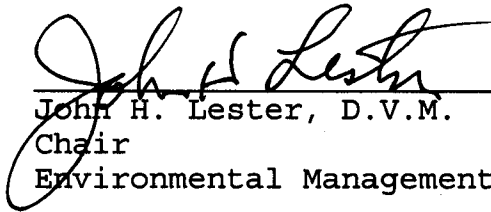


4/15/11

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 18, 2011**

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 February 18, 2011.



John H. Lester, D.V.M.
Chair
Environmental Management Commission

Certified this 15th day of April 2011.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 18, 2011

Convened: 11:00 a.m.
Adjourned: 11:30 a.m.

Part A

Transcript

Part B

Attachment Index

Attachments 1 – 2

Part A

AEMC COMMISSION MEETING - 2/18/2011

<p align="right">Page 1</p> <p align="center">ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING</p> <p align="center">Alabama Department of Environmental Management Building Main Hearing Room 1400 Coliseum Boulevard Montgomery, Alabama</p> <p>February 18, 2011 11:00 a.m.</p>	<p align="right">Page 3</p> <p>1 COMMISSIONER LESTER: Debi says it's 2 time to start. That's what we'll do. We do 3 have a quorum today. We didn't think for a 4 while that we would have. We have Marquita 5 Davis here who is our newest member. Also, 6 she had her sister with her. 7 COMMISSIONER DAVIS: She's actually 8 my assistant not my sister. 9 COMMISSIONER LESTER: Good to have 10 you here with us today. Dr. Richardson is 11 not here. His father-in-law died in New 12 York. Scott is in the Netherlands hung up 13 somewhere, and Lawyer Brown is in California 14 lawyering. But we do have a quorum so we can 15 start. First item will be the consideration 16 of the minutes from our December the 10th 17 meeting. Any questions about the minutes? 18 Do I have a motion? 19 COMMISSIONER MILLER: I make a 20 motion. 21 COMMISSIONER LAIER: Second. 22 COMMISSIONER LESTER: All opposed. 23 Debi said, if we will, raise our hands</p>
<p align="right">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 COMMISSION MEMBERS PRESENT:</p> <p>4 JOHN H. LESTER, D.V.M., CHAIR</p> <p>5 H. LANIER BROWN, II, ESQ, VICE CHAIR (not present)</p> <p>6 TERRY D. RICHARDSON, Ph.D. (not present)</p> <p>7 SAMUEL L. MILLER, M.D.</p> <p>8 W. SCOTT PHILLIPS (not present)</p> <p>9 JAMES E. LAIER, Ph.D., P.E.</p> <p>10 MARQUITA F. DAVIS, Ph.D.</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 ROBERT TAMBLING, AEMC LEGAL COUNSEL</p> <p>14 DEBI THOMAS, AEMC EXECUTIVE ASSISTANT</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p align="right">Page 4</p> <p>1 because sometimes she can't hear. When I 2 left this morning, my wife had me a nice 3 jacket to wear. It was foggy and muggy. I 4 went out to feed my birds. I put this jacket 5 on and when I got to Troy, I remember I left 6 it. She called me and reminded me when I got 7 to Montgomery. Anyway, I'm wearing my Auburn 8 jacket in memory of two trees. So that's why 9 I've got this on today. At this time we will 10 have our director with his report. 11 DIRECTOR LEFLEUR: Good morning, 12 Commissioners. Dr. Davis, I would like to 13 welcome you on behalf of the Department. 14 COMMISSIONER DAVIS: Thank you. 15 DIRECTOR LEFLEUR: Before I would 16 like to introduce another member of our team, 17 Vernon Barnett. He just got out of prison. 18 He was Deputy Commissioner of Corrections, 19 and we're very pleased to have him. 20 Some of the things that we have to 21 deal with from time to time, Corrections 22 might come in handy. This morning I would 23 like to direct the majority of my comments</p>

