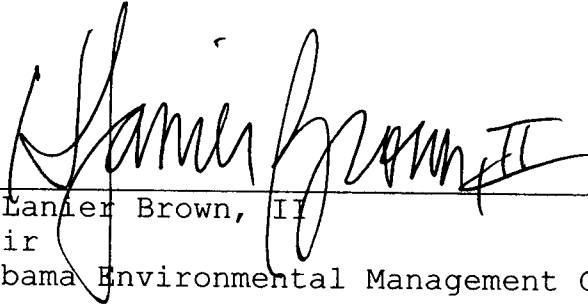


2/15/13

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 14, 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 December 14, 2012.

A handwritten signature in black ink, appearing to read "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 15th day of February 2013.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 14, 2012

Convened: 11:01 a.m.
Adjourned: 11:26 a.m.

Part A

Transcript
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Part B

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Part A

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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 December 14, 2012
15 11:01 a.m.
16
17
18
19
20
21
22
23 Taken by: Victoria M. Castillo, CCR#17

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1 (The meeting begins at 11:00 a.m.)
2
3 CHAIRMAN BROWN: Well, I
4 guess we will call the December 14, 2012
5 meeting of the Alabama Environmental
6 Management Commission to order. As you can
7 see, we've got a quorum today.
8 First on the agenda is
9 consideration of the minutes from the
10 October 19th meeting. The meeting minutes
11 have previously been circulated to all
12 members of the Commission, and I will
13 entertain a motion regarding the minutes.
14 DR. LESTER: So moved.
15 DR. LAIER: Second.
16 CHAIRMAN BROWN: Any
17 discussion?
18 (No response)
19 CHAIRMAN BROWN: Call for
20 the question. All in favor say "aye".
21 (All members indicate "aye".)
22 CHAIRMAN BROWN: All
23 opposed?

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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 John H. Lester, D.V.M.
6 Terry D. Richardson, Ph.D.
7 Samuel L. Miller, M.D.
8 Mary J. Merritt
9 James E. Laier, Ph.D, P.E.
10
11 COMMISSION MEMBER NOT PRESENT:
12 W. Scott Phillips, Vice Chair
13
14 ALSO PRESENT:
15 Robert Tambling, EMC Legal Counsel
16 Debi Thomas, EMC Executive Assistant
17 Lance R. LeFleur, ADEM Director
18 Ron Gore, Air Division
19
20
21
22
23

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1 (No response)
2 CHAIRMAN BROWN: Motion
3 passes.
4 Next on the agenda is elections
5 for various committees. Prior to the
6 meeting, I've circulated amongst the
7 Commission several proposed lists for the
8 Personnel Committee proposing Jim Laier as
9 chair with John Lester and Sam Miller as
10 members. Dr. Lester will be replaced once
11 his replacement is seated on the
12 Commission.
13 For Rulemaking Committee we
14 propose Scott Phillips as chair with Mary
15 Merritt and Terry Richardson as members. I
16 would look for a motion to adopt the list
17 of committee chairs and members.
18 DR. RICHARDSON: So moved.
19 DR. MILLER: Second.
20 CHAIRMAN BROWN: Any
21 discussion?
22 (No response)
23 CHAIRMAN BROWN: All in

Page 5

1 favor?
2 (All members indicate "aye".)
3 CHAIRMAN BROWN: Any
4 opposed?
5 (No response)
6 CHAIRMAN BROWN: Motion
7 passes. Next is our report from the
8 director.
9 Good morning.
10 MR. LeFLEUR: Good morning,
11 Mr. Chairman. Good morning,
12 Commissioners. Welcome to all of you
13 present for the second of the six scheduled
14 meetings of the Alabama Environmental
15 Management Commission for the fiscal year
16 2012.
17 Although Dr. Lester's term
18 expired on September 30th, 2012 and he's
19 not eligible to be named for an additional
20 term, we are delighted that he remains
21 willing to serve until his replacement is
22 named.
23 Mr. Charlie Merritt,

