas, his personable
23 and caring manner and steadfast dedication

Page 39

1 to his service on the Commission will be
2 greatly missed by his fellow commissioners,
3 the Commission's legal counsel and
4 assistant, leadership and staff of the
5 Alabama Department of Environmental
6 Management, and many within the
7 governmental, regulated, and environmental
8 communities, now therefore be it resolved
9 that the Environmental Management
10 Commission expresses gratitude to John
11 Howard Lester, D.V.M, for his significant
12 contribution to a better environment and an
13 improved quality of life for the citizens
14 of Alabama. Done this, the 19th day of
15 October 2012.
16 VICE CHAIRMAN PHILLIPS: It
17 is with great pleasure that I make a motion
18 that we accept this.
19 MS. MERRITT: And I second.
20 CHAIRMAN BROWN: All in
21 favor?
22 (All commissioners state aye)
23 CHAIRMAN BROWN: All

Page 40

1 opposed?
2 (No response)
3 CHAIRMAN BROWN: Motion
4 passes. Resolution passes.
5 (Audience applause)
6 CHAIRMAN BROWN: I guess you
7 can tell that as a lawyer going to court
8 all the time, I can't talk without
9 standing.
10 Next on the agenda is the
11 consideration of the adoption of proposed
12 amendments to ADEM Administrative Code
13 Division 335-1, General Admission
14 Regulations.
15 I guess we will hear from the
16 Department.
17 MR. KELLY: Good morning,
18 Mr. Chairman, members of the Commission.
19 I'm Russell Kelly, Chief of the Permits and
20 Services Division. Before you today is
21 consideration of the proposed revisions to
22 Administrative Code 335-1, Departmental
23 Forms, Instructions, and Procedures.

Page 41

1 The Department proposes to
2 delete one form, add five new forms, and
3 modify 29 existing forms. Changes are
4 needed in order to comply to the state and
5 federal law.
6 We published notice July 31st,
7 2012 and held a public hearing on September
8 17th, 2012. And during the hearing and
9 comment period, we received no comments.
10 We respectfully request your
11 favorable consideration of the proposed
12 rules, and I yield for any questions.
13 CHAIRMAN BROWN: Anybody
14 have any questions?
15 (No response)
16 VICE CHAIRMAN PHILLIPS: I
17 move we accept the proposed rule.
18 DR. MILLER: Second.
19 CHAIRMAN BROWN: All in
20 favor?
21 (All commissioners state aye)
22 CHAIRMAN BROWN: Any
23 opposed?

Page 43

1 In addition, the Department
2 proposed to add the Public Water Supply use
3 classification to a segment of Clear Creek
4 within Smith Lake in the Black Warrior
5 River basin in Chapter 335-6-11-.02.
6 On September 17th, 2012 a public
7 hearing was held to receive data, views,
8 and comments from interested persons
9 regarding the proposed revisions. Written
10 comments were accepted any time during the
11 public comment period, which extended from
12 July 31st through September 17th, 2012.
13 During the comment period, the
14 Department received written comments from
15 two individuals or organizations. At the
16 hearing on September 17th, 2012 no written
17 or oral testimony was received.
18 One commenter requested that the
19 Department reconsider the proposed addition
20 of Swimming and Other Whole Body Water-
21 Contact Sports use classification to the
22 Warrior River from Warrior Lock and Dam to
23 Oliver Lock and Dam.

Page 42

1 (No response)
2 CHAIRMAN BROWN: Motion
3 passes.
4 Next on the agenda is the
5 consideration of adopted proposed
6 amendments to Administrative Code 335-6,
7 Water Quality Program Regulations.
8 We will hear from the
9 Department.
10 MR. SISK: Honorable Chair
11 and members of the Commission, I am Lynn
12 Sisk and I'm Chief of the Water Quality
13 Branch in the Water Division.
14 You have before you the complete
15 hearing record for the proposed changes to
16 the Water Quality Program regulations. In
17 July of this year the Department initiated
18 the rulemaking process to add the Swimming
19 and Other Whole Body Water-Contact Sports
20 use classification to six segments of the
21 Coosa River basin and 15 segments in the
22 Black Warrior River basin in Chapter
23 335-6-11-.02.

Page 44

1 Based on ADEM Administrative
2 Code Regulation 335-6-10-.09, paragraph
3 three describing the best usage of waters
4 to which this classification will be
5 applied, the Department has withdrawn the
6 proposal to add the Swimming and Other
7 Whole Body Water-Contact Sports use
8 classification to this segment.
9 The second comment received was
10 unrelated to the proposed changes. As
11 discussed in the reconciliation statement,
12 the Department requested that the
13 Commission adopt the proposed revisions as
14 presented to you today.
15 And I will be happy to address
16 any questions the Commission may have.
17 CHAIRMAN BROWN: Any
18 questions?
19 DR. RICHARDSON: Question:
20 Would you share with us what it was about
21 that the comment particularly pointed out
22 that ADEM took the position initially of
23 including those designations, but after

Page 45

1 seeing that comment decided to remove those
2 designations?
3 MR. SISK: Right. As
4 originally proposed or when that
5 classification was originally proposed, the
6 Department failed to consider the language
7 at that site that I mentioned a while ago,
8 335-6-11-.09 that says the Commission will
9 not apply the Swimming and Other Whole Body
10 Water-Contact Sports classification where
11 there are point sourced discharges or
12 wastewater discharges.
13 And so when we went back and
14 looked at that segment, there were a number
15 of discharges that go directly into there.
16 And so in order to be compliant with that
17 particular portion of the regulations, we
18 are withdrawing that proposed segment.
19 DR. RICHARDSON: Thank you.
20 CHAIRMAN BROWN: Any other
21 questions, comments?
22 VICE CHAIRMAN PHILLIPS: I
23 move we accept the proposed regulations.

Page 46

1 DR. RICHARDSON: Second.
2 CHAIRMAN BROWN: All in
3 favor?
4 (All commissioners state aye)
5 CHAIRMAN BROWN: All
6 opposed?
7 (No response)
8 CHAIRMAN BROWN: Next on the
9 agenda is consideration of adoption of the
10 addition of proposed new chapter of the
11 Administrative Code, Chapter 335-11-12,
12 Drinking Water State Revolving Fund Program
13 regulations and repeal of Chapter 335-7-13.
14 We will hear from the
15 Department.
16 MR. KELLY: Morning again.
17 Before you now is the consideration of the
18 repeal of Administrative Code 335-7-13 and
19 establishment of Chapter 335-11-2, Drinking
20 Water State Revolving Fund Program.
21 The new chapter will make the
22 Drinking Water SRF Program more consistent
23 with how the Clean Water SRF is operated

Page 47

1 and allow for the full range of
2 eligibilities under the new federal rules.
3 Notice was published July 31st,
4 2012. The public hearing was held
5 September 17th, '12. During the comment
6 period in the public hearing, no comments
7 were received.
8 Again, we respectfully ask your
9 favorable consideration of the proposed
10 rule, and I yield for any questions.
11 CHAIRMAN BROWN: Any
12 questions, comments?
13 (No response)
14 VICE CHAIRMAN PHILLIPS: I
15 move that we accept.
16 DR. MILLER: Second.
17 CHAIRMAN BROWN: All in
18 favor?
19 (All commissioners state aye)
20 CHAIRMAN BROWN: All
21 opposed?
22 (No response)
23 CHAIRMAN BROWN: Motion

Page 48

1 passes.
2 MR. KELLY: Thank you,
3 Mr. Chairman.
4 CHAIRMAN BROWN: Now, is
5 there any other business to be taken up?
6 (No response)
7 CHAIRMAN BROWN: I think our
8 next -- when is our next meeting?
9 MS. THOMAS: We have
10 December 14th.
11 CHAIRMAN BROWN: December
12 14th, 11:00, right here would be our next
13 meeting.
14 And unless anybody has -- we
15 will adjourn and have a public comment
16 meeting.
17 VICE CHAIRMAN PHILLIPS: I
18 move that we adjourn and move to public
19 comments.
20 MS. MERRITT: Second.
21 CHAIRMAN BROWN: All in
22 favor?
23 (All commissioners state aye)

1 CHAIRMAN BROWN: All
2 opposed?
3 (No response)
4 CHAIRMAN BROWN: Meeting
5 adjourned.
6 (The meeting concluded at 11:48 a.m.)
7 *****
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23

1 STATE OF ALABAMA)
2 COUNTY OF MONTGOMERY)
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5 proceedings were taken down by me and
6 transcribed by me using computer-aided
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10 I further certify that I am
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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.
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22 VICTORIA CASTILLO, ACCR #17, 9/30/13
23 FREELANCE COURT REPORTER

1 STATE OF ALABAMA)
2 COUNTY OF MONTGOMERY)

3

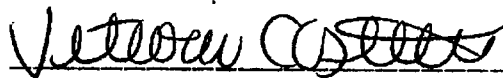
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5 proceedings were taken down by me and
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15 by the Alabama Board of Court Reporting as
16 a Certified Court Reporter as evidenced by
17 the ACCR number following my name found
18 below.

