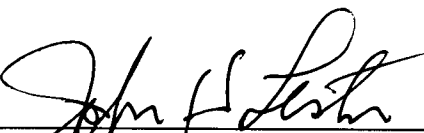


6/24/11

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 15, 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 April 15, 2011.



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

Certified this 24th day of June 2011.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 15, 2011

Convened: 11:00 a.m.
Adjourned: 11:40 a.m.

Part A

Transcript

Part B

Attachment Index

Attachments 1 – 4

Part A

AEMC COMMISSION MEETING - 4/15/2011

<p>Page 1</p> <p>MEETING OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION DATE: April 15, 2011 TIME: 11:00 a.m.</p> <p>*****</p> <p>THE FOLLOWING ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING was taken before Shannon P. Yost, Certified Court Reporter and Commissioner for the State of Alabama at Large, at the Alabama Department of Environmental Management Building, Alabama Room, 1400 Coliseum Boulevard, Montgomery, Alabama, on the 15th day of April, 2011, commencing at 11:00 a.m. CST.</p> <p>*****</p>	<p>Page 3</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</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>1 DR. LESTER: We'll call this meeting</p> <p>2 to order and acknowledge that we have a</p> <p>3 quorum today. The first item of business</p> <p>4 is to consider the minutes from our last</p> <p>5 meeting on February the 18th. Is there</p> <p>6 any corrections or additions, or do I</p> <p>7 have a motion?</p> <p>8 MR. BROWN: Move to adopt.</p> <p>9 DR. LAIER: Second.</p> <p>10 DR. LESTER: Motion is seconded.</p> <p>11 All in favor, say aye.</p> <p>12 DR. DAVIS: Aye.</p> <p>13 DR. MILLER: Aye.</p> <p>14 MR. PHILLIPS: Aye.</p> <p>15 DR. LESTER: Aye.</p> <p>16 MR. BROWN: Aye.</p> <p>17 DR. LAIER: Aye.</p> <p>18 DR. LESTER: All opposed?</p> <p>19 (No response.)</p> <p>20 DR. LESTER: We didn't raise our</p> <p>21 hand. She told us last time to raise our</p> <p>22 hand.</p> <p>23 Next item will be the Director's</p>
<p>Page 2</p>	<p>Page 4</p>
<p>1 APPEARANCES:</p> <p>2</p> <p>3 COMMISSION MEMBERS:</p> <p>4 JOHN H. LESTER, D.V.M., CHAIR</p> <p>5 MARQUITA F. DAVIS, PH.D.</p> <p>6 SAMUEL L. MILLER, M.D.</p> <p>7 W. SCOTT PHILLIPS</p> <p>8 H. LANIER BROWN, II, ESQUIRE</p> <p>9 JAMES E. LAIER, PH.D., P.E.</p> <p>10 TERRY D. RICHARDSON, PH.D. (not present)</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 DEBI THOMAS, AEMC EXECUTIVE ASSISTANT</p> <p>14 ROBERT TAMBLING, AEMC LEGAL COUNSEL</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>1 report, but before we do that, just -- I</p> <p>2 was going to make a little presentation</p> <p>3 to Dr. Richardson. He just got back.</p> <p>4 He's like Scott here. Scott just flew</p> <p>5 into Montgomery a few minutes ago from</p> <p>6 Chile. Dr. Richardson had been to</p> <p>7 Oxford, England representing the</p> <p>8 University of North Alabama, and he was</p> <p>9 asked to speak on the BP oil response</p> <p>10 and, particularly, his personal</p> <p>11 experiences of being part of the</p> <p>12 response. So we'll -- let's think about</p> <p>13 him. And I'm going to call on Lance to</p> <p>14 give his report, and he will give you the</p> <p>15 information on why Dr. Richardson's not</p> <p>16 here.</p> <p>17 Lance.</p> <p>18 MR. LEFLEUR: Thank you, Doctor.</p> <p>19 Dr. Richardson is not here this morning.</p> <p>20 He was planning to be here. He called me</p> <p>21 last evening. His daughter,</p> <p>22 stepdaughter, was on vacation down at the</p> <p>23 gulf and had an accident and had to have</p>

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Page 5	<p>1 emergency surgery last night, and they 2 are down there. And he apologized to the 3 Commission for missing a -- a meeting 4 this time, but I indicated that everybody 5 here would -- would certainly understand 6 and that our prayers would be with -- 7 with him and his daughter. 8 Okay. If I may, good morning, 9 Commissioners. It's a pleasure to be 10 here with you. I'd like to focus my 11 comments on two areas this morning: 12 First on our budgets, which is an ongoing 13 issue; and, second, as I approach one 14 year of service with the Department, some 15 thoughts on what I've come to understand 16 is one of our most critical elements to 17 the Department's success, and that's our 18 partners in the projects that we work on. 19 On the budget front, let's see if 20 I -- I've got some slides here. This is 21 sort of unusual. On our budget fund, our 22 budget break downs -- we get about 23 9 percent of our operating funds from the</p>	Page 7	<p>1 So our prorated budget for 2011 is shown 2 by this yellow bar on this graph. 3 Our 2012 general fund budget will be 4 down 31 percent, and this is represented 5 by the red bar on this graph, will be 6 down 31 percent over the -- the original 7 budget for FY 11 and down 19 percent from 8 the prorated 2011 budget. We are waiting 9 for the other shoe to drop as far as our 10 federal budget is concerned, but this is 11 our general fund budget. 12 We expect our federal budgets to be 13 down by at least 13 percent. That's what 14 the President recommended recently. And, 15 of course, Congress is the one that will 16 ultimately determine the budget, and 17 they're just beginning those 18 conversations now. We think that the -- 19 the Congress will reduce EPA budget, 20 which, in turn, reduces our budget by 21 more than the 13 percent that the -- 22 the -- the President has recommended. 23 One more item that's impacting our</p>
Page 6	<p>1 general fund of the state. About 2 34 percent of our budget comes from 3 federal grant funds, and the remaining 4 57 percent comes from fees, issuance 5 fees, on permits and -- and other types 6 of fees. 7 Our general fund budget, as this 8 slide indicates, has been essentially 9 flat for about the last 20 years. 10 There's a little blip there in 2008. 11 That was the startup of a new program 12 to -- where the State worked with ADEM, 13 shared in steel dust disposal fees that 14 are collected at Emelle, and it was a 15 two-year collection portion that showed 16 up in that year. But other than that, 17 it's been a fairly flat budget for the 18 last 20 years. It's something unusual in 19 state budgets. 20 As many of you are aware, recently, 21 the governor declared a 15 percent 22 proration across the board for all 23 agencies, and we are included in that.</p>	Page 8	<p>1 budget this year -- well, in two fiscal 2 years actually, both FY 10 and FY 11 -- 3 we have approximately \$300,000 of cost in 4 the BP oil spill response that will not 5 likely be recovered and will be a direct 6 hit against our budget also. This 7 amounts to about 7 percent, an additional 8 7 percent, on our budget. ADEM has 9 worked to date -- we're still on the 10 site, but to date, we have about 35,000 11 hours in oil spill response. And that's 12 not reflected in -- in these charts that 13 I have up here. 14 That's the situation that we find 15 ourselves in budgetwise. It's a -- it's 16 a stringent situation, and it's not 17 unusual for many agencies around the -- 18 the state and around the country. 19 I'd like to now talk a little bit 20 about how we anticipate we're going to 21 respond to this, how we will respond to 22 this. 23 Our -- one of our first responses is</p>

