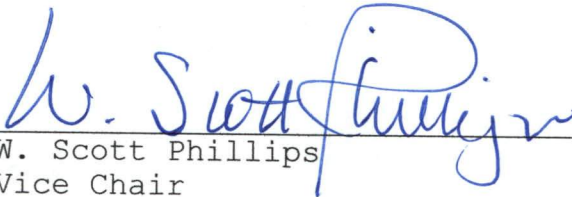


4/11/14

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 21, 2014

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 21, 2014.



W. Scott Phillips
Vice Chair
Alabama Environmental Management Commission

Certified this 11th day of April 2014.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 21, 2014

Convened: 11:00 a.m.
Adjourned: 11:49 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachments 1 - 5

Part A

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1 * * * * *

2

3

4 ALABAMA ENVIRONMENTAL MANAGEMENT

5 COMMISSION MEETING

6

7

8 ALABAMA DEPARTMENT OF ENVIRONMENTAL

9 MANAGEMENT

10 Alabama Room

11 1400 Coliseum Boulevard

12 Montgomery, Alabama 36110-2400

13

14 February 21, 2014

15 11:00 a.m.

16 * * * * *

17

18

19

20 Taken by: Bridgette W. Mitchell,

21 ACCR 231

22

23

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1 VICE CHAIRMAN PHILLIPS: Okay. Good

2 morning. We'll call to order the meeting of

3 the Environmental Management Commission. I

4 want to acknowledge we do have a quorum. I'm

5 Scott Phillips. The Chair, Lanier Brown, is

6 not here today; so as Vice Chair, I'll be

7 chairing the meeting.

8 We'll move to Agenda Item No. 1,

9 consideration of minutes for the meeting held

10 on December 13, 2013. I'll entertain a motion

11 from the Commission.

12 DR. MILLER: I make a motion that we

13 accept the minutes.

14 DR. LAIER: Second.

15 VICE CHAIRMAN PHILLIPS: I have a

16 motion and a second. Any discussion on the

17 motion?

18 (No response.)

19 VICE CHAIRMAN PHILLIPS: There being

20 no discussion, all in favor of the motion,

21 signify with the sign of aye.

22 (Unanimous)

23 VICE CHAIRMAN PHILLIPS: All oppose,

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1 * * * * *

2

3 APPEARANCES

4

5 COMMISSION MEMBERS PRESENT:

6 W. Scott Phillips, Vice Chair

7 Samuel L. Miller, M.D.

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

9 Mary J. Merritt

10 Terry D. Richardson, Ph.D.

11 Robert L. Carson, Jr., D.V.M.

12

13 COMMISSION MEMBER NOT PRESENT:

14 H. Lanier Brown, II, Esquire, Chair

15

16 ALSO PRESENT:

17 Robert Tambling, EMC Legal Counsel

18 Lance R. LeFleur, ADEM Director

19 Ron Gore, Air Division

20 Glenda Dean, Water Division

21 Sonja Massey, Land Division

22 Debi Thomas, EMC Executive

23 Assistant

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1 same sign.

2 (No response.)

3 VICE CHAIRMAN PHILLIPS: Motion

4 carries. Agenda Item No. 2, report from our

5 director.

6 MR. LeFLEUR: Good morning. Let me

7 welcome all of you present for this third of

8 the six scheduled meetings of the Alabama

9 Department of Environmental -- excuse me --

10 Alabama Environmental Management Commission

11 for Fiscal Year 2014.

12 In today's report, I will update you on

13 the budget, continue the departmental

14 performance review by presenting a

15 demonstration on how to access the EPA media

16 dashboards, highlight our Land Division's

17 recycling program, report on the success of

18 our 25th Annual Nonpoint Source Conference and

19 recognize those who are responsible for

20 ensuring its success, welcome the new Region 4

21 administrator for EPA, and finally, briefly

22 comment on the Unified Strategic Plan and the

23 Departmental Operating Plan.

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1 Budget items first. We are now almost
2 five months into Fiscal Year 2014. As we
3 approach the halfway mark, it appears state
4 general funds revenues are on target at this
5 point; and at this point, it does not appear
6 that proration will be required this year.
7 As you are well aware, a majority of
8 ADEM's budget comes from federal sources in
9 payment for ADEM administering federal
10 statutes such as the Clean Air Act, the Clean
11 Water Act, and the Resource Conservation and
12 Recovery Act. The Fiscal Year 2014 federal
13 budget has now been passed, which I will note
14 is well into Fiscal Year 2014, and all
15 indications point to level federal funding in
16 FY 2014 with that from 2013, which was less
17 than that received in 2012 which in turn was
18 less than that received in 2011. Accompanying
19 these steadily declining federal budgets have
20 been steadily increasing federal mandates
21 across all programs.
22 Each year, the Department negotiates
23 detailed work plans -- numbers of inspections,

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1 numbers of permits issued, and so forth --
2 with EPA as a condition to receiving the
3 federal grants portion of its budget. The
4 Department is held accountable to EPA for
5 achieving the performance objectives set out
6 in these work plans. In order to execute the
7 work plans, ADEM requires funding from permit
8 fees and state general funds to augment the
9 federal funding.
10 At virtually every Commission meeting in
11 recent years, I have highlighted the dramatic
12 declines in funds from state sources, in
13 particular, the state general fund. The
14 squeeze created from declining funding from
15 both federal and state sources and increasing
16 federal mandates has reached a critical level.
17 In recent years, ADEM has operated within the
18 confines of a total budget that is very near
19 the minimum necessary to meet federal
20 performance objectives. Such is the case in
21 Fiscal Year 2014, and based on what we have
22 seen thus far in both the federal and state
23 budgeting processes, it is questionable

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1 whether FY 15 funding will even reach that
2 minimum level.
3 For FY 2014, ADEM asked the Governor's
4 office to request a general fund appropriation
5 of \$3 million for departmental operations.
6 This would amount to an increase of \$2 million
7 over the FY 2014 general fund appropriation of
8 \$1 million received by ADEM.
9 The additional \$2 million is necessary to
10 cover the cost of required upgrades to
11 laboratory equipment and computer software.
12 Due to the age of some of our laboratory
13 equipment and associated computer software,
14 they are technologically obsolete and
15 suppliers of spare parts and software are
16 discontinuing support. Without upgrades, it
17 is unknown when the equipment will become
18 inoperable. As a result of Microsoft ceasing
19 support of the Windows XP operating system,
20 the Information Systems Division of the State
21 Finance Department has mandated that state
22 agencies phase out of Windows XP, the
23 operating system for the laboratory equipment

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1 to be upgraded, and move to Windows 7 by April
2 2014. However, no provision has been made for
3 how to pay for these mandated upgrades. The
4 remaining portion of the requested \$2 million
5 budget increase is to cover the costs
6 associated with salary and fringe benefits
7 increases associated with merit raises plus
8 the substantial new fees charged by the
9 Alabama Department of the Comptroller to state
10 agencies for processing financial
11 transactions.
12 In January of this year, the Governor
13 introduced his proposed budget for Fiscal Year
14 2015. In it, Governor Bentley proposed that
15 the Legislature adopt a general fund
16 allocation that will fund departmental
17 operations at the exact same level of funding
18 received in 2014. This budget, if passed as
19 proposed, would leave the Department \$2
20 million short of covering the costs just
21 mentioned out of our general fund dollars.
22 That could create a potentially serious
23 situation.

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1 EPA is well aware of the level of state
2 resources being made available to the
3 Department. The state budget process is,
4 however, just beginning. We will continue to
5 work closely with the Legislature throughout
6 this process and I will be providing you
7 regular updates as the House and Senate
8 undertake budget deliberations.
9 Let me now transition from funding to
10 looking at what is being accomplished with the
11 funding that is available. For the past
12 several Commission meetings, we have been
13 discussing the EPA dashboards for the three
14 media -- air, water, and hazardous waste. The
15 reason for continuing this focus on EPA
16 dashboards is that the most basic need in
17 looking at performance and identifying
18 possible areas for improvement is to use a
19 common set of objective data. When credible
20 objective data is used, it reduces the need to
21 rely on limited observations, anecdotal
22 accounts, or personal opinions. If you will
23 bear with me today, I will walk through the

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1 Trends." And you click that, you will then
2 see the following display. And if you move
3 over to "State Dashboards" under "track
4 performance" and click that, it will take you
5 to the dashboard's displays. All right. We
6 have that.
7 This brings you to the default settings of
8 air on the far left, the tab on the far left.
9 Under "state," it shows the national
10 dashboards, and then the next blank over shows
11 "activity dashboards." Okay. You can select
12 from each of these areas a particular item to
13 look at. We'll leave it in air. And if you
14 would, Jason, select -- do the dropdown and
15 you can see all the states listed here. You
16 can select any state you'd like. For today,
17 we'll select Alabama. So these will be
18 Alabama dashboards that we will be looking at.
19 Okay. Now, on this page, you see
20 displayed the air media for the state of
21 Alabama, and we are looking at the activity
22 dashboards. This view will give you
23 information on ADEM's activities such as the

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1 EPA dashboard's website and illustrate how any
2 Alabamian can access and use the dashboard
3 system. We will attempt to do this as a live
4 demonstration. However, live demonstrations
5 can go wrong, so if we run into problems,
6 we'll jump over to some prepared demonstration
7 slides. Please direct your attention to the
8 monitor.
9 We begin using the dashboards by going to
10 the URL <http://echo.epa.gov>, which is also
11 shown on the ADEM website. We'll go through
12 Google, and he Googled in ADEM, came up with
13 our website referenced, and now he takes us to
14 the ADEM website. If you will click the
15 "compliance information" item on the website,
16 you will see the following display. From this
17 display, if you will scroll down to the item
18 that says "EPA's searchable compliance and
19 enforcement database," that will take you to
20 the EPA website. And here we show the EPA
21 website. This is live. This is live. Good
22 job, Jason. If you will look to the right,
23 you will see an icon that says, "Analyze

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1 number of inspections, number of facilities
2 found to be in significant noncompliance,
3 number of enforcement actions, and so forth.
4 Okay. We will now select the performance
5 view by using the dashboard view dropdown,
6 selecting performance dashboard. If you
7 would, Jason. Okay. You can see we have both
8 activity and performance dashboards. So
9 clicking the performance dashboard, this page
10 allows one to look at the different measures
11 in relationship to EPA's national goal for
12 that measure and/or national averages for all
13 50 states. In other words, this set of
14 dashboards measures performance. For example,
15 on this particular page, the middle graph
16 shows that Alabama performed a full compliance
17 evaluation, which is the Clean Air Act version
18 of inspections for at least 85 percent of the
19 Alabama facilities compared to the dotted blue
20 line, which is the national average, of 35
21 percent. There are additional dashboards. If
22 you would scroll down, Jason, everybody can
23 see that there are six dashboards displayed in

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1 each of these pages that you will bring up.
2 Also on this page that you will bring up.
3 Also on this page, please note that the
4 dashboards have multiple dropdowns with
5 multiple selections available. If you go back
6 up -- well, okay. That one is fine -- you can
7 see that there are six selections that you can
8 make on "enforcement actions," is where Jason
9 is today. And it's a little small for me to
10 read. I imagine it's a little small for
11 everybody. But you can identify major
12 facilities subject to enforcement, small
13 facilities subject to enforcement, the ratio
14 of formal enforcement to violations, and a
15 number of different comparisons in this.
16 These dropdown boxes appear on both the
17 activity page and the performance page and can
18 be used to produce 158 different displays, 41
19 for hazardous waste, 54 for air, and 63 for
20 water. We won't be going through all of those
21 today. But although these dashboards do
22 allow for a user to objectively measure the
23 performance of various states and EPA in the

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1 display board in the lobby as you were walking
2 in today, you saw details of the program's
3 activities and some examples of its
4 accomplishments over its first five years. Of
5 specific note is the growth of local recycling
6 programs in our state and their economic
7 impact in our local communities. Please
8 direct your attention once again to the
9 monitor.
10 A key component of the Department's
11 recycling effort is our recycling grants
12 program. The first grants from the Alabama
13 Recycling Fund were awarded in 2009. As may
14 be seen on this slide, over the past five
15 years, we have given out 95 grants to local
16 governments across Alabama, totaling just over
17 \$9 million.
18 The recycling grants program provides
19 funds at a local level to expand existing
20 recycling programs or help local programs
21 establish recycling programs in areas where it
22 is not currently an option for its citizens.
23 An interesting case which is shown on this

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1 environmental arena, it is important to
2 remember that there are currently data gaps,
3 reporting delays, and data inaccuracies that
4 require careful interpretation of the results
5 displayed. Over time, the quality of
6 comparison data can be expected to improve.
7 In spite of the current shortcomings, I will
8 continue to -- I will continue the process of
9 regular analysis of departmental performance
10 using these dashboards, and I encourage the
11 public to follow these simple steps to do the
12 same.
13 Thank you, Jason.
14 As you know, at each Commission meeting, I
15 try to highlight a different aspect of
16 departmental operations. Today I would like
17 to highlight our Land Division's recycling
18 program. Authority for the recycling program
19 came from the 2008 amendments to the Solid
20 Wastes and Recyclable Materials Management
21 Act, and funding is provided by the one-
22 dollar-per-ton solid waste disposal fee
23 implemented by the act. If you noticed the

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1 second slide is the grant funds that were
2 awarded to the city of Tuscaloosa to establish
3 its recycling program and then to help with
4 the rebuilding of its recycling program after
5 the 2011 tornado decimated its recycling
6 facility and equipment. With the help of the
7 funds provided through our program, Tuscaloosa
8 is now well on its way to achieving the
9 success rate it enjoyed before the
10 catastrophic storm. There are similar success
11 stories across the state in local recycling
12 programs that would not likely exist today
13 were it not for the program.
14 As you can see on this third slide, since
15 the first grants were awarded in 2009,
16 grantees have increased their annual
17 collections of recyclable materials by 11,400
18 tons, or a 59-percent increase in recycling
19 over the past five years. Approximately half
20 of our grantees have utilized these funds to
21 begin new recycling programs while the
22 remainder have enhanced their existing
23 recycling programs. And it's not just

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1 equipment and infrastructure that these grants
 2 are supporting. By assisting these local
 3 recycling programs with our grants, there have
 4 been 67 new jobs directly created at the local
 5 level and others created indirectly as these
 6 new materials move through the commerce
 7 stream.

8 Much work has been done and progress made
 9 as a state. There is, however, more work to
 10 be done. A recent study performed by the
 11 Department's Materials Managements Section,
 12 and depicted on this fourth slide, found that
 13 in 2011, Alabama spent over \$25 million to
 14 dispose of recyclable materials that were
 15 valued at more than \$193 million. This
 16 reflects a staggering total value loss of
 17 nearly \$220 million in our state. Through
 18 various activities and initiatives, the
 19 Department's recycling program is working to
 20 increase the diversion of recyclable
 21 commodities from the solid waste stream and to
 22 help Alabama realize the environmental and
 23 economic benefits of recycling.

Page 19

1 Department's annual nonpoint source conference
 2 held here in Montgomery.

3 The conference includes a series of case
 4 studies and other presentations by various
 5 organizations, including USDA, local soil and
 6 water conservation districts, community
 7 organizations, private sector contractors,
 8 ADEM personnel, and others highlighting
 9 effective practices in controlling and
 10 reducing nonpoint water pollution. This
 11 year's conference, which was held on
 12 January 22nd, was the 25th Annual Nonpoint
 13 Source Conference. As in years past, the
 14 event was a resounding success, pulling
 15 together a diverse audience of almost 300
 16 environmental engineers, biologists,
 17 geologists, municipal leaders, and water-
 18 quality specialists from across our state. A
 19 post-conference survey indicated that 99
 20 percent of attendees who completed the
 21 anonymous survey rated the overall conference
 22 as very good to excellent.

23 Nonpoint source pollution remains the

Page 18

1 The Land Division's recycling program
 2 continues to produce important economic and
 3 environmental benefits. Thank you, Jason.

4 As you may be aware, Heather McTeer-Toney
 5 was appointed by President Barack Obama as
 6 regional administrator for EPA's southeastern
 7 region in January 2014. I would like to take
 8 this opportunity to publicly welcome Ms. Toney
 9 to Region 4 and state that we certainly look
 10 forward to working with her on the many
 11 pressing environmental issues facing our state
 12 and our region.

13 It has been my practice to publicly
 14 recognize those programs and individuals
 15 within the Department who have achieved
 16 special distinction or accomplishments above
 17 and beyond what would normally be expected.
 18 Today I would like to recognize Scott Hughes,
 19 Chief of the Office of External Affairs, and
 20 his staff for their work on our 319 Nonpoint
 21 Source Program. In particular, I would like
 22 to draw your attention to their continued
 23 success in producing and managing the

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1 leading cause of negative impacts to water
 2 quality in Alabama and across the nation. By
 3 providing an annual forum for state and local
 4 decision-makers to share ideas with experts
 5 from a wide range of backgrounds, this
 6 conference has become a fertile ground for new
 7 ideas and collaborative efforts to improve
 8 water quality in our state by mitigating the
 9 impact of nonpoint source pollution.

10 Scott Hughes and his staff within the
 11 nonpoint source unit are dedicated to ensuring
 12 that the annual nonpoint source conference is
 13 a premier event. Many of those responsible
 14 for the enduring success of the conference are
 15 here with us today.

16 And, Scott, I'd like for you to come up
 17 and introduce those of your team who are here
 18 today.

19 MR. HUGHES: Thank you. I do have
 20 the pleasure of working with a tremendous
 21 staff each and every day. I want to ask if
 22 each one of them will stand as I call their
 23 name. Norman Blakey, Patti Hurley, Carmen

Page 21

1 Yelle, Sheila Durant, Missy Middlebrooks, Mike
 2 Jones, Mark Sport, Christy Bise, and Alissa
 3 Marodis.
 4 MR. LeFLEUR: Please join me in
 5 applauding.
 6 (Applause.)
 7 MR. LeFLEUR: Thank you for all the
 8 work you do day in and day out to make this
 9 event and the nonpoint source program as a
 10 whole a success.
 11 The agenda for today's meeting calls for
 12 the Commission to consider adopting the draft
 13 2014 Unified Strategic Plan. It has been five
 14 years since the last Unified Strategic Plan
 15 was adopted, so as set out in the ADEM
 16 Administrative Code, it is now time to update
 17 the Unified Strategic Plan. It has been my
 18 duty and my pleasure to work with the members
 19 of the Ad Hoc Committee in developing the
 20 updated strategic plan.
 21 Departmental operations are guided by the
 22 Unified Strategic Plan and, indeed,
 23 departmental activities are managed

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1 specifically to achieve the goals set out in
 2 the strategic plan. The strategic plan
 3 contemplates the development of departmental
 4 operating plans. For the last several years,
 5 the initial departmental operating plan has
 6 remained in place. We have focused in large
 7 part on yearly EPA-related work plans. As you
 8 may be aware, for many years, very detailed
 9 annual work plans have been negotiated between
 10 EPA and the Department. These plans cover
 11 each of our major programs, including NPDES,
 12 Safe Drinking Water, RCRA, and the Air
 13 Program. The work plans set out how funding
 14 will be spent and what will be accomplished.
 15 This year, the Department has developed a new
 16 format for the 2014 operating plan that more
 17 explicitly syncs up the work plans negotiated
 18 with EPA with the specific goals identified in
 19 the Unified Strategic Plan.
 20 The goals in both the strategic plan and
 21 the operating plan are, one, an effective and
 22 responsive Commission; two, a high-performing
 23 work environment; three, credible

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1 relationships with external stakeholders; and,
 2 four, efficient and effective departmental
 3 operations.
 4 A draft of this new operating plan has
 5 been made available to you and will be made
 6 available to any interested party. I believe
 7 this approach will assist in meeting my
 8 responsibility to assure that the strategic
 9 objectives the Commission has set, as well as
 10 the EPA work plans, are achieved.
 11 Once again, let me close with my thanks to
 12 you for serving the state of Alabama as
 13 Commissioners on the Alabama Environmental
 14 Management Commission and for allowing me to
 15 serve the state in this capacity. If there
 16 are any questions, I'd be pleased to address
 17 them now.
 18 VICE CHAIRMAN PHILLIPS: Thank you,
 19 Mr. Director. Any Commissioners have any
 20 questions, comments?
 21 (No response.)
 22 VICE CHAIRMAN PHILLIPS: Thank you
 23 again.

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1 MR. LeFLEUR: Thank you.
 2 VICE CHAIRMAN PHILLIPS: Okay.
 3 Moving to Agenda Item No. 3. It's the report
 4 from the Commission Chair. With Commissioner
 5 Brown not here, he provided me no comments to
 6 provide in this area, so we'll move to Agenda
 7 Item No. 4. Agenda Item No. 4 is the report
 8 and recommendation from the Strategic Planning
 9 Ad Hoc Committee and consideration for the
 10 approval of the proposed 2014 Unified
 11 Strategic Plan. Since I'm acting as Chair for
 12 the Commission, I've asked Dr. Laier to talk
 13 to us as the Acting Chair for the Ad Hoc
 14 Committee.
 15 DR. LAIER: Thank you, Mr. Chairman.
 16 The Commission appointed an ad hoc committee
 17 at our last regular meeting in December of
 18 2013. We were to work with the Director to
 19 review, update, and propose a new strategic
 20 plan. Committee members consisted of
 21 Commissioner Phillips, Commissioner Merritt,
 22 and Commissioner Laier, and our charge was to
 23 work with the Director and to do our best to

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1 develop a new plan.
2 Our Ad Hoc Committee held an open meeting
3 on January 24, 2014. At that meeting, we
4 passed a motion to recommend to our full
5 Commission the approval of our updated
6 strategic plan. The plan was developed not
7 only with our Committee and working with the
8 Director but with other members of our full
9 Commission because the new strategic plan
10 involves updating, elimination of some
11 existing policies, and the addition of new
12 information. Today we come before you to
13 offer this final plan as our 2014 Unified
14 Strategic Plan, and our Committee recommends
15 the full Commission approval of this plan.
16 I will now turn this back over to our
17 Chair.
18 VICE CHAIRMAN PHILLIPS: Thank you,
19 Dr. Laier. I'll entertain a motion from the
20 Commission regarding the approval of proposed
21 2014 Unified Strategic Plan.
22 DR. CARSON: I move we approve the
23 plan.

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1 VICE CHAIRMAN PHILLIPS: I have a
2 motion. Do I have a second?
3 MS. MERRITT: Second.
4 VICE CHAIRMAN PHILLIPS: Motion and a
5 second. Any discussion?
6 (No response.)
7 VICE CHAIRMAN PHILLIPS: There being
8 no discussion, all in favor of the motion to
9 approve the 2014 Unified Strategic Plan as
10 proposed, signify with the sign aye.
11 (Unanimous.)
12 VICE CHAIRMAN PHILLIPS: All oppose,
13 same sign.
14 (No response.)
15 VICE CHAIRMAN PHILLIPS: Motion
16 carries. Debi, do you have something for us
17 to sign?
18 MS. THOMAS: Yes.
19 VICE CHAIRMAN PHILLIPS: We'll wait
20 just a moment.
21 (Brief pause.)
22 VICE CHAIRMAN PHILLIPS: Moving to
23 Agenda Item No. 5. We'll consider the

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1 adoption of proposed amendments to ADEM Admin
2 Code Division 335-3, Air Pollution Control
3 Program Regulations. At this time, I'll call
4 on the Department for comments. Mr. Gore.
5 MR. GORE: Hello. Chair Phillips,
6 madame, gentlemen. In the late 1990s, EPA
7 adopted rules that were put with the national
8 level that affect commercial and industrial
9 solid waste incinerators. In the year 2000,
10 this body adopted rules which obtained privacy
11 for enforcement of those rules in Alabama.
12 Two years ago, EPA made some changes to those
13 rules. In order to maintain that privacy that
14 we obtained in 2000, we're asking that you
15 adopt the EPA's updates to the rules. We held
16 a public comment period from November the 25th
17 of '13 till January the 10th of '14 and a
18 public hearing on January the 9th with no
19 comments written or oral. And pending any
20 questions, I would ask that you adopt these
21 changes.
22 VICE CHAIRMAN PHILLIPS: Thank you,
23 Mr. Gore. Anybody on the Commission have any

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1 questions that they would like to ask?
2 (No response.)
3 VICE CHAIRMAN PHILLIPS: All right.
4 I'll entertain a motion from the Commission.
5 DR. MILLER: I move we adopt the
6 changes.
7 DR. LAIER: Second.
8 VICE CHAIRMAN PHILLIPS: Have a motion
9 and a second. Any further discussion?
10 (No response.)
11 VICE CHAIRMAN PHILLIPS: All in favor
12 of the motion to adopt, signify with the sign
13 aye.
14 (Unanimous.)
15 VICE CHAIRMAN PHILLIPS: All oppose,
16 same sign.
17 (No response.)
18 VICE CHAIRMAN PHILLIPS: Motion
19 carries.
20 (Brief pause.)
21 VICE CHAIRMAN PHILLIPS: Okay. We'll
22 move to Agenda Item No. 6, which will be the
23 consideration to adopt the proposed amendments

<p style="text-align: right;">Page 29</p> <p>1 to ADEM Admin Code Division 335-6, Water 2 Quality Program Regulations. A reminder to 3 the Commission that this is an NPDES-related 4 matter. I'll call on the Department for 5 comments. Ms. Dean. 6 MS. DEAN: Mr. Chairman and members 7 of the Commission. I am Glenda Dean, and I am 8 Chief of the Water Division. You have before 9 you the complete hearing record for proposed 10 changes to the Water Quality Program 11 Regulations. In October 2013, the Department 12 initiated the rule-making process to add the 13 outstanding Alabama water-use classification 14 for Shoal Creek in the Coosa River Basin and a 15 segment of Estillfork and Hurricane Creek in 16 the Tennessee River Basin. 17 In addition, the Department proposed to 18 add a swimming and other whole-body contact 19 water sports use classification to segments of 20 the Pea River in the Choctawhatchee River 21 Basin. The Department also proposed to add 22 numeric nutrient criteria in the form of 23 growing season mean chlorophyll A to Lake</p>	<p style="text-align: right;">Page 31</p> <p>1 any questions. 2 VICE CHAIRMAN PHILLIPS: Thank you, 3 Ms. Dean. Does anyone have any questions on 4 the Commission? 5 (No response.) 6 MS. DEAN: Thank you. 7 VICE CHAIRMAN PHILLIPS: Thank you. 8 No questions. I'll entertain a motion. 9 MS. MERRITT: I move that we adopt 10 the proposed amendment. 11 DR. RICHARDSON: Second. 12 VICE CHAIRMAN PHILLIPS: I have a 13 motion and a second. All in favor of the 14 motion to adopt, signify with the sign aye. 15 (Unanimous.) 16 VICE CHAIRMAN PHILLIPS: All oppose, 17 same sign. 18 (No response.) 19 VICE CHAIRMAN PHILLIPS: Motion 20 carries. 21 (Brief pause.) 22 VICE CHAIRMAN PHILLIPS: Okay. Move 23 to Agenda Item 7. We'll consider the adoption</p>
<p style="text-align: right;">Page 30</p> <p>1 Frank Jackson in the Perdido/Escambia River 2 Basin and Bear and Upper Bear Creek Reservoir 3 in the Tennessee River Basin. Additionally, 4 the Department proposed revisions to correct 5 grammatical errors and clarify existing 6 language to Chapters 335-6-10 and 335-6-11 of 7 the ADEM regulations. 8 On December 18, 2013, a public hearing was 9 held to receive data, views, and comments from 10 interested individuals regarding the proposed 11 regulations. Written comments were accepted 12 any time during the public comment period 13 which extended from October 27th through 14 December the 18th of 2013. During the comment 15 period, the Department received written 16 comments from ten individuals or 17 organizations. All comments received were 18 supportive of the Department's proposed 19 changes. 20 You have a copy of the Department's 21 reconciliation statement. The Department 22 requests the Commission adopt the proposed 23 revisions. And I am available should you have</p>	<p style="text-align: right;">Page 32</p> <p>1 of the proposed amendments to ADEM 2 Administrative Code Division 335-6, Water 3 Quality Program Regulations, Chapter 335-6-15, 4 Technical Standards, Corrective Action 5 Requirements, and Financial Responsibility for 6 Owners and Operators of Underground Storage 7 Tanks Regulations. A mouthful. I'll call on 8 the Department for comments. 9 MS. MASSEY: Mr. Chairman and members 10 of the Commission, good morning. My name is 11 Sonja Massey. I am the Chief of the 12 Groundwater Branch of the Land Division of 13 ADEM. You have in the information provided to 14 you proposed provisions to the ADEM 15 Administrative Code, Division 6, Volume II, 16 Chapter 335-6-15, which addresses the 17 technical standards, corrective action 18 requirements, and financial responsibility for 19 owners and operators of underground storage 20 tanks. 21 These revisions are being proposed to 22 change the manner in which delivery 23 prohibition becomes effective for affected</p>

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1 owners to allow owners who are certified
2 installers who are installing, closing, or
3 repairing USTs to use the Alabama Underground
4 and Aboveground Storage Tank Trust Fund for
5 financial responsibility; to revise the
6 definition of routine maintenance; and to make
7 other necessary updates.
8 The required public notice for the
9 proposed revisions has been completed and a
10 public hearing was held on January 9, 2014.
11 No comments have been received. The
12 Department recommends adoption of these
13 regulations as they were proposed. I'll be
14 happy to address any questions you may have.
15 VICE CHAIRMAN PHILLIPS: Thank you,
16 Ms. Massey. Anyone from the Commission have
17 any questions of Ms. Massey?
18 (No response.)
19 VICE CHAIRMAN PHILLIPS: Thank you.
20 I'll entertain a motion from the Commission.
21 MS. MERRITT: I move that we adopt
22 the proposed amendment.
23 DR. RICHARDSON: Second.

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1 VICE CHAIRMAN PHILLIPS: I have a
2 motion and a second. Any further discussion?
3 (No response.)
4 VICE CHAIRMAN PHILLIPS: There being
5 no further discussion, all in favor, signify
6 with the sign aye.
7 (Unanimous.)
8 VICE CHAIRMAN PHILLIPS: All opposed,
9 same sign.
10 (No response.)
11 VICE CHAIRMAN PHILLIPS: Motion
12 carries.
13 (Brief pause.)
14 VICE CHAIRMAN PHILLIPS: Thank you,
15 Debi.
16 Moving to Agenda Item 8, any other
17 business to come before the Commission?
18 (No response.)
19 VICE CHAIRMAN PHILLIPS: Thank you.
20 Move to Agenda Item No. 9, which is our future
21 business session. I'll note the date of the
22 next regular Commission meeting is scheduled
23 for April 11, 2014; start time, 11 a.m., in

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1 this conference room. Any conflicts with the
2 Commission I need to know about?
3 DR. CARSON: I will not be able to
4 attend.
5 VICE CHAIRMAN PHILLIPS: Okay.
6 Moving to the public comment period, we have
7 one request for public comment. I'll note
8 that Chair Brown has recommended granting the
9 request of Mr. Mullen on behalf of the ADEM
10 Reform Coalition to discuss strategic planning
11 and implementation at the Alabama Department
12 of Environmental Management. I'll entertain a
13 motion regarding granting or denying the
14 request to address the Commission submitted by
15 Mr. Mullen. Do I have a motion?
16 DR. LAIER: I move that we allow the
17 presentation.
18 VICE CHAIRMAN PHILLIPS: I have a
19 motion to accept. Do I have a second?
20 DR. CARSON: I second.
21 VICE CHAIRMAN PHILLIPS: I have a
22 motion and a second. Any discussion?
23 (No response.)

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1 VICE CHAIRMAN PHILLIPS: All in
2 favor, signify with the sign aye.
3 (Unanimous.)
4 VICE CHAIRMAN PHILLIPS: Any oppose,
5 same sign.
6 (No response.)
7 VICE CHAIRMAN PHILLIPS: Motion
8 carries. Mr. Mullen, if you would come up.
9 Just a reminder -- I know you know this -- but
10 you have ten minutes.
11 MR. MULLENS: Okay. I'm not going to
12 use more than probably 30 seconds. David
13 Ludder will finish the rest of the
14 presentation. We have a number of new
15 Commissioners who may not be that familiar
16 with the ADEM Reform Coalition. ADEM Reform
17 Coalition has been around more than a decade
18 now working on behalf of approximately 40
19 citizen organizations to try to bring about
20 reforms that stakeholders feel need to be made
21 of the agency. The first blueprint was
22 published in -- I'm going to give these to
23 you, Scott, and ask you to pass them out.

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1 There's one for Chairman Brown, too --
2 published the first blueprint in 2002. It was
3 revised in 2006. And we want to commend the
4 Commission and the Department for moving
5 forward and making changes to implement many
6 of these reform recommendations. One of those
7 recommendations we made, as they are, was
8 development of -- development of the strategic
9 plan. And we appreciate you doing that. But
10 accompanying in the same recommendation was --
11 involved transparency and public involvement,
12 and we're very disappointed that you just
13 voted to approve a strategic plan and there
14 was no real public involvement, no meaningful
15 public involvement. The plan was not
16 available until a few days -- the draft was
17 not available that you voted on until a few
18 days before the meeting. So, you know,
19 there's been some progress, but the
20 transparency and stakeholder involvement is
21 still a major issue. And I'm going to turn it
22 over to David for the rest of the
23 presentation.

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1 VICE CHAIRMAN PHILLIPS: Thank you,
2 Mr. Mullen.
3 Just a reminder, Mr. Ludder, less than ten
4 minutes.
5 MR. LUDDER: Thank you, Mr. Chairman,
6 members of the Commission. I'm here on behalf
7 of ARC as well, ADEM Reform Coalition. You-
8 all adopted a Unified Strategic Plan in 2008;
9 and as part of that plan, at page 11, there is
10 a requirement for development and -- for
11 development of an annual operations plan.
12 Included in that annual operations plan is
13 supposed to be a performance report, a review
14 of performance, for the previous year. I
15 contacted the Department in November and asked
16 for a copy of all of the annual operating
17 plans that the Department has developed since
18 the adoption of the last strategic plan. I
19 was directed to the Department's website and
20 one link, which was basically an update of an
21 operating plan presumably developed in 2009.
22 I was not provided with a copy of the
23 operating plan for 2009 but just this update.

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1 I assume the content of this update
2 essentially included the terms of the
3 operating plan as well as progress that had
4 been achieved toward completion of each of the
5 items. And this particular image is simply a
6 partial image of page 1 of this update.
7 I then wrote the Department again in
8 December and said, You've given me one. Where
9 are the rest? Please provide them. I was
10 told that's the only one available. I then
11 wrote the Director and asked again to -- asked
12 for him to again provide me for all of the
13 operating plans that had been developed. I
14 specifically mentioned that the EMC minutes in
15 2010, the EMC minutes report, that there was
16 some discussion about a 2010 operating plan,
17 but that had not been provided to me earlier
18 in my request to ADEM.
19 Last night, or I should say yesterday
20 afternoon, while I was in transit to
21 Montgomery, I received this e-mail which says,
22 We found the 2010 operating plan, and you can
23 get it by going to this website and entering

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1 different words and you can access it. And
2 this is an image of page 1 of the 2010
3 operating plan. But no operating plans have
4 been provided for the following three years.
5 Now, in the Director's report, he said, No
6 matter. The 2010 operating plan carried
7 forward from each of the following years. The
8 problem with that is, the annual operating
9 plans are supposed to include a review of
10 performance during the previous year. So we
11 not only have no operating plans, we have no
12 reviews of performance. How did this happen?
13 And it's up to you folks to tell the public
14 how this could happen. There should have been
15 somebody charged at ADEM with a tickler system
16 to say, Time to do the operating plan, time to
17 do -- to review our annual performance. But
18 what happened? Nothing happened.
19 One solution to this might be you right
20 now have a rule that says the Department will
21 do a strategic plan every five years. You
22 could easily add another paragraph that says
23 the Department will draft an annual operating

1 plan every year submitted to you for review,
2 you negotiate over it, and then you approve
3 it, and then each -- that happens each year.
4 Now, it's certainly not necessary to adopt a
5 rule, but something broke down in this system.
6 Somehow it's got to get fixed.

7 So I would appreciate that -- that you
8 folks are in a position to make sure this
9 happens, to make sure something happens to
10 correct this problem. You just adopted a new
11 strategic plan. It has the same requirement
12 in it for an annual operating plan, an annual
13 progress review. We can't go through this
14 again. We're missing the boat. Thank you.

15 VICE CHAIRMAN PHILLIPS: Thank you,
16 Mr. Ludder. Any questions from the
17 commission?

18 (No response.)

19 VICE CHAIRMAN PHILLIPS: Okay. Thank
20 you. No other business before the Commission.
21 Do I have a motion to adjourn?

22 DR. LAIER: So move.

23 DR. MILLER: Second.

1 REPORTER'S CERTIFICATE

2
3 STATE OF ALABAMA)
4 ELMORE COUNTY)

5
6 I do hereby certify that the above
7 and foregoing transcript was taken down by me
8 in stenotype, and the questions and answers
9 thereto were transcribed by means of
10 computer-aided transcription, and that the
11 foregoing represents a true and correct
12 transcript of the testimony given by said
13 witness.

14
15 I further certify that I am
16 neither of counsel, nor any relation to the
17 parties to the action, nor am I anyway
18 interested in the result of said cause.

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

24 /s/ Bridgette W. Mitchell
25 Bridgette W. Mitchell
26 Certified Court Reporter and
27 Commissioner for the State of
28 Alabama at Large
29 ACCR No. 231 - Expires 9/30/14
30 MY COMMISSION EXPIRES 12/19/17

1 VICE CHAIRMAN PHILLIPS: All in
2 favor, signify with the sign aye.

3 (Unanimous.)

4 VICE CHAIRMAN PHILLIPS: We are
5 adjourned. Thank you.

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23 evidenced by the ACCR number following my name
below.

Bridgette W. Mitchell

/s/ Bridgette W. Mitchell
Bridgette W. Mitchell
Certified Court Reporter and
Commissioner for the State of
Alabama at Large
ACCR No. 231 - Expires 9/30/14
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Part B

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Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 21, 2014

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

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

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

1. CONSIDERATION OF MINUTES OF MEETING HELD ON DECEMBER 13, 2013
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. REPORT AND RECOMMENDATION FROM THE STRATEGIC PLANNING AD HOC COMMITTEE AND CONSIDERATION OF APPROVAL OF THE PROPOSED 2014 UNIFIED STRATEGIC PLAN

The Strategic Planning Ad Hoc Committee will report and make a recommendation to the Commission regarding the Commission's approval of the proposed 2014 Unified Strategic Plan under which the Commission and the Department will operate. The Commission will then consider approval of the proposed plan.

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

The Commission will consider proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations. Revisions to Rule 335-3-3-.05 incorporate the Emission Guidelines for Existing Commercial and Industrial Solid Waste Incineration Units. These revisions will be a part of the State Plan required under §111(d) and 129 of the Clean Air Act. The Department held a public hearing on the proposed amendments on January 9, 2014.

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

The Commission will consider proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations. Revisions to Rules 335-6-10-.07, 335-6-10-.08, 335-6-10-.09, 335-6-11-.01, and 335-6-11-.02 to correct grammatical errors and clarify existing language; Rule 335-6-10-.11 to add numeric nutrient criteria in the form of growing season mean chlorophyll a to Lake Frank Jackson in the Perdido/ Escambia River Basin and Bear Creek Reservoir and Upper Bear Creek Reservoir in the Tennessee River Basin; and Rule 335-6-11-.02 to add Outstanding Alabama Water use classifications to waterbody segments in the Coosa and Tennessee River Basin and Swimming and Other Whole Body Water-Contact Sports to waterbody segments in the Choctawhatchee River Basin. The Department held a public hearing on the proposed amendments on December 18, 2013.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM
ADMIN. CODE DIVISION 335-6, WATER QUALITY PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations. The Department is proposing to amend ADEM Admin. Code Chapter 335-6-15, "Technical Standards, Corrective Action Requirements and Financial Responsibility for Owners and Operators of Underground Storage Tanks" regulations, scheduled to become effective on April 1, 2014. Revisions to the division 335-6 Code are being proposed to change the manner in which Delivery Prohibition becomes effective for affected owners; to allow owners who are certified installers, who are installing, closing or repairing USTs to use the Alabama Underground and Aboveground Storage Tank Trust Fund for Financial Responsibility; to revise the definition of routine maintenance; and to make other necessary updates. The Department held a public hearing on the proposed amendments on January 9, 2014.

8. OTHER BUSINESS

9. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

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

Michael William Mullen, on behalf of the ADEM Reform Coalition
SUBJECT: Strategic planning and implementation at the
Alabama Department of Environmental Management
(Chair Brown will recommend that the Commission grant the Request.)



February 6, 2014

Delivered via Facsimile
(334) 279-3052

H. Lanier Brown, II, Esq. (Chair)
Alabama Environmental Management Commission
c/o Debi Thomas, Executive Assistant
1400 Coliseum Boulevard
Montgomery, AL 36110-2400

Re: Request to Speak at Feb. 21, 2014 Commission Meeting

Dear Mr. Brown:

The ADEM Reform Coalition requests the opportunity to address the Alabama Environmental Management Commission at its February 21, 2014 meeting on the matter of **Strategic Planning and Implementation** at the Alabama Department of Environmental Management.

Sincerely,

Michael William Mullen, Co-Chair



Attachment 2

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

MOTION

Approve the proposed 2014 Unified Strategic Plan

ORDER


This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That a copy of the proposed 2014 Unified Strategic Plan is attached hereto as Exhibit A and made a part hereof; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

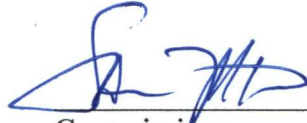
Environmental Management Commission Order
Page 2

ISSUED this 21st day of February 2014.

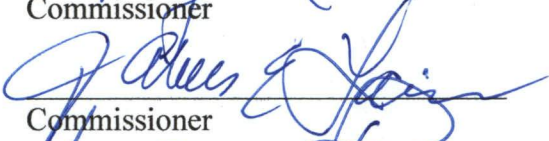
APPROVED:



Commissioner



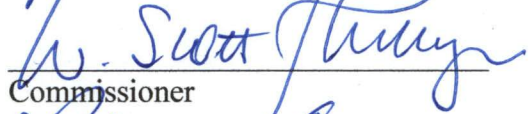
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner



Commissioner


DISAPPROVED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 21st day of February 2014.



W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 21st day of February 2014

Alabama Environmental Management Commission
and Alabama Department of Environmental
Management

Unified Strategic Plan

Version 2.1
1/1/14

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Purpose

This Unified Strategic Plan links the strategy for the AEMC (Commission) and the ADEM (Department). It is a unified, multi-year strategic plan to accomplish significant results in the fulfillment of both the Commission's and Department's mission as set out in the Code of Alabama, 1975, Section 22-22A-2.

Mission, Values, Operating Guidelines

The joint **Mission** of the Commission and Department is to...

Assure for all citizens of the state a safe, healthful and productive environment.

Both the Department and Commission have identified the following **values** that are important to the fulfillment of their mission and which will **guide the operation** of the Commission and Department.

1. **Clear, Science-Based Decisions and Policies to Protect Human Health and the Environment** - *We seek clarity and certainty in our regulations, methods and actions, ensuring they are based on objective, peer-reviewed scientific standards and that they provide protection for all citizens.*
2. **Respect each other's Roles** - *We will respect the roles of the Commission as a body, the Department as an organization, with the Director as the Chief Executive Officer.*
3. **Seek Transparent Communication** - *We will seek open and transparent communication within the Commission, the Department, and between the Commission and Department.*
4. **Use Resources Wisely** - *We respect the wise, productive, and efficient use of resources, prioritizing actions to gain the greatest environmental return on the investment of our limited resources, and relying on innovation and efficiency to multiply the resources we have.*
5. **Act on Agreed upon Goals** – *The Commission will seek agreement on goals and plans to achieve the most meaningful results to effectively execute our mission, of assuring a safe, healthful and productive environment. The Commission will act on those goals and plans only when agreed upon.*

Roles of the Commission and Department

In the fulfillment of its mission, the Commission and the Department have cooperative but different roles and responsibilities.

AEMC	ADEM
<p>The Commission's role is to set policy by:</p> <ol style="list-style-type: none"> (1) Promulgating rules, (2) Hearing appeals (3) Managing the Director of the Department. 	<p>The Department's role is to implement policy by:</p> <ol style="list-style-type: none"> (1) Managing permitting, compliance determinations, and enforcement actions to implement the Commission's set policy (2) Providing timely quality information to the Commission to help them in policy setting decisions.
<p>To fulfill its role, the Commission needs:</p> <p>Comprehensive, clear, and unbiased information for policy decision making.</p> <p>To convey any proposed new objectives, policies or initiatives to the Director.</p>	<p>To fulfill its role the Department needs:</p> <p>Clear direction from the AEMC</p> <p>Resources</p>
<p>The Commission depends on systems and procedures as follows:</p> <p>Defined processes to set policy, deal with emerging issues, adopt regulations, and interact with public</p> <p>Defined processes to obtain comprehensive, clear, and unbiased information from the department</p> <p>Operating guidelines to enable open, efficient, and collaborative decision making.</p>	<p>The Department relies on systems and procedures as follows:</p> <p>Budget management to manage financial resources.</p> <p>Operations management to manage the permitting, compliance determination, and enforcement operations of the organization.</p> <p>Performance and Quality management to lead the Department's professionals to seek high levels of performance and quality.</p>

Vision for Achieving the Most Meaningful Results for the Environment

The Commission and Department share a joint vision to achieve the most meaningful results for a safe, healthful and productive environment. Areas of accomplishment include, but are not limited to the following:

- **Air Media** - the achievement of ambient air quality at or above standards set by EPA,
- **Land Media** – the safe and responsible management and disposal of solid and hazardous wastes, the control, remediation, and redevelopment of contaminated soil and/or groundwater sites, and the diversion of recyclable materials from the solid waste disposal stream
- **Water Media** - the attainment of water quality standards and all use classifications, and minimizing the effects of stormwater runoff.

Key Goals for AEMC/ADEM

1. **Effective and Responsive Commission** - An effective and responsive commission is:
 - a. getting an open flow of information from all major stakeholders
 - b. collaborating within the Commission on decisions and reasons for them
 - c. setting and following operational guidelines that promote meaningful results
 - d. addressing issues in a timely manner
 - e. receiving comprehensive and unbiased information from the Department
2. **High Performing Work Environment** - The AEMC and the ADEM need a work environment that promotes productivity and is fulfilling for the organization and the people. A reflection of a high performing work environment is:
 - a. adequate financial resources to meet goals
 - b. high caliber personnel
 - c. high caliber data support systems
 - d. setting of high standards of performance and accountability
 - e. the accomplishment of goals
 - f. a clear line-of-sight between our mission, goals, and strategies to accomplish goals and individual employee work activities
 - g. high employee morale
3. **Credible Relationships with External Stakeholders** – Having a credible relationship with stakeholders (including citizens, the regulated community, and all branches and levels of government) is:
 - a. engaging in proactive outreach
 - b. making relevant commitments and keeping those commitments
 - c. having an open, efficient flow of information to and from stakeholders about their expectations
 - d. treating stakeholders fairly
 - e. providing equal access and consideration for all parties/stakeholders
 - f. demonstrating to stakeholders that resources are being used efficiently
 - g. providing timely information

4. Efficient and Effective Departmental Operations – Efficient and effective operations is:

- a. implementing a robust quality management system
- b. managing program operations to specific key performance metrics
- c. effectively managing our operational budget and individual program budgets
- d. making decisions, including both regulatory assistance and administrative deterrence, to promote progress toward 100% compliance, and
- e. consistently achieving timeliness standards in our actions.

DRAFT

Strategies to Achieve Mission, Vision, and Key Goals

There are factors that are critical to the success of efforts by the Commission and the Department to achieve their shared mission, vision, and goals. Those factors are reflected in following specific strategies which are implemented by the Commission and/or the Department:

- A. Practice Effective Communication Between the Commission and the Department –** Establish and promote practices to obtain comprehensive, clear, and unbiased information necessary to fulfill responsibilities.

Intent

- Provide quality timely information to the Commission for decision making.
- Promote transparency in communication between the Commission and Department

Strategies

- i. **Information Gathering Process for the Commission** – Maintain a process for the Commission to obtain information from the Department and other sources necessary to make rulemaking and policy decisions.
- ii. **Communications** –To be effective, the Commission and the Department need transparent, effective and positive communication. Collaboration and joint decision making require effective communication among the Commissioners, and between the Commission and outside stakeholders including the Department. Commissioners should avail themselves of opportunities to openly and clearly talk about issues, opportunities, and decisions and do so in compliance with the Open Meetings Act.
- iii. **Managing the Director** – The AEMC Personnel Committee, with input from the entire AEMC, meet with the Director for a formal review of performance at least annually.

B. Effectively address Emerging Issues, Regulations, and Interaction with the Public –
Utilize processes to effectively deal with emerging issues, adopting regulations and interacting with the public.

Intent

Provide for efficient and effective Commission operations by...

- standardizing practices for critical Commission activities and
- increasing and improving stakeholder involvement.

Strategies

- i. **Emerging Issues** – The Director will periodically update the Commission on emerging issues and will investigate and report back to the Commission on any emerging issues identified by the Commission.
- ii. **Public Input** – Evaluate and improve, as necessary, the AEMC process for receiving input from stakeholders.
- iii. **Department Initiated Regulations** – Assure that the AEMC is informed on all issues related to Department initiated proposed regulations.

C. Departmental Support for AEMC – Provide robust departmental support to the AEMC.

Intent

- Provide the Commission with comprehensive, unbiased and clear information with which to make decisions.

Strategies

- i. **Information Support for Decision Making** – Maintain a structured format for efficiently providing support to the Commission to meet their information needs by having the Director:
 - a. Proactively inform Commission on current issues
 - b. Reactively respond to issues raised by Commission
 - c. Report to the Commission regarding citizen raised issues
- ii. **Department Performance Reporting** – Provide internal and external operational (program), financial and performance information to the Commission on a regular basis.

DRAFT

D. Goal Focus – Focus ADEM staff around department and program goals.

Intent

Implement a performance management system to...

- Hold staff accountable for individual performance
- Center employee rewards around high performance
- Focus management on program metrics
- Improve employee satisfaction/morale
- Create clarity and alignment (employee line-of-sight) on departmental goals
- Enhance internal communications about performance expectations
- Improve quality through continuous process improvement.

Strategies

- i. **Mission** – Communicate and align all staff with the Department's mission.
- ii. **Program Outputs and Performance Metrics** – Evaluate program and staff performance based on performance utilizing Departmental Operating Plan metrics, EPA grant commitments, and EPA State Review Framework audit elements.
- iii. **Performance Management** – Use performance metrics to communicate and reward high performance and to address and change poor performance.
- iv. **Staff Alignment** – Engage all staff in aligning work expectations with program goals. Gain staff input in setting program goals.
- v. **Celebrate Successes** – Identify key successes and find ways to celebrate them with employees, Commissioners and other involved stakeholders.

E. Quality Operations – Ensure that the Department is managing quality in operations.

Intent

Successfully manage the Department's operations by...

- Providing clarity and accountability for funding and resource allocation
- Create a clear picture of funding sufficiency
- Gain greater efficiency in operations
- More effectively meet customer needs and expectations
- Speed up the ability to accept and use new technologies
- Create clarity and accountability for operational performance
- Gain consistency across operations
- Develop a system that rewards employees for high performance
- Encourage and provide opportunities for employees to showcase capabilities
- Instill greater trust in the Department by the Commission, Alabama citizens and the regulated community.

Strategies

- i. **Quality Assurance Measures** – Utilize agreed upon quality assurance measures within permitting, compliance evaluation, enforcement and other pertinent support processes and functions.
- ii. **Audit Quality Performance** – Audit quality assurance measures and performance.
- iii. **Evaluate Program Performance based on Output Metrics** - Identify primary program products and evaluate performance by the key metrics for those products.
- iv. **Budgeting and Permitting Cost Justification** – Maintain standard budgeting and permitting cost justification methods across all programs.
- v. **Support of Department** – Ensure Department financial, IT, personnel, and other resource support is adequate to successfully meet defined program requirements
- vi. **Continuous Process Improvement** – Maintain a Department-wide continuous process improvement strategy.

F. Compliance – Implement operational changes, policy changes, and a multi-pronged approach to encourage 100% compliance among all regulated entities.

Intent

Encourage and support 100% compliance by...

- Reinforcing a normal expectation of compliance among all regulated sources
- Providing appropriate, measured, and focused compliance assistance where needed
- Assuring fair and consistent enforcement among all regulated entities
- Increasing the speed of compliance determinations and enforcement actions
- Providing departmental and commission focus on programs needing assistance with non-compliance rates
- Identifying and implementing solutions for achieving high compliance rates.

Strategies

- i. Remove internal Obstacles to Compliance**
 - a. Program level operational changes to increase compliance
 - b. Department level operational changes which are outside program's direct control to increase compliance
 - c. Policy and related regulation changes that increase compliance

- ii. Emphasize Multi-pronged Approach to Achieve Compliance:**
 - a. Inspections
 - b. Informal enforcement as a training opportunity
 - c. Formal enforcement activity to include penalties and cease & desist orders

Plan Adoption and Implementation

As set forth in Section 335-1-1.03 (4) through (6) of the ADEM Administrative Code the Unified Strategic Plan is to be adopted by the Commission. The Department will utilize the Unified Strategic Plan to guide its actions and will develop Departmental action plans consistent with the Unified Strategic Plan.

Agreement on Unified Strategic Plan – The Commission and the Department agree that the Unified Strategic Plan as set forth in this document represents the plan that will guide the actions of the Commission and the Department until a new plan is developed.

Annual Departmental Operating Plan – Execution of the Unified Strategic Plan will require the annual development and implementation of measurable actions coupled with a review of performance from the previous year. The identified measurable actions will be included in an Annual Departmental Operating Plan.

Day-to-Day Performance – The Unified Strategic Plan as well as Annual Departmental Operating Plans are intended to inform the Commission and guide the Department in the execution of the Department's mission.

Attachment 3

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

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

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.



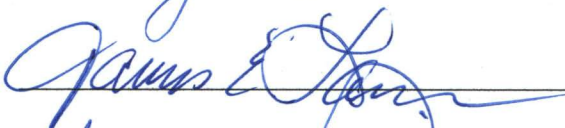
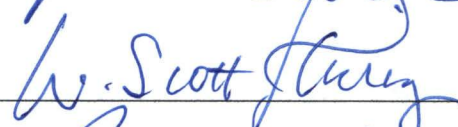
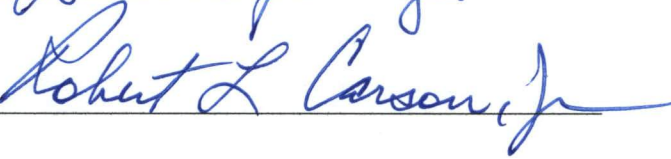
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [rules 335-3-3-.05/Incineration of Commercial and Industrial Solid Waste (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 21st day of February 2012.

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 21st day of February 2014.



W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 21st day of February 2014

Attachment 4

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (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 [rule 335-6-10-.07/Toxic Pollutant Criteria Applicable to State Waters (Amend); 335-6-10-.08/Waste Treatment Requirements (Amend); 335-6-10-.09/Specific Water Quality Criteria (Amend); 335-6-10-.11/Water Quality Criteria Applicable to Specific Lakes (Amend); 335-6-11-.01/The Use Classification System (Amend); 335-6-11-.02/Use Classifications (Amend)] of the Department's Water

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

Quality Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of February 2014.

APPROVED:

Mary Bennett

Jim White

James G. Lane

Terry D. Richardson

W. Scott Phillips

Robert A. Cowan, Jr.

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 21st day of February 2014.

ABSTAINED:

W. Scott Phillips
W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 21st day of February 2014

Attachment 5

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (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 335-6 [rule 335-6-15-.02/Definitions (Amend); 335-6-15-.06/Performance Standard for New USTs, Piping, UST Systems, and/or Dispensers (Amend); 335-6-15-.09/Operation and Maintenance of Spill and Overfill Control, and Containment Systems (Amend); 335-6-15-.13/Reporting and Recordkeeping (Amend); 335-6-15-.15/Release Detection Requirements For Petroleum UST Systems (Amend); 335-6-15-.17/Methods Of Release Detection For Tanks (Amend); 335-6-15-.18/Methods of Release Detection for Piping (Amend); 335-6-15-.19/Release Detection Recordkeeping (Amend); 335-6-15-.22/Release Investigation and Confirmation Steps (Amend); 335-6-15-.27/Free Product Removal (Amend); 335-6-15-.31/Public Participation (Amend); 335-6-15-.33/Temporary Closure (Amend); 335-6-15-.34/Permanent Closure and Changes-in-Service (Amend); 335-6-15-.45/Delivery Prohibition (Amend); 335-6-15-.46/Operator Training (Amend); 335-6-15-.47/Certification Requirements for Individuals Who Supervise Installation, Closure, and Repair of UST System (Amend)] of the Department's Water Quality Program rules, administrative code attached hereto, to become

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**



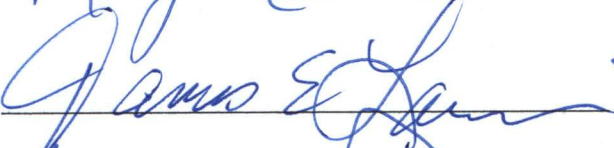


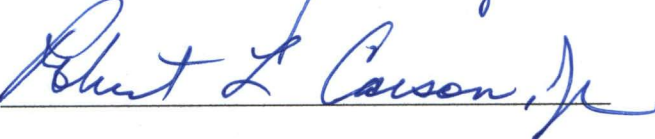
effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of February 2014.

APPROVED:


DISAPPROVED:

_____	_____
_____	_____
_____	_____

ABSTAINED:

_____	_____
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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 21st day of February 2014.


W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 21st day of February 2014