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<p>1 to the biggest challenge facing the 2 Department. I would also like to outline 3 the challenge a bit and begin to -- and I 4 will emphasize the discussion of how we will 5 address it. Our challenge is the budget. 6 We're now almost through the second quarter 7 of FY-11. 8 We remain on track with our 9 budgeting. However, the Governor has stated 10 that the 2011 general fund budgets of all 11 agencies and departments will likely be 12 prorated 15% this year because we're almost 13 halfway through the fiscal year. This 14 prorated cut will actually amount to a 30% 15 cut of our remaining budget. Needless to 16 say, this will be a significant challenge to 17 overcome this fiscal year. Bad as this is, 18 the Governor's finance office has also 19 indicated that we can expect an additional 20 20 to 25% cut to next year's budget on top 21 of the 15% cut this year. 22 Compounding the FY-12 problem even 23 further, President Obama's budget for FY-12</p>	<p>1 legislative group. In the current fiscal -- 2 financial climate, we cannot, however, rely 3 on efforts to maintain or increase our 4 budget. We must prepare to do more with 5 less as we have never done before. 6 Now, to begin the discussion that 7 will go on in the coming weeks and months, I 8 would like to begin this discussion about 9 what we will do about our lower funding. 10 For some time the Department has been 11 developing new efficiencies that will allow 12 the Department to maintain its operations 13 with far fewer resources. Before any cuts 14 this year, our current budget is at the same 15 level it was 20 years ago. We have the same 16 budget today that we did 20 years ago before 17 the 15% cuts and the 25% cuts that are 18 coming after that. 19 Obviously, we had improving 20 efficiencies over the years. That's what's 21 allowed us to continue operation with this 22 flat budgeting. Going forward the 23 Department will have to step up or review</p>
Page 6	Page 8
<p>1 includes a 13% cut in funding for EPA. ADEM 2 currently receives almost half of its budget 3 from federal funding through EPA. As we can 4 expect to see a significant portion of any 5 reduction in funding at the Federal level 6 passed down to the states, this possible 7 added cut in Department funding for FY-12 is 8 potentially catastrophic. 9 Although we have already begun to 10 plan our response to these critical 11 challenges, the 2012 fiscal year will 12 require drastic action if we are to survive 13 with our key programs intact. As you are 14 well aware, there are many new members 15 serving in the legislature beginning this 16 year. We've developed an outreach plan to 17 educate both new and established 18 legislatures on our critical mission to 19 assure for all citizens a safe, healthful 20 and productive environment. 21 A major part of this outreach over 22 the next two years will be to secure 23 adequate funding for ADEM through the</p>	<p>1 all of our processes to refine them to be 2 even more efficient. One of our major 3 efforts in this area is to expand the E-Gov 4 applications that we have. These are 5 electronic and Internet applications of our 6 various processes in this Department. In 7 industry this would be called streamlining 8 the operations through automations. 9 We're moving towards greater and 10 greater automation in our Department. That 11 is one of our methods to improve our 12 efficiency and utilize our assets more 13 effectively. The more participation we have 14 in the E-Gov program, the less work hours 15 that will be required to handle the paper, 16 generate required reports and manage data 17 which are some of our key activities. This 18 saves money. The E-Gov programs that are 19 available now and those projected to be 20 available in the next few months include 21 E-DMR, which are Discharge Monitoring 22 Reports. E-NOI's or Notice of Intent to 23 Operate under a general permit. E-DWR,</p>