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1 Commissioner Merritt's spouse, is here with
2 us today. It is a pleasure to have you
3 here, sir, and I introduce him to the group
4 here. Thank you so much for coming.
5 In today's report I will comment
6 on several budgetary items, update you on
7 some of the Department's ongoing
8 initiatives, and offer the second of what
9 will be three installments highlighting
10 environmental progress in Alabama during
11 the last 30 years on ADEM's watch.
12 Budget items first. We are now
13 two months into FY 2013. It appears the
14 state general fund revenues are on target
15 and, with the passage of the referendum
16 authorizing withdrawals from the Alabama
17 Trust Fund, there is no indication at this
18 point that proration will be required this
19 year.
20 Fiscal year 2014 budget
21 discussions are ongoing, and it is
22 anticipated that I will be coming to you in
23 your April or June meeting with a request

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1 for rulemaking to implement a 50 percent
2 increase in the Department's fee schedule,
3 excluding the Clean Air Act Title 5 fees
4 which are formula driven and already
5 adjusted each year.
6 There's been quite a lot of
7 discussion in many circles about the
8 possible impact of so-called federal
9 sequestration cuts and falling off the
10 Fiscal Cliff. As you are well aware, a
11 majority of ADEM's budget comes from
12 federal sources in payment for ADEM
13 administering federal statutes, such as the
14 Clean Air Act, the Clean Water Act, and the
15 Resource Conservation and Recovery Act.
16 We have been notified by EPA
17 that should sequestration come to pass, all
18 EPA funding to the states will be cut by
19 8.5 percent across the board. Obviously
20 this would be a devastating blow to our
21 budget and our environmental mission.
22 In the last several weeks the
23 Department has lost several employees

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1 primarily to private industry. In the last
2 year we have not been replacing lost
3 employees and our head count dropped to
4 595. We have reached the baseline number
5 of employees necessary to meet minimum
6 program requirements, therefore, we
7 anticipate replacing employees lost to
8 attrition and maintaining our head count at
9 595.
10 Now to some ongoing issues. I
11 will begin with the issue of water use
12 policy. The Alabama Water Agencies Working
13 Group comprised of the Office of Water
14 Resources, a division of ADECA; Alabama
15 Department of Conservation and Natural
16 Resources; Geological Survey of Alabama;
17 Alabama Department of Ag and Industries;
18 and ADEM, has been tasked by Governor
19 Bentley to address water use in Alabama.
20 The working group authored a
21 report titled Water Management Issues in
22 Alabama, which was sent out to 248
23 individuals and organizations inviting all

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1 interested parties to provide comments on
2 the issues presented in the report and any
3 other issues they considered relevant.
4 During August, September, and
5 October, Alabama Water Agencies Working
6 Group members attended numerous stakeholder
7 meetings involving several hundred
8 participants. To date a total of 70
9 responses from individuals and
10 organizations have been received.
11 Individual comments included
12 within the responses are being reviewed,
13 excerpted, and grouped by subject. A
14 report setting forth all comments will be
15 provided to the governor's office. The
16 comments will also be available on the
17 Office of Water Resources and ADEM
18 websites, www.adeca.alabama.gov/AWAWG and
19 www.adem.state.al.us.
20 Additional activities of the
21 working group include developing a
22 scientific water resource and use database,
23 analyzing legal issues related to water

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1 and ADEM reached an agreement whereby
2 federal assistance was made available in
3 the form of fiscal and financial resources,
4 as well as federal enforcement authority
5 available only to EPA.
6 As reported previously, the
7 hazardous gas buildup has been eliminated,
8 the contents of the basis stabilized, and a
9 remediation plan is in development.
10 Yesterday, December 13th, 2012,
11 an initial oxidation treatment began at the
12 facility. This process is expected to
13 greatly reduce or halt hydrogen sulfide
14 production and reduce odors emanating from
15 the REEF facility. Depending on the
16 effectiveness of the initial treatment, an
17 additional oxidation treatment may be
18 required.
19 Based on analytical results of
20 the wastewater after the oxidation
21 treatments, an on-site treatment system
22 will be designed, constructed, and
23 implemented so that treated wastewater

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1 use, educating and informing the public on
2 water issues, and developing policy options
3 to implement a statewide water management
4 plan.
5 Water use policy is also being
6 addressed by the Permanent Joint
7 Legislative Committee on Water Policy,
8 which has been holding public meetings for
9 several years, and the working group is
10 coordinating with that committee.
11 At the October Commission
12 meeting, I reported an enforcement action
13 that has been receiving considerable public
14 attention involving the bankrupt industrial
15 wastewater treatment facility in Sylacauga
16 known as REEF. Despite several years
17 pursuing all administrative and legal
18 remedies available to the Department, the
19 lack of a viable responsible party and the
20 lack of funds has prevented site
21 remediation.
22 Fortunately in October of this
23 year, the Environmental Protection Agency

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1 meeting applicable water quality standards
2 can be discharged from the site.
3 EPA has recently allocated \$2.7
4 million to the cleanup and, unlike ADEM,
5 has the ability to collect up to three
6 times the cost of the cleanup from those
7 entities that delivered waste to the
8 facility.
9 This has been a difficult
10 situation, especially for the nearby
11 residents. As you are aware, new
12 regulations are out to public comment and
13 will soon come before you to require
14 similar type facilities to provide
15 financial assurance that funds will be
16 available to properly close operations in
17 the future.
18 At our last meeting we presented
19 the first of what will be three
20 installments highlighting some of the
21 environmental progress in the state during
22 the 30 years since ADEM was created.
23 In 1982, the Alabama Department

<p style="text-align: right;">Page 13</p> <p>1 of Environmental Management was formed by 2 an Act of the Legislature when seven 3 agencies including The Air Pollution 4 Control Commission, The Water Improvement 5 Commission, and the solid waste division of 6 the Alabama Department of Public Health 7 combined into a single organization. ADEM 8 was organized into five divisions: Air, 9 Water; Land; Field Operations (which are 10 our boots on the ground), and Permits and 11 Services (which includes IT and Finance). 12 Previously we focused on the Air 13 and Water Divisions. Today we will focus 14 on the Land Division and the Permits and 15 Services Division. At the February 16 commission meeting we will finish up with 17 Field Operations. 18 The following slides highlight a 19 few of the significant environmental 20 accomplishments the Department, the 21 Commission, and the people of Alabama can 22 rightfully celebrate. A more comprehensive 23 printed report is being -- is in the</p>	<p style="text-align: right;">Page 15</p> <p>1 illegal scrap tire dumps. In addition to 2 removing these scrap tires, more than 50 3 percent of the scrap tires have been 4 recycled and reused for beneficial 5 purposes. 6 As part of this program, the 7 Department is actively engaged in 8 developing tire recycling programs that 9 will prompt the private sector to recycle 10 tires in a manner similar to aluminum can 11 recycling and keep new scrap tire dumps 12 from being created. 13 The illegal disposal of solid 14 waste, like scrap tires, has been a problem 15 for decades. These dumps too were an 16 eyesore, harmed water quality, served as a 17 vector for disease transmitting animals, 18 and often adversely impacted innocent 19 landowners. 20 Since passage of the Solid Waste 21 and Recyclable Materials Management Act in 22 2008, more than 25,000 tons of the 23 illegally disposed of solid waste materials</p>
<p style="text-align: right;">Page 14</p> <p>1 process of being developed and will be 2 available at our next commission meeting in 3 February of next year. 4 Please direct your attention to 5 the monitor. Starting with the Land 6 Division. Scrap tires have been a 7 significant environmental problem for 8 decades. Each year four million scrap 9 tires are generated in Alabama and another 10 five million come in from out of state 11 where disposal in landfills is prohibited. 12 While many of these tires end up 13 in landfills, many are illegally disposed 14 of on the side of the road, in pastures, or 15 in the woods. These illegal scrap tire 16 dumps are an eyesore, harm water quality, 17 and serve as a vector for disease 18 transmitting animals such as rodents and 19 mosquitos. 20 Since 2003 when the Scrap Tire 21 Fund was created to deal with this problem, 22 more than seven million scrap tires have 23 been removed in the cleanup of more than 75</p>	<p style="text-align: right;">Page 16</p> <p>1 from over 275 illegal solid waste dumps has 2 been properly handled under the Solid Waste 3 Fund Remediation Program. 4 Both scrap tire and solid waste 5 efforts contribute significantly to our 6 great state living up to its name, Alabama 7 the Beautiful. 8 About half of the citizens of 9 Alabama rely on groundwater as their source 10 of drinking water. Since the inception of 11 the Alabama Tank Trust Fund in 1988, more 12 than \$400 million has been dedicated to 13 fund the cleanup of leaking underground 14 petroleum storage tanks. Over the years, 15 approximately 11,700 tanks have leaked, 16 causing soil and/or groundwater 17 contamination. 18 To date, more than 10,000 of 19 these releases have been cleaned up. In 20 part because of these efforts, the last 21 time EPA measured drinking water safety 22 across the nation, Alabama was ranked 23 second among all states.</p>

