

4/19/13

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 15, 2013**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on February 15, 2013.

A handwritten signature in black ink, appearing to read "H. Lanier Brown, II". The signature is written in a cursive style and is positioned above a horizontal line.

H. Lanier Brown, II
Chair
Alabama Environmental Management Commission

Certified this 19th day of April 2013.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 15, 2013

Convened: 11:00 a.m.
Adjourned: 11:41 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachments 1 - 4

Part A

Page 1

1
2 * * * * *
3
4 ALABAMA ENVIRONMENTAL
5 MANAGEMENT
6 COMMISSION MEETING
7
8 * * * * *
9
10 ALABAMA DEPARTMENT OF ENVIRONMENTAL
11 MANAGEMENT
12 (ADEM) Building
13 1400 Coliseum Boulevard
14 Alabama Room
15 Montgomery, Alabama 36110-2400
16
17 February 15, 2013
18 11:00 a.m.
19
20
21
22 Taken by: Margaret-Lea Flatt, ACCR# TL2024
23

Page 3

1 (The meeting began at
2 11:00 a.m.)
3 CHAIRMAN BROWN: Good
4 morning. We'll call the February 15,
5 2013, meeting of the Environmental
6 Management Commission to order. First, we
7 will acknowledge that we not only have a
8 quorum, but we have the entire Commission
9 present.
10 First on the agenda is
11 consideration of the minutes of the
12 meeting held on December 14, 2012. The
13 minutes have been circulated to the
14 members of the Commission, and at this
15 time I will entertain motion.
16 COMMISSIONER RICHARDSON:
17 Move to adopt.
18 COMMISSIONER LAIER: Second.
19 CHAIRMAN BROWN: Any comments
20 or discussion?
21 (No response.)
22 CHAIRMAN BROWN: I will call
23 for the question. Everybody in favor?

Page 2

1 A P P E A R A N C E S
2
3 COMMISSION MEMBERS PRESENT:
4 H. Lanier Brown, II, Esq., Chair
5 W. Scott Phillips, Vice Chair
6 James E. Laier, Ph.D., P.E.
7 John H. Lester, D.V.M.
8 Mary J. Merritt
9 Samuel L. Miller, M.D.
10 Terry D. Richardson, Ph.D.
11
12 ALSO PRESENT:
13 Robert Tambling, EMC Legal Counsel
14 Debi Thomas, EMC Executive Assistant
15 Lance R. LeFleur, ADEM Director
16 Phillip Davis, Chief, Land Division
17 Daphne Smart, Chief
18 Industrial/Municipal Branch,
19 Water Division
20
21
22
23

Page 4

1 ALL: Aye.
2 CHAIRMAN BROWN: All opposed?
3 (No response.)
4 CHAIRMAN BROWN: Minutes are
5 adopted.
6 Next on the agenda is a report
7 from our Director.
8 DIRECTOR LEFLEUR: Good
9 morning, and welcome to all of you present
10 for the third of the six scheduled
11 meetings of the Alabama Environmental
12 Management Commission for Fiscal Year
13 2013. We are all pleased to see that
14 Dr. Lester continues to be willing to
15 serve the State and this Commission until
16 his replacement is named. Nice to see
17 you.
18 I have to apologize for the
19 length of my report before I ever get
20 started, but please bear with me. In
21 today's report, I will comment on several
22 budgetary items, update you on some of the
23 Department's ongoing initiatives, and

<p style="text-align: right;">Page 5</p> <p>1 offer the last of three installments 2 highlighting environmental progress during 3 the last 30 years on ADEM's watch. 4 Budget items first. We are now 5 almost five months into Fiscal Year 2013. 6 As we approach the halfway mark, it 7 appears the State General Fund Revenues 8 are on target, and at this point, it does 9 not appear that proration will be required 10 this year. 11 The Governor has introduced his 12 proposed budget for Fiscal Year 2014. In 13 it, Governor Bentley has proposed that the 14 Legislature adopt a general fund 15 allocation that will fund Departmental 16 operations at zero. The proposed budget 17 does include a \$380,000 general fund line 18 item earmarked to pay for implementation 19 of the Concentrated Animal Feeding 20 Operations or CAFO program. 21 The Governor's FY2014 budget 22 compares to the final FY2013 General Fund 23 allocation of \$2.7 million for operations,</p>	<p style="text-align: right;">Page 7</p> <p>1 absolutely necessary if Alabama is to 2 maintain the ability to issue the NPDES 3 water permits required by new and existing 4 industry. 5 The budget process is just 6 beginning, so I'll be reporting -- I'll be 7 providing you regular updates on the House 8 and Senate as the House and Senate 9 undertake budget deliberations. 10 Now to some ongoing 11 initiatives. In previous Commission 12 meetings, I've recounted how, on many 13 occasions, working in partnership with 14 other organizations and individuals, 15 ADEM's mission has been accomplished more 16 effectively. Some past examples 17 have been: working with USDA to arrange 18 funding for wastewater treatment 19 facilities that improve water quality in 20 impoverished communities; working with 21 environmental organizations and local 22 elected officials to better control storm 23 water in sensitive coastal estuarial</p>
<p style="text-align: right;">Page 6</p> <p>1 and \$350,000 for CAFO. As you may recall, 2 the FY2013 funding level required the sale 3 of the Department's surveillance aircraft 4 for the \$1.2 million additional necessary 5 to meet minimum operating requirements. 6 Based on this, I will be coming 7 to you in your April meeting with a 8 request for rule making to implement a 9 50 percent increase in the Department's 10 fee schedule, excluding the Clean Air Act 11 Title V fees, which are formula driven and 12 already adjusted each year. 13 As you are well aware, a 14 majority of ADEM's budget comes from 15 federal sources in payment for ADEM 16 administering federal statutes such as the 17 Clean Air Act, the Clean Water Act, and 18 the Resource Conservation and Recovery 19 Act. 20 The proposed fee increase will 21 assure that at least the minimum portion 22 of the budget required to be provided from 23 State sources will be available. This is</p>	<p style="text-align: right;">Page 8</p> <p>1 areas; and working with the military to 2 clean up chemical and conventional weapons 3 on federal facilities. 4 Building working partnerships 5 is an ongoing effort. In recent weeks, 6 the Department held its 24th annual 7 Non-Point Source conference, which brings 8 together a wide array of more than 300 9 local leaders -- local community leaders 10 and other interested parties in the 11 voluntary Non-Point Source Program to 12 improve water quality in water bodies 13 where general runoff is the major water 14 quality issue. 15 Efforts are currently underway 16 to implement a voluntary environmental 17 assessment program with government and 18 private sector partners in the city of 19 Montgomery to improve groundwater in the 20 downtown area. 21 The department has many 22 longstanding relationships with many of 23 the universities in Alabama. Over the</p>

Page 9

1 last several months, ADEM and the
2 University of South Alabama have been
3 working to build a closer relationship.
4 USA has the only coastal engineering
5 program in Alabama, and is able to provide
6 important input to the ongoing coastal oil
7 spill cleanup. With the prospect of
8 funding becoming available for widespread
9 environmental restoration and enhancement
10 on the Alabama coast, USA will be an
11 important source of expertise.
12 More of these type
13 collaborations will be evident in the
14 upcoming review of our Field Operations
15 Division.
16 At the last two Commission
17 meetings, I reviewed some of the
18 environmental progress our State has made
19 during the last 30 years since ADEM was
20 formed. Activities in the Air, Land,
21 Water, and Permits & Services Divisions
22 were highlighted previously.
23 Today I will close out this

Page 10

1 30th anniversary look back by focusing on
2 our largest division, Field Operations.
3 The Field Operations Division
4 supports the other four divisions as our
5 "boots on the ground" throughout the
6 State. It is the assignment of the Field
7 Ops Division to provide quality data and
8 consistent long-term monitoring to support
9 science-based permitting and enforcement.
10 Workers in this division
11 collect and analyze air, land, and water
12 data from one end of the state to the
13 other, so the organization is required to
14 be multi-dimensional and adaptable. Field
15 Ops is where the rubber meets the road.
16 Please direct your attention to
17 the monitor.
18 Let's see here. I don't seem
19 to be moving forward. Do we have a
20 technical expert here that might be able
21 to help the Director? There we go. Okay.
22 (Reviewing presentation.)
23 This first slide is the first

Page 11

1 of several slides that will give you the
2 feel for the breadth of the activities of
3 this division.
4 Field Operations monitors
5 ambient air quality at 22 locations
6 throughout the State for ozone,
7 particulates, and lead. During normal
8 periods of rainfall, the state of Alabama
9 is blessed with an abundance of water
10 resources including 77,000 miles of
11 waterways.
12 In the water area, ADEM has
13 developed a number of water quality
14 monitoring programs to enhance the
15 understanding of the chemistry, habitat
16 quality, and biological health of our
17 surface waters and these programs include:
18 Rivers & Reservoirs Monitoring Program,
19 Wadeable Rivers & Streams Monitoring
20 Program, Fish Tissue Monitoring Program,
21 Wetlands Monitoring Program, and Coastal
22 Waters Monitoring Program.
23 Each of these programs is

Page 12

1 distinctive, and each is overseen by the
2 Field Operations Division.
3 For example, our Fish Tissue
4 Monitoring Program is a collaborative
5 effort between ADEM, the Alabama
6 Department of Conservation and Natural
7 Resources, the Alabama Department of
8 Public Health, and the Tennessee Valley
9 Authority.
10 Each year, approximately 500
11 fish are collected and analyzed for
12 bio-accumulative pollutants and the data
13 is provided to the Health Department for
14 evaluation as they develop Fish
15 Consumption Advisories. This program is
16 critical to ensuring that any fish caught
17 and eaten in the State of Alabama are safe
18 for human consumption.
19 As part of the Coastal Waters
20 Monitoring Program, ADEM works in
21 partnership with the Alabama Department of
22 Public Health and pursuant to the Federal
23 BEACH Act to monitor for bacteria on

Page 13

1 Alabama's beaches. This effort involves
2 the collection of water samples from 25
3 public recreational sites in Alabama's
4 coastal waters.
5 The objective of this
6 collaboration is to increase public
7 awareness and provide valuable water
8 quality information to help the public
9 make more informed decisions concerning
10 the recreational use of Alabama's natural
11 coastal waters.
12 It's noteworthy that although
13 several bay monitoring sites tend to have
14 elevated bacteria following significant
15 rainfall events, none of Alabama's
16 Gulf-fronting beaches have exceeded the
17 ambient water quality criteria for
18 bacteria. This information has proven
19 popular with tourists visiting South
20 Alabama. Unfortunately, the President has
21 proposed eliminating funding for this part
22 of our Coastal Waters Monitoring Program
23 in his proposed FY2013 budget.

Page 15

1 Department, the productivity of the Field
2 Operations Division has increased
3 dramatically since the formation of the
4 Department in order to meet the ever
5 increasing needs of our State. The
6 Department now has 25,000 facilities
7 permitted, and the job of oversight falls
8 in large part to Field Ops.
9 There's been more than a
10 40-fold increase in the annual rate of
11 inspections over the last 30 years. The
12 increase in inspection activities is
13 attributable to the increased number of
14 regulatory programs, the need for
15 environmental data associated with
16 regulated facilities, and the continuing
17 enhancements in technology that allow
18 Field Ops to more efficiently carry out
19 inspections.
20 While mandates for more
21 inspections increase, budgets are flat or
22 declining, which means Field Operations
23 must continue to find ways to do more with

Page 14

1 Our CAFO program provides
2 oversight of both animal feeding
3 operations and the larger concentrated
4 animal feeding operations. It was
5 developed using interagency/stakeholder
6 CAFO workgroup, which began in 1997.
7 Developed with efficiency in mind, it was
8 the first program in the Department to use
9 electronic registration.
10 This cooperative effort
11 resulted in a regulatory program that has
12 been consistently recognized as a model
13 throughout the country. It has been so
14 effective in enhancing animal waste
15 management that a number of water bodies
16 have been removed from our 303(d) list of
17 impaired waters due to the attainment of
18 these CAFO standards.
19 Our Field Operations staff
20 currently monitors some 595 concentrated
21 animal feeding operation NPDES permit
22 registrations.
23 As with the rest of the

Page 16

1 less.
2 Setting permit limits,
3 analyzing inspection sampling, and taking
4 enforcement action all require quality
5 data. Field Operations performs more than
6 50,000 analytical procedures annually at
7 our laboratories in Birmingham,
8 Montgomery, and Mobile. Each of these
9 labs performs wet chemistry and classical
10 chemistry such as nutrient and metals
11 analyses.
12 Specialized organic and
13 radiochemistry analyses are performed in
14 our central lab here in Montgomery, and a
15 bacteriological lab capability has been
16 developed in our Decatur office.
17 They have to get it right. As
18 a regulatory agency, it is critical that
19 our data be unimpeachable. EPA, the
20 regulated community, and independent
21 certifying organizations regularly review
22 the Department's lab operations and data
23 quality and consistently offer high