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<p>1 which is Drinking Water Reports that are 2 filed. E-file which is basically our entire 3 filing system online; and, finally, 4 web-based complaint system. 5 Now, dealing with each of these 6 individually -- most, if not all, regulating 7 facilities generate -- reports 8 electronically and then submit to the 9 Department on paper. We're strongly 10 encouraging the regulated universe to start 11 using the E-DMR system to eliminate manual 12 entry of the data in both state and federal 13 database systems. With more than 10,000 14 reporting points, the resource for both the 15 permit and Department can be significant if 16 we can get them moved over into this 17 electronic DMR program. 18 For E-NOI applications, we allow 19 approximately 10,000 permittees to use the 20 web-based system for a general permit. Now, 21 for some in the room, a general permit is 22 that permit that is applicable to all 23 facilities and is not a permit by rule that</p>	<p>1 of electronic documents. E-file has been in 2 operation since mid-2009 and has received 3 approximately 60,000 hits during that 4 period, which has significantly reduced 5 copying and processing costs associated with 6 manual record requests and saves both the 7 Department and the state time and money. We 8 can see some real benefits there for 9 certain. 10 The web-based complaint system is 11 projected to be available in May of this 12 year. A major feature of this feature will 13 be the ability for the public to 14 browse complaints submitted to the 15 Department via the ADEM website. Any person 16 with access to the Internet will have the 17 ability to view ADEM's public website and 18 view all complaints in the system. 19 The online complaint system is in 20 conjunction with the E-file, which will 21 allow a system which can track status of any 22 complaint and to obtain copies of any 23 documents that the Department produces as a</p>
Page 10	Page 12
<p>1 identifies specific facilities for 2 permit conditions. The application will 3 include the ability to utilize a credit card 4 for the payment of the permit fees. 5 The overall impact of this system 6 will be to reduce the reporting burden, 7 increase efficiency, increase accuracy and 8 reduce paperwork. Data input by the 9 permittees will be transferred 10 automatically, thus eliminating a large 11 amount of manual entry. We're encouraging 12 all general permit holders to use this 13 system. 14 In our E-DWR application, this is a 15 web-based system that allows approximately 16 200 public water systems to file compliance 17 related data and documents in electronic 18 format. As with other E-Gov applications, 19 E-DWR replaces a manual paper-based process 20 thereby increasing efficiency, accuracy and 21 time limits. 22 E-file is the Department's free 23 internet-based system that allows retrieval</p>	<p>1 result of the complaint. For example, when 2 an inspection is performed as a result of a 3 complaint, the inspection action will be 4 reflected in the online report record. 5 The inspection report can then be 6 accessed filed in system. Actual system. 7 The use of this system by the public will 8 provide them with the most up-to-date 9 information on the staff for their complaint 10 while saving the Department resources. 11 So you have a key piece of 12 efficiency movement. The Department is also 13 able to realize cost savings by undertaking 14 programs that encourage pollution 15 prevention. As with many activities in 16 life, prevention is much less costly than 17 correction. Some examples of the pollution 18 prevention efforts include: Reuse recycle 19 program; our scrap tire management and reuse 20 program; and low-impact Department and Green 21 infrastructure activities, which we're 22 working on with the environmental community, 23 engineering firms and others to encourage</p>

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1 implementing these activities and new
 2 construction.
 3 In the recycle area, as you recall,
 4 the Commission recently adopted a 25%
 5 recycle goal for the state. In support of
 6 that goal, the Department has awarded more
 7 than \$2.8 million to 28 grantees to enhance
 8 recycling in local municipalities across the
 9 state. Reuse and recycling reduces the need
 10 for additional landfill capacity, thereby
 11 reducing permitting and oversight costs for
 12 the Department. As a side note, Alabama has
 13 more than 25 manufacturing facilities that
 14 rely on recycled material feed stocks. They
 15 employ more than 10,000 Alabamians and
 16 generate revenue of more than 6.6 billion
 17 annually. A study by the Southeast
 18 Recycling Development Council determined
 19 that if Alabama recycled -- for each 10%
 20 that Alabama increases the amount of solid
 21 waste recycling, the impact will be the
 22 creation of more than 1400 jobs, \$66 million
 23 in additional revenue and more than

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1 \$3 million in additional tax revenue. So
 2 there's many incentives to increasing the
 3 recycling efforts in the state.
 4 In the scrap tire area, Alabama
 5 generates approximately \$5 million scrap
 6 tires per year and receives an additional 4
 7 million from out-of-state sources annually.
 8 The Department's scrap tire program promotes
 9 recycling of and develops markets for scrap
 10 tires. Utilizing alternatives to costly
 11 landfill disposal tires extends the life of
 12 existing landfills and reduces the need for
 13 new landfill capacities.
 14 The Department's scrap tire
 15 management efforts have diverted
 16 approximately 50,000 tons or about 5 million
 17 passenger tire equivalents from landfill
 18 exposure so it's an effective program; the
 19 LID, Low Impact Development. The Department
 20 actively supports green infrastructure
 21 projects with funding from State Revolving
 22 Fund and the 319 Nonpoint Source Management
 23 Programs.