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1 More than 650,000 chemical
2 munitions containing mustard gas and VX and
3 GB nerve agents, some dating back to World
4 War II, were stored for decades at the
5 Anniston Army Depot. Due to the age and
6 limited shelf life, these weapons posed a
7 serious and increasing potential threat to
8 Alabama citizens.

9 After more than 20 years of
10 planning, regulatory review and
11 construction and more than eight years of
12 24/7 oversight by ADEM personnel, the
13 multi-billion dollar program to safely
14 destroy all 650,000 of these weapons
15 on-site was completed in 2011 with no
16 unauthorized releases.

17 This successful effort required
18 federal and state resources, including more
19 than 71,000 ADEM work hours. Alabama is a
20 safer place to live because of this
21 initiative.

22 The 2008 Solid Waste Recyclable
23 Materials Management Act allowed the

Page 19

1 as brownfield redevelopment.
2 The Department, along with other
3 entities, actively promotes these projects
4 throughout Alabama. Since 2001, the
5 Department has participated in 254
6 redevelopments, including the Riverwalk
7 Stadium, home of the Montgomery Biscuits AA
8 baseball team in downtown Montgomery.

9 A very recent and important
10 brownfield redevelopment was completed less
11 than three weeks ago with the dedication of
12 the new Raytheon Missile Integration
13 Facility on Redstone Arsenal near
14 Huntsville. That site was contaminated
15 decades ago with rocket fuel. It has now
16 been cleaned up and today houses a facility
17 that employs 200 people.

18 Moving now to Permits and -- the
19 Permits and Services Division. We begin
20 with the State Revolving Fund Loan
21 Programs, where more than \$1 billion in low
22 interest loans have been provided for
23 drinking water systems and wastewater

Page 18

1 collection of a disposal fee to fund the
2 regulation of landfills, the cleanup of
3 authorized solid waste dumps --
4 unauthorized solid waste dumps, and the
5 promotion of recycling in Alabama.

6 The Alabama Recycling Fund,
7 created as a part of this act, has provided
8 more than \$7 million in recycling grants to
9 start new local recycling programs or
10 enhance existing programs. Local
11 municipalities and nonprofit groups use
12 these funds to purchase scales, balers,
13 trucks, and recycling bins. This has
14 increased recycling opportunities
15 throughout the state, opening the door to
16 changing citizens' habits and thinking
17 regarding the recycling of solid waste
18 materials in Alabama.

19 Cleaning up hazardous waste
20 sites benefits the state environmentally.
21 When a cleaned up hazardous waste site can
22 be put back into productive use, the state
23 also benefits economically. This is known

Page 20

1 treatment systems infrastructure.
2 Three-hundred and sixty
3 individual loans have been made to 200 of
4 the 460 municipalities in Alabama. Most
5 were to communities with limited or no
6 access to affordable alternative
7 financing. These loan programs have
8 provided both environmental benefits and
9 economic benefits across Alabama.

10 Maintaining a healthy
11 environment and safeguarding citizen's
12 health requires that those performing
13 critical environmental related public
14 services are well trained. This function
15 is performed by the Permits and Services
16 Division. More than 3,500 drinking water
17 and wastewater treatment plant operators,
18 well drillers, and landfill operators have
19 been certified and licensed by the
20 Department.

