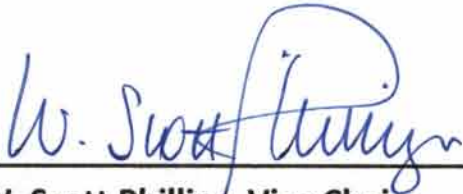


8/24/16

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 17, 2016

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 June 17, 2016.

A handwritten signature in blue ink, appearing to read "W. Scott Phillips", is written over a horizontal line.

**W. Scott Phillips, Vice Chair
Alabama Environmental Management Commission**

Certified this 19th day of August 2016.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 17, 2016

Convened: 11:03 a.m.
Adjourned: 11:39 a.m.

Part A

Transcript
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Part B

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Part A

<p style="text-align: right;">Page 1</p> <p>1 ALABAMA ENVIRONMENTAL MANAGEMENT 2 COMMISSION MEETING 3 4 5 6 7 8 9 ALABAMA DEPARTMENT OF ENVIRONMENTAL 10 MANAGEMENT 11 Alabama Room 12 1400 Coliseum Boulevard 13 Montgomery, Alabama, 36110-2400 14 June 17, 2016 15 11:03 a.m. 16 17 18 19 20 21 22 23 Taken by: Victoria M. Castillo, CCR#17</p>	<p style="text-align: right;">Page 3</p> <p>1 CHAIRMAN BROWN: Good 2 morning. We'll call to order the June 17, 3 2016, regular meeting of the Environmental 4 Management Commission. Chair acknowledges 5 that we do have a quorum today. 6 The first item on the agenda is 7 the consideration of the minutes of the 8 meeting held on April 15, 2016. The 9 minutes have been circulated to the 10 Commissioners for review. 11 And I will entertain a motion. 12 DR. RICHARDSON: So moved. 13 DR. LAIER: Second. 14 CHAIRMAN BROWN: All in 15 favor? 16 (All Commission members 17 signify with "aye") 18 CHAIRMAN BROWN: The next 19 item on the agenda is the report from the 20 ADEM Director. 21 Good morning, sir. 22 DIRECTOR LeFLEUR: Good 23 morning. A couple of Commissioners were</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 3 COMMISSION MEMBERS PRESENT: 4 H. Lanier Brown, II, Esquire, Chair 5 W. Scott Phillips, Vice Chair 6 James E. Laier, Ph.D, P.E. 7 Terry D. Richardson, Ph.D. 8 Samuel L. Miller, M.D. 9 Mary J. Merritt 10 11 COMMISSION MEMBER NOT PRESENT: 12 Craig Martin, D.V.M. 13 14 ALSO PRESENT: 15 Robert Tambling, AEMC Legal Counsel 16 Debi Thomas, AEMC Executive Assistant 17 Lance R. LeFleur, ADEM Director 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 curious as to why we had such a large crowd 2 today, and we have a lot of the members of 3 the environmental community that will be 4 meeting with top folks at ADEM after lunch, 5 so I am very pleased to see that we have 6 such a large group here today. There was 7 nothing on your agenda that drew the big -- 8 well, I'm not implying that, but -- excuse 9 me. 10 But let me welcome everyone in 11 the room to the fifth meeting of the 12 Alabama Environmental Management Commission 13 for FY 2016. Today's report will address 14 Departmental funding, review performance of 15 the Department's Drinking Water Branch 16 along with recent developments in that 17 arena, report the results of a recent cyber 18 security review, and report some recent 19 achievements by members of our staff. 20 The budget: At the April 21 Commission meeting, it was reported that 22 ADEM's final FY 2017 General Fund budget is 23 \$400,000, which is earmarked for the</p>

<p style="text-align: right;">Page 5</p> <p>1 Concentrated Animal Feeding Operations, or 2 CAFO, program. It was also reported that 3 the appropriation did not cover either the 4 badly needed replacement of the physical 5 facilities in Mobile for the field office 6 and Coastal program, or the costs for 7 several other Departmental programs. 8 The budget portion of today's 9 report is an interim status report 10 describing progress to date in dealing with 11 the FY '17 budget challenges. 12 As for the Mobile physical 13 facilities, work continues to obtain 14 funding through the council administering 15 the funds coming to Alabama as a result of 16 the settlement of the 2010 BP oil spill. A 17 full report on those efforts will be made 18 at either the August or October Commission 19 meeting after the council's award process 20 becomes clear. 21 The Department recently competed 22 for and was awarded an Exchange Network 23 grant from EPA to help with costs to</p>	<p style="text-align: right;">Page 7</p> <p>1 cost to administer the CAFO program, and no 2 other General Fund appropriation is 3 available to augment the funding, ADEM is 4 working with representatives of the 5 impacted CAFOs to find a solution that will 6 keep this valuable program in place. The 7 final solution may involve scaling back the 8 program, transferring some program elements 9 to other organizations, developing a 10 formula-based fee structure, or some other 11 action. 12 In a budget-related matter, the 13 Department was notified that the 14 state-mandated new financial reporting 15 system, which has been encountering 16 significant implementation problems, may be 17 unable to generate the statewide financial 18 statements necessary to allow the state 19 auditors to perform the federally-required 20 annual audit. This situation impacts every 21 state agency that receives any federal 22 funding. Federal agencies do not currently 23 grant audit extension requests and may</p>
<p style="text-align: right;">Page 6</p> <p>1 implement mandates in new EPA electronic 2 submission requirements. Before year-end, 3 I will be reporting on several innovative 4 new efficiency measures that are being 5 undertaken to help free up necessary 6 resources for those programs that were not 7 provided for as requested in ADEM's FY 2017 8 budget request. 9 The Department is also dealing 10 with its lack of funding by diverting costs 11 to other funding sources. For example, 12 recently in Birmingham, Alabama, an 13 emergency response was required as a result 14 of a petroleum products pipeline leak. 15 Since the Department did not have 16 sufficient funds to address the emergency, 17 ADEM deferred the emergency response to 18 EPA. The responsible party was 19 subsequently determined, and is now dealing 20 directly with EPA, rather than ADEM. 21 In another budget matter, since 22 the \$400,000 FY 2017 General Fund earmark 23 for the CAFO program does not cover the</p>	<p style="text-align: right;">Page 8</p> <p>1 issue sanctions or other penalties for 2 failures to submit timely single audit 3 packages. I will update you as the 4 situation develops. 5 Finally, there remains a strong 6 possibility that the Governor will call a 7 special session of the Legislature to 8 address the shortfall in Medicaid, among 9 other issues. Actions in any special 10 session can impact some General Fund 11 appropriations, including ADEM's. So we 12 will be monitoring the session closely if 13 it is called. 14 Periodically, over the past 15 several years, a part of my reports to the 16 Commission have included an analysis of 17 Departmental performance utilizing the EPA 18 Interactive Visual Compliance and 19 Enforcement Metrics, known as "dashboards," 20 individually for the Air, Land, and Water 21 media. These statistical updates are 22 regularly presented for several reasons. 23 First, they represent data that</p>

