Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 11, 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 April 11, 2014.

W. Scott Phillips  
Vice Chair  
Alabama Environmental Management Commission

Certified this 20th day of June 2014.
Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 11, 2014

Convened: 11:00 a.m.
Adjourned: 11:39 a.m.

Part A
Transcript
Word Index

Part B
Attachment Index
Attachment 1
Attachment 2
Part A
(The proceedings began at approximately 11:00 a.m.)

CHAIRMAN BROWN: Good morning. Call to order the meeting of the Alabama Environmental Management Commission. I hope everybody's doing great today.

First, the Chair acknowledges that we have a quorum present today. Agenda Item No. 1 is the consideration of the minutes held at the meeting held on February 21st, 2014. The minutes have been circulated to all members of the Commission in advance of today's meeting. And I will entertain a motion.

VICE CHAIRMAN PHILLIPS: So moved.

COMMISSIONER LAIER: Second.

CHAIRMAN BROWN: All in favor?

ALL: Aye.

CHAIRMAN BROWN: Any opposed?

(No response.)

CHAIRMAN BROWN: Motion passes.

Item No. 2 on our agenda is, as usual, our report from the Director.

Mr. Director?

DIRECTOR LEFLEUR: Thank you Mr. Chairman.

Good morning and welcome to all of you present to the fourth of six scheduled meetings of the Alabama Environmental Management Commission for Fiscal Year 2014.

In today's report, I will update you on the budget and then focus on several topics related to Departmental results, including: the Department's recently completed State Review Framework audit performed by EPA; the Department's compliance strategy; a look at some recent air quality and water quality results achieved; and, finally,
some late breaking news.
As for the Fiscal
Year 2014 budget, we are now into the
seventh month and we continue to be on
target with anticipated revenues and
expenditures in both the state and federal
budget components.

For Fiscal Year
2015, the Alabama Legislature has provided
the Department a General Fund
appropriation of $1.2 million, which is a
$200,000 increase over Fiscal Year 2014
level of funding. While the additional
$200,000 is certainly needed and welcomed,
it will not be sufficient to cover
important investments that need to be
made. The Department will have no choice
but to delay payment for some necessary
upgrades to facilities and operating
systems.

On the federal side
of our FY 2015 budget, we have been
informed by EPA that unlike 2014 when

federal funding was level, it is expected
that EPA-provided funding will be
decreasing. When actual FY 2015 federal
funding levels are determined, the
Department will negotiate work plans to
reflect those new funding levels.

As mentioned
earlier, today I would like to now focus
on results and how results are achieved in
a cost effective manner.

At the August 2013
Commission meeting, I introduced you to a
new analysis tool developed by EPA called
"Interactive Visual Compliance and
Enforcement Metrics," which is more
commonly referred to as "Dashboards."
This tool provides an extensive set of
graphs which display activity and
performance measures for the air, water,
and hazardous waste programs in each state
in the nation.

As the EPA Dashboard
website notes, state performance can be a
complex and difficult matter to analyze
and explain using only the data presented
in dashboards.

To gain greater
insight into the performance of the state
program, EPA directs the reader to the
State Review Framework audits of each
state's program. The SRF audits are
performed every three or four years. EPA
recently completed its audit of ADEM's
air, water, and hazardous waste programs.
In place of our regular Dashboard review,
today I will briefly review the results of
that EPA State Review Framework audit.

Since the inception
of the State Review Framework in 2004,
each state has completed at least two
audits, three or four years apart. The
current State Review Framework audit for
Alabama is one of the first audits in
Round 3. SRF audits contain twelve
elements for each of the three programs,
air, water, and hazardous waste. These

elements address such activities as Data
Quality, Inspections, Occurrence and
Detection of Violations, Enforcement
Activities, and Penalty Activities. Each
of the twelve elements is ranked into one
of three categories: Meets Requirements,
Area for State Attention, and Area for
State Improvement.

The SRF audits are
in large part used as a management tool to
help focus efforts on areas where programs
can be strengthened. The audits are
useful in at least two important ways.
First, they are useful to analyze trends
in programs since the last audit. This
provides an objective indication of the
effectiveness of new initiatives to
strengthen the programs.
Second, the audits
provide an objective measure of the
relative quality of the air, water, and
hazardous waste programs in each state
compared to the programs in the other
states. The Office of Inspector General used the SRF audit results along with other EPA data to arrive at the rankings. Dark green represents the top ten states in the nation. You will note that five of the top ten states are in EPA Region 4. Alabama is among the top ten in the nation along with states such as California, Florida, and North Carolina. In some ways this is like SEC football, being third in the southeast still puts you in the top ten in the nation.

A copy of the complete State Review Framework audit is available on ADEM’s website to any interested party.

As you are well aware, the Department undertakes numerous activities to accomplish its mission of assuring for all the citizens of the state a safe, healthful, and productive environment. Many of these activities are aimed at achieving compliance with permit conditions. When it comes right down to it, compliance is the major objective for ADEM. It is also the major objective for EPA.

The greater the extent to which the regulated community is in compliance with permit conditions, the greater the extent to which human health and the environment are protected. Protecting human health and the environment is the essence of our mission. Today, I will focus this portion of my report on the Department’s compliance strategy and some of the results of that strategy.

Research has shown that there are several factors that, to varying degrees, prompt behavioral changes toward greater compliance. The three most important factors are: inspections; technical assistance, which is essentially education or training; and penalties.

In a moment, I will
review some of the research in this area, but first, allow me to offer a common place example of the concept -- speeding on the highway. What makes drivers not speed? Said another way, what makes drivers comply with speed limits? A major contributor to drivers obeying the speed limit is seeing a police officer's car on the road or on the side of the road. If I see a state trooper on the interstate, I look down to see how fast I'm going. This is analogous to having an ADEM inspector visit a regulated facility. Another contributor to obtaining compliance with the speed limit is educating drivers on the benefits of complying with the speed limits. This can include such things as driver's education or simply getting older and wiser and would be analogous to an informal enforcement action by ADEM. And finally, compliance with speed limits is encouraged by the credible possibility of being issued a speeding citation. In the case of ADEM, this would be a formal enforcement action with a monetary penalty.

Not surprisingly, research funded by EPA, in fact, confirms that inspections, technical assistance, and penalties are the three most important influencers of environmental compliance. The research also found that there is an indirect beneficial impact on compliance when inspections, technical assistance, and penalties are observed by parties not directly experiencing the inspection, technical assistance, or penalty. In our example, this might be someone warning you there is a police car up ahead or you observe someone receiving a traffic citation.