21 We all recognize that
22 considerable progress has been made in the
23 past 30 years to regulate discharges from

Page 21

1 identifiable point sources, such as
2 factories, wastewater treatment plants, and
3 the like. We also recognize that nonpoint
4 sources, such as agricultural and
5 pastureland runoff and impervious surface
6 runoff are important contributors to
7 pollution and much more difficult to
8 control.

9 The Section 319 Nonpoint Source
10 Program is a nonregulatory effort that
11 targets this source of pollution,
12 especially in impaired waterways. It is
13 designed to work with local land owners in
14 a cooperative manner to reduce the negative
15 impacts of nonpoint source pollution.

16 The program has provided more
17 than \$60 million to support on-the-ground
18 best management practices and
19 education/outreach efforts in both urban
20 and rural portions of Alabama.

21 The last 30 years have seen
22 dramatic advances in the management of
23 information. The Permits and Services

Page 23

1 The environment in Alabama has
2 improved substantially over the last 30
3 years. This 30th anniversary year provides
4 an opportunity to highlight and celebrate
5 past progress and to thank those who have
6 participated. The improvement continues,
7 and there is much yet to be done,
8 especially in light of ever tightening
9 standards with declining budgets.

10 Once again, let me close with my
11 thanks to you for serving the State of
12 Alabama as commissioners on the Alabama
13 Environmental Management Commission and for
14 allowing me to also serve the state in my
15 current capacity.

16 If there are any questions, I
17 will be pleased to answer them at this
18 time.

19 CHAIRMAN BROWN: Anyone have
20 any questions?

21 (No response)

22 CHAIRMAN BROWN: Thank you.

23 MR. LeFLEUR: Thank you.

Page 22

1 Division has kept the Department on the
2 leading edge of information management.
3 More than 1.7 million documents are
4 accessible quickly to both regulators and
5 the public without using scarce manpower.
6 The public can file complaints or find out
7 what is happening with environmental
8 regulation in their local area quickly,
9 conveniently, and without ADEM staff
10 assistance.

11 Alabama is far ahead of all the
12 other southeastern states in this
13 endeavor. In fact, Florida, Tennessee, and
14 other states have sought assistance from
15 Alabama in designing and implementing their
16 information management programs.

17 The environment benefits when
18 available dollars are used most
19 efficiently. The efficiency realized from
20 the top level information management allows
21 Alabama to be 49th in the nation in state
22 provided funding, yet provide unparalleled
23 service to the public.

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1 CHAIRMAN BROWN: Next on the
2 agenda is the report from the Commission
3 chair. I don't think I have anything to
4 add except to welcome Mr. Merritt to the
5 meeting, to thank all of my colleagues up
6 here for serving on the various committees,
7 and to wish everyone a happy holiday
8 season.

9 Next on the agenda is the
10 consideration of amendments -- excuse me --
11 of proposed amendments to ADEM
12 Administrative Code, Division 335-3, Air
13 Pollution Control Program regulations.

14 We will hear from the
15 Department, please.

16 MR. GORE: Good morning,
17 Mr. Chairman, Commissioners. My name is
18 Ron Gore. I'm with the Department's Air
19 Division. As you know, EPA adopts many
20 technology based standards applicable to
21 new sources and sources of air toxics. To
22 date, we have adopted approximately 300 of
23 those standards, including 125 that are

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1 applicable to air toxics emission sources.
2 Today I'm here to ask you to
3 adopt by reference a couple more of those
4 technology based standards. We held a
5 public comment period, which ran from
6 September 24th through November 9th. No
7 written or verbal comments were received.
8 Pending any questions you may
9 have, I'd like to ask you for you to act
10 favorably on our request.
11 CHAIRMAN BROWN: Does anyone
12 have any questions?
13 DR. RICHARDSON:
14 Mr. Chairman?
15 CHAIRMAN BROWN: Yes.
16 DR. RICHARDSON: These are
17 changes brought forth as requirements
18 through EPA?
19 MR. GORE: That's correct.
20 EPA adopts a standards for let's say coal
21 fired power plants, and it's in effect
22 immediately when the EPA adopts them. And
23 they encourage states to adopt those by