<p style="text-align: right;">Page 17</p> <p>1 praise.</p> <p>2 As mentioned in the last slide,</p> <p>3 ADEM's field offices are strategically</p> <p>4 located in Decatur, Birmingham,</p> <p>5 Montgomery, and Mobile. This not only</p> <p>6 allows for efficient oversight of the</p> <p>7 regulated community for compliance, it</p> <p>8 also allows for timely responses to</p> <p>9 environmental emergencies.</p> <p>10 Responses are normally</p> <p>11 triggered by severe weather events,</p> <p>12 facility-based incidents, and</p> <p>13 transportation accidents. On the average,</p> <p>14 emergency personnel respond to nearly one</p> <p>15 emergency per day somewhere in Alabama.</p> <p>16 In these situations, the</p> <p>17 Department's responders quickly provide</p> <p>18 guidance to responsible entities on how to</p> <p>19 mitigate environmental damages and threats</p> <p>20 to human health. The emergency response</p> <p>21 staff is on-call 24 hours per day/7 days</p> <p>22 per week, and is thoroughly trained to be</p> <p>23 prepared to address any environmental</p>	<p style="text-align: right;">Page 19</p> <p>1 post-oiling photograph on the left-hand</p> <p>2 side of the slide, the impacts stand in</p> <p>3 stark contrast to the post-cleanup picture</p> <p>4 on the right. Near shore tar mats</p> <p>5 continue to serve as feedstock for</p> <p>6 re-oiling of our beaches with tar balls.</p> <p>7 The Department continues to monitor the</p> <p>8 ongoing cleanup of the beaches to ensure</p> <p>9 that the cleanup is effective and the</p> <p>10 response is fully coordinated with local</p> <p>11 and State officials.</p> <p>12 If there's an emergency in</p> <p>13 Alabama that impacts the environment,</p> <p>14 whether it is the historic Deepwater</p> <p>15 Horizon oil spill, the devastating</p> <p>16 tornadoes of April 2011, or the fuel</p> <p>17 tanker that wrecked on the interstate</p> <p>18 early one morning, ADEM is there.</p> <p>19 The Field Operations Division</p> <p>20 provides our "boots on the ground" not</p> <p>21 only during times of crisis, but also</p> <p>22 during our day-to-day statewide monitoring</p> <p>23 of environmental permits.</p>
<p style="text-align: right;">Page 18</p> <p>1 crisis that may arise.</p> <p>2 The largest environmental</p> <p>3 management response in our nation's</p> <p>4 history, in our State's history, and</p> <p>5 certainly in ADEM's history is the</p> <p>6 Deepwater Horizon oil spill. The</p> <p>7 Department was involved in the Deepwater</p> <p>8 Horizon oil spill response from April 20,</p> <p>9 2010, shortly after the well blew, right</p> <p>10 up to today.</p> <p>11 This response has been the most</p> <p>12 resource intensive response effort in the</p> <p>13 Department's history with more than 58,000</p> <p>14 work hours expended to date. The impacts</p> <p>15 on Alabama's coastline and economy were</p> <p>16 severe, and the Department's staff</p> <p>17 continues to work on a seven-days-per-week</p> <p>18 schedule to ensure effective clean up.</p> <p>19 From the beginning, ADEM was the lead</p> <p>20 response agency and is the only State</p> <p>21 agency which has continuously worked the</p> <p>22 response from day one.</p> <p>23 As you can see in the</p>	<p style="text-align: right;">Page 20</p> <p>1 These slides highlight a few of</p> <p>2 the significant activities of the Field</p> <p>3 Operations Division. This closes out my</p> <p>4 three-part report on the environmental</p> <p>5 accomplishments over the last 30 years,</p> <p>6 which the Department, the Commission, and</p> <p>7 the people of Alabama can rightfully</p> <p>8 celebrate.</p> <p>9 A comprehensive printed report</p> <p>10 detailing these 30 years of progress is</p> <p>11 now available in the lobby, and you may</p> <p>12 have them in your folders before you now.</p> <p>13 The discussion of the Field</p> <p>14 Operations Division presents an</p> <p>15 opportunity to bring to your attention an</p> <p>16 important current topic which is a</p> <p>17 developing situation at our Field Ops</p> <p>18 Mobile Field Office.</p> <p>19 About two weeks ago on January</p> <p>20 30th, ADEM was notified that the leased</p> <p>21 building at the Brookley Industrial</p> <p>22 Complex that houses the Coastal Program is</p> <p>23 scheduled for demolition to make way for</p>

<p style="text-align: right;">Page 21</p> <p>1 the new Airbus aircraft manufacturing 2 facility, and we will be required to 3 vacate the premises in June of this year. 4 This makes more urgent the need to 5 assesses the proper physical facilities 6 for our Mobile operation. 7 Like our other field offices, 8 Mobile executes the standard regulatory 9 activities such as permit issuance, 10 performing inspections, performing lab 11 analysis, and taking enforcement action on 12 a regional basis. Additionally, it is 13 responsible for implementing the Coastal 14 Waters Monitoring program, highlighted in 15 an earlier slide. 16 The Mobile area has a large 17 industrial base that is on the verge of 18 dramatic expansion with the addition of 19 the Airbus manufacturing complex and its 20 associated suppliers. Expansion of the 21 Panama Canal is nearly complete, and it is 22 anticipated to significantly increase port 23 activity in Mobile.</p>	<p style="text-align: right;">Page 23</p> <p>1 facilities for our Mobile office have 2 already resulted in operational 3 inefficiencies, and how they may seriously 4 hinder efforts to manage the coming 5 industrial and environmental demands. 6 Due to a lack of affordable 7 space of the necessary size, Mobile 8 operations are housed in two locations. 9 Again, please direct your 10 attention to the monitor. 11 One is this laboratory and 12 office space building dating from a time 13 before ADEM was created some 30 years ago. 14 Note the sagging roof. It's at the top of 15 the slide on the right-hand side. The 16 building is owned and the cost is low; 17 however, as you can see, on these next few 18 slides, the building has numerous 19 problems. 20 There are structural 21 problems such as building subsidence. It 22 has poor roof integrity, and is not 23 weather-tight resulting in environmental</p>
<p style="text-align: right;">Page 22</p> <p>1 The Mobile and Baldwin County 2 area is home to some of the most important 3 estuaries and wetlands in the nation, as 4 well as coastal related economic drivers 5 such as beach tourism and the seafood 6 industry. The area is also on the verge 7 of significant environmental restoration 8 and enhancement activities resulting from 9 the Deepwater Horizon incident which was 10 also highlighted in an earlier slide. 11 More than any other area of the 12 State, Mobile is where two existing and 13 future potentially conflicting activities; 14 namely, significant heavy industrial 15 development, and extremely important 16 environmental enhancement must take place 17 side by side. ADEM's Field Operations 18 Division, and more specifically, ADEM's 19 Mobile Field Office is charged with 20 managing a balance between these 21 activities. 22 I want to provide you some 23 background on how inadequate physical</p>	<p style="text-align: right;">Page 24</p> <p>1 control problems. The facility is 2 undersized to house 23 employees and a 3 functioning laboratory. 4 Cramped quarters results in 5 sometimes incompatible functions being 6 combined. In the left-hand photo, we see 7 a "clean room" chemical storage, field 8 equipment, and paper files co-mingled. The 9 right-hand photo shows broken lab benches 10 and unused lab storage drawers -- unusable 11 lab storage drawers taped shut. 12 Performing the modern high quality lab 13 analysis required of a regulatory agency 14 with enforcement responsibilities, even 15 without the anticipated ramped up activity 16 level, is tenuous in this type of 17 facility. 18 Due to insufficient space in 19 this facility, approximately two miles 20 away there's a second office location. 21 This second location houses the 13 22 employees that operate our Coastal 23 Program. Common supervision is split</p>

Page 25

1 between the two sites. As you can see,
2 this facility is a World War II vintage
3 military structure located on the old
4 Brookley Airfield.
5 As mentioned a few moments
6 ago, the building is scheduled for
7 demolition to make way for the new Airbus
8 aircraft manufacturing facility, and ADEM
9 will be required to vacate the premises.
10 Options to address the immediate
11 relocation requirements, as well as the
12 strategic physical facilities
13 requirements, are being evaluated. I'll
14 be reporting progress in future meetings.
15 The staff in our Field
16 Operations Division and each of our field
17 offices does a tough job, and they do it
18 well. I would like to introduce our field
19 office chiefs. If they would please
20 stand. Ed Poolos is our Decatur field
21 office chief; Paul Rogers in Birmingham,
22 Fred Leslie, our Montgomery field office
23 chief; and Joe Price, our lab chief here

Page 26

1 in our central lab; and Scott Brown, our
2 Mobile office chief could not be with us
3 today due to illness. And I'd also like
4 for Steve Jenkins to please stand; he's
5 the Field Operations Division Chief.
6 The Field Ops Division is
7 our eyes and ears responsible for
8 collecting and analyzing data in support
9 of a sound, science-based regulatory
10 system. I appreciate their dedication.
11 With that, once again, let
12 me close with my thanks to you for serving
13 the State of Alabama as Commissioners and
14 the Alabama Environmental Management
15 Commission, and for allowing me to serve
16 the State in my current capacity. If
17 there's any questions I'd be pleased to
18 try and answer them.
19 CHAIRMAN BROWN: Have you
20 identified a potential location yet?
21 DIRECTOR LEFLEUR: Well, we
22 got the news fairly recently, on January
23 the 30th. But I've already had

Page 27

1 conversations with Commissioner Laier.
2 University of South Alabama has a science
3 office park; they may be a little too high
4 cost for us, but we shall see about that.
5 We're also having conversations
6 with some of the other land owners in that
7 area. The area is developing very quickly
8 and finding affordable space is going to
9 be a challenge.
10 VICE-CHAIRMAN PHILLIPS: Two
11 things. One, thank you very much for the
12 program that you've given to us about the
13 last 30 years, and thank you and all the
14 professionals that work for ADEM for all
15 that you've done for us. The second item
16 that I have is the budget. I mean, to say
17 I'm disappointed is an understatement.
18 To think that the Governor
19 would propose a zero budget from the
20 General Fund, I just can't fathom that --
21 let me finish. I know and I respect that
22 you're looking for options for gaining
23 funding for permit fees most certainly is

Page 28

1 one way to do that, but having sat here
2 for a long time, I can imagine that if we
3 haven't already received phone calls, we
4 will.
5 And so I'm going to ask you, as
6 I've asked you before, I'm really going to
7 want to know that the permit fees cover
8 the cost of permitting, not the cost of
9 everything else you do. And that we have
10 other options for covering those costs, if
11 we're not going to get any General Fund
12 money.
13 So as you prepare for April, I
14 think it's going to be important -- I most
15 certainly will share with you the views
16 that the people that I'm sure I will hear
17 from, and I will ask that you share with
18 us, as much as you can, on the cost of
19 programs and what it will really take to
20 run ADEM effectively.
21 I don't think we can ask you to
22 continue to be more efficient than you've
23 already been. I don't know how you do

Page 29

1 what you do, but I thank you for what you
2 do. I think you need this Commission to
3 be as vocal as you are about the need for
4 funding. So that's all I have.

5 **DIRECTOR LEFLEUR:**
6 Commissioner Phillips, I thank you for
7 those comments. I think that the
8 zero-funding level for ADEM is an
9 indication of the dire straights our State
10 General Fund finds itself in now. And it
11 is our -- we are dedicated to doing
12 everything that we can to make sure that
13 the Department is properly funded, and to
14 get that message out to not just the
15 Legislature, but also to the regulated
16 community, and to the public in general.
17 And your point is exceptionally
18 well-taken, and there are others that have
19 expressed similar comments. Thank you for
20 them.

21 **COMMISSIONER RICHARDSON:**
22 Director, I'm concerned -- again, I too
23 want to express my thanks for the

Page 31

1 I believe that the fee increase
2 will be required, based on what happened
3 in 2013, and the fact that 2014 is going
4 to be an even tighter year for the General
5 Fund budget. Our field operations down in
6 Mobile are clearly going to be critical in
7 the coming years. We will be pursuing
8 some sources of funding that are outside
9 of our normal budget process to see if we
10 can have that facility funded from
11 appropriate sources that the State may
12 have available.

13 **VICE-CHAIRMAN PHILLIPS:** I
14 have one more, based on what I just heard.
15 I do understand that the State's in dire
16 straits, we all are. We all live in the
17 same economy. So I don't want to belittle
18 the comment that the State has to look at
19 ways to cut costs. But cutting costs to
20 zero, makes it very hard to do a job. And
21 we have federal funds that are linked to
22 those funds.

23 So all I ask is before we take

Page 30

1 presentation and all the work that the
2 field officers do, but maybe I'm confused
3 here. I kind of was under the impression
4 that it was your encouragement that we
5 were going to be zeroed out of the budget,
6 and that the idea was to stabilize things
7 through the fee increases. And I'm
8 wondering, given the circumstances that
9 have arisen now in Mobile, is this the
10 prudent time to be doing that?