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VICTORIA CASTILLO, ACCR #17, 9/30/13

23

FREELANCE COURT REPORTER

	29:23;31:23;43:1,19; 46:10	14,18;21:2,4,21;22:13, 21;23:6,11;25:5;29:3; 31:20,23;33:4	36:18;40:5	17:18
\$	additional (6)	aircraft (1)	applicators (1)	available (8)
\$1.2 (1) 9:16	6:15;8:21;13:10; 14:11;28:22;29:19	9:16	29:1	9:2;11:14;12:13; 15:8;17:5,19;19:5; 24:10
*	additions (1)	Alabama (43)	apply (1)	Award (7)
***** (1)	31:10	6:4,5;7:3;11:2,5,7,8, 12,21;12:8,10;13:11, 15;14:7;16:15;19:2,6, 12;20:4,21;22:9;23:15, 19;25:4,15,17;27:13, 17;29:10,15;30:4,18; 31:8,13;33:12;34:1,4, 11;35:4,16;38:11;39:5, 14	45:9	26:13,17;27:1,6,9, 14;28:1
49:7	address (3)	Alabama's (3)	appointed (2)	awarded (4)
A	7:20;8:1;44:15	13:19;20:6;26:13	6:16;38:15	awarded (4)
abating (1)	ADECA (1)	allocation (1)	appointment (1)	aware (3)
32:10	11:5	9:10	29:16	aye (9)
abilities (1)	ADEM (21)	allotted (1)	appropriate (1)	11:1;13:5;26:5
38:17	9:2,22;11:9,14; 13:15;14:15;17:4,22; 18:6,19;19:14;23:11; 28:12;30:23;31:2;32:5; 33:13,22;40:12;44:1, 22	8:17	6:22	3:17,18;4:11,21; 39:22;41:21;46:4; 47:19;48:23
able (4)	ADEM's (3)	allow (2)	approved (1)	
7:12;8:11;9:22; 33:14	20:12;23:17;32:23	10:5;47:1	16:7	
absence (1)	adequate (1)	allowed (1)	April (1)	
37:9	32:5	28:17	8:16	
Academy (2)	adjourn (2)	allowing (1)	area (1)	B
26:10,11	48:15,18	37:16	15:23	back (2)
accept (5)	adjourned (1)	along (3)	areas (5)	18:19;45:13
3:13;39:18;41:17; 45:23;47:15	49:5	20:2,19;32:21	15:2;21:1,5,8;32:16	bankrupt (1)
accepted (1)	administrative (8)	although (2)	arenas (2)	17:1
43:10	17:4;32:23;40:12,22; 42:6;44:1;46:11,18	6:18;23:9	19:21;29:3	Bankruptcy (1)
accomplishments (2)	Admission (1)	always (1)	Army (1)	17:7
18:23;19:20	40:13	5:22	33:6	barring (1)
account (1)	adopt (1)	amendments (2)	around (3)	9:21
9:5	44:13	40:12;42:6	13:21;34:8,15	Based (1)
achieve (1)	adopted (1)	American (2)	Askew (1)	44:1
21:6	42:5	26:10,11	26:13	baseline (1)
achieved (1)	adoption (3)	Among (3)	assessment (2)	8:19
20:2	31:6;40:11;46:9	31:8;32:2;33:2	13:13;15:22	basin (3)
achievements (2)	affectionately (1)	amount (1)	assist (1)	42:21,22;43:5
8:7;20:6	22:4	9:3	15:14	basins (1)
acid (1)	again (5)	analysis (1)	assistance (1)	18:1
31:22	23:15;28:2;37:14; 46:16;47:8	24:3	17:16	basis (1)
acres (1)	agencies (2)	animal (1)	assistant (1)	9:4
24:8	12:12;19:9	32:3	39:4	bear (1)
Act (2)	Agency (3)	Anniston (1)	associated (1)	29:12
15:5;19:8	17:20;18:8;20:14	33:6	28:3	become (1)
acted (1)	Agency's (2)	anniversary (1)	ATSDR (1)	9:1
32:22	11:3;12:10	29:5	16:16	began (1)
action (3)	Agenda (6)	announced (1)	attainment (2)	29:13
15:13;16:22;17:6	5:12;28:8;38:4; 40:10;42:4;46:9	8:10	15:15;32:19	Beginning (2)
actions (2)	ago (3)	announces (1)	attempt (1)	20:11;36:6
15:17;33:3	19:6;23:17;45:7	15:9	29:7	begins (1)
activist (1)	agreement (2)	anticipate (2)	attend (1)	3:1
33:7	16:4,7	8:21;10:18	14:5	behalf (2)
activities (3)	Agriculture (1)	anticipated (2)	Attending (1)	27:22;34:5
18:12;20:9;22:16	11:8	10:4;15:12	13:9	beneficiaries (1)
activity (2)	ahead (1)	apologize (1)	attention (3)	20:5
21:16;24:3	22:11	36:23	15:19;16:23;19:22	benefit (1)
add (5)	aid (1)	appeals (2)	attest (1)	22:22
12:23;41:2;42:18; 43:2;44:6	16:2	30:20;32:22	31:1	Bentley (2)
added (1)	Air (19)	applause (5)	attrition (1)	6:10;11:2
16:1	19:9,15,20;20:11,12,	27:3;28:5;34:14;	8:14	best (1)
addition (5)			Auburn (4)	44:3
			13:16,20;14:8,14	better (1)
			Audience (5)	39:12
			27:3;28:5;34:14; 36:18;40:5	big (1)
			August (1)	35:3
			3:9	Birmingham (3)
			authority (1)	3:7;5:21;21:8

<p>bit (1) 29:12</p> <p>Black (2) 42:22;43:4</p> <p>Body (4) 42:19;43:20;44:7; 45:9</p> <p>boots (1) 19:16</p> <p>both (3) 23:22;27:11;29:18</p> <p>BP (1) 34:21</p> <p>Branch (3) 27:7,20;42:13</p> <p>breathing (2) 21:9;22:23</p> <p>briefly (1) 8:1</p> <p>brings (1) 25:15</p> <p>Brown (31) 3:5;4:7;5:15;36:8,20, 22;37:6;38:8;39:20,23; 40:3,6;41:13,19,22; 42:2;44:17;45:20;46:2, 5,8;47:11,17,20,23; 48:4,7,11,21;49:1,4</p> <p>brownfield (2) 32:11,12</p> <p>budget (7) 7:20;8:1,12,23;9:7, 10,22</p> <p>buildup (1) 17:23</p> <p>bulk (2) 8:2;9:5</p> <p>buses (1) 22:20</p> <p>business (2) 3:22;48:5</p>	<p>capitol (1) 26:21</p> <p>career (1) 34:13</p> <p>caring (1) 38:23</p> <p>carry (1) 30:16</p> <p>cases (1) 20:6</p> <p>CDC (1) 16:17</p> <p>celebrate (1) 19:2</p> <p>celebrating (1) 7:2</p> <p>Center (2) 18:4;28:21</p> <p>certainly (1) 34:9</p> <p>Certified (1) 26:12</p> <p>certifies (1) 22:5</p> <p>chair (9) 3:23,23;4:5,7,15; 30:10;38:6,20;42:10</p> <p>chairman (41) 5:2,4,20;36:20,22; 37:6,9,20;38:1,3,8; 39:16,20,23;40:3,6,18; 41:13,16,19,22;42:2; 44:17;45:20,22;46:2,5, 8;47:11,14,17,20,23; 48:3,4,7,11,17,21;49:1, 4</p> <p>chairman's (1) 5:2</p> <p>Changes (3) 41:3;42:15;44:10</p> <p>Chapter (7) 42:22;43:5;46:10,11, 13,19,21</p> <p>characterize (1) 16:9</p> <p>chemical (3) 28:20;33:5,10</p> <p>chemicals (1) 24:18</p> <p>chemist/veterinarian (3) 6:17;29:14;38:13</p> <p>Chief (4) 26:8;27:20;40:19; 42:12</p> <p>circumstances (1) 22:20</p> <p>citizens (5) 20:4;25:9;27:13; 34:1;39:13</p> <p>City (1) 30:6</p> <p>classification (8) 24:13;42:20;43:3,21;</p>	<p>44:4,8;45:5,10</p> <p>classifications (4) 23:22;24:5,10;31:11</p> <p>classified (1) 23:19</p> <p>Clean (1) 46:23</p> <p>cleaners (1) 28:23</p> <p>cleaning (1) 31:18</p> <p>cleanup (4) 18:11,16;31:16; 34:21</p> <p>Clear (1) 43:3</p> <p>close (3) 8:11;29:6;37:14</p> <p>Closing (1) 26:3</p> <p>Code (6) 40:12,22;42:6;44:2; 46:11,18</p> <p>collection (1) 24:3</p> <p>combined (1) 19:13</p> <p>combustion (1) 22:18</p> <p>coming (2) 19:5;34:22</p> <p>Command (1) 18:4</p> <p>commendation (3) 34:3,10,12</p> <p>comment (8) 41:9;43:11,13;44:9, 21;45:1;47:5;48:15</p> <p>commenter (1) 43:18</p> <p>comments (14) 11:23;12:3,7;13:3; 14:6,13;41:9;43:8,10, 14;45:21;47:6,12; 48:19</p> <p>Commission (33) 5:9;6:6;7:10;9:9; 10:19;11:11;18:20; 19:1,10,11;29:9,16,22; 30:1,8,9,16;32:7,21; 33:22;34:18;35:16; 38:6,12,18,20;39:1,10; 40:18;42:11;44:13,16; 45:8</p> <p>commissioner (2) 3:8;7:1</p> <p>commissioners (12) 3:18;4:11,21;32:22; 37:11,22;39:2,22; 41:21;46:4;47:19; 48:23</p> <p>Commission's (1) 39:3</p>	<p>Committee (1) 13:7</p> <p>communities (1) 39:8</p> <p>community (3) 10:15;16:18;26:1</p> <p>company (1) 17:8</p> <p>comparable (1) 20:9</p> <p>compared (1) 23:6</p> <p>compares (1) 23:4</p> <p>comparison (1) 8:23</p> <p>compiled (1) 14:14</p> <p>complete (1) 42:14</p> <p>completed (3) 14:2,3;38:10</p> <p>compliance (3) 21:13;24:23;25:2</p> <p>compliant (1) 45:16</p> <p>comply (1) 41:4</p> <p>comprehensive (2) 13:13;19:3</p> <p>concentrated (1) 32:3</p> <p>concentrations (1) 32:18</p> <p>concern (1) 33:22</p> <p>concluded (1) 49:6</p> <p>conditions (1) 21:14</p> <p>conduct (1) 16:17</p> <p>conducted (1) 21:12</p> <p>conducting (1) 13:21</p> <p>confident (1) 37:10</p> <p>congratulate (4) 27:2,20,22;34:13</p> <p>Congratulations (1) 36:17</p> <p>consensus (1) 12:16</p> <p>consequences (1) 10:11</p> <p>Conservation (1) 11:6</p> <p>consider (1) 45:6</p> <p>considerable (3) 15:19;16:23;28:16</p> <p>considerably (1) 21:5</p>	<p>consideration (7) 40:11,21;41:11;42:5; 46:9,17;47:9</p> <p>consistent (1) 46:22</p> <p>consistently (1) 33:20</p> <p>construction (3) 28:23;37:5,7</p> <p>consultation (2) 14:20;16:18</p> <p>Contact (1) 43:21</p> <p>contaminants (4) 24:17,20,23;25:2</p> <p>contamination (1) 16:11</p> <p>contents (1) 18:1</p> <p>continue (2) 9:17;38:14</p> <p>continues (3) 9:2;25:4;29:4</p> <p>continuing (2) 6:12;10:2</p> <p>contributed (1) 30:12</p> <p>contribution (2) 18:14;39:12</p> <p>contributions (2) 7:10;29:8</p> <p>control (4) 10:7;19:10;28:14; 34:23</p> <p>controlled (1) 29:1</p> <p>convene (1) 3:4</p> <p>convenient (1) 25:23</p> <p>converting (1) 22:23</p> <p>Coosa (1) 42:21</p> <p>Corporation (1) 16:5</p> <p>cost (3) 8:10;18:15;25:20</p> <p>costs (2) 9:5,18</p> <p>Council (1) 30:6</p> <p>counsel (1) 39:3</p> <p>count (3) 8:14,18;9:8</p> <p>counting (1) 7:6</p> <p>County (1) 18:7</p> <p>couple (1) 37:1</p>
C				
<p>call (1) 36:12</p> <p>called (2) 15:3;22:4</p> <p>calls (1) 36:10</p> <p>Campaign (1) 22:17</p> <p>can (12) 7:11;12:8;19:2; 20:21;21:8;23:11;24:6; 31:1;34:17;36:3;38:6; 40:7</p> <p>cancer (1) 31:9</p> <p>capacity (1) 37:17</p> <p>capita (1) 9:4</p>	<p>classification (8) 24:13;42:20;43:3,21;</p>	<p>Commission's (1) 39:3</p>	<p>couple (1) 37:1</p>	