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1 reference and take over the day to day
2 administration of those standards. And
3 that's what we're asking you to do here
4 with two more of those 300 standards.
5 DR. RICHARDSON: My question
6 is is that costing the Department any more
7 money?
8 MR. GORE: Well, no, EPA
9 would say -- yes, it does -- but EPA would
10 say that the grant funds that we receive
11 from the EPA is intended to help defer the
12 cost of administering those standards. And
13 in addition for the 350 some odd very large
14 emission sources in the state, they pay an
15 emission fee that's intended to help pay
16 for that service.
17 CHAIRMAN BROWN: Any other
18 questions?
19 (No response)
20 CHAIRMAN BROWN: I will
21 entertain a motion regarding the proposed
22 amendments.
23 DR. LESTER: So moved.

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1 DR. RICHARDSON: Second.
2 CHAIRMAN BROWN: All in
3 favor?
4 (All members indicate "aye".)
5 CHAIRMAN BROWN: Any
6 opposed?
7 (No response)
8 CHAIRMAN BROWN: Motion
9 passes.
10 MR. GORE: Thank you.
11 CHAIRMAN BROWN: Thank you.
12 Next is other business. Anybody have any
13 other business?
14 (No response)
15 CHAIRMAN BROWN: The last
16 item on the agenda is to set our meeting
17 dates for next year. They have been
18 circulated to the Commission for 2013. We
19 will meet on February 15, April 19, June
20 21, August 16, October 18, and December
21 13. All meetings will start at 11 a.m.
22 If there are no questions, I
23 will entertain a motion to set the meeting

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1 dates and times for next year.
2 DR. MILLER: So moved.
3 DR. LAIER: Second.
4 CHAIRMAN BROWN: All in
5 favor say "aye".
6 (All members indicate "aye".)
7 CHAIRMAN BROWN: All
8 opposed?
9 (No response)
10 CHAIRMAN BROWN: Motion
11 passes. I will entertain a motion to
12 adjourn at this time.
13 DR. RICHARDSON: So moved.
14 DR. LESTER: Second.
15 CHAIRMAN BROWN: All in
16 favor?
17 (All members indicate "aye".)
18 CHAIRMAN BROWN: Motion
19 passes. We are adjourned.
20
21 (The meeting ended at 11:26 a.m.)
22 *****
23

1 STATE OF ALABAMA)
2 COUNTY OF MONTGOMERY)
3

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

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

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

19
20
21

22 _____
23 VICTORIA CASTILLO, ACCR #17, 9/30/13
FREELANCE COURT REPORTER

1 STATE OF ALABAMA)
2 COUNTY OF MONTGOMERY)

3

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

19

20

21



22

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

23

FREELANCE COURT REPORTER

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**Alabama Environmental Management
Commission Meeting**

December 14, 2012

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Part B

Attachment Index

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| Attachment 1 | Agenda |
| Attachment 2 | Order to adopt motion on election of Committee Chairs and Members
(Agenda Item 2) |
| Attachment 3 | Resolution to adopt amendments to ADEM Admin. Code Div. 335-3, Air Pollution Control Program Regulations
(Agenda Item 5) |

Attachment 1

11/14/12

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: December 14, 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

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* 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 OCTOBER 19, 2012

2. ELECTIONS

The Commission will elect Chairs and Members of the Commission's Personnel and Rulemaking Committees.

3. REPORT FROM THE DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

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

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations, Rules 335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, and Appendix C. The revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The Department held a public hearing on the proposed amendments on November 7, 2012.

6. OTHER BUSINESS

7. FUTURE BUSINESS SESSIONS

Attachment 2

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

MOTION

Adopt the Committee Chairs and Members

ORDER

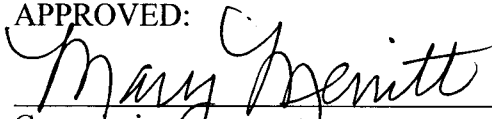
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That a copy of the list of Committee Chairs and Members is attached and made a part hereof; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

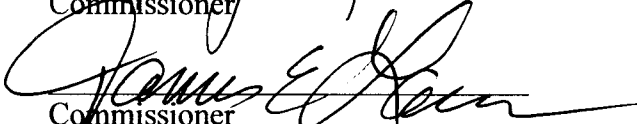
Environmental Management Commission Order
Page 2

ISSUED this 14th day of December 2012.