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<p style="text-align: right;">Page 9</p> <p>1 going to be to require eGov participation 2 for all those entities that are capable 3 of responding in eGov applications. This 4 is where we have electronic format for 5 submitting reports rather than paper 6 reports. It improves accuracy. It 7 improves our -- our time usage as far as 8 getting the data input. And we talked a 9 little bit about that last time. But we 10 are going to be taking more aggressive 11 steps to require eGov application in 12 permits and other -- other activities 13 that we do. 14 We'll also be implementing more 15 general permits. And when we have a 16 general permit, it not only saves 17 manpower because we have -- for instance, 18 on the MS4 permit that's out there now, 19 the general permit, we can have 60 20 permittees operate under the same permit 21 rather than writing individual permits, 22 which is a very time-consuming process. 23 So we can more effectively use our</p>	<p style="text-align: right;">Page 11</p> <p>1 We will reduce or eliminate some of 2 our outreach program contracts. Now, 3 these are contracts that have been very 4 beneficial to us, but they are contracts 5 that are away from our core activities. 6 And these are -- are things like Water 7 Watch. I know there are some Water Watch 8 people in the room today. We'll be 9 reducing those types of contracts. Clean 10 Water Partnership, who has worked very 11 closely with us, we are going to ask them 12 to tighten their belt just like we have 13 to tighten our belt. So we'll be 14 reducing that outreach that we have. 15 In the same vein, State initiatives 16 will be pared back to make sure that we 17 meet federal grant commitments. Each of 18 the states has programs that they 19 implement that's -- that are in addition 20 to the federal programs that are 21 implemented. These -- these are what we 22 call our State initiatives. And right 23 now, with the budgets being reduced, we</p>
<p style="text-align: right;">Page 10</p> <p>1 manpower. It also has the benefit of 2 allowing us to raise the bar on the 3 standards that we impose. The standards 4 that are imposed are those that are 5 designed to meet all circumstances, and 6 under our individual permits, we would 7 normally have lower standards in certain 8 cases, varying in -- in -- on the -- the 9 permit would vary, as far as what the 10 standards are, depending on the local 11 circumstances. But now we have the 12 higher standard that will be applied to 13 all of them. So general permits help us 14 in two different ways. 15 We'll also be eliminating our -- 16 what has been in the past, our Pollution 17 Control Grant Fund. These are funds that 18 have been in our budget to supplement 19 wastewater treatment systems, drinking 20 water systems, and so forth. But in 21 light of the current budget restrictions, 22 we're going to be eliminating that 23 program.</p>	<p style="text-align: right;">Page 12</p> <p>1 are going to have to reduce what we do in 2 the way of State initiatives so we can 3 focus on getting done the federal 4 requirements that we have. It's an 5 unfortunate situation, but it's 6 necessitated by these budget restrictions 7 that we're seeing. 8 We're also going to be raising fees. 9 This is never a popular topic for the -- 10 the regulated community, but we've been 11 working to prepare them. This next 12 slide -- if you'd look at this, let me 13 explain it a little bit. The blue bars 14 at the bottom are our -- represent our 15 general fund budget, the yellow bar 16 represents our federal budget, and the 17 red bar represents our fee income. As 18 you can see, our fee income has been 19 becoming a more and more important 20 component of our overall budget, and 21 that's because we've been facing these 22 declining state and fanderal -- federal 23 budgets. So we've been supplementing it</p>

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<p style="text-align: right;">Page 13</p> <p>1 with fee income. 2 Now, the last three bars there -- 3 it's a little hard to see on this slide, 4 but the one -- the third one in is -- is 5 our fiscal year 11 prior to proration. 6 The next bar in, the second bar in, is 7 the prorated budget, and then the bar at 8 the very end of the graph represents our 9 2012 budgets. 10 As you can see, we've kept the fee 11 income flat for each of those 12 circumstances, and -- and by doing our 13 fee increase, we'll be increasing our 14 fees, and those -- those bars will show 15 an increase. But this demonstrates the 16 reduced -- anticipated reduced federal 17 budget and the reduced general fund 18 budget. 19 Our fees -- we -- we try to keep our 20 fees to as low a level as we can to fund 21 our programs, which -- and the purpose of 22 that is to help bring jobs to Alabama, 23 make us a more competitive state for --</p>	<p style="text-align: right;">Page 15</p> <p>1 any layoffs as a result of current budget 2 cuts. This is not only a morale issue 3 that we're -- we're avoiding layoffs and 4 a workload issue, but, also, it's a cost 5 issue. We invest nearly two years in 6 training our professional staff, which 7 comprises about 80 percent of our 8 personnel. And when we let the people 9 go, we have to take that training 10 investment and let it go also, and when 11 we rehire down the road, we have to make 12 that investment yet again. So we are -- 13 we are having layoffs as our very last 14 option for a number of different reasons. 15 So that's our -- that's where we are 16 with our budget. A very difficult time 17 for many agencies, not just for our -- 18 our department but for many. 19 Let me address a different topic 20 now, if I may, and this is a topic that 21 involves our partners. And this is -- 22 this is an important piece. In the year 23 since becoming director, I've come to</p>
<p style="text-align: right;">Page 14</p> <p>1 for businesses to locate. We -- we have 2 been having greater and greater federal 3 mandates, and we have no option but to 4 increase those fees in the next coming 5 years. 6 We have the statutory authority to 7 raise the fees. We are not at the limit 8 as to high -- as high as we will be able 9 to go with our fee structure, but, like I 10 say, we -- we still want to limit that -- 11 that amount of fee increase to the bare 12 minimum. We'll be coming to the 13 Commission later in the year with a 14 revised fee structure. 15 Another item that we'll be 16 undertaking to deal with these budget 17 times that we're -- we're seeing is we 18 will be working to negotiate workload 19 adjustments in our federal grant 20 commitments to reflect the federal budget 21 cuts. 22 The Department is currently 23 understaffed, and we do not anticipate</p>	<p style="text-align: right;">Page 16</p> <p>1 understand a number of things about the 2 department, and I -- I -- I have many 3 more to learn, obviously. However, one 4 thing that has really jumped out is that 5 whatever ADEM can do alone is multiplied 6 many fold when partners are involved. 7 I'd like to illustrate how this 8 works by identifying some of our partners 9 and highlighting a few examples to show 10 the diversity of these relationships and 11 the statewide distribution of these 12 activities. ADEM was the lead on some of 13 these projects that I'll be showing in 14 these next slides. On some of them, we 15 were an equal partner participant. The 16 slides represent some successes, and I 17 don't mean to imply that there are -- are 18 not areas for improvement. Clearly, we 19 have some areas where we're not where we 20 need to be. 21 I've selected 15 projects. There 22 are many, many more. These are some of 23 the current ones. But these include</p>