<p>courageous (1) 33:2</p> <p>court (2) 17:6;40:7</p> <p>covered (1) 15:2</p> <p>crack (1) 37:2</p> <p>created (2) 18:20;28:12</p> <p>Creek (1) 43:3</p> <p>current (3) 8:18;13:18;15:7</p> <p>currently (2) 15:11,14</p> <p>cut (2) 9:18;24:14</p> <p>cuts (1) 9:21</p> <p>cutting (1) 8:10</p>	<p>5:9;6:4;7:3,6,15; 8:11;9:17;10:6;11:6,8; 14:21,21;15:8,10,18, 21;16:3,7,16;17:6,15; 19:1,7,12;28:17;29:9; 30:18;37:12;39:5; 40:16;41:1;42:9,17; 43:1,14,19;44:5,12; 45:6,46:15</p> <p>departmental (3) 8:7;9:5;40:22</p> <p>departmentheads (2) 35:9,10</p> <p>Department's (4) 8:4;9:15,22;30:13</p> <p>Depot (1) 33:6</p> <p>describing (2) 27:9;44:3</p> <p>designated (1) 32:16</p> <p>designation (3) 20:23;25:15;31:14</p> <p>designations (2) 44:23;45:2</p> <p>destruction (1) 33:9</p> <p>detection (1) 16:2</p> <p>determine (1) 21:13</p> <p>develop (1) 12:16</p> <p>developed (3) 11:12;19:4;28:9</p> <p>developing (1) 12:4</p> <p>development (4) 12:1;17:12;18:3; 31:14</p> <p>diesel (2) 23:1,2</p> <p>difference (2) 9:14;21:9</p> <p>direct (1) 19:22</p> <p>directly (2) 30:22;45:15</p> <p>director (4) 5:13;30:17;34:19; 37:21</p> <p>directors (2) 31:1,2</p> <p>discharge (2) 26:16;32:2</p> <p>discharges (5) 28:14,21;45:11,12, 15</p> <p>discuss (1) 12:14</p> <p>discussed (1) 44:11</p> <p>discussion (3)</p>	<p>11:23;14:12;26:3</p> <p>disorders (1) 22:23</p> <p>distinction (1) 23:16</p> <p>distributed (1) 11:16</p> <p>division (12) 11:5;19:11;22:13; 25:5,5;26:4,6,9;27:8; 40:13,20;42:13</p> <p>divisions (1) 19:15</p> <p>document (5) 11:15,22;12:8,23; 34:5</p> <p>dollars (2) 9:7,11</p> <p>Donaldson (1) 30:3</p> <p>done (4) 5:8;28:1;36:15; 39:14</p> <p>doorway (1) 5:15</p> <p>down (2) 8:16;35:14</p> <p>downgraded (1) 8:12</p> <p>DR (49) 3:3,12,14,16,19,21; 4:9,10,12,14,16,19,22; 5:1,6,18;6:8,9,11,13, 18,23;7:4,8;29:8,12,19; 20:1,8,15,22;31:5;32:8, 21;33:20;34:15;35:18, 21;36:8,9,19;37:4,13; 38:2;41:18;44:19; 45:19;46:1;47:16</p> <p>dramatically (1) 33:10</p> <p>drinking (7) 24:16;25:3,19;31:20; 46:12,19,22</p> <p>driving (1) 37:2</p> <p>dry (2) 28:23;31:18</p> <p>during (12) 8:7;9:23;14:18; 18:21;30:7,14,21; 33:13;41:8;43:10,13; 47:5</p> <p>duties (1) 30:17</p> <p>DVM (3) 29:13;38:10;39:11</p>	<p>14:15</p> <p>earned (2) 26:6;27:10</p> <p>easy (1) 9:6</p> <p>edge (1) 27:11</p> <p>efficiencies (2) 9:19;25:10</p> <p>efficiency (1) 12:18</p> <p>efficient (1) 33:17</p> <p>efforts (6) 16:13;17:10;24:6; 28:12,14;31:4</p> <p>Eight (1) 15:23</p> <p>either (2) 23:19;36:12</p> <p>elect (2) 4:7,17</p> <p>elected (3) 17:10;36:20;37:9</p> <p>election (2) 3:22;38:17</p> <p>electronic (1) 26:16</p> <p>eligibilities (1) 47:2</p> <p>eligible (1) 6:14</p> <p>eliminated (1) 18:1</p> <p>e-mail (1) 12:9</p> <p>e-mails (1) 36:10</p> <p>embarrass (1) 29:11</p> <p>Emergency (1) 18:7</p> <p>emissions (4) 21:18;22:1,3;23:1</p> <p>employees (3) 8:16;35:13;37:11</p> <p>enacting (1) 32:9</p> <p>encourage (2) 22:17;32:12</p> <p>encouraged (2) 14:4;32:13</p> <p>end (3) 7:13;14:4;24:11</p> <p>enforcement (5) 15:17;16:22;17:5,18; 21:16</p> <p>engaging (1) 22:19</p> <p>engines (3) 22:18;23:1,2</p> <p>enhanced (1) 32:2</p>	<p>enhancements (1) 14:17</p> <p>enjoy (1) 33:18</p> <p>enjoyed (1) 4:1</p> <p>enough (1) 38:3</p> <p>ensure (2) 13:17;32:11</p> <p>entered (1) 16:3</p> <p>entering (1) 7:22</p> <p>Enterprise (2) 30:4,6</p> <p>enters (1) 36:8</p> <p>entertain (1) 3:10</p> <p>entities (2) 11:16;17:13</p> <p>environment (4) 31:7;33:11,23;39:12</p> <p>Environmental (13) 6:4,6;7:3;17:19; 18:23;19:7;26:2;29:15; 30:18;38:12;39:5,7,9</p> <p>environments (1) 33:23</p> <p>EPA (7) 17:21;18:6,12;20:8; 25:7;27:5,14</p> <p>established (2) 14:8;18:5</p> <p>establishing (1) 31:17</p> <p>establishment (2) 31:12;46:19</p> <p>evaluating (1) 26:14</p> <p>even (2) 20:8;25:1</p> <p>everyone (1) 36:23</p> <p>example (1) 26:23</p> <p>examples (2) 22:16;25:13</p> <p>Excellence (1) 27:6</p> <p>excellent (1) 27:10</p> <p>exceptions (1) 35:17</p> <p>excuse (4) 6:5;14:7;21:10; 25:14</p> <p>exemplary (1) 26:14</p> <p>exhausted (1) 17:15</p> <p>existing (2)</p>
D				
<p>Dam (2) 43:22,23</p> <p>data (3) 15:8;24:2;43:7</p> <p>date (2) 10:14;14:1</p> <p>dawn (1) 37:3</p> <p>day (7) 7:8;26:18;34:19,20, 21;35:16;39:14</p> <p>days (2) 16:13;37:2</p> <p>deadline (1) 13:2</p> <p>deadly (1) 33:9</p> <p>Debi (2) 36:5,5</p> <p>December (3) 20:11;48:10,11</p> <p>decided (1) 45:1</p> <p>dedication (2) 33:21;38:23</p> <p>delays (1) 5:23</p> <p>delegated (1) 8:20</p> <p>delete (1) 41:2</p> <p>deliver (1) 25:19</p> <p>delivering (1) 18:9</p> <p>demonstrated (1) 33:21</p> <p>Department (40)</p>	<p>designating (1) 20:23;25:15;31:14</p> <p>designations (2) 44:23;45:2</p> <p>destruction (1) 33:9</p> <p>detection (1) 16:2</p> <p>determine (1) 21:13</p> <p>develop (1) 12:16</p> <p>developed (3) 11:12;19:4;28:9</p> <p>developing (1) 12:4</p> <p>development (4) 12:1;17:12;18:3; 31:14</p> <p>diesel (2) 23:1,2</p> <p>difference (2) 9:14;21:9</p> <p>direct (1) 19:22</p> <p>directly (2) 30:22;45:15</p> <p>director (4) 5:13;30:17;34:19; 37:21</p> <p>directors (2) 31:1,2</p> <p>discharge (2) 26:16;32:2</p> <p>discharges (5) 28:14,21;45:11,12, 15</p> <p>discuss (1) 12:14</p> <p>discussed (1) 44:11</p> <p>discussion (3)</p>	<p>earlier (1) 23:5</p> <p>early (1)</p>	E	