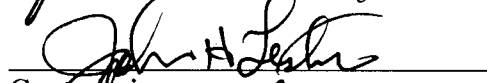
APPROVED:



Commissioner



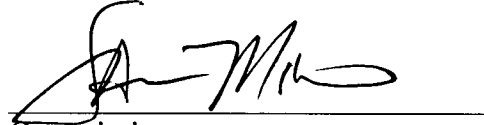
Commissioner



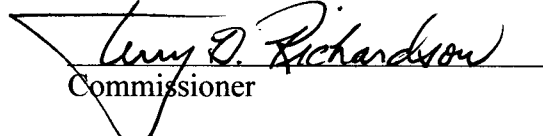
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner


DISAPPROVED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 14th day of December 2012.



H. Lavier Brown, II, Chair
Environmental Management Commission
Certified this 14th day of December 2012

12/14/12

Alabama Environmental Management Commission 2013 Committees

Personnel Committee

Chair: Jim Laier

Members: John Lester (will be replaced with new commission
appointee)
Sam Miller

Rulemaking Committee

Chair: Scott Phillips

Members: Mary Merritt
Terry Richardson

Attachment 3

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

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

WHEREAS, the Alabama Department of Environmental Management 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 335-3 [rules 335-3-10-.01/General (Amend); 335-3-10-.02/ Designated Standards of Performance (Amend); 335-3-11-.01/General (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend); 335-3-Appendix C/EPA Regulation Reference Documents for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (Amend)]; of the Department's Air Division – Air Pollution Control Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

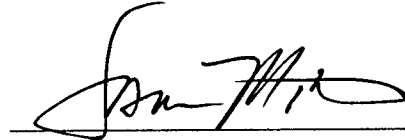
**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

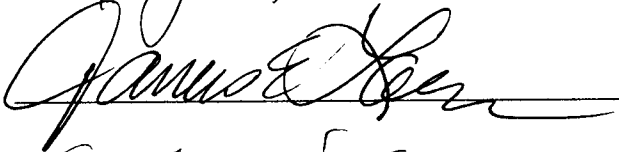
ADEM Admin. Code division 335-3 - Air Pollution Control Program

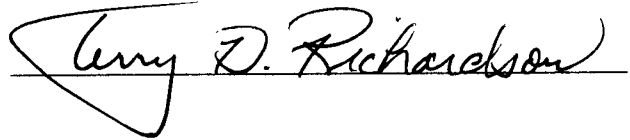
IN WITNESS WHEREOF, we have affixed our signatures below on this 14th day of December 2012.

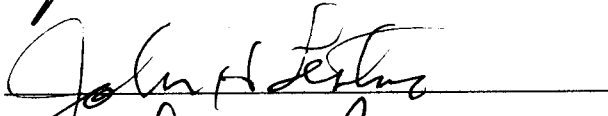
APPROVED:

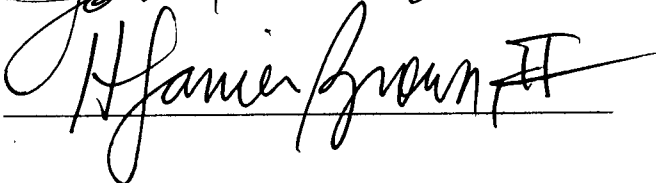








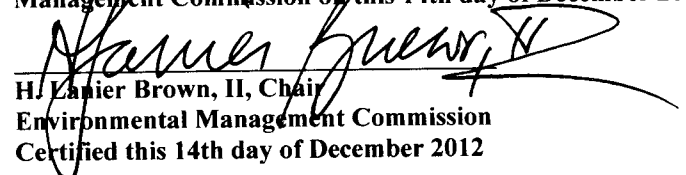




DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 14th day of December 2012.

ABSTAINED:


H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 14th day of December 2012
