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

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

Certified this 17th day of August 2012.
Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 20, 2012

Convened: 11:00 a.m.
Adjourned: 11:25 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachments 1 – 2
Part A
ALABAMA ENVIRONMENTAL MANAGEMENT
COMMISSION MEETING

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Alabama Room
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

APRIL 20, 2012
11:00 a.m.

Taken by: Cornelia J. Baker, ACCR 290

APPEARANCES

COMMISSION MEMBERS PRESENT:
John H. Lester, D.V.M., Chair
H. Lanier Brown, II, Reprieve, Vice Chair
Samuel L. Miller, M.D.
W. Scott Phillips
James B. Laster, Ph.D., P.E.
Terry D. Richardson, Ph.D.

ALSO PRESENT:
Robert Hambling, EMC Legal Counsel
Lance R. LeFleur, ADEM Director
Debi Thomas, EMC Executive Assistant

CHAIRMAN LESTER: I'd like to call to order this meeting and acknowledge that there is a quorum.

Each Commissioner received a copy of the minutes of our February 24th meeting in addition to the corrections that were presented to you.

MR. PHILLIPS: I move we accept the minutes.

MR. BROWN: Second.

CHAIRMAN LESTER: Motion and second. All in favor say aye.

(UNANIMOUS.)

CHAIRMAN LESTER: All opposed?

(No response.)

CHAIRMAN LESTER: Next item of business is the Director's comments and report.

MR. LeFLEUR: Thank you,

Mr. Chairman. Thank you, Commissioners. Good morning and welcome to all of you present at this fourth meeting of the Alabama Environmental Management Commission for Fiscal Year 2012.

My report will cover several topics today. As usual, the 2012 and 2013 budgets will be front and center. We've passed the halfway mark of Fiscal Year 2012 and the budgetary situation is becoming clearer, but the news is not good. We will briefly review what the situation is likely to be and some new efforts for dealing with that situation. After discussing the budgets,
I'll update you on several previously announced and ongoing non-budget Departmental initiatives.

The 2012 Fiscal Year budgets: Until March 16th of this year, ADEM's general fund budget for Fiscal Year 2012 was $4.2 million, which was 32 percent less than the Fiscal Year 2011 general fund budget.

On March 16th, our Fiscal Year 2012 general fund budget was prorated 10.6 percent or $452,000. Since we are halfway through the fiscal year, this amounts to cutting general fund expenditures for the remainder of the year by 21.2 percent.

On the Federal side, we still do not have a Fiscal Year 2012 budget even though we are halfway through the Fiscal Year. EPA continues to slow down its normal schedule of making funds available to the states and is also withholding 5 percent of the Federal funds that the states would otherwise receive until the end of the fiscal year to cover possible cuts to the EPA Federal budget when it is finally adopted.

2013 Budgets: For the upcoming Fiscal Year 2013, the Governor's proposed budget called for the Department's general fund budget to be cut by 20 percent from the original FY 2012 budget down to $3.4 million. The House Ways and Means Committee substitute -- which recently passed out of the House of Representatives and has now been transmitted to the Senate -- further reduces the Department's general funds for Fiscal Year 2013 down to $2.96 million. This amounts to a 30-percent cut from the Fiscal Year 2012 budget. The Senate has not released its budget proposal, but as you can see from the Governor's and the House budgets, the budget outlook for Fiscal Year 2013 is bleak.

ADEM is working on the Fiscal Year 2013 budget with the Senate to either restore funding or at least to allow the Department input on how to target the cuts so they will do the least damage. Regardless, we must act to make additional cuts to our Fiscal Year 2012 and Fiscal Year 2013 expenditures beyond those previously announced.

First, I have given instructions to sell the ADEM airplane. Although this will give up a proven proactive enforcement tool, which has been especially useful in identifying Scrap Tire and other illegal dumps and has also proved...
to be indispensable during
the BP oil spill and
tornado responses, it will
save over $500,000 a year.
While this will reduce the
effectiveness of our
effort to prevent pollution
enforcement activities, the
time has come to dispose of
this asset. Unlike many
others, this cut will not
dramatically increase the
risk of the Department
losing the authority to
issue air, land, and water
permits.

   Second, except in
the most extreme
circumstances, ADEM is no
longer hiring replacements
as employees leave our
service through attrition.
In the past, we have not
increased our staffing, but

have been able to maintain
constant staffing levels
even in the face of rapidly
increasing Federal
mandates. In 2008, some
four years ago, prior to
many of the new Federal
mandates, the Department
was authorized for an
optimum workforce of 648.
We are currently at 610.
Keeping staff, even at the
current sub-optimum levels,
is no longer good enough.
We must reduce further.
Since this decision was
implemented thirty days
ago, following the
proration announcement, our
staffing levels have
already fallen by seven
employees. With the salary
freeze well into its fourth
year and high private
sector demand for our
well-trained engineers and
scientists, we expect to
have many more leave our
service by the end of this
fiscal year and into the
next.

   At the same time we
are cutting staff through
attrition and disposing of
the airplane, we continue
to move forward with
electronic efficiencies in
our effort to maintain
continuity of service and
enforcement.

   To this end, the
Department is adding
another feature to our
e-government applications,
which will allow payment of
permit fees, fines,
registrations and so forth
by e-check. E-check is in
addition to credit card and
electronic transfer
payments already
established.

   In March, a "How-To
Guide" example was added to
the e-File web page and a
"Search How-To" example was
added to the Complaints web
page. Both examples are
intended to educate and
assist the public with
their use of our e-File and
e-Complaint systems.

   All e-applications
reduce staffing
requirements by replacing
human effort with
automation. Making it
easier for the public to
file complaints.
electronic not only
better serves the public,
it reduces staffing. It
also allows us to become
more efficient in our
enforcement by inspecting
more sites with known
violations and thereby more
effectively utilizing our
shrinking staff.
 Now allow me to
update you on ongoing
non-budget Departmental
initiatives. In October of
2011, I identified seven
non-budgetary Departmental
initiatives that would be
undertaken in Fiscal Year
"12.
 At the December
Commission meeting, two of
those initiatives were
addressed: Efforts to have
status of three additional
initiatives was reported:
The Scrap Tire Program,
outreach to the
disadvantaged North
Birmingham community, and
review of the State’s Solid
Waste Plan.
 By way of recent
updates, I must report that
dire financial
circumstances in State
budgets has caused some
legislators to propose
diverting the one dollar
per tire fee on new tires,
which was earmarked to
clean up scrap tire dumps
and promote recycling of
scrap tires, to the General
Fund. This could undermine
a successful outcome for
our Scrap Tire initiative.

Jefferson and Shelby
Counties redesignated as
"attainment" for fine
particle pollution and
reaching out to
disadvantaged communities
in our environmental
justice activities.
Unfortunately, EPA did not
meet its commitment to
promptly redesignate
Jefferson and Shelby
Counties as "attainment"
areas, and uncertainty with
the fate of new EPA
proposed rules has now put
the redesignation on hold.
Continuing non-attainment
status means ongoing
restrictions to industrial
development in the area.
 At the February
Commission meeting, the
As for review of the
State's Solid Waste Plan,
another step forward took
place this week with the
signing of a formal
contract with Auburn
University to assist the
Department in the review.
The first of a proposed
dozen public meetings will
take place the middle of
June. Another
late-breaking development
regarding this issue is the
passage by the House of
House Bill 556, which would
extend the moratorium on
permitting new landfills
for another year until
May 31, 2014.
Today, I would like
to report on another
initiative identified in
October 2011, which is the
deptartment's approach to
water usage policy.
There's been an increasing
amount of conversation in
many quarters around the
state concerning the lack
of a statewide water use
policy in Alabama. While
the matter has been
discussed in legislative
committees and cabinet
agencies, progress has not
been forthcoming.

As you are aware,
ADEM's longstanding
regulation of water quality
is greatly influenced by
water quantity
considerations and, as a
result, we have of
necessity been heavily
involved in matters related
to quantity. ADEM is very
interested in the
development of a statewide
water usage policy. To
that end, we have engaged
with other state agencies
to advance that effort. We
have and will continue to
also engage stakeholders,
including industry, public
water systems, agricultural
interests,
environmentalists, and
other water users to
understand their individual
interests. While several
groups have suggested
unilateral action and
piecemeal legislation, the
Department has proposed the
following approach: The
case must first be made
that water use policy is in
the best interest of the
impacted stakeholders and
the State as a whole.
There is currently broad
consensus that water
quality in the State must
be regulated. At this
time, there is no consensus
that water quantity usage
must be regulated. That
consensus must be built
before there is a realistic
possibility of implementing
a water usage policy.

Second, it is our
approach that water policy
be addressed holistically
rather than piecemeal. A
piecemeal approach does not
allow for a stakeholder to
compromise on one issue in
exchange for being granted
a concession on another
issue. The piecemeal
approach also does not
allow the parties to see
where the process will end
up.

Third, it is our
belief that all major
stakeholders should be
involved in the
conversation in a
forthright and open manner
before the policy or
legislation is written
rather than being invited
to the process after
proposals are on the table.
This must involve
one-on-one dialogue outside
the setting of a public
hearing. Trying to sell a
proposal to stakeholders
with diverse interests when
they did not previously
have meaningful input is a daunting effort that is likely to end in no action being taken.

In short, ADEM is a proponent of water policy and strongly endorses an approach that builds a consensus that there is a need for water policy, that addresses the issue comprehensively, and that involves candid input from all stakeholders before proposals are developed. The Department will be an active participant in the development of statewide water use policy. One initiative that did not make the October list, but which has proven to be even more relevant is

recent weeks, is the Commission action in February to sunset the requirement for Low Vapor Pressure gasoline, sometimes called "boutique" gasoline, in Jefferson and Shelby Counties during the summer months. EPA has now proposed sunsetting the requirement at the Federal level. EPA has further indicated, unexpectedly, that they have fast tracked approval of the Commission's action, and, in fact, I can confirm it is in today's Federal Register with an immediate effective date, so it will be implemented before the summer season. This is good news for the people in Jefferson and Shelby Counties since they will save about 5 cents per gallon on the cost of gasoline. This will result in approximately $8 million being put in the pockets of consumers in Alabama and hundreds of millions of dollars in the pockets of consumers across the nation.

Of note to those involved with environmental matters, the 42nd annual Earth Day will be commemorated the day after tomorrow. Although this coming Sunday is officially Earth Day, on Wednesday, April the 18th, the Department hosted a 2012 Earth Day and Environmental Career Fair. Please direct your attention to the lobby display for photos. This is a new event for the Department. We decided to use the occasion to target eleventh and twelfth grade high school students from the surrounding areas for educational and recruitment opportunities. I am pleased to report that we had a total of 102 in attendance. These students were taught by, and interacted with, ADEM personnel in the fields of drinking water, solid waste, ambient monitoring, air quality, recycling, aquatic assessment, scrap tires, asthma, hazardous waste, soil sampling,
wastewater, and
environmental careers. I
wish to recognize and thank
the fifty-five ADEM
employees who volunteered
and worked hard to make
that effort a success. And
I don't know if any of them
are in the room this
morning. They're probably
trying to get caught up.
But if you are, please
raise your hand.
(No response.)
MR. LEFLEUR: Okay. They're
going caught up.
   The event seems to
have been a big hit with
the students and the
teachers.
Finally, at the last
Commission meeting in
February, we highlighted

the Federal Office of
Inspector General's report
placing our Air, Land, and
Water divisions in the top
quartile regarding
enforcement activities.
That top-notched
performance is made
possible in no small part
by the inspection,
enforcement support, and
permitting support provided
by the Field Operations
Division and the Permits
and Services Division. Let
me take this opportunity to
recognize those division
chiefs, Steve Jenkins in
Field Operations and
Russell Kelly in Permits
and Services. If you don't
want to stand, at least
raise your hand.

The ADEM's efforts
are clearly a team effort.
And we have three divisions
working on any problem at
any one time, it seems. So
my hat is tipped to those
division chiefs and their
people.
   Once again, let me
close with my thanks to you
for serving the State of
Alabama as Commissioners on
the Alabama Environmental
Management Commission and
for allowing me to also
serve the State in my
current capacity.
   If there are any
questions, I'd be pleased
to try to answer them now.
MR. RICHARDSON: I would just
   like to point out that I
did not see the service

stations scrambling to
lower the fuel prices when
I went through Birmingham.
MR. LEFLEUR: Commissioner, I'm
sorry to report that we do
not have any impact on what
they actually do.
CHAIRMAN LESTER: Before you
sit down, I've got two
things. First, I want to
congratulate you and all
our staff, because two
years ago tomorrow is when
we had the BP oil spill.
If you weren't onboard at
the time, in the next few
days, you jumped right in
the middle of it. And
under your leadership and
all our Department heads
and our employees, we're in
a much better shape than we
were. And I understand
MR. Lefleur: Well, you bring up something that I'm pleased to report on. Lynn Sisk is back over here. He's keeping his head down. But Lynn was driving home -- it's been about two weeks, I guess, now -- and an older woman -- they were out in the country, and an older woman flagged him down on the side of the road and indicated her husband was in distress, having a problem. And they tried to determine what the problem was and called 911, and then went with the woman to try to address the problem that her husband was having. And they went back into the woods down a dirt road, off the road over to a pond or lake. And an 81-year-old man had been fishing by himself. His boat had tipped over. He was thrown in the water. And he had been clinging to the prop on his trolling motor for some four hours in cold water.

Lynn didn't think twice. I presume he took his shoes off, jumped in the water, went out, brought the man to shore. It was a steep shoreline.

CHAIRMAN LESTER: Well, I was going to say, this is the kind of employees we've got, and they're doing all they can on a limited budget. And I appreciate the report that you gave to...
all of us so we can
understand what's
happening. Thank you.
MR. LeFLEUR: Thank you,
Mr. Chairman.
CHAIRMAN LESTER: The next item
is the consideration of
adoption of the proposed
amendment to the ADEM
Administrative Code 335-3,
Air Pollution Control
Program Regulation. I call
on the Department.
MR. GORE: Mr. Chair,
gentlemen, I'm Ron Gore
with the Air Division. I
don't think my business is
quite as inspirational as
the previous issue.
We're asking you to
make two changes -- two
types of changes to our Air
Regulations. One is in the
area of technology-based
edevors we've adopted by
reference to EPA. This is
a periodic keep-up with
those rules. And then a
change to our construction
permitting regulations to
reflect the EPA go-by
rules.
We have the
appropriate public --
opportunity for public
input, and there were no
comments either verbal or
written.
Pending any
questions, I'd be happy if
you would adopt these
rules.
MR. PHILLIPS: Mr. Chairman, I
move we adopt the proposed
amendments.
MR. BROWN: Second.
CHAIRMAN LESTER: Motion and
second. All in favor say
aye.
(Unanimous.)
CHAIRMAN LESTER: All opposed.
(No response.)
MR. GORE: Thank you.
CHAIRMAN LESTER: Our next
meeting will be June the
15th. I'll ask the
Commissioners to make sure
that they can come and let
us know.
Before we adjourn
the meeting today and move
into the public comment
period, I'll entertain a
motion regarding approval
or disapproval of a request
to address the Commission's
committee by Mitch Reid on
behalf of the Alabama
Rivers Alliance.

MR. PHILLIPS: Move to approve
the request.
MR. BROWN: Second.
CHAIRMAN LESTER: Motion and
second. All in favor say
aye.
(Unanimous.)
CHAIRMAN LESTER: All opposed.
(No response.)
CHAIRMAN LESTER: At this time,
then, I'm going to adjourn
the proposed Commission
meeting and move to the
public comment meeting, and
ask Mitch if he'll come.
He has ten minutes or so.
MR. PHILLIPS: Move we adjourn.
MR. BROWN: Second.
CHAIRMAN LESTER: Motion and
second to adjourn.
(The hearing proceedings
concluded at approximately
11:25 a.m.)
REPORTER'S CERTIFICATE

OF ALABAMA)

I, Cornelia J. Baker, Certified Court
er, Certified Shorthand Reporter, and
Public in and for the State of
a at Large, do hereby certify that on
20, 2012, I reported the
entioned proceedings, and that the
herein contain a true and accurate
ription of the said proceedings.
I further certify that I am neither of
r of counsel to the parties to said
nor in any manner interested in the
s thereof.

This the 20th day of April, 2012.

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

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

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

I further certify that I am neither of kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.

This the 20th day of April, 2012.

[Signature]

Cornelia J. Baker, ACCR 290
Certified Shorthand Reporter,
Certified Court Reporter and Notary Public for the State of Alabama
My Commission expires 6/6/12.
<table>
<thead>
<tr>
<th>business (2)</th>
<th>3:21,33:17</th>
</tr>
</thead>
<tbody>
<tr>
<td>cabinet (1)</td>
<td>17:12</td>
</tr>
<tr>
<td>caliber (1)</td>
<td>32:13</td>
</tr>
<tr>
<td>call (2)</td>
<td>3:2,33:12</td>
</tr>
<tr>
<td>called (3)</td>
<td>6:21,22:6,30:2</td>
</tr>
<tr>
<td>can (5)</td>
<td>7:19,22:17,32:21; 33:1,35:12</td>
</tr>
<tr>
<td>candid (1)</td>
<td>21:13</td>
</tr>
<tr>
<td>capacity (1)</td>
<td>27:17</td>
</tr>
<tr>
<td>card (1)</td>
<td>12:3</td>
</tr>
<tr>
<td>Career (1)</td>
<td>24:1</td>
</tr>
<tr>
<td>careers (1)</td>
<td>25:2</td>
</tr>
<tr>
<td>case (2)</td>
<td>18:22,31:14</td>
</tr>
<tr>
<td>caught (2)</td>
<td>25:11,16</td>
</tr>
<tr>
<td>caused (1)</td>
<td>15:13</td>
</tr>
<tr>
<td>center (1)</td>
<td>4:13</td>
</tr>
<tr>
<td>cents (1)</td>
<td>23:3</td>
</tr>
<tr>
<td>Chair (1)</td>
<td>33:14</td>
</tr>
</tbody>
</table>

**CHAIRMAN (17)**
| 3:1,14,18,20:4;1;28:8; 32:17;33:5,6;34:20; 35:1,5,8,36:4,8,10,19 |

| change (1) | 34:6 |
| changes (2) | 33:21,22 |
| chiefs (2) | 26:18,27:7 |
| circumstances (2) | 9:18,15:12 |
| clean (1) | 15:18 |
| clearer (1) | 4:17 |
| clearly (1) | 27:2 |
| clinging (1) | 30:14 |
| close (1) | 27:10 |
| Code (1) | 33:10 |
| cold (1) | 23:17 |
| coming (1) | 23:19 |
| commemorated (1) | 23:17 |
| comment (2) | 35:16,36:14 |
| comments (2) | 3:22,34:14 |
| Commissioner (2) | 3:5,28:4 |
| Commissioners (3) | 4:2,27:12;35:11 |
| Commission's (2) | 22:16,35:20 |
| commitment (1) | 14:10 |
| Committee (2) | 7:3,5:25:21 |
| committees (1) | 17:12 |
| communities (1) | 14:6 |
| community (1) | 15:6 |
| Complaints (2) | 12:11,23 |
| comprehensively (1) | 21:12 |
| compromise (1) | 19:21 |
| concerning (1) | 17:7 |
| concession (1) | 19:23 |
| concluded (1) | 36:22 |
| confirm (1) | 22:17 |
| congratulate (1) | 28:11 |
| consensus (4) | 19:5,8,11,21:9 |
| consideration (1) | 33:7 |
| considerations (1) | 17:20 |
| constant (1) | 10:2 |
| construction (1) | 34:6 |
| consumers (2) | 23:8,11 |
| continue (2) | 11:12,18:8 |
| continues (1) | 6:6 |
| Continuing (1) | 14:18 |
| continuity (1) | 11:16 |
| contract (1) | 16:6 |
| Control (1) | 33:11 |
| conversation (2) | 17:5,20:10 |
| copy (1) | 3:6 |
| corrections (1) | 3:9 |
| cost (1) | 23:4 |
| Counties (4) | 14:2,13,22,8,23:2 |
| country (1) | 29:18 |
| cover (2) | 4:9,6:14 |
| CPR (1) | 32:8 |
| credit (1) | 12:3 |
| current (2) | 10:13,27:17 |
| currently (2) | 10:11,19:4 |
| cut (3) | 6:23,7:15,9:10 |
| cuts (3) | 6:15,8,7:10 |
| cutting (2) | 5:20,11:10 |

| damage (1) | 8:8 |
| date (1) | 22:20 |
| daunting (1) | 21:2 |
| Day (4) | 23:16,17,20,23 |
| days (2) | 10:17,28:17 |
| dealing (1) | 4:21 |
| December (1) | 13:20 |
| decided (1) | 24:5 |
| decision (1) | 10:16 |
| demand (1) | 11:2 |
| Departmental (3) | 5:4,13:13,16 |
| Department's (3) | 6:22,7:11,17:2 |
| determine (1) | 30:1 |
| developed (1) | 21:15 |
| development (4) | 14:21,16:13,18:3; 21:18 |
| dialogue (1) | 20:18 |
| died (1) | 32:6 |
| dire (1) | 15:11 |
| direct (1) | 24:1 |
| Director's (1) | 3:21 |
| dirt (1) | 30:8 |
| disadvantaged (2) | 14:6,15:5 |
| disapproval (1) | 35:19 |
| discussed (1) | 17:11 |
| discussing (1) | 4:23 |
| display (1) | 24:3 |
| dispose (1) | 9:8 |
| disposing (1) | 11:11 |
| distress (1) | 29:22 |
| diverse (1) | 20:22 |
| diverting (1) | 15:15 |
| Division (5) | 26:14,15,17,27:7; 33:16 |
| divisions (2) | 26:4,27:3 |
| dollar (1) | 15:15 |
| dollars (1) | 23:10 |
| down (9) | 6:6,7:3,13,28:9;29:13, 20:30,7:32,2:5 |
| dozen (1) | 16:10 |
| dramatically (1) | 9:11 |
| drinking (1) | 24:18 |
| driving (1) | 29:14 |
| dumps (2) | 8:23,15:18 |
| during (2) | 9:1,22:8 |

| e-applications (1) | 12:17 |
| earlier (1) | 32:1 |
| earmarked (1) | 15:17 |
| Earth (3) | 23:16,20,23 |
| easier (1) | 12:22 |
| E-check (2) | 12:2,2 |
| e-Complaint (1) | 12:16 |
| educate (1) | 12:13 |
| educational (1) | 24:10 |
| effective (1) | 22:20 |
| effectively (1) | 13:9 |
| effectiveness (1) | 9:6 |
| efficiencies (1) | 11:14 |
| efficient (1) | 13:5 |
| efforts (3) | 4:21,13:23,27:1 |
| e-File (2) | 12:9,15 |
| e-government (1) | 11:21 |
| either (2) | 8:3,34:14 |
| electronic (2) | 11:14,12:4 |
| electronically (1) | 13:1 |
| eleventh (1) | 24:7 |
| emergency (2) | 31:4,32:9 |
| employees (6) | 9:20,10:22,25:5; 28:21,31:22,32:19 |
| end (6) | 6:13,11:6,18:5; 20:4,21:3 |
| endeavors (1) | 34:2 |
| endorses (1) | 21:7 |
| enforcement (6) | 8:19,9:7,11:17,13:6; |
| favor (3) | freeze (1) | 4:14; 4:18; 6:4 | hand (2) | 25:13; 26:23 |
| 3:15; 35:2; 36:5 | 10:23 | happening (1) | 33:3 | hard (1) | 25:6 |
| feature (1) | front (1) | 4:12 | happy (1) | 34:17 | hat (2) | 27:6; 31:15 |
| 11:20 | fuel (1) | 28:2 | impact (1) | 22:19 | hazardous (1) | 24:22 |
| February (4) | fund (6) | 5:8; 13; 16; 21; 6:23; 15:21 | implemented (1) | 19:2 | head (1) | 29:13 |
| 3:8; 14:22; 22:3; 25:23 | funding (1) | 8:4 | implementing (1) | 19:13 | heads (1) | 28:20 |
| Federal (8) | funds (3) | 6:8; 11; 7:12 | including (1) | 18:10 | hearing (2) | 20:20; 36:21 |
| feds (1) | FY (1) | 7:2 | increased (1) | 9:23 | heavily (1) | 17:22 |
| 29:1 | G | gallon (1) | 23:4 | help (2) | 29:4; 31:12 | help (1) | 31:5 |
| fee (1) | gasoline (3) | 22:5; 7:23:5 | high (3) | 11:124; 8:32:12 | highlighted (1) | 25:23 |
| 15:16 | gave (1) | 32:23 | himself (1) | 30:11 | hiring (1) | 9:19 |
| fees (1) | general (7) | 5:8; 12; 15; 21; 6:22; 7:11; 15:20 | hit (1) | 25:18 | hold (1) | 14:17 |
| 11:23 | Generals (1) | 26:2 | holistically (1) | 19:17 | home (1) | 29:15 | input (4) | 8:6; 21:1; 13; 34:13 |
| 32:3; 5 | fine (1) | 14:3 | hours (1) | 30:16 | inspection (1) | 26:10 | initiatives (5) | 5:4; 13:14; 17; 22; 15:2 |
| 28:16 | fines (1) | 11:23 | House (5) | 7:4; 7; 20; 16; 15; 16 | Inspectors (1) | 26:2 | inspirational (1) | 33:18 |
| 12:23 | First (4) | 8:15; 16:9; 18:22; 28:10 | How-To (2) | 12:7; 10 | instance (1) | 31:21 | instructions (1) | 8:16 |
| finally (2) | Fiscal (15) | 4:8; 14:5; 5:9; 12; 15; 19; 6:3; 5; 14; 19; 7; 12; 16; 22; 8:2; 11; 11; 11; 7; 13:18 | intended (1) | 12:13 | interested (1) | 12:13 |
| 6:17; 25:21 | financial (1) | 15:11 | intersected (1) | 24:16 | interest (1) | 19:1 | interested (1) | 18:2 |
| finds (1) | fishing (1) | 30:11 | hundreds (1) | 23:9 | interests (3) | 18:12; 16; 20:22 | into (4) | 10:23; 11:7; 30:7; 35:16 |
| 31:11 | flagged (1) | 29:19 | hour (1) | 30:16 | House (5) | 7:4; 7; 20; 16; 15; 16 | How-To (2) | 12:7; 10 | human (1) | 12:20 | hundred (1) | 23:9 | husband (2) | 29:22; 30:5 | identified (2) | 13:15; 16:23 | identifying (1) | 12:8 |
per (2)
15:16;23:3

percent (5)
5:11;17;23:6;10:7;1

performance (1)
26:8

period (1)
35:17

periodic (1)
34:4

permit (1)
11:23

permits (3)
9:15;26:14;20

permitting (3)
16:18;26:12;34:7

person (2)
31:12;32:4

personnel (1)
24:17

PHILLIPS (4)
3:11;34:20;36:1;17

photos (1)
24:3

piecemeal (4)
18:19;19:18;19:20;1

place (2)
16:4;11

placing (1)
26:3

Plan (2)
15:8;16:2

Please (2)
24:1;25:12

pleased (3)
24:12;27:19;29:11

pleasure (1)
32:15

pockets (2)
23:7;10

point (2)
27:22;31:8

policy (10)
17:3;9:18;4:23;19:14;16;20:12;21:6;10;19

pollution (2)
14:4;33:11

pond (1)
30:9

possibility (1)
19:13

possible (2)
6:15;26:9

present (1)
4:4

presented (1)
3:10

Pressure (1)
22:5

presume (1)
30:19

previous (1)
33:19

previously (3)
5:2;8:13;20:23

prices (1)
28:2

prior (1)
10:6

private (1)
11:1

proactive (1)
8:19

probably (1)
25:10

problem (4)
27:4;29:23;30:2;5

proceedings (1)
36:21

process (2)
20:4;15

Program (2)
15:3;33:12

progress (1)
17:13

promote (1)
15:19

promptly (1)
14:11

prop (1)
30:15

proponent (1)
21:6

proposal (2)
7:18;20:21

proposals (2)
20:16;21:15

propose (1)
15:14

proposed (8)
6:21;14:16;16:9;
18:20;22:10;33:8;3;4:21;
36:12

prorated (1)
5:16

proration (1)
10:19

proved (1)
8:23

proven (2)
8:18;21:22

provided (1)
26:12

public (10)
12:14;22;13:2;16:10;
18:10;20:19;34:11;12;
35:16;36:14

put (2)
14:16;23:7

Q

quality (3)
17:17;19:6;24:20

quantity (3)
17:19;18:1;19:9

quarters (1)
17:6

quarter (1)
26:5

quite (1)
33:18

quorum (1)
3:4

R

raise (2)
25:13;26:23

rapidly (1)
10:3

rather (2)
19:18;20:14

reached (1)
31:2

reaching (1)
14:5

realistic (1)
19:12

really (1)
32:15

receive (1)
6:13

received (1)
3:6

recent (2)
15:9;22:1

recently (1)
7:6

recognize (2)
25:3;26:17

recruitment (1)
24:10

recycling (2)
15:19;24:20

redesignate (1)
14:11

redesignated (1)
14:2

redesignation (1)
14:17

reduce (3)
9:5;10:15;12:18

reduces (2)
7:10;13:3

reference (1)
34:3

reflect (1)
34:8

regarding (3)
16:14;26:5;35:18

Regardless (1)
8:8

Register (1)
22:19

registrations (1)
12:1

regulated (2)
19:7;10

regulation (2)
17:17;33:12

Regulations (2)
33:23;34:7

Reid (1)
35:21

related (1)
17:23

released (1)
7:17

relevant (1)
21:23

remains (1)
5:22

replacements (1)
9:19

replacing (1)
12:19

report (10)
3:22;4:9;15:10;16:22;
24:12;26:2;28:5;29:6;
11:32;23

reported (1)
15:2

Representatives (1)
7:8

request (2)
35:19;36:2

requirement (2)
22:4;11

requirements (1)
12:19

response (4)
3:19;25:14;35:6;36:9

responses (1)
9:3

restore (1)
8:4

restrictions (1)
14:20

result (2)
17:21;23:5

review (4)
4:19;15:7;16:18

RICHARDSON (1)
27:21

right (1)
28:17

risk (1)
9:12

Rivers (1)
35:23

road (3)
29:21;30:8;8

Ron (1)
33:15

room (1)
25:9

round (1)
31:17

rules (4)
14:16;34:5;9;19

Russell (1)

Part B
Attachment Index

<table>
<thead>
<tr>
<th>Attachment 1</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment 2</td>
<td>Resolution to adopt amendments to ADEM Admin. Code Div. 3, Air Pollution Control Program Regulations (Agenda Item 4)</td>
</tr>
</tbody>
</table>
Attachment 1
AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 20, 2012
TIME: 11:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

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

PUBLIC COMMENT PERIOD 3 &
Attachment

* The Agenda for this meeting will be available on the ADEM website,

** The Minutes for this meeting will be available on the ADEM website
under Environmental Management Commission.
1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 24, 2012

2. REPORT FROM THE DIRECTOR

3. REPORT FROM THE COMMISSION CHAIR

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

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

5. OTHER BUSINESS

6. FUTURE BUSINESS SESSION
PUBLIC COMMENT PERIOD
(The request from the public to address the Commission is attached to the agenda.)

Request

Mitch Reid, on behalf of the Alabama Rivers Alliance
SUBJECT: Need for a comprehensive water management plan in Alabama and how ADEM can play a key role in this important issue.
(Chair Lester will recommend approval of the request.)
April 2, 2012

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

Sent via email to Debi Thomas at DST@adem.state.al.us

Dear Mr. Lester,

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

Thank you for your time and consideration of this request.

Sincerely,

[Signature]
Mitch Reid
Program Director
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 did not receive any written or oral comments at the public hearing or during the public comment period.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [rule 335-3-10-.01/General (Amend); 335-3-10-.02/Designated Standards of Performance (Amend); 335-3-11-.01/General (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend); 335-3-14-.04/Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)] (Amend); Appendix C/EPA Regulations Reference Documents for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (Amend)] of the Department's Air Division – Air Pollution Control Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.
IN WITNESS WHEREOF, we have affixed our signatures below on this 20th day of April 2012.

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 20th day of April 2012.

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