Again, please direct your attention to the monitor. This is the cover page of a 98-page EPA funded study that was done by the State of Oregon Department of Environmental Quality. As you can see from the title, it deals with general deterrence of environmental violation by analyzing what motivates the regulated public to not violate or, in other words, to comply. The study is available on the Oregon DEQ website to anyone interested. Without going into detail, I've selected one chart which I believe conveys the factors that actually motivated compliance, both directly and indirectly, and the relevant importance of each of the factors.

This next slide is a pie chart titled "Distribution of the changes companies have made in management operations or production processes that included environmental considerations as a function of the DEQ effort that motivated the change." As you can see, inspections, technical assistance, which is essentially education or training, and penalties are displayed. Each factor is represented by a different color. Within each color, you will see two components. The darker portion is identified as direct impact on compliance, and the lighter portion is identified as indirect impact on compliance.

The data shows that 47 percent of the time when changes toward greater compliance actually occurred, it was the result of inspections. This is the orange portion of the chart. 44 percent of the time when changes toward greater compliance occurred, it was the result of technical assistance, which as previously noted is comparable to education or training, the green portion of the chart. And 9 percent of the time, the changes that occurred were the result of penalties, the red portion of the chart. ADEM's experience is consistent with the findings of this study. For example, with the exception of
Alabama Environmental Management
Commission Meeting

Page 17

1. one group of regulated entities, the
2. overwhelmingly leading cause of
3. noncompliance is personnel at the
4. regulated entity either not knowing what
5. was required in a permit or
6. misunderstanding a requirement in the
7. permit. The most productive way to
8. address this specific situation is
9. technical assistance or education combined
10. with a robust inspection program.

   Interestingly,

11. overall, the changes in behavior that
12. occurred as a result of applying the three
13. factors were equally attributable to
14. direct and indirect application. This
15. means that, overall, Oregon DEQ compliance
16. activity equally impacted both those
17. members of the regulated community that
18. were the subject of the action and those
19. that were only aware of the actions taken
20. by the Department toward other members of
21. the regulated community.

This and other

Page 18

evidence has prompted EPA to begin a new
initiative they call "Next Generation
Compliance" that embraces this concept of
increased inspection, training, and
technical assistance, rather than relying
solely on enforcement for obtaining
compliance. The bottom line is that this
approach gets results.

   ADEM has streamlined
its inspection and enforcement activities
in a manner consistent with these concepts
as set out in recent research and EPA's
"Next Generation Compliance" initiative.
In recent years, ADEM's inspection
regimens have been adjusted to allow for
increased numbers of facilities to be
inspected and for more rapid informal
enforcement actions which represent
technical assistance.

   Although inspection
coverage and technical assistance have
increased, formal enforcement actions with
penalties have not suffered and continue

Page 19

1. to be in the top half for both our sister
2. states in Region 4 and all states in the
3. nation.

   As shown earlier,

4. the federal Office of Inspector General
5. analysis of EPA data shows that the state
6. of Alabama's enforcement program ranks in
7. the top ten in the nation. As an aside, I
8. will observe that such a ranking is even
9. more noteworthy when it is coupled with
10. state-provided funding that is 49th in the
11. nation. Not only does this compliance
12. strategy get results, it is cost
13. effective.

   Moving on to related

matters, I am pleased to report that after
more than 30 years of non-attainment for
fine particle, PM2.5, air pollution in
several areas of Alabama, the entire state
of Alabama is now in attainment for fine
particle air pollution. This is important
for several reasons. First, Alabama has
reached a new higher level of protection

Page 20

1. for the health of our citizens. Second,
2. after years of improving air quality but
3. never quite achieving the increasingly
4. more stringent air quality standards, air
5. quality in Alabama has finally surpassed
6. those increasingly more stringent national
7. standards. Third, the restrictions placed
8. on industrial development as a result of
9. noncompliance status will be removed and
10. employment prospects for our citizens will
11. be improved.

   This significant
achievement is the result of coordinated
12. efforts by the environmental community,
13. industry, and several governmental
14. organizations. And I tip my hat to all of
15. them.

   As many of you are
16. aware, every two years the Department
17. develops a list, or inventory if you will,
18. of the impaired waters in Alabama to chart
19. the progress of efforts to improve water
20. quality in the state. In February of

Baker Realtime Reporting and Video Services
334.262.3332 334.262.3332
1. 2014, the most recent list was completed and sent out to notice for public comment.
2. Three sets of comments were received, reviewed, and addressed prior to sending the proposed final list to EPA.
3. I'm pleased to report that this list shows that 44 water body segments that were previously impaired for a cumulative total of 71 individual pollutants met the criteria for removal from the list. This compares to 23 water body segments with a cumulative total of 25 pollutants that met the criteria for being added to the list. The net result indicates improving water quality in those areas of Alabama where the analysis took place.
4. Once again, this achievement is the result of coordinated efforts of such organizations as Alabama Water Watch, the Clean Water Partnership, local water and soil conservation districts, environment groups, several governmental agencies, and our good corporate and industrial citizens.

There's one final very serious matter I would like to address today. It is the petition filed in January 2010 by a group of environmental organizations calling themselves the ADEM Reform Coalition. The petition requested that EPA withdraw the Department's authority to issue and administer NPDES water permits in Alabama. Withdrawal of NPDES authority has devastating impacts on a state. The issuance and administration of all new permits and renewals of existing permits is taken over by EPA. The timing and conditions of water permits are dictated by EPA Regional offices rather than by the state. Such a situation in Alabama would result in the loss of state authority to protect and improve Alabama's water quality. Direct EPA control over water permits would also be a matter of great concern for existing industry, local governments, and any industry considering locating in Alabama.

The ADEM Reform Coalition petition cited 26 alleged shortcomings of the program in meeting requirements of the federal Clean Water Act. The areas of alleged failure were in permitting quality, record keeping, inspections, administrative procedures, enforcement, penalty assessments, and funding. The ADEM Reform Coalition asserted that each one of the 26 alleged failures, individually on its own, warranted EPA withdrawing the Department's authority to issue and administer water permits.

After an exhaustive investigation by EPA and the expenditure of substantial financial and human resources by both EPA and this Department, EPA has just reported on its findings to date. Using actual objective and verifiable data to measure results achieved by the ADEM NPDES program, I am pleased to report that yesterday April the 10th, 2014, we were notified that EPA found that none, absolutely none, of the allegations are worthy of withdrawing Alabama's ability to issue and administer water permits. Only two areas have been identified for further monitoring by EPA.

This is a great victory for Alabama. It is also a great victory for the working citizens of the state and their families who depend on the state being able to attract and retain industry that provide jobs for their livelihoods while maintaining a safe and healthful environment.