<p style="text-align: right;">Page 9</p> <p>1 is standardized, consistent, and objective, 2 which can be used by all parties as a basis 3 for informed discussion of performance 4 issues. 5 Second, they provide a clear 6 picture of the work of the Department over 7 time compared to EPA goals and other 8 states, so the Commission and the public 9 can make an informed judgment of the 10 Department's performance. 11 Third, they can be used by the 12 Department to see where adjustments may be 13 needed in the operation of the Department, 14 and thus promote corrective action if 15 necessary. 16 In the past, Air, Land, and 17 Water media dashboards were the only ones 18 available for analysis. Recently, EPA 19 began generating dashboards for the 20 Drinking Water portion of the Water 21 program. 22 In light of the crisis in Flint, 23 Michigan, resulting from the possible</p>	<p style="text-align: right;">Page 11</p> <p>1 where violations are found. 2 This slide shows there are three 3 categories of Public Water Systems, PWSs: 4 Community systems, which are those serving 5 organized communities such as cities and 6 towns, shown in dark blue; Transient, 7 non-community systems, such as campgrounds 8 or interstate rest stops, shown in red; and 9 non-transient, non-community systems, such 10 as would be present at a commercial or 11 industrial facility, shown in green. The 12 total universe is 590 facilities, which has 13 been very steady in recent years. 14 Alabama has far fewer public 15 drinking water systems than most states, as 16 a result of an intentional strategy 17 implemented in the 1980s. The program 18 encouraged the development of more 19 substantial systems that are better able to 20 have the technical, financial, and 21 managerial ability to operate in accordance 22 with state and federal requirements. 23 The next two slides will deal</p>
<p style="text-align: right;">Page 10</p> <p>1 failure of the appropriate state and 2 federal officials to safeguard the drinking 3 water from lead contamination, and the very 4 recent drinking water health advisory for 5 perflourinated compounds, which I will 6 report on in a few moments, it is timely to 7 review ADEM's performance in this important 8 arena compared to the rest of the nation. 9 Today's report will be the initial analysis 10 of the dashboards for the Drinking Water 11 activities of the Department. Presentation 12 of these dashboards will be added to the 13 regular rotation of performance analysis. 14 Please turn your attention to 15 the screen, where I will walk you through a 16 few of the 26 Drinking Water graphs 17 available for analysis of the Drinking 18 Water program. As is done in each 19 dashboard presentation, we will first look 20 at the size of the universe of regulated 21 facilities, then the rate of inspections, 22 the findings from those inspections, and, 23 finally, the enforcement actions taken</p>	<p style="text-align: right;">Page 12</p> <p>1 with inspections. 2 This slide shows the percentage 3 of public water systems in the state that 4 have been visited by ADEM inspectors during 5 each of the last five fiscal years. Every 6 system in Alabama has had a site visit in 7 each of the last five years, compared to 8 the national average of about 40 percent. 9 What is known as a "Sanitary 10 Survey" in public drinking water systems is 11 an in-depth review of all water sources, 12 treatment plants, storage tanks, and 13 pumping facilities, along with an 14 administrative review of operating 15 procedures, plans, and other documentation. 16 A Sanitary Survey is required to be 17 performed at least every three years, or 18 approximately 33 percent of the universe 19 must be surveyed each year. As shown on 20 this graph, in Alabama the rate for 21 Sanitary Surveys for both community 22 systems, shown in red, and non-community 23 systems, shown in orange, consistently</p>

