

10/26/16

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 19, 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 August 19, 2016.

A handwritten signature in blue ink, appearing to read "H. Lanier Brown, II", written over a horizontal line.

**H. Lanier Brown, II, Chair
Alabama Environmental Management Commission**

Certified this 21st day of October 2016.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 19, 2016

Convened: 11:00 a.m.
Adjourned: 11:50 a.m.

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Part A

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4 ALABAMA ENVIRONMENTAL MANAGEMENT

5 COMMISSION MEETING

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8 ALABAMA DEPARTMENT OF ENVIRONMENTAL

9 MANAGEMENT

10 Alabama Room

11 1400 Coliseum Boulevard

12 Montgomery, Alabama 36110-2400

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20 Taken by: Bridgette W. Mitchell,

21 ACCR 231

22

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1 VICE CHAIRMAN PHILLIPS: Good

2 morning. We will call the Alabama

3 Environmental Management Commission

4 meeting to order. I will acknowledge we

5 have a quorum.

6 We'll consider the minutes of our

7 Commission meeting held on June 17, 2016.

8 I'll entertain a motion.

9 DR. MARTIN: So move to approve.

10 MS. MERRITT: Second.

11 VICE CHAIRMAN PHILLIPS: Have a

12 motion to adopt the minutes of June 17.

13 Any further discussion?

14 (No response.)

15 VICE CHAIRMAN PHILLIPS: No

16 further discussion. All in favor of the

17 motion signify with the sign "aye."

18 (Unanimous.)

19 VICE CHAIRMAN PHILLIPS: All

20 opposed?

21 (No response.)

22 VICE CHAIRMAN PHILLIPS: Motion

23 carries.

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1 * * * * *

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4 APPEARANCES

5

6 COMMISSION MEMBERS PRESENT:

7 W. Scott Phillips, Vice Chair

8 Samuel L. Miller, M.D.

9 Mary J. Merritt

10 Terry D. Richardson, Ph.D.

11 Elliott Craig Martin, D.V.M.

12

13 COMMISSION MEMBERS NOT PRESENT:

14 H. Lanier Brown, II, Esquire, Chair

15 James E. Laier, Ph.D., P.E.

16

17 ALSO PRESENT:

18 Robert Tambling, EMC Legal Counsel

19 Lance R. LeFleur, ADEM Director

20 Debi Thomas, EMC Executive

21 Assistant

22

23

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1 Agenda Item No. 2, Report from the

2 ADEM Director.

3 MR. LeFLEUR: Good morning,

4 Commissioners, and to others present for

5 the final meeting of the Commission for

6 fiscal year 2016. Today's report will

7 update you on some recent activities

8 dealing with the Department's funding

9 shortfall, which will in part be tied to

10 some new innovative activities, highlight

11 a program to help achieve a higher level

12 of compliance in an industry sector

13 chronically struggling with compliance,

14 and update you on the drinking water

15 health advisory for perfluorinated

16 compounds announced at the last

17 Commission meeting.

18 Previous reports have addressed

19 ongoing efforts to deal with the funding

20 challenges the Department has been facing

21 in recent years. It has been reported

22 that the FY 2017 General Fund

23 appropriation did not cover the badly

<p style="text-align: right;">Page 5</p> <p>1 needed replacement of physical facilities 2 in Mobile for the field office and 3 coastal program; the costs for the 4 emergency response program; the costs for 5 the State-mandated financial reporting 6 system known as STAARS; the costs to 7 comply with new EPA-mandated electronic 8 reporting requirements; or sufficient 9 funding for the Concentrated Animal 10 Feeding Operations, or CAFO program. The 11 Department is using several different 12 approaches to find the needed resources 13 that were not provided by the General 14 Fund. 15 The best remaining hope for funding 16 of the replacement physical facilities 17 in Mobile is the portion of the 18 settlement money coming to the state from 19 the 2010 BP oil spill that is allocated 20 by the federal RESTORE Act to 21 environmental, infrastructure, and 22 economic development projects in the 23 Mobile and Baldwin Counties area. The</p>	<p style="text-align: right;">Page 7</p> <p>1 either shift the cost or locate an 2 alternate source of funding to cover the 3 approximately \$100,000 annual additional 4 cost of the troubled State-mandated 5 STAARS financial reporting system. As 6 with other inadequately-funded programs, 7 the Department will seek to cover costs 8 through innovative efficiency measures 9 being attempted in other areas. 10 In the past year, EPA has adopted 11 sweeping changes to its electronic 12 reporting rules. We applaud EPA in its 13 efforts since this will greatly improve 14 efficiency for all concerned. They are 15 late to the party and have set some 16 unrealistic timelines to catch up. The 17 Department is far ahead of both EPA and 18 the rest of the nation in implementing 19 electronic reporting. However, while our 20 necessarily increased investment will be 21 significantly less than other states 22 since we began investing years ago, it 23 will nevertheless require additional</p>
<p style="text-align: right;">Page 6</p> <p>1 State-appointed council administering the 2 funds still has not set a date for the 3 awards process to begin, so we are 4 currently on hold. 5 The Department is continuing to 6 divert costs of its inadequately funded 7 emergency response program to other 8 entities. The Department submitted 9 proposed changes to the State's master 10 emergency operations plan that will 11 require local communities rather than 12 ADEM to be the primary responders to oil 13 and hazardous materials emergencies. 14 When local communities exhaust their 15 emergency response resources, they would 16 then contact the State Emergency 17 Management Agency or ADEM for possible 18 additional resources. Clearly this 19 shifting of responsibilities will place 20 greater financial obligations on local 21 communities that experience oil and 22 hazardous waste emergencies. 23 The Department has been unable to</p>	<p style="text-align: right;">Page 8</p> <p>1 Departmental funding. The funding was 2 requested in the FY 2017 General Fund 3 budget, but that request was not honored. 4 Rather than lose the efficiency momentum 5 gained by being a leader in this area, 6 where possible, we will move funds from 7 other programs to make this one of the 8 last programs to be cut. 9 The Department continues to become 10 more efficient through innovation as a 11 means to better utilize available 12 resources. Electronic applications have 13 been crucial to increased operating 14 efficiency. Electronic applications have 15 required the investment of scarce 16 resources, but those investments have 17 paid dividends of increased efficiency 18 that then free up resources for other 19 uses. 20 Two recent innovative efforts 21 involving electronic applications that 22 seek to improve efficiency and allow for 23 possible diversion of funds for other</p>

<p style="text-align: right;">Page 9</p> <p>1 purposes are nearing completion. First 2 is a direct-entry inspections program 3 called nSPECT, which automatically links 4 field inspection results to our 5 electronic reporting systems; and second 6 is our Laboratory Information Management 7 System, or LIMS, which similarly links 8 our laboratory equipment directly to the 9 Department's numerous databases. Origins 10 for both of these efforts go back several 11 years. 12 The nSPECT system is scheduled to be 13 fully deployed for Field Operations 14 Division Construction Storm Water 15 inspections and NPDES Compliance 16 Evaluation and Sampling inspections in 17 all offices by October 1, 2016, which is 18 the start of the fiscal year 2017. As 19 noted previously, the major driver in 20 this effort is to increase efficiency, 21 which helps cope with tighter budgets. 22 Preliminary productivity increases are 23 significantly exceeding the originally</p>	<p style="text-align: right;">Page 11</p> <p>1 statistical analysis, reporting, and the 2 like. The LIMS system converts real-time 3 data into consistent usable formats, 4 eliminating the need for multiple human 5 entries. As is the case with the nSPECT 6 system, personnel become more productive, 7 opportunities for errors are reduced, and 8 the information is available to all end 9 users more rapidly. 10 While neither of these innovations 11 is groundbreaking, the Department is 12 among the earliest of the states 13 deploying them. 14 Regarding the Concentrated Animal 15 Feeding Operations, or CAFO, program, the 16 \$400,000 FY 2017 General Fund 17 appropriation, which is the only current 18 source of CAFO funding, does not cover 19 the cost of the program. The Department 20 is continuing to work with CAFO 21 representatives and others to explore 22 ways to deal with the shortfall. Two 23 recent activities have been to first meet</p>
<p style="text-align: right;">Page 10</p> <p>1 anticipated 20 percent. This innovation 2 not only allows us to do more inspections 3 with less personnel, it also reduces the 4 opportunity for human errors that occur 5 when multiple entries are required. An 6 additional bonus is that the public at 7 large benefits from the improved 8 transparency of having important 9 information in the publicly-accessible 10 databases, such as eFile, available more 11 quickly. 12 The Laboratory Information 13 Management System became operational in 14 2015 and is meeting expectations even 15 while engaging in a continuous 16 optimization process. The Department's 17 laboratories use about two dozen pieces 18 of analytical equipment which utilize 19 several different reporting platforms. 20 In the past, this required information 21 from the various types of laboratory 22 equipment to be manually transferred to 23 end-use databases for plotting,</p>	<p style="text-align: right;">Page 12</p> <p>1 with representatives of the Georgia CAFO 2 program, which is the only poultry 3 producer larger than Alabama, to see what 4 program efficiencies might be uncovered; 5 and, second, meetings with members of the 6 Alabama House Legislative Rural Caucus as 7 a means to educate the Legislature on the 8 benefits of properly funding the ADEM 9 CAFO program. 10 The meeting with representatives 11 from Georgia revealed significant 12 differences in funding sources, state 13 oversight, local home rule involvement, 14 as well as the level of EPA presence. It 15 was apparent that having the CAFO program 16 centralized, as it is in Alabama at ADEM, 17 provides advantages in reduced total 18 cost, flexibility for agriculture 19 interests, and the prevention of 20 excessive EPA involvement. 21 The initial meeting with the Rural 22 Caucus leadership was the idea of, and 23 arranged by, Commissioner Dr. Richardson</p>

<p style="text-align: right;">Page 13</p> <p>1 and was prompted by his ongoing efforts 2 to encourage the State to provide funding 3 in whatever form to ADEM. The Rural 4 Caucus is a bipartisan group of more than 5 40 House members. Its primary function 6 is to educate the Legislature on issues 7 important to rural areas in the state. 8 The meeting provided CAFO interests an 9 opportunity to interact with legislators 10 and others on the focused issue of 11 funding the ADEM CAFO program without the 12 pressures present during a Legislative 13 session. 14 A follow-up meeting to which all 15 caucus members were invited took place 16 earlier this week. The caucus will take 17 the information presented and seek to 18 help the Legislature make informed budget 19 decisions affecting CAFOs during the next 20 regular session of the Legislature. ADEM 21 continues to consider various options if 22 adequate General Fund appropriations are 23 not forthcoming, including scaling back</p>	<p style="text-align: right;">Page 15</p> <p>1 Over the years and throughout the 2 nation, one group of environmental permit 3 holders has consistently been among the 4 biggest challenges in achieving 5 compliance with permit conditions. That 6 group is municipal wastewater treatment 7 plants, in particular wastewater 8 treatment plants in small communities. 9 At the June Commission meeting, much of 10 my report focused on drinking water. 11 This portion of today's report will focus 12 on municipal wastewater. 13 Drinking water and wastewater 14 treatment are two of the most important 15 public services offered by 16 municipalities. There are many reasons 17 why municipal wastewater facilities have 18 difficulty meeting environmental permit 19 conditions. Contrasting drinking water 20 and wastewater services can highlight 21 some of the reasons why wastewater 22 systems present greater compliance 23 challenges.</p>
<p style="text-align: right;">Page 14</p> <p>1 the program, transferring some of the 2 program elements to other organizations, 3 and developing a formula-based fee 4 structure. 5 I would remind the Commission that 6 despite past and current tight budgets, 7 which have been the lowest in the nation, 8 the Department has not only met all 9 federal and state statutory and 10 regulatory obligations but, as you have 11 repeatedly seen in the EPA-generated 12 comparative analyses, has performed at a 13 level among the highest in the nation, 14 and this is due in no small part to the 15 exceptional efforts of Departmental 16 personnel at all levels. 17 Finally, a special session of the 18 Legislature to address the shortfall in 19 Medicaid among other issues began on 20 August 15. As long as the Legislature in 21 is in session, there is a risk that the 22 Department's current meager General Fund 23 budget may be adversely impacted.</p>	<p style="text-align: right;">Page 16</p> <p>1 First, many of the municipal 2 wastewater facilities built in the 1970s, 3 when water-quality problems drove federal 4 regulation to improve water quality -- 5 excuse me -- were built in the 1970s. 6 Along with the legislation came federal 7 funding to build or upgrade wastewater 8 infrastructure and treatment plants. The 9 infrastructure and, in many cases, the 10 treatment systems built in the 1970s and 11 1980s are approaching the end of both 12 their physical and technological design 13 lives. Compared to drinking water 14 systems, wastewater treatment systems 15 generally require more treatment steps, 16 more costly collection system 17 investments, as opposed to drinking water 18 distribution systems, larger equipment 19 investments, higher maintenance costs, 20 greater energy usage, and other costly 21 operational parameters. 22 Expensive technology upgrades for 23 wastewater facilities are being driven by</p>

<p style="text-align: right;">Page 17</p> <p>1 increasingly tighter discharge limits, 2 particularly for compounds containing 3 phosphorous and nitrogen, which are 4 pervasive nutrients that can degrade 5 water quality. Conversely, drinking 6 water systems must monitor for more 7 contaminants, but the contaminants are 8 either rarely present or rarely present 9 in concentrations that require additional 10 treatment equipment or operations. 11 Unlike drinking water standards, 12 which are consistent for all systems, 13 many wastewater treatment facilities must 14 meet tighter standards because they 15 discharge to impaired water bodies or 16 water bodies with limited assimilative 17 capacity. When discharges go to an 18 impaired or limited assimilative capacity 19 water body, more contaminants must be 20 removed at the plant which requires 21 additional investments in treatment 22 equipment and operations. 23 In the 1970s, funding to meet newly-</p>	<p style="text-align: right;">Page 19</p> <p>1 costs to the bone for their wastewater 2 treatment plants. Decisions to defer 3 maintenance, replacement, and upgrades 4 and to excessively cut operating budgets 5 eventually lead to higher levels of 6 noncompliance. 7 Upset conditions at drinking water 8 facilities can have an immediate direct 9 health impact on all users while upset 10 conditions at wastewater treatment 11 facilities are less likely to immediately 12 or directly impact the health of large 13 populations. As a result, wastewater 14 facilities are often treated as a lower- 15 priority concern in communities with 16 limited financial resources. Upset 17 conditions, particularly weather-related 18 upsets, occur more frequently at 19 wastewater facilities than at many other 20 types of facilities, which contributes to 21 repeated events of noncompliance at 22 wastewater facilities. 23 While stopping operations of a</p>
<p style="text-align: right;">Page 18</p> <p>1 created water-quality standards was 2 readily available. Maintenance and 3 replacement costs for the aging systems 4 have increased; however, prior funding 5 sources are no longer readily available. 6 Since those early days, the budgetary 7 challenges experienced by many 8 communities have resulted in deferred 9 maintenance and the inability to upgrade 10 technology to meet increasingly tighter 11 discharge limits for municipal wastewater 12 facilities. In contrast to drinking 13 water facilities, which are typically net 14 revenue generators, wastewater treatment 15 facilities, because of the higher 16 investment and operating and maintenance 17 costs, are typically net revenue users. 18 Municipal leaders are faced with 19 difficult decisions about how to allocate 20 scarce financial resources, and often the 21 decision is made to defer equipment 22 replacement, defer maintenance, defer 23 technology upgrades, and cut operating</p>	<p style="text-align: right;">Page 20</p> <p>1 drinking water plant for permit 2 violations is a serious situation, there 3 are alternatives available, including 4 interconnecting with an alternative 5 drinking water source, issuing a boil- 6 water notice, or temporarily supplying 7 bottled water. As a last resort, the 8 drinking water can be shut off. While it 9 is a great inconvenience to customers 10 and -- no direct adverse health or 11 environmental impact results from 12 stopping the availability of drinking 13 water by shutting down a drinking water 14 plant. 15 By contrast, stopping operations of 16 a wastewater treatment plant for permit 17 violations is a much more serious event. 18 Alternative interconnected treatment 19 options are rarely available. Inflows to 20 the collection system will continue 21 regardless of whether the facility is 22 operating and sanitary system overflows, 23 back-ups into homes, or untreated</p>

<p style="text-align: right;">Page 21</p> <p>1 discharges to receiving water bodies will 2 necessarily occur. These are far worse 3 health and environmental options than 4 temporarily discharging inadequately- 5 treated wastewater. For these reasons, 6 unlike any other type of facility, it is 7 virtually impossible to stop a wastewater 8 treatment plant's operations regardless 9 of environmental regulatory violations. 10 Shutting down a wastewater treatment 11 plant is rarely a viable option. 12 As you can see, there are a number 13 of financial and operational factors 14 contributing to the increased occurrence 15 of failure to meet environmental permit 16 conditions by municipal wastewater 17 treatment facilities. There are also 18 limited options for dealing with those 19 failures to meet permit conditions when 20 they do occur. 21 The Department has implemented a 22 program to help address this difficult 23 set of circumstances that contribute to</p>	<p style="text-align: right;">Page 23</p> <p>1 The program offers financial 2 benefits to the individual water system, 3 and in turn to its customers. The 4 Department's rationale for offering this 5 service at no cost to the wastewater 6 treatment facilities is to help address 7 the single biggest contributor to 8 noncompliance in this sector, which is 9 the lack of financial resources. The 10 more efficiently wastewater facilities 11 operate, the further they can stretch 12 their limited resources. 13 This program has been underway for 14 three years and is headed up by Jim 15 Grassiano, in the Permits and Services 16 Division. 17 Jim, would you raise your hand, 18 stand up. Jim has been doing a great job 19 with this. 20 While the program has not solved 21 anywhere near all of the problems facing 22 the wastewater sector, the results to 23 date are encouraging, especially when one</p>
<p style="text-align: right;">Page 22</p> <p>1 noncompliance by wastewater treatment 2 systems. It is an energy assessment and 3 operations -- optimization program, 4 sometimes referred to as an audit, of 5 wastewater treatment facilities. 6 Wastewater treatment facilities are very 7 large users of energy to run pumps, 8 aerators, sludge-handling equipment, and 9 for other plant operations. The 10 assessment and optimization, or audit, 11 program is voluntary and does not subject 12 the facility to receiving the 13 assistant -- the assistance to any 14 increased risk of noncompliance 15 discovery. It is not enforcement-driven. 16 The facility is not obligated to 17 implement any of the recommendations made 18 as a result of the audit. For those 19 facilities electing to make changes, 20 followup with troubleshooting and 21 tracking results is provided. There is 22 no financial cost to the facility for the 23 audit or the followup.</p>	<p style="text-align: right;">Page 24</p> <p>1 considers that the improvements have 2 financial benefits that continue to grow 3 because energy costs savings go on year 4 after year. 5 This slide shows the location of the 6 28 wastewater facilities that have 7 participated in the assessment and 8 optimization program during the last 9 three years. The next few slides will 10 zero in on the results achieved by five 11 of the 28 to give you some sense of the 12 results that can be achieved. 13 The five systems include ones in the 14 northern part, central, and southern 15 parts of the state. And these are 16 systems that have implemented most, if 17 not all, the recommendations made. The 18 implementation rate for systems varies 19 from full implementation to those that 20 have just begun implementation to those 21 that have not yet decided to utilize the 22 recommendations at all. Remember, the 23 program is totally voluntary.</p>

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1 As you can see, some systems have
 2 more improvement opportunities than
 3 others, which is reflected in the monthly
 4 energy savings figures. The reduction in
 5 energy usage per million gallons of
 6 treated wastewater takes out the effects
 7 of inflow variations. And, finally, we
 8 see the monthly cost savings. This is
 9 the funding that can be repurposed for
 10 system upgrades, deferred maintenance,
 11 and other activities that promote
 12 improved compliance with permit
 13 conditions.
 14 Like many of our recent initiatives,
 15 this program has multiple benefits. In
 16 this case, there are direct and indirect
 17 water-quality and air-quality benefits in
 18 addition to the cost savings that make
 19 the facilities better able to afford what
 20 is needed to comply with permit
 21 conditions.
 22 Environmental benefits take the form
 23 of reduced discharges to water and air.

