Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 16, 2017
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 June 16, 2017.

H. Lanier Brown, II, Chair
Alabama Environmental Management Commission

Certified this 18th day of August 2017.
Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 16, 2017

Convened: 11:02 a.m.
Adjourned: 11:50 a.m.

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Part A
ALABAMA ENVIRONMENTAL MANAGEMENT
COMMISSION MEETING

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Alabama Room
1400 Coliseum Boulevard
Montgomery, Alabama, 36110-2400
June 16, 2017
11:02 a.m.

Taken by: Victoria M. Castillo, CCR#17

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1 DR. RICHARDSON: Good morning, everyone. I'm not really the
2 Chair of the Commission, but I did stay at
3 the Holiday Inn Express last night. So
4 we'll try to get this thing going. I will
5 call the meeting to order. And before
6 acknowledging that we have a quorum
7 present, I'd like to introduce Scott
8 Promer, who is taking over for Scott
9 Phillips, who resigned since our last
10 meeting. And so he will be filling the
11 Well Water position that's on the
12 Commission.
13 The Chair does acknowledge that
14 we have a quorum present, and we will move
15 to Agenda Item 1, consideration of the
16 minutes of the meeting held on April 21st,
17 2017.
18 DR. MILLER: Mr. Chairman, I
19 move that we accept the minutes as written.
20 DR. RICHARDSON: We have a
21 motion.
22 DR. LAIER: Second.
23

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APPEARANCES

COMMISSION MEMBERS PRESENT:
1 Terry D. Richardson, Ph.D., Vice Chair
2 Samuel L. Miller, M.D.
3 James H. Laier, Ph.D., P.E.
4 Mary J. Merritt
5 Scott Promer, P.E., M.B.A.
6
7 COMMISSION MEMBERS NOT PRESENT:
8 H. Lanier Brown, II, Esquire, Chair
9 E. Craig Martin, D.V.M.
10
11 ALSO PRESENT:
12 Robert Tambling, AEMC Legal Counsel
13 Debi Thomas, AEMC Executive Assistant
14 Lance R. Lefleur, ADEM Director
15
16
17
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19
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21
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DR. RICHARDSON: And a
second.
Any discussion regarding the
minutes?
(No response)
DR. RICHARDSON: Then the
Chair calls the question and asks for a
vote.
All in favor say "aye."
(Commission members indicate
"aye.")
DR. RICHARDSON: All
opposed, same sign.
(No response)
DR. RICHARDSON: Any
abstentions?
MR. PROMER: Abstain.
DR. RICHARDSON: Thank you.
The motion passes.
Agenda Item No. 2 is the
elections and the Chair notes that -- under
Agenda Item No. 2, the Commission will
first consider the election of the
1 Commission vice-chair, which is needed
2 because of the vacancy of the position due
3 to the resignation of the former vice-
4 chair, Scott Phillips.
5 The Chair notes that he will
6 entertain a motion from the Commission
7 regarding the election of vice-chair.
8 DR. MILLER: I nominate
9 Dr. Richardson to be the vice-chair.
10 DR. LAIER: Second.
11 DR. RICHARDSON: We have a
12 nomination and a second.
13 Any further nominations?
14 I will call the question and, I
15 guess, have a vote. All in favor of that
16 motion signify by saying "aye."
17 (Commission members indicate
18 "aye.")
19 DR. RICHARDSON: All
20 opposed, same sign.
21 (No response)
22 DR. RICHARDSON: Any
23 abstentions?

1 (No response)
2 DR. RICHARDSON: Okay. The
3 motion passes. And looks like I will be
4 serving as vice-chair, which is interesting
5 since my first line of duty as vice-chair
6 will be to fill for the Chair who's not
7 here today, which I was already doing. I
8 was the senior member of the Commission.
9 So, at any rate...
10 The Commission will now consider
11 election of the Chair and a member of the
12 Commission's Rulemaking Committee. Also
13 because these two positions were vacated
14 from Scott's resignation. I note that the
15 names of the proposed nominations for the
16 Chair and member of the Rulemaking
17 Committee have been circulated to the
18 Commission.
19 And I will entertain a motion
20 from the Commission regarding the proposed
21 nominations, which are -- these are found
22 in two of your pamphlets -- the Personnel
23 Committee, the nominations are Chair: Sam

