DRAFT

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

DRAFT

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

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

Part A

Transcript

Part B

Attachment Index

Attachments 1 – 4

Part A

MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 15, 2011
TIME: 11:00 a.m.

* * * * * * * * * * * * * * * *

THE FOLLOWING ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING was taken before Shannon P. Yost, Certified Court Reporter and Commissioner for the State of Alabama at Large, at the Alabama Department of Environmental Management Building, Alabama Room, 1400 Coliseum Boulevard, Montgomery, Alabama, on the 15th day of April, 2011, commencing at 11:00 a.m. CST.

* * * * * * * * * * * * * * * *

APPEARANCES:

COMMISSION MEMBERS:
JOHN H. LESTER, D.V.M., CHAIR
MARQUITA F. DAVIS, PH.D.
SAMUEL L. MILLER, M.D.
W. SCOTT PHILLIPS
H. LANIER BROWN, II, ESQUIRE
JAMES E. LAIER, PH.D., P.E.
TERRY D. RICHARDSON, PH.D. (not present)

ALSO PRESENT:
DEBI THOMAS, AEMC EXECUTIVE ASSISTANT
ROBERT TAMBLING, AEMC LEGAL COUNSEL

DR. LESTER: We'll call this meeting to order and acknowledge that we have a quorum today. The first item of business is to consider the minutes from our last meeting on February the 18th. Is there any corrections or additions, or do I have a motion?

MR. BROWN: Move to adopt.

DR. LAIER: Second.

DR. LESTER: Motion is seconded. All in favor, say aye.

DR. DAVIS: Aye.

DR. MILLER: Aye.

MR. PHILLIPS: Aye.

DR. LESTER: Aye.

MR. BROWN: Aye.

DR. LAIER: Aye.

DR. LESTER: All opposed?

(No response.)

DR. LESTER: We didn't raise our hand. She told us last time to raise our hand.

Next item will be the Director's

report, but before we do that, just -- I was going to make a little presentation to Dr. Richardson. He just got back. He's like Scott here. Scott just flew into Montgomery a few minutes ago from Chile. Dr. Richardson had been to Oxford, England representing the University of North Alabama, and he was asked to speak on the BP oil response and, particularly, his personal experiences of being part of the response. So we'll -- let's think about him. And I'm going to call on Lance to give his report, and he will give you the information on why Dr. Richardson's not here.

Lance.

MR. LEFLEUR: Thank you, Doctor. Dr. Richardson is not here this morning. He was planning to be here. He called me last evening. His daughter, stepdaughter, was on vacation down at the gulf and had an accident and had to have

01688d6d-34db-41bd-afee-03f4635af134

Page 5

emergency surgery last night, and they are down there. And he apologized to the Commission for missing a -- a meeting this time, but I indicated that everybody here would -- would certainly understand and that our prayers would be with -- with him and his daughter.

Okay. If I may, good morning, Commissioners. It's a pleasure to be here with you. I'd like to focus my comments on two areas this morning: First on our budgets, which is an ongoing issue; and, second, as I approach one year of service with the Department, some thoughts on what I've come to understand is one of our most critical elements to the Department's success, and that's our partners in the projects that we work on.

On the budget front, let's see if I -- I've got some slides here. This is sort of unusual. On our budget fund, our budget break downs -- we get about 9 percent of our operating funds from the

Page 6

general fund of the state. About 34 percent of our budget comes from federal grant funds, and the remaining 57 percent comes from fees, issuance fees, on permits and -- and other types of fees.

Our general fund budget, as this slide indicates, has been essentially flat for about the last 20 years. There's a little blip there in 2008. That was the startup of a new program to -- where the State worked with ADEM, shared in steel dust disposal fees that are collected at Emelle, and it was a two-year collection portion that showed up in that year. But other than that, it's been a fairly flat budget for the last 20 years. It's something unusual in state budgets.

As many of you are aware, recently, the governor declared a 15 percent proration across the board for all agencies, and we are included in that.

Page 7

So our prorated budget for 2011 is shown by this yellow bar on this graph.

Our 2012 general fund budget will be down 31 percent, and this is represented by the red bar on this graph, will be down 31 percent over the -- the original budget for FY 11 and down 19 percent from the prorated 2011 budget. We are waiting for the other shoe to drop as far as our federal budget is concerned, but this is our general fund budget.

We expect our federal budgets to be down by at least 13 percent. That's what the President recommended recently. And, of course, Congress is the one that will ultimately determine the budget, and they're just beginning those conversations now. We think that the -- the Congress will reduce EPA budget, which, in turn, reduces our budget by more than the 13 percent that the -- the -- the President has recommended.

One more item that's impacting our

Page 8

budget this year -- well, in two fiscal years actually, both FY 10 and FY 11 -- we have approximately $300,000 of cost in the BP oil spill response that will not likely be recovered and will be a direct hit against our budget also. This amounts to about 7 percent, an additional 7 percent, on our budget. ADEM has worked to date -- we're still on the site, but to date, we have about 35,000 hours in oil spill response. And that's not reflected in -- in these charts that I have up here.

That's the situation that we find ourselves in budgetwise. It's a -- it's a stringent situation, and it's not unusual for many agencies around the -- the state and around the country.

I'd like to now talk a little bit about how we anticipate we're going to respond to this, how we will respond to this.

Our -- one of our first responses is

Page 9

going to be to require eGov participation for all those entities that are capable of responding in eGov applications. This is where we have electronic format for submitting reports rather than paper reports. It improves accuracy. It improves our -- our time usage as far as getting the data input. And we talked a little bit about that last time. But we are going to be taking more aggressive steps to require eGov application in permits and other -- other activities that we do.

We'll also be implementing more general permits. And when we have a general permit, it not only saves manpower because we have -- for instance, on the MS4 permit that's out there now, the general permit, we can have 60 permittees operate under the same permit rather than writing individual permits, which is a very time-consuming process. So we can more effectively use our

Page 10

manpower. It also has the benefit of allowing us to raise the bar on the standards that we impose. The standards that are imposed are those that are designed to meet all circumstances, and under our individual permits, we would normally have lower standards in certain cases, varying in -- in -- on the -- the permit would vary, as far as what the standards are, depending on the local circumstances. But now we have the higher standard that will be applied to all of them. So general permits help us in two different ways.

We'll also be eliminating our -- what has been in the past, our Pollution Control Grant Fund. These are funds that have been in our budget to supplement wastewater treatment systems, drinking water systems, and so forth. But in light of the current budget restrictions, we're going to be eliminating that program.

Page 11

We will reduce or eliminate some of our outreach program contracts. Now, these are contracts that have been very beneficial to us, but they are contracts that are away from our core activities. And these are -- are things like Water Watch. I know there are some Water Watch people in the room today. We'll be reducing those types of contracts. Clean Water Partnership, who has worked very closely with us, we are going to ask them to tighten their belt just like we have to tighten our belt. So we'll be reducing that outreach that we have.

In the same vein, State initiatives will be pared back to make sure that we meet federal grant commitments. Each of the states has programs that they implement that's -- that are in addition to the federal programs that are implemented. These -- these are what we call our State initiatives. And right now, with the budgets being reduced, we

Page 12

are going to have to reduce what we do in the way of State initiatives so we can focus on getting done the federal requirements that we have. It's an unfortunate situation, but it's necessitated by these budget restrictions that we're seeing.