23:23;41:3 expenditures (1) 9:6 expired (1) 6:9 expresses (1) 39:10 expressing (1) 31:3 expressions (1) 32:8 extended (1) 43:11 extent (2) 16:10,20 extraordinary (1) 7:9	fine (4) 26:23;27:23;31:22; 32:17 first (13) 3:21;5:6;6:2;7:20; 8:5;10:23;15:19;18:18; 26:7,13,23;27:17; 34:21 fiscal (5) 6:7;7:22;8:2,11;9:23 five (3) 19:14;30:23;41:2 focus (3) 8:3;19:19;28:18 focused (2) 13:23;28:13 folks (1) 35:1 Following (3) 14:19,23;15:6 Folsom (1) 29:17 Forecasts (1) 22:22 Forever (1) 32:15 form (3) 17:17;34:3;41:2 formed (2) 11:3;19:8 Forms (3) 40:23;41:2,3 forth (1) 27:9 forward (2) 6:12;10:3 founding (1) 7:2 four (1) 38:5 friendship (1) 7:19 front (1) 28:21 fruitful (1) 34:13 full (1) 47:1 fully (1) 16:19 fund (3) 31:17;46:12,20 funding (5) 9:3;10:6;31:15;32:5, 14 funds (1) 17:8 future (2) 18:20;24:2 FY (6) 8:1,15,23;9:10,14; 10:8	G gas (4) 16:2,4;17:23;28:22 gather (1) 13:22 gears (1) 18:17 general (5) 13:22;20:13;23:7; 25:21;40:13 generally (1) 9:19 generate (1) 11:22 Geological (1) 11:7 George (1) 26:13 given (1) 27:14 glad (1) 36:19 glean (1) 7:13 goal (5) 15:9,11,15;22:9,12 goes (1) 26:22 Good (6) 6:1;27:4;34:18,18; 35:10;40:17 governmental (1) 39:7 Governor (7) 6:10,15;11:2;14:23; 29:17;34:4,11 governors (1) 29:18 governor's (1) 12:6 grateful (1) 34:6 gratitude (3) 31:4;32:9;39:10 great (1) 39:17 greatly (1) 39:2 ground (2) 19:17;35:5 groundwater (1) 16:10 Group (5) 11:3,11,18;12:11,12 groups (5) 12:14,16;13:23; 17:12;33:7 grown (1) 21:17 guess (2) 40:6,15	guided (1) 7:5 H happen (1) 5:5 happy (2) 10:13;44:15 hate (1) 35:19 hazardous (2) 17:23;33:4 Haze (2) 22:2,6 head (3) 8:13,18;9:8 Health (6) 14:21;16:16,18,21; 19:12;31:7 hear (3) 40:15;42:8;46:14 heard (1) 12:21 hearing (8) 30:20;41:7,8;42:15; 43:7,16;47:4,6 heartfelt (1) 7:18 held (4) 38:19;41:7;43:7; 47:4 help (2) 5:8;36:14 helped (1) 36:7 helper (1) 36:4 helping (1) 30:16 helps (1) 25:18 high (6) 23:23;24:22;25:4,16, 19;29:3 higher (2) 25:1;26:1 highest (1) 24:9 highlight (3) 18:22;20:1;29:6 highlighting (1) 8:6 highway (1) 37:5 Hire (1) 35:10 hired (1) 34:19 hiring (1) 30:23 history (1) 29:21	holding (1) 13:8 honor (1) 35:19 Honorable (1) 42:10 hope (1) 7:12 Hospital (1) 30:3 Howard (3) 29:13;38:10;39:11 hurry (1) 35:5 I idea (1) 7:14 identified (2) 11:16;14:18 identifies (1) 20:16 identifying (1) 11:12 Idling (2) 22:17,19 impact (2) 7:15;12:18 impacted (2) 10:3,9 impacts (1) 16:21 implement (1) 20:9 implementation (2) 10:16;26:15 implemented (4) 16:12;21:22;22:14; 25:6 implementing (2) 8:9;10:12 important (4) 12:1;21:21,23;26:5 impounded (1) 25:17 impressive (1) 22:11 improve (1) 25:4 improved (3) 25:8;29:2;39:13 Improvement (1) 19:10 improving (1) 33:11 inadequate (1) 33:14 incentive (1) 25:16 inception (1) 23:17 incineration (1)
F Facebook (1) 14:9 facilities (2) 33:15,17 facility (2) 17:2;18:10 failed (1) 45:6 favor (8) 3:17;4:10,20;39:21; 41:20;46:3;47:18; 48:22 favorable (2) 41:11;47:9 federal (5) 17:16,18;20:13;41:5; 47:2 federally (1) 8:20 fee (1) 10:20 feeding (1) 32:3 fees (1) 10:5 feet (1) 35:4 fellow (3) 32:22;37:10;39:2 few (3) 18:22;19:19;25:13 fewer (1) 24:23 Field (1) 19:15 fill (1) 6:16 final (4) 14:16,22;17:6;28:11 finance (1) 19:18 financial (1) 17:17				

<p>33:5 include (2) 14:16;22:17 included (1) 23:12 includes (1) 19:18 including (5) 19:9;24:17;31:12,21; 44:23 increase (3) 10:5,11,12 increased (1) 25:10 independent (1) 13:17 indication (1) 10:15 individuals (1) 43:15 industrial (2) 17:1,11 Industry (2) 11:9;25:11 information (2) 13:10;14:10 informed (1) 16:19 initially (1) 44:22 initiated (1) 42:17 initiative (2) 13:13;22:8 initiatives (7) 7:21;8:5;10:23; 21:21;22:14;25:7,8 innovation (1) 20:7 inorganic (1) 24:18 input (6) 11:20;12:1,15,19; 13:22;14:12 Inspector (2) 20:13;23:7 inspectors (1) 22:6 installment (1) 18:18 Instructions (1) 40:23 instrumental (1) 31:5 integral (1) 30:15 intended (1) 11:22 interest (1) 13:23 interested (6) 11:17,19;13:2,5; 14:11;43:8</p>	<p>internal (1) 22:18 interrupt (1) 35:19 into (4) 14:14;16:3;19:13; 45:15 introducing (1) 9:18 investigation (2) 16:4,8 involve (1) 17:10 involved (1) 30:22 involvement (2) 27:12;28:10 involves (4) 15:3,20;17:1;27:11 issuance (2) 32:23;33:3 issue (2) 10:23;12:22 issues (3) 11:13,22;12:8 item (4) 3:21;4:14;5:12;38:5</p> <p style="text-align: center;">J</p> <p>Jim (1) 29:17 job (3) 27:4;34:22;35:11 John (3) 29:13;38:10;39:10 Joint (1) 13:6 July (4) 41:6;42:17;43:12; 47:3 June (1) 10:20 justice (1) 7:11</p> <p style="text-align: center;">K</p> <p>keep (2) 6:18;35:22 KELLY (4) 40:17,19;46:16;48:2 known (1) 17:2</p> <p style="text-align: center;">L</p> <p>laboratory (1) 33:15 lake (5) 25:14,15;31:13,13; 43:4 Lance (3)</p>	<p>34:19;36:11;37:22 Land (1) 19:15 language (1) 45:6 Lanier (2) 4:7;5:15 largest (2) 21:18;28:13 last (7) 8:7;21:22;22:14; 25:6;27:16;29:2;37:1 late (1) 36:23 later (2) 10:19;28:7 lateral (1) 16:9 law (1) 41:5 lawyer (1) 40:7 leader (1) 30:8 leadership (5) 7:5,19;35:6;38:16; 39:4 leading (1) 27:11 leak (1) 16:2 least (1) 9:11 LeFLEUR (7) 6:1;26:20;27:4;28:6; 35:18;36:16;37:8 left (1) 34:19 legacy (1) 7:11 legal (2) 35:23;39:3 legislation (1) 12:2 Legislative (1) 13:6 legislators (1) 32:9 legislature (3) 14:23;19:8;32:14 less (1) 9:20 LESTER (40) 3:3,16,19,21;4:10,12, 14,19,22;5:1,6,18;6:13, 18,23;7:4,8;29:8,12,13, 19;30:1,3,8,15,22;31:5; 32:8,21;33:20;34:15; 35:18,21;36:9,19;37:4, 13;38:2,10;39:11 Lester's (1) 6:8 letter (1)</p>	<p>12:9 levels (3) 21:6;31:9;32:19 life (2) 25:9;39:13 light (1) 20:22 Likewise (1) 24:11 list (2) 13:1;14:16 little (2) 28:7;29:11 local (3) 17:10,12,13 Lock (2) 43:22,23 long (3) 6:19;34:12,12 longest (1) 29:21 look (2) 6:11;18:18 looked (1) 45:14 Looking (1) 34:15 lot (2) 37:4,6 low (2) 9:8;23:1 lower (4) 9:11;21:6;24:11; 25:20 lowest (1) 24:13 loyal (1) 5:10 Lynn (4) 27:19,21;28:6;42:11</p> <p style="text-align: center;">M</p> <p>maintain (3) 9:13;10:7;24:1 making (2) 30:11;33:11 Management (14) 6:5,6;7:4;12:5,7; 13:14;18:7;19:7;29:16; 30:19;32:10;38:12; 39:6,9 Managers (2) 26:12;31:3 managing (2) 30:17,23 mandated (1) 25:7 mandatory (2) 22:16;26:15 manner (2) 27:18;38:23 manufacturers (1)</p>	<p>28:20 many (4) 5:10;10:9;30:13; 39:6 map (3) 20:16,22;23:3 Materials (1) 15:5 matter (1) 27:18 maximize (1) 12:18 may (3) 29:11;37:19;44:16 meantime (1) 16:15 measure (1) 21:15 measures (2) 8:10;16:11 medal (1) 26:23 media (1) 15:19 medicine (1) 30:2 meet (4) 9:12,23;12:13;21:2 meeting (10) 3:1,4,9;6:3;12:21; 48:8,13,16;49:4,6 meetings (10) 6:3,9;10:11;11:13,8, 9,21;14:2,3,5;18:21 member (5) 12:10,12;29:21; 38:11,15 members (3) 12:15;40:18;42:11 mentioned (1) 45:7 Mercaptan (2) 15:20;16:1 MERRITT (4) 4:8,18;39:19;48:20 met (3) 10:9;22:10;28:15 microbes (1) 24:18 micromanagement (1) 35:11 midst (1) 11:19 Mile (1) 15:23 miles (4) 24:7,12,14,15 milestones (1) 20:2 MILLER (3) 3:12;41:18;47:16 million (2) 9:11,16</p>
---	--	--	---	---