1 opposed, same sign.
2 (No response)
3 DR. RICHARDSON: Any
4 abstentions?
5 (No response)
6 DR. RICHARDSON: Thank you.
7 Motion passes.
8 This brings us up to Agenda Item
9 3, which will be the report from the ADEM
10 director.
11 Director LeFleur, the floor
12 is yours.
13 MR. LEFLEUR: Thank you.
14 Good morning to all, and welcome to the
15 fifth meeting of the Alabama Environmental
17 Welcome also to Scott Promer, our newest
18 commission member.
19 Today's report will update you
20 on the Department's budget status, review
21 the performance of the Department's Air
22 Division using EPA dashboards, give you an
23 update on the SSO Program addressed in the
1. April Commission meeting, report on changes in progress at EPA, and, finally, report on some recent personnel changes in the Department.

5. On the budget front, the Department continues to be on target with its FY 2017 funding and expenditures. The FY 2018 State general fund budget was passed by the Legislature and signed by the Governor. The Department was appropriated $575,000 to operate the Concentrated Animal Feeding Operations program. This appropriation is due in no small part to the efforts of Commissioner Richardson, who contacted numerous members of the legislature. No other State general funds were appropriated for the Department.

18. The Federal Executive Branch final budget proposal has been submitted to Congress. The final proposed budget maintains the 45 percent cut to federal funding for states that was in the preliminary budget proposal. As noted in the April Commission meeting, plans are in place to adjust operations as necessary to meet all Departmental obligations under the anticipated possible federal funding scenarios.

6. The extent to which any of these adjustments may need to occur will depend on the final outcome of the federal budgeting process. At this time, it appears that a reduction in the use of outside contractors and normal attrition will make it unnecessary to have any Departmental layoffs. In the past, by virtually every objective measure, the Department has consistently been a high performer. The Department has been, and will continue, taking the necessary steps to be a top performer using whatever resources are available.

20. Moving on. It has been two and a half years since we have reviewed performance of the Air program utilizing EPA Interactive Visual Compliance and Enforcement Metrics, or "dashboards." The reason for the delay is that EPA changed the format the states are required to use in reporting data in the EPA database.

5. While the Department has been able to implement the new format, many other states have not completed the process. As a result, EPA is able to publish statistics for ADEM's Air program, but is unable to provide comparison of our performance against national averages. The graphs you will see today will show ADEM performance measures for the years 2011 through 2016, but will only show national averages for the years 2014 and earlier.

16. As noted in previous reports, the EPA-generated comparisons are useful for several purposes. First, they represent data that is standardized, consistent, and objective, which can be used by all parties as the basis for informed discussion of issues. Second, they provide a clear picture of the performance of the Department compared to EPA goals and other states, so the Commission and the public can make an informed judgment of Departmental performance. Third, they can be used by the Department to see trends and where adjustments may be needed in the operation of the Department.

8. The information we will see in the following slides is for the entire state of Alabama; however, Jefferson County and the City of Huntsville implement the Clean Air Act in their respective jurisdictions. So the performance analysis is for the Department, as well as Jefferson County and Huntsville. These dashboards do not, therefore, solely reflect the Department's universe of regulated facilities or its performance. Also, these dashboards are only -- these dashboards only reflect information for federally-reportable facilities. To be federally-reportable, a regulated facility must be a major source,
1 a synthetic minor source -- which is a
2 facility that is capable of being a major
3 source, but which has elected to restrict
4 its emissions to a level below that which
5 would put it in the category of a major
6 source -- or any minor source that had a
7 federally-reportable violation during the
8 most recent fiscal year. The Department
9 actually reports compliance and enforcement
10 data for approximately 1,300 of its
11 regulated facilities, but all of these
12 activities are not classified as
13 federally-reportable and, therefore, are
14 not reflected in these dashboards.
15 So, with those caveats in mind,
16 we will walk through a few of the more than
17 50 Air dashboards available for analysis of
18 the Air Pollution Control program. As is
19 done in each dashboard presentation, we
20 will look at the size of the universe of
21 regulated facilities, the rate of
22 inspections, the findings from those
23 inspections, and then the enforcement