Page 15

1 Biggest pollutant in the nation.
 2 Storm water runoff is the biggest pollutant
 3 in the nation. Many people are surprised by
 4 that fact, but storm water and the sediment
 5 that it carries is the biggest pollutants in
 6 the nation. Low impact development, green
 7 streets, rainwater reuse and water
 8 efficiency projects. Just some of the
 9 approaches that local communities that can
 10 afford to provide sustainable infrastructure
 11 that reduces water pollution while
 12 conserving resources. The Department has
 13 invested more than 1.6 million in nonpoint
 14 source funds for low impact development
 15 projects and \$35 million in state revolving
 16 loan funds for Green infrastructure
 17 projects. We expect this to increase.
 18 Some of the LID and Green
 19 infrastructure projects that receive funds
 20 from the Department are highlighted on the
 21 display out in the lobby. I call your
 22 attention to this so you can have an
 23 opportunity to view it after the meeting.

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1 The number of additional projects are
 2 highlighted in the brochures that were
 3 placed on each of the chairs this morning.
 4 I recommend that you look through that to
 5 see some of the projects that are under way.
 6 As you can see, coping with these
 7 exceptionally difficult budget reductions
 8 will require efforts by the Department,
 9 regulated facilities, citizens of Alabama to
 10 use E-Gov applications and to implement
 11 pollution prevention programs.
 12 At the Department we're encouraging
 13 all parties to work together in these
 14 efforts. On a somewhat different note, I
 15 would like to bring to the Commission's
 16 attention that the Forever Wild Program is
 17 coming to the end of its initial
 18 authorization and will be up for
 19 reauthorization during this session of the
 20 legislature.
 21 The goals for Forever Wild are
 22 fully consistent with the mission of ADEM.
 23 In a number of cases, Forever Wild land

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<p>1 purchases have directly complimented our 2 efforts. For example, lands have been 3 purchased, adjoining the Tensaw River and 4 the Hatchet Creek Watershed both of which 5 have been designated Outstanding Alabama 6 Waters by the Department. The Department 7 has gone on record encouraging the 8 legislature to reauthorize this important 9 program. 10 At your next meeting, I would like 11 to encourage the Commission to consider 12 adopting a resolution likewise endorsing the 13 Forever Wild Program and urging the 14 legislature to reauthorize it. 15 I would like to close with a few 16 comments about our 319 Program. For those 17 of you not familiar with the 319 Program, 18 this is a program where the Department 19 receives funds from the federal government 20 that it then has the ability to distribute 21 to nonpoint source pollution improvement in 22 various watersheds around the state. This 23 is one of those pollution prevention efforts</p>	<p>1 sheds with important quality impairments 2 that have been documented in an effort to 3 restore water quality in that area. One 4 such project was recently honored by the 5 Cahaba River Society for its role in 6 protecting urban water resources in the 7 Birmingham area. 8 Little Shades Creek Stream 9 Restoration Project restored approximately 10 2,000 feet of stream bank that was severely 11 eroding and causing large amounts of 12 sediment to be deposited in your waterway. 13 ADEM was the initiator and the driving force 14 behind the project. The Department also 15 provided approximately \$400,000 in funding 16 to support the project. This stream of 17 restoration not only reduced sediment 18 loading in the Cahaba River Water Shed but 19 also serves as a demonstration project for 20 other stakeholders to be emulated. 21 As Chief of the External Affairs 22 Branch of the Permits and Services Division, 23 Scott Hughes has overall responsibility for</p>
Page 18	Page 20
<p>1 I mentioned earlier as well as a pollution 2 correction effort. As each of you are 3 aware, the Department implements a wide 4 range of regulatory programs in our efforts 5 to protect water quality in Alabama. 6 However, we also take advantage of some 7 nonregulatory programs that are designed to 8 improve water quality and give local 9 citizens a vested interest. The 319 10 Nonpoint Source Program is such a program. 11 ADEM just completed its 12 22nd annual Nonpoint Source conference. 13 It was attended by more than 300 individuals 14 and by all accounts was another notable 15 success. The ADEM 319 Nonpoint Source 16 Program works with local citizens, 17 stakeholders and land owners in a voluntary, 18 nonregulatory manner to implement 19 on-the-ground projects that are designed to 20 reduce the negative impacts of nonpoint 21 source pollution to improve water quality. 22 The Department focuses its 23 financial and technical resources in water</p>	<p>1 a Nonpoint Source Program and I would like 2 to recognize him along with Norman Blakey 3 for the Nonpoint Source Unit Supervisor for 4 their work on Little Shades Creek 5 Restoration project and for their efforts to 6 reduce the impacts of the nonpoint source 7 pollution throughout Alabama. Would y'all 8 stand up to be recognized? 9 (Applause.) 10 DIRECTOR LEFLEUR: This has been a 11 very successful program and there are many 12 reasons that it's an excellent program, but 13 looming large is that it's a voluntary 14 program. And it takes the difficult tasks of 15 trying to change the mindset of people. It's 16 something like getting people to wear their 17 seat belts or to stop smoking. You have to 18 change your mindset to get people to make 19 changes in nonpoint sources of pollution in 20 our watersheds. Beth, are you here? 21 MS. STEWART: Yes. 22 DIRECTOR LEFLEUR: I would like to 23 invite Beth Stewart, the Executive Director</p>