mills (1) 28:20	20:15,18;23:10,14	10:6;24:4	9:20	particles (1) 31:22
minimum (3) 8:19;9:12;10:6	National (1) 23:20	obviously (1) 20:19	Optimization (1) 25:18	particular (1) 45:17
minutes (4) 3:9,11,13;5:17	Natural (2) 11:6;16:2	October (7) 17:15;38:13,18,19, 21,22;39:15	optional (1) 25:22	particularly (1) 44:21
missed (1) 39:2	nature (1) 16:20	odor (2) 16:12,13	options (1) 17:14	particulates (1) 32:18
Mississippi (1) 37:1	near (2) 8:18;15:23	odorant (1) 16:1	oral (1) 43:17	parties (8) 10:3;11:17,20;12:20; 13:3,5;14:11;18:13
mitigate (1) 16:12	nearly (2) 24:19;25:2	off (3) 8:15;22:18;24:7	order (4) 12:18;13:17;41:4; 45:16	partnership (1) 17:22
mitigation (1) 16:13	necessary (2) 8:19;10:7	offer (2) 7:18,20	orders (1) 33:1	passes (4) 40:4,4;42:3;48:1
Mobile (3) 16:1,4;34:20	needed (2) 9:12;41:4	offering (1) 8:5	organic (1) 24:18	past (1) 20:3
modern (2) 23:1;33:16	new (14) 3:22,23;7:22;8:23; 9:19;10:20;21:6;25:16; 38:3,15;41:2;46:10,21; 47:2	Office (6) 11:4;12:6;20:13; 23:6;35:6,8	organization (1) 19:13	pay (1) 36:22
modify (1) 41:3	Next (11) 4:14;14:15;15:16; 16:8;18:21;40:10;42:4; 46:8;48:8,8,12	offices (1) 33:15	organizations (3) 10:10;12:17;43:15	paying (1) 24:7
moment (1) 7:17	none (1) 10:13	officials (2) 17:11,11	organized (1) 19:14	pending (1) 17:7
money (2) 26:22;28:3	Nobel (2) 26:21;28:2	often (1) 31:3	originally (2) 45:4,5	people (3) 19:1;21:7;29:10
monitor (1) 19:23	nobody's (1) 4:2	oil (1) 35:3	out (8) 8:11;10:3;11:19; 26:3;30:16;34:2;35:23; 44:21	per (2) 9:4;21:17
monitoring (1) 26:16	nominations (1) 4:5	old (1) 22:23	Outstanding (2) 23:19,20	percent (4) 10:4;15:11;24:15; 25:1
Montgomery (2) 33:16;34:20	nonattainment (1) 32:17	Oliver (1) 43:23	over (6) 5:3,18;10:7;25:6; 29:2;38:4	performance (1) 29:4
months (1) 19:5	none (1) 10:13	Once (4) 23:15;28:2;30:10; 37:14	oversee (1) 13:16	period (4) 41:9;43:11,13;47:6
more (9) 4:2;9:19;19:3;24:7,8, 14,21;33:9;46:22	nonfederal (1) 9:3	one (12) 9:11;14:5;15:2; 20:14;23:10;33:3; 34:17;35:15;36:4,12; 41:2;43:18	overseeing (1) 15:22	Permanent (1) 13:6
morning (3) 6:1;40:17;46:16	north (1) 35:4	ongoing (5) 7:21;8:4;10:23; 13:12;15:17	oversight (1) 32:3	permit (5) 10:5,20;21:13;25:21; 32:23
most (4) 15:6,7;21:23;33:2	note (1) 7:21	only (2) 7:15;21:5	OWR (1) 11:14	Permits (4) 19:17;32:2;33:4; 40:19
motion (8) 3:10,15,16;4:19; 39:17;40:3;42:2;47:23	noted (2) 9:9;10:17	open (1) 4:5	ozone (2) 31:22;32:17	permitting (1) 25:22
move (10) 3:12;4:6,16;10:2; 33:14;41:17;45:23; 47:15;48:18,18	notice (2) 41:6;47:3	operated (1) 46:23	page (1) 14:10	person (1) 12:9
Moving (1) 23:3	November (1) 13:4	operating (2) 17:7;25:10	pages (1) 27:8	personable (1) 38:22
much (5) 20:20;23:16;24:2,21; 29:2	number (7) 20:14;21:16;23:10; 24:12;36:4;38:5;45:14	Operations (4) 19:16;31:18;32:4,6	paper (1) 28:20	personal (2) 7:18;16:20
multiple (1) 33:16	numbers (1) 9:1	operators (1) 22:5	paragraph (1) 44:2	persons (1) 43:8
Municipal (1) 26:8	numerous (1) 25:7	opportunities (1) 14:12	parents (1) 22:20	perspective (1) 13:18
munitions (1) 33:5	O	opportunity (1) 29:5	part (4) 7:4;8:13;30:16; 32:20	pertaining (1) 31:17
N	object (1) 10:16	opposed (9) 3:19;4:12,22;33:7; 40:1;41:23;46:6;47:21; 49:2	participate (1) 18:11	pertinent (1) 14:10
named (2) 6:14,21	obligations (2) 9:12,23	optimistic (1)	Participation (1) 27:6	pesticide (1) 29:1
nation (4)	observed (1) 21:12			phase (1) 16:8
	obtain (2)			PHILLIPS (11)

4:6,17;5:4,20;37:20; 38:1;39:16;41:16; 45:22;47:14;48:17	presented (4) 3:13;14:15;26:17; 44:14	provide (7) 12:1,23;14:10,11; 15:16;24:1;32:5	38:9	27:5
philosophy (1) 35:9	presenting (2) 10:18;28:8	provided (2) 5:8;12:8	reappointed (2) 6:11;29:19	Regional (3) 22:1,6,7
phone (2) 36:10,12	preserve (1) 25:16	provides (2) 25:22;29:5	reasons (1) 10:10	regular (1) 15:1
photo (1) 22:5	President (1) 30:5	public (20) 11:14;13:8,23;14:2, 4,21;16:16,23;19:12; 26:12;27:6;28:10;41:7; 43:2,6,11;47:4,6;48:15, 18	reauthorize (1) 32:14	regulated (5) 10:15;24:17,20; 25:23;39:7
physical (1) 17:17	pretty (1) 34:22	published (2) 41:6;47:3	recap (1) 7:23	regulating (1) 31:21
pick (1) 36:12	prevented (1) 17:9	pursuant (1) 16:6	receive (2) 12:14;43:7	regulation (2) 28:8;44:2
place (3) 15:12;21:3,7	previous (2) 9:9;11:10	pursued (2) 17:4;18:14	received (9) 3:8;11:23;12:3; 14:13;41:9;43:14,17; 44:9;47:7	regulations (13) 31:6,10,15,21;32:1, 4;33:1;40:14;42:7,16; 45:17,23;46:13
plan (3) 12:5;16:7;18:2	previously (3) 8:10;10:17;13:15	put (1) 21:7	receiving (4) 15:18;16:23;24:9; 28:1	regulatory (3) 21:20;25:11;28:12
planned (1) 14:1	primacy (1) 9:13		recent (1) 15:7	reimbursement (1) 18:14
plants (1) 28:19	privilege (1) 37:12	Q	recently (1) 26:6	release (2) 15:20,23
played (1) 30:15	Prize (2) 26:21;28:3	quality (17) 21:2,4;22:22;23:23; 24:2;25:3,9,16,19;27:7, 19;31:9,11;39:13;42:7, 12,16	recognition (2) 27:5,10	remarks (3) 7:13;29:7;37:15
Please (2) 19:22;29:12	problem (2) 36:2,11	quartile (4) 20:17,19,23;23:13	recognitions (1) 26:5	remediation (3) 15:22;17:9;18:2
pleased (5) 6:19;12:22;26:4; 34:4;37:18	procedures (2) 13:14;40:23	quick (1) 7:23	recognize (3) 23:23;26:7;29:7	remedies (1) 17:5
pleasure (2) 38:4;39:17	process (3) 25:12,22;42:18	quorum (2) 3:5,7	recognized (2) 27:17;38:17	remove (1) 45:1
Plus (1) 35:12	program (21) 10:8;13:19;14:17; 20:12,15,18;22:1,2,7; 23:9,11,12;25:18,21; 32:10,15;42:7,16; 46:12,20,22		recommendations (3) 12:5;14:22;15:13	repeal (2) 46:13,18
point (2) 9:20;45:11	programs (6) 8:20;9:13;20:10; 23:4,6;31:17	R	reconciliation (1) 44:11	replacement (1) 6:20
pointed (1) 44:21	progress (2) 19:4;29:6	radionuclides (1) 24:19	reconsider (1) 43:19	report (11) 5:12,14;7:14;8:3; 11:12;12:14;14:14,16, 20;19:3;38:5
policy (7) 11:1,13,21;12:2; 13:7,8,11	project (3) 14:8,18;26:14	rain (1) 31:22	record (1) 42:15	reported (2) 11:10;13:15
pollutants (1) 31:23	prolonged (1) 22:19	Ramsey (2) 26:8,19	recording (1) 30:11	reporting (1) 26:16
Pollution (3) 19:9;28:14,19	prompted (1) 20:7	range (1) 47:1	Recyclable (1) 15:4	reports (1) 8:6
portion (1) 45:17	promulgating (1) 30:19	rank (1) 9:2	recycling (5) 15:3,7,9;31:16,19	represent (1) 22:15
position (6) 6:17;29:15;38:13,16, 19;44:22	proposal (1) 44:6	ranked (1) 20:12	red (1) 20:22	representatives (2) 18:6;27:15
possible (4) 8:13;9:18;11:17; 16:20	proposed (17) 40:11,21;41:11,17; 42:5,15;43:2,9,19; 44:10,13;45:4,5,18,23; 46:10;47:9	ranking (2) 9:7;23:7	redevelopment (1) 32:12	request (3) 10:18;11:2;41:10
potential (4) 14:17;24:20;28:13, 19	proposes (2) 15:10;41:1	rarely (1) 27:14	reduced (1) 32:18	requested (3) 17:16;43:18;44:12
power (1) 28:19	Protection (2) 17:20;24:3	rate (1) 24:22	reducing (1) 8:13	required (2) 16:11;24:4
practiced (1) 30:1	protections (1) 24:1	rather (2) 22:15,19	reduction (2) 24:15;35:13	resolution (2) 38:9;40:4
predictable (1) 5:22	protective (2) 24:22;31:7	reaching (3) 10:3;11:19;22:9	reductions (1) 8:21	resolutions (1) 32:7
present (6) 6:2;7:12;10:10; 18:18;20:1;34:5		read (1) 27:8	REEF (1) 17:3	resolved (1) 39:8
		reads (1)	R-E-E-F (1) 17:3	Resource (1) 23:20
			regarding (4) 3:10;10:4;32:1;43:9	Resources (4)
			Region (1)	