<p style="text-align: right;">Page 13</p> <p>1 exceeds the 33 percent requirement, as well 2 as the national average. 3 This next dashboard shows the 4 percentage of public water systems with 5 health-based violations. The rates of 6 Alabama's health-based violations, shown in 7 green, are well below the national average 8 represented by the orange line. Not shown 9 in the EPA dashboard program is the 10 statistic that more than 99 percent of 11 Alabama's population served by community 12 water systems receives drinking water in 13 compliance with all health-based standards, 14 as compared to only 96.6 percent in the 15 eight states in Region 4 and 94 percent 16 nationally. 17 Of those systems with 18 health-based violations, a portion falls 19 into the category of Serious Violators, as 20 shown on this graph. To become a serious 21 violator, a water system accumulates a 22 number of lesser violations without 23 returning to compliance, or they have a few</p>	<p style="text-align: right;">Page 15</p> <p>1 formal enforcement action if a water system 2 remains a serious violator more than one 3 quarter. The Department takes very few 4 formal enforcement actions, shown in dark 5 blue, compared to national averages because 6 nearly all Alabama's serious violators 7 return to compliance before a formal 8 enforcement action is required. 9 The rate of return to compliance 10 is shown in this next dashboard graph. The 11 graph reflects the percentage of the 12 violating drinking water systems that 13 return all violations to compliance during 14 at least one quarter of the fiscal year. 15 Many of the violations included on this 16 graph are monitoring or reporting 17 violations which do not return to 18 compliance until the next reporting period, 19 which could be as long as 12 months. As 20 you saw on previous graphs, Alabama has a 21 low occurrence of serious violations and 22 formal enforcement actions yet, as shown in 23 purple on this slide, Alabama is always</p>
<p style="text-align: right;">Page 14</p> <p>1 critical violations, such as an acute 2 health-based violation. Continual 3 reporting violations can also cause a water 4 system to be deemed a serious violator. As 5 with other measures of violations, at less 6 than one percent, Alabama has a much lower 7 rate of serious violators, shown in red, 8 than the three percent national average 9 represented by the orange line. 10 Moving now to enforcement 11 actions taken as a result of 12 non-compliance, this next dashboard shows 13 the percentage of public water systems with 14 either formal or informal enforcement 15 actions. It has been the Department's 16 strategy to have high rates of inspections 17 and high rates of informal enforcement 18 actions as the best means to achieve 19 compliance. In earlier graphs, you saw the 20 high inspection rates. In this graph, you 21 now see the high rate of informal 22 enforcement actions shown in light blue. 23 EPA requires a state to take a</p>	<p style="text-align: right;">Page 16</p> <p>1 above -- is always above the national 2 average, represented by the orange line, 3 for returning those drinking water systems 4 that are in non-compliance to compliance. 5 These are exactly the results we want. 6 To summarize, in the Drinking 7 Water program, like other Departmental 8 regulatory programs, compliance is the 9 objective. The Department's strategy of 10 high rates of inspections and high rates of 11 informal enforcement results in lower 12 levels of non-compliance; and when there is 13 non-compliance, a rapid return to 14 compliance. The strategy not only achieves 15 higher levels of compliance, it does so 16 more cost effectively. 17 To provide an additional level 18 of assurance in this critical program that 19 potentially affects the health of every 20 member of the public, during the past year 21 an independent internal review program to 22 review drinking water procedures and 23 protocols was established. This is now a</p>

<p style="text-align: right;">Page 17</p> <p>1 regular part of the Department's internal 2 review process. 3 I'll close out the analysis of 4 the Drinking Water program by noting that 5 in calendar year 2015 among the 50 states 6 in the nation, only two have fewer absolute 7 numbers of drinking water violations, and 8 those states are two of the smallest, 9 Delaware and Hawaii. Of those two, only 10 Hawaii has a lower percentage of violations 11 or serious violations. I am considering 12 whether I need to conduct an on-site review 13 to see how they do it, but I will be 14 working on that. 15 I will take a moment to make all 16 present aware of a recent development 17 related to drinking water throughout the 18 nation. On May 19, 2016, EPA, in 19 conjunction with the Centers for Disease 20 Control and others, issued a final 21 nationwide health advisory for the 22 perflourinated chemicals known PFOS and 23 PFOA. These compounds are manmade</p>	<p style="text-align: right;">Page 19</p> <p>1 information is included in the annual 2 Consumer Confidence Report which is 3 provided to its customers and is also 4 available online in ADEM's eFile system. 5 All drinking water systems in 6 Alabama that were tested for PFOS and PFOA 7 were below the provisional health advisory 8 level set in 2009. The new final health 9 advisory level, however, is significantly 10 lower than the provisional health advisory 11 level, which has resulted in eight drinking 12 water systems, all located in the 13 northwestern and northeastern areas of 14 Alabama, having tested at least once above 15 the new final advisory level. 16 ADEM is continuing to monitor 17 the levels of PFOS and PFOA in drinking 18 water and is working closely with the 19 Alabama Department of Public Health and the 20 affected local drinking water systems to 21 address any health recommendations from the 22 Department of Public Health. 23 Cyber security has become an</p>
<p style="text-align: right;">Page 18</p> <p>1 chemicals that may be found in nonstick 2 cookware, carpet protection products, 3 firefighting foams, and waterproof 4 clothing. Typical sources of PFOS and PFOA 5 in drinking water are manufacturing 6 facilities that produced those compounds 7 and industries that use those compounds in 8 their manufacturing processes. 9 The health advisory applies to 10 those who may be exposed to these chemicals 11 in low concentrations in their drinking 12 water continuously over a lifetime, with 13 the exception of pregnant women and nursing 14 children who are potentially affected 15 during a shorter exposure period. 16 The Department has been working 17 with EPA, the Alabama Department of Public 18 Health, and others for more than ten years 19 to monitor levels of PFOS and PFOA, which 20 are emerging contaminants, in surface 21 water, drinking water, and fish tissue. If 22 a drinking water system detected these 23 contaminants in its drinking water, the</p>	<p style="text-align: right;">Page 20</p> <p>1 increasingly important issue to all users 2 of electronic media. Federal and state 3 systems have been compromised, some with 4 little notice and some with wide news media 5 coverage. Since the very beginning of 6 computer-based activities being employed by 7 ADEM, the Department has maintained 8 security measures. In light of the growing 9 sophistication of those interested in 10 disrupting governmental and other 11 organizations, the Department included as 12 one of the goals in its FY 2016 Operating 13 Plan to, quote, "Obtain external review of 14 Departmental cyber security." In May of 15 this year, the review was completed. 16 The audit activities included: 17 Review of the State of Alabama's security 18 program and coordinating ADEM's cyber 19 security review with the security staff in 20 the Information Systems Division of the 21 State Finance Department; performance of a 22 security audit of servers, clients, and the 23 Microsoft Active Directory by the primary</p>

<p style="text-align: right;">Page 21</p> <p>1 system vendor, Microsoft; review, and, 2 ultimately, the purchase of a license for 3 state of the art software to perform 4 continuous internal and perimeter network 5 scanning operations to quickly identify any 6 emerging system vulnerabilities or 7 weaknesses; and, finally, a review of the 8 CIS Critical Security Controls and 9 Effective Cyber Defense, Version 6.0 -- 10 which is a mouthful -- which is an industry 11 standard Best Practices process developed 12 by the 501(c)(3) nonprofit industry group 13 Center for Internet Security, Inc., in 14 conjunction with a wide cross-section of IT 15 professionals.</p> <p>16 Although the Department's 17 information systems were found to be 18 secure, threats to cyber security are ever 19 evolving so there is always room for 20 improvement. To maintain defenses against 21 present threats, while positioning to 22 defend against future threats, the 23 Department will continue to utilize its</p>	<p style="text-align: right;">Page 23</p> <p>1 important resource that must be protected. 2 Although there have been no material 3 breaches of ADEM's IT systems to date, the 4 Department must necessarily interface with 5 numerous state and federal systems, as well 6 as the Internet, individual members of the 7 regulated universe, and everyday citizens, 8 which are all potential sources of 9 breaches. This exercise is intended to be 10 a prudent "ounce of prevention" in the 11 continuing challenge of cyber security.</p> <p>12 I'm pleased at this time to take 13 a few moments to focus on our employees. 14 If we are to be a high performing 15 organization in the future, we must develop 16 our employees. To that end, one of the 17 Department's Operating Plan objectives is 18 to promote a high performing work 19 environment, in part through the ongoing 20 development of our human resources. We 21 aggressively encourage the development of 22 our personnel, from the most junior 23 employees to the top levels of management.</p>
<p style="text-align: right;">Page 22</p> <p>1 multi-vendor, multi-platform and product 2 approach on firewall usage and will 3 implement, in priority order, 4 recommendations received as a result of the 5 recently completed review.</p> <p>6 The highest priority 7 recommendations for implementation are: 8 Perform continuous vulnerability 9 assessment and remediation utilizing the 10 Qualys Guard purchased software. This 11 software is the same software used by the 12 U.S. Treasury, U.S. Armed Services, and 13 many others; implement a stepped-up level 14 of control of administrative privileges; 15 optimize existing e-mail, browser, boundary 16 defense, and malware defense systems; 17 enhance existing data recovery capability; 18 and, finally, implement stepped-up 19 personnel security training.</p> <p>20 IT has contributed heavily to 21 the Department's success in providing 22 improved service to the public, while 23 improving efficiency, and, thus, is an</p>	<p style="text-align: right;">Page 24</p> <p>1 Achieving the formal designation 2 of "Professional Engineer" requires 3 extensive education, on-the-job experience, 4 and rigorous testing. It is a significant 5 milestone in the professional life of those 6 pursuing a career in engineering. It's my 7 pleasure to recognize Jennifer Haslbauer in 8 our Water Division -- Jennifer is not here. 9 We also have Kris Berry and Colin Mitchell 10 in our Land Division all who have recently 11 achieved that milestone.</p> <p>12 Please stand. 13 (Audience applause) 14 DIRECTOR LeFLEUR: 15 Congratulations. Keep up the good work, 16 and you do get a raise.</p> <p>17 Another measure of the 18 dedication of our employees is the work 19 they do that is above and beyond what is in 20 their job description. Today's recognition 21 relates to the Earth Day activities on 22 April 19. Young people represent our hope 23 for the future in so many areas, and this</p>

<p style="text-align: right;">Page 25</p> <p>1 is true for the environment and ADEM. For 2 the fifth consecutive year, the Department 3 hosted a group of high school students from 4 area schools and provided them with an 5 up-close look at the programs we implement 6 on a daily basis to regulate Alabama's air, 7 land, and water resources. 8 Approximately, 150 students from 9 Brantley High School, Crenshaw Christian 10 Academy, and Pike County High School 11 received guided tours and hands-on 12 demonstrations from ADEM staff related to a 13 wide range of environmental programs, 14 including fish tissue monitoring, water 15 quality sampling, air monitoring, 16 recycling, solid waste disposal, and other 17 efforts that ensure Alabamians are provided 18 with a safe and healthful environment. 19 Students also learned about career 20 opportunities at ADEM and were encouraged 21 to pursue careers in engineering and 22 science-related fields. 23 In addition to our on-site</p>	<p style="text-align: right;">Page 27</p> <p>1 doing their work, catching up. 2 Starting last year, ADEM began 3 hosting internships and co-ops for 4 engineering and science students interested 5 in gaining first-hand experience in 6 environmental regulation. One of our 7 objectives with this program is to bring in 8 promising candidates for permanent 9 positions with the Department while they 10 are still in school. We had five students 11 in our first class drawn from Auburn 12 University, Tuskegee University, and the 13 University of South Alabama. We currently 14 have eight in our class of 2016. 15 If any of you are here, please 16 stand when I call your name. From Alabama 17 A&M, Destini Smith; from Auburn 18 University -- stay standing -- from Auburn 19 University, Madeline Burton, Stephen Gass, 20 Kevin Nixon, William Olinger; from Tuskegee 21 University, Morgan Dean; from the 22 University of Alabama, Philip Costa; and 23 from the University of South Alabama,</p>
<p style="text-align: right;">Page 26</p> <p>1 efforts, on April 19 and 20, ADEM employees 2 participated in an Earth Day Safari at the 3 Montgomery Zoo in partnership with the 4 Alabama Forestry Commission, the Montgomery 5 Clean City Commission, and the Montgomery 6 Museum of Fine Arts. 7 People visiting the zoo on those 8 two days were able to learn about various 9 aspects of water treatment, recycling, 10 plant and animal conservation, and air 11 quality protection. 12 A total of 62 employees, more 13 than ten percent of our total personnel, 14 participated in these Earth Day activities. 15 In the interest of time, I cannot introduce 16 all of them individually, but I do ask 17 those that are present at this meeting, 18 please stand. Okay. We have a few of 19 them. 20 (Audience applause) 21 DIRECTOR LeFLEUR: Those are 22 some of the leaders in the program. But 23 the 62 rest of them are at their desks</p>	<p style="text-align: right;">Page 28</p> <p>1 Stephanie Kohrman. Pleasure to have all of 2 you on board. Thank you very much. 3 (Audience applause) 4 DIRECTOR LeFLEUR: With 5 that, I conclude today's report, and I will 6 be pleased to answer any questions you may 7 have. 8 CHAIRMAN BROWN: Comment on 9 West Morgan Water Authority and how it 10 relates to what you spoke about, but was 11 noticeably absent. 12 DIRECTOR LeFLEUR: They are 13 the manager of that water system. When the 14 final health advisory came out, he, with 15 his board, elected to declare that their 16 drinking -- that they recommended that 17 people not drink their water that they 18 supply from their system. Because, in 19 their statement, they said it was unsafe to 20 drink. 21 Since that time, we have been 22 working with the water system, along with 23 the Department of Public Health and the</p>

<p style="text-align: right;">Page 29</p> <p>1 governor's office, and a program has been 2 put in place to bring in water from the 3 Decatur Utility system to blend with the 4 water from the West Morgan facility. And 5 the resulting drinking water will have a 6 Concentration of PFOS and PFOA below that 7 which was included in the EPA health 8 advisory. 9 So that should be -- it's in 10 place now, I believe, but the final tests 11 will come in next week. 12 Is that correct, Glenda, that 13 they'll be in next week? 14 MS. DEAN: We're getting 15 tests every week. 16 DIRECTOR LeFLEUR: They'll 17 be doing testing over a four-week cycle, 18 and the first one has already been in and 19 found to be below the level. The second one 20 should be in early next week. 21 MS. DEAN: The first one was 22 prior to blending starting, and we'll get 23 the first one after blending either this</p>	<p style="text-align: right;">Page 31</p> <p>1 Commissioner Merritt, Commissioner 2 Richardson, for all of their hard work and 3 contributions. 4 We took up the draft guidelines 5 to the public comment rule that the 6 Committee had prepared to provide guidance 7 to both the public and the Commission for 8 implementing the rules, should it be 9 approved. Just a reminder, that rule is 10 out, that proposed rule is out for 11 rulemaking currently and will be before the 12 Commission at our August meeting. 13 We had some modifications to the 14 guidelines that will be made. Once those 15 are made, we will review it and then 16 finalize it and get it to the full 17 Commission and the public for comment. 18 However, I do want to make sure 19 it is clear that the guidelines are not 20 rules. They are not going out for proposed 21 rulemaking. They should be taken in 22 context of a guidance for the Commission on 23 how we would implement the proposed rule in</p>
<p style="text-align: right;">Page 30</p> <p>1 week or next, either today or next week. 2 DIRECTOR LeFLEUR: So 3 there's a series of testing that will go 4 on. And this is to provide people in that 5 area assurance that their drinking water is 6 safe for them. The health advisory was 7 focused on a lifetime exposure for drinking 8 water consistently from a system, as 9 opposed to an acute health advisory. 10 CHAIRMAN BROWN: Thank you. 11 Any other questions? 12 (No response) 13 CHAIRMAN BROWN: Thank you. 14 DIRECTOR LeFLEUR: Thank 15 you. 16 CHAIRMAN BROWN: Next we 17 will have our report from the Rulemaking 18 Committee chair. 19 Commissioner Phillips. 20 VICE-CHAIR PHILLIPS: The 21 Rulemaking Committee met this morning in 22 this room at 10 a.m. I want to acknowledge 23 and thank my fellow Committee members,</p>	<p style="text-align: right;">Page 32</p> <p>1 August. We are looking for comments back, 2 however, we are not going through a formal 3 rulemaking process for those guidelines. 4 After that, we took up the issue 5 of environmental justice policy. It became 6 very clear to us that we needed to learn a 7 lot, so we asked Mr. Tambling and 8 Ms. Thomas to work with the Committee to 9 collect some more information for us beyond 10 what we had already received. 11 Specifically, we asked for the distinction 12 between Title VI and environmental justice, 13 and we wanted a very clear understanding 14 and explanation of how environmental 15 justice is currently set forth by EPA. 16 We wanted to understand the 17 Department's existing actions and 18 activities relative to both Title VI and 19 environmental justice, and then, if any, 20 just identification of gaps between those 21 two. 22 And then, finally, we wanted to 23 make sure that we understand any state</p>

<p style="text-align: right;">Page 33</p> <p>1 legislature proposed bills, existing laws 2 that were passed by the state that are 3 relevant to this issue of environmental 4 justice policy. 5 Once we receive that 6 information, we will take a deliberate and 7 measured approach to reviewing the 8 information and determining if we believe 9 as a Committee that any action is warranted 10 by the full Commission through a 11 recommendation from the Committee. 12 I will have more to report on 13 that process that we intend to use in the 14 next meeting. 15 With that, we thank you for 16 allowing the Rulemaking Committee to 17 address you. And if you have any 18 questions, I will be happy to answer them. 19 CHAIRMAN BROWN: Any 20 questions? 21 (No response) 22 CHAIRMAN BROWN: Next is the 23 Chair report. And at this time, the Chair</p>	<p style="text-align: right;">Page 35</p> <p>1 Division 1 of the ADEM Administrative Code. 2 These revisions include one new form and 3 the modification of eleven forms. During 4 the comment period, which included a public 5 hearing on May 11th, the Department 6 received comments from one entity. Upon 7 reviewing those comments, the Department 8 agreed to revise one form. 9 At this time, the Department 10 asks for your favorable consideration of 11 these proposed revisions, and I'll yield 12 for any questions. 13 VICE-CHAIR PHILLIPS: I move 14 we adopt the proposed amendments. 15 DR. MILLER: Second. 16 CHAIRMAN BROWN: All in 17 favor? 18 (All Commission members 19 signify with "aye") 20 MR. KELLY: Thank you, sir. 21 CHAIRMAN BROWN: Motion 22 carries. 23 Next on the agenda, the</p>
<p style="text-align: right;">Page 34</p> <p>1 would ask or direct the Personnel Committee 2 to start a job performance evaluation for 3 Director LeFleur, covering the period of 4 October 17, 2015, to the date of the 5 meeting where recommendations from the 6 Committee will be considered. 7 As was done in the 2015 8 evaluation, the Committee should obtain 9 feedback from Commissioners and the public 10 regarding the Director's job performance 11 and provide the Commission with the 12 consolidated list of comments received by 13 the deadlines set for receipt of comments 14 and the Committee's recommendations 15 relative to the Director's job performance 16 for the evaluation period. Thank you. 17 Next on the agenda is the 18 Commission will consider amendments to ADEM 19 Administrative Code, and we'll call on the 20 Department. 21 MR. KELLY: Good morning, 22 Mr. Chairman and Members of the Commission. 23 Before you now are the revisions to</p>	<p style="text-align: right;">Page 36</p> <p>1 Commission will consider amendments to ADEM 2 Administrative Code 335-7, Water Supply 3 Program Regulations. 4 Again, we will call on the 5 Department for comment. 6 MR. HARRISON: Good morning, 7 Mr. Chairman and Members of the Commission. 8 I am Dennis Harrison, and I am Chief of the 9 Drinking Water Branch of the Water 10 Division. 11 You have before you the complete 12 hearing record for proposed changes to the 13 Department's Division 7 Public Water Supply 14 Program regulations. The proposed changes 15 include administrative and technical 16 changes in three chapters, as noted in the 17 Summary of Reasons Supporting the Adoption 18 of these proposed amendments. 19 On May 13, 2016, a public 20 hearing was held to receive comments from 21 interested persons regarding the proposed 22 revisions. Written comments were accepted 23 any time during the public comment period,</p>

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1 which extended from March 27th through May
 2 13th, 2016.
 3 During the comment period, the
 4 Department received written comments from
 5 EPA and one individual. At the hearing on
 6 May 13, 2016, no written or oral statements
 7 were presented. All comments have been
 8 addressed and resolved, and the
 9 reconciliation statement is included in
 10 your package.
 11 The Department requests that the
 12 Commission adopt the proposed revisions. I
 13 will be happy to address any questions you
 14 may have.
 15 VICE-CHAIR PHILLIPS: Move
 16 we adopt the proposed amendments.
 17 DR. RICHARDSON: Second.
 18 CHAIRMAN BROWN: All in
 19 favor?
 20 (All Commission members
 21 signify with "aye")
 22 CHAIRMAN BROWN: Motion
 23 carries. Thank you.

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1 MR. HARRISON: Thank you.
 2 CHAIRMAN BROWN: Any other
 3 business?
 4 (No response)
 5 CHAIRMAN BROWN: The next
 6 Commission meeting is on August 19, 2016.
 7 I believe everyone thinks that they will be
 8 available at this time.
 9 But, with that, I will entertain
 10 a motion for adjournment.
 11 VICE-CHAIR PHILLIPS: Move
 12 to adjourn.
 13 DR. LAIER: Second.
 14 CHAIRMAN BROWN: All in
 15 favor?
 16 (All Commission members
 17 signify with "aye")
 18 CHAIRMAN BROWN: So
 19 adjourned.
 20 (The meeting adjourned at
 21 11:39 a.m.)
 22 *****
 23

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 2 COUNTY OF MONTGOMERY)
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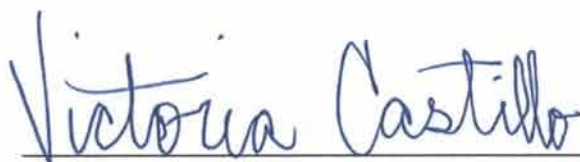
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Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Director's Slides
(Agenda Item 2)**

**Attachment 3 Resolution to adopt amendments to ADEM Administrative Code 335-1,
General Administration Regulations
(Agenda Item 5)**

**Attachment 4 Resolution to adopt amendments to ADEM Administrative Code 335-7,
Water Supply Program Regulations
(Agenda Item 6)**

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: June 17, 2016
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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2. Report from the ADEM Director	2
3. Report from the Rulemaking Committee Chair	2
4. Report from the Commission Chair	2
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6. Consideration of adoption of proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations	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 APRIL 15, 2016
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE RULEMAKING COMMITTEE CHAIR
4. REPORT FROM THE COMMISSION CHAIR
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-1, GENERAL ADMINISTRATION REGULATIONS (INCLUDES NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code 335-1, General Administration Regulations to add a new Permit Application for Reclaimed Water Reuse and revise several existing forms. The Department held a public hearing on the proposed amendments on May 11, 2016.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-7, WATER SUPPLY PROGRAM REGULATIONS

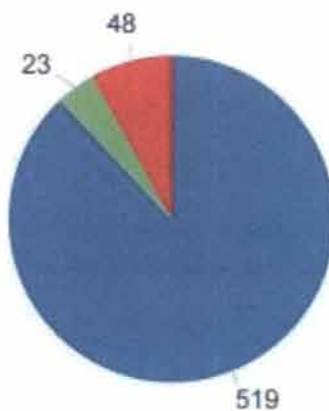
The Commission will consider proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations. These proposed amendments consist of administrative corrections and clarifications in response to EPA comments on the Department's Total Coliform Rule and Public Water System Well Design requirements. In addition, the revision would allow for electronic delivery of consumer confidence reports (CCRs). The Department held a public hearing on the proposed amendments on May 13, 2016.

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

Attachment 2

Fiscal Year **FY2015**

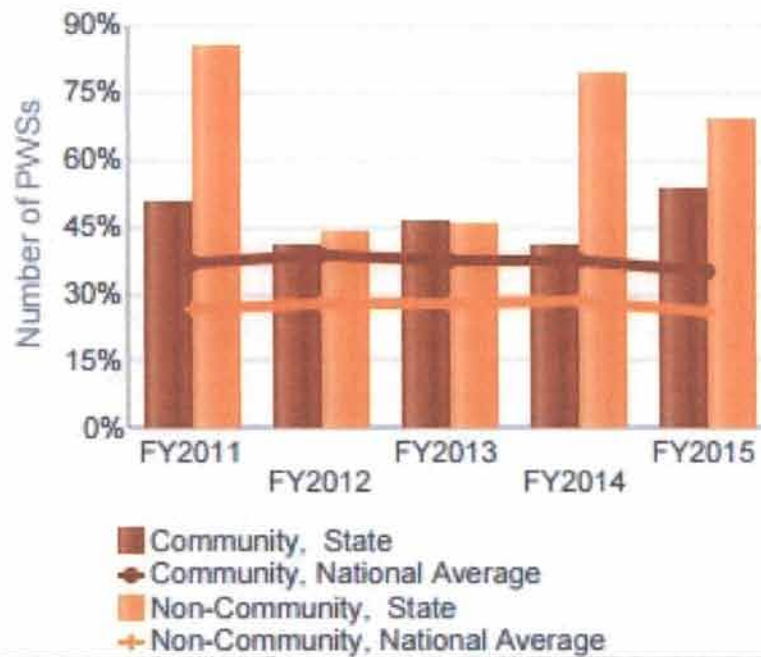
PWSs by Type

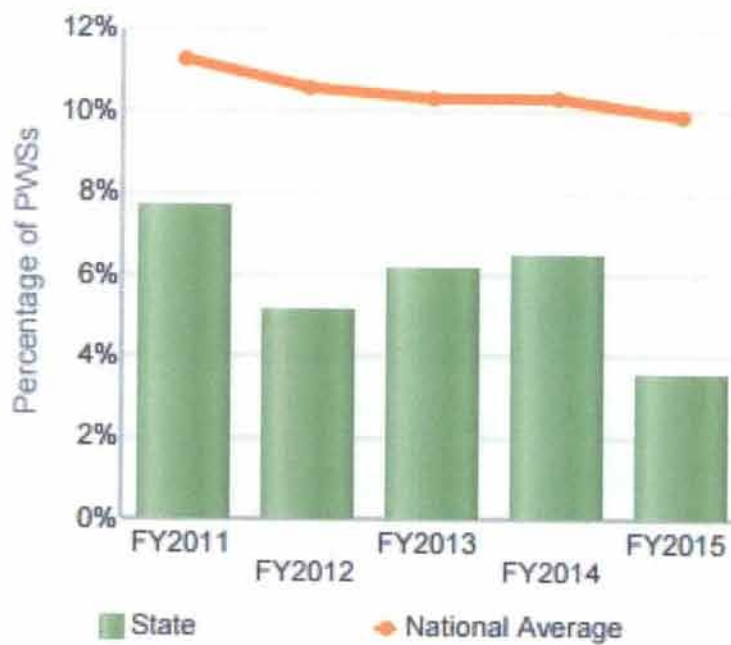


- Community Water System
- Non-Transient Non-Community Water System
- Transient Non-Community Water System

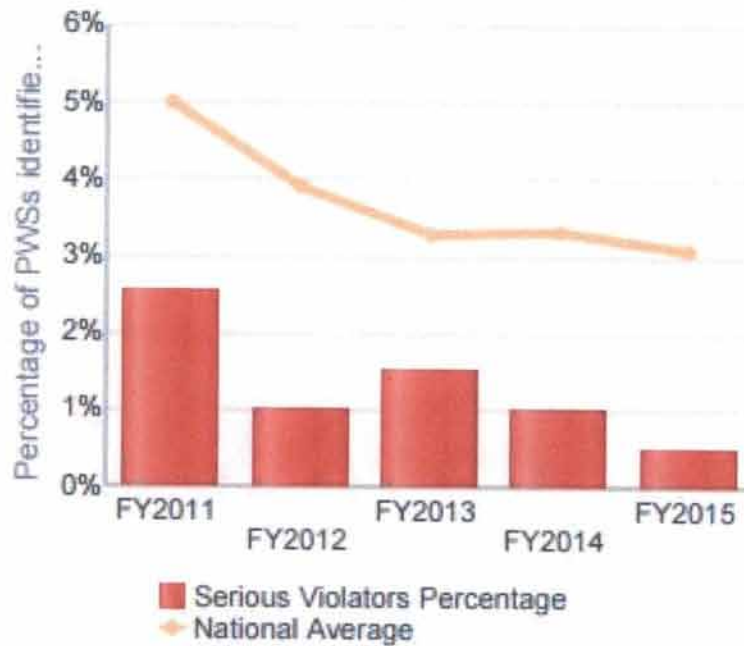
PWSs with Site Visits

PWSs with Sanitary Surveys

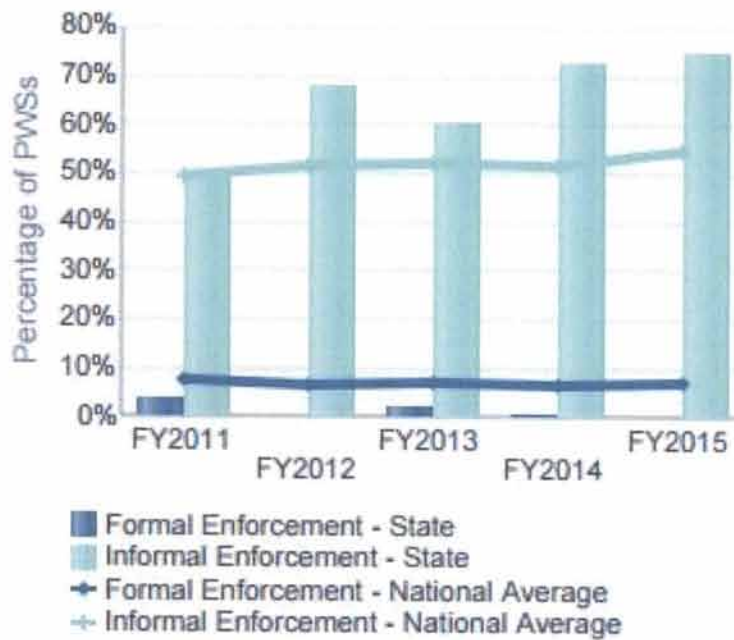


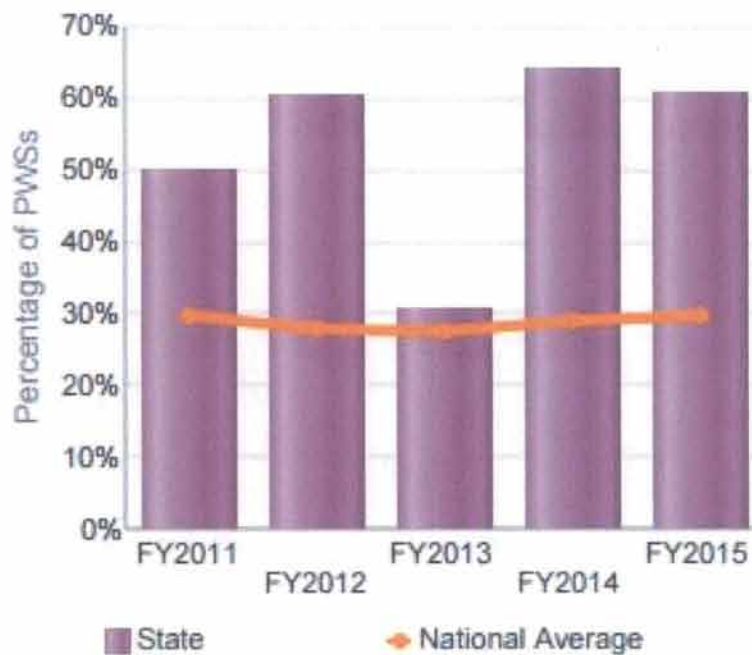
PWSs with Health-based Violations

Serious Violators



PWSs with Enforcement Actions



PWSs Returned to Compliance



Alabama Department of Environmental Management

Cyber Security Audit

- State Finance ISD security staff review
- Primary system vendor security audit
- Reviewed network scanning software
- Reviewed Center for Internet Security Best Practices security controls

Cyber Security Priorities

1. Perform Qualys Guard continuous vulnerability assessment and remediation
2. Stepped up control of administrative privileges
3. Optimize existing email, browser, boundary defense, and malware defense systems

Cyber Security Priorities

4. Enhance existing data recovery capability
5. Implement stepped up personnel security training

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

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

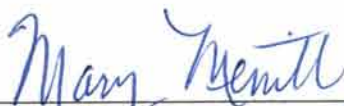

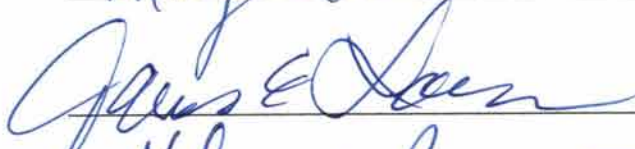

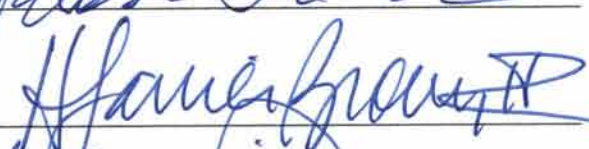
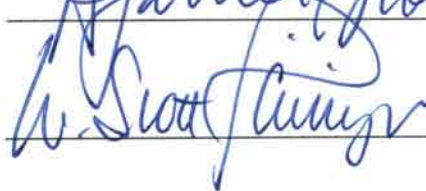
attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-1 – General Administration

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of June 2016.

APPROVED:

 _____	 _____
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 _____	_____

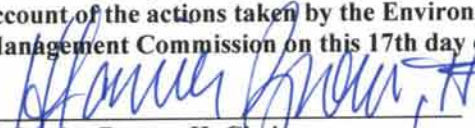
DISAPPROVED:

_____	_____
_____	_____
_____	_____

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 17th day of June 2016.



H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 17th day of June 2016

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 335-7 of the Department's Water Division – Water Supply 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 335-7 [335-7-2-.07/Microbiological Standards and Monitoring Requirements (Amend), 335-7-2-.08/Radionuclide Standards and Monitoring Requirements (Amend); 335-7-2-.10/Special Monitoring and Analytical Requirements for Unregulated Contaminants (Amend);

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

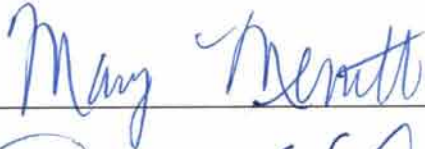
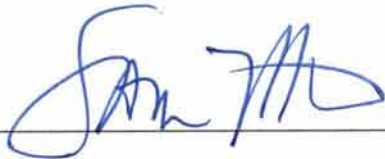


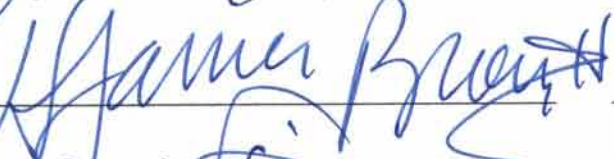
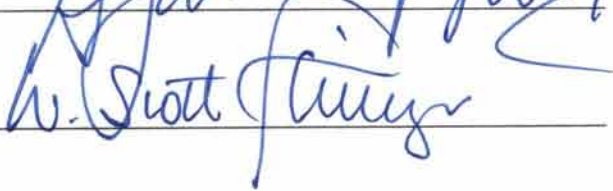
335-7-2-.12/Stage 2 Disinfection Byproducts (Amend); 335-7-2-.13/Distribution System Evaluation (Amend); 335-7-2-.14/Standard Monitoring Plan (Amend); 335-7-2-.15/System Specific Study (Amend); 335-7-2-.17/Cryptosporidium Monitoring and Compliance (Amend); 335-7-2-.21/Public Notification (Amend); 335-7-5-.04/Well Casing Requirements (Amend); 335-7-5-.11/Water Level Management (Amend); 335-7-5-.22/Ground Water Rule (Amend); 335-7-14-.02/Definitions (Amend); 335-7-14-.04/Content of Reports (Amend); 335-7-14-.05/Additional Reporting Contents (Amend); 335-7-14-.07/Report Delivery and Recordkeeping (Amend);] of the Department's Water Division – Water Supply Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-7 – Water Supply Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of June 2016.

APPROVED:


DISAPPROVED:

_____	_____
_____	_____
_____	_____

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 17th day of June 2016.


H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 17th day of June 2016