1 actions taken where violations are found.
2 Please turn your attention to
3 the screen. This first slide depicts data
4 from EPA's database for Alabama's total
5 universe of federally-reportable facilities
6 under the Clean Air Act. There are
7 currently 334 facilities classified as
8 major sources, which is the -- which is
9 shown in dark blue; 344 synthetic minor
10 sources, which are shown in yellow; and 21
11 minor or other sources, which are shown in
12 light blue. These numbers do not include
13 facilities that are exclusively regulated
14 by the EPA. The number of major, synthetic
15 minor, and minor sources has not fluctuated
16 significantly in recent years.
17 In this second slide, you see an
18 analysis of the percentage of
19 full-compliance evaluations, or FCEs,
20 conducted on federally-reportable
21 facilities in Alabama for the period 2011
22 through 2016. Full compliance evaluations
23 are analogous to inspections for the Land

1 and Water media. EPA does not require that
2 federally-reportable facilities receive an
3 FCE each year.
4 EPA requires a full compliance
5 evaluation for major sources once every two
6 fiscal years. EPA requires a -- an FCE for
7 synthetic minor sources once every five
8 fiscal years. However, the Department's
9 goal is to conduct a full compliance
10 evaluation on each of these sources every
11 fiscal year. The reason the bars on the
12 graph are less than the Department's 100
13 percent goal is that the local programs in
14 Jefferson County and Huntsville do not seek
15 to operate with the same self-imposed goal
16 to conduct compliance evaluations for 100
17 percent of facilities --
18 federally-reportable facilities each year.
19 As you can see, Alabama as a
20 whole has consistently exceeded EPA's
21 requirement, which is, at most, every two
22 years, or 50 percent. The FCE national
23 average across all states is shown as the
1 dashed blue line hovering just below 40
2 percent on the graph. As noted earlier, on
3 this and other Air media graphs, the
4 national average comparison is only
5 available through 2014 due to reporting
6 problems a number of our sister states are
7 encountering.
8 The dashboard shown on this
9 third slide reflects the percentage of
10 federally-reportable facilities that were
11 found to have a federally-reportable
12 violation. The dashed green line at the
13 top of the graph represents the national
14 average violation rate across all states.
15 However, as with the prior slide, the
16 national average values are only available
17 through fiscal year 2014. The data
18 indicates that the violation rate in
19 Alabama was significantly lower than the
20 national average through fiscal year 2014,
21 and the violation rate in Alabama has
22 remained lower than the prior national
23 averages.
1 A reasonable explanation for
2 this lower violation rate in Alabama is
3 that the high inspection rate, and high
4 informal enforcement rate, which is a form
5 of compliance assistance or education,
6 discourages violations. On this fourth
7 slide, you will see displayed the
8 percentage of federally-reportable
9 facilities receiving informal and formal
10 enforcement actions. Informal enforcement
11 actions appear in blue, and formal
12 enforcement actions appear in yellow. You
13 can see an increasing trend of both
14 informal and formal enforcement.
15 In the Air Program, formal
16 actions are typically preceded by informal
17 actions; therefore, a facility may be
18 represented in each column. The dashed
19 green line at the top of the graph
20 represents the national average informal
21 enforcement action rate across all states.
22 And the dashed purple line on the top of
23 the graph represents the national average

1 formal enforcement action rate across all
2 states.
3 However, as with prior -- the
4 prior two slides, the national average
5 values are only available through fiscal
6 year 2014. Please note that this graph
7 includes enforcement actions that were
8 taken for nonfederally-reportable
9 violations, as well as federally-reportable
10 violations. That is why the percentages of
11 the facilities with alleged violations
12 presented in the third slide is typically
13 lower than the percentage of facilities
14 receiving enforcement actions for the same
15 fiscal year in this slide.
16 To summarize, Alabama has a
17 steady universe of facilities with air
18 permits. Our inspection rates are much
19 higher than the national average. The
20 percentage of Alabama facilities with
21 violations is much lower than the national
22 average. And there is increasing use of
23 informal enforcement, along with formal