<p>11:5,7;17:17;18:13 respectfully (2) 41:10;47:8 respective (1) 12:17 responded (1) 17:21 response (12) 3:20;4:13,23;37:23; 40:2;41:15;42:1;46:7; 47:13,22;48:6;49:3 responsible (1) 18:13 result (2) 8:9;28:9 resulted (1) 33:8 resulting (1) 15:13 results (1) 36:14 retain (2) 8:19;15:11 review (2) 14:19;15:6 reviewed (1) 21:12 revision (1) 31:23 revisions (6) 31:10,20;32:4;40:21; 43:9;44:13 Revolving (2) 46:12,20 RICHARDSON (7) 3:14;4:9,16;6:11; 44:19;45:19;46:1 Richardson's (1) 6:9 right (3) 35:12;45:3;48:12 rightfully (1) 19:2 risk (1) 31:9 River (4) 42:21,22;43:5,22 Robert (4) 6:10;35:17,22;36:2 robustly (1) 17:21 role (1) 30:11 room (1) 36:8 rule (2) 41:17;47:10 rulemaking (2) 10:19;42:18 rules (7) 30:19;31:6,14,20; 32:1;41:12;47:2 run (1)</p>	<p>30:12 Russell (1) 40:19</p> <p style="text-align: center;">S</p> <p>safe (1) 33:8 safer (1) 33:11 same (2) 26:1;35:3 saying (1) 37:12 scale (1) 24:12 schedule (1) 10:21 scheduled (2) 6:3;14:3 School (2) 22:4,20 schools (1) 22:21 science (1) 27:12 scope (1) 7:14 Scott (3) 4:17;26:8,11 scrap (2) 31:16;32:10 Second (14) 3:14,17;4:8,9,18,20; 16:22;27:5;39:19; 41:18;44:9;46:1;47:16; 48:20 Section (1) 26:9 seeing (1) 45:1 seeking (1) 17:13 segment (4) 43:3;44:8;45:14,18 segments (2) 42:20,21 selected (1) 13:16 send (1) 35:2 September (7) 6:9;16:5;41:7;43:6, 12,16;47:5 series (1) 13:21 serve (4) 6:20;27:13;37:16; 38:14 served (6) 4:2;6:13;30:5,9; 35:15,16 service (11)</p>	<p>5:10;6:12;16:5; 29:14,23;32:20;33:13, 20;37:15;38:11;39:1 Services (3) 19:17,18;40:20 serving (1) 29:21 session (1) 15:1 set (2) 10:20;34:2 sets (1) 26:1 setting (1) 27:9 seven (1) 19:9 several (4) 8:6;17:3;21:20; 22:14 shaping (1) 11:21 share (1) 44:20 shares (1) 23:15 showing (1) 19:3 shown (1) 22:4 shows (1) 23:6 shutting (1) 22:18 side (2) 21:20;35:23 significant (4) 15:20;18:22;20:2; 39:11 single (2) 19:13;33:17 Sisk (4) 27:19;42:10,12;45:3 site (6) 14:8;17:9;18:5,11; 33:17;45:7 sites (3) 11:15;28:23;33:16 situation (1) 10:14 six (3) 6:3;22:11;42:20 six-year (1) 29:20 slide (2) 23:5;28:11 slides (1) 19:23 small (1) 30:13 smaller (1) 28:18 Smith (1)</p>	<p>43:4 Smoke (1) 22:4 soil (1) 16:10 sold (1) 9:15 solely (1) 17:19 solid (6) 13:14,19;14:17;15:4; 19:11;31:19 solution (1) 17:13 somewhere (1) 3:6 sourced (1) 45:11 sources (5) 9:4;28:13,15,18,22 span (1) 30:7 spanning (1) 38:21 speak (1) 37:10 speaking (1) 28:7 special (1) 31:14 Specific (1) 12:7 spill (1) 35:3 split (1) 35:1 sponsored (1) 32:8 Sports (4) 42:19;43:21;44:7; 45:10 spread-out (1) 33:14 SRF (2) 46:22,23 stabilized (1) 18:2 stack (2) 21:11,15 stacks (1) 21:17 staff (7) 8:17;27:23;31:3; 35:6,7,8;39:4 staffing (2) 8:22;9:4 stakeholder (2) 12:13,16 standards (5) 21:3,4;22:10;24:21; 26:2 standing (1) 40:9</p>	<p>start (1) 8:15 state (26) 3:18;4:11,21;7:16; 10:7;13:18,22;17:8; 21:2;23:18;26:21;27:1; 32:16;33:12;34:6,11; 37:16,17;39:22;41:4, 21;46:4,12,20;47:19; 48:23 statement (1) 44:11 states (8) 9:1;20:8,17,20;23:5, 8,12,17 statewide (4) 12:4;15:8,9,15 stations (1) 28:22 steadfast (1) 38:23 still (1) 17:6 storage (1) 31:19 stream (1) 31:11 streamlined (1) 25:11 stridently (1) 33:7 students (1) 22:21 study (5) 13:17;14:18;15:3,14; 16:18 submit (2) 13:3;14:5 substantial (1) 13:12 succeeding (1) 29:18 success (2) 20:7;28:16 successes (1) 30:14 suffice (1) 7:17 suggested (1) 12:15 summarize (1) 7:9 Supply (1) 43:2 supportive (1) 31:2 supposed (1) 5:5 sure (1) 30:12 surprisingly (1) 10:13 surveillance (1)</p>
--	--	---	--	---

<p>9:16 Survey (1) 11:7 Swimming (4) 42:18;43:20;44:6; 45:9 Switching (1) 18:17 Sylacauga (1) 17:2 system (1) 26:17</p>	<p>Tightening (1) 31:8 times (1) 18:15 tire (2) 31:16;32:10 today (11) 6:23;7:1,8;12:21; 19:19;21:16;24:19; 28:21;33:18;40:20; 44:14 Today's (1) 24:21 together (1) 16:17 took (1) 44:22 top (4) 20:17,19,23;23:13 tornado (1) 34:23 total (1) 8:17 traffic (1) 5:21 Training (2) 22:1,3 trains (1) 30:12 translates (1) 9:8 transmitted (1) 12:6 treasured (4) 25:14,15;31:13,13 treatment (1) 17:2 tremendous (1) 29:8 trouble (1) 35:23 true (1) 7:14 trust (1) 31:17 try (1) 7:9 turn (2) 35:12;38:4 Tuscaloosa (1) 35:1 twice (1) 30:9 two (9) 4:1,2;15:17;21:5,22; 26:5;27:8;38:21;43:15</p>	<p>unbiased (1) 13:18 under (2) 34:23;47:2 underground (1) 31:18 undertaken (1) 18:12 underway (2) 15:14;16:14 unforeseen (1) 9:21 Unified (1) 18:4 University (2) 13:16,20 unless (1) 48:14 Unlike (1) 26:21 unrelated (1) 44:10 unsuccessful (1) 17:14 unsure (1) 27:15 unwilling (1) 18:10 up (10) 4:5;9:14;11:4;18:15; 26:11;27:22;35:2,3; 36:12;48:5 update (2) 10:22;15:17 updates (2) 7:20;28:9 updating (1) 8:3 upgrade (1) 20:8 uphold (1) 33:3 upon (1) 32:22 usage (1) 44:3 use (5) 11:13;42:20;43:2,21; 44:7 utilities (1) 25:18 utility (1) 17:11 utilizing (1) 18:12</p>	<p>3:23;4:15;5:2,4,20; 37:20;38:1;39:16; 41:16;45:22;47:14; 48:17 vice-chair (2) 30:10;38:18 views (1) 43:7 Visibility (3) 22:2,7,10 Visible (2) 21:23;22:3 voluntarily (1) 18:11 voluntary (1) 22:15</p>	<p>Web (2) 11:15;14:8 Wednesday (1) 26:19 week (1) 9:15 weighed (1) 12:4 Welcome (1) 6:2 weren't (1) 38:3 Whereas (3) 38:9,16,22 wherever (1) 9:18 whole (6) 7:16;36:6;42:19; 43:20;44:7;45:9 Wild (1) 32:15 willing (1) 6:20 withdrawing (1) 45:18 withdrawn (1) 44:5 within (5) 8:12;12:17;16:12; 39:6;43:4 without (4) 35:5,22;36:14;40:8 work (4) 26:14;27:10,23; 37:13 Working (8) 11:3,11,18;12:11,12; 16:17;17:22;37:1 written (4) 14:6;43:9,14,16 wwwengauburnedu/asws/ (1) 14:9</p>
T	U	V	W	Y
<p>talk (1) 40:8 talking (1) 34:16 Talladega (1) 18:7 tanks (1) 31:19 taxes (1) 32:11 tenure (1) 30:21 term (3) 6:15,19;33:13 terms (5) 6:9,14;16:6;29:20; 38:21 tested (1) 21:18 testimony (1) 43:17 tests (2) 21:11,15 thanks (2) 7:18;37:15 thereby (1) 33:10 therefore (2) 8:20;39:8 Thirty (1) 19:6 Thomas (2) 36:5;48:9 thorough (1) 33:8 though (1) 33:6 thoughts (1) 34:2 thousands (1) 36:9 three (5) 5:12;6:13;15:5; 18:15;44:3 Throughout (1) 33:19 tightened (1) 21:4</p>	<p>unable (2) 21:2;27:15 unavailability (1) 17:8</p>	<p>vertical (1) 16:9 veterinary (2) 30:2,3 vice (12)</p>	<p>waiting (1) 22:21 walk (1) 34:7 walks (1) 38:3 Warrior (4) 42:22;43:4,22,22 waste (8) 13:14,19;14:17;15:4; 18:9;19:11;31:19;33:4 wastewater (2) 17:1;45:12 watch (1) 32:15 watchdog (1) 20:14 water (50) 10:8;11:1,3,4,13,21, 21;12:2,2,4,7,10;13:7, 8,10;19:10,15,20;23:3, 4,9,12;24:1,9,17;25:3, 5,17,18,19;26:4,6,9; 27:7,8,19;29:3;31:9,11, 20;32:1;42:7,12,13,16; 43:2;46:12,20,22,23 Water- (1) 43:20 Water-Contact (3) 42:19;44:7;45:10 watercourses (1) 24:13 waters (5) 23:18,20,21;25:17; 44:3 waterways (1) 24:8 way (6) 5:16;7:11;13:9;20:3; 30:13;36:3 wealthier (2) 20:20;23:16 weapons (1) 33:10</p>	<p>year (18) 6:7;7:23;8:2,12,17; 10:1;13:4;14:4,15; 16:6;17:3;18:21;21:12, 17,19;22:6;29:5;42:17 years (25) 4:1,2;5:11;7:2,6,7; 8:8;15:5;17:3;18:19; 19:3,6;20:3;21:22; 22:11,15;23:17;25:6; 29:3;30:2,6,7;33:19; 36:7;38:11 yesterday (2) 26:18,18 yield (2) 41:12;47:10 you-all (2) 35:22;36:15</p>