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Page 17	<p>1 examples from our Air Division, our Land 2 Division, and our Water Division. 3 There's some from the southern, central, 4 and northern parts of the state. You'll 5 notice that some of these are rather 6 mundane; some are quite unique; some are 7 experimental; and some are even 8 controversial. The main purpose of these 9 slides is to show you some of the groups 10 that actually participate in making 11 successful things happen. Please pay 12 particular note to the wide variety of 13 the partners that are involved with this 14 and willing to work with the Department 15 to get results that benefit the 16 environment. 17 I apologize beforehand. There are a 18 lot of slides here, and I'll try to go 19 through them. The print's a little bit 20 small. But these first three projects 21 that we'll see in these slides all relate 22 to the BP oil spill. My first 23 anniversary with the Department coincides</p>	Page 19	<p>1 federal agencies. This was a response 2 project where we responded to the oil 3 spill. 4 The next one is an example of one of 5 the protective projects that was 6 undertaken. Katrina Cut is what it's 7 called. This is a -- refers to a breach 8 that was put in Dauphin Island during 9 Hurricane Katrina in 2005, and that 10 breach is more than a mile wide and 11 allowed a pathway for oil to come into 12 the Mississippi sound area, a very 13 sensitive area. It also allows hurricane 14 tidal surge to come through where -- what 15 used to be a barrier island. And, 16 finally, it allows saltwater to come in 17 and has an economic impact on the oyster 18 beds that are down there. Oyster drills 19 are allowed to come in with that 20 saltwater. So there are a number of 21 things that -- that are problems down 22 there by this breach existing. The 23 project involves restoring the natural</p>
Page 18	<p>1 with the Deepwater Horizon oil spill. I 2 don't know how much I like that, but, 3 nonetheless, we both have the same start 4 date. The first project here that -- 5 that you see the slide -- on the slide is 6 where we were the lead agency in the BP 7 oil spill response. This -- this 8 response -- ADEM is currently on the 9 scene full time, and we're working to 10 oversee the cleanup. Like I said, we 11 have more than 35,000 hours in this 12 project, so we've got -- we've got a lot 13 of relationships here that are -- that 14 are well-worn relationships. But just 15 some of the groups that have been 16 involved: Local environmental groups; 17 most notably, Baykeeper, Alabama Coastal 18 Foundation, Mobile Bay National Estuaries 19 Program, some very good local 20 environmental agencies, groups. We have 21 11 state agencies; the US Coast Guard; 22 BP; state, county, and local elected 23 leaders; private citizens; and numerous</p>	Page 20	<p>1 barrier that was there, and you can see 2 the -- some of the partners that we 3 worked with on this project, which has 4 just completed in this past week, 5 including EPA; the Corps of Engineers; 6 Alabama Coastal Foundation; again, the 7 National Estuaries Program; the City of 8 Bayou la Batre; Dauphin Island, Dauphin 9 Island Sea Lab, Mobile County. A lot of 10 different diversity in that, as -- as all 11 of these projects are. 12 The third one related to the oil is 13 the Coastal Resiliency Commission and, in 14 particular, the Environmental Resiliency 15 Committee of that Commission. This is 16 a -- a -- we were one of 80 participants, 17 lead participants, in this program, and 18 the idea behind this entire Commission 19 was to move into the recovery phase from 20 the oil spill. There were numerous 21 environmental organizations involved, 22 economic institutions, business 23 community, Corps of Engineers, elected</p>

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<p>1 officials, media representatives, and 2 numerous state agencies, so a wide range 3 of participants in that project also. 4 The next one we -- we have here is 5 the one that involves the City of Bayou 6 la Batre and their wastewater treatment 7 plant. Bayou la Batre has been a 8 problem -- has had a problem down there 9 for more than 30 years. Both marine 10 resources and our Water Division have 11 been working with Bayou la Batre for many 12 years to try to bring their wastewater 13 treatment plant into compliance. And 14 this is a -- a program that -- that got 15 started, had a false start, and now 16 we're -- we're trying to bring it to 17 closure. And our partners in this one 18 involve, obviously, Bayou la Batre but 19 the USDA; Conservation; Baykeeper, once 20 again; ADECA; private engineering 21 companies; a lot of different partners, a 22 lot of wide-ranging groups. 23 Another project that's an</p>	<p>1 in this project also. 2 Coal ash legislation. This is one 3 that's going through the Legislature now. 4 We anticipate the bill will pass. This 5 is a -- a unique coming together. You 6 don't often find projects where the 7 environmental community, the 8 coal-burning-power generators, and ADEM 9 come together and get the legislators to 10 work with them. So this is -- this is a 11 very interesting project. What it does 12 is defines coal ash to solid waste and 13 allows us to begin controlling the 14 disposal. 15 State Revolving Fund. Many of you 16 are familiar with that. Providing 17 low-cost loans to various communities to 18 upgrade their drinking water and 19 wastewater systems. We deal with, 20 obviously, the local municipalities. 21 EPA's involved. We have investment 22 bankers, attorneys, water boards, even 23 Internal Revenue Service, consulting</p>
Page 22	Page 24
<p>1 interesting one involves greenhouse gas 2 mitigation, a sequestration research 3 project, deep well injection. This is 4 a -- a -- a research/experimental-type 5 project. There's a lot of -- a lot of 6 discussion about -- a lot of controversy 7 and discussion about global warming, but, 8 nonetheless, we are working with Alabama 9 Power in this case, EPA, Geologic Survey 10 to test the feasibility of CO2 11 sequestration. And it's -- it's an 12 interesting project and one that points 13 out some of the interesting partners that 14 we deal with on these sorts of things. 15 Another program, scrap tire 16 recycling. We have just begun working 17 with the -- each of the counties in the 18 state to offer them \$100,000 to reimburse 19 them for tire pickup and recycling. 20 We've dealt with each of the counties, as 21 I say, the Association of County 22 Commissioners, Scrap Tire Commission, a 23 lot of different partners in this type --</p>	<p>1 engineers, and trustee banks. So a wide 2 range of partners in this type of 3 project. 4 The Selma to Montgomery Voting 5 Rights Trail brownfield cleanup. It's 6 one that's underway, got started last 7 May. It's to identify, assess, and 8 remediate underground storage tanks along 9 the -- the trail. We have a -- another 10 set of partners in this: US Department 11 of Justice, civil rights leaders, local 12 officials, HUD, Historic Commission, 13 ALDOT, Park Service. A lot of different 14 communities there that are working 15 together. 16 Genetta Creek, one here in the city 17 of Montgomery. Genetta Creek is an urban 18 watershed that we're working to improve. 19 It's an impaired stream, a 303D stream, 20 that is now being -- having work done on 21 it. It's an Environmental Justice 22 project, a Green Infrastructure project, 23 and a project that affects the quality of</p>