1 enforcement, which is a strategy that
2 results in the lower rate of violations
3 being experienced in Alabama.
4 Much of the April Commission
5 meeting was spent on the issue of sanitary
6 sewer overflows, or SSOs. As was reported,
7 the Department has been working for several
8 years on improving the process for the
9 reporting of SSOs, both to the Department
10 and the public. In light of the fact that
11 there was extensive conversation on SSOs
12 after the April director's report, I would
13 like to address some of the concerns voiced
14 by following up in today's report with a
15 review of progress during the past few
16 months in this area and some of the plans
17 in place for future SSO-related activities.
18 Developing the standardized
19 electronic reporting of SSOs to the
20 Department by municipal waste water systems
21 is a long lead time process, but an
22 important step in obtaining timely,
23 accurate information. Making sure each

1 municipal waste water system has written
2 procedures to respond to SSOs, including
3 notifying the public, is another important
4 step. A final step is assuring that the
5 waste water systems are in fact complying
6 with their written procedures, particularly
7 as it relates to public notification.
8 At the April meeting, we walked
9 through a conceptual representation of the
10 conversion from a largely manual SSO
11 reporting system to a more timely and
12 efficient electronic SSO reporting system.
13 Implementing electronic reporting of SSOs
14 began in February 2012 when the Department
15 began accepting eSSOs on a voluntary basis
16 to test and refine the newly developed
17 system. Now that the system has been
18 proven, all new municipal waste water
19 permits require electronic reporting of
20 SSOs.
21 The process requires -- the
22 process requires the reporting entity to
23 log in on the ADEM website and complete the
<table>
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| 1. reporting form shown in this slide upon  
2. discovery of an SSO. The format for this  
3. form is in the process of being updated, so  
4. the final form will be slightly different.  
5. It's a bit difficult to see the  
6. form on that slide. By enlarging the  
7. individual sections of the form on these  
8. next few slides, you can see the form  
9. requires information including the date and  
10. time the SSO began, whether it is  
11. continuing or stopped, the volume, and the  
12. source of the discharge.  
13. The exact location of the  
14. discharge with latitude and longitude is  
15. required, and the suspected cause must also  
16. be entered.  
17. The form requires information on  
18. where the discharge went, whether the  
19. discharge reached the swimming water,  
20. monitoring efforts, corrective actions  
21. taken and planned, the efforts to notify  
22. the public. The eSSO system performs a  
23. realtime confirmation of certain specific |
| 1. all of the permit-holder's past SSO reports  
2. in the eFile portion of our website.  
3. The viewer can also -- is able  
4. to view -- zoom in on the exact location of  
5. the SSO on a street map, a topographical  
6. map, or even an aerial view as shown on  
7. this slide. The data will stay on the map  
8. as long as the SSO is ongoing and for a  
9. specified number of days after the event  
10. has ended. Links to all the information on  
11. the ADEM website relating to SSOs,  
12. including the mapping tool, are available  
13. for inclusion on the websites of  
14. municipalities, local health departments  
15. through the Alabama Department of Public  
16. Health, environmental organizations, and to  
17. any other interested organization. Plans  
18. are also underway to offer interested  
19. individuals an opt-in to have ADEM notify  
20. them in realtime of any SSOs in the  
21. counties of their choosing.  
22. Municipal waste water systems,  
23. under current ADEM rules, are required to |