	2011 (1) 20:12	24:8 50 (1) 10:4		
1	2012 (13) 6:10;8:1,12;17:16; 38:14,22;39:15;41:7,8; 43:6,12,16;47:4	500 (1) 21:11 591 (1) 35:14 595 (1) 8:15		
1 (1) 13:4	2013 (6) 6:7;8:2,15;9:22; 10:20;15:1			
1,000 (2) 21:17;24:7	2014 (2) 8:2;10:8	6		
100 (2) 24:20;25:2	2018 (1) 22:10	600,000 (1) 33:9		
11 (1) 14:1	231 (1) 11:16	610 (1) 8:16		
11:00 (1) 48:12	25 (1) 15:11	648 (1) 8:17		
11:01 (1) 3:1	28th (1) 16:5			
11:48 (1) 49:6	29 (1) 41:3	7		
12 (1) 47:5		700 (1) 24:14		
13 (4) 8:23;9:10,14;14:1	3			
14 (1) 16:13	30 (12) 7:2,7;8:8;18:19; 19:3;20:3;21:22;22:15; 23:17;24:16;25:6;29:3	8		
140 (1) 24:15	30th (2) 6:10;29:4	80 (1) 24:15		
14th (2) 48:10,12	31st (3) 41:6;43:12;47:3	9		
15 (1) 42:21	335-1 (2) 40:13,22	94 (1) 24:22		
17th (6) 3:9;41:8;43:6,12,16; 47:5	335-11-12 (1) 46:11	97 (1) 25:1		
18 (5) 7:6;30:7;33:19;36:7; 38:10	335-11-2 (1) 46:19			
18-year (1) 30:21	335-6 (1) 42:6			
1982 (6) 21:1,4,10,11;28:11, 19	335-6-10-09 (1) 44:2			
1987 (2) 24:16,23	335-6-11-02 (2) 42:23;43:5			
1994 (1) 29:17	335-6-11-09 (1) 45:8			
19th (1) 39:14	335-7-13 (2) 46:13,18			
1st (2) 17:15;38:14				
2	4			
20 (3) 5:16;21:1;30:6	4 (1) 27:5			
2001 (1) 29:20	400 (1) 22:5			
2006 (1) 29:20	47 (1) 30:2			
2008 (1) 15:4	49th (2) 9:2,7			
2009 (1) 38:19	5			
2010 (2) 38:20,21	5,000 (1)			

Part B

Attachment Index

Attachment 1	Agenda
Attachment 2	Order to adopt motions on election of Chair and Vice-Chair (Agenda Item 2)
Attachment 3	Commendation for Commissioner Lester by Governor Bentley (Agenda Item 3)
Attachment 4	Resolution for Commissioner Lester by Commission (Agenda Item 4)
Attachment 5	Resolution to adopt amendments to ADEM Admin. Code Div. 335-1, General Administration Regulations (Agenda Item 5)
Attachment 6	Resolution to adopt amendments to ADEM Admin. Code Div. 335-6, Water Quality Program Regulations (Agenda Item 6)
Attachment 7	Resolution to adopt new chapter to ADEM Admin. Code, Chapter 335-11-2, Drinking Water State Revolving Fund Program Regulations, and repeal Chapter 335-7-13, Drinking Water State Revolving Fund Program Regulations (Agenda Item 7)

Attachment 1

Amended 10/10/12

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 19, 2012

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 17, 2012**	2
2. Elections	2
3. Report from the Director	2
4. Report from the Commission Chair	2
5. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations (NPDES-Related Matter)	2
6. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations (NPDES-Related Matter)	2
7. Consideration of adoption of addition of proposed new chapter of the ADEM Admin. Code, Chapter 335-11-2, Drinking Water State Revolving Fund Program Regulations, and repeal of Chapter 335-7-13, Drinking Water State Revolving Fund Program Regulations	2
8. Other business	2
9. Future business session	2
PUBLIC COMMENT PERIOD	3 & Attachments

* The Agenda for this meeting will be available on the ADEM website, 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 17, 2012

2. ELECTIONS

The Commission will elect a Commission Chair and Vice-Chair.

3. REPORT FROM THE DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-1, GENERAL ADMINISTRATION REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations, Rule 335-1-1-.07, Departmental Forms, Instructions, and Procedures. The Department held a public hearing on the proposed amendments on September 17, 2012.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-6, WATER QUALITY PROGRAM REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations, Chapter 335-6-11, Use Classifications. The revisions would include additions or upgrades to the use classifications for certain waterbody segments in the State and minor changes to correct errors or provide clarification. The Department held a public hearing on the proposed amendments on September 17, 2012.

7. CONSIDERATION OF ADOPTION OF ADDITION OF PROPOSED NEW CHAPTER OF THE ADEM ADMIN. CODE, CHAPTER 335-11-2, DRINKING WATER STATE REVOLVING FUND PROGRAM REGULATIONS, AND REPEAL OF CHAPTER 335-7-13, DRINKING WATER STATE REVOLVING FUND PROGRAM REGULATIONS

The Commission will consider the adoption of the addition of a proposed new Chapter of the ADEM Admin. Code, Chapter 335-11-2, Drinking Water State Revolving Fund Program Regulations, and repeal of Chapter 335-7-13, Drinking Water State Revolving Fund Program Regulations. The proposed Chapter 335-11-2 streamlines the requirements of the Drinking Water State Revolving Fund. The Department held a public hearing on the proposed addition and repeal on September 17, 2012.

8. OTHER BUSINESS

9. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

(The requests from the public to address the Commission are attached to the agenda.)

Request 1

John Aaron, Esq., on behalf of concerned citizens who have an interest
in the Vincent, Alabama, Shelby County area
SUBJECT: Concerns of the citizens in the town of Vincent regarding the
quality of the soil and water in the area
(Chair Lester recommended approval of the request.)

Request 2

Severia Campbell Morris, on behalf of the United Concerned Citizens of Prichard
SUBJECT: Jarrett Road Landfill, Prichard, Alabama (Permit # 49-26)
(Chair Lester recommended approval of the request.)

Aaron Law Firm

Request 1

A Full Service Law Firm Dedicated to Providing Quality Legal Services

123 FIRST STREET NORTH • ALABASTER, ALABAMA 35007

PHONE: (205) 685-8383

FACSIMILE: (205) 685-8338

September 25, 2012

Via Facsimile (334) 279-3052

Ms. Debi Thomas

Commission

Alabama Department of Environmental Management

1400 Coliseum Boulevard

Montgomery, AL 36110-2400

RE: ADEM Commission meeting

Dear Sir:

My name is John Aaron, I represent concerned citizens who have an interest in the Vincent, AL, Shelby County area.

I would like to address the Environmental Management Commission to make comments regarding some concerns the residents have in the town of Vincent. The concerns of the citizens revolve around the quality of the soil and water in the area.

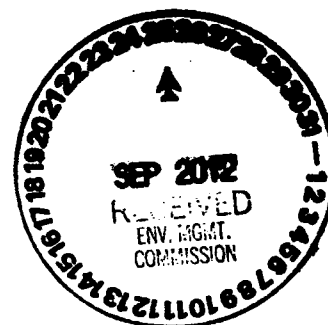
Thank you in advance for allowing me to address the Commission on October 19, 2012.