We're also going to be raising fees. This is never a popular topic for the -- the regulated community, but we've been working to prepare them. This next slide -- if you'd look at this, let me explain it a little bit. The blue bars at the bottom are our -- represent our general fund budget, the yellow bar represents our federal budget, and the red bar represents our fee income. As you can see, our fee income has been becoming a more and more important component of our overall budget, and that's because we've been facing these declining state and fanderal -- federal budgets. So we've been supplementing it

Page 13

with fee income.
Now, the last three bars there -- it's a little hard to see on this slide, but the one -- the third one in is -- is our fiscal year 11 prior to proration. The next bar in, the second bar in, is the prorated budget, and then the bar at the very end of the graph represents our 2012 budgets.
As you can see, we've kept the fee income flat for each of those circumstances, and -- and by doing our fee increase, we'll be increasing our fees, and those -- those bars will show an increase. But this demonstrates the reduced -- anticipated reduced federal budget and the reduced general fund budget.
Our fees -- we -- we try to keep our fees to as low a level as we can to fund our programs, which -- and the purpose of that is to help bring jobs to Alabama, make us a more competitive state for --

Page 14

for businesses to locate. We -- we have been having greater and greater federal mandates, and we have no option but to increase those fees in the next coming years.
We have the statutory authority to raise the fees. We are not at the limit as to high -- as high as we will be able to go with our fee structure, but, like I say, we -- we still want to limit that -- that amount of fee increase to the bare minimum. We'll be coming to the Commission later in the year with a revised fee structure.
Another item that we'll be undertaking to deal with these budget times that we're -- we're seeing is we will be working to negotiate workload adjustments in our federal grant commitments to reflect the federal budget cuts.
The Department is currently understaffed, and we do not anticipate

Page 15

any layoffs as a result of current budget cuts. This is not only a morale issue that we're -- we're avoiding layoffs and a workload issue, but, also, it's a cost issue. We invest nearly two years in training our professional staff, which comprises about 80 percent of our personnel. And when we let the people go, we have to take that training investment and let it go also, and when we rehire down the road, we have to make that investment yet again. So we are -- we are having layoffs as our very last option for a number of different reasons.
So that's our -- that's where we are with our budget. A very difficult time for many agencies, not just for our -- our department but for many.
Let me address a different topic now, if I may, and this is a topic that involves our partners. And this is -- this is an important piece. In the year since becoming director, I've come to

Page 16

understand a number of things about the department, and I -- I -- I have many more to learn, obviously. However, one thing that has really jumped out is that whatever ADEM can do alone is multiplied many fold when partners are involved.
I'd like to illustrate how this works by identifying some of our partners and highlighting a few examples to show the diversity of these relationships and the statewide distribution of these activities. ADEM was the lead on some of these projects that I'll be showing in these next slides. On some of them, we were an equal partner participant. The slides represent some successes, and I don't mean to imply that there are -- are not areas for improvement. Clearly, we have some areas where we're not where we need to be.
I've selected 15 projects. There are many, many more. These are some of the current ones. But these include

Page 17

examples from our Air Division, our Land Division, and our Water Division. There's some from the southern, central, and northern parts of the state. You'll notice that some of these are rather mundane; some are quite unique; some are experimental; and some are even controversial. The main purpose of these slides is to show you some of the groups that actually participate in making successful things happen. Please pay particular note to the wide variety of the partners that are involved with this and willing to work with the Department to get results that benefit the environment.

I apologize beforehand. There are a lot of slides here, and I'll try to go through them. The print's a little bit small. But these first three projects that we'll see in these slides all relate to the BP oil spill. My first anniversary with the Department coincides

Page 18

with the Deepwater Horizon oil spill. I don't know how much I like that, but, nonetheless, we both have the same start date. The first project here that -- that you see the slide -- on the slide is where we were the lead agency in the BP oil spill response. This -- this response -- ADEM is currently on the scene full time, and we're working to oversee the cleanup. Like I said, we have more than 35,000 hours in this project, so we've got -- we've got a lot of relationships here that are -- that are well-worn relationships. But just some of the groups that have been involved: Local environmental groups; most notably, Baykeeper, Alabama Coastal Foundation, Mobile Bay National Estuaries Program, some very good local environmental agencies, groups. We have 11 state agencies; the US Coast Guard; BP; state, county, and local elected leaders; private citizens; and numerous

Page 19

federal agencies. This was a response project where we responded to the oil spill.

The next one is an example of one of the protective projects that was undertaken. Katrina Cut is what it's called. This is a -- refers to a breach that was put in Dauphin Island during Hurricane Katrina in 2005, and that breach is more than a mile wide and allowed a pathway for oil to come into the Mississippi sound area, a very sensitive area. It also allows hurricane tidal surge to come through where -- what used to be a barrier island. And, finally, it allows saltwater to come in and has an economic impact on the oyster beds that are down there. Oyster drills are allowed to come in with that saltwater. So there are a number of things that -- that are problems down there by this breach existing. The project involves restoring the natural

Page 20

barrier that was there, and you can see the -- some of the partners that we worked with on this project, which has just completed in this past week, including EPA; the Corps of Engineers; Alabama Coastal Foundation; again, the National Estuaries Program; the City of Bayou la Batre; Dauphin Island, Dauphin Island Sea Lab, Mobile County. A lot of different diversity in that, as -- as all of these projects are.

The third one related to the oil is the Coastal Resiliency Commission and, in particular, the Environmental Resiliency Committee of that Commission. This is a -- a -- we were one of 80 participants, lead participants, in this program, and the idea behind this entire Commission was to move into the recovery phase from the oil spill. There were numerous environmental organizations involved, economic institutions, business community, Corps of Engineers, elected

Page 21

officials, media representatives, and numerous state agencies, so a wide range of participants in that project also.

The next one we -- we have here is the one that involves the City of Bayou la Batre and their wastewater treatment plant. Bayou la Batre has been a problem -- has had a problem down there for more than 30 years. Both marine resources and our Water Division have been working with Bayou la Batre for many years to try to bring their wastewater treatment plant into compliance. And this is a -- a program that -- that got started, had a false start, and now we're -- we're trying to bring it to closure. And our partners in this one involve, obviously, Bayou la Batre but the USDA; Conservation; Baykeeper, once again; ADECA; private engineering companies; a lot of different partners, a lot of wide-ranging groups.

Another project that's an

Page 22

interesting one involves greenhouse gas mitigation, a sequestration research project, deep well injection. This is a -- a -- a research/experimental-type project. There's a lot of -- a lot of discussion about -- a lot of controversy and discussion about global warming, but, nonetheless, we are working with Alabama Power in this case, EPA, Geologic Survey to test the feasibility of CO2 sequestration. And it's -- it's an interesting project and one that points out some of the interesting partners that we deal with on these sorts of things.

Another program, scrap tire recycling. We have just begun working with the -- each of the counties in the state to offer them $100,000 to reimburse them for tire pickup and recycling. We've dealt with each of the counties, as I say, the Association of County Commissioners, Scrap Tire Commission, a lot of different partners in this type --

Page 23

in this project also.

Coal ash legislation. This is one that's going through the Legislature now. We anticipate the bill will pass. This is a -- a unique coming together. You don't often find projects where the environmental community, the coal-burning-power generators, and ADEM come together and get the legislators to work with them. So this is -- this is a very interesting project. What it does is defines coal ash to solid waste and allows us to begin controlling the disposal.

State Revolving Fund. Many of you are familiar with that. Providing low-cost loans to various communities to upgrade their drinking water and wastewater systems. We deal with, obviously, the local municipalities. EPA's involved. We have investment bankers, attorneys, water boards, even Internal Revenue Service, consulting

Page 24

engineers, and trustee banks. So a wide range of partners in this type of project.

The Selma to Montgomery Voting Rights Trail brownfield cleanup. It's one that's underway, got started last May. It's to identify, assess, and remediate underground storage tanks along the -- the trail. We have a -- another set of partners in this: US Department of Justice, civil rights leaders, local officials, HUD, Historic Commission, ALDOT, Park Service. A lot of different communities there that are working together.

Genetta Creek, one here in the city of Montgomery. Genetta Creek is an urban watershed that we're working to improve. It's an impaired stream, a 303D stream, that is now being -- having work done on it. It's an Environmental Justice project, a Green Infrastructure project, and a project that affects the quality of

Page 25

life for people in the low income and local minority community. This is an excellent project. The City of Montgomery has been the lead on that one, and we have taken an active part through our 319 program to become involved with that work with these local partners.

Moving up toward the lakes in the state, we have Treasured Alabama Lakes designation, which you're going to be dealing with here today. This helps us to maintain high-quality water resource, working with the Governor's Office. And, once again, this is another instance of -- of some people that don't normally come together coming together for an environmentally-sound project. Lake Watch, I see my friend from Lake Martin in -- in the audience, real estate developers in the area, power generator. This lake was formed for hydroelectric power generation. Alabama Power worked on this project with us and the local

Page 26

wastewater treatment plants. A nice group of people coming together for a good project.

Chemical munitions demilitarization project. This was a very controversial project. Some of you Commission members today understand how -- how controversial it was. You took a -- a courageous stand to move this project forward. It's eliminating chemical contamination threat. This involved the US Army Department of Defense, EPA, local leaders. This one's now winding down. It'll close out in the next year but another project that's -- that's indicative of the wide variety kinds of projects that we work with. Jefferson and Shelby Counties have attained -- attaining their clean air standards for fine particulates. They have met the 12 -- the 24-hour standard, and they -- this year, at the end of 2010, they have met the annual standard. Fine

Page 27

particulate standards have been ratcheted down over the years. And we have not had a formal designation of attainment, but the data indicates that we have attainment there for the latest standards that have been set. Working with the local leaders, local health department, regional planning organizations. Once again, another group of partners in here.

Little Shades Creek. Last week, you -- or last -- excuse me -- last Commission meeting, we had Beth Stewart, Executive Director, come and present a -- an award for ADEM's participation in this restoration of an impaired stream. Obviously, Cahaba River Society was -- was heavily involved in that, local electric -- elected leaders, engineering company, our -- excuse me. Our soil and water conservation districts and our clean water partnership, our Alabama Clean Water Partnership, also played a big role in this. Very positive project.

Page 28

And then, finally, this one's hot off the press. This just came down yesterday. TVA voted at their board meeting yesterday to provide funds, mitigation funds, for various environmental violations. ADEM has been working for the last two years with -- along with the Attorney General's Office; TVA; EPA; our neighboring states, Kentucky, Tennessee, North Carolina. We will be working with the local communities in North Alabama to put some of these mitigation projects in place, the Sierra Club, and other national environmental groups.

Now, this is 15 projects. These are 15 projects that are -- that are in place, going on right now, as we speak. This is, by no means, by no means, all of the projects that are going on. With just these 15 projects, we have more than a dozen environmental organizations that are partnering with us, more than a dozen

Page 29

state agencies, more than 50 private businesses, several dozen state, county, local elected officials, more than 60 other participants that have been working with us. This is on 15 projects. The point I want to -- to make here is that ADEM works with others to get projects done, to get things done that improves this -- this environment in our state, this wonderful resource that we have. And sometimes we lose -- we lose -- we lose track of that. We don't really see it happening. But that is such a key part of what we do in this state, and I want to hold those partners up and recognize the work that they do. We don't often hear much about our partners, but they are critical to our success.

And if you have any questions, I'd be pleased to -- to address them. I thank you for allowing me to serve in this position.

DR. LESTER: Congratulations on a

Page 30

good year.

MR. LEFLEUR: Well, we still have some things to do.

DR. LESTER: Yeah, but you -- you've really got -- I'd say you got your feet wet in a hurry on the oil spill deal.

Any questions from the Commission?

MR. BROWN: I have a couple.

MR. LEFLEUR: Yes, sir.

MR. BROWN: Being the cheap person that I am, I'm just curious about what the proposed percent increase in fees is going to be.

MR. LEFLEUR: Well, we are -- we haven't -- we haven't come up with a final number on that. We had a number before the Legislature went in session, and we're waiting to see what our budgets are going to look like to finalize that number. Your -- one of the things that figures in here is that our water program has been chronically underfunded, both at the federal level, and because our state

Page 31

budgets are among the smallest budgets, general fund budgets, in the country, and certainly the smallest in Region 4, our -- our Water Division has been critically underfund. And we are -- we have already had, on the books, a plan to increase our water fees to -- to try to alleviate that problem.

MR. BROWN: And my second question, if you know, was you talked about the Treasured Alabama Lakes designation. I know one lake has been -- received that; correct?

MR. LEFLEUR: Well, one lake has been proposed for it.

MR. BROWN: It's proposed for it. And I guess my -- my question was, are there any efforts to start that process for other lakes?

MR. LEFLEUR: We have had a number of inquiries. It's been -- it's gotten a lot of attention. And one of the wonderful things about it is is it gives

Page 32

people incentive to want to have their lake named as a treasured lake, and in doing so, it raises the awareness of high-quality water. And that's exactly what we want to have come from this. We want to have them knocking on our door to -- to get every lake in the state named as a Treasured Alabama Lake. We do have to make sure that they are -- they're meeting their use classification requirements before they're allowed to become a Treasured Alabama Lake, but we'll -- we'll help them work on that.

MR. BROWN: Thank you.

DR. LESTER: Any other questions?

(No response.)

DR. LESTER: Thank you, Mr. Director.

MR. LEFLEUR: Thank you so much.

DR. LESTER: The next item of business is a resolution we would like to present to the Commission. To be resolved is the Alabama Environmental

Page 33

Management Commission recommends that the Legislature reauthorize Forever Wild funding as it is for another 20 years during this regular legislative session.

I would like to say that the House passed it yesterday, and right now, it's in the Senate. I don't know if we still wanted to go ahead and do this because this has really been a helpful thing in our state.

Do I have a motion that we approve this resolution?

MR. PHILLIPS: So move, Mr. Chairman.

DR. LESTER: Motion to second?

DR. LAIER: Second.

DR. LESTER: Motion to second. All in favor, say aye and raise your hand.

(All Commissioners raise their hand.)

DR. LESTER: Aye.

MR. BROWN: Aye.

DR. LAIER: Aye.

Page 34

DR. DAVIS: Aye.

DR. MILLER: Aye.

MR. PHILLIPS: Aye.

DR. LESTER: All opposed?

(No response.)

DR. LESTER: There's two copies, if you can sign it.

Next item is consideration of the Commission on the proposal and the adoption of proposed amendments to ADEM's Administration Code Division 335-3, Air Pollution and Control Program Regulations.

MR. GORE: Good morning, Mr. Chair, ladies, gentlemen. I'm Ron Gore with the Department's Air Division. I'm here to request that you make four changes to the Department's Air Regulations. These proposed changes went through a public comment period from December the 27th to February 11th, and a hearing was held on February the 9th. As Director LeFleur mentioned earlier, all these changes are

Page 35

needed to maintain primacy for the EPA programs and initiatives in the state.

First, I would like for you to adopt, by reference, the updates to EPA's rules for new source standards and for air toxics. I might mention in passing that assuming you adopt these changes, over the years, the Commission will have adopted 80 categories of new source standards and 115 categories of air toxic standards specific to different types of plants.

The second change is, if you'll recall in December, you adopted changes to our construction permitting requirements to account for greenhouse gases, and now we're asking you change our operating permit regulations to account for greenhouse gases.

Third, we have to adopt some revisions to what's called Transportation of the Conformity where we have to consider emission from automobile and

Page 36

truck tailpipes in planning for nonattainment areas.

And last and not least, we are making some changes to our major source, construction permitting regulations. This last change is the only area where there were any comments received. If you'll notice in your package, we reconciled those comments with some recommendations for you.

So pending any questions, I'd like to ask that you adopt these changes.

DR. LESTER: Any questions from the Commission?

(No response.)

DR. LESTER: I'll entertain a motion.

MR. PHILLIPS: So moved.

MR. BROWN: Second.

DR. LESTER: Motion to second. All in favor, say aye.

MR. BROWN: Aye.

DR. LESTER: Aye.

Page 37

DR. LAIER: Aye.
DR. DAVIS: Aye.
DR. MILLER: Aye.
MR. PHILLIPS: Aye.
DR. LESTER: All opposed?
(No response.)
MR. GORE: Thank you.
DR. LESTER: Next item of business is to consider the adoption of proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Regulations.
MR. SISK: Good morning. Honorable Chair and members of the Commission, I am Lynn Sisk, and I am Chief of the Water Quality Branch of the Water Division.
You have before you the complete hearing record for proposed changes to the Water Quality Program Regulations. In January of this year, the Department initiated the rulemaking process to add a special designation called Treasured Alabama Lake to Chapter 335-6-10 of the

Page 38

ADEM Regulations and to apply that designation to Lake Martin in the Tallapoosa River basin. In addition, the Department proposed to add the Outstanding Alabama Water Use Classification to a segment of the Upper Tallapoosa River in the Tallapoosa River basin in Chapter 335-6-11.
On March 15, 2011, a public hearing was held to receive data, views, and comments from interested persons regarding the proposed revisions. Written comments were accepted anytime during the public comment period, which extended from January 23rd through March 15, 2011.
During the comment period, the Department received written comments from six individuals, organizations, and at the hearing on March 15th, 2011, six people presented oral testimony.
All comments received were generally supportive of the Department's proposed

Page 39

changes. However, several commenters encouraged the Department to make additional changes beyond those proposed in this rulemaking. Where the Department determines new use classifications or special designations are appropriate for other waters not included in this rulemaking, the Department will propose those changes during a future rulemaking.
As discussed in the reconciliation statement, the Department requests that the Commission adopt the proposed revisions.
I will be happy to address any questions the Commission may have.
DR. LESTER: Anybody have any questions?
MR. PHILLIPS: I move we accept this.
DR. LESTER: Motion?
MR. BROWN: Second.
DR. LESTER: Motion is seconded. All in favor, say aye.

Page 40

MR. BROWN: Aye.
DR. LESTER: Aye.
DR. LAIER: Aye.
DR. DAVIS: Aye.
DR. MILLER: Aye.
MR. PHILLIPS: Aye.
DR. LESTER: All opposed?
(No response.)
DR. LESTER: Do any of the Commissioners have any other business?
(No response.)
DR. LESTER: If not, we're not -- you can check your schedule. It said our next meeting will be June the 17th, same time, same place.
MR. PHILLIPS: I have a conflict, Mr. Chairman. I will be in Amsterdam.
MR. BROWN: I'll be in trial.
MR. PHILLIPS: So if you can move it, I can attend. Otherwise, not.
DR. LESTER: You two work it out with Debi, and let's see. And then we'll get back with the Commission.

01688d6d-34db-41bd-afee-03f4635af134

MR. PHILLIPS: Sure.
DR. LESTER: Will it have to be after that date?
MS. THOMAS: It doesn't -- just as long as you meet in June.
DR. LESTER: Sometimes we have some of these things that we take, you know, 30 days or 60 days.
MS. THOMAS: Right. I'm not aware of any conflicts as far as any regulations.
DR. LESTER: See what you can work with these two gentlemen.
MS. THOMAS: Okay.
MR. PHILLIPS: Debi, I can do it one week later. No problem.
MS. THOMAS: The next Friday would be the 24th. Does that suit y'all?
MR. BROWN: 50/50. The trial might not be through. It might settle or be dismissed before then.
DR. LESTER: Let's just set it at the 24th, and then you and Debi work it

out.
MR. PHILLIPS: One down.
DR. LESTER: Yeah, one down.
MR. PHILLIPS: Thank you.
DR. LESTER: Prior to our adjourning the meeting, we'd move to the public comment period. We'll entertain a motion regarding the approval or disapproval of the requests. We have three requests to speak, and there will be a 10-minute time limit on each one. And Debi will keep the time and give you a one minute before it's all over. One will be Mr. Mullen, on behalf of Choctawhatchee Riverkeeper; Ms. Dillard, on behalf of the Black Warrior Riverkeepers; and David Ludder, on behalf of the ADEM Reform Coalition.
MR. PHILLIPS: I move we allow all three.
DR. LESTER: Motion. Do I have a second?
DR. LAIER: Second.
DR. LESTER: Motion is seconded.

All in favor, say aye.
MR. BROWN: Aye.
DR. LESTER: Aye.
DR. LAIER: Aye.
DR. DAVIS: Aye.
DR. MILLER: Aye.
MR. PHILLIPS: Aye.
DR. LESTER: All opposed?
(No response.)
DR. LESTER: At this time, we will ask for a motion to adjourn.
MR. PHILLIPS: I move we adjourn.
MR. BROWN: Second.
DR. LESTER: Motion is seconded.
All in favor, say aye.
Aye.
MR. BROWN: Aye.
DR. LAIER: Aye.
DR. DAVIS: Aye.
DR. MILLER: Aye.
MR. PHILLIPS: Aye.
DR. LESTER: All opposed?
(No response.)

(At which time, the meeting of the Alabama Environmental Management Commission concluded and was followed by public comments at approximately 11:40 a.m. CST.)

01688d6d-34db-41bd-afee-03f4635af134

REPORTER'S CERTIFICATE

STATE OF ALABAMA,
AUTAUGA COUNTY,

I, Shannon P. Yost, Certified Shorthand Reporter and Commissioner for the State of Alabama at Large, do certify that I reported the meeting of the Alabama Environmental Management Commission held on April 15, 2011.

The foregoing computer-printed pages contains a true and correct transcript of the meeting. The reading and signing of same is hereby waived.

I further certify that I am neither of kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.

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

01688d6d-34db-41bd-afee-03f4635af134

Shannon P. Yost/ca

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

01688d6d-34db-41bd-afee-03f4635af134

A

able 14:8
accept 39:18
accepted 38:13
accident 4:23
account 35:16,19
ACCR 46:4
accuracy 9:6
acknowledge 3:2
active 25:5
activities 9:12 11:5 16:12
add 37:21 38:4
addition 11:19 38:3
additional 8:7 39:3
additions 3:6
address 15:19 29:20 39:14
ADECA 21:20
ADEM 6:12 8:8 16:5,12 18:8 23:8 28:6 29:7 37:10 38:1 42:17
ADEM's 27:14 34:10
adjourn 43:11,12
adjourning 42:5
adjustments 14:19
Administration 34:11
Administrative 37:10
adopt 3:8 35:4,7,20 36:12 39:12
adopted 35:9,14
adoption 34:10 37:9
AEMC 2:13,14
agencies 6:23 8:17 15:17 18:20,21 19:1 21:2 29:1
agency 18:6
aggressive 9:10
ago 4:5
ahead 33:8
air 17:1 26:19 34:11,16,18 35:6 35:10
Alabama 1:2,11,14 1:15,16,18 4:8 13:22 18:17 20:6 22:8 25:9,22 27:21 28:12 31:11 32:8,12,23 37:23 38:5 44:2 45:3,8,9 46:3
ALDOT 24:13
alleviate 31:8
allow 42:18
allowed 19:11,19 32:11
allowing 10:2 29:21
allows 19:13,16 23:13
amendments 34:10 37:10
amount 14:11
amounts 8:7
Amsterdam 40:17
anniversary 17:23
annual 26:23
anticipate 8:20 14:23 23:4
anticipated 13:16
Anybody 39:16
anytime 38:13
apologize 17:17
apologized 5:2
APPEARANCES 2:1
application 9:11
applications 9:3
applied 10:12
apply 38:1
approach 5:13
appropriate 39:6
approval 42:8
approve 33:11
approximately 8:3 44:6
April 1:3,18 45:10
area 19:12,13 25:20 36:6
areas 5:11 16:18,19 36:2
Army 26:11
ash 23:2,12
asked 4:9
asking 35:17
assess 24:7
ASSISTANT 2:13
Association 22:21
assuming 35:7
attained 26:18
attaining 26:19
attainment 27:3,5
attend 40:20
attention 31:22
Attorney 28:8
attorneys 23:22
audience 25:19
AUTAUGA 45:4
authority 14:6
automobile 35:23
avoiding 15:3
award 27:14
aware 6:20 41:9
awareness 32:3
aye 3:11,12,13,14 3:15,16,17 33:18 33:21,22,23 34:1 34:2,3 36:21,22 36:23 37:1,2,3,4 39:23 40:1,2,3,4,5 40:6 43:1,2,3,4,5 43:6,7,15,16,17 43:18,19,20,21
a.m 1:4,19 44:6

B

back 4:3 11:16 40:23
bankers 23:22
banks 24:1
bar 7:2,5 10:2 12:15,17 13:6,6,7
bare 14:11
barrier 19:15 20:1
bars 12:13 13:2,14
basin 38:3,8
Batre 20:8 21:6,7 21:11,18
Bay 18:18
Baykeeper 18:17 21:19
Bayou 20:8 21:5,7 21:11,18
becoming 12:19 15:23
beds 19:18
beginning 7:17
begun 22:16
behalf 42:14,15,17
belt 11:12,13
beneficial 11:4
benefit 10:1 17:15
Beth 27:12
beyond 39:3
big 27:23
bill 23:4
bit 8:19 9:9 12:13 17:19
Black 42:15
blip 6:10
blue 12:13
board 6:22 28:3
boards 23:22
books 31:6
bottom 12:14
Boulevard 1:17
BP 4:9 8:4 17:22 18:6,22
Branch 37:16
breach 19:7,10,22
break 5:22
bring 13:22 21:12 21:16
BROWN 2:8 3:8 3:16 30:8,10 31:9 31:16 32:14 33:22 36:19,22 39:21 40:1,18 41:19 43:2,13,17
brownfield 24:5
budget 5:19,21,22 6:2,7,17 7:1,3,7,8 7:10,11,16,19,20 8:1,6,8 10:18,21 12:6,15,16,20 13:7,17,18 14:16 14:20 15:1,16
budgets 5:12 6:19 7:12 11:23 12:23 13:9 30:18 31:1,1 31:2
budgetwise 8:15
Building 1:16
business 3:3 20:22 32:21 37:8 40:10
businesses 14:1 29:2

C

Cahaba 27:16
call 3:1 4:13 11:22
called 4:20 19:7 35:21 37:22
capable 9:2
Carolina 28:10
case 22:9
cases 10:8
categories 35:9,10
cause 45:19
central 17:3
certain 10:7
certainly 5:5 31:3
CERTIFICATE 45:1
Certified 1:13 45:6 46:2
certify 45:8,17
Chair 2:4 34:14 37:14

Chairman 33:14 40:17
change 35:13,17 36:6
changes 34:17,19 34:23 35:7,14 36:4,12 37:18 39:1,3,9
Chapter 37:23 38:8
charts 8:12
cheap 30:10
check 40:13
chemical 26:4,10
Chief 37:15
Chile 4:6
Choctawhatchee 42:14
chronically 30:22
circumstances 10:5 10:11 13:12
citizens 18:23
city 20:7 21:5 24:16 25:3
civil 24:11
classification 32:10 38:6
classifications 39:5
clean 11:9 26:19 27:21,22
cleanup 18:10 24:5
Clearly 16:18
close 26:14
closely 11:11
closure 21:17
Club 28:14
coal 23:2,12
Coalition 42:17
coal-burning-po... 23:8
Coast 18:21
Coastal 18:17 20:6 20:13
Code 34:11 37:10
coincides 17:23
Coliseum 1:17
collected 6:14
collection 6:15
come 5:15 15:23 19:11,14,16,19 23:9 25:16 27:13 30:15 32:5
comes 6:2,4
coming 14:4,12 23:5 25:16 26:2
commencing 1:19
comment 34:20 38:14,17 42:7
commenters 39:1
comments 5:11 36:7,9 38:11,13 38:18,22 44:5
Commission 1:2,12 2:3 5:3 14:13 20:13,15,18 22:22 24:12 26:6 27:12 30:7 32:22 33:1 34:9 35:8 36:14 37:14 39:12,15 40:23 44:3 45:10
Commissioner 1:14 45:7 46:3
Commissioners 5:9 22:22 33:19 40:10
commitments 11:17 14:20
Committee 20:15
communities 23:17 24:14 28:12
community 12:10 20:23 23:7 25:2
companies 21:21
company 27:19
competitive 13:23
complete 37:17
completed 20:4
compliance 21:13
component 12:20
comprises 15:7
computer-printed 45:12
concerned 7:10
concluded 44:4
conflict 40:16
conflicts 41:10
Conformity 35:22
Congratulations 29:23
Congress 7:15,19
conservation 21:19 27:20
consider 3:4 35:23 37:9
consideration 34:8
construction 35:15 36:5
consulting 23:23
contains 45:13
contamination 26:10
contracts 11:2,3,4 11:9
Control 10:17 34:12
controlling 23:13
controversial 17:8 26:5,7
controversy 22:6
conversations 7:18
copies 34:6
core 11:5
Corps 20:5,23
correct 31:13 45:13
corrections 3:6
cost 8:3 15:4
counsel 2:14 45:18
counties 22:17,20 26:18
country 8:18 31:2
county 18:22 20:9 22:21 29:2 45:4
couple 30:8
courageous 26:8
course 7:15
Court 1:13
CO2 22:10
Creek 24:16,17 27:10
critical 5:16 29:18
critically 31:5
CST 1:19 44:6
curious 30:11
current 10:21 15:1 16:23
currently 14:22 18:8
Cut 19:6
cuts 14:21 15:2

D

D 2:10
data 9:8 27:4 38:10
date 1:3 8:9,10 18:4 41:3
daughter 4:21 5:7
Dauphin 19:8 20:8 20:8
David 42:16
DAVIS 2:5 3:12 34:1 37:2 40:4 43:5,19
day 1:18
days 41:8,8
deal 14:16 22:14 23:19 30:6
dealing 25:11
dealt 22:20
Debi 2:13 40:22 41:15,23 42:11
December 34:20 35:14
declared 6:21
declining 12:22
deep 22:3
Deepwater 18:1
Defense 26:12
defines 23:12
demilitarization 26:4
demonstrates 13:15
department 1:15 5:14 14:22 15:18 16:2 17:14,23 24:10 26:12 27:7 37:20 38:4,18 39:2,4,8,11
Department's 5:17 34:16,18 38:23
depending 10:10
designation 25:10 27:3 31:11 37:22 38:2
designations 39:6
designed 10:5
determine 7:16
determines 39:5
developers 25:20
different 10:14 15:14,19 20:10 21:21 22:23 24:13 35:11
difficult 15:16
Dillard 42:15
direct 8:5
director 15:23 27:13 32:18 34:22
Director's 3:23
disapproval 42:8
discussed 39:10
discussion 22:6,7
dismissed 41:21
disposal 6:13 23:14
distribution 16:11
districts 27:20
diversity 16:10 20:10
Division 17:1,2,2 21:10 31:4 34:11 34:16 37:11,16
Doctor 4:18
doing 13:12 32:3
door 32:6
downs 5:22
dozen 28:22,23 29:2

Dr 3:1,9,10,12,13 3:15,17,18,20 4:3 4:6,15,19 29:23 30:4 32:15,17,20 33:15,16,17,21,23 34:1,2,4,6 36:13 36:16,20,23 37:1 37:2,3,5,8 39:16 39:20,22 40:2,3,4 40:5,7,9,12,21 41:2,6,12,22 42:3 42:5,20,22,23 43:3,4,5,6,8,10,14 43:18,19,20,22
drills 19:18
drinking 10:19 23:18
drop 7:9
dust 6:13
D.V.M 2:4

E

E 2:9
earlier 34:23
economic 19:17 20:22
effectively 9:23
efforts 31:18
eGov 9:1,3,11
elected 18:22 20:23 27:18 29:3
electric 27:18
electronic 9:4
elements 5:16
eliminate 11:1
eliminating 10:15 10:22 26:10
Emelle 6:14
emergency 5:1
emission 35:23
encouraged 39:2
engineering 21:20 27:18
engineers 20:5,23 24:1
England 4:7
entertain 36:16 42:7
entire 20:18
entities 9:2
environment 17:16 29:9
environmental 1:2 1:11,16 18:16,20 20:14,21 23:7 24:21 28:6,15,22 32:23 44:2 45:9
environmentally-... 25:17
EPA 7:19 20:5 22:9 26:12 28:9 35:1
EPA's 23:21 35:4
equal 16:15
ESQUIRE 2:8
essentially 6:8
estate 25:19
Estuaries 18:18 20:7
evening 4:21
everybody 5:4
exactly 32:4
example 19:4
examples 16:9 17:1
excellent 25:3
excuse 27:11,19
Executive 2:13 27:13
existing 19:22
expect 7:12
experiences 4:11
experimental 17:7
explain 12:13
extended 38:15

F

F 2:5
facing 12:21
fairly 6:17
false 21:15
familiar 23:16
fanderal 12:22
far 7:9 9:7 10:9 41:10
favor 3:11 33:18 36:21 39:23 43:1 43:15
feasibility 22:10
February 3:5 34:21 34:22
federal 6:3 7:10,12 11:17,20 12:3,16 12:22 13:16 14:2 14:19,20 19:1 30:23
fee 12:17,18 13:1 13:10,13 14:9,11 14:14
fees 6:4,5,6,13 12:8 13:14,19,20 14:4 14:7 30:12 31:7
feet 30:5
figures 30:21
final 30:16
finalize 30:19
finally 19:16 28:1
find 8:14 23:6
fine 26:20,23
first 3:3 5:12 8:23 17:20,22 18:4 35:3
fiscal 8:1 13:5
flat 6:9,17 13:11
flew 4:4
focus 5:10 12:3
fold 16:6
followed 44:4
FOLLOWING 1:11
foregoing 45:12
Forever 33:2
formal 27:3
format 9:4
formed 25:21
forth 10:20
forward 26:9
Foundation 18:18 20:6
four 34:17
Friday 41:17
friend 25:18
front 5:19
full 18:9
fund 5:21 6:1,7 7:3 7:11 10:17 12:15 13:17,20 23:15 31:2
funding 33:3
funds 5:23 6:3 10:17 28:4,5
further 45:17
future 39:9
FY 7:7 8:2,2

G

gas 22:1
gases 35:17,19
general 6:1,7 7:3 7:11 9:15,16,19 10:13 12:15 13:17 31:2
generally 38:22
General's 28:8
generation 25:22
generator 25:20
generators 23:8
Genetta 24:16,17
gentlemen 34:15 41:13
Geologic 22:9
getting 9:8 12:3
give 4:14,14 42:12
gives 31:23
global 22:7
go 14:9 15:9,10 17:18 33:8
going 4:2,13 8:20 9:1,10 10:22 11:11 12:1,8 23:3 25:10 28:18,20 30:13,19
good 5:8 18:19 26:3 30:1 34:14 37:13
Gore 34:14,15 37:7
gotten 31:21
governor 6:21
Governor's 25:13
grant 6:3 10:17 11:17 14:19
graph 7:2,5 13:8
greater 14:2,2
Green 24:22
greenhouse 22:1 35:16,19
group 26:2 27:9
groups 17:9 18:15 18:16,20 21:22 28:15
Guard 18:21
guess 31:17
gulf 4:23

H

H 2:4,8
hand 3:21,22 33:18 33:20
happen 17:11
happening 29:13
happy 39:14
hard 13:3
health 27:7
hear 29:17
hearing 34:21 37:18 38:9,20
heavily 27:17
held 34:21 38:10 45:10
help 10:13 13:22 32:13
helpful 33:9
helps 25:11
high 14:8,8
higher 10:12
highlighting 16:9
high-quality 25:12 32:4

Historic 24:12
hit 8:6
hold 29:15
Honorable 37:13
Horizon 18:1
hot 28:1
hours 8:11 18:11
House 33:5
HUD 24:12
hurricane 19:9,13
hurry 30:6
hydroelectric 25:21

I

idea 20:18
identify 24:7
identifying 16:8
II 2:8
illustrate 16:7
impact 19:17
impacting 7:23
impaired 24:19 27:15
implement 11:19
implemented 11:21
implementing 9:14
imply 16:17
important 12:19 15:22
impose 10:3
imposed 10:4
improve 24:18
improvement 16:18
improves 9:6,7 29:8
incentive 32:1
include 16:23
included 6:23 39:7
including 20:5
income 12:17,18 13:1,11 25:1
increase 13:13,15 14:4,11 30:12 31:7
increasing 13:13
indicated 5:4
indicates 6:8 27:4
indicative 26:16
individual 9:21 10:6
individuals 38:19
information 4:15
Infrastructure 24:22
initiated 37:21
initiatives 11:15,22 12:2 35:2
injection 22:3
input 9:8
inquiries 31:21
instance 9:17 25:14
institutions 20:22
interested 38:11 45:19
interesting 22:1,12 22:13 23:11
Internal 23:23
invest 15:5
investment 15:10 15:12 23:21
involve 21:18
involved 16:6 17:13 18:16 20:21 23:21 25:6 26:11 27:17
involves 15:21 19:23 21:5 22:1
island 19:8,15 20:8 20:9
issuance 6:4
issue 5:13 15:2,4,5
item 3:3,23 7:23 14:15 32:20 34:8 37:8
It'll 26:14

J

JAMES 2:9
January 37:20 38:15
Jefferson 26:17
jobs 13:22
JOHN 2:4
jumped 16:4
June 40:14 41:5
Justice 24:11,21

K

Katrina 19:6,9
keep 13:19 42:11
Kentucky 28:10
kept 13:10
key 29:13
kin 45:18
kinds 26:16
knocking 32:6
know 11:7 18:2 31:10,12 33:7 41:7

L

L 2:6
la 20:8 21:6,7,11,18
Lab 20:9
ladies 34:15
LAIER 2:9 3:9,17 33:16,23 37:1 40:3 42:22 43:4 43:18
lake 25:17,18,21 31:12,14 32:2,2,7 32:8,12 37:23 38:2
lakes 25:8,9 31:11 31:19
Lance 4:13,17
Land 17:1
LANIER 2:8
Large 1:15 45:8 46:3
latest 27:5
layoffs 15:1,3,13
lead 16:12 18:6 20:17 25:4
leaders 18:23 24:11 26:13 27:7,18
learn 16:3
LeFleur 4:18 30:2 30:9,14 31:14,20 32:19 34:22
LEGAL 2:14
legislation 23:2
legislative 33:4
legislators 23:9
Legislature 23:3 30:17 33:2
LESTER 2:4 3:1 3:10,15,18,20 29:23 30:4 32:15 32:17,20 33:15,17 33:21 34:4,6 36:13,16,20,23 37:5,8 39:16,20 39:22 40:2,7,9,12 40:21 41:2,6,12 41:22 42:3,5,20 42:23 43:3,8,10 43:14,22
let's 4:12 5:19 40:22 41:22
level 13:20 30:23
life 25:1
light 10:21
limit 14:7,10 42:11
little 4:2 6:10 8:19 9:9 12:13 13:3 17:19 27:10
loans 23:17
local 10:10 18:16 18:19,22 23:20 24:11 25:2,7,23 26:12 27:7,7,17 28:11 29:3
locate 14:1
long 41:5
look 12:12 30:19
lose 29:11,11,12
lot 17:18 18:12 20:9 21:21,22 22:5,5,6,23 24:13 31:22
low 13:20 25:1
lower 10:7
low-cost 23:17
Ludder 42:16
Lynn 37:15

M

main 17:8
maintain 25:12 35:1
major 36:4
making 17:10 36:4
Management 1:2 1:12,16 33:1 44:3 45:10
mandates 14:3
manner 45:19
manpower 9:17 10:1
March 38:9,15,20
marine 21:9
MARQUITA 2:5
Martin 25:18 38:2
mean 16:17
means 28:19,19
media 21:1
meet 10:5 11:17 41:5
meeting 1:1,12 3:1 3:5 5:3 27:12 28:4 32:10 40:14 42:6 44:1 45:9,14
members 2:3 26:6 37:14
mention 35:6
mentioned 34:23
met 26:20,23
mile 19:10
MILLER 2:6 3:13 34:2 37:3 40:5 43:6,20
minimum 14:12

minority 25:2
minute 42:12
minutes 3:4 4:5
missing 5:3
Mississippi 19:12
mitigation 22:2 28:5,13
Mobile 18:18 20:9
Montgomery 1:17 4:5 24:4,17 25:4
morale 15:2
morning 4:19 5:8 5:11 34:14 37:13
motion 3:7,10 33:11,15,17 36:17 36:20 39:20,22 42:7,20,23 43:11 43:14
move 3:8 20:19 26:9 33:13 39:18 40:19 42:6,18 43:12
moved 36:18
Moving 25:8
MS4 9:18
Mullen 42:13
multiplied 16:5
mundane 17:6
municipalities 23:20
munitions 26:4
M.D 2:6

N

named 32:2,8
national 18:18 20:7 28:14
natural 19:23
nearly 15:5
necessitated 12:6
need 16:20
needed 35:1
negotiate 14:18
neighboring 28:9
neither 45:17
never 12:9
new 6:11 35:5,9 39:5
nice 26:1
night 5:1
nonattainment 36:2
normally 10:7 25:15
North 4:8 28:10,12
northern 17:4
notably 18:17
note 17:12
notice 17:5 36:8
number 15:14 16:1 19:20 30:16,16,20 31:20
numerous 18:23 20:20 21:2

O

obviously 16:3 21:18 23:20 27:16
offer 22:18
Office 25:13 28:8
officials 21:1 24:12 29:3
oil 4:9 8:4,11 17:22 18:1,7 19:2,11 20:12,20 30:6
Okay 5:8 41:14
once 21:19 25:14 27:8
ones 16:23
one's 26:13 28:1
ongoing 5:12
operate 9:20
operating 5:23 35:18
opposed 3:18 34:4 37:5 40:7 43:8,22
option 14:3 15:14
oral 38:21
order 3:2
organizations 20:21 27:8 28:22 38:19
original 7:6
outreach 11:2,14
Outstanding 38:5
overall 12:20
oversee 18:10
Oxford 4:7
oyster 19:17,18

P

P 1:13 45:6 46:2
package 36:8
pages 45:12
paper 9:5
pared 11:16
Park 24:13
part 4:11 25:5 29:14
participant 16:15
participants 20:16 20:17 21:3 29:4
participate 17:10
participation 9:1 27:14
particular 17:12 20:14
particularly 4:10
particulate 27:1
particulates 26:20
parties 45:18
partner 16:15
partnering 28:23
partners 5:18 15:21 16:6,8 17:13 20:2 21:17 21:21 22:13,23 24:2,10 25:7 27:9 29:15,17
partnership 11:10 27:21,22
parts 17:4
pass 23:4
passed 33:6
passing 35:6
pathway 19:11
pay 17:11
pending 36:11
people 11:8 15:8 25:1,15 26:2 32:1 38:21
percent 5:23 6:2,4 6:21 7:4,6,7,13,21 8:7,8 15:7 30:12
period 34:20 38:14 38:17 42:7
permit 9:16,18,19 9:20 10:9 35:18
permits 6:5 9:12,15 9:21 10:6,13
permittees 9:20
permitting 35:15 36:5
person 30:10
personal 4:10
personnel 15:8
persons 38:11
phase 20:19
PHILLIPS 2:7 3:14 33:13 34:3 36:18 37:4 39:18 40:6,16,19 41:1 41:15 42:2,4,18 43:7,12,21
PH.D 2:5,9,10
pickup 22:19
piece 15:22
place 28:13,18 40:15
plan 31:6
planning 4:20 27:8 36:1
plant 21:7,13
plants 26:1 35:12
played 27:22
Please 17:11
pleased 29:20
pleasure 5:9
point 29:6
points 22:12
Pollution 10:16 34:12
popular 12:9
portion 6:15
position 29:22
positive 27:23
power 22:9 25:20 25:22,22
prayers 5:6
prepare 12:11
present 2:10,12 27:13 32:22
presentation 4:2
presented 38:21
President 7:14,22
press 28:2
primacy 35:1
print's 17:19
prior 13:5 42:5
private 18:23 21:20 29:1
problem 21:8,8 31:8 41:16
problems 19:21
process 9:22 31:18 37:21
professional 15:6
program 6:11 10:23 11:2 18:19 20:7,17 21:14 22:15 25:6 30:21 34:12 37:19
programs 11:18,20 13:21 35:2
project 18:4,12 19:2,23 20:3 21:3 21:23 22:3,5,12 23:1,11 24:3,22 24:22,23 25:3,17 25:23 26:3,5,6,9 26:15 27:23
projects 5:18 16:13 16:21 17:20 19:5 20:11 23:6 26:17 28:13,16,17,20,21

29:5,7
proposal 34:9
propose 39:8
proposed 30:12 31:15,16 34:10,19 37:9,18 38:4,12 38:23 39:3,12
prorated 7:1,8 13:7
proration 6:22 13:5
protective 19:5
provide 28:4
Providing 23:16
public 34:19 38:9 38:14 42:6 44:5
purpose 13:21 17:8
put 19:8 28:12
P.E 2:9

Q

quality 24:23 37:11 37:16,19
question 31:9,17
questions 29:19 30:7 32:15 36:11 36:13 39:15,17
quite 17:6
quorum 3:3

R

raise 3:20,21 10:2 14:7 33:18,19
raises 32:3
raising 12:8
range 21:2 24:2
ratcheted 27:1
reading 45:14
real 25:19
really 16:4 29:12 30:5 33:9
reasons 15:14
reauthorize 33:2
recall 35:14
receive 38:10
received 31:12 36:7 38:18,22
recognize 29:16
recommendations 36:10
recommended 7:14 7:22
recommends 33:1
reconciled 36:9
reconciliation 39:10
record 37:18
recovered 8:5
recovery 20:19
recycling 22:16,19
red 7:5 12:17
reduce 7:19 11:1 12:1
reduced 11:23 13:16,16,17
reduces 7:20
reducing 11:9,14
reference 35:4
refers 19:7
reflect 14:20
reflected 8:12
Reform 42:17
regarding 38:12 42:8
Region 31:3
regional 27:8
regular 33:4
regulated 12:10
regulations 34:13 34:18 35:18 36:5 37:12,19 38:1 41:11
rehire 15:11
reimburse 22:18
relate 17:21
related 20:12
relationships 16:10 18:13,14
remaining 6:3
remediate 24:8
report 4:1,14
reported 45:8
Reporter 1:13 45:7 46:2
REPORTER'S 45:1
reports 9:5,6
represent 12:14 16:16
representatives 21:1
represented 7:4
representing 4:7
represents 12:16 12:17 13:8
request 34:17
requests 39:11 42:9 42:9
require 9:1,11
requirements 12:4 32:11 35:16
research 22:2
research/experi... 22:4
Resiliency 20:13,14
resolution 32:21 33:12
resolved 32:23
resource 25:12 29:10
resources 21:10
respond 8:21,21
responded 19:2
responding 9:3
response 3:19 4:9 4:12 8:4,11 18:7,8 19:1 32:16 34:5 36:15 37:6 40:8 40:11 43:9,23
responses 8:23
restoration 27:15
restoring 19:23
restrictions 10:21 12:6
result 15:1
results 17:15 45:20
Revenue 23:23
revised 14:14
revisions 35:21 38:12 39:13
Revolving 23:15
Richardson 2:10 4:3,6,19
Richardson's 4:15
right 11:22 28:18 33:6 41:9
rights 24:5,11
River 27:16 38:3,7 38:7
Riverkeeper 42:14
Riverkeepers 42:16
road 15:11
ROBERT 2:14
role 27:23
Ron 34:15
room 1:17 11:8
rulemaking 37:21 39:4,8,9
rules 35:5

S

saltwater 19:16,20
SAMUEL 2:6
saves 9:16
scene 18:9
schedule 40:13
Scott 2:7 4:4,4
scrap 22:15,22
Sea 20:9
second 3:9 5:13 13:6 31:9 33:15 33:16,17 35:13 36:19,20 39:21 42:21,22 43:13
seconded 3:10 39:22 42:23 43:14
see 5:19 12:18 13:3 13:10 17:21 18:5 20:1 25:18 29:12 30:18 40:22 41:12
seeing 12:7 14:17
segment 38:6
selected 16:21
Selma 24:4
Senate 33:7
sensitive 19:13
sequestration 22:2 22:11
serve 29:21
service 5:14 23:23 24:13
session 30:17 33:4
set 24:10 27:6 41:22
settle 41:20
Shades 27:10
Shannon 1:13 45:6 46:2
shared 6:13
Shelby 26:18
shoe 7:9
Shorthand 45:6 46:2
show 13:14 16:9 17:9
showed 6:15
showing 16:13
shown 7:1
Sierra 28:14
sign 34:7
signing 45:14
sir 30:9
Sisk 37:13,15
site 8:10
situation 8:14,16 12:5
six 38:19,20
slide 6:8 12:12 13:3 18:5,5
slides 5:20 16:14,16 17:9,18,21
small 17:20
smallest 31:1,3
Society 27:16
soil 27:19

solid 23:12
sort 5:21
sorts 22:14
sound 19:12
source 35:5,9 36:4
southern 17:3
speak 4:9 28:18 42:10
special 37:22 39:6
specific 35:11
spill 8:4,11 17:22 18:1,7 19:3 20:20 30:6
staff 15:6
stand 26:8
standard 10:12 26:21,23
standards 10:3,3,7 10:10 26:19 27:1 27:5 35:5,10,11
start 18:3 21:15 31:18
started 21:15 24:6
startup 6:11
state 1:14 6:1,12,19 8:18 11:15,22 12:2,22 13:23 17:4 18:21,22 21:2 22:18 23:15 25:9 29:1,2,9,14 30:23 32:7 33:10 35:2 45:3,7 46:3
statement 39:11
states 11:18 28:9
statewide 16:11
statutory 14:6
steel 6:13
stepdaughter 4:22
steps 9:11
Stewart 27:12
storage 24:8
stream 24:19,19 27:15
stringent 8:16
structure 14:9,14
submitting 9:5
success 5:17 29:18
successes 16:16
successful 17:11
suit 41:18
supplement 10:18
supplementing 12:23
supportive 38:23
sure 11:16 32:9 41:1
surge 19:14
surgery 5:1
Survey 22:9
systems 10:19,20 23:19

T

tailpipes 36:1
take 15:9 41:7
taken 1:12 25:5
talk 8:19
talked 9:8 31:10
Tallapoosa 38:3,7 38:7
TAMBLING 2:14
tanks 24:8
Tennessee 28:10
TERRY 2:10
test 22:10
testimony 38:21
thank 4:18 29:21 32:14,17,19 37:7 42:4
thereof 45:20
thing 16:4 33:9
things 11:6 16:1 17:11 19:21 22:14 29:8 30:3,20 31:23 41:7
think 4:12 7:18
third 13:4 20:12 35:20
THOMAS 2:13 41:4,9,14,17
thoughts 5:15
threat 26:11
three 13:2 17:20 42:9,19
tidal 19:14
tighten 11:12,13
time 1:4 3:21 5:4 9:7,9 15:16 18:9 40:15 42:10,12 43:10 44:1
times 14:17
time-consuming 9:22
tire 22:15,19,22
today 3:3 11:8 25:11 26:7
told 3:21
topic 12:9 15:19,20
toxic 35:10
toxics 35:6
track 29:12
trail 24:5,9
training 15:6,9
transcript 45:13
Transportation 35:21
treasured 25:9 31:11 32:2,8,12 37:22
treatment 10:19 21:6,13 26:1
trial 40:18 41:19
truck 36:1
true 45:13
trustee 24:1
try 13:19 17:18 21:12 31:7
trying 21:16
turn 7:20
TVA 28:3,9
two 5:11 8:1 10:14 15:5 28:7 34:6 40:21 41:13
two-year 6:15
type 22:23 24:2
types 6:5 11:9 35:11

U

ultimately 7:16
underfund 31:5
underfunded 30:22
underground 24:8
understaffed 14:23
understand 5:5,15 16:1 26:7
undertaken 19:6
undertaking 14:16
underway 24:6
unfortunate 12:5
unique 17:6 23:5
University 4:8
unusual 5:21 6:18 8:17
updates 35:4
upgrade 23:18
Upper 38:6
urban 24:17
usage 9:7
USDA 21:19
use 9:23 32:10 38:5 39:5

V

vacation 4:22
variety 17:12 26:16
various 23:17 28:5
vary 10:9
varying 10:8
vein 11:15
views 38:10
violations 28:6
voted 28:3
Voting 24:4

W

W 2:7
waiting 7:8 30:18
waived 45:15
want 14:10 29:6,15 32:1,5,6
wanted 33:8
warming 22:7
Warrior 42:16
waste 23:12
wastewater 10:19 21:6,12 23:19 26:1
Watch 11:7,7 25:18
water 10:20 11:6,7 11:10 17:2 21:10 23:18,22 25:12 27:20,21,22 30:21 31:4,7 32:4 37:11 37:15,16,19 38:5
waters 39:7
watershed 24:18
way 12:2
ways 10:14
week 20:4 27:10 41:16
well-worn 18:14
went 30:17 34:19
wet 30:6
we'll 3:1 4:12 9:14 10:15 11:8,13 13:13 14:12,15 17:21 32:13,13 40:22 42:7
we're 8:9,20 10:22 12:7,8 14:17,17 15:3,3 16:19 18:9 21:16,16 24:18 30:18 35:17 40:12
we've 12:10,21,23 13:10 18:12,12 22:20
wide 17:12 19:10 21:2 24:1 26:16
wide-ranging 21:22
Wild 33:2
willing 17:14
winding 26:13
wonderful 29:10

31:23
work 5:18 17:14 23:10 24:20 25:7 26:17 29:16 32:13 40:21 41:12,23
worked 6:12 8:9 11:10 20:3 25:22
working 12:11 14:18 18:9 21:11 22:8,16 24:14,18 25:13 27:6 28:7 28:11 29:4
workload 14:18 15:4
works 16:8 29:7
writing 9:21
written 38:13,18

Y

Yeah 30:4 42:3
year 5:14 6:16 8:1 13:5 14:13 15:22 26:14,22 30:1 37:20
years 6:9,18 8:2 14:5 15:5 21:9,12 27:2 28:7 33:3 35:8
yellow 7:2 12:15
yesterday 28:3,4 33:6
Yost 1:13 45:6 46:2
y'all 41:18

$

$100,000 22:18
$300,000 8:3

1

10 8:2
10-minute 42:10
11 7:7 8:2 13:5 18:21
11th 34:21
11:00 1:4,19
11:40 44:6
115 35:10
12 26:21
13 7:13,21
1400 1:17
15 1:3 6:21 16:21 28:16,17,21 29:5 38:9,16 45:10
15th 1:18 38:20
158 46:4
17th 40:14
18th 3:5
19 7:7

2

20 6:9,18 33:3
2005 19:9
2008 6:10
2010 26:22
2011 1:3,18 7:1,8 38:9,16,20 45:10
2012 7:3 13:9
23rd 38:15
24th 41:18,23
24-hour 26:21
27th 34:20

3

30 21:9 41:8
303D 24:19
31 7:4,6
319 25:6
335-3 34:11
335-6 37:11
335-6-10 37:23
335-6-11 38:8
34 6:2
35,000 8:10 18:11

4

4 31:3

5

50 29:1
50/50 41:19
57 6:4

6

60 9:19 29:3 41:8

7

7 8:7,8

8

80 15:7 20:16 35:9

9

9 5:23
9th 34:22

Part B

Attachment Index

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

Attachment 1

Amended 4/6/11

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 15, 2011
TIME: 11:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

	ITEM	PAGE
1.	Consideration of minutes of meeting held on February 18, 2011**	2
2.	Report from the Director	2
3.	Report from the Commission Chair	2
4.	Consideration of adoption of resolution regarding the Forever Wild Program	2
5.	Consideration of adoption of proposed amendments to ADEM Administrative Code Division 335-3, Air Pollution Control Program Regulations	2
6.	Consideration of adoption of proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations (NPDES-Related Matter)	2
7.	Other business	2
8.	Future business session	2
PUBLIC COMMENT PERIOD		3

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The Minutes for this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 18, 2011

2. REPORT FROM THE DIRECTOR

3. REPORT FROM THE COMMISSION CHAIR

4. CONSIDERATION OF ADOPTION OF RESOLUTION REGARDING THE FOREVER WILD PROGRAM

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

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

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

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

7. OTHER BUSINESS

8. FUTURE BUSINESS SESSION

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

Request 1

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

Request 2

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

Request 3

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

CHOCTAWHATCHEE RIVERKEEPER®

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

April 1, 2011

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

April 1, 2011

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

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

Dear Dr. Lester:

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

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

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

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

Thank you for your consideration of this request.

Sincerely,

Michael William Mullen
Choctawhatchee Riverkeeper

CHOCTAWHATCHEE RIVERKEEPER®, INC.
P.O. BOX 6734
BANKS, AL 36005
334-807-1365
EMAIL: RIVERKEEPER@TROYCABLE.NET
WEB: HTTP://CHOCRIVKEEPER.GOOGLEPAGES.COM

WATERKEEPER® ALLIANCE MEMBER

REQUEST 2

LAW OFFICE OF
DAVID A. LUDDER
A Professional Limited Liability Company

April 1, 2011

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

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

Dear Dr. Lester:

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

Improvements in the Department's penalty calculation methodology

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

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

Thank you for your consideration of this request.

Sincerely,

David A. Ludder

9150 McDougal Court • Tallahassee • Florida 32312-4208 • Telephone 850-386-5671
Facsimile 206-426-6847 • Email DavidALudder@enviro-lawyer.com • Web www.enviro-lawyer.com

REQUEST 3

Black Warrior RIVERKEEPER®
712 37th Street South
Birmingham, AL 35222
Tel: (205) 458-0095
Fax: (205) 458-0094
[redacted]
www.BlackWarriorRiver.org

WATERKEEPER® ALLIANCE MEMBER

April 1, 2011

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

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

Dear Dr. Lester:

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

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

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

Sincerely,

Eva L. Dillard

Eva Dillard
Staff Attorney
Black Warrior Riverkeeper

cc: Debi Thomas, EMC Executive Assistant

Attachment 2

State of Alabama

RESOLUTION

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

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

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

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

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

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

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

DONE this 15th day of April 2011.

Attachment 3

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

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

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

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

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

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

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

Categories (Amend); 335-3-11-.07/Appendices to 40 CFR 63 (Amend); 335-3-14-.03/Standards for Granting Permits (Amend); 335-3-14-.04/Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)] (Amend); 335-3-14-.05/Air Permits Authorizing Construction in or Near Nonattainment Areas (Amend); 335-3-16-.01/Definitions (Amend); 335-3-17-.01/Transportation Conformity (Amend); 335-3-17-.02/General Conformity (Amend); Appendix C/EPA Regulations Reference Documents for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (Amend)] of the Department's Air Division – Air Pollution Control Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

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

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

APPROVED:

DISAPPROVED:

ABSTAINED:

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

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

Attachment 4

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (as amended) and Ala. Code § 41-22-4 (as amended); and

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

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

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

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

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

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

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

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

APPROVED:

DISAPPROVED:

ABSTAINED:

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

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