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| 1. entries to assure that the required  
2. information has been entered. All the  
3. information submitted on the electronic  
4. entry form will be immediately available to  
5. the public on our website in eFile.  
6. The mapping tool referenced in  
7. the April Commission meeting was recently  
8. completed. This slide shows the  
9. interactive SSO map generated by that new  
10. mapping tool. SSOs are reflected on the  
11. map within 15 minutes of electronic  
12. submittal of the entry form shown in the  
13. previous slides. SSOs are color-coded on  
14. the map to show the volume of the SSO.  
15. Visitors to the website can zoom  
16. in and click on any of the dots, which will  
17. display data submitted for the selected  
18. SSO. They can see details such as the  
19. permit number, the name of the permit  
20. holder, date, time, location, volume of the  
21. SSO, and other information submitted on the  
22. form shown on the prior slides. With one  
23. click, the viewer can also link directly to  
1. immediately notify ADEM, the county health  
2. department, any other affected entities, as  
3. well as the public, of any SSOs that reach  
4. a water of the state or that may impact  
5. public health, and that requirement will  
6. not change. The new permit requirement for  
7. utilizing electronic reporting of SSOs  
8. means that, in addition to the requirement  
9. that the municipal waste water system  
10. notify the public of notifiable SSOs, any  
11. other interested party will immediately  
12. have that reported information available so  
13. that it can also notify the public of SSOs  
14. that might impact them.  
15. An additional permit requirement  
16. is in development to require that all  
17. municipal waste water systems have written  
18. procedures to respond to SSOs, including  
19. written public notification procedures.  
20. Individual municipal systems and the public  
21. will have the opportunity for input on the  
22. permit requirement for SSO response  
23. procedures during the permitting process.
As was noted in the April Commission meeting, municipal systems vary widely in size, service areas, and urban versus rural settings. Likewise, SSOs vary widely in volume, duration, and potential for public exposure. The level of variability does not lend itself to one-size-fits-all written procedures or for a one-size-fits-all method for effectively notifying the public. Having the timely accurate information, which is required by the eSSO permit condition is, however, a common starting point for any public notification system. A link to the ADEM website and the SSO mapping tool of the municipalities' website can be an addition to the municipal system's SSO response procedures.

Additionally, the Department conducts SSO inspections, which include a review of the municipal system's history of responses to SSOs in its service area. The inspection checks documentation of SSOs and confirms that the SSOs were reported as required by the current Departmental NPDES rules. Future inspections will include a review of documentation on how the public was notified. Improved methods of addressing SSOs and their potential impacts on the public is a work in progress. This review is a current status report. The Department will continue to work with municipal waste water systems, environmental organizations, and the public at large, to reach consensus on workable approaches to address this important issue.

Moving on. At the federal level, the process of putting the leadership team in place at EPA is moving very slowly. To date, the only -- to date, only the administrator, Scott Pruitt, former attorney general from Oklahoma, has been named and confirmed by the Senate. The deputy EPA administrator, 10 assistant administrators, and general counsel must also be confirmed by the U.S. Senate. The only nomination pending Senate confirmation is Susan Bodine as the assistant administrator for the Office of Environmental Compliance — excuse me — Enforcement and Compliance Assurance. Ms. Bodine previously held the position of assistant administrator in the George W. Bush administration.

Additionally, Regional administrators for the 10 EPA regions are yet to be named. Regional administrators are not subject to Senate confirmation. Although appointed senior management is not yet in place at EPA, career personnel are conducting day-to-day operations and generally are complying with the goals and objectives of the new administration.

In a recent meeting at EPA Region 4 in Atlanta, Ken Wagner, senior advisor to the administration for Regional and State Affairs, did provide some insight to the behind-the-scenes activity to fill these important EPA management positions. According to Mr. Wagner, candidates for each of the positions have been identified and vetted. Final White House signoff is anticipated to be forthcoming shortly, which will then begin the Senate confirmation process for positions where it is required.

In closing, let me report on several Departmental personnel matters. First, Phil Davis, our Land Division chief, has announced he will be retiring on July 1st after 29 years of service at the Department. Phil, would you please stand and be recognized for your long and successful career with ADEM.

