Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 18, 2011
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 18, 2011.

[Signature]
John H. Lester, D.V.M.
Chair
Environmental Management Commission

Certified this 15th day of April 2011.
Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 18, 2011

Convened: 11:00 a.m.
Adjourned: 11:30 a.m.

Part A
Transcript

Part B
Attachment Index

Attachments 1 – 2
Part A
COMMISSIONER LESTER: Debi says it's time to start. That's what we'll do. We do have a quorum today. We didn't think for a while that we would have. We have Marquita Davis here who is our newest member. Also, she had her sister with her.

COMMISSIONER DAVIS: She's actually my assistant not my sister.

COMMISSIONER LESTER: Good to have you here with us today. Dr. Richardson is not here. His father-in-law died in New York. Scott is in the Netherlands hung up somewhere, and Lawyer Brown is in California lawyering. But we do have a quorum so we can start. First item will be the consideration of the minutes from our December the 10th meeting. Any questions about the minutes?

Do I have a motion?

COMMISSIONER MILLER: I make a motion.

COMMISSIONER LAIER: Second.

COMMISSIONER LESTER: All opposed.

Debi said, if we will, raise our hands

because sometimes she can't hear. When I left this morning, my wife had me a nice jacket to wear. It was foggy and muggy. I went out to feed my birds. I put this jacket on and when I got to Troy, I remember I left it. She called me and reminded me when I got to Montgomery. Anyway, I'm wearing my Auburn jacket in memory of two trees. So that's why I've got this on today. At this time we will have our director with his report.

DIRECTOR LEFLEUR: Good morning, Commissioners. Dr. Davis, I would like to welcome you on behalf of the Department.

COMMISSIONER DAVIS: Thank you.

DIRECTOR LEFLEUR: Before I would like to introduce another member of our team, Vernon Barnett. He just got out of prison. He was Deputy Commissioner of Corrections, and we're very pleased to have him.

Some of the things that we have to deal with from time to time, Corrections might come in handy. This morning I would like to direct the majority of my comments
to the biggest challenge facing the
Department. I would also like to outline
the challenge a bit and begin to -- and I
will emphasize the discussion of how we will
address it. Our challenge is the budget.
We're now almost through the second quarter
of FY-11.
We remain on track with our
budgeting. However, the Governor has stated
that the 2011 general fund budgets of all
agencies and departments will likely be
prorated 15% this year because we're almost
halfway through the fiscal year. This
prorated cut will actually amount to a 30%
cut of our remaining budget. Needless to
say, this will be a significant challenge to
overcome this fiscal year. Bad as this is,
the Governor's finance office has also
indicated that we can expect an additional
20 to 25% cut to next year's budget on top
of the 15% cut this year.
Compounding the FY-12 problem even
further, President Obama's budget for FY-12
includes a 13% cut in funding for EPA. ADEM
currently receives almost half of its budget
from federal funding through EPA. As we can
expect to see a significant portion of any
reduction in funding at the Federal level
passed down to the states, this possible
added cut in Department funding for FY-12 is
potentially catastrophic.
Although we have already begun to
plan our response to these critical
challenges, the 2012 fiscal year will
require drastic action if we are to survive
with our key programs intact. As you are
well aware, there are many new members
serving in the legislature beginning this
year. We've developed an outreach plan to
educate both new and established
legislatures on our critical mission to
assure for all citizens a safe, healthful
and productive environment.
A major part of this outreach over
the next two years will be to secure
adequate funding for ADEM through the
legislative group. In the current fiscal --
financial climate, we cannot, however, rely
on efforts to maintain or increase our
budget. We must prepare to do more with
less as we have never done before.
Now, to begin the discussion that
will go on in the coming weeks and months, I
would like to begin this discussion about
what we will do about our lower funding.
For some time the Department has been
developing new efficiencies that will allow
the Department to maintain its operations
with far fewer resources. Before any cuts
this year, our current budget is at the same
level it was 20 years ago. We have the same
budget today that we did 20 years ago before
the 15% cuts and the 25% cuts that are
coming after that.
Obviously, we had improving
efficiencies over the years. That's what's
allowed us to continue operation with this
flat budgeting. Going forward the
Department will have to step up or review
all of our processes to refine them to be
even more efficient. One of our major
efforts in this area is to expand the E-Gov
applications that we have. These are
electronic and Internet applications of our
various processes in this Department. In
industry this would be called streamlining
the operations through automations.
We're moving towards greater and
greater automation in our Department. That
is one of our methods to improve our
efficiency and utilize our assets more
effectively. The more participation we have
in the E-Gov program, the less work hours
that will be required to handle the paper,
generate required reports and manage data
which are some of our key activities. This
saves money. The E-Gov programs that are
available now and those projected to be
available in the next few months include
E-DMR, which are Discharge Monitoring
Reports. E-NOI's or Notice of Intent to
Operate under a general permit. E-DWR,
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<td>1. which is Drinking Water Reports that are filed. E-file which is basically our entire filing system online; and, finally, web-based complaint system. Now, dealing with each of these individually -- most, if not all, regulating facilities generate -- reports electronically and then submit to the Department on paper. We're strongly encouraging the regulated universe to start using the E-DMR system to eliminate manual entry of the data in both state and federal database systems. With more than 10,000 reporting points, the resource for both the permit and Department can be significant if we can get them moved over into this electronic DMR program. For E-NOI applications, we allow approximately 10,000 permittees to use the web-based system for a general permit. Now, for some in the room, a general permit is that permit that is applicable to all facilities and is not a permit by rule that</td>
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<td>1. of electronic documents. E-file has been in operation since mid-2009 and has received approximately 60,000 hits during that period, which has significantly reduced copying and processing costs associated with manual record requests and saves both the Department and the state time and money. We can see some real benefits there for certain. The web-based complaint system is projected to be available in May of this year. A major feature of this feature will be the ability for the public to browse complaints submitted to the Department via the ADEM website. Any person with access to the Internet will have the ability to view ADEM's public website and view all complaints in the system. The online complaint system is in conjunction with the E-file, which will allow a system which can track status of any complaint and to obtain copies of any documents that the Department produces as a</td>
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<td>1. identifies specific facilities for permit conditions. The application will include the ability to utilize a credit card for the payment of the permit fees. The overall impact of this system will be to reduce the reporting burden, increase efficiency, increase accuracy and reduce paperwork. Data input by the permittees will be transferred automatically, thus eliminating a large amount of manual entry. We're encouraging all general permit holders to use this system. In our E-DWR application, this is a web-based system that allows approximately 200 public water systems to file compliance related data and documents in electronic format. As with other E-Gov applications, E-DWR replaces a manual paper-based process thereby increasing efficiency, accuracy and time limits. E-file is the Department's free internet-based system that allows retrieval of result of the complaint. For example, when an inspection is performed as a result of a complaint, the inspection action will be reflected in the online report record. The inspection report can then be accessed filed in system. Actual system. The use of this system by the public will provide them with the most up-to-date information on the staff for their complaint while saving the Department resources. So you have a key piece of efficiency movement. The Department is also able to realize cost savings by undertaking programs that encourage pollution prevention. As with many activities in life, prevention is much less costly than correction. Some examples of the pollution prevention efforts include: Reuse recycle program; our scrap tire management and reuse program; and low-impact Department and Green infrastructure activities, which we're working on with the environmental community, engineering firms and others to encourage</td>
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implementing these activities and new construction. In the recycle area, as you recall, the Commission recently adopted a 25% recycle goal for the state. In support of that goal, the Department has awarded more than $2.8 million to 28 grantees to enhance recycling in local municipalities across the state. Reuse and recycling reduces the need for additional landfill capacity, thereby reducing permitting and oversite costs for the Department. As a side note, Alabama has more than 25 manufacturing facilities that rely on recycled material feed stocks. They employ more than 10,000 Alabamians and generate revenue of more than 6.6 billion annually. A study by the Southeast Recycling Development Council determined that if Alabama recycled -- for each 10% that Alabama increases the amount of solid waste recycling, the impact will be the creation of more than 1400 jobs, $66 million in additional revenue and more than $3 million in additional tax revenue. So there's many incentives to increasing the recycling efforts in the state. In the scrap tire area, Alabama generates approximately $5 million scrap tires per year and receives an additional 4 million from out-of-state sources annually. The Department's scrap tire program promotes recycling of and develops markets for scrap tires. Utilizing alternatives to costly landfill disposal tires extends the life of existing landfills and reduces the need for new landfill capacities. The Department's scrap tire management efforts have diverted approximately 50,000 tons or about 5 million passenger tire equivalents from landfill exposure so it's an effective program; the LID, Low Impact Development. The Department actively supports green infrastructure projects with funding from State Revolving Fund and the 319 Nonpoint Source Management Programs. Biggest pollutant in the nation. Storm water runoff is the biggest pollutant in the nation. Many people are surprised by that fact, but storm water and the sediment that it carries is the biggest pollutants in the nation. Low impact development, green streets, rainwater reuse and water efficiency projects. Just some of the approaches that local communities that can afford to provide sustainable infrastructure that reduces water pollution while conserving resources. The Department has invested more than 1.6 million in nonpoint source funds for low impact development projects and $35 million in state revolving loan funds for Green infrastructure projects. We expect this to increase. Some of the LID and Green infrastructure projects that receive funds from the Department are highlighted on the display out in the lobby. I call your attention to this so you can have an opportunity to view it after the meeting. The number of additional projects are highlighted in the brochures that were placed on each of the chairs this morning. I recommend that you look through that to see some of the projects that are under way. As you can see, coping with these exceptionally difficult budget reductions will require efforts by the Department, regulated facilities, citizens of Alabama to use E-Gov applications and to implement pollution prevention programs. At the Department we're encouraging all parties to work together in these efforts. On a somewhat different note, I would like to bring to the Commission's attention that the Forever Wild Program is coming to the end of its initial authorization and will be up for reauthorization during this session of the legislature. The goals for Forever Wild are fully consistent with the mission of ADEM. In a number of cases, Forever Wild land
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<td>1. purchases have directly complimented our efforts. For example, lands have been purchased, adjoining the Tensaw River and the Hatchet Creek Watershed both of which have been designated Outstanding Alabama Waters by the Department. The Department has gone on record encouraging the legislature to reauthorize this important program.</td>
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<td>2. sheds with important quality impairments that have been documented in an effort to restore water quality in that area. One such project was recently honored by the Cahaba River Society for its role in protecting urban water resources in the Birmingham area.</td>
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<td>3. Little Shades Creek Restoration Project restored approximately 2,000 feet of stream bank that was severely eroding and causing large amounts of sediment to be deposited in your waterway. ADEM was the initiator and the driving force behind the project. The Department also provided approximately $400,000 in funding to support the project. This stream of restoration not only reduced sediment loading in the Cahaba River Water Shed but also serves as a demonstration project for other stakeholders to be emulated.</td>
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<td>4. As Chief of the External Affairs Branch of the Permits and Services Division, Scott Hughes has overall responsibility for</td>
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<td>1. I mentioned earlier as well as a pollution correction effort. As each of you are aware, the Department implements a wide range of regulatory programs in our efforts to protect water quality in Alabama. However, we also take advantage of some nonregulatory programs that are designed to improve water quality and give local citizens a vested interest. The 319 Nonpoint Source Program is such a program.</td>
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<td>2. a Nonpoint Source Program and I would like to recognize him along with Norman Blakey for the Nonpoint Source Unit Supervisor for their work on Little Shades Creek Restoration project and for their efforts to reduce the impacts of the nonpoint source pollution throughout Alabama. Would y'all stand up to be recognized? (Applause.)</td>
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<td>3. DIRECTOR LEFLEUR: This has been a very successful program and there are many reasons that it's an excellent program, but looming large is that it's a voluntary program. And it takes the difficult tasks of trying to change the mindset of people. It's something like getting people to wear their seat belts or to stop smoking. You have to change your mindset to get people to make changes in nonpoint sources of pollution in our watersheds. Beth, are you here?</td>
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<td>4. MS. STEWART: Yes.</td>
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<td>5. DIRECTOR LEFLEUR: I would like to invite Beth Stewart, the Executive Director</td>
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<td>of the Cahaba River Society to come forward</td>
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<td>and to say a few words about this project</td>
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<td>since she was a big proponent of it and</td>
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<td>active in it. Beth.</td>
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<td>MS. STEWART: Thank you so much.</td>
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<td>I'm with the Cahaba River Society and the</td>
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<td>Executive Director, headquartered in</td>
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<td>Birmingham. Each year for about the past</td>
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<td>five years, we have given out awards to</td>
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<td>development projects and urban projects that</td>
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<td>we feel exemplify excellence in Water Smart</td>
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<td>Development.</td>
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<td>This year we have just given you a</td>
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<td>handout packet for the four awards that we</td>
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<td>give to kind of highlight to the public all</td>
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<td>the things that need to be done to have</td>
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<td>water protection as our communities grow.</td>
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<td>The Little Shades Creek restoration project</td>
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<td>was a significant one of these. We give</td>
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<td>these awards not only to thank the agencies</td>
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<td>such as yourselves and the private</td>
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<td>businesses that invest in these solutions,</td>
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<td>but also to highlight every single partner</td>
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<td>all the firms and businesses that help to</td>
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<td>deliver quality water-wise development.</td>
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<td>So I wanted to just say a few words</td>
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<td>about why this is a significant award. This</td>
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<td>project, as the Director said, was necessary</td>
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<td>to damage -- to repair a creek that had been</td>
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<td>damaged by increased storm water runoff</td>
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<td>coming from urban development. The increased</td>
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<td>runoff as you develop and you try and take</td>
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<td>what was forest and absorbing the water and</td>
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<td>convert that to paving and roofs and you</td>
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<td>have a higher volume of water running off to</td>
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<td>the creeks. The creek has to get bigger to</td>
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<td>handle that. And so as you can see from the</td>
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<td>last page, the photograph of how the banks</td>
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<td>were slumping in, the creek is widening.</td>
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<td>That's sending a lot of sediment into Shades</td>
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<td>Creek and eventually into the Cahaba.</td>
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<td>So this was a very valuable</td>
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<td>project. It's moved out those over seeping</td>
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<td>banks, but that creek was not only taking</td>
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<td>away private property. But it was</td>
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<td>threatening public infrastructure. We have</td>
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<td>certainly seen sewers that collapsed and</td>
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<td>break and start to send raw sewage into</td>
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<td>creeks from these kinds of impacts. So this</td>
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<td>fixed an existing stormwater problem and</td>
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<td>also helped to improve the habitat. But I'm</td>
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<td>really glad that the Director mentioned</td>
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<td>pollution prevention as an important</td>
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<td>strategy.</td>
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<td>So what this project achieved was</td>
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<td>an after-the-fact restoration at the end of</td>
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<td>the line, and it was fairly expensive. It</td>
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<td>was about a $680,000 total project about</td>
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<td>$360 per foot of creek restored. That's a</td>
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<td>pretty significant public cost to take care</td>
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<td>of a problem that if we were developing</td>
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<td>changing mindsets and developing and</td>
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<td>handling stormwater more effectively up</td>
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<td>front, we wouldn't be getting into the</td>
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<td>situation where more and more of our creeks</td>
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<td>need that kind of repair. So we're really</td>
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<td>pleased to be working with the Department to</td>
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<td>look into low impact development, which can</td>
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<td>be actually a cost savings way to do new</td>
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<td>development so that you're infiltrating that</td>
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<td>stormwater and you're protecting the</td>
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<td>drinking water supplies and you're</td>
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<td>preventing problems like this long term. So</td>
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<td>we're really pleased to be working with the</td>
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<td>Department on that. And I wanted to -- as I</td>
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<td>present you with this award, read you what</td>
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<td>it says. It's the Conservation Development</td>
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<td>Award for the Alabama Department of</td>
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<td>Environmental Management for being an early</td>
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<td>supporter. Providing major 319 funding but</td>
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<td>helping build the partnership for the</td>
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<td>restoration of Little Shades Creek to repair</td>
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<td>past stormwater damage to protect private</td>
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<td>and public property, recreate a more natural</td>
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<td>creek and contribute to the long-term health</td>
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<td>of the Cahaba River Watershed. Thank you</td>
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<td>all very much.</td>
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<td>DIRECTOR LEFLEUR: Come on up.</td>
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<td>(Applause.)</td>
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<td>SPEAKER: I see a photo op</td>
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<td>here. Excuse me.</td>
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<td>DIRECTOR LEFLEUR: Thank you so</td>
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This is Division 335-14.

MR. HARDY: Good morning,
Mr. Chairman, members of the Commission. I'm
Gerald Hardy and Chief of the Land Division.
The Department is required to ensure that its
Hazardous Waste Regulations remain equivalent
to the United States Environmental Protection
Agency Regulations in order to retain its
authorization from EPA. To maintain this
equivalency, ADEM must annually revise its
regulations. The revisions to Division 14 of
the ADEM Administrative Code, which are
before you for consideration, would
incorporate Hazardous Waste Regulations,
promulgated by EPA from July 1, 2009 through
June 30, 2010. In this rule making, the
Department is proposing to do the following:
Add numerous definitions and other regulatory
language related to the updated rules that
transpired, shipments of hazardous waste, add
a rule to allow generators to petition the
Department to have trivalent chromium waste
excluded from regulations and hazardous
waste, add a rule to allow -- to make
technical corrections as part of the Federal
Hazardous Waste Technical Correction and
Clarification Rule. Add a rule to require
adequate documentation for waste removed from
tanks. Add language to specify how a
transporter contingency plan is to be
written. Add a requirement to have
evacuation routes depicted on a map to be
included with the evacuation plan, update or
clarify existing requirements with minor
revisions and correct typographical or
formatting errors.

Public notice of the proposed
changes to the Hazardous Waste Regulations
began on October 24, 2010. A public hearing
was held on December 10, 2010. No oral
comments were received at the public
hearing. And no written comments were
received during the comment period that
ended on December 10, 2010. On January 19,
2011, the State Committee of Public Health
concurred with the Department's
recommendation to adopt these rules as
proposed. At this time, the Department
requests permission to adopt these rules as
recommended. And I will be glad to answer
any questions you may have.

COMMISSIONER LESTER: Any
Commissioner have any questions? Do I have a
motion on this?

COMMISSIONER MILLER: I move that we
accept the report.

COMMISSIONER LESTER: Motion to
adopt the proposed amendment. Any second?

COMMISSIONER LAIER: Second.

COMMISSIONER LESTER: All in favor,
please say aye and raise your hand.

ALL: Aye.

COMMISSIONER LESTER: All opposed?
(No response.)

COMMISSIONER LESTER: Is that all,
Gerald?

MR. HARDY: That's it.

COMMISSIONER LESTER: Next item of
business is just to acknowledge the petition
of Robert E. Lang’s withdrawal of business
for hearing. Any Commissioner or anyone have
any other business?
COMMISSIONER LAIER: No, sir.
COMMISSIONER LESTER: Our next
Commission meeting will be April 15. That’s
a pretty good day. I think the government
will give us three more days, on the 18th.
But any Commissioners have any problems with
meeting on that day? Then I will entertain a
motion to adjourn.
COMMISSIONER LAIER: I move.
COMMISSIONER LESTER: All in favor
say Aye.
ALL: Aye.
COMMISSIONER LESTER: Closed.

CERTIFICATE
STATE OF ALABAMA
COUNTY OF MONTGOMERY

I hereby certify that the above
proceedings were taken down by me and transcribed by
me using computer-aided transcription and that the
above is a true and correct transcript of said
proceedings taken down by me and transcribed by me.
I further certify that I am neither of
kin nor of counsel to any of the parties nor in
anywise financially interested in the outcome of
this case.
I further certify that I am duly
licensed by the Alabama Board of Court Reporting
as a Certified Court Reporter as evidenced by the
ACCR number following my name found below.
So certified on this, the 7th day of
March, 2011.
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Part B
Attachment Index

Attachment 1  Agenda

Attachment 2  Resolution adopting proposed amendments to ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations

(Agenda Item 4 – Consideration of adoption of proposed amendments to ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations)
Attachment 1
AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: February 18, 2011
TIME: 11:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

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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 10, 2010

2. REPORT FROM THE DIRECTOR

3. REPORT FROM THE COMMISSION CHAIR

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

The Commission will consider the adoption of proposed amendments to ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations, Chapters 335-14-1 to 335-14-8, and 335-14-17. The revisions would adopt federal hazardous waste regulation additions/modifications that occurred from July 2009 to June 2010 so the Department’s Hazardous Waste Program is equivalent to the federal program. The Department held a public hearing on the proposed amendments on December 10, 2010.

5. ROBERT E. LANG V. ADEM, EMC DOCKET NO. 11-03


6. OTHER BUSINESS

7. FUTURE BUSINESS SESSION
Attachment 2
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-.02/Definitions and Reference (Amend); 335-14-1-.03/Petitions for Equivalent Testing or Analytical Methods for Delisting(Amend); 335-14-2-.01/General (Amend); 335-14-2-.03/Characteristics of Hazardous Waste (Amend); 335-14-2-.04/Lists of Hazardous Waste (Amend); 335-14-2-Appendix VII/Basis for Listing Hazardous Waste (Amend); 335-14-3-.01/General (Amend); 335-14-03-.02/The Manifest (Amend); 335-14-3-.03/Pre-Transport Requirements (Amend); 335-14-3-.04/Recordkeeping and Reporting (Amend); 335-14-3-.05/Exports of Hazardous Waste (Amend); 335-14-3-.06/Imports of
Hazardous Waste (Amend); 335-14-3-.09/Transfrontier Shipments of Hazardous Waste for Recovery within the Organization for Economic Cooperation and Development (OECD)(Amend); 335-14-4-.01/General (Amend); 335-14-4-.02/Compliance with the Manifest System and Recordkeeping (Amend); 335-14-5-.02/General Facility Standards (Amend); 335-14-5-.04/Contingency Plan and Emergency Procedures (Amend); 335-14-5-.05/Manifest System, Recordkeeping and Reporting (Amend); 335-14-6-.02/General Facility Standards (Amend); 335-14-6-.04/Contingency Plan and Emergency Procedures (Amend); 335-14-6-.05/Manifest System, Recordkeeping and Reporting (Amend); 335-14-7-.07/Spent Lead-Acid Batteries Being Reclaimed (Amend); 335-14-8-.01/General Information (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 18th day of February 2011.

APPROVED:

[Signatures]

DISAPPROVED:

[Signatures]

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 18th day of February 2011.

John H. Lester, Chair
Environmental Management Commission
Certified this 18th day of February 2011