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<p>1 of the Cahaba River Society to come forward 2 and to say a few words about this project 3 since she was a big proponent of it and 4 active in it. Beth. 5 MS. STEWART: Thank you so much. 6 I'm with the Cahaba River Society and the 7 Executive Director, headquartered in 8 Birmingham. Each year for about the past 9 five years, we have given out awards to 10 development projects and urban projects that 11 we feel exemplify excellence in Water Smart 12 Development. 13 This year we have just given you a 14 handout packet for the four awards that we 15 give to kind of highlight to the public all 16 the things that need to be done to have 17 water protection as our communities grow. 18 The Little Shades Creek restoration project 19 was a significant one of these. We give 20 these awards not only to thank the agencies 21 such as yourselves and the private 22 businesses that invest in these solutions, 23 but also to highlight every single partner</p>	<p>1 certainly seen sewers that collapsed and 2 break and start to send raw sewage into 3 creeks from these kinds of impacts. So this 4 fixed an existing stormwater problem and 5 also helped to improve the habitat. But I'm 6 really glad that the Director mentioned 7 pollution prevention as an important 8 strategy. 9 So what this project achieved was 10 an after-the-fact restoration at the end of 11 the line, and it was fairly expensive. It 12 was about a \$680,000 total project about 13 \$360 per foot of creek restored. That's a 14 pretty significant public cost to take care 15 of a problem that if we were developing 16 changing mindsets and developing and 17 handling stormwater more effectively up 18 front, we wouldn't be getting into the 19 situation where more and more of our creeks 20 need that kind of repair. So we're really 21 pleased to be working with the Department to 22 look into low impact development, which can 23 be actually a cost savings way to do new</p>
Page 22	Page 24
<p>1 all the firms and businesses that help to 2 deliver quality water-wise development. 3 So I wanted to just say a few words 4 about why this is a significant award. This 5 project, as the Director said, was necessary 6 to damage -- to repair a creek that had been 7 damaged by increased storm water runoff 8 coming from urban development. The increased 9 runoff as you develop and you try and take 10 what was forest and absorbing the water and 11 convert that to paving and roofs and you 12 have a higher volume of water running off to 13 the creeks. The creek has to get bigger to 14 handle that. And so as you can see from the 15 last page, the photograph of how the banks 16 were slumping in, the creek is widening. 17 That's sending a lot of sediment into Shades 18 Creek and eventually into the Cahaba. 19 So this was a very valuable 20 project. It's moved out those over seeping 21 banks, but that creek was not only taking 22 away private property. But it was 23 threatening public infrastructure. We have</p>	<p>1 development so that you're infiltrating that 2 stormwater and you're protecting the 3 drinking water supplies and you're 4 preventing problems like this long term. So 5 we're really pleased to be working with the 6 Department on that. And I wanted to -- as I 7 present you with this award, read you what 8 it says. It's the Conservation Development 9 Award for the Alabama Department of 10 Environmental Management for being an early 11 supporter. Providing major 319 funding but 12 helping build the partnership for the 13 restoration of Little Shades Creek to repair 14 past stormwater damage to protect private 15 and public property, recreate a more natural 16 creek and contribute to the long-term health 17 of the Cahaba River Watershed. Thank you 18 all very much. 19 DIRECTOR LEFLEUR: Come on up. 20 (Applause.) 21 SPEAKER: I see a photo op 22 here. Excuse me. 23 DIRECTOR LEFLEUR: Thank you so</p>