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Page 25	<p>1 life for people in the low income and 2 local minority community. This is an 3 excellent project. The City of 4 Montgomery has been the lead on that one, 5 and we have taken an active part through 6 our 319 program to become involved with 7 that work with these local partners. 8 Moving up toward the lakes in the 9 state, we have Treasured Alabama Lakes 10 designation, which you're going to be 11 dealing with here today. This helps us 12 to maintain high-quality water resource, 13 working with the Governor's Office. And, 14 once again, this is another instance 15 of -- of some people that don't normally 16 come together coming together for an 17 environmentally-sound project. Lake 18 Watch, I see my friend from Lake Martin 19 in -- in the audience, real estate 20 developers in the area, power generator. 21 This lake was formed for hydroelectric 22 power generation. Alabama Power worked 23 on this project with us and the local</p>	Page 27	<p>1 particulate standards have been ratcheted 2 down over the years. And we have not had 3 a formal designation of attainment, but 4 the data indicates that we have 5 attainment there for the latest standards 6 that have been set. Working with the 7 local leaders, local health department, 8 regional planning organizations. Once 9 again, another group of partners in here. 10 Little Shades Creek. Last week, 11 you -- or last -- excuse me -- last 12 Commission meeting, we had Beth Stewart, 13 Executive Director, come and present a -- 14 an award for ADEM's participation in this 15 restoration of an impaired stream. 16 Obviously, Cahaba River Society was -- 17 was heavily involved in that, local 18 electric -- elected leaders, engineering 19 company, our -- excuse me. Our soil and 20 water conservation districts and our 21 clean water partnership, our Alabama 22 Clean Water Partnership, also played a 23 big role in this. Very positive project.</p>
Page 26	<p>1 wastewater treatment plants. A nice 2 group of people coming together for a 3 good project. 4 Chemical munitions demilitarization 5 project. This was a very controversial 6 project. Some of you Commission members 7 today understand how -- how controversial 8 it was. You took a -- a courageous stand 9 to move this project forward. It's 10 eliminating chemical contamination 11 threat. This involved the US Army 12 Department of Defense, EPA, local 13 leaders. This one's now winding down. 14 It'll close out in the next year but 15 another project that's -- that's 16 indicative of the wide variety kinds of 17 projects that we work with. Jefferson 18 and Shelby Counties have attained -- 19 attaining their clean air standards for 20 fine particulates. They have met the 21 12 -- the 24-hour standard, and they -- 22 this year, at the end of 2010, they have 23 met the annual standard. Fine</p>	Page 28	<p>1 And then, finally, this one's hot 2 off the press. This just came down 3 yesterday. TVA voted at their board 4 meeting yesterday to provide funds, 5 mitigation funds, for various 6 environmental violations. ADEM has been 7 working for the last two years with -- 8 along with the Attorney General's Office; 9 TVA; EPA; our neighboring states, 10 Kentucky, Tennessee, North Carolina. We 11 will be working with the local 12 communities in North Alabama to put some 13 of these mitigation projects in place, 14 the Sierra Club, and other national 15 environmental groups. 16 Now, this is 15 projects. These are 17 15 projects that are -- that are in 18 place, going on right now, as we speak. 19 This is, by no means, by no means, all of 20 the projects that are going on. With 21 just these 15 projects, we have more than 22 a dozen environmental organizations that 23 are partnering with us, more than a dozen</p>

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<p>1 state agencies, more than 50 private 2 businesses, several dozen state, county, 3 local elected officials, more than 60 4 other participants that have been working 5 with us. This is on 15 projects. The 6 point I want to -- to make here is that 7 ADEM works with others to get projects 8 done, to get things done that improves 9 this -- this environment in our state, 10 this wonderful resource that we have. 11 And sometimes we lose -- we lose -- we 12 lose track of that. We don't really see 13 it happening. But that is such a key 14 part of what we do in this state, and I 15 want to hold those partners up and 16 recognize the work that they do. We 17 don't often hear much about our partners, 18 but they are critical to our success. 19 And if you have any questions, I'd 20 be pleased to -- to address them. I 21 thank you for allowing me to serve in 22 this position. 23 DR. LESTER: Congratulations on a</p>	<p>1 budgets are among the smallest budgets, 2 general fund budgets, in the country, and 3 certainly the smallest in Region 4, 4 our -- our Water Division has been 5 critically underfund. And we are -- we 6 have already had, on the books, a plan to 7 increase our water fees to -- to try to 8 alleviate that problem. 9 MR. BROWN: And my second question, 10 if you know, was you talked about the 11 Treasured Alabama Lakes designation. I 12 know one lake has been -- received that; 13 correct? 14 MR. LEFLEUR: Well, one lake has 15 been proposed for it. 16 MR. BROWN: It's proposed for it. 17 And I guess my -- my question was, are 18 there any efforts to start that process 19 for other lakes? 20 MR. LEFLEUR: We have had a number 21 of inquiries. It's been -- it's gotten a 22 lot of attention. And one of the 23 wonderful things about it is it gives</p>
Page 30	Page 32
<p>1 good year. 2 MR. LEFLEUR: Well, we still have 3 some things to do. 4 DR. LESTER: Yeah, but you -- you've 5 really got -- I'd say you got your feet 6 wet in a hurry on the oil spill deal. 7 Any questions from the Commission? 8 MR. BROWN: I have a couple. 9 MR. LEFLEUR: Yes, sir. 10 MR. BROWN: Being the cheap person 11 that I am, I'm just curious about what 12 the proposed percent increase in fees is 13 going to be. 14 MR. LEFLEUR: Well, we are -- we 15 haven't -- we haven't come up with a 16 final number on that. We had a number 17 before the Legislature went in session, 18 and we're waiting to see what our budgets 19 are going to look like to finalize that 20 number. Your -- one of the things that 21 figures in here is that our water program 22 has been chronically underfunded, both at 23 the federal level, and because our state</p>	<p>1 people incentive to want to have their 2 lake named as a treasured lake, and in 3 doing so, it raises the awareness of 4 high-quality water. And that's exactly 5 what we want to have come from this. We 6 want to have them knocking on our door 7 to -- to get every lake in the state 8 named as a Treasured Alabama Lake. We do 9 have to make sure that they are -- 10 they're meeting their use classification 11 requirements before they're allowed to 12 become a Treasured Alabama Lake, but 13 we'll -- we'll help them work on that. 14 MR. BROWN: Thank you. 15 DR. LESTER: Any other questions? 16 (No response.) 17 DR. LESTER: Thank you, Mr. 18 Director. 19 MR. LEFLEUR: Thank you so much. 20 DR. LESTER: The next item of 21 business is a resolution we would like to 22 present to the Commission. To be 23 resolved is the Alabama Environmental</p>

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<p style="text-align: right;">Page 33</p> <p>1 Management Commission recommends that the 2 Legislature reauthorize Forever Wild 3 funding as it is for another 20 years 4 during this regular legislative session. 5 I would like to say that the House 6 passed it yesterday, and right now, it's 7 in the Senate. I don't know if we still 8 wanted to go ahead and do this because 9 this has really been a helpful thing in 10 our state. 11 Do I have a motion that we approve 12 this resolution? 13 MR. PHILLIPS: So move, Mr. 14 Chairman. 15 DR. LESTER: Motion to second? 16 DR. LAIER: Second. 17 DR. LESTER: Motion to second. All 18 in favor, say aye and raise your hand. 19 (All Commissioners raise their 20 hand.) 21 DR. LESTER: Aye. 22 MR. BROWN: Aye. 23 DR. LAIER: Aye.</p>	<p style="text-align: right;">Page 35</p> <p>1 needed to maintain primacy for the EPA 2 programs and initiatives in the state. 3 First, I would like for you to 4 adopt, by reference, the updates to EPA's 5 rules for new source standards and for 6 air toxics. I might mention in passing 7 that assuming you adopt these changes, 8 over the years, the Commission will have 9 adopted 80 categories of new source 10 standards and 115 categories of air toxic 11 standards specific to different types of 12 plants. 13 The second change is, if you'll 14 recall in December, you adopted changes 15 to our construction permitting 16 requirements to account for greenhouse 17 gases, and now we're asking you change 18 our operating permit regulations to 19 account for greenhouse gases. 20 Third, we have to adopt some 21 revisions to what's called Transportation 22 of the Conformity where we have to 23 consider emission from automobile and</p>
<p style="text-align: right;">Page 34</p> <p>1 DR. DAVIS: Aye. 2 DR. MILLER: Aye. 3 MR. PHILLIPS: Aye. 4 DR. LESTER: All opposed? 5 (No response.) 6 DR. LESTER: There's two copies, if 7 you can sign it. 8 Next item is consideration of the 9 Commission on the proposal and the 10 adoption of proposed amendments to ADEM's 11 Administration Code Division 335-3, Air 12 Pollution and Control Program 13 Regulations. 14 MR. GORE: Good morning, Mr. Chair, 15 ladies, gentlemen. I'm Ron Gore with the 16 Department's Air Division. I'm here to 17 request that you make four changes to the 18 Department's Air Regulations. These 19 proposed changes went through a public 20 comment period from December the 27th to 21 February 11th, and a hearing was held on 22 February the 9th. As Director LeFleur 23 mentioned earlier, all these changes are</p>	<p style="text-align: right;">Page 36</p> <p>1 truck tailpipes in planning for 2 nonattainment areas. 3 And last and not least, we are 4 making some changes to our major source, 5 construction permitting regulations. 6 This last change is the only area where 7 there were any comments received. If 8 you'll notice in your package, we 9 reconciled those comments with some 10 recommendations for you. 11 So pending any questions, I'd like 12 to ask that you adopt these changes. 13 DR. LESTER: Any questions from the 14 Commission? 15 (No response.) 16 DR. LESTER: I'll entertain a 17 motion. 18 MR. PHILLIPS: So moved. 19 MR. BROWN: Second. 20 DR. LESTER: Motion to second. All 21 in favor, say aye. 22 MR. BROWN: Aye. 23 DR. LESTER: Aye.</p>

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<p>1 DR. LAIER: Aye. 2 DR. DAVIS: Aye. 3 DR. MILLER: Aye. 4 MR. PHILLIPS: Aye. 5 DR. LESTER: All opposed? 6 (No response.) 7 MR. GORE: Thank you. 8 DR. LESTER: Next item of business 9 is to consider the adoption of proposed 10 amendments to ADEM Administrative Code 11 Division 335-6, Water Quality 12 Regulations. 13 MR. SISK: Good morning. Honorable 14 Chair and members of the Commission, I am 15 Lynn Sisk, and I am Chief of the Water 16 Quality Branch of the Water Division. 17 You have before you the complete 18 hearing record for proposed changes to 19 the Water Quality Program Regulations. 20 In January of this year, the Department 21 initiated the rulemaking process to add a 22 special designation called Treasured 23 Alabama Lake to Chapter 335-6-10 of the</p>	<p>1 changes. However, several commenters 2 encouraged the Department to make 3 additional changes beyond those proposed 4 in this rulemaking. Where the Department 5 determines new use classifications or 6 special designations are appropriate for 7 other waters not included in this 8 rulemaking, the Department will propose 9 those changes during a future rulemaking. 10 As discussed in the reconciliation 11 statement, the Department requests that 12 the Commission adopt the proposed 13 revisions. 14 I will be happy to address any 15 questions the Commission may have. 16 DR. LESTER: Anybody have any 17 questions? 18 MR. PHILLIPS: I move we accept 19 this. 20 DR. LESTER: Motion? 21 MR. BROWN: Second. 22 DR. LESTER: Motion is seconded. 23 All in favor, say aye.</p>
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<p>1 ADEM Regulations and to apply that 2 designation to Lake Martin in the 3 Tallapoosa River basin. In addition, the 4 Department proposed to add the 5 Outstanding Alabama Water Use 6 Classification to a segment of the Upper 7 Tallapoosa River in the Tallapoosa River 8 basin in Chapter 335-6-11. 9 On March 15, 2011, a public hearing 10 was held to receive data, views, and 11 comments from interested persons 12 regarding the proposed revisions. 13 Written comments were accepted anytime 14 during the public comment period, which 15 extended from January 23rd through March 16 15, 2011. 17 During the comment period, the 18 Department received written comments from 19 six individuals, organizations, and at 20 the hearing on March 15th, 2011, six 21 people presented oral testimony. 22 All comments received were generally 23 supportive of the Department's proposed</p>	<p>1 MR. BROWN: Aye. 2 DR. LESTER: Aye. 3 DR. LAIER: Aye. 4 DR. DAVIS: Aye. 5 DR. MILLER: Aye. 6 MR. PHILLIPS: Aye. 7 DR. LESTER: All opposed? 8 (No response.) 9 DR. LESTER: Do any of the 10 Commissioners have any other business? 11 (No response.) 12 DR. LESTER: If not, we're not -- 13 you can check your schedule. It said our 14 next meeting will be June the 17th, same 15 time, same place. 16 MR. PHILLIPS: I have a conflict, 17 Mr. Chairman. I will be in Amsterdam. 18 MR. BROWN: I'll be in trial. 19 MR. PHILLIPS: So if you can move 20 it, I can attend. Otherwise, not. 21 DR. LESTER: You two work it out 22 with Debi, and let's see. And then we'll 23 get back with the Commission.</p>

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<p>1 MR. PHILLIPS: Sure. 2 DR. LESTER: Will it have to be 3 after that date? 4 MS. THOMAS: It doesn't -- just as 5 long as you meet in June. 6 DR. LESTER: Sometimes we have some 7 of these things that we take, you know, 8 30 days or 60 days. 9 MS. THOMAS: Right. I'm not aware 10 of any conflicts as far as any 11 regulations. 12 DR. LESTER: See what you can work 13 with these two gentlemen. 14 MS. THOMAS: Okay. 15 MR. PHILLIPS: Debi, I can do it one 16 week later. No problem. 17 MS. THOMAS: The next Friday would 18 be the 24th. Does that suit y'all? 19 MR. BROWN: 50/50. The trial might 20 not be through. It might settle or be 21 dismissed before then. 22 DR. LESTER: Let's just set it at 23 the 24th, and then you and Debi work it</p>	<p>1 All in favor, say aye. 2 MR. BROWN: Aye. 3 DR. LESTER: Aye. 4 DR. LAIER: Aye. 5 DR. DAVIS: Aye. 6 DR. MILLER: Aye. 7 MR. PHILLIPS: Aye. 8 DR. LESTER: All opposed? 9 (No response.) 10 DR. LESTER: At this time, we will 11 ask for a motion to adjourn. 12 MR. PHILLIPS: I move we adjourn. 13 MR. BROWN: Second. 14 DR. LESTER: Motion is seconded. 15 All in favor, say aye. 16 Aye. 17 MR. BROWN: Aye. 18 DR. LAIER: Aye. 19 DR. DAVIS: Aye. 20 DR. MILLER: Aye. 21 MR. PHILLIPS: Aye. 22 DR. LESTER: All opposed? 23 (No response.)</p>
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<p>1 out. 2 MR. PHILLIPS: One down. 3 DR. LESTER: Yeah, one down. 4 MR. PHILLIPS: Thank you. 5 DR. LESTER: Prior to our adjourning 6 the meeting, we'd move to the public 7 comment period. We'll entertain a motion 8 regarding the approval or disapproval of 9 the requests. We have three requests to 10 speak, and there will be a 10-minute time 11 limit on each one. And Debi will keep 12 the time and give you a one minute before 13 it's all over. One will be Mr. Mullen, 14 on behalf of Choctawhatchee Riverkeeper; 15 Ms. Dillard, on behalf of the Black 16 Warrior Riverkeepers; and David Ludder, 17 on behalf of the ADEM Reform Coalition. 18 MR. PHILLIPS: I move we allow all 19 three. 20 DR. LESTER: Motion. Do I have a 21 second? 22 DR. LAIER: Second. 23 DR. LESTER: Motion is seconded.</p>	<p>1 (At which time, the meeting of 2 the Alabama Environmental 3 Management Commission 4 concluded and was followed by 5 public comments at 6 approximately 11:40 a.m. CST.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>

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<p>1 REPORTER'S CERTIFICATE 2 3 STATE OF ALABAMA, 4 AUTAUGA COUNTY, 5 6 I, Shannon P. Yost, Certified Shorthand 7 Reporter and Commissioner for the State of 8 Alabama at Large, do certify that I reported 9 the meeting of the Alabama Environmental 10 Management Commission held on April 15, 2011. 11 12 The foregoing computer-printed pages 13 contains a true and correct transcript of the 14 meeting. The reading and signing of same is 15 hereby waived. 16 17 I further certify that I am neither of 18 kin nor of counsel to the parties to said 19 cause, nor in any manner interested in the 20 results thereof. 21 22 23</p>	
<p>1 2 <u>Shannon P. Yost,</u> 3 Certified Shorthand Reporter 4 and Commissioner for the 5 State of Alabama at Large 6 ACCR #: 158 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	

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Shannon P. Yost /ca
Shannon P. Yost,
Certified Shorthand Reporter
and Commissioner for the
State of Alabama at Large
ACCR #: 158

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Part B

Attachment Index

- Attachment 1** **Agenda**
- Attachment 2** **Resolution recommending that the Legislature reauthorize Forever Wild funding as is for an additional twenty years during the 2011 Legislative session**
- (Agenda Item 4 – Consideration of adoption of resolution regarding the Forever Wild Program)**
- Attachment 3** **Resolution adopting proposed amendments to ADEM Administrative Code Division 335-3, Air Pollution Control Program Regulations**
- (Agenda Item 5 – Consideration of adoption of proposed amendments to ADEM Administrative Code Division 335-3, Air Pollution Control Program Regulations)**
- Attachment 4** **Resolution adopting proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations**
- (Agenda Item 6 – Consideration of adoption of proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations [NPDES-Related Matter])**

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 15, 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 resolution regarding the Forever Wild Program	2
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6. Consideration of adoption of proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations (NPDES-Related Matter)	2
7. 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 FEBRUARY 18, 2011
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF ADOPTION OF RESOLUTION REGARDING THE FOREVER WILD PROGRAM
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Administrative Code Division 335-3, Air Pollution Control Program Regulations. The proposed revisions incorporate by reference changes promulgated by EPA to the New Source Performance Standards (NSPS) in Chapter 335-3-10, and National Emissions Standards for Hazardous Air Pollutants (NESHAPs) in Chapter 335-3-11. Revisions to Chapter 335-3-14 address revisions made to the EPA new source review regulations. Revisions to Chapter 335-3-16 address the greenhouse gas (GHG) tailoring rule with respect to operating permits for Title V sources. Chapter 335-3-17 is being proposed for revision to add revisions made by EPA to the transportation conformity and general conformity regulations. The Department held a public hearing on the proposed amendments on February 9, 2011.