11 **DIRECTOR LEFLEUR:** Please
12 don't mistake my planning ahead with a fee
13 increase to be an encouragement that the
14 State do anything but fund the Department
15 in a way that's appropriate. Our fee
16 increase plan and proposal has been based
17 on the fact that in 2013 -- Fiscal Year
18 2013, the Department was already zero, in
19 effect, zero budgeted because money was
20 taken from the Scrap Tire Fund, another
21 ADEM program, and put into the Operations
22 Fund, which cut the Scrap Tire portion of
23 our mission.

Page 32

1 on permit fees in April, that we, as a
2 Commission, understand what it really
3 costs to run this agency, and what costs
4 really can be covered by permit fees.
5 Because I don't think we're going to get a
6 lot of reception from people paying permit
7 fees for using those funds -- well, I
8 don't think you can use it for anything
9 but permitting costs, and if you can, we
10 need to know that. And if you can't, we
11 need to know how you're going to pay for
12 the things that you can't use that money
13 for, for the different programs.

14 It is our responsibility to
15 make sure that you have what you need to
16 do your jobs. And at zero I don't know
17 that you do. And I'm not sure 50 percent
18 permit fees -- I'm not sure at this point,
19 50 percent increase in permit fees will
20 cover everything that you need.

21 **DIRECTOR LEFLEUR:** Well, as
22 it was put to me a few days back: "How
23 many rivets can you take out of the

Page 33

1 airplane before it crashes?" And what we
2 are seeking to do is to make sure that
3 that key rivet does not come out of that
4 airplane.
5 VICE-CHAIRMAN PHILLIPS: Well,
6 I don't want to be on the plane when you
7 take the wrong one out. Thank you.
8 CHAIRMAN BROWN: Any others?
9 (No response.)
10 CHAIRMAN BROWN: Thank you.
11 DIRECTOR LEFLEUR: Thank you.
12 CHAIRMAN BROWN: I don't have
13 any formal report of the Chair, other than
14 to thank the Department for all its work
15 over the last 30 years, and thank the
16 Director for his presentation.
17 Agenda item Number 4,
18 consideration of the adoption of proposed
19 amendments to the ADEM Administrative Code
20 Division 335-5, Uniform Environmental
21 Covenants Program Regulations. Here at
22 this time, we'll hear from the Department
23 with comments.

Page 34

1 MR. DAVIS: Good morning,
2 Mr. Chairman, members of the Commission,
3 I'm Phillip Davis. I'm Chief of the Land
4 Division. During the 2012 legislative
5 session, Act 2-12-317 was passed and
6 signed into law by Governor Bentley, which
7 amends Section 35-19-2, of the Code of
8 Alabama, to exempt underground and
9 aboveground storage tanks storing motor
10 fuel from the requirements of the Alabama
11 Uniform Environmental Covenants Act.
12 To comply with this amendment in
13 State law, the Department is proposing to
14 revise certain regulations contained in
15 the Division 5 of the ADEM Administrative
16 Code. These proposed revisions are before
17 you today for your consideration.
18 In addition to these changes,
19 several other minor changes to the
20 Division 5 are being proposed, which
21 include: language to clarify the
22 applicability to federal facilities;
23 language to clarify the recording of

Page 35

1 covenants; clarifications to the
2 applicability of certain fees for certain
3 types of controls; and, finally, other
4 minor revisions to correct typographic and
5 formatting error.
6 A public notice of these
7 proposed changes began on October 21,
8 2012, and a public hearing was held on
9 December 13, 2012. No oral comments were
10 received at the hearing, and no written
11 comments were received during the comment
12 period, which ended on December 13, 2012.
13 At this time, the Department
14 requests the Commission to adopt these
15 rules as presented, and I'd be glad to
16 answer any questions that you might have.
17 VICE-CHAIRMAN PHILLIPS: Move
18 that we adopt the proposed amendments.
19 COMMISSIONER RICHARDSON:
20 Second.
21 CHAIRMAN BROWN: Chair will
22 call to question all in favor of adopting
23 the proposed amendments as described. All

Page 36

1 in favor say "Aye."
2 ALL: Aye.
3 CHAIRMAN BROWN: Thank you
4 very much.
5 Next, Agenda Item 5 -- excuse
6 me, the Commission will consider the
7 adoption of proposed new Chapter 13,
8 Centralized Waste Treatment Facility
9 Financial Assurance Requirements within
10 the ADEM Administrative Code Division
11 335-6, Water Quality Program Regulations.
12 The Commission will hear from the
13 Department.
14 MS. SMART: Good afternoon.
15 I am Daphne Smart; I am Chief of the
16 Industrial/Municipal Branch of the Water
17 Division.
18 You have before you the
19 complete hearing record for a proposed new
20 chapter in the Water Program, Division 6
21 Regulations. Chapter 13 details financial
22 assurance requirements for centralized
23 waste treatment facilities. This chapter

Page 37

1 is being proposed to implement the
2 requirements of the Centralized Waste
3 Treatment Act passed by the Alabama
4 Legislature.
5 Chapter 13 would require
6 centralized waste treatment facilities to
7 post a bond or other financial assurance
8 mechanism prior to the issuance,
9 reissuance, or modification of a National
10 Pollutant Discharge Elimination System,
11 (NPDES), or State Indirect Discharge,
12 (SID), permit.
13 The financial assurance
14 mechanism would be required to be in an
15 amount sufficient for closure of the
16 facility if the owner or operator abandons
17 the facility, ceases operation of the
18 facility, or fails to properly maintain
19 the facility to ensure compliance with
20 State environmental regulations.
21 On January, 16, 2013, a public
22 hearing was held to receive data, views,
23 and comments from interested persons

Page 39

1 questions?
2 (No response.)
3 CHAIRMAN BROWN: Would this
4 help us avoid situations like REEF down in
5 Sylacauga?
6 MS. SMART: It would not
7 prevent a new CWT from coming in if they
8 would meet all the regulations. However,
9 at the point that facility ceased
10 operations, in this case it was a
11 bankruptcy, there would be a financial
12 mechanism there that a third party could
13 come in and do closure of that facility.
14 So it would be a quicker response, and we
15 wouldn't have to -- hopefully wouldn't
16 have to pull EPA in to do additional
17 closure.
18 CHAIRMAN BROWN: Any other
19 questions from the Commission?
20 (No response.)
21 VICE-CHAIRMAN PHILLIPS: Move
22 that we accept the new regulation.
23 CHAIRMAN LESTER: Second.

Page 38

1 regarding the proposed new regulations.
2 Written comments were accepted during the
3 public comment period, which extended from
4 December 2, 2012, through February 4,
5 2013.
6 During the comment period, the
7 Department received written comments from
8 one individual. At the hearing on January
9 16, 2013, no written or oral comment
10 testimony was received. The commenter was
11 in support of the regulations; however,
12 requested additional requirements beyond
13 those specified under the Act passed by
14 the Alabama Legislature.
15 No changes were made to the
16 proposed new chapter as a result of the
17 comments. As discussed in the
18 reconciliation statement, the Department
19 requests that the Commission adopt the new
20 chapter as presented to you today, and I'd
21 be happy to address any questions that you
22 may now have.
23 CHAIRMAN BROWN: Any

Page 40

1 CHAIRMAN BROWN: All in favor
2 of the new regulation as proposed and
3 described, say "aye."
4 ALL: Aye.
5 CHAIRMAN BROWN: Any opposed?
6 (No response.)
7 CHAIRMAN BROWN: Next on the
8 agenda is consideration of the adoption of
9 proposed amendments to ADEM Administrative
10 Code Division 335-14, Hazardous Waste
11 Program Regulations. The Chair will call
12 on the Department for comments.
13 MR. DAVIS: Thank you,
14 Mr. Chairman. Again, I'm Phillip Davis of
15 the Department's Land Division.
16 The Department is required to
17 ensure that its hazardous waste
18 regulations remain equivalent to those of
19 the U.S. Environmental Protection Agency
20 in order to retain our program
21 authorization from EPA.
22 To maintain this equivalency,
23 ADEM must annually revise our regulations

Page 41

1 to capture any new or revised federal
2 rules. The proposed revisions to Division
3 14 of the ADEM Administrative Code, which
4 is before you for your consideration,
5 would incorporate hazardous waste
6 regulations promulgated by EPA from
7 July 1, 2011, through June 30, 2012.
8 In the rule making, the
9 Department is proposing to do the
10 following: adopt federal technical
11 corrections; add a wastewater treatment
12 sludge generated by ISE Innomotive Systems
13 U.S. to the list of hazardous wastes
14 excluded from non-specific sources; add
15 chlorination reactor dust to the list of
16 hazardous wastes excluded from
17 non-specific sources; remove language
18 referencing corrective action from the
19 letter from the chief financial officers
20 submitted for the purposes of meeting the
21 financial assurance requirement; and to
22 make minor revisions to update and to
23 correct any typographic or formatting

Page 42

1 errors.
2 Public notice of these proposed
3 changes to the hazardous waste rules began
4 on October 28, 2012, and public hearing
5 was held here at ADEM on December 13,
6 2012. No oral comments were received at
7 the public hearing, and no written
8 comments were received during the comment
9 period that ended on December 13, 2012.
10 On January 16, 2013, the State
11 Committee of Public Health concurred with
12 the Department's recommendation to adopt
13 the rules as proposed.
14 At this time, the Department
15 requests that the Commission adopt these
16 rules as recommended, and I'll be glad to
17 answer any questions you may have.
18 VICE-CHAIRMAN PHILLIPS: I
19 move we adopt the proposed amendments.
20 COMMISSIONER RICHARDSON:
21 Second.
22 CHAIRMAN BROWN: All in favor
23 say, "Aye."

Page 43

1 ALL: Aye.
2 CHAIRMAN BROWN: All opposed?
3 (No response.)
4 CHAIRMAN BROWN: Thank you.
5 I don't believe we have any other business
6 to discuss. The Chair will note that the
7 next Commission meeting is April 19, 2013,
8 at 11:00 a.m., right here. I presume all
9 Commissioners will be available.
10 COMMISSIONER LAIER: I may
11 have an out of town conflict.
12 CHAIRMAN BROWN: Sounds like
13 we'll still have a quorum, so we'll be
14 here. If there's no other business, the
15 Chair will entertain a motion to adjourn.
16 VICE-CHAIRMAN PHILLIPS: I
17 move we adjourn.
18 CHAIRMAN BROWN: All in
19 favor?
20 ALL: Aye.
21 CHAIRMAN BROWN: I will
22 adjourn.
23 (The meeting concluded at

Page 44

1 11:41 a.m.)
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 * * * * *
2 REPORTER'S CERTIFICATE
3 * * * * *
4 STATE OF ALABAMA)
5 COUNTY OF MONTGOMERY)
6 I, Margaret-Lea Flatt, Certified Court
7 Reporter and Notary Public in and for the
8 State of Alabama at Large, do hereby certify
9 that on February 15, 2013, I reported the
10 forementioned proceedings, and that the
11 pages herein contain a true and accurate
12 transcription of the said proceedings.
13 I further certify that I am neither of
14 counsel nor of counsel to the parties to said
15 cause, nor in any manner interested in the
16 results thereof.
17 This the 28th day of February, 2013.
18
19
20 Margaret-Lea Flatt, ACCR TL2024
21 Certified Court Reporter and
22 Notary Public for the
23 State of Alabama
My Commission expires 1/16/17.

* * * * *

REPORTER'S CERTIFICATE

* * * * *

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

I, Margaret-Lea Flatt, Certified Court Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that on February 15, 2013, 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 28th day of February, 2013.

Margaret-Lea Flatt
Margaret-Lea Flatt, ACCR TL2024
Certified Court Reporter and
Notary Public for the
State of Alabama

My Commission expires 1/16/17.

	20:20;23:13;25:8; 27:14;28:20;29:8; 30:21;33:19;34:15; 36:10;40:9,23;41:3; 42:5	Alabama's (5) 13:1,3,10,15;18:15	April (6) 6:7;18:8;19:16; 28:13;32:1;43:7	12:23;13:14,18
§		allocation (2) 5:15,23	area (8) 8:20;11:12;21:16; 22:2,6,11;27:7,7	bacteriological (1) 16:15
\$1.2 (1) 6:4	ADEM's (7) 5:3;6:14;7:15;17:3; 18:5;22:17,18	allow (1) 15:17	arise (1) 8:1	balance (1) 22:20
\$2.7 (1) 5:23	adjourn (3) 43:15,17,22	allowing (1) 26:15	arisen (1) 18:1	Baldwin (1) 22:1
\$350,000 (1) 6:1	adjusted (1) 6:12	allows (2) 17:6,8	arrange (1) 7:17	balls (1) 19:6
\$380,000 (1) 5:17	administering (1) 6:16	almost (1) 5:5	array (1) 8:8	bankruptcy (1) 39:11
A	Administrative (5) 33:19;34:15;36:10; 40:9;41:3	although (1) 13:12	assesses (1) 21:5	base (1) 21:17
abandons (1) 37:16	adopt (9) 3:17;5:14;35:14,18; 38:19;41:10;42:12,15, 19	ambient (2) 11:5;13:17	assessment (1) 8:17	Based (4) 6:6;30:16;31:2,14
ability (1) 7:2	adopted (1) 4:5	amendment (1) 34:12	assignment (1) 10:6	basis (1) 21:12
able (2) 9:5;10:20	adopting (1) 35:22	amendments (5) 33:19;35:18,23;40:9; 42:19	associated (2) 15:15;21:20	bay (1) 13:13
aboveground (1) 34:9	adoption (3) 33:18;36:7;40:8	amends (1) 34:7	Assurance (5) 36:9,22;37:7,13; 41:21	BEACH (2) 12:23;22:5
absolutely (1) 7:1	Advisories (1) 12:15	amount (1) 37:15	assurance (1) 6:21	beaches (4) 13:1,16;19:6,8
abundance (1) 11:9	affordable (2) 23:6;27:8	analyses (2) 16:11,13	attainment (1) 14:17	bear (1) 4:20
accept (1) 39:22	afternoon (1) 36:14	analysis (2) 21:11;24:13	attention (3) 10:16;20:15;23:10	becoming (1) 9:8
accepted (1) 38:2	Again (4) 23:9;26:11;29:22; 40:14	analytical (1) 16:6	attributable (1) 15:13	began (4) 3:1;14:6;35:7;42:3
accidents (1) 17:13	agency (6) 16:18;18:20,21; 24:13;32:3;40:19	analyze (1) 10:11	Authority (1) 12:9	beginning (2) 7:6;18:19
accomplished (1) 7:15	agenda (5) 3:10;4:6;33:17;36:5; 40:8	analyzed (1) 12:11	authorization (1) 40:21	belittle (1) 31:17
accomplishments (1) 20:5	ago (3) 20:19;23:13;25:6	analyzing (2) 16:3;26:8	available (5) 6:23;9:8;20:11; 31:12;43:9	benches (1) 24:9
acknowledge (1) 3:7	ahead (1) 30:12	Animal (5) 5:19;14:2,4,14,21	average (1) 17:13	Bentley (2) 5:13;34:6
Act (9) 6:10,17,17,19;12:23; 34:5,11;37:3;38:13	Air (5) 6:10,17;9:20;10:11; 11:5	anniversary (1) 10:1	aware (1) 6:13	better (1) 7:22
action (3) 16:4;21:11;41:18	Airbus (3) 21:1,19;25:7	annual (2) 8:6;15:10	awareness (1) 13:7	beyond (1) 38:12
Activities (8) 9:20;11:2;15:12; 20:2;21:9;22:8,13,21	aircraft (3) 6:3;21:1;25:8	annually (2) 16:6;40:23	away (1) 24:20	bio-accumulative (1) 12:12
activity (2) 21:23;24:15	Airfield (1) 25:4	anticipated (2) 21:22;24:15	Aye (8) 4:1;36:1,2;40:3,4; 42:23;43:1,20	biological (1) 11:16
adaptable (1) 10:14	airplane (2) 33:1,4	apologize (1) 4:18	B	Birmingham (3) 16:7;17:4;25:21
add (2) 41:11,14	Alabama (22) 4:11;7:1;8:23;9:2,5, 10;11:8;12:5,7,17,21; 13:20;17:15;19:13; 20:7;26:13,14;27:2; 34:8,10;37:3;38:14	appear (1) 5:9	back (2) 10:1;32:22	blessed (1) 11:9
addition (2) 21:18;34:18		appears (1) 5:7	background (1) 22:23	blew (1) 18:9
additional (3) 6:4;38:12;39:16		applicability (2) 34:22;35:2	bacteria (3)	bodies (2) 8:12;14:15
Additionally (1) 21:12		appreciate (1) 26:10		bond (1) 37:7
address (3) 17:23;25:10;38:21		approach (1) 5:6		boots (2) 10:5;19:20
ADEM (22) 6:15;9:1,19;11:12; 12:5,20;18:19;19:18;		appropriate (2) 30:15;31:11		both (1) 14:2
		approximately (2) 12:10;24:19		Branch (1) 36:16
				breadth (1) 11:2

<p>bring (1) 20:15</p> <p>brings (1) 8:7</p> <p>broken (1) 24:9</p> <p>Brookley (2) 20:21;25:4</p> <p>BROWN (24) 3:3,19,22;4:2,4;26:1, 19;33:8,10,12;35:21; 36:3;38:23;39:3,18; 40:1,5,7;42:22;43:2,4, 12,18,21</p> <p>Budget (14) 5:4,12,16,21;6:14, 22;7:5,9;13:23;27:16, 19;30:5;31:5,9</p> <p>budgetary (1) 4:22</p> <p>budgeted (1) 30:19</p> <p>budgets (1) 15:21</p> <p>build (1) 9:3</p> <p>Building (7) 8:4;20:21;23:12,16, 18,21;25:6</p> <p>business (2) 43:5,14</p>	<p>20:8</p> <p>central (2) 16:14;26:1</p> <p>Centralized (4) 36:8,22;37:2,6</p> <p>certain (3) 34:14;35:2,2</p> <p>certainly (3) 18:5;27:23;28:15</p> <p>certifying (1) 16:21</p> <p>Chair (5) 33:13;35:21;40:11; 43:6,15</p> <p>CHAIRMAN (26) 3:3,19,22;4:2,4; 26:19;33:8,10,12;34:2; 35:21;36:3;38:23;39:3, 18,23;40:1,5,7,14; 42:22;43:2,4,12,18,21</p> <p>challenge (1) 27:9</p> <p>changes (5) 34:18,19;35:7;38:15; 42:3</p> <p>Chapter (7) 36:7,20,21,23;37:5; 38:16,20</p> <p>charged (1) 22:19</p> <p>chemical (2) 8:2;24:7</p> <p>chemistry (3) 11:15;16:9,10</p> <p>chief (8) 25:21,23,23;26:2,5; 34:3;36:15;41:19</p> <p>chiefs (1) 25:19</p> <p>chlorination (1) 41:15</p> <p>circulated (1) 3:13</p> <p>circumstances (1) 30:8</p> <p>city (1) 8:18</p> <p>clarifications (1) 35:1</p> <p>clarify (2) 34:21,23</p> <p>classical (1) 16:9</p> <p>Clean (6) 6:10,17,17;8:2; 18:18;24:7</p> <p>cleanup (3) 9:7;19:8,9</p> <p>clearly (1) 31:6</p> <p>close (2) 9:23;26:12</p> <p>closer (1)</p>	<p>9:3</p> <p>closes (1) 20:3</p> <p>closure (3) 37:15;39:13,17</p> <p>coast (1) 9:10</p> <p>coastal (12) 7:23;9:4,6;11:21; 12:19;13:4,11,22; 20:22;21:13;22:4; 24:22</p> <p>coastline (1) 18:15</p> <p>Code (6) 33:19;34:7,16;36:10; 40:10;41:3</p> <p>collaboration (1) 13:6</p> <p>collaborations (1) 9:13</p> <p>collaborative (1) 12:4</p> <p>collect (1) 10:11</p> <p>collected (1) 12:11</p> <p>collecting (1) 26:8</p> <p>collection (1) 13:2</p> <p>combined (1) 24:6</p> <p>coming (4) 6:6;23:4;31:7;39:7</p> <p>co-mingled (1) 24:8</p> <p>comment (7) 4:21;31:18;35:11; 38:3,6,9;42:8</p> <p>commenter (1) 38:10</p> <p>comments (13) 3:19;29:7,19;33:23; 35:9,11;37:23;38:2,7, 17;40:12;42:6,8</p> <p>Commission (19) 3:6,8,14;4:12,15; 7:11;9:16;20:6;26:15; 29:2;32:2;34:2;35:14; 36:6,12;38:19;39:19; 42:15;43:7</p> <p>COMMISSIONER (8) 3:16,18;27:1;29:6, 21;35:19;42:20;43:10</p> <p>Commissioners (2) 26:13;43:9</p> <p>Committee (1) 42:11</p> <p>Common (1) 24:23</p> <p>communities (1) 7:20</p>	<p>community (4) 8:9;16:20;17:7; 29:16</p> <p>compares (1) 5:22</p> <p>complete (2) 21:21;36:19</p> <p>Complex (2) 20:22;21:19</p> <p>compliance (2) 17:7;37:19</p> <p>comply (1) 34:12</p> <p>comprehensive (1) 20:9</p> <p>Concentrated (3) 5:19;14:3,20</p> <p>concerned (1) 29:22</p> <p>concerning (1) 13:9</p> <p>concluded (1) 43:23</p> <p>concurring (1) 42:11</p> <p>conference (1) 8:7</p> <p>conflict (1) 43:11</p> <p>conflicting (1) 22:13</p> <p>confused (1) 30:2</p> <p>Conservation (2) 6:18;12:6</p> <p>consider (1) 36:6</p> <p>consideration (5) 3:11;33:18;34:17; 40:8;41:4</p> <p>consistent (1) 10:8</p> <p>consistently (2) 14:12;16:23</p> <p>Consumption (2) 12:15,18</p> <p>contained (1) 34:14</p> <p>continue (3) 15:23;19:5;28:22</p> <p>continues (3) 4:14;18:17;19:7</p> <p>continuing (1) 15:16</p> <p>continuously (1) 18:21</p> <p>contrast (1) 19:3</p> <p>control (2) 7:22;24:1</p> <p>controls (1) 35:3</p> <p>conventional (1)</p>	<p>8:2</p> <p>conversations (2) 27:1,5</p> <p>cooperative (1) 14:10</p> <p>coordinated (1) 19:10</p> <p>corrections (1) 41:11</p> <p>corrective (1) 41:18</p> <p>cost (5) 23:16;27:4;28:8,8,18</p> <p>costs (6) 28:10;31:19,19;32:3, 3,9</p> <p>country (1) 14:13</p> <p>County (1) 22:1</p> <p>Covenants (3) 33:21;34:11;35:1</p> <p>cover (2) 28:7;32:20</p> <p>covered (1) 32:4</p> <p>covering (1) 28:10</p> <p>Cramped (1) 24:4</p> <p>crashes (1) 33:1</p> <p>created (1) 23:13</p> <p>crisis (2) 18:1;19:21</p> <p>criteria (1) 13:17</p> <p>critical (3) 12:16;16:18;31:6</p> <p>current (2) 20:16;26:16</p> <p>currently (2) 8:15;14:20</p> <p>cut (2) 30:22;31:19</p> <p>cutting (1) 31:19</p> <p>CWT (1) 39:7</p>
C				
<p>CAFO (5) 5:20;6:1;14:1,6,18</p> <p>call (4) 3:4,22;35:22;40:11</p> <p>calls (1) 28:3</p> <p>can (13) 18:23;20:7;23:17; 25:1;28:2,18,21;29:12; 31:10;32:4,8,9,23</p> <p>Canal (1) 21:21</p> <p>capability (1) 16:15</p> <p>capacity (1) 26:16</p> <p>capture (1) 41:1</p> <p>carry (1) 15:18</p> <p>case (1) 39:10</p> <p>caught (1) 12:16</p> <p>ceased (1) 39:9</p> <p>ceases (1) 37:17</p> <p>celebrate (1)</p>	<p>20:8</p> <p>central (2) 16:14;26:1</p> <p>Centralized (4) 36:8,22;37:2,6</p> <p>certain (3) 34:14;35:2,2</p> <p>certainly (3) 18:5;27:23;28:15</p> <p>certifying (1) 16:21</p> <p>Chair (5) 33:13;35:21;40:11; 43:6,15</p> <p>CHAIRMAN (26) 3:3,19,22;4:2,4; 26:19;33:8,10,12;34:2; 35:21;36:3;38:23;39:3, 18,23;40:1,5,7,14; 42:22;43:2,4,12,18,21</p> <p>challenge (1) 27:9</p> <p>changes (5) 34:18,19;35:7;38:15; 42:3</p> <p>Chapter (7) 36:7,20,21,23;37:5; 38:16,20</p> <p>charged (1) 22:19</p> <p>chemical (2) 8:2;24:7</p> <p>chemistry (3) 11:15;16:9,10</p> <p>chief (8) 25:21,23,23;26:2,5; 34:3;36:15;41:19</p> <p>chiefs (1) 25:19</p> <p>chlorination (1) 41:15</p> <p>circulated (1) 3:13</p> <p>circumstances (1) 30:8</p> <p>city (1) 8:18</p> <p>clarifications (1) 35:1</p> <p>clarify (2) 34:21,23</p> <p>classical (1) 16:9</p> <p>Clean (6) 6:10,17,17;8:2; 18:18;24:7</p> <p>cleanup (3) 9:7;19:8,9</p> <p>clearly (1) 31:6</p> <p>close (2) 9:23;26:12</p> <p>closer (1)</p>	<p>9:3</p> <p>closes (1) 20:3</p> <p>closure (3) 37:15;39:13,17</p> <p>coast (1) 9:10</p> <p>coastal (12) 7:23;9:4,6;11:21; 12:19;13:4,11,22; 20:22;21:13;22:4; 24:22</p> <p>coastline (1) 18:15</p> <p>Code (6) 33:19;34:7,16;36:10; 40:10;41:3</p> <p>collaboration (1) 13:6</p> <p>collaborations (1) 9:13</p> <p>collaborative (1) 12:4</p> <p>collect (1) 10:11</p> <p>collected (1) 12:11</p> <p>collecting (1) 26:8</p> <p>collection (1) 13:2</p> <p>combined (1) 24:6</p> <p>coming (4) 6:6;23:4;31:7;39:7</p> <p>co-mingled (1) 24:8</p> <p>comment (7) 4:21;31:18;35:11; 38:3,6,9;42:8</p> <p>commenter (1) 38:10</p> <p>comments (13) 3:19;29:7,19;33:23; 35:9,11;37:23;38:2,7, 17;40:12;42:6,8</p> <p>Commission (19) 3:6,8,14;4:12,15; 7:11;9:16;20:6;26:15; 29:2;32:2;34:2;35:14; 36:6,12;38:19;39:19; 42:15;43:7</p> <p>COMMISSIONER (8) 3:16,18;27:1;29:6, 21;35:19;42:20;43:10</p> <p>Commissioners (2) 26:13;43:9</p> <p>Committee (1) 42:11</p> <p>Common (1) 24:23</p> <p>communities (1) 7:20</p>	<p>community (4) 8:9;16:20;17:7; 29:16</p> <p>compares (1) 5:22</p> <p>complete (2) 21:21;36:19</p> <p>Complex (2) 20:22;21:19</p> <p>compliance (2) 17:7;37:19</p> <p>comply (1) 34:12</p> <p>comprehensive (1) 20:9</p> <p>Concentrated (3) 5:19;14:3,20</p> <p>concerned (1) 29:22</p> <p>concerning (1) 13:9</p> <p>concluded (1) 43:23</p> <p>concurring (1) 42:11</p> <p>conference (1) 8:7</p> <p>conflict (1) 43:11</p> <p>conflicting (1) 22:13</p> <p>confused (1) 30:2</p> <p>Conservation (2) 6:18;12:6</p> <p>consider (1) 36:6</p> <p>consideration (5) 3:11;33:18;34:17; 40:8;41:4</p> <p>consistent (1) 10:8</p> <p>consistently (2) 14:12;16:23</p> <p>Consumption (2) 12:15,18</p> <p>contained (1) 34:14</p> <p>continue (3) 15:23;19:5;28:22</p> <p>continues (3) 4:14;18:17;19:7</p> <p>continuing (1) 15:16</p> <p>continuously (1) 18:21</p> <p>contrast (1) 19:3</p> <p>control (2) 7:22;24:1</p> <p>controls (1) 35:3</p> <p>conventional (1)</p>	<p>8:2</p> <p>conversations (2) 27:1,5</p> <p>cooperative (1) 14:10</p> <p>coordinated (1) 19:10</p> <p>corrections (1) 41:11</p> <p>corrective (1) 41:18</p> <p>cost (5) 23:16;27:4;28:8,8,18</p> <p>costs (6) 28:10;31:19,19;32:3, 3,9</p> <p>country (1) 14:13</p> <p>County (1) 22:1</p> <p>Covenants (3) 33:21;34:11;35:1</p> <p>cover (2) 28:7;32:20</p> <p>covered (1) 32:4</p> <p>covering (1) 28:10</p> <p>Cramped (1) 24:4</p> <p>crashes (1) 33:1</p> <p>created (1) 23:13</p> <p>crisis (2) 18:1;19:21</p> <p>criteria (1) 13:17</p> <p>critical (3) 12:16;16:18;31:6</p> <p>current (2) 20:16;26:16</p> <p>currently (2) 8:15;14:20</p> <p>cut (2) 30:22;31:19</p> <p>cutting (1) 31:19</p> <p>CWT (1) 39:7</p>
D				
			<p>damages (1) 17:19</p> <p>Daphne (1) 36:15</p> <p>data (9) 10:7,12;12:12;15:15; 16:5,19,22;26:8;37:22</p> <p>date (1) 18:14</p> <p>dating (1)</p>	

23:12 DAVIS (4) 34:1,3;40:13,14 day (2) 17:15;18:22 day/7 (1) 17:21 days (2) 17:21;32:22 day-to-day (1) 19:22 Decatur (3) 16:16;17:4;25:20 December (6) 3:12;35:9,12;38:4; 42:5,9 decisions (1) 13:9 declining (1) 15:22 dedicated (1) 29:11 dedication (1) 26:10 Deepwater (4) 18:6,7;19:14;22:9 deliberations (1) 7:9 demands (1) 23:5 demolition (2) 20:23;25:7 Department (27) 8:6,21;12:6,7,13,21; 14:8;15:1,4,6;18:7; 19:7;20:6;29:13;30:14; 18;33;14;22;34:13; 35:13;36:13;38:7,18; 40:12,16;41:9;42:14 Departmental (1) 5:15 Department's (9) 4:23;6:3,9;16:22; 17:17;18:13,16;40:15; 42:12 described (2) 35:23;40:3 detailing (1) 20:10 details (1) 36:21 devastating (1) 19:15 develop (1) 12:14 developed (4) 11:13;14:5,7;16:16 developing (2) 20:17;27:7 development (1) 22:15 different (1) 32:13	dire (2) 29:9;31:15 direct (2) 10:16;23:9 Director (10) 4:7,8;10:21;26:21; 29:5,22;30:11;32:21; 33:11,16 disappointed (1) 27:17 Discharge (2) 37:10,11 discuss (1) 43:6 discussed (1) 38:17 discussion (2) 3:20;20:13 distinctive (1) 12:1 Division (25) 9:15;10:2,3,7,10; 11:3;12:2;15:2;19:19; 20:3,14;22:18;25:16; 26:5,6;33:20;34:4,15, 20;36:10,17,20;40:10, 15;41:2 Divisions (2) 9:21;10:4 done (1) 27:15 down (2) 31:5;39:4 downtown (1) 8:20 Dr (1) 4:14 dramatic (1) 21:18 dramatically (1) 15:3 drawers (2) 24:10,11 driven (1) 6:11 drivers (1) 22:4 due (4) 14:17;23:6;24:18; 26:3 during (10) 5:2,9;19;11:7;19:21, 22;34:4;35:11;38:2,6; 42:8 dust (1) 41:15	earmarked (1) 5:18 ears (1) 26:7 eaten (1) 12:17 economic (1) 22:4 economy (2) 18:15;31:17 Ed (1) 25:20 effect (1) 30:19 effective (3) 14:14;18:18;19:9 effectively (2) 7:16;28:20 efficiency (1) 14:7 efficient (2) 17:6;28:22 efficiently (1) 15:18 effort (5) 8:5;12:5;13:1;14:10; 18:12 Efforts (2) 8:15;23:4 elected (1) 7:22 electronic (1) 14:9 elevated (1) 13:14 eliminating (1) 13:21 Elimination (1) 37:10 else (1) 28:9 emergencies (1) 17:9 emergency (4) 17:14,15,20;19:12 employees (2) 24:2,22 encouragement (2) 30:4,13 end (1) 10:12 ended (2) 35:12;42:9 enforcement (4) 10:9;16:4;21:11; 24:14 engineering (1) 9:4 enhance (1) 11:14 enhancement (3) 9:9;22:8,16 enhancements (1)	15:17 enhancing (1) 14:14 ensure (4) 18:18;19:8;37:19; 40:17 ensuring (1) 12:16 entertain (2) 3:15;43:15 entire (1) 3:8 entities (1) 17:18 environment (1) 19:13 Environmental (23) 3:5;4:11;5:2;7:21; 8:16;9:9,18;15:15; 17:9,19,23;18:2;19:23; 20:4;22:7,16;23:5,23; 26:14;33:20;34:11; 37:20;40:19 EPA (4) 16:19;39:16;40:21; 41:6 equipment (1) 24:8 equivalency (1) 40:22 equivalent (1) 40:18 error (1) 35:5 errors (1) 42:1 estuarial (1) 7:23 estuaries (1) 22:3 evaluated (1) 25:13 evaluation (1) 12:14 even (2) 24:14;31:4 events (2) 13:15;17:11 Everybody (1) 3:23 evident (1) 9:13 example (1) 12:3 examples (1) 7:16 exceeded (1) 13:16 exceptionally (1) 29:17 excluded (2) 41:14,16 excluding (1)	6:10 excuse (1) 36:5 executes (1) 21:8 exempt (1) 34:8 existing (2) 7:3;22:12 expansion (2) 21:18,20 expended (1) 18:14 expert (1) 10:20 expertise (1) 9:11 express (1) 29:23 expressed (1) 29:19 extended (1) 38:3 extremely (1) 22:15 eyes (1) 26:7
			F	
			facilities (10) 7:19;8:3;15:6,16; 21:5;23:1;25:12;34:22; 36:23;37:6 facility (14) 21:2;24:1,17,19; 25:2,8;31:10;36:8; 37:16,17,18,19;39:9,13 facility-based (1) 17:12 fact (2) 30:17;31:3 fails (1) 37:18 fairly (1) 26:22 falls (1) 15:7 fathom (1) 27:20 favor (6) 3:23;35:22;36:1; 40:1;42:22;43:19 February (2) 3:4;38:4 federal (8) 6:15,16;8:3;12:22; 31:21;34:22;41:1,10 fee (6) 6:10,20;30:7,12,15; 31:1 Feeding (4) 5:19;14:2,4,21	

		H	I	
feedstock (1) 19:5	10:19			37:11
feel (1) 11:2	four (1) 10:4			individual (1) 38:8
fees (9) 6:11;27:23;28:7; 32:1,4,7,18,19;35:2	Fred (1) 25:22	habitat (1) 11:15	idea (1) 30:6	individuals (1) 7:14
few (4) 20:1;23:17;25:5; 32:22	fuel (2) 19:16;34:10	halfway (1) 5:6	identified (1) 26:20	Industrial (4) 20:21;21:17;22:14; 23:5
Field (32) 9:14;10:2,3,6,14; 11:4;12:2;14:19;15:1, 8,18,22;16:5;17:3; 19:19;20:2,13,17,18; 21:7;22:17,19;24:7; 25:15,16,18,20,22; 26:5,6;30:2;31:5	fully (1) 19:10	happened (1) 31:2	II (1) 25:2	Industrial/Municipal (1) 36:16
files (1) 24:8	functioning (1) 24:3	happy (1) 38:21	illness (1) 26:3	industry (2) 7:4;22:6
final (1) 5:22	functions (1) 24:5	hard (1) 31:20	imagine (1) 28:2	inefficiencies (1) 23:3
finally (1) 35:3	Fund (12) 5:7,14,15,17,22; 27:20;28:11;29:10; 30:14,20,22;31:5	Hazardous (6) 40:10,17;41:5,13,16; 42:3	immediate (1) 25:10	information (2) 13:8,18
Financial (7) 36:9,21;37:7,13; 39:11;41:19,21	funded (2) 29:13;31:10	health (6) 11:16;12:8,13,22; 17:20;42:11	impacts (3) 18:14;19:2,13	informed (1) 13:9
find (1) 15:23	funding (7) 6:2;7:18;9:8;13:21; 27:23;29:4;31:8	hear (3) 28:16;33:22;36:12	impaired (1) 14:17	initiatives (2) 4:23;7:11
finding (1) 27:8	funds (3) 31:21,22;32:7	heard (1) 31:14	implement (3) 6:8;8:16;37:1	Innomotive (1) 41:12
finds (1) 29:10	future (2) 22:13;25:14	hearing (7) 35:8,10;36:19;37:22; 38:8;42:4,7	implementation (1) 5:18	input (1) 9:6
finish (1) 27:21	FY2013 (3) 5:22;6:2;13:23	heavy (1) 22:14	implementing (1) 21:13	inspection (2) 15:12;16:3
First (6) 3:6,10;5:4;10:23,23; 14:8	FY2014 (1) 5:21	held (5) 3:12;8:6;35:8;37:22; 42:5	important (6) 9:6,11;20:16;22:2, 15;28:14	inspections (4) 15:11,19,21;21:10
Fiscal (4) 4:12;5:5,12;30:17	G	help (3) 10:21;13:8;39:4	impooverished (1) 7:20	installments (1) 5:1
Fish (5) 11:20;12:3,11,14,16	gaining (1) 27:22	high (3) 16:23;24:12;27:3	impression (1) 30:3	insufficient (1) 24:18
five (1) 5:5	General (10) 5:7,14,17,22;8:13; 27:20;28:11;29:10,16; 31:4	highlight (1) 20:1	improve (3) 7:19;8:12,19	integrity (1) 23:22
flat (1) 15:21	generated (1) 41:12	highlighted (3) 9:22;21:14;22:10	inadequate (1) 22:23	intensive (1) 18:12
focusing (1) 10:1	given (2) 27:12;30:8	highlighting (1) 5:2	incident (1) 22:9	interagency/stakeholder (1) 14:5
folders (1) 20:12	glad (2) 35:15;42:16	hinder (1) 23:4	incidents (1) 17:12	interested (2) 8:10;37:23
following (2) 13:14;41:10	Good (4) 3:3;4:8;34:1;36:14	historic (1) 19:14	include (3) 5:17;11:17;34:21	interstate (1) 19:17
formal (1) 33:13	government (1) 8:17	history (4) 18:4,4,5,13	including (1) 11:10	into (3) 5:5;30:21;34:6
formation (1) 15:3	Governor (4) 5:11,13;27:18;34:6	home (1) 22:2	incompatible (1) 24:5	introduce (1) 25:18
formatting (2) 35:5;41:23	Governor's (1) 5:21	hopefully (1) 39:15	incorporate (1) 41:5	introduced (1) 5:11
formed (1) 9:20	ground (2) 10:5;19:20	Horizon (4) 18:6,8;19:15;22:9	increase (11) 6:9,20;13:6;15:10, 12,21;21:22;30:13,16; 31:1;32:19	involved (1) 18:7
formula (1) 6:11	groundwater (1) 8:19	hours (2) 17:21;18:14	increased (2) 15:2,13	involves (1) 13:1
forward (1)	guidance (1) 17:18	House (3) 7:7,8;24:2	increases (1) 30:7	ISE (1) 41:12
	Gulf-fronting (1) 13:16	housed (1) 23:8	increasing (1) 15:5	issuance (2) 21:9;37:8
		houses (2) 20:22;24:21	independent (1) 16:20	issue (2) 7:2;8:14
		human (2) 12:18;17:20	indication (1) 29:9	item (4) 5:18;27:15;33:17; 36:5
			Indirect (1)	items (2) 4:22;5:4

J	leased (1) 20:20 least (1) 6:21	M	11:10;24:19 military (2) 8:1;25:3	3:17;35:17;39:21; 42:19;43:17
January (5) 20:19;26:22;37:21; 38:8;42:10 Jenkins (1) 26:4 job (3) 15:7;25:17;31:20 jobs (1) 32:16 Joe (1) 25:23 July (1) 41:7 June (2) 21:3;41:7	LEFLEUR (6) 4:8;26:21;29:5; 30:11;32:21;33:11 left-hand (2) 19:1;24:6 legislative (1) 34:4 Legislature (4) 5:14;29:15;37:4; 38:14 length (1) 4:19 Leslie (1) 25:22 less (1) 16:1 Lester (2) 4:14;39:23 letter (1) 41:19 level (3) 6:2;24:16;29:8 limits (1) 16:2 line (1) 5:17 linked (1) 31:21 list (3) 14:16;41:13,15 little (1) 27:3 live (1) 31:16 lobby (1) 20:11 local (4) 7:21;8:9,9;19:10 located (2) 17:4;25:3 location (3) 24:20,21;26:20 locations (2) 11:5;23:8 long (1) 28:2 longstanding (1) 8:22 long-term (1) 10:8 look (2) 10:1;31:18 looking (1) 27:22 lot (1) 32:6 low (1) 23:16	maintain (3) 7:2;37:18;40:22 major (1) 8:13 majority (1) 6:14 makes (2) 21:4;31:20 making (2) 6:8;41:8 manage (1) 23:4 Management (5) 3:6;4:12;14:15;18:3; 26:14 managing (1) 22:20 mandates (1) 15:20 manufacturing (3) 21:1,19;25:8 many (4) 7:12;8:21,22;32:23 mark (1) 5:6 mats (1) 19:4 may (9) 6:1;18:1;20:11;23:3; 27:3;31:11;38:22; 42:17;43:10 maybe (1) 30:2 mean (1) 27:16 means (1) 15:22 mechanism (3) 37:8,14;39:12 meet (3) 6:5;15:4;39:8 meeting (7) 3:1,5,12;6:7;41:20; 43:7,23 meetings (4) 4:11;7:12;9:17; 25:14 meets (1) 10:15 members (2) 3:14;34:2 mentioned (2) 17:2;25:5 message (1) 29:14 metals (1) 16:10 might (2) 10:20;35:16 miles (2)	mind (1) 14:7 minimum (2) 6:5,21 minor (3) 34:19;35:4;41:22 minutes (3) 3:11,13;4:4 mission (2) 7:15;30:23 mistake (1) 30:12 mitigate (1) 17:19 Mobile (15) 16:8;17:5;20:18; 21:6,8,16,23;22:1,12, 19;23:1,7;26:2;30:9; 31:6 model (1) 14:12 modern (1) 24:12 modification (1) 37:9 moments (1) 25:5 money (3) 28:12;30:19;32:12 monitor (4) 10:17;12:23;19:7; 23:10 monitoring (13) 10:8;11:14,18,19,20, 21,22;12:4,20;13:13, 22;19:22;21:14 monitors (2) 11:4;14:20 Montgomery (5) 8:19;16:8,14;17:5; 25:22 months (2) 5:5;9:1 more (15) 7:15;8:8;9:12;13:9; 15:9,18,20,23;16:5; 18:13;21:4;22:11,18; 28:22;31:14 morning (4) 3:4;4:9;19:18;34:1 most (4) 18:11;22:2;27:23; 28:14 motion (2) 3:15;43:15 motor (1) 34:9 Move (5)	moving (1) 10:19 much (3) 27:11;28:18;36:4 multi-dimensional (1) 10:14 must (3) 15:23;22:16;40:23
K				N
key (1) 33:3 kind (1) 30:3				
L lab (10) 16:14,15,22;21:10; 24:9,10,11,12;25:23; 26:1 laboratories (1) 16:7 laboratory (2) 23:11;24:3 labs (1) 16:9 lack (1) 23:6 LAIER (3) 3:18;27:1;43:10 Land (5) 9:20;10:11;27:6; 34:3;40:15 language (3) 34:21,23;41:17 large (2) 15:8;21:16 larger (1) 14:3 largest (2) 10:2;18:2 last (10) 5:1,3;9:1,16,19; 15:11;17:2;20:5;27:13; 33:15 law (2) 34:6,13 lead (2) 11:7;18:19 leaders (2) 8:9,9				named (1) 4:16 namely (1) 22:14 nation (1) 22:3 National (1) 37:9 nation's (1) 18:3 Natural (2) 12:6;13:10 Near (1) 19:4 nearly (2) 17:14;21:21 necessary (3) 6:4;7:1;23:7 need (8) 15:14;21:4;29:2,3; 32:10,11,15,20 needs (1) 15:5 new (12) 7:3;21:1;25:7;36:7, 19;38:1,16,19;39:7,22; 40:2;41:1 news (1) 26:22 Next (5) 4:6;23:17;36:5;40:7; 43:7 Nice (1) 4:16 none (1) 13:15 Non-Point (2) 8:7,11 non-specific (2) 41:14,17 normal (2) 11:7;31:9 normally (1) 17:10 Note (2) 23:14;43:6 noteworthy (1) 13:12 notice (2) 35:6;42:2

<p>notified (1) 20:20</p> <p>NPDES (3) 7:2;14:21;37:11</p> <p>number (4) 11:13;14:15;15:13; 33:17</p> <p>numerous (1) 23:18</p> <p>nutrient (1) 16:10</p>	<p>23:8;25:16;26:5;30:21; 31:5;39:10</p> <p>operator (1) 37:16</p> <p>opportunity (1) 20:15</p> <p>opposed (3) 4:2;40:5;43:2</p> <p>Ops (6) 10:7,15;15:8,18; 20:17;26:6</p> <p>Options (3) 25:10;27:22;28:10</p> <p>oral (3) 35:9;38:9;42:6</p> <p>order (3) 3:6;15:4;40:20</p> <p>organic (1) 16:12</p> <p>organization (1) 10:13</p> <p>organizations (3) 7:14,21;16:21</p> <p>others (2) 29:18;33:8</p> <p>out (9) 9:23;15:18;20:3; 29:14;30:5;32:23;33:3, 7;43:11</p> <p>outside (1) 31:8</p> <p>Over (4) 8:23;15:11;20:5; 33:15</p> <p>overseen (1) 12:1</p> <p>oversight (3) 14:2;15:7;17:6</p> <p>owned (1) 23:16</p> <p>owner (1) 37:16</p> <p>owners (1) 27:6</p> <p>ozone (1) 11:6</p>	<p>partnership (2) 7:13;12:21</p> <p>partnerships (1) 8:4</p> <p>party (1) 39:12</p> <p>passed (3) 34:5;37:3;38:13</p> <p>past (1) 7:16</p> <p>Paul (1) 25:21</p> <p>pay (2) 5:18;32:11</p> <p>paying (1) 32:6</p> <p>payment (1) 6:15</p> <p>people (3) 20:7;28:16;32:6</p> <p>per (3) 17:15,21,22</p> <p>percent (3) 6:9;32:17,19</p> <p>performed (1) 16:13</p> <p>performing (3) 21:10,10;24:12</p> <p>performs (2) 16:5,9</p> <p>period (4) 35:12;38:3,6;42:9</p> <p>periods (1) 11:8</p> <p>permit (11) 14:21;16:2;21:9; 27:23;28:7;32:1,4,6,18, 19;37:12</p> <p>permits (3) 7:3;9:21;19:23</p> <p>permitted (1) 15:7</p> <p>permitting (3) 10:9;28:8;32:9</p> <p>personnel (1) 17:14</p> <p>persons (1) 37:23</p> <p>Phillip (2) 34:3;40:14</p> <p>PHILLIPS (8) 27:10;29:6;31:13; 33:5;35:17;39:21; 42:18;43:16</p> <p>phone (1) 28:3</p> <p>photo (2) 24:6,9</p> <p>photograph (1) 19:1</p> <p>physical (3) 21:5;22:23;25:12</p> <p>picture (1)</p>	<p>19:3</p> <p>place (1) 22:16</p> <p>plan (1) 30:16</p> <p>plane (1) 33:6</p> <p>planning (1) 30:12</p> <p>please (6) 4:20;10:16;23:9; 25:19;26:4;30:11</p> <p>pleased (2) 4:13;26:17</p> <p>point (4) 5:8;29:17;32:18; 39:9</p> <p>Pollutant (1) 37:10</p> <p>pollutants (1) 12:12</p> <p>Poolos (1) 25:20</p> <p>poor (1) 23:22</p> <p>popular (1) 13:19</p> <p>port (1) 21:22</p> <p>portion (2) 6:21;30:22</p> <p>post (1) 37:7</p> <p>post-cleanup (1) 19:3</p> <p>post-oiling (1) 19:1</p> <p>potential (1) 26:20</p> <p>potentially (1) 22:13</p> <p>praise (1) 17:1</p> <p>premises (2) 21:3;25:9</p> <p>prepare (1) 28:13</p> <p>prepared (1) 17:23</p> <p>present (2) 3:9;4:9</p> <p>presentation (3) 10:22;30:1;33:16</p> <p>presented (2) 35:15;38:20</p> <p>presents (1) 20:14</p> <p>President (1) 13:20</p> <p>presume (1) 43:8</p> <p>prevent (1) 39:7</p>	<p>previous (1) 7:11</p> <p>previously (1) 9:22</p> <p>Price (1) 25:23</p> <p>printed (1) 20:9</p> <p>prior (1) 37:8</p> <p>private (1) 8:18</p> <p>problems (3) 23:19,21;24:1</p> <p>procedures (1) 16:6</p> <p>process (2) 7:5;31:9</p> <p>productivity (1) 15:1</p> <p>professionals (1) 27:14</p> <p>program (26) 5:20;8:11,17;9:5; 11:18,20,20,21,22; 12:4,15,20;13:22;14:1, 8,11;20:22;21:14; 24:23;27:12;30:21; 33:21;36:11,20;40:11, 20</p> <p>programs (6) 11:14,17,23;15:14; 28:19;32:13</p> <p>progress (4) 5:2;9:18;20:10; 25:14</p> <p>promulgated (1) 41:6</p> <p>proper (1) 21:5</p> <p>properly (2) 29:13;37:18</p> <p>proposal (1) 30:16</p> <p>propose (1) 27:19</p> <p>proposed (23) 5:12,13,16;6:20; 13:21,23;33:18;34:16, 20;35:7,18,23;36:7,19; 37:1;38:1,16;40:2,9; 41:2;42:2,13,19</p> <p>proposing (2) 34:13;41:9</p> <p>proration (1) 5:9</p> <p>prospect (1) 9:7</p> <p>Protection (1) 40:19</p> <p>proven (1) 13:18</p> <p>provide (5)</p>
O				
<p>objective (1) 13:5</p> <p>occasions (1) 7:13</p> <p>October (2) 35:7;42:4</p> <p>offer (2) 5:1;16:23</p> <p>office (11) 16:16;20:18;22:19; 23:1,12;24:20;25:19, 21,22;26:2;27:3</p> <p>officers (2) 30:2;41:19</p> <p>offices (3) 17:3;21:7;25:17</p> <p>officials (2) 7:22;19:11</p> <p>oil (4) 9:6;18:6,8;19:15</p> <p>old (1) 25:3</p> <p>on-call (1) 17:21</p> <p>once (1) 26:11</p> <p>one (10) 10:12;17:14;18:22; 19:18;23:11;27:11; 28:1;31:14;33:7;38:8</p> <p>ongoing (5) 4:23;7:10;8:5;9:6; 19:8</p> <p>only (5) 3:7;9:4;17:5;18:20; 19:21</p> <p>operate (1) 24:22</p> <p>operating (1) 6:5</p> <p>operation (3) 14:21;21:6;37:17</p> <p>operational (1) 23:2</p> <p>operations (25) 5:16,20,23;9:14; 10:2,3;11:4;12:2;14:3, 4,19;15:2,22;16:5,22; 19:19;20:3,14;22:17;</p>	P			
	<p>Panama (1) 21:21</p> <p>paper (1) 24:8</p> <p>park (1) 27:3</p> <p>part (3) 12:19;13:21;15:8</p> <p>particulates (1) 11:7</p> <p>parties (1) 8:10</p> <p>partners (1) 8:18</p>			

<p>9:5;10:7;13:7;17:17; 22:22 provided (2) 6:22;12:13 provides (2) 14:1;19:20 providing (1) 7:7 prudent (1) 30:10 Public (14) 12:8,22;13:3,6,8; 29:16;35:6,8;37:21; 38:3;42:2,4,7,11 pull (1) 39:16 purposes (1) 41:20 pursuant (1) 12:22 pursuing (1) 31:7 put (2) 30:21;32:22</p>	<p>recently (1) 26:22 reception (1) 32:6 recognized (1) 14:12 recommendation (1) 42:12 recommended (1) 42:16 reconciliation (1) 38:18 record (1) 36:19 recording (1) 34:23 recounted (1) 7:12 Recovery (1) 6:18 recreational (2) 13:3,10 REEF (1) 39:4 referencing (1) 41:18 regarding (1) 38:1 regional (1) 21:12 registration (1) 14:9 registrations (1) 14:22 regular (1) 7:7 regularly (1) 16:21 regulated (4) 15:16;16:20;17:7; 29:15 regulation (2) 39:22;40:2 Regulations (12) 33:21;34:14;36:11, 21;37:20;38:1,11;39:8; 40:11,18,23;41:6 regulatory (6) 14:11;15:14;16:18; 21:8;24:13;26:9 reissuance (1) 37:9 related (1) 22:4 relationship (1) 9:3 relationships (1) 8:22 relocation (1) 25:11 remain (1) 40:18 remove (1)</p>	<p>41:17 removed (1) 14:16 re-oiling (1) 19:6 replacement (1) 4:16 report (6) 4:6,19,21;20:4,9; 33:13 reporting (2) 7:6,25;14 request (1) 6:8 requested (1) 38:12 requests (3) 35:14;38:19;42:15 require (2) 16:4;37:5 required (11) 5:9;6:2,22;7:3; 10:13;21:2;24:13;25:9; 31:2;37:14;40:16 requirement (1) 41:21 requirements (8) 6:5;25:11,13;34:10; 36:9,22;37:2;38:12 Reservoirs (1) 11:18 Resource (2) 6:18;18:12 resources (2) 11:10;12:7 respect (1) 27:21 respond (1) 17:14 responders (1) 17:17 response (16) 3:21;4:3;17:20;18:3, 8,11,12,20,22;19:10; 33:9;39:2,14,20;40:6; 43:3 responses (2) 17:8,10 responsibilities (1) 24:14 responsibility (1) 32:14 responsible (3) 17:18;21:13;26:7 rest (1) 14:23 restoration (2) 9:9;22:7 result (1) 38:16 resulted (2) 14:11;23:2 resulting (2)</p>	<p>22:8;23:23 results (1) 24:4 retain (1) 40:20 Revenues (1) 5:7 review (2) 9:14;16:21 reviewed (1) 9:17 Reviewing (1) 10:22 revise (2) 34:14;40:23 revised (1) 41:1 revisions (4) 34:16;35:4;41:2,22 RICHARDSON (4) 3:16;29:21;35:19; 42:20 right (4) 16:17;18:9;19:4; 43:8 rightfully (1) 20:7 right-hand (2) 23:15;24:9 Rivers (2) 11:18,19 rivet (1) 33:3 rivets (1) 32:23 road (1) 10:15 Rogers (1) 25:21 roof (2) 23:14,22 room (1) 24:7 rubber (1) 10:15 rule (2) 6:8;41:8 rules (5) 35:15;41:2;42:3,13, 16 run (2) 28:20;32:3 runoff (1) 8:13</p>	<p>same (1) 31:17 samples (1) 13:2 sampling (1) 16:3 sat (1) 28:1 schedule (2) 6:10;18:18 scheduled (3) 4:10;20:23;25:6 science (1) 27:2 science-based (2) 10:9;26:9 Scott (1) 26:1 Scrap (2) 30:20,22 seafood (1) 22:5 Second (7) 3:18;24:20,21;27:15; 35:20;39:23;42:21 Section (1) 34:7 sector (1) 8:18 seeking (1) 33:2 seem (1) 10:18 Senate (2) 7:8,8 sensitive (1) 7:23 seriously (1) 23:3 serve (3) 4:15;19:5;26:15 Services (1) 9:21 servicing (1) 26:12 session (1) 34:5 Setting (1) 16:2 seven-days-per-week (1) 18:17 several (5) 4:21;9:1;11:1;13:13; 34:19 severe (2) 17:11;18:16 shall (1) 27:4 share (2) 28:15,17 shore (1) 19:4 shortly (1)</p>
Q				
<p>quality (13) 7:19;8:12,14;10:7; 11:5,13,16;13:8,17; 16:4,23;24:12;36:11 quarters (1) 24:4 quicker (1) 39:14 quickly (2) 17:17;27:7 quorum (2) 3:8;43:13</p>				
R				
<p>radiochemistry (1) 16:13 rainfall (2) 11:8;13:15 ramped (1) 24:15 rate (1) 15:10 reactor (1) 41:15 really (4) 28:6,19;32:2,4 recall (1) 6:1 receive (1) 37:22 received (7) 28:3;35:10,11;38:7, 10;42:6,8 recent (1) 8:5</p>				
			S	
			<p>safe (1) 12:17 sagging (1) 23:14 sale (1) 6:2</p>	

18:9 shows (1) 24:9 shut (1) 24:11 SID (1) 37:12 side (4) 19:2;22:17,17;23:15 signed (1) 34:6 significant (4) 13:14;20:2;22:7,14 significantly (1) 21:22 similar (1) 29:19 sites (3) 13:3,13;25:1 situation (1) 20:17 situations (2) 17:16;39:4 six (1) 4:10 size (1) 23:7 slide (6) 10:23;17:2;19:2; 21:15;22:10;23:15 slides (3) 11:1;20:1;23:18 sludge (1) 41:12 SMART (3) 36:14,15;39:6 sometimes (1) 24:5 somewhere (1) 17:15 sound (1) 26:9 Sounds (1) 43:12 Source (3) 8:7,11;9:11 sources (6) 6:15,23;31:8,11; 41:14,17 South (3) 9:2;13:19;27:2 space (4) 23:7,12;24:18;27:8 Specialized (1) 16:12 specifically (1) 22:18 specified (1) 38:13 spill (4) 9:7;18:6,8;19:15 split (1) 24:23	stabilize (1) 30:6 staff (4) 14:19;17:21;18:16; 25:15 stand (3) 19:2;25:20;26:4 standard (1) 21:8 standards (1) 14:18 stark (1) 19:3 started (1) 4:20 State (23) 4:15;5:7;6:23;9:18; 10:6,12;11:6,8;12:17; 15:5;18:20;19:11; 22:12;26:13,16;29:9; 30:14;31:11,18;34:13; 37:11,20;42:10 statement (1) 38:18 State's (2) 18:4;31:15 statewide (1) 19:22 statutes (1) 6:16 Steve (1) 26:4 still (1) 43:13 storage (4) 24:7,10,11;34:9 storing (1) 34:9 storm (1) 7:22 straights (1) 29:9 straits (1) 31:16 strategic (1) 25:12 strategically (1) 17:3 Streams (1) 11:19 structural (1) 23:20 structure (1) 25:3 submitted (1) 41:20 subsidence (1) 23:21 sufficient (1) 37:15 supervision (1) 24:23 suppliers (1)	21:20 support (3) 10:8;26:8;38:11 supports (1) 10:4 sure (6) 28:16;29:12;32:15, 17,18;33:2 surface (1) 11:17 surveillance (1) 6:3 Sylacauga (1) 39:5 system (2) 26:10;37:10 Systems (1) 41:12	T	tanker (1) 19:17 tanks (1) 34:9 taped (1) 24:11 tar (2) 19:4,6 target (1) 5:8 technical (2) 10:20;41:10 technology (1) 15:17 tend (1) 13:13 Tennessee (1) 12:8 tenuous (1) 24:16 testimony (1) 38:10 thanks (2) 26:12;29:23 third (2) 4:10;39:12 thoroughly (1) 17:22 threats (1) 17:19 three (1) 5:1 three-part (1) 20:4 throughout (3) 10:5;11:6;14:13 tighter (1) 31:4 timely (1) 17:8 times (1) 19:21	Tire (2) 30:20,22 Tissue (2) 11:20;12:3 Title (1) 6:11 Today (5) 9:23;18:10;26:3; 34:17;38:20 today's (1) 4:21 together (1) 8:8 top (1) 23:14 topic (1) 20:16 tornadoes (1) 19:16 tough (1) 25:17 tourism (1) 22:5 tourists (1) 13:19 town (1) 43:11 trained (1) 17:22 transportation (1) 17:13 treatment (6) 7:18;36:8,23;37:3,6; 41:11 triggered (1) 17:11 try (1) 26:18 two (7) 9:16;20:19;22:12; 23:8;24:19;25:1;27:10 type (2) 9:12;24:16 types (1) 35:3 typographic (2) 35:4;41:23	Uniform (2) 33:20;34:11 unimpeachable (1) 16:19 universities (1) 8:23 University (2) 9:2;27:2 unusable (1) 24:10 unused (1) 24:10 up (4) 8:2;18:10,18;24:15 upcoming (1) 9:14 update (2) 4:22;41:22 updates (1) 7:7 urgent (1) 21:4 USA (2) 9:4,10 USDA (1) 7:17 use (4) 13:10;14:8;32:8,12 using (2) 14:5;32:7	V	vacate (2) 21:3;25:9 Valley (1) 12:8 valuable (1) 13:7 verge (2) 21:17;22:6 VICE-CHAIRMAN (7) 27:10;31:13;33:5; 35:17;39:21;42:18; 43:16 views (2) 28:15;37:22 vintage (1) 25:2 visiting (1) 13:19 vocal (1) 29:3 voluntary (2) 8:11,16	W	Wadeable (1) 11:19 War (1) 25:2
---	---	--	----------	---	--	---	----------	--	----------	--

<p>waste (9) 14:14;36:8,23;37:2, 6;40:10,17;41:5;42:3</p> <p>wastes (2) 41:13,16</p> <p>wastewater (2) 7:18;41:11</p> <p>watch (1) 5:3</p> <p>Water (19) 6:17;7:3,19,23;8:12, 12,13;9:21;10:11;11:9, 12,13;13:2,7,17;14:15; 36:11,16,20</p> <p>waters (8) 11:17,22;12:19;13:4, 11,22;14:17;21:14</p> <p>waterways (1) 11:11</p> <p>way (4) 20:23;25:7;28:1; 30:15</p> <p>ways (2) 15:23;31:19</p> <p>weapons (1) 8:2</p> <p>weather (1) 17:11</p> <p>weather-tight (1) 23:23</p> <p>week (1) 17:22</p> <p>weeks (2) 8:5;20:19</p> <p>welcome (1) 4:9</p> <p>well-taken (1) 29:18</p> <p>wet (1) 16:9</p> <p>Wetlands (2) 11:21;22:3</p> <p>wide (1) 8:8</p> <p>widespread (1) 9:8</p> <p>willing (1) 4:14</p> <p>within (1) 36:9</p> <p>without (1) 24:15</p> <p>wondering (1) 30:8</p> <p>work (5) 18:14,17;27:14;30:1; 33:14</p> <p>worked (1) 18:21</p> <p>Workers (1) 10:10</p> <p>workgroup (1) 14:6</p>	<p>working (6) 7:13,17,20;8:1,4;9:3</p> <p>works (1) 12:20</p> <p>World (1) 25:2</p> <p>wrecked (1) 19:17</p> <p>written (5) 35:10;38:2,7,9;42:7</p> <p>wrong (1) 33:7</p> <p style="text-align: center;">Y</p> <p>Year (9) 4:12;5:5,10,12;6:12; 12:10;21:3;30:17;31:4</p> <p>years (9) 5:3;9:19;15:11;20:5, 10;23:13;27:13;31:7; 33:15</p> <p style="text-align: center;">Z</p> <p>zero (6) 5:16;27:19;30:18,19; 31:20;32:16</p> <p>zeroed (1) 30:5</p> <p>zero-funding (1) 29:8</p> <p style="text-align: center;">1</p> <p>1 (1) 41:7</p> <p>11:00 (2) 3:2;43:8</p> <p>11:41 (1) 44:1</p> <p>13 (8) 24:21;35:9,12;36:7, 21;37:5;42:5,9</p> <p>14 (2) 3:12;41:3</p> <p>15 (1) 3:4</p> <p>16 (3) 37:21;38:9;42:10</p> <p>19 (1) 43:7</p> <p>1997 (1) 14:6</p> <p style="text-align: center;">2</p> <p>2 (1) 38:4</p> <p>20 (1) 18:8</p> <p>2010 (1) 18:9</p>	<p>2011 (2) 19:16;41:7</p> <p>2012 (10) 3:12;34:4;35:8,9,12; 38:4;41:7;42:4,6,9</p> <p>2013 (11) 3:5;4:13;5:5;30:17, 18;31:3;37:21;38:5,9; 42:10;43:7</p> <p>2014 (2) 5:12;31:3</p> <p>21 (1) 35:7</p> <p>2-12-317 (1) 34:5</p> <p>22 (1) 11:5</p> <p>23 (1) 24:2</p> <p>24 (1) 17:21</p> <p>24th (1) 8:6</p> <p>25 (1) 13:2</p> <p>25,000 (1) 15:6</p> <p>28 (1) 42:4</p> <p style="text-align: center;">3</p> <p>30 (9) 5:3;9:19;15:11;20:5, 10;23:13;27:13;33:15; 41:7</p> <p>300 (1) 8:8</p> <p>303d (1) 14:16</p> <p>30th (3) 10:1;20:20;26:23</p> <p>335-14 (1) 40:10</p> <p>335-5 (1) 33:20</p> <p>335-6 (1) 36:11</p> <p>35-19-2 (1) 34:7</p> <p style="text-align: center;">4</p> <p>4 (2) 33:17;38:4</p> <p>40-fold (1) 15:10</p> <p style="text-align: center;">5</p> <p>5 (3) 34:15,20;36:5</p> <p>50 (3)</p>	<p>6:9;32:17,19</p> <p>50,000 (1) 16:6</p> <p>500 (1) 12:10</p> <p>58,000 (1) 18:13</p> <p>595 (1) 14:20</p> <p style="text-align: center;">6</p> <p>6 (1) 36:20</p> <p style="text-align: center;">7</p> <p>77,000 (1) 11:10</p>
---	--	---	---

Part B

Attachment Index

- | | |
|---------------------|--|
| Attachment 1 | Agenda |
| Attachment 2 | Resolution to adopt amendments to ADEM Admin. Code Div. 335-5, Uniform Environmental Covenants Program Regulations
(Agenda Item 4) |
| Attachment 3 | Resolution to adopt new chapter 13, Centralized Waste Treatment Facility Financial Assurance Requirements, within ADEM Admin. Code Div. 335-6, Water Quality Program Regulations (NPDES-Related Matter)
(Agenda Item 5) |
| Attachment 4 | Resolution to adopt amendments to ADEM Admin. Code Div. 335-14, Hazardous Waste Program Regulations
(Agenda Item 6) |

Attachment 1

Amended 2/6/13

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 15, 2013

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 December 14, 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 335-5, Uniform Environmental Covenants Program Regulations	2
5. Consideration of adoption of proposed new chapter 13, Centralized Waste Treatment Facility Financial Assurance Requirements within ADEM Admin. Code Division 335-6, Water Quality Program Regulations (NPDES-Related Matter)	2
6. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-14, Hazardous Waste Program Regulations	2
7. Other business	3
8. Future business session	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 DECEMBER 14, 2012
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-5, UNIFORM ENVIRONMENTAL COVENANTS PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-5, Uniform Environmental Covenants Program Regulations, Rules 335-5-1-.02, 335-5-1-.03, 335-5-1-.05, 335-5-1-.06, 335-5-1-.07, and 335-5-3-.02 to address changes required by Alabama Act 2-12-317 concerning underground storage tanks, to address applicability to federal facilities and to clarify programmatic requirements for environmental covenants. The Department held a public hearing on the proposed amendments on December 13, 2012, and no comments were received.

5. CONSIDERATION OF ADOPTION OF PROPOSED NEW CHAPTER 13, CENTRALIZED WASTE TREATMENT FACILITY FINANCIAL ASSURANCE REQUIREMENTS, WITHIN ADEM ADMIN. CODE DIVISION 335-6, WATER QUALITY PROGRAM REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider the adoption of a proposed new chapter 13, within ADEM Admin. Code Division 335-6, Water Quality Program Regulations, titled Chapter 335-6-13, Centralized Waste Treatment Facility Financial Assurance Requirements. The proposed new Chapter 335-6-13 will contain new rules for centralized waste treatment facilities relating to financial assurance. The Department held a public hearing on the proposed amendments on January 16, 2013.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-14, HAZARDOUS WASTE PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-14, Hazardous Waste Program Regulations, Chapters 335-14-1 to 335-14-17. These amendments would adopt federal hazardous waste regulation additions/modifications that occurred from 07/2011 to 06/2012 so the Department's Hazardous Waste Program is equivalent to the federal program and amend Chapter 335-14-2 to "delist" or exclude from the list of hazardous waste, wastewater treatment sludges from the chemical conversion coating of aluminum (EPA Hazardous Waste No. F019), generated by ISE Innomotive Systems US Inc., Tuscaloosa, AL Facility and chlorination reactor dust (EPA Hazardous Waste No. D007), generated by Mitsubishi Polycrystalline Silicon American Corporation, Theodore, AL Facility and allow these waste streams under certain prescribed conditions to be managed as nonhazardous wastes in Alabama. The Department held a public hearing on the proposed amendments on December 13, 2012 and received no comments.

EMC Meeting Agenda
Page 3

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

Attachment 2

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed addition of ADEM Admin. Code 335-5 of the Department's Land Division Program regulations 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.

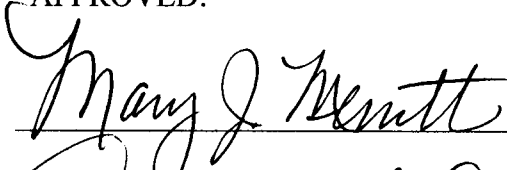
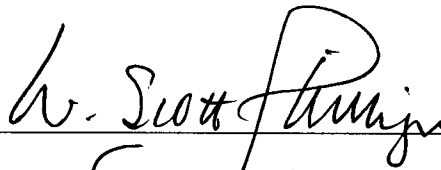
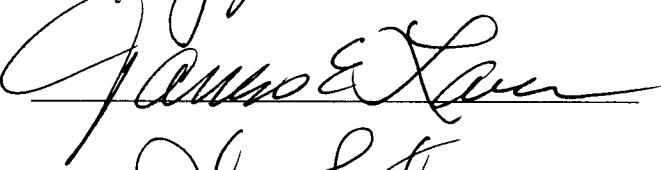
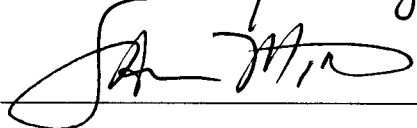

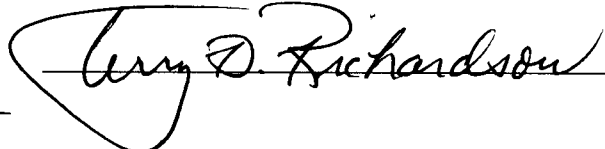

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the Uniform Environmental Covenants Program- [335-5-1-.02/Applicability (Amend); 335-5-1-.03/Definitions (Amend); 335-5-1-.05/Registry of Environmental Covenants (Amend); 335-5-1-.06/Fees (Amend); 335-5-1-.07/Process for Entering a Covenant (Amend); and 335-5-3-.02/Recording of Covenants (Amend)], Uniform Environmental Covenants Program, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code 335-5
Uniform Environmental Covenants Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 15th day of
February 2013.

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 February 2013.


H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 15th day of February 2013

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 335-6 of the Department's Water Division's Water Quality Program regulations 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 335-6 [335-6-13/Centralized Waste Treatment Facility Financial Assurance Requirements (New)] 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 chapter 335-6-13
Water Division – Water Quality Program Regulations

IN WITNESS WHEREOF, we have affixed our signatures below on this 15th day of
February 2013.

APPROVED:

Mary J. Merritt

W. Scott Turner

James E. Allen

Paul L. [unclear]

John Lester

Terry D. Richardson

James Brown, II

DISAPPROVED:

This is to certify that this Resolution is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 15th day of February 2013.

ABSTAINED:

James Brown, II
H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 15th day of February 2013

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 335-14 of the Department's Hazardous Waste Program Rules and Regulations in accordance with Code of Alabama 1975, §§ 22-22A-8 and 41-22-4; 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 335-14 [Amendments to 335-14-1-.01/General (Amend); 335-14-1-.02/Definitions and References (Amend); 335-14-2-Appendix IX/Wastes Excluded Under 335-14-1-.03(2) (Amend); 335-14-3-.09/Transboundary Shipments of Hazardous Waste for Recovery within the Organization for Economic Cooperation and Development (OECD) (Amend); 335-14-4-.03/Hazardous Waste Discharges (Amend); 335-14-4-.04/Financial Requirements (Amend); 335-14-5-.08/Financial Requirements (Amend); 335-14-6-.16/Thermal Treatment (Amend); 335-14-7-.03/Recycled Materials Used in a Manner Constituting Disposal (Amend); 335-14-9 Appendix

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**


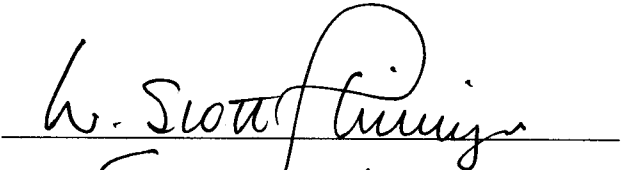
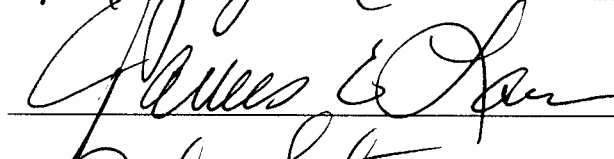
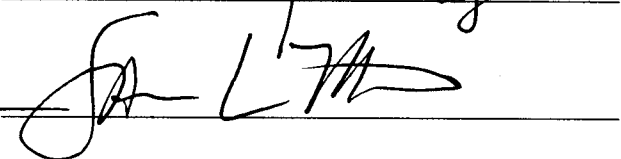
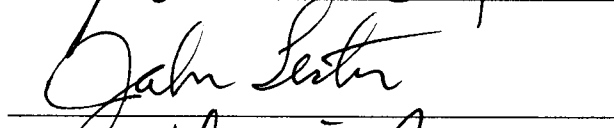
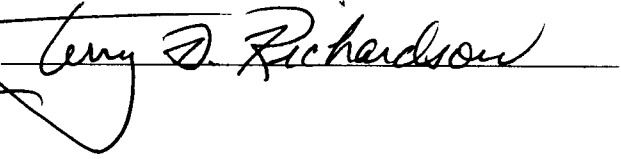
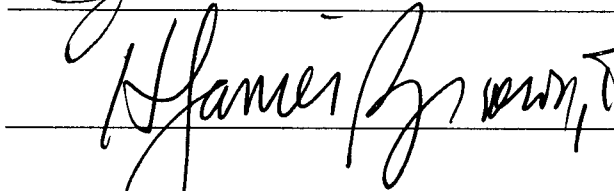
IV/ Wastes Excluded from Lab Packs Under the Alternative Treatment Standards of Section 268.42(c) (Amend); 335-14-9 Appendix VI/Recommended Technologies to Achieve Deactivation of Characteristics in Section 268.42 (Amend); 335-14-17-.05/Standards for Used Oil Transporter and Transfer Facilities (Amend)] of the Department's Land Division – Hazardous Waste Program rules, administrative code attached hereto, to become effective thirty-five days after filing, unless otherwise indicated, with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-14 – Hazardous Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 15th day of February 2013.


APPROVED:

 <hr/>	 <hr/>
 <hr/>	 <hr/>
 <hr/>	 <hr/>
 <hr/>	

DISAPPROVED:

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

ABSTAINED:

<hr/>	 <hr/>
<hr/>	<p>H. Lanier Brown, III, Chair Environmental Management Commission Certified this 15th day of February 2013</p> <hr/>