(Audience applause) MR. LeFLEUR: Replacing Phil will be Stephen Cobb, who is currently the chief of our Governmental Hazardous Waste Branch in the Land Division. Steve has also been with the Department for 29 years.
1. He's been instrumental in creating and optimizing many of the hazardous waste and solid waste programs in the Land Division.
2. I am confident Steve will be able to successfully lead the division.
3. Steve, would you stand and be recognized, sir?
4. (Audience applause)
5. MR. LEFLEUR: I'm also pleased, and somewhat sad, to announce that Vernon Barnett, who served as executive counsel for seven years, was called by Governor Ivey to assume the duties of Commissioner of Revenue for the State of Alabama. I'm pleased because it's a wonderful opportunity for him, where I am sure he will do well and because it reflects well on ADEM. However, I am also somewhat sad because the Department will be losing a great asset.
6. Schuyler Espy, in addition to her current duties in the Office of General Counsel, will be assuming some of the duties of executive counsel. And Schuyler is right here.
7. (Audience applause)
8. MR. LEFLEUR: The final personnel matter involves the retirement of Gisele Echols, the glue that held the administrative office's operations together for 12 years. Taking Gisele's place is Laura Cranage, who has been Gisele's backup for eight years. Laura is in the back blushing.
9. (Audience applause)
10. MR. LEFLEUR: As you've heard me say on several occasions in the past, the Department has been blessed to not only have great employees who are moving on but also a deep bench from which to draw well-qualified replacements. And that's certainly the case with the changes announced here today.
11. With that, I will close and answer any questions that you may have.
12. DR. RICHARDSON: Thank you,
1 Scott Phillips served in the certified by
2 Water Well Association position of the
3 Alabama Environmental Management Commission
4 for 15 years with his service on the
5 Commission beginning on December 16th,
6 2002, and ending on April 22nd, 2017; and,
7 whereas, due to his professional expertise
8 in the environmental field, he provided
9 experience, wisdom, and foresight in the
10 Commission's deliberations on significant
11 issues; and, whereas, he served admirably
12 in the leadership positions of Commission
13 Chair and Vice-Chair, having served three
14 terms as Chair and four-and-a-half terms as
15 Vice-Chair; and, whereas, during his tenure
16 on the Commission, he also served as Chair
17 of the Rulemaking and Strategic Planning
18 Committees and as a member of the Personnel
19 Rulemaking and Strategic Planning
20 Committees; and, whereas, his dedication to
21 effectively resolving environmental issues
22 was accomplished at great personal effort
23 and sacrifice; and, whereas, his personable

1 manner, cooperative spirit, and support for
2 the efforts of the Commission and the
3 Alabama Department of Environmental
4 Management will be greatly missed by his
5 fellow Commissioners, the Commission's
6 legal counsel and assistant, and the
7 Department's Director, supervisors, and
8 staff. Now, therefore, be it resolved that
9 the Alabama Environmental Management
10 Commission expresses gratitude to W. Scott
11 Phillips for his significant contribution
12 to a better environment and an improved
13 quality of life for the citizens of
14 Alabama. Done this 16th day of June, 2017.
15 I think it would be appropriate
16 for us to give Scott a round of applause to
17 recognize his contributions.
18 (Audience applause)
19 DR. RICHARDSON: I will
20 entertain a motion from the Commission
21 regarding the adoption of the resolution.
22 MS. MERRITT: I move to
23 adopt the resolution.

1 MR. LAIER: Second.
2 DR. RICHARDSON: It has been
3 moved and seconded to adopt the resolution.
4 Is there any further discussion
5 regarding the motion?
6 (No response)
7 DR. RICHARDSON: Hearing
8 none, I will call the question and ask for
9 a vote of approval.
10 All in favor of the motion
11 signify by saying "aye."
12 (Commission members indicate
13 "aye.")
14 DR. RICHARDSON: All
15 opposed, same sign.
16 (No response)
17 DR. RICHARDSON: Any
18 abstentions?
19 (No response)
20 DR. RICHARDSON: The motion
21 carries. At this time, I'd like to report
22 on the second item. And it's time again
23 for the evaluation of Department Director

1 LeFleur. And I would like to direct the
2 Personnel Committee to start a job
3 performance evaluation for Director LeFleur
4 covering the period of October 22nd, 2016,
5 the day after the Director's last
6 evaluation was completed, to the date of
7 the meeting recommendations from the
8 Committee regarding the evaluation are
9 considered by the Commission.
10 Chair notes that this -- as was
11 done in the 2015 and 2016 evaluation, the
12 Committee should obtain feedback from the
13 Commissioners and the public regarding the
14 Director's job performance and provide the
15 Commission with a consolidated list of
16 comments received by the deadline set for
17 receipt of comments and the Committee's
18 recommendation relative to the Director's
19 job performance for the evaluation period.
20 Moving on. Next, at the April
21 21st meeting this year, during the
22 discussion following the consideration of
23 the Petition for Rulemaking under Agenda
1. Item 5, Commissioner Phillips asked
2. Mr. Tambling to look at the ADEM
3. Administrative Code Rule 335-2-2-.06, the
4. disposition of petition.
5. Refreshing our memory that the
6. idea was that we had to act upon a
7. submitted petition within 60 days, and then
8. a lot of times that doesn't give the
9. Commission really much time to look at and
10. carefully weigh and evaluate the merits of
11. the petition.
12. Mr. Tambling has reported to me
13. his findings and the bottom line. As I
14. understand it, as he has presented it to
15. me, is that we are basically under the
16. Alabama Administrative Procedures Act with
17. respect to that specific code, which means
18. that it's not within the Rulemaking or the
19. Commission's ability to amend that 60-day
20. period.
21. As such, I see no reason for the
22. Rules Committee to take any further action
23. on that particular item. We will continue