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<p>1 much.</p> <p>2 MS. STEWART: Thank y'all so much.</p> <p>3 DIRECTOR LEFLEUR: Thank you, Beth.</p> <p>4 Let me close by thanking you Commissioners</p> <p>5 for your public service and also thanking you</p> <p>6 for the opportunity to be a service to this</p> <p>7 state.</p> <p>8 COMMISSIONER LESTER: Thank you,</p> <p>9 Director. With the permission of the</p> <p>10 Commission, I would like to ask, if I could,</p> <p>11 the Director, Debi and Robert to develop a</p> <p>12 resolution on the Forever Wild to have to us</p> <p>13 next meeting. In the meantime, if you get a</p> <p>14 copy, send it to the Commissioners. And the</p> <p>15 other thing like he was talking about on</p> <p>16 budget, let's all remember that these budget</p> <p>17 cuts are coming. When you are talking to the</p> <p>18 representative or senator or somebody, try to</p> <p>19 help us -- because they put people -- you</p> <p>20 know, we put more and more demands on you and</p> <p>21 less and less money to take care of them.</p> <p>22 Our next item is Hazardous Waste Program</p> <p>23 regulations and waste management program.</p>	<p>1 waste, add a rule to allow -- to make</p> <p>2 technical corrections as part of the Federal</p> <p>3 Hazardous Waste Technical Correction and</p> <p>4 Clarification Rule. Add a rule to require</p> <p>5 adequate documentation for waste removed from</p> <p>6 tanks. Add language to specify how a</p> <p>7 transporter contingency plan is to be</p> <p>8 written. Add a requirement to have</p> <p>9 evacuation routes depicted on a map to be</p> <p>10 included with the evacuation plan, update or</p> <p>11 clarify existing requirements with minor</p> <p>12 revisions and correct typographical or</p> <p>13 formatting errors.</p> <p>14 Public notice of the proposed</p> <p>15 changes to the Hazardous Waste Regulations</p> <p>16 began on October 24, 2010. A public hearing</p> <p>17 was held on December 10, 2010. No oral</p> <p>18 comments were received at the public</p> <p>19 hearing. And no written comments were</p> <p>20 received during the comment period that</p> <p>21 ended on December 10, 2010. On January 19,</p> <p>22 2011, the State Committee of Public Health</p> <p>23 concurred with the Department's</p>
Page 26	Page 28
<p>1 This is Division 335-14.</p> <p>2 MR. HARDY: Good morning,</p> <p>3 Mr. Chairman, members of the Commission. I'm</p> <p>4 Gerald Hardy and Chief of the Land Division.</p> <p>5 The Department is required to ensure that its</p> <p>6 Hazardous Waste Regulations remain equivalent</p> <p>7 to the United States Environmental Protection</p> <p>8 Agency Regulations in order to retain its</p> <p>9 authorization from EPA. To maintain this</p> <p>10 equivalency, ADEM must annually revise its</p> <p>11 regulations. The revisions to Division 14 of</p> <p>12 the ADEM Administrative Code, which are</p> <p>13 before you for consideration, would</p> <p>14 incorporate Hazardous Waste Regulations,</p> <p>15 promulgated by EPA from July 1, 2009 through</p> <p>16 June 30, 2010. In this rule making, the</p> <p>17 Department is proposing to do the following:</p> <p>18 Add numerous definitions and other regulatory</p> <p>19 language related to the updated rules that</p> <p>20 transpired, shipments of hazardous waste, add</p> <p>21 a rule to allow generators to petition the</p> <p>22 Department to have trivalent chromium waste</p> <p>23 excluded from regulations and hazardous</p>	<p>1 recommendation to adopt these rules as</p> <p>2 proposed. At this time, the Department</p> <p>3 requests permission to adopt these rules as</p> <p>4 recommended. And I will be glad to answer</p> <p>5 any questions you may have.</p> <p>6 COMMISSIONER LESTER: Any</p> <p>7 Commissioner have any questions? Do I have a</p> <p>8 motion on this?</p> <p>9 COMMISSIONER MILLER: I move that we</p> <p>10 accept the report.</p> <p>11 COMMISSIONER LESTER: Motion to</p> <p>12 adopt the proposed amendment. Any second?</p> <p>13 COMMISSIONER LAIER: Second.</p> <p>14 COMMISSIONER LESTER: All in favor,</p> <p>15 please say aye and raise your hand.</p> <p>16 ALL: Aye.</p> <p>17 COMMISSIONER LESTER: All opposed?</p> <p>18 (No response.)</p> <p>19 COMMISSIONER LESTER: Is that all,</p> <p>20 Gerald?</p> <p>21 MR. HARDY: That's it.</p> <p>22 COMMISSIONER LESTER: Next item of</p> <p>23 business is just to acknowledge the petition</p>