Sincerely,



John Aaron

JMA/slo



UNITED CONCERNED CITIZENS OF PRICHARD

Severia Campbell Morris, President
251-457-4202

Mr. Lafleur
1400 Coliseum Boulevard
Montgomery, AL 36110-2400

September 28, 2012

The United Concerned Citizens of Prichard (UCCOP) was formed to give a voice to the citizens of our City. UCCOP has taken up the fight for environmental justice for those who cannot fight for themselves.

Please consider this letter an official request to come and speak to the Environmental Management Commission (EMC) at the October 19, 2012 meeting. The UCCOP wants to discuss the Jarrett Road Landfill in Prichard, Alabama (Permit # 49-26). We sent you a letter on September 6, 2012 with detailed complaints concerning this landfill.

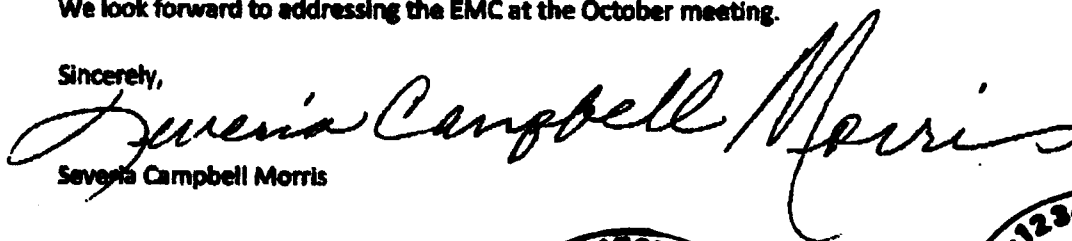
As you will recall from the September 6th letter, this landfill and its owner, Waste Two Energy LLC and James "Buddy" Money, according to ADEM's records have had over 100 documented permit violations and 16 separate Notices of Violations (NOVs). Also, on May 7, 2012 ADEM issued a public notice that a permit renewal would not be approved but then on June 8, 2012, without any public input, reversed and withdrew this Public Notice.

We believe Jarrett Road Landfill is an example of Environmental Injustice – a landfill located in an African American community that continually violates environmental regulations yet remains operating because no one in the community is able to fight the wealthy owner. We want to know:

1. Why was the May 7, 2012 public notice suddenly withdrawn? What communications were there with the landfill or its owners? We request copies of all communications.
2. What has Jarrett Road Landfill done to address each permit violation and NOV?
3. How many permit violations and NOVs can a landfill receive and remain open? What's the penalty for a violation and NOV?

We look forward to addressing the EMC at the October meeting.

Sincerely,



Severia Campbell Morris



Attachment 2

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

MOTIONS

Elect Lanier Brown as Chair

Elect Scott Phillips as Vice-Chair

ORDER

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

1. That the above motions are 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 19th day of October 2012.

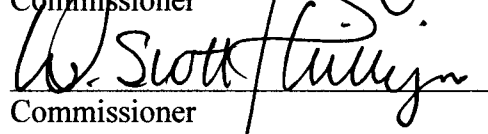
APPROVED:



Commissioner



Commissioner

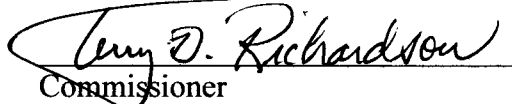


Commissioner

Commissioner



Commissioner



Commissioner

Commissioner

DISAPPROVED:

Commissioner


Commissioner

Commissioner

ABSTAINED:

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 19th day of October 2012.**



Chair
Environmental Management Commission
Certified this 19th day of October 2012

Attachment 3



Commendation

By the Governor of Alabama

WHEREAS, John Howard Lester, D.V.M. began his service in the Chemist/Veterinarian Position on the Alabama Environmental Management Commission with his appointment in 1994 by Governor Jim Folsom; both succeeding governors reappointed Dr. Lester for additional six-year terms in 2001 and 2006; he is the longest serving member in the history of the Commission; and

WHEREAS, in addition to his service on the Commission, Dr. Lester practiced veterinary medicine for 47 years at the Lester & Donaldson Veterinary Hospital in Enterprise, Alabama; he also served as President of the Enterprise City Council for 20 years; and

WHEREAS, during his span of 18 years on the Alabama Environmental Management Commission, Dr. Lester played an integral part in helping the Commission carry out its duties of promulgating rules, hearing appeals and managing the Director of the Alabama Department of Environmental Management (ADEM); and

WHEREAS, Dr. Lester has been instrumental in the adoption of rules and regulations protective of the health and environment of Alabama; among these are: tightening of cancer risk level rules in the water quality regulations; revisions and additions to water quality stream classifications, including the establishment of the Treasured Alabama Lake special designation; development of rules and regulations, as well as funding for scrap tire cleanup and recycling; establishing trust fund programs pertaining to dry cleaning operations, underground storage tanks, solid waste recycling and drinking water; revisions to air rules and regulations, including those regulating acid rain, ozone, fine particles and other air pollutants; revisions and addition of rules and regulations regarding water discharge permits, among them enhanced oversight of concentrated animal feeding operations; and revisions to regulations to provide adequate funding of ADEM operations; and

WHEREAS, through Commission resolutions, Dr. Lester has sponsored expressions of gratitude to legislators for enacting the State Scrap Tire Management Program and abating taxes to encourage Brownfield re-development; he has also encouraged the legislature to reauthorize funding for the Forever Wild program; and

WHEREAS, as part of his service on the Commission, Dr. Lester, along with his fellow commissioners, acted upon appeals of ADEM's permit issuance, administrative orders and regulations; among the most courageous actions was the one to issue Air and Hazardous Waste permits for the incineration of chemical munitions at the Anniston Army Depot which, though stridently opposed by activists groups, resulted in the safe and thorough destruction of more than 600,000 deadly chemical weapons and a dramatically safer environment in the state of Alabama; and

WHEREAS, during his term of service, ADEM was able to move from spread out, inadequate office and laboratory facilities at multiple sites in Montgomery to modern, efficient facilities at a single site; all areas of the state which were designated as non-attainment for ozone and fine particulates reduced concentrations to attainment levels; and

WHEREAS, as a member of the AEMC, Dr. Lester has been directly involved in the hiring and managing of five ADEM Directors during his tenure; Dr. Lester has been supportive of the Directors of ADEM, its supervisors and its staff, often expressing his gratitude for their efforts.

WHEREAS, Dr. Lester has been a leader on the Commission having served twice as Chair and once as Vice-Chair; throughout his 18 years of service, Dr. Lester demonstrated his dedication to the Commission and ADEM and his concern for the environment and the citizens of Alabama:

NOW, THEREFORE, I, Robert Bentley, Governor of Alabama, do hereby commend

John Howard Lester, D.V.M.

for his outstanding service to the state of Alabama and the Alabama Environmental Management Commission.



Given Under My Hand and the Great Seal of the Office of the Governor at the State Capitol in the City of Montgomery on the 1st day of October 2012.

Robert Bentley

Robert Bentley, Governor

Attachment 4

State of Alabama



RESOLUTION

WHEREAS, John Howard Lester, D.V.M. completed 18 years of service as a member of the Alabama Environmental Management Commission in the Chemist/Veterinarian Position as of October 1, 2012, and will continue to serve until a new member is appointed to this Position; and

WHEREAS, his leadership abilities were recognized by his election as Vice-Chair of the Commission in October 2009, a position he held until October 2010, and as Chair of the Commission for two terms, spanning from October 2010 to October 2012; and

WHEREAS, his personable and caring manner and steadfast dedication to his service on the Commission will be greatly missed by his fellow Commissioners, the Commission's legal counsel and assistant, leadership and staff of the Alabama Department of Environmental Management, and many within the governmental, regulated, and environmental communities; now

THEREFORE, be it resolved that the Alabama Environmental Management Commission expresses gratitude to John Howard Lester, D.V.M. for his significant contribution to a better environment and an improved quality of life for the citizens of Alabama.

DONE this 19th day of October 2012.

Mary Merritt

John M. [Signature]

James [Signature]

W. Scott [Signature]

Tom D. Richardson

James E. Laine

Attachment 5

**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 335-1 of the Department's General Administration Division 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 did not receive any written or oral comments at the public hearing or during the public comment period.

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 335-1 [335-1-1-.07/Departmental Forms, Instructions, and Procedures (Amend)]; of the Department's General Administration Division 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 335-1 – General Administration Division Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 19th day of
October 2012.

APPROVED:

Mary Bennett

W. Scott Tucker

Tom Mitts

Harriet Brown

Cery D. Richardson

John Lester

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 19th day of October 2012.**

Harriet Brown

Chair
Environmental Management Commission
Certified this 19th day of October 2012

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 335-6 of the Department's Water Division's Water Quality Program regulations 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 335-6 [335-6-11-.02/Use Classification (Amend)] 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 chapter 335-6-11
Water Division – Water Quality Program Regulations

IN WITNESS WHEREOF, we have affixed our signatures below on this 19th day of
October 2012.

APPROVED:

Mary Bennett
John Fisher
W. Scott Jennings

James Brown, II
Sam Mith
Larry D. Richardson

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 19th day of October 2012.**

James Brown, II
Chair
Environmental Management Commission
Certified this 19th day of October 2012

Attachment 7

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a joint public hearing on the proposed revisions to ADEM Admin. Code 335-7 of the Department's Water Division Program Rules and Regulations (repeal of 335-7-13) and addition of a new Chapter, 335-11-2 Drinking Water State Revolving Fund and 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 did not receive any written or oral comments at the public hearing or during the public comment period.

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 335-11-2/Drinking Water State Revolving Fund Program, with the repeal of 335-7-13 of the Department's Water Division Program Rules and Regulations 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 335-11-2 Drinking Water State Revolving Fund and
Repeal of 335-7-13 Water Division Program Rules and Regulations**

IN WITNESS WHEREOF, we have affixed our signatures below on this 19th day of
October 2012.

APPROVED:

Mary Bennett
James Brown II
John H. Lister

W. Scott Purdy
Sam White
Larry D. Richardson

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 19th day of October 2012.

James Brown II

Chair
Environmental Management Commission
Certified this 19th day of October 2012