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

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11. The revisions to Chapter 335-6-10 would amend rule 335-6-10-.10, Special Designations, to add a second special designation to be called Treasured Alabama Lake with the accompanying description of waters to which this designation could be applied. The revisions to Chapter 335-6-11 would amend rule 335-6-11-.02(11) to add the Treasured Alabama Lake special designation of the Tallapoosa River within Lake Martin and to classify one segment of the Tallapoosa River as Outstanding Alabama Water. The Department held a public hearing on the proposed amendments on March 15, 2011.

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

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

Request 1

Michael William Mullen, on behalf of Choctawhatchee Riverkeeper, Inc.
SUBJECT: Recent improvements on compliance enforcement and
constructive suggestions for much needed immediate and longer term solutions
(Chair Lester will recommend approval of the request.)

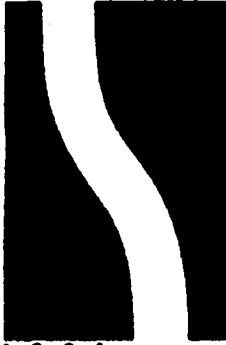
Request 2

David A. Ludder, on behalf of the ADEM Reform Coalition
SUBJECT: Improvements in the Department's penalty calculation methodology
(Chair Lester will recommend approval of the request.)

Request 3

Eva Dillard, on behalf of Black Warrior Riverkeeper, Inc.
SUBJECT: ADEM's penalty and enforcement policy and
deficiencies of the policy illustrated by the recent EMC decision
involving Southeastern Cheese, LLC
(Chair Lester will recommend approval of the request.)

CHOCTAWHATCHEE



Dr. John H. Lester, Chairman
Alabama Environmental Management Commission
1400 Coliseum Boulevard
Montgomery, AL 36110-2400

April 1, 2011

RE: Request to Make Public Comment at April 15 Commission Meeting

April 1, 2011

Delivered via Facsimile
Dr. John H. Lester, Chairman
Alabama Environmental Management Commission
1400 Coliseum Boulevard
Montgomery, AL 36110-2400



Re: Request to Make Public Comment at April 15 Commission Meeting

Dear Dr. Lester:

This letter is written to request that I, on behalf of Choctawhatchee Riverkeeper, Inc., be granted an opportunity to address the Alabama Environmental Management Commission at its April 15 meeting concerning the following topic:

"Recent Improvements on Compliance Enforcement and Constructive Suggestions for Much Needed Immediate and Longer Term Solutions"

This topic is related to both the Department's and the Commission's interest in continuous improvement and also I believe will address eventual long term cost savings.

While my presentation is not fully complete, I will address areas in which ADEM successes should be lauded, point out where systemic issues that hinder or prevent needed further improvements and I will make specific recommendations on actions that could remove those barriers to improvement Prior to the meeting date, I will provide an outline of my presentation and copies of any documents and slides I intend to use.

Thank you for your consideration of this request.

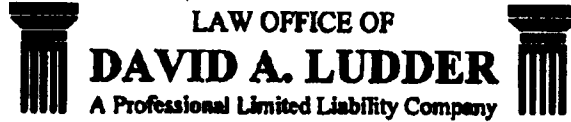
Sincerely,

Michael William Mullen
Choctawhatchee Riverkeeper

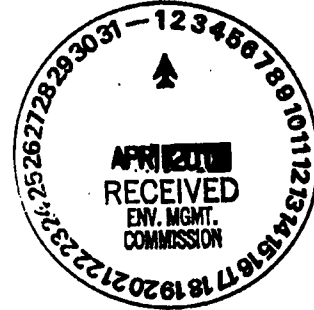
CHOCTAWHATCHEE RIVERKEEPER, INC.
P.O. BOX 6734
BANKS, AL 36006
334-807-1368
EMAIL: RIVERKEEPER@TROYDABLE.NET
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CHOCTAWHATCHEE RIVERKEEPER, INC. IS A MEMBER OF THE WATERKEEPER ALLIANCE



April 1, 2011



Delivered via Facsimile

Dr. John H. Lester, Chairman
Alabama Environmental Management Commission
1400 Coliseum Boulevard
Montgomery, AL 36110-2400

Re: Request to Make Public Comment at April 15 Commission Meeting

Dear Dr. Lester:

This letter is written to request that I, on behalf of the ADEM Reform Coalition, be granted an opportunity to address the Alabama Environmental Management Commission at its April 15 meeting concerning the following topic:

Improvements in the Department's penalty calculation methodology

This topic is germane to the Commission's statutory authority to "advise the director on environmental matters which are within the department's scope of authority" and to "develop environmental policy for the state." Ala. Code § 22-22A-6(a).

While my presentation has yet to be prepared, I anticipate that I will address the principles and purposes of penalty assessments and suggest a proposed methodology to fulfill those principles and purposes. Prior to the meeting date, I will provide an outline of my presentation and copies of any documents and slides I intend to use.

Thank you for your consideration of this request.

Sincerely,

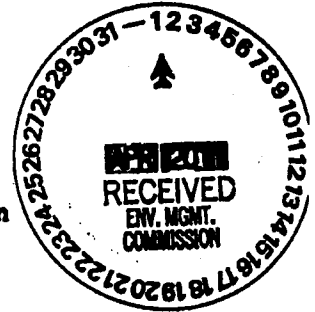
David A. Ludder

Black Warrior RIVERKEEPER
712 37th Street South
Birmingham, AL 35222
Tel: (205) 458-0095
Fax: (205) 458-0094
edillard@blackwarriorriver.org
www.BlackWarriorRiver.org



April 1, 2011

Dr. John H. Lester, D.V.M., Chair
Environmental Management Commission
P.O. Box 301463
Montgomery, AL 36130-1463



Re: Request for Opportunity to Address the Environmental Management Commission
ADEM's Penalty Assessment Policy/Southeastern Cheese, LLC
April 15, 2011 Environmental Management Commission Meeting

Dear Dr. Lester:

Black Warrior Riverkeeper, Inc. (Riverkeeper) is a non-profit organization located in Birmingham, Alabama, whose mission is to protect and restore the Black Warrior River and its tributaries. On behalf of Riverkeeper, we would like the opportunity to address the Environmental Management Commission (EMC) on the subject of ADEM's current penalty assessment policy at your regularly scheduled meeting April 15, 2011.

We believe that the recent EMC case involving Southeastern Cheese, LLC highlights the need for a more structured penalty and enforcement policy at ADEM. As you may know, this issue has been the subject of longstanding concern by environmental stakeholders and the regulated community alike. Without a consistent, predictable and structured method of penalty calculation, ADEM program staff is at an extreme disadvantage as they work to promote compliance and assign appropriate penalties when violations occur. Refining that policy will not only enhance ADEM's enforcement of the state's environmental laws; it will also afford environmental stakeholders and the regulated community a degree of predictability, uniformity and certainty that the current policy simply does not provide. A specific presentation about how some of the deficiencies of current policy are illustrated by the Southeastern Cheese, LLC decision may offer the EMC some insight into this important issue.