1. future business session of the future
2. Commission meeting. The date for the next
3. Commission meeting is set for August 18th,
4. 2017, and I'd like to hear from my fellow
5. commissioners about their availability.
6. Is everyone available? Does
7. that date seem okay?
8. (No response)
9. DR. RICHARDSON: No
11. That brings us to the public
12. comment period where we asked for brief
13. statements of the members of the public. I
14. think we've only had one person, Cindy
15. Lowry from Alabama Rivers Alliance, and she
16. wants to speak towards citizen
17. participation and collaboration with the
18. SSO situation. I've told her that I would
19. set an annoying alarmed up here to stop her
20. when the time comes. So, Cindy?
21. MS. LOWRY: I actually typed
22. my comments so you can see how short they
23. are. I will warn you before I start that
there are probably sentences at the end that are not on your list, because that was dependent on what you did today. So it looks to be the better of the two options. All right. So I am Cindy Lowry. I'm the executive director of the Alabama Rivers Alliance, and I appreciate this opportunity to address this Commission today on the topic that's very important to me and to the work of our organization and that's citizen participation in government. In light of the terrible event in our Nation's Capital this week and the general divisiveness that's so prevalent these days, including in this very room at times, I felt compelled to discuss the topic of how we work together towards what I feel are our common goals. So if you're not familiar with our organization, we are a statewide network of local community and watershed based organizations working to protect all of Alabama's rivers and water resources.

As the statewide network, we are often in the position of trying to find state level solutions to the complex threats facing our rivers and are trying to bring many different interests together to work towards a solution. While we are an advocacy organization, we understand that choosing the right strategy to achieve the change we are seeking is of utmost importance. I have been involved with participating as a citizen in the work of ADEM and the Environmental Management Commission since 2004. In those years, I've seen varying degrees of success in citizen participation, efforts of local community, and environmental groups to achieve change, or improvement in environmental regulations. That they, or we, felt were not adequately connecting communities, people, and the environment. Some of the most success has occurred when the Commission took the time to bring people together, experts, interest groups, and impacted citizens, to discuss the issues and truly hear the concerns of all parties in order to make the most informed decisions. Some examples of this are the cancer risk petition from 2007 and the public participation rule changes from last year. As a long time advocate and active participant in government, I believe there is a time and a place for marching in the streets or for using other strategies, such as the power of the law, to create change. There's plenty of evidence to verify the need for such measures to be taken to protect the values we hold dear and to protect people's lives. I do not stand here to say that collaboration always works. It is a time-consuming effort and is often seen as bringing change -- as not bringing change quickly enough to protect people who are suffering every day from pollution.

However, if there is a willingness on all sides to do the work it takes to come together, then collaboration can be a great way to get things right. I believe some things are worth spending the time to get right. When water can potentially make children sick from swimming in it, it is worth getting it right. So I appreciate your willingness to continue working toward a rule to improve public education on sewer spills. We at the Rivers Alliance will do everything we can to honor the process you put together and provide factual information to inform the process. And I know that our partners at the riverkeeper organization will do the same. By continuing to pursue this issue with stakeholder input, you send a message to all that you are a body willing to hear citizen input and willing to work toward a collaborative solution. So we're grateful for that.
DR. RICHARDSON: Thank you, Cindy.

Does anyone have any questions for Cindy?

(No response)

DR. RICHARDSON: That shows you she was just exactly three minutes.

As Chair of the Rulemaking Committee, I can assure you that we intend to look into this and that we want to begin as we did with the public hearing, and that is to get everybody around the table and let’s talk.

I think that’s the best way to get the most -- the best input. And then we will -- we’ll go from there, you know. I think it’s important for us as a Commission to hear and to -- also, I think it’s important for me when we get together like that, so that each side is present simultaneously, each interest is present simultaneously, to hear what the other side’s concerns are in both directions.

So hopefully this will be a very profitable endeavor as we get together and move forward on this in the future.

I will echo your sentiments about getting it right takes time. As you are well-aware with the public comment situation, and as Chair of this Rulemaking Committee, I can assure that it will be a similar kind of process.

So any comments or questions?

(No response)

DR. RICHARDSON: Okay. This item of the public comment period has ended. We now move on to my favorite part of most meetings, and that’s adjournment.

Do I hear a motion to adjourn?

DR. LAIER: So moved.

MS. MERRITT: Second.

DR. RICHARDSON: Meeting is adjourned.

(The meeting adjourned at 11:50 a.m.)

***************
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Part B
Attachment Index

Attachment 1 Agenda

Attachment 2 Order adopting motion to accept Terry D. Richardson as Vice Chair (Agenda Item 2)

Attachment 3 Order adopting motion to accept nominations to committees as cited by Chair (Agenda Item 2)

Attachment 4 Director’s Slides (Agenda Item 3)

Attachment 5 Resolution for former Commissioner W. Scott Phillips (Agenda Item 4)
Attachment 1
AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: June 16, 2017
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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PUBLIC COMMENT PERIOD

* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under Environmental Management Commission.

** The Minutes for this meeting will be available on the ADEM website under Environmental Management Commission.
AEMC Meeting Agenda
Page 2

1. CONSIDERATION OF MINUTES OF MEETING HELD ON APRIL 21, 2017

2. ELECTIONS

The Commission will elect a vice chair for the Commission and a chair and a member for the Commission’s Rulemaking Committee.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. OTHER BUSINESS

6. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission’s functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.
Attachment 2
BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept Terry Richardson as Vice Chair

ORDER

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

1. That the above motion is hereby adopted; and

2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.
ISSUED this 16th day of June 2017.

APPROVED:

[Signatures]

Commissioner

DISAPPROVED:

[Signatures]

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of June 2017.

[Signature]
Terry D. Richardson, Vice Chair
Environmental Management Commission
Certified this 16th day of June 2017
Attachment 3
BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept nominations to committees as cited by Chair

ORDER

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

1. That the above motion is hereby adopted; and

2. That a copy of the list of committees is attached and made a part hereof; and

3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.
ISSUED this 16th day of June 2017.

APPROVED:

[Signatures and names]

Commissioner

Commissioner

Commissioner

Commissioner

DISAPPROVED:

[Signatures and names]

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of June 2017.

Terry D. Richardson, Vice Chair
Environmental Management Commission
Certified this 16th day of June 2017
Alabama Environmental Management Commission 2017 Committees

**Personnel Committee**

Chair: Sam Miller  
Members: Jim Laier  
          Craig Martin

**Rulemaking Committee**

Chair: Terry Richardson  
Members: Mary Merritt  
          Scott Promer
Attachment 4
Number of Federally Reportable Facilities

- Major Facilities: 334
- Synthetic Minor Facilities: 21
- Minor/Other Facilities: 344
% of Facilities with a Full Compliance Evaluation

- State, %
- State, National Average

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>90%</td>
</tr>
<tr>
<td>2012</td>
<td>85%</td>
</tr>
<tr>
<td>2013</td>
<td>80%</td>
</tr>
<tr>
<td>2014</td>
<td>75%</td>
</tr>
<tr>
<td>2015</td>
<td>80%</td>
</tr>
<tr>
<td>2016</td>
<td>85%</td>
</tr>
</tbody>
</table>
% of Facilities with an Alleged Violation

- 2011: 8%
- 2012: 6%
- 2013: 4%
- 2014: 3%
- 2015: 2%
- 2016: 3%

Legend:
- State, %
- State, National Average
* Date/Time 500 Began: [5/20/2017] 12:00 AM

* Is 500 currently ongoing? Yes ☒ No ☐

* Date/Time 500 Stopped: 12:00 AM

* Cause of Discharge Event:
  - Value ☒ Range ☐
  - Yes ☒ No ☐
  - broken pipe ☐ broken line ☐
  - sewer ