

05/01/12

DRAFT

Minutes

Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
April 20, 2012

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1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
April 20, 2012

Convened: 11:00 a.m.

Adjourned: 11:25 a.m.

Part A

Transcript  
Word Index

Part B

Attachment Index  
Attachments 1 – 2

## Part A

Page 1

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4           ALABAMA ENVIRONMENTAL MANAGEMENT

5                   COMMISSION MEETING

6

7           ALABAMA DEPARTMENT OF ENVIRONMENTAL

8                   MANAGEMENT

9                   Alabama Room

10                  1400 Coliseum Boulevard

11                  Montgomery, Alabama 36110-2400

12                           APRIL 20, 2012

13                           11:00 a.m.

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19 Taken by: Cornelia J. Baker, ACCR 290

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Page 2

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2                   APPEARANCES

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4 COMMISSION MEMBERS PRESENT:

5       John H. Lester, D.V.M., Chair

6       H. Lanier Brown, II, Esquire, Vice Chair

7       Samuel L. Miller, M.D.

8       W. Scott Phillips

9       James E. Laier, Ph.D., P.E.

10       Terry D. Richardson, Ph.D.

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13 ALSO PRESENT:

14       Robert Tambling, EMC Legal Counsel

15       Lance R. LeFleur, ADEM Director

16       Debi Thomas, EMC Executive Assistant

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Page 3

1       CHAIRMAN LESTER: I'd like to

2       call to order this meeting

3       and acknowledge that there

4       is a quorum.

5       Each Commissioner

6       received a copy of the

7       minutes of our

8       February 24th meeting in

9       addition to the corrections

10       that were presented to you.

11       MR. PHILLIPS: I move we accept

12       the minutes.

13       MR. BROWN: Second.

14       CHAIRMAN LESTER: Motion and

15       second. All in favor say

16       aye.

17       (Unanimous.)

18       CHAIRMAN LESTER: All opposed?

19       (No response.)

20       CHAIRMAN LESTER: Next item of

21       business is the Director's

22       comments and report.

23       MR. LeFLEUR: Thank you,

Page 4

1       Mr. Chairman. Thank you,

2       Commissioners. Good

3       morning and welcome to all

4       of you present at this

5       fourth meeting of the

6       Alabama Environmental

7       Management Commission for

8       Fiscal Year 2012.

9       My report will cover

10       several topics today. As

11       usual, the 2012 and 2013

12       budgets will be front and

13       center. We've passed the

14       halfway mark of Fiscal Year

15       2012 and the budgetary

16       situation is becoming

17       clearer, but the news is

18       not good. We will briefly

19       review what the situation

20       is likely to be and some

21       new efforts for dealing

22       with that situation. After

23       discussing the budgets,

<p style="text-align: right;">Page 5</p> <p>1 I'll update you on several 2 previously announced and 3 ongoing non-budget 4 Departmental initiatives. 5 The 2012 Fiscal Year 6 budgets: Until March 16th 7 of this year, ADEM's 8 general fund budget for 9 Fiscal Year 2012 was \$4.2 10 million, which was 11 32 percent less than the 12 Fiscal Year 2011 general 13 fund budget. 14 On March 16th, our 15 Fiscal Year 2012 general 16 fund budget was prorated 17 10.6 percent or \$452,000. 18 Since we are halfway 19 through the fiscal year, 20 this amounts to cutting 21 general fund expenditures 22 for the remainder of the 23 year by 21.2 percent.</p>	<p style="text-align: right;">Page 7</p> <p>1 20 percent from the 2 original FY 2012 budget 3 down to \$3.4 million. The 4 House Ways and Means 5 Committee substitute -- 6 which recently passed out 7 of the House of 8 Representatives and has now 9 been transmitted to the 10 Senate -- further reduces 11 the Department's general 12 funds for Fiscal Year 2013 13 down to \$2.96 million. 14 This amounts to a 15 30-percent cut from the 16 Fiscal Year 2012 budget. 17 The Senate has not released 18 its budget proposal, but as 19 you can see from the 20 Governor's and the House 21 budgets, the budget outlook 22 for Fiscal Year 2013 is 23 bleak.</p>
<p style="text-align: right;">Page 6</p> <p>1 On the Federal side, 2 we still do not have a 3 Fiscal Year 2012 budget 4 even though we are halfway 5 through the Fiscal Year. 6 EPA continues to slow down 7 it's normal schedule of 8 making funds available to 9 the states and is also 10 withholding 5 percent of 11 the Federal funds that the 12 states would otherwise 13 receive until the end of 14 the fiscal year to cover 15 possible cuts to the EPA 16 Federal budget when it is 17 finally adopted. 18 2013 Budgets: For 19 the upcoming Fiscal Year 20 2013, the Governor's 21 proposed budget called for 22 the Department's general 23 fund budget to be cut by</p>	<p style="text-align: right;">Page 8</p> <p>1 ADEM is working on 2 the Fiscal Year 2013 budget 3 with the Senate to either 4 restore funding or at least 5 to allow the Department 6 input on how to target the 7 cuts so they will do the 8 least damage. Regardless, 9 we must act to make 10 additional cuts to our 11 Fiscal Year 2012 and Fiscal 12 Year 2013 expenditures 13 beyond those previously 14 announced. 15 First, I have given 16 instructions to sell the 17 ADEM airplane. Although 18 this will give up a proven 19 proactive enforcement tool, 20 which has been especially 21 useful in identifying Scrap 22 Tire and other illegal 23 dumps and has also proved</p>

<p style="text-align: right;">Page 9</p> <p>1 to be indispensable during 2 the BP oil spill and 3 tornado responses, it will 4 save over \$500,000 a year. 5 While this will reduce the 6 effectiveness of our 7 enforcement activities, the 8 time has come to dispose of 9 this asset. Unlike many 10 others, this cut will not 11 dramatically increase the 12 risk of the Department 13 losing the authority to 14 issue air, land, and water 15 permits. 16 Second, except in 17 the most extreme 18 circumstances, ADEM is no 19 longer hiring replacements 20 as employees leave our 21 service through attrition. 22 In the past, we have not 23 increased our staffing, but</p>	<p style="text-align: right;">Page 11</p> <p>1 year and high private 2 sector demand for our 3 well-trained engineers and 4 scientists, we expect to 5 have many more leave our 6 service by the end of this 7 fiscal year and into the 8 next. 9 At the same time we 10 are cutting staff through 11 attrition and disposing of 12 the airplane, we continue 13 to move forward with 14 electronic efficiencies in 15 our effort to maintain 16 continuity of service and 17 enforcement. 18 To this end, the 19 Department is adding 20 another feature to our 21 e-government applications, 22 which will allow payment of 23 permit fees, fines,</p>
<p style="text-align: right;">Page 10</p> <p>1 have been able to maintain 2 constant staffing levels 3 even in the face of rapidly 4 increasing Federal 5 mandates. In 2008, some 6 four years ago, prior to 7 many of the new Federal 8 mandates, the Department 9 was authorized for an 10 optimum workforce of 648. 11 We are currently at 610. 12 Keeping staff, even at the 13 current sub-optimum levels, 14 is no longer good enough. 15 We must reduce further. 16 Since this decision was 17 implemented thirty days 18 ago, following the 19 proration announcement, our 20 staffing levels have 21 already fallen by seven 22 employees. With the salary 23 freeze well into its fourth</p>	<p style="text-align: right;">Page 12</p> <p>1 registrations and so forth 2 by e-check. E-check is in 3 addition to credit card and 4 electronic transfer 5 payments already 6 established. 7 In March, a "How-To 8 Guide" example was added to 9 the e-File web page and a 10 "Search How-To" example was 11 added to the Complaints web 12 page. Both examples are 13 intended to educate and 14 assist the public with 15 their use of our e-File and 16 e-Complaint systems. 17 All e-applications 18 reduce staffing 19 requirements by replacing 20 human effort with 21 automation. Making it 22 easier for the public to 23 file complaints</p>

<p style="text-align: right;">Page 13</p> <p>1 electronically not only 2 better serves the public, 3 it reduces staffing. It 4 also allows us to become 5 more efficient in our 6 enforcement by inspecting 7 more sites with known 8 violations and thereby more 9 effectively utilizing our 10 shrinking staff. 11 Now allow me to 12 update you on ongoing 13 non-budget Departmental 14 initiatives. In October of 15 2011, I identified seven 16 non-budgetary Departmental 17 initiatives that would be 18 undertaken in Fiscal Year 19 '12. 20 At the December 21 Commission meeting, two of 22 those initiatives were 23 addressed: Efforts to have</p>	<p style="text-align: right;">Page 15</p> <p>1 status of three additional 2 initiatives was reported: 3 The Scrap Tire Program, 4 outreach to the 5 disadvantaged North 6 Birmingham community, and 7 review of the State's Solid 8 Waste Plan. 9 By way of recent 10 updates, I must report that 11 dire financial 12 circumstances in State 13 budgets has caused some 14 legislators to propose 15 diverting the one dollar 16 per tire fee on new tires, 17 which was earmarked to 18 clean up scrap tire dumps 19 and promote recycling of 20 scrap tires, to the General 21 Fund. This could undermine 22 a successful outcome for 23 our Scrap Tire initiative.</p>
<p style="text-align: right;">Page 14</p> <p>1 Jefferson and Shelby 2 Counties redesignated as 3 "attainment" for fine 4 particle pollution and 5 reaching out to 6 disadvantaged communities 7 in our environmental 8 justice activities. 9 Unfortunately, EPA did not 10 meet its commitment to 11 promptly redesignate 12 Jefferson and Shelby 13 Counties as "attainment" 14 areas, and uncertainty with 15 the fate of new EPA 16 proposed rules has now put 17 the redesignation on hold. 18 Continuing non-attainment 19 status means ongoing 20 restrictions to industrial 21 development in the area. 22 At the February 23 Commission meeting, the</p>	<p style="text-align: right;">Page 16</p> <p>1 As for review of the 2 State's Solid Waste Plan, 3 another step forward took 4 place this week with the 5 signing of a formal 6 contract with Auburn 7 University to assist the 8 Department in the review. 9 The first of a proposed 10 dozen public meetings will 11 take place the middle of 12 June. Another 13 late-breaking development 14 regarding this issue is the 15 passage by the House of 16 House Bill 556, which would 17 extend the moratorium on 18 permitting new landfills 19 for another year until 20 May 31, 2014. 21 Today, I would like 22 to report on another 23 initiative identified in</p>

<p style="text-align: right;">Page 17</p> <p>1 October 2011, which is the 2 Department's approach to 3 water usage policy. 4 There's been an increasing 5 amount of conversation in 6 many quarters around the 7 State concerning the lack 8 of a statewide water use 9 policy in Alabama. While 10 the matter has been 11 discussed in legislative 12 committees and cabinet 13 agencies, progress has not 14 been forthcoming. 15 As you are aware, 16 ADEM's longstanding 17 regulation of water quality 18 is greatly influenced by 19 water quantity 20 considerations and, as a 21 result, we have of 22 necessity been heavily 23 involved in matters related</p>	<p style="text-align: right;">Page 19</p> <p>1 the best interest of the 2 impacted stakeholders and 3 the State as a whole. 4 There is currently broad 5 consensus that water 6 quality in the State must 7 be regulated. At this 8 time, there is no consensus 9 that water quantity usage 10 must be regulated. That 11 consensus must be built 12 before there is a realistic 13 possibility of implementing 14 a water usage policy. 15 Second, it is our 16 approach that water policy 17 be addressed holistically 18 rather than piecemeal. A 19 piecemeal approach does not 20 allow for a stakeholder to 21 compromise on one issue in 22 exchange for being granted 23 a concession on another</p>
<p style="text-align: right;">Page 18</p> <p>1 to quantity. ADEM is very 2 interested in the 3 development of a statewide 4 water usage policy. To 5 that end, we have engaged 6 with other state agencies 7 to advance that effort. We 8 have and will continue to 9 also engage stakeholders, 10 including industry, public 11 water systems, agricultural 12 interests, 13 environmentalists, and 14 other water users to 15 understand their individual 16 interests. While several 17 groups have suggested 18 unilateral action and 19 piecemeal legislation, the 20 Department has proposed the 21 following approach: The 22 case must first be made 23 that water use policy is in</p>	<p style="text-align: right;">Page 20</p> <p>1 issue. The piecemeal 2 approach also does not 3 allow the parties to see 4 where the process will end 5 up. 6 Third, it is our 7 belief that all major 8 stakeholders should be 9 involved in the 10 conversation in a 11 forthright and open manner 12 before the policy or 13 legislation is written 14 rather than being invited 15 to the process after 16 proposals are on the table. 17 This must involve 18 one-on-one dialogue outside 19 the setting of a public 20 hearing. Trying to sell a 21 proposal to stakeholders 22 with diverse interests when 23 they did not previously</p>



<p style="text-align: right;">Page 21</p> <p>1 have meaningful input is a 2 daunting effort that is 3 likely to end in no action 4 being taken. 5 In short, ADEM is a 6 proponent of water policy 7 and strongly endorses an 8 approach that builds a 9 consensus that there is a 10 need for water policy, that 11 addresses the issue 12 comprehensively, and that 13 involves candid input from 14 all stakeholders before 15 proposals are developed. 16 The Department will be an 17 active participant in the 18 development of statewide 19 water use policy. 20 One initiative that 21 did not make the October 22 list, but which has proven 23 to be even more relevant in</p>	<p style="text-align: right;">Page 23</p> <p>1 Jefferson and Shelby 2 Counties since they will 3 save about 5 cents per 4 gallon on the cost of 5 gasoline. This will result 6 in approximately \$8 million 7 being put in the pockets of 8 consumers in Alabama and 9 hundreds of millions of 10 dollars in the pockets of 11 consumers across the 12 nation. 13 Of note to those 14 involved with environmental 15 matters, the 42nd annual 16 Earth Day will be 17 commemorated the day after 18 tomorrow. Although this 19 coming Sunday is officially 20 Earth Day, on Wednesday, 21 April the 18th, the 22 Department hosted a 2012 23 Earth Day and Environmental</p>
<p style="text-align: right;">Page 22</p> <p>1 recent weeks, is the 2 Commission action in 3 February to sunset the 4 requirement for Low Vapor 5 Pressure gasoline, 6 sometimes called "boutique" 7 gasoline, in Jefferson and 8 Shelby Counties during the 9 summer months. EPA has now 10 proposed sunseting the 11 requirement at the Federal 12 level. EPA has further 13 indicated, unexpectedly, 14 that they have fast tracked 15 approval of the 16 Commission's action, and, 17 in fact, I can confirm it 18 is in today's Federal 19 Register with an immediate 20 effective date, so it will 21 be implemented before the 22 summer season. This is 23 good news for the people in</p>	<p style="text-align: right;">Page 24</p> <p>1 Career Fair. Please direct 2 your attention to the lobby 3 display for photos. This 4 is a new event for the 5 Department. We decided to 6 use the occasion to target 7 eleventh and twelfth grade 8 high school students from 9 the surrounding areas for 10 educational and recruitment 11 opportunities. I am 12 pleased to report that we 13 had a total of 102 in 14 attendance. These students 15 were taught by, and 16 interacted with, ADEM 17 personnel in the fields of 18 drinking water, solid 19 waste, ambient monitoring, 20 air quality, recycling, 21 aquatic assessment, scrap 22 tires, asthma, hazardous 23 waste, soil sampling,</p>

<p style="text-align: right;">Page 25</p> <p>1 wastewater, and 2 environmental careers. I 3 wish to recognize and thank 4 the fifty-five ADEM 5 employees who volunteered 6 and worked hard to make 7 that effort a success. And 8 I don't know if any of them 9 are in the room this 10 morning. They're probably 11 trying to get caught up. 12 But if you are, please 13 raise your hand. 14 (No response.) 15 MR. LeFLEUR: Okay. They're 16 getting caught up. 17 The event seems to 18 have been a big hit with 19 the students and the 20 teachers. 21 Finally, at the last 22 Commission meeting in 23 February, we highlighted</p>	<p style="text-align: right;">Page 27</p> <p>1 The ADEM's efforts 2 are clearly a team effort. 3 And we have three divisions 4 working on any problem at 5 any one time, it seems. So 6 my hat is tipped to those 7 division chiefs and their 8 people. 9 Once again, let me 10 close with my thanks to you 11 for serving the State of 12 Alabama as Commissioners on 13 the Alabama Environmental 14 Management Commission and 15 for allowing me to also 16 serve the State in my 17 current capacity. 18 If there are any 19 questions, I'd be pleased 20 to try to answer them now. 21 MR. RICHARDSON: I would just 22 like to point out that I 23 did not see the service</p>
<p style="text-align: right;">Page 26</p> <p>1 the Federal Office of 2 Inspector General's report 3 placing our Air, Land, and 4 Water divisions in the top 5 quartile regarding 6 enforcement activities. 7 That top-notched 8 performance is made 9 possible in no small part 10 by the inspection, 11 enforcement support, and 12 permitting support provided 13 by the Field Operations 14 Division and the Permits 15 and Services Division. Let 16 me take this opportunity to 17 recognize those division 18 chiefs, Steve Jenkins in 19 Field Operations and 20 Russell Kelly in Permits 21 and Services. If you don't 22 want to stand, at least 23 raise your hand.</p>	<p style="text-align: right;">Page 28</p> <p>1 stations scrambling to 2 lower the fuel prices when 3 I went through Birmingham. 4 MR. LeFLEUR: Commissioner, I'm 5 sorry to report that we do 6 not have any impact on what 7 they actually do. 8 CHAIRMAN LESTER: Before you 9 sit down, I've got two 10 things. First, I want to 11 congratulate you and all 12 our staff, because two 13 years ago tomorrow is when 14 we had the BP oil spill. 15 If you weren't onboard at 16 the time, in the next few 17 days, you jumped right in 18 the middle of it. And 19 under your leadership and 20 all our Department heads 21 and our employees, we're in 22 a much better shape than we 23 were. And I understand</p>

<p style="text-align: right;">Page 29</p> <p>1 that the feds have told 2 them to give us some more 3 money, too. So maybe this 4 will help somebody. 5 The other thing is I 6 want you to give a report 7 or a synopsis, something, 8 on Lynn Sisk. 9 MR. LeFLEUR: Well, you bring 10 up something that I'm 11 pleased to report on. Lynn 12 Sisk is back over here. 13 He's keeping his head down. 14 But Lynn was driving 15 home -- it's been about two 16 weeks, I guess, now -- and 17 an older woman -- they were 18 out in the country, and an 19 older woman flagged him 20 down on the side of the 21 road and indicated her 22 husband was in distress, 23 having a problem. And they</p>	<p style="text-align: right;">Page 31</p> <p>1 And about the time that he 2 had reached the shoreline 3 with the older gentleman, 4 emergency people arrived 5 and helped bring the man 6 out of the water. And in 7 thinking about this, the 8 point was brought up that 9 the Lord moves in 10 mysterious ways sometimes, 11 and that sometimes he finds 12 a worthy person to help him 13 move in those ways. In 14 this case, it was Lynn 15 Sisk. And I tip my hat to 16 him, and I would like to 17 offer a round of applause. 18 (Applause.) 19 MR. LeFLEUR: As great as this 20 was, this is not the only 21 instance of this occurring 22 as far as ADEM employees 23 going the extra mile. We</p>
<p style="text-align: right;">Page 30</p> <p>1 tried to determine what the 2 problem was and called 911, 3 and then went with the 4 woman to try to address the 5 problem that her husband 6 was having. And they went 7 back into the woods down a 8 dirt road, off the road 9 over to a pond or lake. 10 And an 81-year-old man had 11 been fishing by himself. 12 His boat had tipped over. 13 He was thrown in the water. 14 And he had been clinging to 15 the prop on his trolling 16 motor for some four hours 17 in cold water. 18 Lynn didn't think 19 twice. I presume he took 20 his shoes off, jumped in 21 the water, went out, 22 brought the man to shore. 23 It was a steep shoreline.</p>	<p style="text-align: right;">Page 32</p> <p>1 had one earlier this year 2 down in Orange Beach where 3 a man fell, a field 4 operations person, a man 5 fell down and would have 6 died from the heart attack 7 except that he administered 8 CPR. And even the 9 emergency people were 10 amazed that he was still 11 alive when they got there. 12 But it speaks of the high 13 caliber people of this 14 Department. And it's 15 really a pleasure to serve 16 with people such as these. 17 CHAIRMAN LESTER: Well, I was 18 going to say, this is the 19 kind of employees we've 20 got, and they're doing all 21 they can on a limited 22 budget. And I appreciate 23 the report that you gave to</p>

Page 33	Page 35
<p>1 all of us so we can 2 understand what's 3 happening. Thank you. 4 MR. LeFLEUR: Thank you, 5 Mr. Chairman. 6 CHAIRMAN LESTER: The next item 7 is the consideration of 8 adoption of the proposed 9 amendment to the ADEM 10 Administrative Code 335-3, 11 Air Pollution Control 12 Program Regulation. I call 13 on the Department. 14 MR. GORE: Mr. Chair, 15 gentlemen, I'm Ron Gore 16 with the Air Division. I 17 don't think my business is 18 quite as inspirational as 19 the previous issue. 20 We're asking you to 21 make two changes -- two 22 types of changes to our Air 23 Regulations. One is in the</p>	<p>1 CHAIRMAN LESTER: Motion and 2 second. All in favor say 3 aye. 4 (Unanimous.) 5 CHAIRMAN LESTER: All opposed. 6 (No response.) 7 MR. GORE: Thank you. 8 CHAIRMAN LESTER: Our next 9 meeting will be June the 10 15th. I'll ask the 11 Commissioners to make sure 12 that they can come and let 13 us know. 14 Before we adjourn 15 the meeting today and move 16 into the public comment 17 period, I'll entertain a 18 motion regarding approval 19 or disapproval of a request 20 to address the Commission's 21 committee by Mitch Reid on 22 behalf of the Alabama 23 Rivers Alliance.</p>
Page 34	Page 36
<p>1 area of technology-based 2 endeavors we've adopted by 3 reference to EPA. This is 4 a periodic keep-up with 5 those rules. And then a 6 change to our construction 7 permitting regulations to 8 reflect the EPA go-by 9 rules. 10 We have the 11 appropriate public -- 12 opportunity for public 13 input, and there were no 14 comments either verbal or 15 written. 16 Pending any 17 questions, I'd be happy if 18 you would adopt these 19 rules. 20 MR. PHILLIPS: Mr. Chairman, I 21 move we adopt the proposed 22 amendments. 23 MR. BROWN: Second.</p>	<p>1 MR. PHILLIPS: Move to approve 2 the request. 3 MR. BROWN: Second. 4 CHAIRMAN LESTER: Motion and 5 second. All in favor say 6 aye. 7 (Unanimous.) 8 CHAIRMAN LESTER: All opposed. 9 (No response.) 10 CHAIRMAN LESTER: At this time, 11 then, I'm going to adjourn 12 the proposed Commission 13 meeting and move to the 14 public comment meeting, and 15 ask Mitch if he'll come. 16 He has ten minutes or so. 17 MR. PHILLIPS: Move we adjourn. 18 MR. BROWN: Second. 19 CHAIRMAN LESTER: Motion and 20 second to adjourn. 21 (The hearing proceedings 22 concluded at approximately 23 11:25 a.m.)</p>

1 \* \* \* \* \*

2 REPORTER'S CERTIFICATE

3 \* \* \* \* \*

4 OF ALABAMA)

5 OF MONTGOMERY)

6 I, Cornelia J. Baker, Certified Court

7 er, Certified Shorthand Reporter, and

8 Public in and for the State of

9 a at Large, do hereby certify that on

10 20, 2012, I reported the

11 entioned proceedings, and that the

12 herein contain a true and accurate

13 ription of the said proceedings.

14 I further certify that I am neither of

15 r of counsel to the parties to said

16 nor in any manner interested in the

17 s thereof.

18 This the 20th day of April, 2012.

19

20

21 Cornelia J. Baker, ACCR 290

22 Certified Shorthand Reporter,

23 Certified Court Reporter and

Notary Public for the

State of Alabama

My Commission expires 6/6/12.

\* \* \* \* \*

**REPORTER'S CERTIFICATE**

\* \* \* \* \*

**STATE OF ALABAMA)**

**COUNTY OF MONTGOMERY)**

I, Cornelia J. Baker, Certified Court Reporter, Certified Shorthand Reporter, and Notary Public in and for the State of Alabama at Large, do hereby certify that on April 20, 2012, I reported the aforementioned proceedings, and that the pages herein contain a true and accurate transcription of the said proceedings.

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.

This the 20th day of April, 2012.



Cornelia J. Baker, ACCR 290  
Certified Shorthand Reporter,  
Certified Court Reporter and  
Notary Public for the  
State of Alabama  
My Commission expires 6/6/12.

	33:10	addresses (1) 21:11	5:2;8:14	17:15
\$	4	ADEM (9) 8:1,17;9:18;18:1;21:5; 24:16;25:4;31:22;33:9	announcement (1) 10:19	aye (3) 3:16;35:3;36:6
\$2.96 (1) 7:13	42nd (1) 23:15	ADEM's (3) 5:7;17:16;27:1	annual (1) 23:15	B
\$3.4 (1) 7:3	5	adjourn (4) 35:14;36:11,17,20	applause (2) 31:17,18	back (2) 29:12;30:7
\$4.2 (1) 5:9	5 (2) 6:10;23:3	administered (1) 32:7	applications (1) 11:21	Beach (1) 32:2
\$452,000 (1) 5:17	556 (1) 16:16	Administrative (1) 33:10	appreciate (1) 32:22	become (1) 13:4
\$500,000 (1) 9:4	6	adopt (2) 34:18,21	approach (6) 17:2;18:21;19:16,19; 20:2;21:8	becoming (1) 4:16
\$8 (1) 23:6	610 (1) 10:11	adopted (2) 6:17;34:2	appropriate (1) 34:11	behalf (1) 35:22
1	648 (1) 10:10	adoption (1) 33:8	approval (2) 22:15;35:18	belief (1) 20:7
10.6 (1) 5:17	8	advance (1) 18:7	approve (1) 36:1	best (1) 19:1
102 (1) 24:13	81-year-old (1) 30:10	again (1) 27:9	approximately (2) 23:6;36:22	better (2) 13:2;28:22
11:25 (1) 36:23	9	agencies (2) 17:13;18:6	April (1) 23:21	beyond (1) 8:13
12 (1) 13:19	911 (1) 30:2	ago (3) 10:6,18;28:13	aquatic (1) 24:21	big (1) 25:18
15th (1) 35:10	A	agricultural (1) 18:11	area (2) 14:21;34:1	Bill (1) 16:16
16th (2) 5:6,14		air (6) 9:14;24:20;26:3; 33:11,16,22	areas (2) 14:14;24:9	Birmingham (2) 15:6;28:3
18th (1) 23:21		airplane (2) 8:17;11:12	around (1) 17:6	bleak (1) 7:23
2	able (1) 10:1	Alabama (6) 4:6;17:9;23:8;27:12, 13;35:22	arrived (1) 31:4	boat (1) 30:12
20 (1) 7:1	accept (1) 3:11	alive (1) 32:11	assessment (1) 24:21	Both (1) 12:12
2008 (1) 10:5	acknowledge (1) 3:3	Alliance (1) 35:23	asset (1) 9:9	boutique (1) 22:6
2011 (3) 5:12;13:15;17:1	across (1) 23:11	allow (5) 8:5;11:22;13:11; 19:20;20:3	assist (2) 12:14;16:7	BP (2) 9:2;28:14
2012 (11) 4:8,11,15;5:5,9,15; 6:3;7:2,16;8:11;23:22	act (1) 8:9	allowing (1) 27:15	asthma (1) 24:22	briefly (1) 4:18
2013 (7) 4:11;6:18,20;7:12,22; 8:2,12	action (4) 18:18;21:3;22:2,16	allows (1) 13:4	attack (1) 32:6	bring (2) 29:9;31:5
2014 (1) 16:20	active (1) 21:17	Although (2) 8:17;23:18	attainment (2) 14:3,13	broad (1) 19:4
21.2 (1) 5:23	activities (3) 9:7;14:8;26:6	amazed (1) 32:10	attendance (1) 24:14	brought (2) 30:22;31:8
24th (1) 3:8	actually (1) 28:7	ambient (1) 24:19	attention (1) 24:2	BROWN (4) 3:13;34:23;36:3,18
3	added (2) 12:8,11	amendment (1) 33:9	attrition (2) 9:21;11:11	budget (13) 5:8,13,16;6:3,16,21, 23;7:2,16,18,21;8:2; 32:22
30-percent (1) 7:15	adding (1) 11:19	amendments (1) 34:22	Auburn (1) 16:6	budgetary (1) 4:15
31 (1) 16:20	addition (2) 3:9;12:3	amount (1) 17:5	authority (1) 9:13	budgets (6) 4:12,23;5:6;6:18;7:21; 15:13
32 (1) 5:11	additional (2) 8:10;15:1	amounts (2) 5:20;7:14	authorized (1) 10:9	builds (1) 21:8
335-3 (1)	address (2) 30:4;35:20	announced (2)	automation (1) 12:21	built (1) 19:11
	addressed (2) 13:23;19:17		available (1) 6:8	
			aware (1)	

<b>business (2)</b> 3:21;33:17	30:17 <b>coming (1)</b> 23:19 <b>commemorated (1)</b> 23:17 <b>comment (2)</b> 35:16;36:14 <b>comments (2)</b> 3:22;34:14 <b>Commission (7)</b> 4:7;13:21;14:23;22:2; 25:22;27:14;36:12 <b>Commissioner (2)</b> 3:5;28:4 <b>Commissioners (3)</b> 4:2;27:12;35:11 <b>Commission's (2)</b> 22:16;35:20 <b>commitment (1)</b> 14:10 <b>Committee (2)</b> 7:5;35:21 <b>committees (1)</b> 17:12 <b>communities (1)</b> 14:6 <b>community (1)</b> 15:6 <b>Complaints (2)</b> 12:11,23 <b>comprehensively (1)</b> 21:12 <b>compromise (1)</b> 19:21 <b>concerning (1)</b> 17:7 <b>concession (1)</b> 19:23 <b>concluded (1)</b> 36:22 <b>confirm (1)</b> 22:17 <b>congratulate (1)</b> 28:11 <b>consensus (4)</b> 19:5,8,11;21:9 <b>consideration (1)</b> 33:7 <b>considerations (1)</b> 17:20 <b>constant (1)</b> 10:2 <b>construction (1)</b> 34:6 <b>consumers (2)</b> 23:8,11 <b>continue (2)</b> 11:12;18:8 <b>continues (1)</b> 6:6 <b>Continuing (1)</b> 14:18 <b>continuity (1)</b>	11:16 <b>contract (1)</b> 16:6 <b>Control (1)</b> 33:11 <b>conversation (2)</b> 17:5;20:10 <b>copy (1)</b> 3:6 <b>corrections (1)</b> 3:9 <b>cost (1)</b> 23:4 <b>Counties (4)</b> 14:2,13;22:8;23:2 <b>country (1)</b> 29:18 <b>cover (2)</b> 4:9;6:14 <b>CPR (1)</b> 32:8 <b>credit (1)</b> 12:3 <b>current (2)</b> 10:13;27:17 <b>currently (2)</b> 10:11;19:4 <b>cut (3)</b> 6:23;7:15;9:10 <b>cuts (3)</b> 6:15;8:7,10 <b>cutting (2)</b> 5:20;11:10	6:22;7:11;17:2 <b>determine (1)</b> 30:1 <b>developed (1)</b> 21:15 <b>development (4)</b> 14:21;16:13;18:3; 21:18 <b>dialogue (1)</b> 20:18 <b>died (1)</b> 32:6 <b>dire (1)</b> 15:11 <b>direct (1)</b> 24:1 <b>Director's (1)</b> 3:21 <b>dirt (1)</b> 30:8 <b>disadvantaged (2)</b> 14:6;15:5 <b>disapproval (1)</b> 35:19 <b>discussed (1)</b> 17:11 <b>discussing (1)</b> 4:23 <b>display (1)</b> 24:3 <b>dispose (1)</b> 9:8 <b>disposing (1)</b> 11:11 <b>distress (1)</b> 29:22 <b>diverse (1)</b> 20:22 <b>diverting (1)</b> 15:15 <b>Division (5)</b> 26:14,15,17;27:7; 33:16 <b>divisions (2)</b> 26:4;27:3 <b>dollar (1)</b> 15:15 <b>dollars (1)</b> 23:10 <b>down (9)</b> 6:6;7:3,13;28:9;29:13, 20;30:7;32:2,5 <b>dozen (1)</b> 16:10 <b>dramatically (1)</b> 9:11 <b>drinking (1)</b> 24:18 <b>driving (1)</b> 29:14 <b>dumps (2)</b> 8:23;15:18 <b>during (2)</b>	9:1;22:8 <b>E</b> <b>e-applications (1)</b> 12:17 <b>earlier (1)</b> 32:1 <b>earmarked (1)</b> 15:17 <b>Earth (3)</b> 23:16,20,23 <b>easier (1)</b> 12:22 <b>E-check (2)</b> 12:2,2 <b>e-Complaint (1)</b> 12:16 <b>educate (1)</b> 12:13 <b>educational (1)</b> 24:10 <b>effective (1)</b> 22:20 <b>effectively (1)</b> 13:9 <b>effectiveness (1)</b> 9:6 <b>efficiencies (1)</b> 11:14 <b>efficient (1)</b> 13:5 <b>effort (6)</b> 11:15;12:20;18:7; 21:2;25:7;27:2 <b>efforts (3)</b> 4:21;13:23;27:1 <b>e-File (2)</b> 12:9,15 <b>e-government (1)</b> 11:21 <b>either (2)</b> 8:3;34:14 <b>electronic (2)</b> 11:14;12:4 <b>electronically (1)</b> 13:1 <b>eleventh (1)</b> 24:7 <b>emergency (2)</b> 31:4;32:9 <b>employees (6)</b> 9:20;10:22;25:5; 28:21;31:22;32:19 <b>end (6)</b> 6:13;11:6,18;18:5; 20:4;21:3 <b>endeavors (1)</b> 34:2 <b>endorses (1)</b> 21:7 <b>enforcement (6)</b> 8:19;9:7;11:17;13:6;
<b>C</b>		<b>D</b>		
<b>cabinet (1)</b> 17:12 <b>caliber (1)</b> 32:13 <b>call (2)</b> 3:2;33:12 <b>called (3)</b> 6:21;22:6;30:2 <b>can (5)</b> 7:19;22:17;32:21; 33:1;35:12 <b>candid (1)</b> 21:13 <b>capacity (1)</b> 27:17 <b>card (1)</b> 12:3 <b>Career (1)</b> 24:1 <b>careers (1)</b> 25:2 <b>case (2)</b> 18:22;31:14 <b>caught (2)</b> 25:11,16 <b>caused (1)</b> 15:13 <b>center (1)</b> 4:13 <b>cents (1)</b> 23:3 <b>Chair (1)</b> 33:14 <b>CHAIRMAN (17)</b> 3:1,14,18,20;4:1;28:8; 32:17;33:5,6;34:20; 35:1,5,8;36:4,8,10,19 <b>change (1)</b> 34:6 <b>changes (2)</b> 33:21,22 <b>chiefs (2)</b> 26:18;27:7 <b>circumstances (2)</b> 9:18;15:12 <b>clean (1)</b> 15:18 <b>clearer (1)</b> 4:17 <b>clearly (1)</b> 27:2 <b>clinging (1)</b> 30:14 <b>close (1)</b> 27:10 <b>Code (1)</b> 33:10 <b>cold (1)</b>		<b>damage (1)</b> 8:8 <b>date (1)</b> 22:20 <b>daunting (1)</b> 21:2 <b>Day (4)</b> 23:16,17,20,23 <b>days (2)</b> 10:17;28:17 <b>dealing (1)</b> 4:21 <b>December (1)</b> 13:20 <b>decided (1)</b> 24:5 <b>decision (1)</b> 10:16 <b>demand (1)</b> 11:2 <b>Department (12)</b> 8:5,9;12;10:8;11:19; 16:8;18:20;21:16;23:22; 24:5;28:20;32:14;33:13 <b>Departmental (3)</b> 5:4;13:13,16 <b>Department's (3)</b>		



26:6,11 <b>engage (1)</b> 18:9 <b>engaged (1)</b> 18:5 <b>engineers (1)</b> 11:3 <b>enough (1)</b> 10:14 <b>entertain (1)</b> 35:17 <b>Environmental (6)</b> 4:6;14:7;23:14,23; 25:2;27:13 <b>environmentalists (1)</b> 18:13 <b>EPA (8)</b> 6:6,15;14:9,15;22:9, 12;34:3,8 <b>especially (1)</b> 8:20 <b>established (1)</b> 12:6 <b>even (5)</b> 6:4;10:3,12;21:23; 32:8 <b>event (2)</b> 24:4;25:17 <b>example (2)</b> 12:8,10 <b>examples (1)</b> 12:12 <b>except (2)</b> 9:16;32:7 <b>exchange (1)</b> 19:22 <b>expect (1)</b> 11:4 <b>expenditures (2)</b> 5:21;8:12 <b>extend (1)</b> 16:17 <b>extra (1)</b> 31:23 <b>extreme (1)</b> 9:17	<b>favor (3)</b> 3:15;35:2;36:5 <b>feature (1)</b> 11:20 <b>February (4)</b> 3:8;14:22;22:3;25:23 <b>Federal (8)</b> 6:1,11,16;10:4,7; 22:11,18;26:1 <b>feds (1)</b> 29:1 <b>fee (1)</b> 15:16 <b>fees (1)</b> 11:23 <b>fell (2)</b> 32:3,5 <b>few (1)</b> 28:16 <b>Field (3)</b> 26:13,19;32:3 <b>fields (1)</b> 24:17 <b>fifty-five (1)</b> 25:4 <b>file (1)</b> 12:23 <b>finally (2)</b> 6:17;25:21 <b>financial (1)</b> 15:11 <b>finds (1)</b> 31:11 <b>fine (1)</b> 14:3 <b>finest (1)</b> 11:23 <b>First (4)</b> 8:15;16:9;18:22;28:10 <b>Fiscal (19)</b> 4:8,14;5:5,9,12,15,19; 6:3,5,14,19;7:12,16,22; 8:2,11,11;11:7;13:18 <b>fishing (1)</b> 30:11 <b>flagged (1)</b> 29:19 <b>following (2)</b> 10:18;18:21 <b>formal (1)</b> 16:5 <b>forth (1)</b> 12:1 <b>forthcoming (1)</b> 17:14 <b>forthright (1)</b> 20:11 <b>forward (2)</b> 11:13;16:3 <b>four (2)</b> 10:6;30:16 <b>fourth (2)</b> 4:5;10:23	<b>freeze (1)</b> 10:23 <b>front (1)</b> 4:12 <b>fuel (1)</b> 28:2 <b>fund (6)</b> 5:8,13,16,21;6:23; 15:21 <b>funding (1)</b> 8:4 <b>funds (3)</b> 6:8,11;7:12 <b>further (3)</b> 7:10;10:15;22:12 <b>FY (1)</b> 7:2	<b>4:14;5:18;6:4</b> <b>hand (2)</b> 25:13;26:23 <b>happening (1)</b> 33:3 <b>happy (1)</b> 34:17 <b>hard (1)</b> 25:6 <b>hat (2)</b> 27:6;31:15 <b>hazardous (1)</b> 24:22 <b>head (1)</b> 29:13 <b>heads (1)</b> 28:20 <b>hearing (2)</b> 20:20;36:21 <b>heart (1)</b> 32:6 <b>heavily (1)</b> 17:22 <b>help (2)</b> 29:4;31:12 <b>helped (1)</b> 31:5 <b>high (3)</b> 11:1;24:8;32:12 <b>highlighted (1)</b> 25:23 <b>himself (1)</b> 30:11 <b>hiring (1)</b> 9:19 <b>hit (1)</b> 25:18 <b>hold (1)</b> 14:17 <b>holistically (1)</b> 19:17 <b>home (1)</b> 29:15 <b>hosted (1)</b> 23:22 <b>hours (1)</b> 30:16 <b>House (5)</b> 7:4,7,20;16:15,16 <b>How-To (2)</b> 12:7,10 <b>human (1)</b> 12:20 <b>hundreds (1)</b> 23:9 <b>husband (2)</b> 29:22;30:5	8:21 <b>illegal (1)</b> 8:22 <b>immediate (1)</b> 22:19 <b>impact (1)</b> 28:6 <b>impacted (1)</b> 19:2 <b>implemented (2)</b> 10:17;22:21 <b>implementing (1)</b> 19:13 <b>including (1)</b> 18:10 <b>increase (1)</b> 9:11 <b>increased (1)</b> 9:23 <b>increasing (2)</b> 10:4;17:4 <b>indicated (2)</b> 22:13;29:21 <b>indispensable (1)</b> 9:1 <b>individual (1)</b> 18:15 <b>industrial (1)</b> 14:20 <b>industry (1)</b> 18:10 <b>influenced (1)</b> 17:18 <b>initiative (3)</b> 15:23;16:23;21:20 <b>initiatives (5)</b> 5:4;13:14,17,22;15:2 <b>input (4)</b> 8:6;21:1,13;34:13 <b>inspecting (1)</b> 13:6 <b>inspection (1)</b> 26:10 <b>Inspector (1)</b> 26:2 <b>inspirational (1)</b> 33:18 <b>instance (1)</b> 31:21 <b>instructions (1)</b> 8:16 <b>intended (1)</b> 12:13 <b>interacted (1)</b> 24:16 <b>interest (1)</b> 19:1 <b>interested (1)</b> 18:2 <b>interests (3)</b> 18:12,16;20:22 <b>into (4)</b> 10:23;11:7;30:7;35:16
<b>F</b>		<b>G</b>		
<b>face (1)</b> 10:3 <b>fact (1)</b> 22:17 <b>Fair (1)</b> 24:1 <b>fallen (1)</b> 10:21 <b>far (1)</b> 31:22 <b>fast (1)</b> 22:14 <b>fate (1)</b> 14:15		<b>gallon (1)</b> 23:4 <b>gasoline (3)</b> 22:5,7;23:5 <b>gave (1)</b> 32:23 <b>general (7)</b> 5:8,12,15,21;6:22; 7:11;15:20 <b>General's (1)</b> 26:2 <b>gentleman (1)</b> 31:3 <b>gentlemen (1)</b> 33:15 <b>given (1)</b> 8:15 <b>go-by (1)</b> 34:8 <b>Good (4)</b> 4:2,18;10:14;22:23 <b>GORE (3)</b> 33:14,15;35:7 <b>Governor's (2)</b> 6:20;7:20 <b>grade (1)</b> 24:7 <b>granted (1)</b> 19:22 <b>great (1)</b> 31:19 <b>greatly (1)</b> 17:18 <b>groups (1)</b> 18:17 <b>guess (1)</b> 29:16 <b>Guide (1)</b> 12:8		
		<b>H</b>	<b>I</b>	
		<b>halfway (3)</b>	<b>identified (2)</b> 13:15;16:23 <b>identifying (1)</b>	

invited (1) 20:14	legislation (2) 18:19;20:13	17:10		open (1) 20:11
involve (1) 20:17	legislative (1) 17:11	matters (2) 17:23;23:15	N	Operations (3) 26:13,19;32:4
involved (3) 17:23;20:9;23:14	legislators (1) 15:14	May (1) 16:20	nation (1) 23:12	opportunities (1) 24:11
involves (1) 21:13	less (1) 5:11	maybe (1) 29:3	necessity (1) 17:22	opportunity (2) 26:16;34:12
issue (6) 9:14;16:14;19:21; 20:1;21:11;33:19	LESTER (14) 3:1,14,18,20;28:8; 32:17;33:6;35:1,5,8; 36:4,8,10,19	meaningful (1) 21:1	need (1) 21:10	opposed (3) 3:18;35:5;36:8
item (2) 3:20;33:6	level (1) 22:12	Means (2) 7:4;14:19	new (6) 4:21;10:7;14:15; 15:16;16:18;24:4	optimum (1) 10:10
J	levels (3) 10:2,13,20	meet (1) 14:10	news (2) 4:17;22:23	Orange (1) 32:2
Jefferson (4) 14:1,12;22:7;23:1	likely (2) 4:20;21:3	meeting (10) 3:2,8;4:5;13:21;14:23; 25:22;35:9,15;36:13,14	Next (5) 3:20;11:8;28:16;33:6; 35:8	order (1) 3:2
Jenkins (1) 26:18	limited (1) 32:21	meetings (1) 16:10	non-attainment (1) 14:18	original (1) 7:2
jumped (2) 28:17;30:20	list (1) 21:22	middle (2) 16:11;28:18	non-budget (2) 5:3;13:13	others (1) 9:10
June (2) 16:12;35:9	lobby (1) 24:2	mile (1) 31:23	non-budgetary (1) 13:16	otherwise (1) 6:12
justice (1) 14:8	longer (2) 9:19;10:14	million (4) 5:10;7:3,13;23:6	normal (1) 6:7	out (6) 7:6;14:5;27:22;29:18; 30:21;31:6
K	longstanding (1) 17:16	millions (1) 23:9	North (1) 15:5	outcome (1) 15:22
Keeping (2) 10:12;29:13	Lord (1) 31:9	minutes (3) 3:7,12;36:16	note (1) 23:13	outlook (1) 7:21
keep-up (1) 34:4	losing (1) 9:13	Mitch (2) 35:21;36:15	O	outreach (1) 15:4
Kelly (1) 26:20	Low (1) 22:4	money (1) 29:3	occasion (1) 24:6	outside (1) 20:18
kind (1) 32:19	lower (1) 28:2	monitoring (1) 24:19	occurring (1) 31:21	over (4) 9:4;29:12;30:9,12
known (1) 13:7	Lynn (5) 29:8,11,14;30:18; 31:14	months (1) 22:9	October (3) 13:14;17:1;21:21	P
L	M	moratorium (1) 16:17	off (2) 30:8,20	page (2) 12:9,12
lack (1) 17:7	maintain (2) 10:1;11:15	more (6) 11:5;13:5,7,8;21:23; 29:2	offer (1) 31:17	part (1) 26:9
lake (1) 30:9	major (1) 20:7	morning (2) 4:3;25:10	Office (1) 26:1	participant (1) 21:17
land (2) 9:14;26:3	making (2) 6:8;12:21	most (1) 9:17	officially (1) 23:19	particle (1) 14:4
landfills (1) 16:18	man (5) 30:10,22;31:5;32:3,4	Motion (5) 3:14;35:1,18;36:4,19	oil (2) 9:2;28:14	parties (1) 20:3
last (1) 25:21	Management (2) 4:7;27:14	motor (1) 30:16	older (3) 29:17,19;31:3	passage (1) 16:15
late-breaking (1) 16:13	mandates (2) 10:5,8	move (8) 3:11;11:13;31:13; 34:21;35:15;36:1,13,17	onboard (1) 28:15	passed (2) 4:13;7:6
leadership (1) 28:19	manner (1) 20:11	moves (1) 31:9	Once (1) 27:9	past (1) 9:22
least (3) 8:4,8;26:22	many (4) 9:9;10:7;11:5;17:6	much (1) 28:22	one (6) 15:15;19:21;21:20; 27:5;32:1;33:23	payment (1) 11:22
leave (2) 9:20;11:5	March (3) 5:6,14;12:7	must (8) 8:9;10:15;15:10; 18:22;19:6,10,11;20:17	one-on-one (1) 20:18	payments (1) 12:5
LeFLEUR (6) 3:23;25:15;28:4;29:9; 31:19;33:4	mark (1) 4:14	mysterious (1) 31:10	ongoing (3) 5:3;13:12;14:19	Pending (1) 34:16
	matter (1)		only (2) 13:1;31:20	people (6) 22:23;27:8;31:4;32:9, 13,16

<b>per (2)</b> 15:16;23:3	<b>previously (3)</b> 5:2;8:13;20:23	<b>quarters (1)</b> 17:6	<b>regulation (2)</b> 17:17;33:12	26:20
<b>percent (5)</b> 5:11;17;23;6:10;7:1	<b>prices (1)</b> 28:2	<b>quartile (1)</b> 26:5	<b>Regulations (2)</b> 33:23;34:7	<b>S</b>
<b>performance (1)</b> 26:8	<b>prior (1)</b> 10:6	<b>quite (1)</b> 33:18	<b>Reid (1)</b> 35:21	<b>salary (1)</b> 10:22
<b>period (1)</b> 35:17	<b>private (1)</b> 11:1	<b>quorum (1)</b> 3:4	<b>related (1)</b> 17:23	<b>same (1)</b> 11:9
<b>periodic (1)</b> 34:4	<b>proactive (1)</b> 8:19	<b>R</b>	<b>released (1)</b> 7:17	<b>sampling (1)</b> 24:23
<b>permit (1)</b> 11:23	<b>probably (1)</b> 25:10	<b>raise (2)</b> 25:13;26:23	<b>relevant (1)</b> 21:23	<b>save (2)</b> 9:4;23:3
<b>permits (3)</b> 9:15;26:14,20	<b>problem (4)</b> 27:4;29:23;30:2,5	<b>rapidly (1)</b> 10:3	<b>remainder (1)</b> 5:22	<b>schedule (1)</b> 6:7
<b>permitting (3)</b> 16:18;26:12;34:7	<b>proceedings (1)</b> 36:21	<b>rather (2)</b> 19:18;20:14	<b>replacements (1)</b> 9:19	<b>school (1)</b> 24:8
<b>person (2)</b> 31:12;32:4	<b>process (2)</b> 20:4,15	<b>reached (1)</b> 31:2	<b>replacing (1)</b> 12:19	<b>scientists (1)</b> 11:4
<b>personnel (1)</b> 24:17	<b>Program (2)</b> 15:3;33:12	<b>reaching (1)</b> 14:5	<b>report (10)</b> 3:22;4:9;15:10;16:22; 24:12;26:2;28:5;29:6, 11;32:23	<b>scrambling (1)</b> 28:1
<b>PHILLIPS (4)</b> 3:11;34:20;36:1,17	<b>progress (1)</b> 17:13	<b>realistic (1)</b> 19:12	<b>reported (1)</b> 15:2	<b>Scrap (6)</b> 8:21;15:3,18,20,23; 24:21
<b>photos (1)</b> 24:3	<b>promote (1)</b> 15:19	<b>really (1)</b> 32:15	<b>Representatives (1)</b> 7:8	<b>Search (1)</b> 12:10
<b>piecemeal (4)</b> 18:19;19:18,19;20:1	<b>promptly (1)</b> 14:11	<b>receive (1)</b> 6:13	<b>request (2)</b> 35:19;36:2	<b>season (1)</b> 22:22
<b>place (2)</b> 16:4,11	<b>prop (1)</b> 30:15	<b>received (1)</b> 3:6	<b>requirement (2)</b> 22:4,11	<b>Second (10)</b> 3:13,15;9:16;19:15; 34:23;35:2;36:3,5,18,20
<b>placing (1)</b> 26:3	<b>proponent (1)</b> 21:6	<b>recent (2)</b> 15:9;22:1	<b>requirements (1)</b> 12:19	<b>sector (1)</b> 11:2
<b>Plan (2)</b> 15:8;16:2	<b>proposal (2)</b> 7:18;20:21	<b>recently (1)</b> 7:6	<b>response (4)</b> 3:19;25:14;35:6;36:9	<b>seems (2)</b> 25:17;27:5
<b>Please (2)</b> 24:1;25:12	<b>proposals (2)</b> 20:16;21:15	<b>recognize (2)</b> 25:3;26:17	<b>responses (1)</b> 9:3	<b>sell (2)</b> 8:16;20:20
<b>pleased (3)</b> 24:12;27:19;29:11	<b>propose (1)</b> 15:14	<b>recruitment (1)</b> 24:10	<b>restore (1)</b> 8:4	<b>Senate (3)</b> 7:10,17;8:3
<b>pleasure (1)</b> 32:15	<b>proposed (8)</b> 6:21;14:16;16:9; 18:20;22:10;33:8;34:21; 36:12	<b>recycling (2)</b> 15:19;24:20	<b>restrictions (1)</b> 14:20	<b>serve (2)</b> 27:16;32:15
<b>pockets (2)</b> 23:7,10	<b>prorated (1)</b> 5:16	<b>redesignate (1)</b> 14:11	<b>result (2)</b> 17:21;23:5	<b>serves (1)</b> 13:2
<b>point (2)</b> 27:22;31:8	<b>proration (1)</b> 10:19	<b>redesignated (1)</b> 14:2	<b>review (4)</b> 4:19;15:7;16:1,8	<b>service (4)</b> 9:21;11:6,16;27:23
<b>policy (10)</b> 17:3,9;18:4,23;19:14, 16;20:12;21:6,10,19	<b>proved (1)</b> 8:23	<b>redesignation (1)</b> 14:17	<b>RICHARDSON (1)</b> 27:21	<b>Services (2)</b> 26:15,21
<b>pollution (2)</b> 14:4;33:11	<b>proven (2)</b> 8:18;21:22	<b>reduce (3)</b> 9:5;10:15;12:18	<b>right (1)</b> 28:17	<b>serving (1)</b> 27:11
<b>pond (1)</b> 30:9	<b>provided (1)</b> 26:12	<b>reduces (2)</b> 7:10;13:3	<b>risk (1)</b> 9:12	<b>setting (1)</b> 20:19
<b>possibility (1)</b> 19:13	<b>public (10)</b> 12:14,22;13:2;16:10; 18:10;20:19;34:11,12; 35:16;36:14	<b>reference (1)</b> 34:3	<b>Rivers (1)</b> 35:23	<b>seven (2)</b> 10:21;13:15
<b>possible (2)</b> 6:15;26:9	<b>put (2)</b> 14:16;23:7	<b>reflect (1)</b> 34:8	<b>road (3)</b> 29:21;30:8,8	<b>several (3)</b> 4:10;5:1;18:16
<b>present (1)</b> 4:4		<b>regarding (3)</b> 16:14;26:5;35:18	<b>Ron (1)</b> 33:15	<b>shape (1)</b> 28:22
<b>presented (1)</b> 3:10	<b>Q</b>	<b>Regardless (1)</b> 8:8	<b>room (1)</b> 25:9	<b>Shelby (4)</b> 14:1,12;22:8;23:1
<b>Pressure (1)</b> 22:5		<b>Register (1)</b> 22:19	<b>round (1)</b> 31:17	<b>shoes (1)</b> 30:20
<b>presume (1)</b> 30:19	<b>quality (3)</b> 17:17;19:6;24:20	<b>registrations (1)</b> 12:1	<b>rules (4)</b> 14:16;34:5,9,19	<b>shore (1)</b> 30:22
<b>previous (1)</b> 33:19	<b>quantity (3)</b> 17:19;18:1;19:9	<b>regulated (2)</b> 19:7,10	<b>Russell (1)</b>	<b>shoreline (2)</b>

30:23;31:2	<b>step (1)</b> 16:3	<b>thirty (1)</b> 10:17		<b>water (22)</b> 9:14;17:3,8,17,19; 18:4,11,14,23;19:5,9,14, 16;21:6,10,19;24:18; 26:4;30:13,17,21;31:6
<b>short (1)</b> 21:5	<b>Steve (1)</b> 26:18	<b>though (1)</b> 6:4	<b>U</b>	<b>way (1)</b> 15:9
<b>shrinking (1)</b> 13:10	<b>still (2)</b> 6:2;32:10	<b>three (2)</b> 15:1;27:3	<b>Unanimous (3)</b> 3:17;35:4;36:7	<b>Ways (3)</b> 7:4;31:10,13
<b>side (2)</b> 6:1;29:20	<b>strongly (1)</b> 21:7	<b>thrown (1)</b> 30:13	<b>uncertainty (1)</b> 14:14	<b>web (2)</b> 12:9,11
<b>signing (1)</b> 16:5	<b>students (3)</b> 24:8,14;25:19	<b>tip (1)</b> 31:15	<b>under (1)</b> 28:19	<b>Wednesday (1)</b> 23:20
<b>Sisk (3)</b> 29:8,12;31:15	<b>sub-optimum (1)</b> 10:13	<b>tipped (2)</b> 27:6;30:12	<b>undermine (1)</b> 15:21	<b>week (1)</b> 16:4
<b>sit (1)</b> 28:9	<b>substitute (1)</b> 7:5	<b>Tire (5)</b> 8:22;15:3,16,18,23	<b>undertaken (1)</b> 13:18	<b>weeks (2)</b> 22:1;29:16
<b>sites (1)</b> 13:7	<b>success (1)</b> 25:7	<b>tires (3)</b> 15:16,20;24:22	<b>unexpectedly (1)</b> 22:13	<b>welcome (1)</b> 4:3
<b>situation (3)</b> 4:16,19,22	<b>successful (1)</b> 15:22	<b>today (3)</b> 4:10;16:21;35:15	<b>Unfortunately (1)</b> 14:9	<b>well-trained (1)</b> 11:3
<b>slow (1)</b> 6:6	<b>suggested (1)</b> 18:17	<b>today's (1)</b> 22:18	<b>unilateral (1)</b> 18:18	<b>weren't (1)</b> 28:15
<b>small (1)</b> 26:9	<b>summer (2)</b> 22:9,22	<b>told (1)</b> 29:1	<b>University (1)</b> 16:7	<b>what's (1)</b> 33:2
<b>soil (1)</b> 24:23	<b>Sunday (1)</b> 23:19	<b>tomorrow (2)</b> 23:18;28:13	<b>Unlike (1)</b> 9:9	<b>whole (1)</b> 19:3
<b>Solid (3)</b> 15:7;16:2;24:18	<b>sunset (1)</b> 22:3	<b>took (2)</b> 16:3;30:19	<b>up (7)</b> 8:18;15:18;20:5; 25:11,16;29:10;31:8	<b>wish (1)</b> 25:3
<b>somebody (1)</b> 29:4	<b>sunsetting (1)</b> 22:10	<b>tool (1)</b> 8:19	<b>upcoming (1)</b> 6:19	<b>withholding (1)</b> 6:10
<b>sometimes (3)</b> 22:6;31:10,11	<b>support (2)</b> 26:11,12	<b>top (1)</b> 26:4	<b>update (2)</b> 5:1;13:12	<b>woman (3)</b> 29:17,19;30:4
<b>sorry (1)</b> 28:5	<b>sure (1)</b> 35:11	<b>topics (1)</b> 4:10	<b>updates (1)</b> 15:10	<b>woods (1)</b> 30:7
<b>speaks (1)</b> 32:12	<b>surrounding (1)</b> 24:9	<b>top-notched (1)</b> 26:7	<b>usage (4)</b> 17:3;18:4;19:9,14	<b>worked (1)</b> 25:6
<b>spill (2)</b> 9:2;28:14	<b>synopsis (1)</b> 29:7	<b>tornado (1)</b> 9:3	<b>use (5)</b> 12:15;17:8;18:23; 21:19;24:6	<b>workforce (1)</b> 10:10
<b>staff (4)</b> 10:12;11:10;13:10; 28:12	<b>systems (2)</b> 12:16;18:11	<b>total (1)</b> 24:13	<b>useful (1)</b> 8:21	<b>working (2)</b> 8:1;27:4
<b>staffing (5)</b> 9:23;10:2,20;12:18; 13:3	<b>T</b>	<b>tracked (1)</b> 22:14	<b>users (1)</b> 18:14	<b>worthy (1)</b> 31:12
<b>stakeholder (1)</b> 19:20	<b>table (1)</b> 20:16	<b>transfer (1)</b> 12:4	<b>usual (1)</b> 4:11	<b>written (2)</b> 20:13;34:15
<b>stakeholders (5)</b> 18:9;19:2;20:8,21; 21:14	<b>target (2)</b> 8:6;24:6	<b>transmitted (1)</b> 7:9	<b>utilizing (1)</b> 13:9	<b>Y</b>
<b>stand (1)</b> 26:22	<b>taught (1)</b> 24:15	<b>tried (1)</b> 30:1	<b>V</b>	<b>Year (25)</b> 4:8,14;5:5,7,9,12,15, 19,23;6:3,5,14,19;7:12, 16,22;8:2,11,12;9:4; 11:1,7;13:18;16:19;32:1
<b>State (7)</b> 15:12;17:7;18:6;19:3, 6;27:11,16	<b>teachers (1)</b> 25:20	<b>trolling (1)</b> 30:15	<b>Vapor (1)</b> 22:4	<b>years (2)</b> 10:6;28:13
<b>states (2)</b> 6:9,12	<b>team (1)</b> 27:2	<b>try (2)</b> 27:20;30:4	<b>verbal (1)</b> 34:14	
<b>State's (2)</b> 15:7;16:2	<b>technology-based (1)</b> 34:1	<b>Trying (2)</b> 20:20;25:11	<b>violations (1)</b> 13:8	
<b>statewide (3)</b> 17:8;18:3;21:18	<b>ten (1)</b> 36:16	<b>twelfth (1)</b> 24:7	<b>volunteered (1)</b> 25:5	
<b>stations (1)</b> 28:1	<b>thanks (1)</b> 27:10	<b>twice (1)</b> 30:19	<b>W</b>	
<b>status (2)</b> 14:19;15:1	<b>thereby (1)</b> 13:8	<b>two (6)</b> 13:21;28:9,12;29:15; 33:21,21	<b>Waste (4)</b> 15:8;16:2;24:19,23	
<b>steep (1)</b> 30:23	<b>thinking (1)</b> 31:7	<b>types (1)</b> 33:22	<b>wastewater (1)</b> 25:1	
	<b>Third (1)</b> 20:6			

## Part B

## Attachment Index

Attachment 1	Agenda
Attachment 2	Resolution to adopt amendments to ADEM Admin. Code Div. 3, Air Pollution Control Program Regulations (Agenda Item 4)

## Attachment 1

**Amended 04/09/12**

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
DATE: April 20, 2012  
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

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on February 24, 2012**	2
2. Report from the Director	2
3. Report from the Commission Chair	2
4. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations	2
5. Other business	2
6. Future business session	2
PUBLIC COMMENT PERIOD	3 & Attachment

\* The Agenda for this meeting will be available on the ADEM website,  
[www.adem.alabama.gov](http://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 24, 2012
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations, Rules 335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, 335-3-14-.04, and Appendix C. The revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Additional changes to Chapter 14 of Division 3 Code are being proposed to include federal definitions and requirements for replacement units at major sources located in areas designated as attainment or unclassifiable under the Clean Air Act. Chapter 335-3-14 is considered part of the federally-enforceable State Implementation Plan (SIP). Revisions to this Chapter are proposed to be incorporated into Alabama's SIP. The Department held a public hearing on the proposed amendments on February 8, 2012.

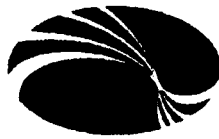
5. OTHER BUSINESS
6. FUTURE BUSINESS SESSION

**PUBLIC COMMENT PERIOD**

(The request from the public to address the Commission is attached to the agenda.)

**Request**

Mitch Reid, on behalf of the Alabama Rivers Alliance  
SUBJECT: Need for a comprehensive water management plan in  
Alabama and how ADEM can play a key role in this important issue.  
(Chair Lester will recommend approval of the request.)



Alabama Rivers Alliance  
*Water Is Life*

April 2, 2012

John H. Lester, D.V.M. (Chair)  
c/o Environmental Management Commission  
P.O. Box 301463  
Montgomery, AL 36130-1463

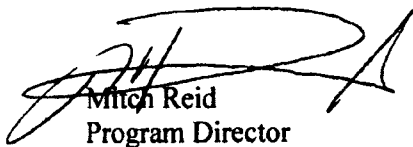
Sent via email to Debi Thomas at [DST@adem.state.al.us](mailto:DST@adem.state.al.us)

Dear Mr. Lester,

I am writing to request to speak on behalf of the Alabama Rivers Alliance at the Environmental Management Commission meeting on April 20, 2012. The topic of my presentation will be the need for a comprehensive water management plan in Alabama and how ADEM can play a key role in this important issue. I understand that the time limit for public presentations is approximately 10 minutes and I am happy to send a copy of my presentation prior to the meeting if desired.

Thank you for your time and consideration of this request.

Sincerely,

  
Mitch Reid  
Program Director



## Attachment 2

## **ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-3 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 did not receive any written or oral comments at the public hearing or during the public comment period.

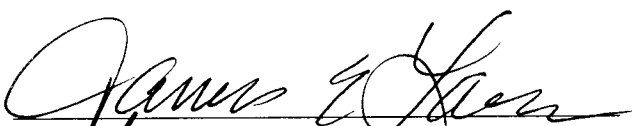
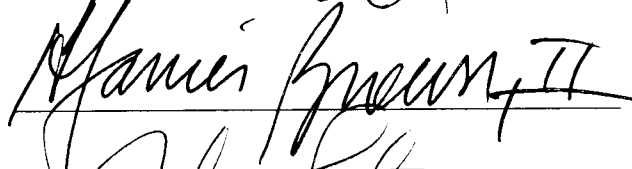

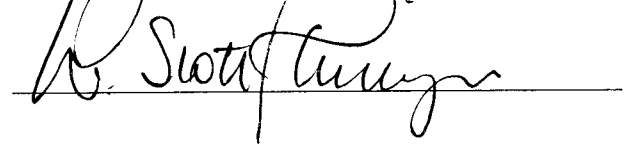

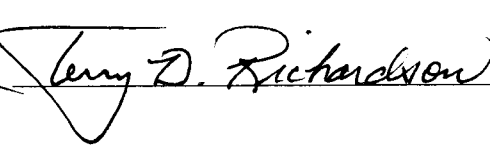
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [rule 335-3-10-.01/General (Amend); 335-3-10-.02/Designated Standards of Performance (Amend); 335-3-11-.01/General (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend); 335-3-14-.04/Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)] (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 20<sup>th</sup> day of April 2012.

APPROVED:

   	 
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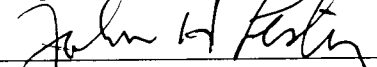
DISAPPROVED:

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ABSTAINED:

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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 20th day of April 2012.

  
\_\_\_\_\_  
John H. Lester, Chair  
Environmental Management Commission  
Certified this 20th day of April 2012