Please know that I appreciate your consideration of our request. Thank you.

Sincerely,

Eva Dillard
Staff Attorney
Black Warrior Riverkeeper

cc: Debi Thomas, EMC Executive Assistant

Attachment 2

State of Alabama



RESOLUTION

WHEREAS, Forever Wild was established in 1992 by a constitutional referendum and is a program dedicated to preserving Alabama's most beautiful and environmentally sensitive land, all while expanding the recreational opportunities available to the public; and

WHEREAS, Forever Wild keeps Alabama's water and air clean; and

WHEREAS, Forever Wild has protected more than 200,000 acres of land for Nature Preserves, Wildlife Management Areas, State Parks, and Recreation areas; and

WHEREAS, over 99% of the 200,000 acres purchased by Forever Wild are available to Alabama's citizens for public use and recreation and management objectives for much of the land includes environmental education; and

WHEREAS, Forever Wild has secured thousands of acres of land that complement Alabama Department of Environmental Management's programs and policies, including the purchase of 9,746 acres of Mountain Longleaf habitat interspersed by hardwood drains within the Hatchet Creek watershed and the purchase of 35,795 acres of bottomland hardwoods, cypress and a variety of other wetland habitat types within the Mobile-Tensaw Delta, both of which have an Outstanding Alabama Water classification; and

WHEREAS, Forever Wild funding as it now exists will soon end;

THEREFORE, be it resolved that the Alabama Environmental Management Commission recommends that the Legislature reauthorize Forever Wild funding as is for an additional twenty years during the 2011 regular Legislative session.

DONE this 15th day of April 2011.

John Lester
Paul L. Maddox
Hammer Brown, II
James E. Owen

W. Scott Pringle
Margaret D.

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

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

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [335-3-10-.01/General (Amend), 335-3-10-.02/Designated Standards of Performance (Amend); 335-3-10-.03/Appendices to 40 CFR 60; (Amend); 335-3-11-.01/General (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**


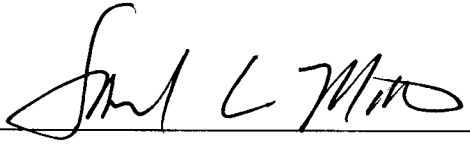
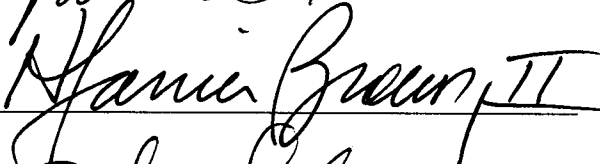
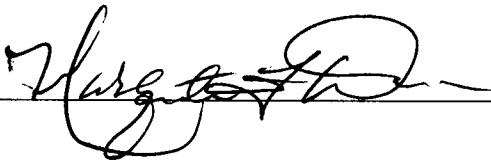
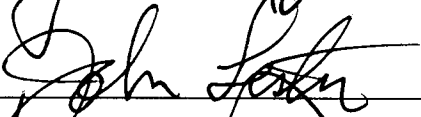
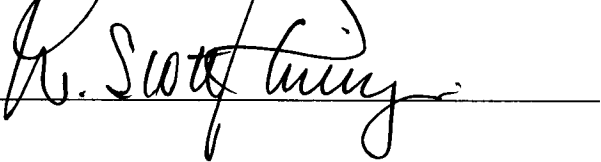
Categories (Amend); 335-3-11-.07/Appendices to 40 CFR 63 (Amend); 335-3-14-.03/Standards for Granting Permits (Amend); 335-3-14-.04/Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)] (Amend); 335-3-14-.05/Air Permits Authorizing Construction in or Near Nonattainment Areas (Amend); 335-3-16-.01/Definitions (Amend); 335-3-17-.01/Transportation Conformity (Amend); 335-3-17-.02/General Conformity (Amend); Appendix C/EPA Regulations 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 15th day of April 2011.

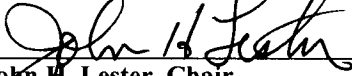
APPROVED:

DISAPPROVED:

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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 15th day of April 2011.



John H. Lester, Chair
Environmental Management Commission
Certified this 15th day of April 2011

ABSTAINED:

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Attachment 4

**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 Rules and Regulations in accordance with Ala. Code § 22-22A-8 (as amended) and Ala. Code § 41-22-4 (as amended); 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 (as amended), and Ala. Code. § 41-22-5 (as amended), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rules 335-6-10-.10/Special Designations (Amend) and, 335-6-11-.02/Use Classifications (Amend)]; of the Department's Water Quality Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

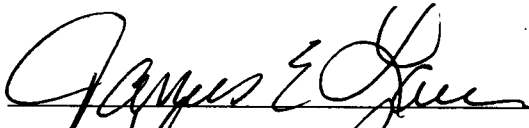
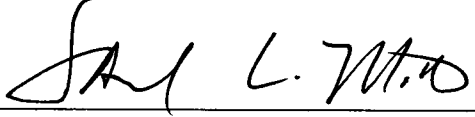
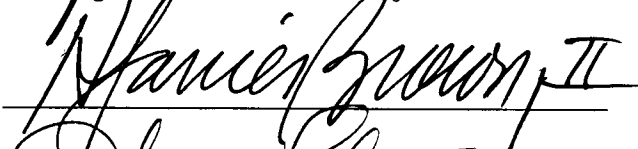
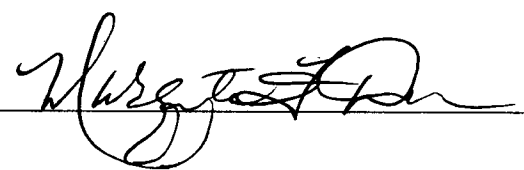
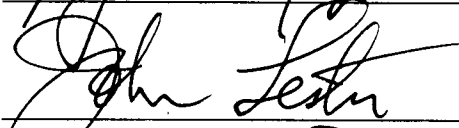

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-6- Water Quality Program Regulations

335-6-10-.10 Special Designations
335-6-11-.02 Use Classifications

IN WITNESS WHEREOF, we have affixed our signatures below on this 15th day of April 2011.

APPROVED:

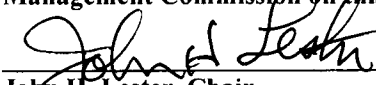
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ABSTAINED:

_____	_____
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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 15th day of April 2011.



John H. Lester, Chair
Environmental Management Commission
Certified this 15th day of April 2011