The two areas EPA is continuing to assess involve penalties and Departmental funding. With regard to penalties, EPA has rejected a portion of the ADEM Reform Coalition allegations, but has indicated that procedures currently in
place at the Department will have to be
maintained for additional time before EPA
will dismiss the remaining penalty-related
allegations.

In the matter of
funding, EPA states that Departmental
funding is a concern and it will be
monitoring the impacts of recent ADEM
budget cuts. Consequently, EPA has
deferred making a determination on this
allegation indefinitely.

EPA's action affirms
the pattern of performance highlighted in
my earlier comments today. The air, land,
and water quality programs are solid. Are
there areas for improvement? Yes.

Although the
Department remains committed to continuing
to be a low-cost, high-performance
organization, I must close with an
observation that continuing to be a
low-cost, high-performance organization
can be a tenuous proposition if our

serving the state of Alabama as
commissioners of the Alabama Environmental
Management Commission, and for allowing me
to serve the state in this capacity. If
there are any questions, I would be
pleased to address them now.

(No response.)

CHAIRMAN BROWN: Thank you,
Mr. Director.

DIRECTOR LEFLEUR: Thank you.

CHAIRMAN BROWN: Next on the
agenda is the report from the Commission
Chair.

I would only like to
report today or advise everyone that I
have asked the Personnel Committee to
obtain feedback from the full Commission
on the Director's performance and to come
back with a consolidated feedback and any
recommendations. If any members of the
public wish to provide comments, please do
so directly in writing to the Personnel
Committee. Thank you.

operational funding, that is at best
marginal, drops or if investments that
eventually must be made are not provided
for. Sustainable high performance
requires at least some minimal level of
operational funding and long-term
investment. As I said, EPA continues to
monitor that situation.

This has been a
costly episode on many levels for all
parties concerned. I am hopeful that this
experience will motivate those parties to
improve communication and make the extra
effort to avoid the situations that
brought this about. Following today's
Commission meeting, there is an
opportunity to advance the process of
improved communication at the regular
meeting between the Department and all
interested members of the environmental
community.

Once again, let me
close my remarks with my thanks to you for

Next on the agenda,
Item 4, is consideration of the adoption
of proposed amendments to the ADEM
Administrative Code, General
Administration Regulations. And we will
call on the Department.

MR. KELLY: Good morning, and
thank you, Mr. Chairman, members of the
Commission. I'm Russell Kelly, Chief of
the Permit and Services Division.

Before you now is
the proposed revisions to the Division 1
regulations. These revisions include the
addition of five new forms and the
modification of 28 existing forms. Public
hearing was held on February 12th, 2014.
During that public hearing, no comments
were received. However, we did receive
one comment during the -- one written
comment, prior to the end of the comment
period. The comment was addressed, and
the reconciliation statement is included
as part of your handout.
At this time, we'd ask for your favorable consideration of these revisions, and I'll answer any questions you have.

VICE CHAIRMAN PHILLIPS: Move we accept the proposed amendment.

COMMISSIONER MILLER: Second.

CHAIRMAN BROWN: Chair will call for the question. All in favor?

ALL: Aye.

CHAIRMAN BROWN: Any opposed?

(NO response.)

CHAIRMAN BROWN: Motion passes.

MR. KELLY: Thank you,

Mr. Chairman, members of the Commission.

CHAIRMAN BROWN: Is there any other business any of the Commissioners wish to bring forward?

(NO response.)

CHAIRMAN BROWN: The Chair notes that the next meeting of the Commission is June 20, 2014, at 11:00 a.m.

right here. I believe all Commissioners are planning to be present.

Next, we will move to the public comment period.

We have a request from Benjamin Eaton on behalf of Black Belt Citizens Fighting for Health and Justice in Uniontown on the issues of environmental issues concerning the Black Belt Citizens Fighting for Health and Justice in the Uniontown community.

We have a request from Nelson Brooke on behalf of Black Warrior Riverkeeper to update the Commission on developments and issues concerning the City of Uniontown's waste water treatment plant.

A request from Mike Mullen on behalf of the Choctawhatchee Riverkeeper, Inc. on the development of critical environmental issues, development of policy for critical environmental issues facing the state.

And a request from David Ludder to address ADEM's current Environmental Justice policy.

The Chair has recommended that the Commission deny the request from Mr. Eaton and the Black Belt Citizens Fighting for Health and Justice and request Number 2 from Mr. Brooke about the Uniontown wastewater treatment plant because the subject matter is currently the subject of an enforcement action pending in the circuit court. And it would be inappropriate in the Chair's mind to comment or receive comment on pending litigation.

The Chair will recommend that Mr. Ludder and Mr. Mullen's presentations be approved.

So I will entertain a motion for, first, Mr. Eaton's presentation.

COMMISSIONER RICHARDSON: I move to deny the request.
CHAIRMAN BROWN: Any opposed?

(MR. BROOKE: Y'all let us speak back in October.

CHAIRMAN BROWN: Sir, you've not been asked to address the Commission.

I'd appreciate it if you would keep your comments to yourself while we're conducting business.

Chair will entertain a request or a motion on Mr. Mullen's presentation.

VICE CHAIRMAN PHILLIPS: I move we accept the Chair's recommendation.

COMMISSIONER MILLER: Second.

CHAIRMAN BROWN: All in favor?

VICE CHAIRMAN PHILLIPS: Aye.

COMMISSIONER LAIER: Aye.

COMMISSIONER MILLER: Aye.

COMMISSIONER MERRITT: Aye.

CHAIRMAN BROWN: Any opposed?

COMMISSIONER RICHARDSON: Aye.

CHAIRMAN BROWN: Chair will entertain a motion regarding Mr. Ludder's request to address the Commission.

COMMISSIONER RICHARDSON: I move to deny the request.

COMMISSIONER LAIER: Second.

CHAIRMAN BROWN: Any discussion?

(No response.)

CHAIRMAN BROWN: All in favor of denying Mr. Ludder's request to address the Commission, say "aye."

COMMISSIONER MERRITT: Aye.

COMMISSIONER LAIER: Aye.

COMMISSIONER MILLER: Aye.

CHAIRMAN BROWN: All opposed?

VICE CHAIRMAN PHILLIPS: Nay.

CHAIRMAN BROWN: Nay.

Mr. Mullen will be allowed to address the Commission. Please limit your comments to ten minutes.

MR. MULLEN: Thank you, gentleman. I think it's critical for the

Commission to address policy. I was a little bit concerned about the fact that individual items that were on the earlier 2009 management -- policy management plan were taken out of the one that you passed at the last meeting.

Code of Alabama gives all powers except those specifically granted to you to ADEM -- I'm sorry, to you, that those be reformed by the Director. But the Code also, basically, directs the Environmental Management Commission, and it says it's one of your duties to development environmental policy for the state.

I would suggest that for the state, ADEM, and the Commission to achieve its vision to achieve the most meaningful results for a safe and healthful productive environment, and its mission statement to assure for all citizens of the state a safe, healthful, productive environment that that cannot be done without looking at emerging and even existing threats that have not had policy developed for them.

How do you expect to come close to meeting, fulfilling these mission statements without proactively identifying threats and risks to Alabamians, their environment, and developing policy and plans for addressing them? It was probably understandable that specific issues were dropped from the plan because they're changing all the time, but it's sort of disappointing that the public doesn't know what the Commission is doing. You know, what do you envision doing? Are you doing any prioritizing on developing policy? Are you making any plans to develop policy?

Some of the issues of the six that were there before are long-festering matters that the state could and probably should have had policy on a long time ago. Others involved in
measures that have been unaddressed and present great risks to the environment; in fact, just about everything we deal with in water quality and a lot of what we deal with in air quality.

If we look at the six elements that were in the Unified Strategic Plan previously, we see them listed at the top -- maybe some other coal ash ponds, fuel storage, fuel transportation, some other issues, there's probably others that are not on this list. In order to develop policy, you guys don't have to do the heavy lifting. You have to lead though. Somebody needs to get the ball rolling and begin to develop policy on some of these issues.

The policy development needs to include all stakeholders, it needs to be transparent, it needs to be based on the best available information, and it needs to be timely. You know, maybe you go through and get some experts to rank the issues and the risks that they pose to citizens and the environment and you work with the Department and stakeholders to develop working groups, set some schedules, and begin to develop state policy on some of these issues.

So, you know, policy should be doing things like avoiding excess death and illness, damage to infrastructure, degradation of environmental quality, resource damage such as loss of fisheries, could be some of the ranking features. You don't, again, have to do it for yourself. It doesn't have to be done internally with ADEM. There all other agencies state, federal, colleges, universities.

So what do you need to do? Prioritize the issues. Begin to do some development of new policies and plans. Once that is done, there needs to be periodic assessments. Where are we going? How do we respond to some of these matters before they reach the crisis stage?

I can speak to one of these issues. One of those is sea level rise, climate change and sea level rise. The picture shows you -- you're going to see even with a three-foot or possibly one-meter sea level rise, the Causeway is under water. You're changing the whole environment of the bay. You have areas in Mobile that are under water. When you have a storm surge, you have significantly more damage and risk to infrastructure and property.

We currently have a three-foot, approximately one-meter, sea level rise forecast by the end of the century. And these estimates are probably low. What if it's -- this is three feet -- what if it's five? This is just one example of the need to develop policy on some of these critical issues.

I urge you to begin to look at and involve the public on developing policy to guide the state to respond to some of these emerging issues and some of these existing issues before they reach the crisis stage. You know, if we're unprepared, we're unable to protect citizens, in many cases it will not just be because of a lack of resources, it will be because of lack of policy that tells us how to best apply the resources that we have to some of these emerging issues.

Thank you.

CHAIRMAN BROWN: Thank you. Anybody have any comments or questions?

(No response.)

CHAIRMAN BROWN: With that, the Chair will entertain a motion to adjourn.

VICE CHAIRMAN PHILLIPS: So moved.

COMMISSIONER LAIER: Second.

CHAIRMAN BROWN: All in favor
of adjournment?

ALL: Aye.

CHAIRMAN BROWN: Meeting adjourned.

(The proceedings concluded at approximately 11:39 p.m.)

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 accurate 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.

MARGARET-LEA PLATT ACCR #TL2024

FREELANCE COURT REPORTER

My Commission expires 1/16/17.
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 accurate 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.

Margaret-Lea Platt
MARGARET-LEA FLATT ACCR #TL2024
FREELANCE COURT REPORTER
My Commission expires 1/16/17.
ability (1) 24:7
able (2) 10:5,24:14
absolutely (1) 24:5
accept (2) 29:6,33:14
accomplish (1) 11:19
achieve (2) 35:18,18
achieved (3) 4:23,6:9,24:2
achievement (2) 20:13,21:19
acting (2) 11:23,20:3
acknowledges (1) 3:9
Act (1) 23:8
action (5) 13:21,14:3,17:19; 25:12,31:11
actions (3) 17:20,18:18,22
activities (6) 8:1,4,4,11:19,22; 18:10
activity (2) 6:18,17:17
actual (2) 6:3,23:23
actually (2) 15:10,16:9
added (1) 21:14
addition (1) 28:14
additional (2) 5:13,25:2
address (12) 8:1,9:19,17:8,22:5; 27:6,31:2,32:13,33:6; 34:3,11,20,35:1
addressed (2) 21:4,28:21
addressing (1) 36:9
ADEM (15) 12:3,13:13,21:14,2; 18:9,22:8,23:4,12;
24:2,22,25:8,28:3; 35:9,17:38:17
ADEM's (6) 7:10,9:4,11:15; 16:21,18:14,31:2
adjourn (1) 40:19
adjourned (1) 41:4
adjournment (1) 41:1
adjusted (1) 18:15
administer (3) 22:11,23:16,24:7
administration (2) 22:15,28:5
administrative (2) 23:10,28:4
adoption (1) 28:2
advance (2) 3:14,26:17
advise (1) 27:15
affirms (1) 25:12
Again (4) 14:20,21:18,26:22; 38:15
agencies (2) 21:13,38:17
Agenda (4) 3:10,4:5,27:12,28:1
ago (1) 36:23
agreement (1) 10:11
ahead (1) 14:17
aimed (1) 11:23
air (12) 4:22,6:19,7:11,23; 8:21,19,18,21,20:2,4; 4:25,14:37:5
Alabama's (3) 19:7,22,22:24:7
Alabamians (1) 36:8
allegation (1) 25:11
allegations (3) 24:6,22,25:4
alleged (3) 23:5,8,13
allow (2) 13:2,18:15
allowed (1) 34:20
allowing (1) 27:3
along (2) 11:2,8
Although (2) 18:20,25:17
amendment (1) 29:6
amendments (1) 28:3
among (1) 11:7
analogous (2) 13:13,20
analysis (3) 6:13,19,26,21:17
analyze (2) 7:1,8:14
analyzing (1) 15:4
anticipated (1) 5:5
apart (1) 7:18
application (1) 17:15
apply (1) 40:11
applying (1) 17:13
appreciate (1) 33:7
approach (1) 18:8
appropriation (1) 5:11
approved (1) 31:18
approximately (3) 3:2,39,17:41:6
April (1) 24:3
Area (5) 8:7,7,9:11,15:13,1
areas (9) 8:11,9,21:19,19; 21:16,23,8,24:8,18; 25:16,39,12
arrive (1) 11:3
ash (1) 37:10
aside (1) 19:8
asserted (1) 23:13
assess (1) 24:19
assessments (2) 23:11,38:23
assigned (1) 10:15
assistance (10) 12:21,14:7,12,15; 15:21,16:14,17:9,18:5,19:21
assure (1) 35:21
assuring (1) 11:20
attainment (1) 19:20
Attention (4) 8:7,9,3:12,14:21
attract (1) 24:14
attributable (1) 17:14
attribute (10) 4:20,7,10,14,19; 8:15,9:4,9,10:1,11:2,14
audits (8) 7:7,8,18,20,21,8:9,12,19
August (1) 6:11
authority (4) 22:10,12,21,23:16
available (3) 11:15,15:7,37:21
average (1) 10:8
avoid (1) 26:14
avoiding (1) 38:9
aware (3) 18:11,17,20,20,19
Aye (16) 3:22,29,10,32:7,8,22:23,33,18,19,20,21,23:34,12,13,14,15,41:2

B
back (2) 27:19,33:4
ball (1) 37:16
based (1) 37:21
basically (1) 35:11
bay (1) 39:11
began (1) 3:1
begin (5) 18:1,37:16,38:6,20,40:1
behave (3) 30:6,13,19
behavior (1) 17:12
behavioral (1) 12:18
Belt (3) 30:7,10,31:6
beneficial (1) 14:11
benefits (1) 13:17
Benjamin (1) 30:6
best (3) 26:1,37:21,40:11
better (1) 10:8
bit (1) 35:2
Black (4) 30:6,9,13,31:6
body (2) 21:8,12
both (6) 5:6,10,19,15:11,17:17,19,1:23,21
bottom (1) 18:7
breaking (1) 5:1
briefly (1) 7:13
bring (1) 29:19
broken (1) 10:2
Brooke (3) 30:13,31:8,33:3
Brooke’s (1) 32:13
brought (1) 26:15
BROOK (30) 3:3,20,23,4;2:27:8,11:29,8,11,13,17,21; 32:5,9,11,18,21,33:1,5,16,22,34:1,7,10,16,18:40,14,17,23,41:3
budget (5) 4:16,5,3,7,22,25:9
business (2) 29:18,33:9

C
California (1) 11:8
Cal (4) 3:4,18:2,28:6,29:9
called (1) 6:13
calling (1) 22:7
can (7)
different (1)
16:1
difficult (2)
7:1;9:10:5
direct (5)
9:2;16:24;20:16;3;
17:15;22:22
direction (1)
9:20
directly (3)
14:14;15:11;27:22
director (6)
4:6;7:8;27:9:10;
35:11
director's (1)
27:18
directs (2)
7:6;35:12
disappointing (1)
36:13
discussion (3)
32:3;19:34:8
dissim (1)
25:3
display (1)
6:18
displayed (2)
10:14;15:23
Distribution (1)
15:15
districts (1)
21:23
division (2)
28:10;12
done (4)
14:23;36:1;38:16;22
down (3)
10:2;12:1;13:12
drivers (4)
13:4;6;8;15
driver's (1)
13:19
dropped (1)
35:11
drops (1)
26:2
During (2)
28:11;19
duties (1)
35:14

earlier (4)
6:8;19:4;25:14;35:3
Eaton (3)
30:6;31:6;32:6
Eaton's (1)
31:20
educating (1)
13:16
education (5)
12:22;13:19;15:22;
episode (1)
26:10
equally (2)
17:14;17
essence (1)
12:11
essentially (2)
12:21;15:21
estimates (1)
39:19
even (3)
19:9;36;1:39:8
eventually (1)
26:3
everybody's (1)
3:6
everyone (1)
27:15
evidence (1)
18:1
example (4)
13:3;14:6;16:23;
39:22
except (1)
35:8
exception (1)
16:23
excess (1)
38:10
exhaustive (1)
23:18
existing (5)
22:16;23:1;28:15;
36:2;40:5
expect (1)
36:4
expected (1)
6:1
expenditure (1)
23:19
expenditures (1)
3:6
experience (2)
16:21;26:12
experiencing (1)
14:14
explain (1)
38:1
extract (1)
13:2
facing (1)
30:23
fact (3)
14:6;35:2;37:3
factor (1)
15:23
factors (5)
12:17;20;15:10;13;
17:14
failure (1)
23:8
failures (1)
23:14
falling (1)
9:8
families (1)
24:13
fast (1)
13:12
favor (7)
3:21;29:9;32:5;21;
33:17;34:10;40:23
favorable (1)
29:2
features (1)
38:14
February (3)
3:12;20:23;28:16
federal (7)
5:6;21:6;13:19;5:
23:7;38:18
feedback (2)
27:17;19
feet (1)
39:21
Fighting (3)
30:7;10;31:7
filed (1)
22:5
final (2)
21:5;22:3
finally (3)
4:23;13:22;20:5
financial (1)
23:20
findings (2)
16:22;23:22
fine (2)
19:18;20
First (6)
3:8;7;20:8;14:13;2;
19:22;31:20
Fiscal (4)
4:14;5:2;8;12
fisheries (1)
38:13
five (3)
11:5;28:14;39:21
Florida (1)
11:9
focus (4)
4:17;6:8;8:11;12:12
Following (1)

E
earlier (4)
6:8;19:4;25:14;35:3
Eaton (3)
30:6;31:6;32:6
Eaton's (1)
31:20
educating (1)
13:16
education (5)
12:22;13:19;15:22;

F
facilities (2)
5:19;18:16
facility (1)
13:14
financial (1)
26:15
football (1)
11:10
forecast (1)
39:18
formal (3)
9:19;14:2;18:22
forms (2)
28:14;15
forward (1)
29:19
found (2)
14:10;24:5
four (2)
7:9;18
fourth (1)
4:12
Framework (6)
4:20;7:7;14;16;19;
11:14
fuel (2)
37:10;10
fulfilling (1)
36:5
full (1)
27:17
function (1)
15:19
Fund (1)
5:10
funded (2)
14:6;22
funding (12)
5:13;6:1;2;4;6;19:11;
23:12;24:20;25:6;7;
26:1;6
further (1)
24:9
FY (2)
5:22;6:3

G
gain (1)
7:4
General (6)
5:10;10:22;11:1;
15:3;19:5;28:4
Generation (2)
18:2;13
gentleman (1)
34:23
gets (1)
18:8
gives (1)
35:8
Good (4)
3:3;4;10;22:1;28:7
governmental (2)
20:15;22:1
governments (1)
23:2
granted (1)

Baker Realtime Reporting and Video Services
334.262.3332 888.253.3377

(3) different - granted
<table>
<thead>
<tr>
<th>Page Numbers</th>
<th>Term</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:2,3,13:7</td>
<td>minimal (1)</td>
<td>26:5</td>
</tr>
<tr>
<td>13:4,5</td>
<td>minor (1)</td>
<td>9:13</td>
</tr>
<tr>
<td>25:10,36:17</td>
<td>minutes (3)</td>
<td>3:11,13,34:21</td>
</tr>
<tr>
<td></td>
<td>mission (4)</td>
<td>11:19,12:11,35:21,36:6</td>
</tr>
<tr>
<td></td>
<td>misunderstanding (1)</td>
<td>17:6</td>
</tr>
<tr>
<td></td>
<td>Mobile (1)</td>
<td>39:12</td>
</tr>
<tr>
<td></td>
<td>modification (1)</td>
<td>28:15</td>
</tr>
<tr>
<td></td>
<td>moment (1)</td>
<td>12:23</td>
</tr>
<tr>
<td></td>
<td>monetary (1)</td>
<td>14:3</td>
</tr>
<tr>
<td></td>
<td>monitor (3)</td>
<td>9:3,14:21,26:8</td>
</tr>
<tr>
<td></td>
<td>monitoring (2)</td>
<td>24:9,25:8</td>
</tr>
<tr>
<td></td>
<td>month (1)</td>
<td>5:4</td>
</tr>
<tr>
<td></td>
<td>more (7)</td>
<td>6:15,18:17,19:10,17,20:4,6,39:14</td>
</tr>
<tr>
<td></td>
<td>morning (3)</td>
<td>3:4,10:28:7</td>
</tr>
<tr>
<td></td>
<td>most (7)</td>
<td>9:17,10:12:19,14:8,17:21,35:18</td>
</tr>
<tr>
<td></td>
<td>motivate (1)</td>
<td>26:12</td>
</tr>
<tr>
<td></td>
<td>motivated (2)</td>
<td>15:11,19</td>
</tr>
<tr>
<td></td>
<td>motivates (1)</td>
<td>15:4</td>
</tr>
<tr>
<td></td>
<td>moved (2)</td>
<td>3:18,40:21</td>
</tr>
<tr>
<td></td>
<td>Moving (1)</td>
<td>19:15</td>
</tr>
<tr>
<td></td>
<td>Mullen (3)</td>
<td>30:19,34:19,22</td>
</tr>
<tr>
<td></td>
<td>Mullen's (2)</td>
<td>31:17,33:11</td>
</tr>
<tr>
<td></td>
<td>must (2)</td>
<td>25:20,26:3</td>
</tr>
<tr>
<td>20:6</td>
<td>Nay (2)</td>
<td>34:17,18</td>
</tr>
<tr>
<td>5:18</td>
<td>necessary (1)</td>
<td>3:4,17,18</td>
</tr>
<tr>
<td></td>
<td>need (3)</td>
<td>5:16,38:19,39:22</td>
</tr>
<tr>
<td></td>
<td>needed (1)</td>
<td>5:14</td>
</tr>
<tr>
<td></td>
<td>needs (6)</td>
<td>37:15,19,20,21,22,38:22</td>
</tr>
<tr>
<td></td>
<td>negotiate (1)</td>
<td>6:5</td>
</tr>
<tr>
<td></td>
<td>Nelson (1)</td>
<td>30:13</td>
</tr>
<tr>
<td></td>
<td>net (1)</td>
<td>21:15</td>
</tr>
<tr>
<td></td>
<td>news (1)</td>
<td>5:1</td>
</tr>
<tr>
<td></td>
<td>next (8)</td>
<td>9:23,15:14,18:2,13,27:11,28:1,29:22,30:3</td>
</tr>
<tr>
<td></td>
<td>non-attainment (1)</td>
<td>19:17</td>
</tr>
<tr>
<td></td>
<td>noncompliance (2)</td>
<td>17:3,20:9</td>
</tr>
<tr>
<td></td>
<td>none (2)</td>
<td>24:5,5</td>
</tr>
<tr>
<td></td>
<td>North (1)</td>
<td>11:9</td>
</tr>
<tr>
<td></td>
<td>note (1)</td>
<td>11:5</td>
</tr>
<tr>
<td></td>
<td>noted (1)</td>
<td>16:15</td>
</tr>
<tr>
<td></td>
<td>notes (2)</td>
<td>6:23,29:22</td>
</tr>
<tr>
<td></td>
<td>noteworthy (1)</td>
<td>19:10</td>
</tr>
<tr>
<td></td>
<td>notice (1)</td>
<td>21:2</td>
</tr>
<tr>
<td></td>
<td>notified (1)</td>
<td>24:4</td>
</tr>
<tr>
<td></td>
<td>NPDES (3)</td>
<td>22:11,12:24:2</td>
</tr>
<tr>
<td></td>
<td>number (2)</td>
<td>9:8,31:8</td>
</tr>
<tr>
<td></td>
<td>number (5)</td>
<td>18:16</td>
</tr>
<tr>
<td></td>
<td>numerous (1)</td>
<td>11:18</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td></td>
</tr>
<tr>
<td></td>
<td>nation (7)</td>
<td>6:21,11:5,7:12,19:3,8:12</td>
</tr>
<tr>
<td></td>
<td>mind (1)</td>
<td>31:13</td>
</tr>
<tr>
<td></td>
<td>making (2)</td>
<td>25:10,36:17</td>
</tr>
<tr>
<td></td>
<td>Many (4)</td>
<td>11:22,20:18,26:10,40:8</td>
</tr>
<tr>
<td></td>
<td>map (1)</td>
<td>10:21</td>
</tr>
<tr>
<td></td>
<td>marginal (1)</td>
<td>26:2</td>
</tr>
<tr>
<td></td>
<td>matters (3)</td>
<td>19:16,36:21,39:2</td>
</tr>
<tr>
<td></td>
<td>may (2)</td>
<td>10:5,10</td>
</tr>
<tr>
<td></td>
<td>maybe (2)</td>
<td>37:9,23</td>
</tr>
<tr>
<td></td>
<td>meaningful (1)</td>
<td>35:19</td>
</tr>
<tr>
<td></td>
<td>means (1)</td>
<td>17:16</td>
</tr>
<tr>
<td></td>
<td>measure (2)</td>
<td>8:20,24:1</td>
</tr>
<tr>
<td></td>
<td>measures (3)</td>
<td>6:19,10:6,37:1</td>
</tr>
<tr>
<td></td>
<td>meeting (11)</td>
<td>3:4,12:15,6:12,23:6,26:16,19:29,22:35:6,36:5,41:3</td>
</tr>
<tr>
<td></td>
<td>meetings (1)</td>
<td>4:12</td>
</tr>
<tr>
<td></td>
<td>Meets (2)</td>
<td>8:6,9</td>
</tr>
<tr>
<td></td>
<td>members (7)</td>
<td>3:14,17:8,21:26:20,27:20,28:8,29:16</td>
</tr>
<tr>
<td></td>
<td>mentioned (1)</td>
<td>6:7</td>
</tr>
<tr>
<td></td>
<td>MERRITT (2)</td>
<td>33:21,34:13</td>
</tr>
<tr>
<td></td>
<td>met (2)</td>
<td>21:10,13</td>
</tr>
<tr>
<td></td>
<td>Metrics (1)</td>
<td>6:15</td>
</tr>
<tr>
<td></td>
<td>might (1)</td>
<td>14:16</td>
</tr>
<tr>
<td></td>
<td>Mike (1)</td>
<td>30:18</td>
</tr>
<tr>
<td></td>
<td>MILLER (4)</td>
<td>29:7,33:15,20,34:15</td>
</tr>
<tr>
<td></td>
<td>million (1)</td>
<td>5:11</td>
</tr>
<tr>
<td></td>
<td>mind (1)</td>
<td>31:13</td>
</tr>
<tr>
<td></td>
<td>nation (7)</td>
<td>6:21,11:5,7:12,19:3,8:12</td>
</tr>
<tr>
<td></td>
<td>objective (5)</td>
<td>8:16,20,12:23,23:23</td>
</tr>
<tr>
<td></td>
<td>observation (1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>O</td>
<td></td>
</tr>
<tr>
<td></td>
<td>obeying (1)</td>
<td>13:8</td>
</tr>
<tr>
<td></td>
<td>order (2)</td>
<td>18:19,21:2</td>
</tr>
<tr>
<td></td>
<td>out (5)</td>
<td>10:7,9,18:12,21:2,35:5</td>
</tr>
<tr>
<td></td>
<td>over (3)</td>
<td>23:14</td>
</tr>
<tr>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>page (1)</td>
<td>14:22</td>
</tr>
<tr>
<td></td>
<td>part (2)</td>
<td>8:10,28:23</td>
</tr>
<tr>
<td></td>
<td>particle (2)</td>
<td>19:18,21</td>
</tr>
<tr>
<td></td>
<td>parties (3)</td>
<td>14:13,26:11,12</td>
</tr>
<tr>
<td></td>
<td>Partnership (1)</td>
<td>21:21</td>
</tr>
<tr>
<td></td>
<td>party (1)</td>
<td>11:16</td>
</tr>
<tr>
<td></td>
<td>passed (1)</td>
<td>35:5</td>
</tr>
<tr>
<td></td>
<td>passes (2)</td>
<td>4:3,29:14</td>
</tr>
<tr>
<td></td>
<td>pattern (1)</td>
<td>25:13</td>
</tr>
<tr>
<td></td>
<td>payment (1)</td>
<td>5:18</td>
</tr>
<tr>
<td></td>
<td>penalties (8)</td>
<td>12:22,14:8,13:15:22,16:19,18:23,24:19,21</td>
</tr>
<tr>
<td></td>
<td>Penalty (4)</td>
<td>8:4,14:4,15:23:11</td>
</tr>
<tr>
<td></td>
<td>penalty-related (1)</td>
<td>25:3</td>
</tr>
<tr>
<td></td>
<td>pending (2)</td>
<td>31:12,14</td>
</tr>
<tr>
<td></td>
<td>percent (3)</td>
<td>16:8,12,17</td>
</tr>
<tr>
<td></td>
<td>performed (2)</td>
<td>4:20,7:9</td>
</tr>
<tr>
<td></td>
<td>performs (1)</td>
<td>10:8</td>
</tr>
<tr>
<td></td>
<td>period (2)</td>
<td>28:21,30:4</td>
</tr>
<tr>
<td></td>
<td>periodic (1)</td>
<td>38:23</td>
</tr>
<tr>
<td></td>
<td>permit (5)</td>
<td>11:23,12:7:17:5:7,28:10</td>
</tr>
<tr>
<td></td>
<td>permits (7)</td>
<td>22:11,15:16,18:23,23:17,24:8</td>
</tr>
<tr>
<td></td>
<td>permitting (1)</td>
<td>23:9</td>
</tr>
<tr>
<td></td>
<td>personnel (3)</td>
<td>17:3,27:16,22</td>
</tr>
<tr>
<td></td>
<td>perspective (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>using (3)</td>
<td>8:13,14</td>
<td></td>
</tr>
<tr>
<td>usual (1)</td>
<td>7:2;10:6;23:23</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>whole (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>wiser (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>wish (2)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>withdraw (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>Withdrawal (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>withdrawing (2)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>Within (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>Without (3)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>words (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>work (2)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>working (2)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>worthy (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>writing (1)</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>written (1)</td>
<td></td>
</tr>
<tr>
<td>Vis (1)</td>
<td>6:14</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>23:23</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>W</th>
</tr>
</thead>
<tbody>
<tr>
<td>warning (1)</td>
</tr>
<tr>
<td>warranted (1)</td>
</tr>
<tr>
<td>Warrior (1)</td>
</tr>
<tr>
<td>waste (5)</td>
</tr>
<tr>
<td>wastewater (1)</td>
</tr>
<tr>
<td>Watch (1)</td>
</tr>
<tr>
<td>water (24)</td>
</tr>
<tr>
<td>waters (1)</td>
</tr>
<tr>
<td>way (2)</td>
</tr>
<tr>
<td>ways (2)</td>
</tr>
<tr>
<td>website (3)</td>
</tr>
<tr>
<td>welcome (1)</td>
</tr>
<tr>
<td>welcomed (1)</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>2010 (2)</td>
</tr>
<tr>
<td>2013 (1)</td>
</tr>
<tr>
<td>2015 (3)</td>
</tr>
<tr>
<td>21st (1)</td>
</tr>
<tr>
<td>23 (1)</td>
</tr>
<tr>
<td>25 (1)</td>
</tr>
<tr>
<td>26 (2)</td>
</tr>
<tr>
<td>28 (1)</td>
</tr>
<tr>
<td>50 (1)</td>
</tr>
<tr>
<td>71 (1)</td>
</tr>
<tr>
<td>9 (1)</td>
</tr>
<tr>
<td>98-page (1)</td>
</tr>
</tbody>
</table>

Baker Realtime Reporting and Video Services
334.262.3332 888.253.3377
Part B
Attachment Index

Attachment 1  Agenda

Attachment 2  Resolution to adopt amendments to ADEM Admin. Code Division 335-1, General Administration Regulations (NPDES-Related Matter) (Agenda Item 4)
Attachment 1
AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 11, 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

ITEM                                                                 PAGE
1. Consideration of minutes of meeting held on February 21, 2014**       2
2. Report from the Director                                              2
3. Report from the Commission Chair                                     2
4. Consideration of adoption of proposed amendments to ADEM Admin.
   Code Division 335-1, General Administration Regulations
   (NPDES-Related Matter)                                                2
5. Other business                                                        2
6. Future business session                                               2

PUBLIC COMMENT PERIOD                                                   2 &
Attachments

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

** The Minutes for this meeting will be available on the ADEM website under Environmental
  Management Commission.
1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 21, 2014

2. REPORT FROM THE DIRECTOR

3. REPORT FROM THE COMMISSION CHAIR

4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-1, GENERAL ADMINISTRATION REGULATIONS (NPDES-RELATED MATTER)

   The Commission will consider proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations. Revisions to Rule 335-1-1-.07, Departmental Forms, Instructions, and Procedures, add five new forms and modify twenty-eight existing forms. The changes are needed to comply with State and Federal law. The Department held a public hearing on the proposed amendments on February 12, 2014.

5. OTHER BUSINESS

6. FUTURE BUSINESS SESSION

   **PUBLIC COMMENT PERIOD**

   (The Requests from the public to address the Commission are attached to the agenda.)

   **Request 1**

   Benjamin Eaton, on behalf of Black Belt Citizens Fighting for Health and Justice,
   Uniontown, Alabama

   SUBJECT: Environmental issues of concern to the Black Belt Citizens Fighting for Health and Justice and the Uniontown community

   (Chair Brown will recommend that the Commission deny the Request.)

   **Request 2**

   Nelson Brooke, on behalf of Black Warrior Riverkeeper, Inc.

   SUBJECT: Update on new developments and issues of concern at the City of Uniontown’s Wastewater Treatment Plant

   (Chair Brown will recommend that the Commission deny the Request.)

   **Request 3**

   Michael William Mullen, on behalf of Choctawhatchee Riverkeeper, Inc.

   SUBJECT: Development of policy of critical environmental issues facing the State of Alabama and its people whom the EMC represents

   (Chair Brown will recommend that the Commission grant the Request.)

   **Request 4**

   David A. Ludder, Esq., on behalf of the ADEM Reform Coalition

   SUBJECT: ADEM’s current Environmental Justice policy

   (Chair Brown will recommend that the Commission grant the Request.)
March 24, 2014

H. Lanier Brown, II, Esq., Chairman
Environmental Management Commission
P.O. Box 301463
Montgomery, AL 36130-1463

Via electronic and surface mail

Re: Request to Address the Environmental Management Commission
    April 11, 2014 Meeting

Dear Chairman Brown:

Please accept this letter as two separate requests to address the Environmental Management Commission at its regularly scheduled April 11, 2014 meeting.

Benjamin Eaton is a member of Black Belt Citizens Fighting for Health and Justice, a nonprofit organization of concerned citizens in Uniontown, Alabama. He would like to address the Commission on several environmental issues of concern to his organization and community.

Nelson Brooke is Riverkeeper of Black Warrior Riverkeeper, Inc., a nonprofit organization located in Birmingham, Alabama, whose mission is to protect and restore the Black Warrior River and its tributaries. He made a presentation on the City of Uniontown’s Wastewater Treatment Plant to the Commission at an earlier meeting. He plans to present an update on new developments and issues of concern at this facility.

The scheduling of each of these presentations is in the public interest, as they will educate and inform both the Commission and the public. Moreover, these presentations will support and contribute to the Commission’s mission of developing appropriate environmental policy for the State.

As a courtesy to the Commission, both Mr. Eaton and Mr. Brooke are each happy to submit any slides one week in advance of the meeting so that Commission members may have an opportunity to prepare.

Please know that I appreciate your kind consideration of these requests. Thank you.
Sincerely,

Eva Dillard
Staff Attorney

cc: Debi Thomas, EMC Executive Assistant
H. Lanier Brown, II, Esq, Chair
C/o Environmental Management Commission
P.O. Box 301463
Montgomery, AL 36130-1463

March 27, 2014

Dear Chairman Brown:

I am writing to request approval for a presentation at the 11 April 2014 AEMC meeting. The presentation will address development of policy of critical environmental issues facing the State of Alabama and its people whom the EMC represents.

The presentation slides are enclosed.

Respectfully submitted,

Michael William Mullen
Choctawhatchee Riverkeeper

Choctawhatchee Riverkeeper*, Inc.
P.O. Box 6724
Banks, AL 36006
254-697-1365
Email: riverkeeper@troyacable.net
Web: http://choctawhatcheeriver.org

*Choctawhatchee Riverkeeper* is a member of the WATERKEEPER® Alliance
Printed on 100 Percent Postconsumer Recycled Fiber Paper Produced with Renewable Energy
Delivered via Facsimile
H. Lanier Brown, II, Esq., Chair
Alabama Environmental Management Commission
1400 Coliseum Boulevard
Montgomery, AL 36130-146

Re: Request of ADEM Reform Coalition to Speak at April 11, 2014 Meeting

Dear Chairman Brown:

The ADEM Reform Coalition requests that the Alabama Environmental Management Commission allow me, as an authorized representative of the Coalition, to address the Commission during the public comment portion of the Commission’s April 11, 2014 meeting. The topic for discussion is ADEM’s current Environmental Justice policy which the Coalition contends is both lacking in critical substance and in excess of ADEM’s authority to develop and implement. A draft of the Coalition’s presentation is attached and a final copy of the presentation will be provided in advance of the meeting.

Please note that Environmental Justice is not the same as Title VI of the Civil Rights Act of 1964. This presentation will not address ADEM’s Title VI obligations or any pending Title VI complaints against ADEM that have been filed with the U.S. Environmental Protection Agency. Moreover, this presentation will not address any specific regulated facilities.

I look forward to receiving your recommendation.

Sincerely,

David A. Ludder
Attachment 2
ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION


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.

IN WITNESS WHEREOF, we have affixed our signatures below on this 18th day of April 2014.

APPROVED:

Mary J. Meritt
James E. Lewis
Hamer Broom
W. Scott Flanigan

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 11th day of April 2014.

H. Lanié Brown, II, Chair
Environmental Management Commission
Certified this 11th day of April 2014