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1 usage results in a reduction in
 2 greenhouse gas generation at the power
 3 plant where the energy is produced. As
 4 you can see, the energy savings from the
 5 assessment and optimization program at
 6 the five facilities provides an indirect
 7 environmental benefit of reducing the
 8 generation of greenhouse gas by more than
 9 2100 tons per year.
 10 Periodically, my reports to you
 11 highlight the partnerships that are often
 12 key components of Departmental programs.
 13 This assessment and optimization program
 14 is a good example of these partnerships
 15 at work.
 16 Obviously, since this is a voluntary
 17 program, the wastewater utilities
 18 themselves are the most important
 19 partners. The utilities are accountable
 20 to their oversight officials, who are
 21 indirectly partners, and the Department
 22 assists the utilities in communicating
 23 the need for and the results of the

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1 This slide shows those same five
 2 facilities and the river basins into
 3 which each discharges treated wastewater.
 4 Wastewater treatment facilities
 5 receive wastewater with high
 6 concentrations of the nutrient nitrogen.
 7 Releases of treated wastewater containing
 8 excessive levels of nutrients can impair
 9 the receiving water body and can cause
 10 problems such as oxygen-depleting algal
 11 blooms. A component of the energy audit
 12 involves the cycling of aerator
 13 operations in a way that allows a greater
 14 portion of the total nitrogen in the
 15 wastewater to be released as harmless
 16 elemental nitrogen into the atmosphere.
 17 As you can see, for just these five
 18 facilities, this results in reducing the
 19 amount of nitrogen released to surface
 20 waters in Alabama by more than 100 tons
 21 per year.
 22 We hear a lot about greenhouse gases
 23 these days. The reduction in energy

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1 program to the oversight officials.
 2 Likewise, rate payers are indirect
 3 partners and communication with them
 4 helps build public confidence and makes
 5 them more aware of the need for financial
 6 resources.
 7 From the very beginning, EPA has
 8 been in lock step as a partner with the
 9 Department. Over time, new partners have
 10 been added. At the federal level, the
 11 Department of Energy, as might be
 12 expected, has recognized the potential
 13 benefits and is becoming an active
 14 supporter. Within the state of Alabama,
 15 the Alabama Department of Economic and
 16 Community Affairs, or ADECA, will be
 17 partnering on future assessments working
 18 under a contract with the Department of
 19 Energy.
 20 And we have someone here, Mary
 21 Blackmon. Would you please be
 22 recognized? She is with ADECA and one of
 23 our new partners coming on board. Thank

<p style="text-align: right;">Page 29</p> <p>1 you. 2 This will allow us to increase the 3 number of facilities assessed. 4 Partnerships also extend beyond state 5 boundaries, which is unusual. The 6 Tennessee Department of Environment & 7 Conservation and the University of 8 Memphis will be partners in 2016. 9 To bring things back into 10 perspective, the objective of this and 11 other programs ultimately is obtaining 12 compliance with environmental permit 13 conditions. Often, environmental 14 benefits above and beyond meeting permit 15 conditions are also realized. 16 This program fits well with the 17 Department's strategy to achieve 18 compliance. Inspections, technical 19 assistance, and penalties each play a 20 role in promoting compliance. Our 21 strategy is driven by research that has 22 shown that inspections and technical 23 assistance are far and away the most</p>	<p style="text-align: right;">Page 31</p> <p>1 health advisory guideline. 2 Following the issuance of the EPA 3 health advisory, one water system serving 4 portions of Morgan and Lawrence Counties 5 unilaterally recommended that its 6 customers not drink or cook with the 7 water from the system. As might be 8 expected, this created panic among its 9 customers and was widely reported in news 10 media. After learning of the water 11 system's unanticipated recommendation, 12 ADEM worked with the system to restore 13 public confidence in the water supply by 14 implementing a water-blending arrangement 15 with a neighboring water system. 16 The most recent four-sample 17 averages, which are as of mid-August, 18 from potentially impacted drinking water 19 systems show that none of the systems 20 have concentrations of PFOS or PFOA that 21 exceed the levels referenced in the EPA 22 health advisory. 23 ADEM is continuing to monitor the</p>
<p style="text-align: right;">Page 30</p> <p>1 effective tools. The energy assessment 2 and optimization program has elements of 3 both nonregulatory inspections and 4 technical assistance. 5 As you may recall from an earlier 6 report, on May 19, 2016, EPA issued a 7 final nationwide health advisory for the 8 perfluorinated compounds PFOS and PFOA. 9 These compounds are manmade chemicals 10 that may be found in nonstick cookware, 11 carpet-protection products, firefighting 12 foams, and waterproof clothing. 13 The health advisory applies to those 14 who may be exposed to these chemicals in 15 low concentrations in their drinking 16 water continuously over a lifetime with 17 the exception of pregnant women and 18 nursing children who are potentially 19 affected during a shorter exposure 20 period. Several drinking water systems 21 in northwest and northeast Alabama 22 potentially have concentrations of 23 compounds that would fall within the</p>	<p style="text-align: right;">Page 32</p> <p>1 levels of PFOS and PFOA in drinking water 2 and is working closely with the Alabama 3 Department of Public Health and the 4 affected local drinking water systems to 5 address any health recommendations from 6 the Department of Health. 7 The final item in today's report is 8 to recognize an accomplishment by one of 9 our employees. You have heard repeatedly 10 that if we are to be a high-performing 11 organization in the future, we must 12 develop our employees. In fact, one of 13 the Department's operating plan 14 objectives is to promote a high- 15 performing work environment in part by 16 encouraging the ongoing development of 17 our employees. 18 Achieving the formal designation of 19 professional geologist requires extensive 20 education, on-the-job experience, and 21 rigorous testing. It's my pleasure to 22 recognize John Dean in our Land Division 23 who has recently achieved a significant</p>

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1 milestone in his professional life by
 2 earning his professional geologist
 3 designation.
 4 (Applause.)
 5 MR. LeFLEUR: As I tell people
 6 who get their PE or PG, that there's a
 7 raise in your future.
 8 With that, that will conclude
 9 today's report. I'd be pleased to answer
 10 any questions you may have.
 11 VICE CHAIRMAN PHILLIPS: Thank
 12 you. Are there any questions from
 13 commissioners?
 14 (No response.)
 15 VICE CHAIRMAN PHILLIPS: Thank
 16 you, Mr. LeFleur.
 17 Moving to Agenda Item No. 4, which
 18 is the Report from the Commission Chair.
 19 Our regular Commission Chair is not here
 20 today and has not provided any
 21 information, so I don't have anything to
 22 bring forward.
 23 We'll move to Agenda Item No. 5.

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1 positions of Commission Chair and Vice
 2 Chair and Chair of the Personnel
 3 Committee and as a Member of the
 4 Personnel Rulemaking and Strategic
 5 Planning Committees. And whereas
 6 Dr. Lester was conscientious about his
 7 obligations as a Commissioner to the
 8 people of Alabama and the environment.
 9 And whereas Dr. Lester will be sorely
 10 missed and fondly remembered by his
 11 fellow Commissioners, the Commission's
 12 legal counsel and assistant, the
 13 Director, supervisors, and staff of the
 14 Alabama Department of Environmental
 15 Management, and many within the
 16 governmental, regulated, and
 17 environmental communities.
 18 Now, therefore, be it resolved that
 19 the Alabama Environmental Management
 20 Commission expresses appreciation for
 21 Dr. Lester's contributions and friendship
 22 and offers its sympathy for his loss to
 23 his family done this 19th day of August,

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1 Agenda Item No. 5 is Consideration of
 2 adoption of a resolution for posthumous
 3 recognition of former Commission Member
 4 John Howard Lester, DVM, who passed away
 5 on July 18th. Dr. Lester's wife, Jane,
 6 sends her regrets and -- that she and her
 7 family could not be present today. And I
 8 want to read the resolution and then note
 9 I'll entertain a motion regarding the
 10 adoption of the resolution for this
 11 recognition of Dr. Lester.
 12 The resolution reads: Whereas, John
 13 Howard Lester, DVM, was a dedicated
 14 public servant. Among his many areas of
 15 public service was the Environmental
 16 Management Commission of the Alabama
 17 Department of Environmental Management.
 18 And whereas Dr. Lester was the longest-
 19 serving member in the history of the
 20 Commission, having served in the chemist,
 21 slash, veterinarian position from October
 22 1994 until November of 2013. And whereas
 23 Dr. Lester served admirably in leadership

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1 2016.
 2 MS. MERRITT: I move to adopt the
 3 resolution of the posthumous recognition
 4 of former Commission Member John Howard
 5 Lester, DVM.
 6 CHAIRMAN MILLER: Second.
 7 VICE CHAIRMAN PHILLIPS: I have a
 8 motion and second. Call for the
 9 question. All in favor signify with the
 10 sign "aye."
 11 (Unanimous.)
 12 VICE CHAIRMAN PHILLIPS: All
 13 opposed, same sign.
 14 (No response.)
 15 VICE CHAIRMAN PHILLIPS: Motion
 16 carries.
 17 We'll now move to Agenda Item No. 6.
 18 Agenda Item 6 is Consideration of the
 19 adoption of proposed amendments to ADEM
 20 Administrative Code 335-2, Environmental
 21 Management Commission Regulations,
 22 Rule 335-2-3-.05, Agenda. At our meeting
 23 this morning of the Rulemaking Committee,

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1 we adopted the draft reconciliation
2 statement and the recommendation to the
3 full Commission. The draft
4 reconciliation statement was included in
5 the record provided to all the
6 Commissioners. No changes were made to
7 the reconciliation statement. However,
8 changes were made to the draft guidelines
9 for public comment, which have also been
10 provided to the Commission. Therefore,
11 the Commission has before it the complete
12 record for the proposed amendments to
13 this rule.
14 On June 16, 2016, a public hearing
15 was held to receive comments from
16 interested persons regarding the proposed
17 revisions. Written comments were
18 accepted any time during the public
19 comment period, which extended from
20 April 29, 2016 through June 16, 2016.
21 During the comment period, the Commission
22 received one set of written comments. At
23 the public hearing on June 16, 2016, no

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1 sign "aye."
2 (Unanimous.)
3 VICE CHAIRMAN PHILLIPS: All
4 opposed, same sign.
5 (No response.)
6 VICE CHAIRMAN PHILLIPS: Motion
7 carries.
8 While we're waiting on the signing
9 of the resolution, I'm going to switch
10 hats and go from Chair back to Rulemaking
11 Committee Chair and thank the Committee
12 Commissioners Mary Merritt and Terry
13 Richardson, Robert Tambling, Debi Thomas,
14 and the public and our stakeholders for
15 all their efforts in getting this
16 accomplished. It took us some time, but
17 it really did -- we did go through it
18 very effectively.
19 In addition, I'd like to express the
20 Committee's appreciation to those who
21 attended and participated in that work
22 session that I mentioned held on February
23 the 20th, 2015, and provided input during

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1 written or oral statements were
2 presented. All comments have been
3 addressed and resolved in the
4 reconciliation statement.
5 I'd like to call on Rulemaking
6 Committee Member Richardson to present
7 the Rulemaking Committee's
8 recommendations to the full Commission.
9 Commissioner Richardson.
10 DR. RICHARDSON: The Rulemaking
11 Committee recommends that the amendment
12 to the Rule 335-3- -- 2-3-.5, Agenda, we
13 recommend that those be adopted -- those
14 changes be adopted.
15 VICE CHAIRMAN PHILLIPS: Since
16 this is a recommendation from the
17 Committee, it serves as a motion and
18 second. Do I have any discussion from
19 the Commission?
20 (No response.)
21 VICE CHAIRMAN PHILLIPS: No
22 further discussion, I call for the
23 question. All in favor signify with the

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1 the examination of this rule.
2 DR. MARTIN: Mr. Vice Chairman, I
3 have a question regarding point of order.
4 VICE CHAIRMAN PHILLIPS: Sure.
5 DR. MARTIN: When it came out of
6 Committee, that comes as a motion. Did
7 you need a second?
8 VICE CHAIRMAN PHILLIPS: I do
9 not.
10 DR. MARTIN: Okay. All right.
11 Just want to make sure.
12 VICE CHAIRMAN PHILLIPS: But
13 thank you for the clarification.
14 Moving to Agenda Item No. 7, which
15 is the Consideration of the
16 recommendation of the Rulemaking
17 Committee regarding draft guidelines to
18 the application of the proposed amended
19 ADEM Administrative Code 335-2,
20 Environmental Management Commission
21 Regulations, Rule 335-2-3-.05, Agenda.
22 I want to call on Rulemaking
23 Committee Member Richardson to present

<p style="text-align: right;">Page 41</p> <p>1 the Rulemaking Committee's 2 recommendation. 3 DR. RICHARDSON: Thank you, 4 Mr. Chairman. The Rulemaking Committee's 5 recommendation is that the Commission 6 adopt the draft guidelines for public 7 comment. 8 VICE CHAIRMAN PHILLIPS: Okay. 9 Thank you. Recommendation from the 10 Committee serves as the motion and the 11 second. And I'll open it up for 12 discussion. 13 (No response.) 14 VICE CHAIRMAN PHILLIPS: No 15 further discussion, all in favor of the 16 motion, signify with the sign "aye." 17 (Unanimous.) 18 VICE CHAIRMAN PHILLIPS: All 19 opposed, same sign. 20 (No response.) 21 VICE CHAIRMAN PHILLIPS: Motion 22 carries. 23 Agenda Item 8 is Consideration of</p>	<p style="text-align: right;">Page 43</p> <p>1 moot the present request for hearing 2 contesting the January 8th, 2016 Modified 3 Solid Waste Disposal Permit No. 35-06 to 4 the City of Dothan. 5 The Department filed the suggestion 6 of mootness and attached a copy of the 7 Department's June 10th, 2016 letter 8 rescinding and revoking the issuance of 9 permit modification. The petitioners 10 filed a response to respondent's 11 suggestion of mootness. 12 I'll entertain a motion from the 13 Commission regarding the Recommendation 14 of the Administrative Law Judge on the 15 Department's Suggestion of Mootness. 16 CHAIRMAN MILLER: Mr. Chairman, I 17 move that we accept the Administrative 18 Law Judge's decision. 19 VICE CHAIRMAN PHILLIPS: Do I 20 have a second? 21 DR. RICHARDSON: Second. 22 VICE CHAIRMAN PHILLIPS: I have a 23 motion and a second to adopt the</p>
<p style="text-align: right;">Page 42</p> <p>1 the recommendation of the Rulemaking 2 Committee regarding a draft form for 3 members of the public to request to make 4 a presentation at a Commission meeting 5 entitled Request to Make Presentation at 6 AEMC Meeting. In our Rulemaking 7 Committee, we discussed this. And since 8 it appears that it would need to go back 9 out to Rulemaking, have really determined 10 that we will just continue to operate 11 under the proposed rule that we just 12 passed. And then at some future date, if 13 we feel that we have a need for such a 14 form, that we'll bring it back to the 15 Commission at that time. So there is no 16 recommendation to come before the 17 Commission today. 18 Agenda Item No. 9 is Consideration 19 of the Recommendation of the 20 Administrative Law Judge on the 21 Department's Suggestion of Mootness in 22 which the Administrative Law Judge 23 recommends that the Commission dismiss as</p>	<p style="text-align: right;">Page 44</p> <p>1 Recommendation of the Administrative Law 2 Judge on the Department's Suggestion of 3 Mootness. Any further discussion? 4 (No response.) 5 VICE CHAIRMAN PHILLIPS: No 6 discussion, I'll call for the question. 7 All in favor signify with the sign "aye." 8 (Unanimous.) 9 VICE CHAIRMAN PHILLIPS: All 10 opposed? 11 (No response.) 12 VICE CHAIRMAN PHILLIPS: Motion 13 carries. 14 Agenda Item No. 10 is Other 15 business. Do we have any other business 16 to come before the Commission? 17 (No response.) 18 VICE CHAIRMAN PHILLIPS: Agenda 19 Item 11, Future business session. The 20 next Commission meeting is scheduled for 21 October 21, 2016, at 11 a.m. in this 22 conference room. Anyone have any known 23 problems with the date?</p>

1 (No response.)
2 VICE CHAIRMAN PHILLIPS: Date
3 will stand. And there will not be a
4 Rulemaking Committee at the next
5 Commission date of October 21st.
6 I'll entertain a motion to adjourn.
7 DR. MARTIN: I'll move.
8 VICE CHAIRMAN PHILLIPS: Second?
9 CHAIRMAN MILLER: Second.
10 VICE CHAIRMAN PHILLIPS: All in
11 favor signify with the sign "aye."
12 (Unanimous.)
13 VICE CHAIRMAN PHILLIPS: All
14 opposed?
15 (No response.)
16 VICE CHAIRMAN PHILLIPS: Motion
17 carries. We are adjourned.
18
19 (The hearing concluded at
20 11:50 a.m. on August 19, 2016.)
21
22
23

1 REPORTER'S CERTIFICATE
2
3 STATE OF ALABAMA)
4 ELMORE COUNTY)
5
6 I do hereby certify that the above
7 and foregoing transcript was taken down
8 by me in stenotype, and the questions and
9 answers thereto were transcribed by means
10 of computer-aided transcription, and that
11 the foregoing represents a true and
12 correct transcript of the testimony given
13 by said witness.
14
15 I further certify that I am neither
16 of counsel, nor any relation to the
17 parties to the action, nor am I anyway
18 interested in the result of said cause.
19
20 I further certify that I am duly
21 licensed by the Alabama Board of Court
22 Reporting as a Certified Court Reporter
23 as evidenced by the ACCR number following
my name below.

/s/ Bridgette W. Mitchell
Bridgette W. Mitchell
Certified Court Reporter and
Commissioner for the State of
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MY COMMISSION EXPIRES 12/19/17

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA)
3)
4 ELMORE COUNTY)

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6 I do hereby certify that the above
7 and foregoing transcript was taken down
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11 the foregoing represents a true and
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15 I further certify that I am neither
16 of counsel, nor any relation to the
17 parties to the action, nor am I anyway
18 interested in the result of said cause.

19
20 I further certify that I am duly
21 licensed by the Alabama Board of Court
22 Reporting as a Certified Court Reporter
23 as evidenced by the ACCR number following
my name below.

Bridgette W. Mitchell

/s/ Bridgette W. Mitchell
Bridgette W. Mitchell
Certified Court Reporter and
Commissioner for the State of
Alabama at Large
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Part B

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**Attachment 4 Resolution to adopt amendments to ADEM Administrative Code 335-2,
Environmental Management Commission Regulations
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Committee and adopt the Draft Guidelines for Public Comment
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Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 19, 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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* 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 JUNE 17, 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 A RESOLUTION FOR POSTHUMOUS RECOGNITION OF FORMER COMMISSION MEMBER JOHN HOWARD LESTER, D.V.M.

The Commission will consider adoption of a resolution to posthumously recognize former Commission Member John Howard Lester, D.V.M.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA

The Commission will consider proposed amendments to ADEM Administrative Code 335-2, Environmental Management Commission Regulations to amend Rule 335-2-3-.05, Agenda. The Commission held a public hearing on the proposed amendments on June 16, 2016.

7. CONSIDERATION OF THE RECOMMENDATION OF THE RULEMAKING COMMITTEE REGARDING THE DRAFT GUIDELINES TO THE APPLICATION OF PROPOSED AMENDED ADEM ADMINISTRATIVE CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA

The Commission will consider the recommendation of the Rulemaking Committee regarding the draft guidelines to the application of proposed amended ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda.

8. CONSIDERATION OF THE RECOMMENDATION OF THE RULEMAKING COMMITTEE REGARDING DRAFT FORMS FOR COMMISSION MEETINGS FOR THE PUBLIC TO REQUEST TO MAKE PRESENTATIONS AND TO REGISTER TO MAKE BRIEF STATEMENTS

The Commission will consider the recommendation of the Rulemaking Committee regarding draft forms for Commission meetings for the public to request to make presentations and to register to make brief statements.

9. BOBBY LEWIS AND MICHAEL DEL VECCHIO V. ADEM, AND CITY OF DOTHAN, ALABAMA, EMC DOCKET NO. 16-01

The Commission will consider the Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness in this appeal concerning ADEM's January 8, 2016, Modification of Solid Waste Disposal Facility Permit No. 35-06 issued to the City of Dothan.

10. OTHER BUSINESS

11. FUTURE BUSINESS SESSION

Attachment 2



Alabama Department of Environmental Management

Funding Challenges

- Mobile physical facilities
- Emergency Response
- State-mandated financial reporting system
- EPA-mandated electronic initiatives
- Increased efficiency:
 - nSPECT
 - LIMS
- Concentrated Animal Feeding Operations



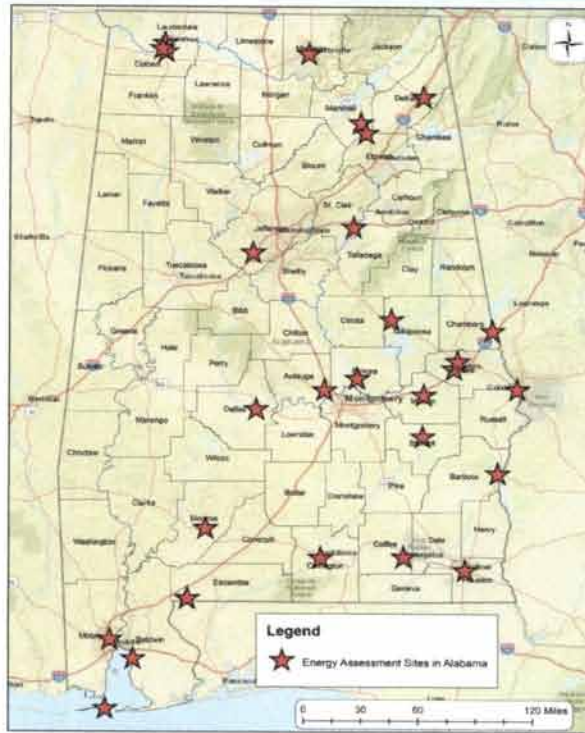
Alabama Department of Environmental Management

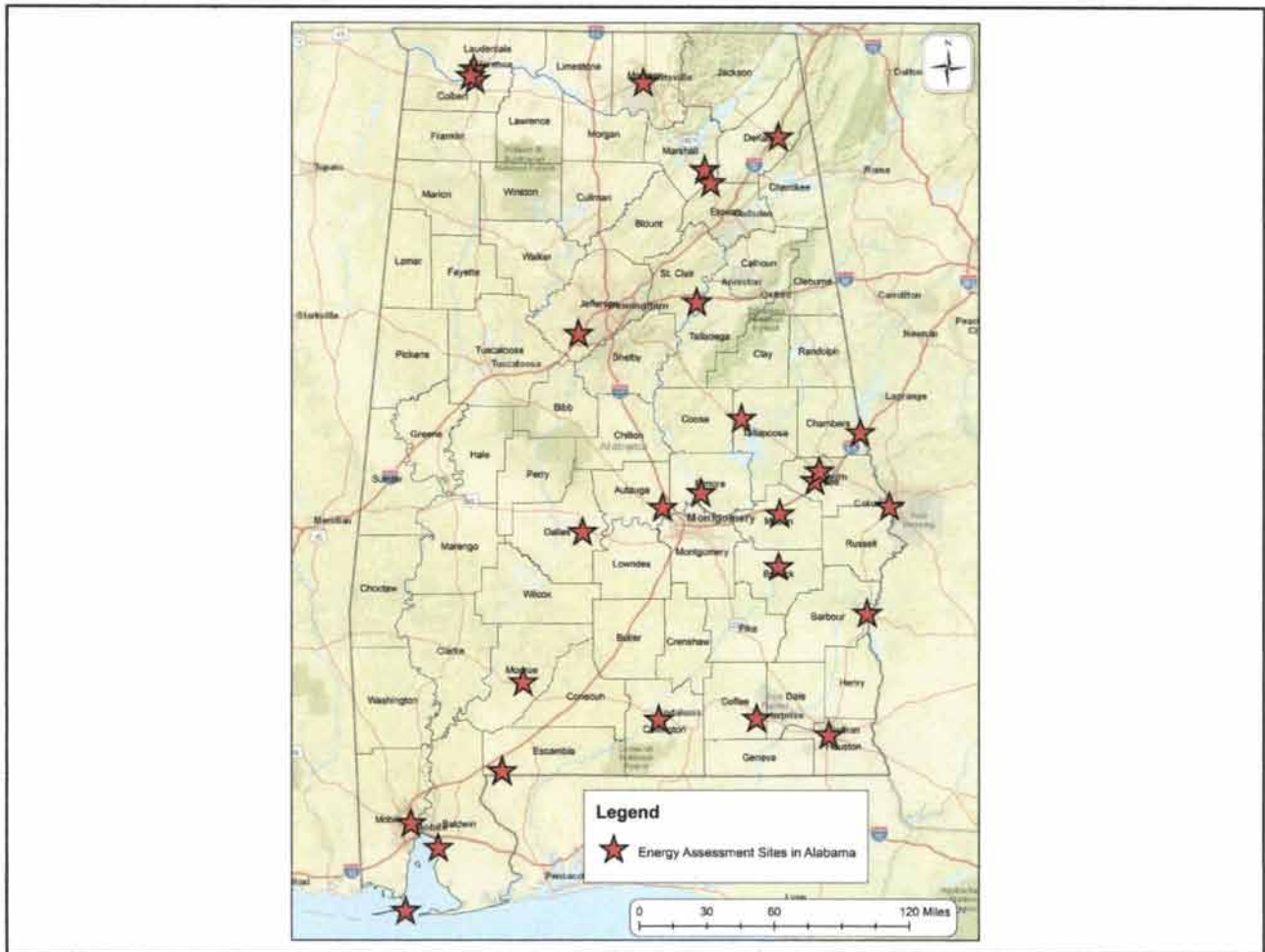
Non- Compliance by Waste Water Systems

- Costly to build, operate, and maintain
- Costly system upgrade requirements
- Costly to discharge to impaired receiving waters
- Inability to self-fund investments and operations
- Impacts of non-compliance
- Impacts of closure

ADEM

Alabama Department of Environmental Management







Alabama Department of Environmental Management

Waste Water Systems Energy & \$ Results

<u>System</u>	<u>KW/hr/Mo.</u>	<u>KW/hr / M Gal.</u>	<u>\$ Cost Sav/ Mo.</u>
Sheffield	82,500	1,800	1,000
Alex City	350,000	9,700	9,000
Wetumpka	230,000	5,100	5,000
W. Escambia	182,000	4,700	4,000
Prichard	143,000	1,765	2,600



Alabama Department of Environmental Management

Waste Water Systems Discharge Reductions

<u>System</u>	<u>Tot. N (t/yr)</u>	<u>GHG (t/yr)</u>	<u>River Basin</u>
Sheffield	19.3	71	Tennessee
Alex City	9.0	949	Tallapoosa
Wetumpka	12.0	390	Coosa
W. Escambia	24.0	372	Perdido-Escambia
Prichard	<u>37.0</u>	<u>357</u>	Mobile
Total	101.3	2,139	



Alabama Department of Environmental Management

Partners

- Waste water utilities
 - Communication with city managers
 - Communication with rate payers
- EPA initial partnership
- New partners
 - Dept of Energy
 - ADECA
 - Tenn DEC, Univ. Memphis

Attachment 3

State of Alabama



RESOLUTION

WHEREAS, John Howard Lester, D.V.M. was a dedicated public servant. Among his many areas of public service was the Environmental Management Commission of the Alabama Department of Environmental Management; and

WHEREAS, Dr. Lester was the longest serving member in the history of the Commission, having served in the Chemist/Veterinarian Position from October 1994 until November 2013; and

WHEREAS, Dr. Lester served admirably in the leadership positions of Commission Chair and Vice-Chair, and Chair of the Personnel Committee and as a Member of the Personnel, Rulemaking, and Strategic Planning Committees; and

WHEREAS, Dr. Lester was conscientious about his obligations as a Commissioner to the people of Alabama and the environment; and

WHEREAS, Dr. Lester will be sorely missed and fondly remembered by his fellow Commissioners; the Commission's legal counsel and assistant; the Director, supervisors, and staff of the Alabama Department of Environmental Management; and many within the governmental, regulated, and environmental communities; now

THEREFORE, be it resolved that the Alabama Environmental Management Commission expresses appreciation for Dr. Lester's contributions and friendship and offers its sympathy for his loss to his family.

DONE this 19th day of August 2016.

Mary J. Bennett

Ann Martin

W. Scott Phillips

[Signature]

Larry D. Richardson

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 19th day of August 2016.

W. Scott Phillips
W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 19th day of August 2016

Attachment 4

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Environmental Management Commission gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-2 of the Department's Environmental Management Commission 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 Environmental Management Commission designated by the Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Rulemaking Committee of the Alabama Environmental Management Commission 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 the proposed rules in response to oral and written submissions, 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 Rulemaking Committee of the Alabama Environmental Management Commission.

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 335-2 [335-2-3-.05/Agenda and Public Participation (Amend)] of the Department's Environmental Management Commission 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 335-2 – Environmental Management Commission Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 19th day of August 2016.

APPROVED:

Mary J. Merritt
C. Mackin
W. Scott Phillips
SRM

Terry D. Richardson

DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 19th day of August 2016.



W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 19th day of August 2016

ABSTAINED:

Attachment 5

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

MOTION

Adopt the recommendation of the Rulemaking Committee and

Adopt the Draft Guidelines for Public Comment

ORDER

This cause coming before the Environmental Management Commission pursuant to the referenced motion, it is hereby ORDERED:

That the referenced motion is hereby adopted; and

That in accordance with the referenced motion the recommendation of the Rulemaking Committee and the Draft Guidelines for Public Comment are hereby adopted; and

That this action has been taken and this Order issued by the Commission effective August 19, 2016.

That a copy of the Draft Guidelines for Public Comment is attached hereto, and made a part hereof.

ISSUED this 19th day of August 2016.

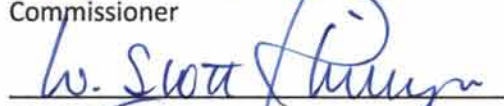
APPROVED:




Commissioner




Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

Commissioner

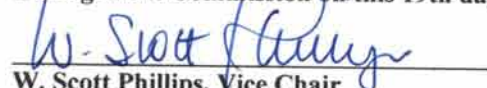
DISAPPROVED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 19th day of August 2016.



W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 19th day of August 2016

DRAFT GUIDELINES FOR PUBLIC COMMENT

The Commission wishes to facilitate the exchange of information between the Commission and the public in a manner that will enable the Commission to better serve the people of this State and their environment. To do so, the Commission has adopted the following guidelines to the application of EMC Rule 335-2-3-.05, Agenda and Public Participation. These guidelines will serve to educate and inform the public as to how the Commission interprets and intends to apply this Rule. The Commission believes that these guidelines will lead to a fair and consistent application of the Rule which will, in turn, promote a forum that is both suitable and conducive for responsible public participation.

1. Presentations should not exceed ten minutes. Presenters are therefore encouraged to state their most important points first and should understand that when the ten minute time limit has elapsed, they will be asked to conclude their presentation.
2. The topic of any presentation made to the Commission should be related directly to the Commission's functions. The Environmental Management Act defines the Commission's functions as (a) establishing rules, regulations, and environmental standards; (b) developing statewide environmental policy; (c) hearing appeals of administrative actions; and (d) selecting the ADEM Director. Topics outside of the scope of the Commission's defined functions will not be allowed. The Commission will not allow presentations advancing political agendas or presentations promoting the political or financial interests of any specific group(s) or individual(s).
3. The presentation of current and timely information is encouraged by the Commission. Presenting repetitive, irrelevant, or outdated information is neither productive, nor a good use of Commission time. The Commission requests that speakers provide relevant, accurate, and current data and information. In addition, speakers should be prepared to provide sources for data and information presented if requested. Presentation requests that raise topics that have already been thoroughly addressed through previous presentations are likely to be denied unless new and substantive information is provided.
4. All data presented should be factual. All data and data collection methods should be referenced and should be attributable to generally accepted reliable sources. Speakers should be mindful when presenting information not to violate any professional licensure or certification requirements.
5. The Commission's time should not be spent hearing matters that most appropriately should be initially addressed by the Department. Those wishing to make presentation requests before the Commission should first pursue all reasonable opportunities made available through the Department and its Director for addressing concerns. Failure to do so may result in a denial of the presentation request.

6. The Commission requests, when at all possible, that specific names of individuals or corporations be omitted from presentations. Any specific complaints mentioning individuals or corporations should be provided to the Director of the Department.
7. In order to help the Commission prepare and better understand the topic to be addressed, the Commission may request that those wishing to address the Commission submit a well organized outline of their presentation along with copies of any supporting documents they intend to use during the presentation. If, during the presentation, the outline submitted is not adhered to and the speaker strays from the subject identified in the outline, this will be noted by the Chair and the speaker may be asked to return to the subject of the presentation as reflected in the outline. If an outline and supporting documents are not provided, then the Commission may table the presentation request until such time as an outline and supporting documents are submitted.
8. Questions and comments from Commission members during or following a presentation are allowed and should be expected. Commission members are free to ask any questions believed necessary regarding the presentation.
9. The Commission, at its discretion, may approve, deny, table, or take no official action whatsoever on a presentation request. Those requesting to make presentations should not attend a Commission meeting with the expectation that their request will be automatically granted. Presentation requests that are approved may be placed on the agenda for subsequent (generally the following) regularly scheduled meeting of the Commission. Presentation requests that are denied due to a failure to conform to the Rule may be resubmitted to the Commission provided that the nonconformity is corrected.
10. Members of the public wishing to engage the Commission should feel free to submit written comments and other materials to the Commission office or the Director of the Department in lieu of presentation requests. Written comments submitted to the Commission office will be carefully read by Commission members and will be given the same weight and consideration as the presentations made during Commission meetings.
11. Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard.

Attachment 6

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

In the Matter of:)	
)	
Bobby Lewis and Michael Del Vecchio,)	
Petitioners,)	
)	
vs.)	
)	EMC Docket No. 16-01
Alabama Department of Environmental)	
Management,)	
Respondent,)	
)	
and)	
)	
City of Dothan, Alabama,)	
Intervenor.)	

ORDER

This cause having come before the Environmental Management Commission pursuant to the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness," ADEM's "Suggestion of Mootness," and "Petitioners' Response to Respondent's Suggestion of Mootness" for the above-styled appeal and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

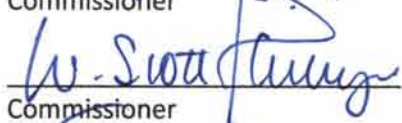
1. That the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness" is hereby adopted; and
2. That pursuant to the adoption of the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness," the Request for Hearing contesting the June 8, 2016 Modified Solid Waste Disposal Permit No. 35-06 to the City of Dothan is dismissed and moot; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
4. That a copy of this Order, along with a copy of the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness," attached hereto and made a part hereof, shall be forthwith served upon each of the parties hereto either personally, or by certified mail, return receipt requested.

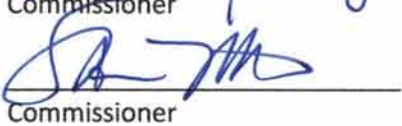
ISSUED this 19th day of August 2016.

APPROVED:


Commissioner


Commissioner


Commissioner


Commissioner


Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

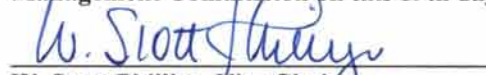
ABSTAINED:

Commissioner

RECUSED:

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 19th day of August 2016.


W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 19th day of August 2016

3. The issuance of Modification of Solid Waste Disposal Permit No. 35-06 dated January 8, 2016, was rescinded and revoked by the Alabama Department of Environmental Management, on June 10, 2016.

4. Because the administrative action contested in this Hearing is no more, this matter is now moot.

Therefore, the Administrative Law Judge does hereby recommend that the Alabama Environmental Management Commission DISMISS as MOOT, the present Request for Hearing contesting the January 8, 2016 Modified Solid Waste Disposal Permit No. 35-06 to the City of Dothan.

DONE this 20th day of June, 2016.



JAMES F. HAMPTON
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