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1 of Robert E. Lang's withdrawal of business 2 for hearing. Any Commissioner or anyone have 3 any other business? 4 COMMISSIONER LAIER: No, sir. 5 COMMISSIONER LESTER: Our next 6 Commission meeting will be April 15. That's 7 a pretty good day. I think the government 8 will give us three more days, on the 18th. 9 But any Commissioners have any problems with 10 meeting on that day? Then I will entertain a 11 motion to adjourn. 12 COMMISSIONER LAIER: I move. 13 COMMISSIONER LESTER: All in favor 14 say Aye. 15 ALL: Aye. 16 COMMISSIONER LESTER: Closed. 17 18 19 20 21 22 23	1 LaTarsha M. Scott, ACCR#512 2 Freelance Court Reporter 3 600 South Court Street, Suite 435 4 Montgomery, AL 36104 5 (334) 669-3252 or (800) 405-7150 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

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1 2 3 4 CERTIFICATE 5 STATE OF ALABAMA 6 COUNTY OF MONTGOMERY 7 8 I hereby certify that the above 9 proceedings were taken down by me and transcribed by 10 me using computer-aided transcription and that the 11 above is a true and correct transcript of said 12 proceedings taken down by me and transcribed by me. 13 I further certify that I am neither of 14 kin nor of counsel to any of the parties nor in 15 anyway financially interested in the outcome of 16 this case. 17 I further certify that I am duly 18 licensed by the Alabama Board of Court Reporting 19 as a Certified Court Reporter as evidenced by the 20 ACCR number following my name found below. 21 So certified on this, the 7th day of 22 March, 2011. 23	

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Part B

Attachment Index

Attachment 1

Agenda

Attachment 2

**Resolution adopting proposed amendments to ADEM
Administrative Code Division 335-14, Hazardous Waste
Program Regulations**

**(Agenda Item 4 – Consideration of adoption of proposed
amendments to ADEM Administrative Code Division 335-14,
Hazardous Waste Program Regulations)**

Attachment 1

1/19/2011

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 18, 2011

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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4. Consideration of adoption of amendments to ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations	2
5. <u>Robert E. Lang v. ADEM</u> EMC Docket No. 11-03	2
6. Other business	2
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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 DECEMBER 10, 2010
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-14, HAZARDOUS WASTE PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations, Chapters 335-14-1 to 335-14-8, and 335-14-17. The revisions would adopt federal hazardous waste regulation additions/modifications that occurred from July 2009 to June 2010 so the Department's Hazardous Waste Program is equivalent to the federal program. The Department held a public hearing on the proposed amendments on December 10, 2010.

5. ROBERT E. LANG V. ADEM, EMC DOCKET NO. 11-03

The Commission will acknowledge Petitioner Robert E. Lang's withdrawal of the request for hearing in this appeal concerning ADEM's October 25, 2010, denial of the Grade I Water Operator Certification to Robert E. Lang, Trussville, Alabama.

6. OTHER BUSINESS
7. FUTURE BUSINESS SESSION

Attachment 2

**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 335-14 of the Department's Hazardous Waste Program Rules and Regulations in accordance with Code of Alabama 1975, §§ 22-22A-8 and 41-22-4; 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 335-14 [Amendments to 335-14-1-.02/Definitions and Reference (Amend); 335-14-1-.03/Petitions for Equivalent Testing or Analytical Methods for Delisting(Amend); 335-14-2-.01/General (Amend); 335-14-2-.03/Characteristics of Hazardous Waste (Amend); 335-14-2-.04/Lists of Hazardous Waste (Amend); 335-14-2-Appendix VII/Basis for Listing Hazardous Waste (Amend); 335-14-3-.01/General (Amend); 335-14-03-.02/The Manifest (Amend); 335-14-3-.03/Pre-Transport Requirements (Amend); 335-14-3-.04/Recordkeeping and Reporting (Amend); 335-14-3-.05/Exports of Hazardous Waste (Amend); 335-14-3-.06/Imports of

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

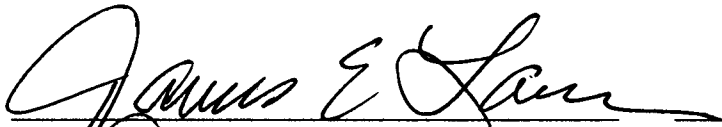
Hazardous Waste (Amend); 335-14-3-.09/Transfrontier Shipments of Hazardous Waste for Recovery within the Organization for Economic Cooperation and Development (OECD)(Amend); 335-14-4-.01/General (Amend); 335-14-4-.02/Compliance with the Manifest System and Recordkeeping (Amend); 335-14-5-.02/General Facility Standards (Amend); 335-14-5-.04/Contingency Plan and Emergency Procedures (Amend); 335-14-5-.05/Manifest System, Recordkeeping and Reporting (Amend); 335-14-6-.02/General Facility Standards (Amend); 335-14-6-.04/Contingency Plan and Emergency Procedures (Amend); 335-14-6-.05/Manifest System, Recordkeeping and Reporting (Amend); 335-14-7-.07/Spent Lead-Acid Batteries Being Reclaimed (Amend); 335-14-8-.01/General Information (Amend); 335-14-17-.05/Standards for Used Oil Transporter and Transfer Facilities (Amend)] of the Department's Land Division – Hazardous Waste Program rules, administrative code attached hereto, to become effective thirty-five days after filing, unless otherwise indicated, with the Alabama Legislative Reference Service.

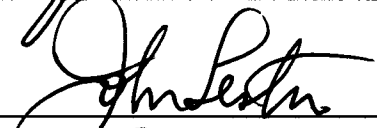
**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

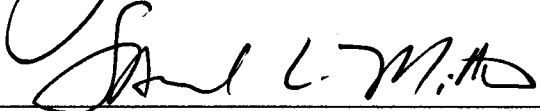
ADEM Admin. Code division 335-14 – Hazardous Waste Program

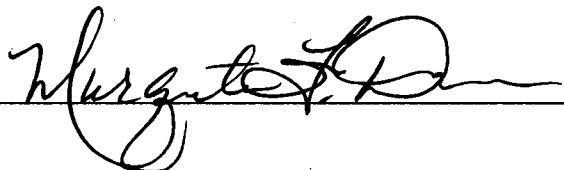
IN WITNESS WHEREOF, we have affixed our signatures below on this 18th day of February 2011.

APPROVED:



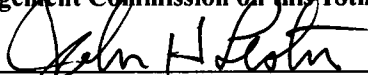






DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 18th day of February 2011.



John H. Lester, Chair
Environmental Management Commission
Certified this 18th day of February 2011

ABSTAINED:
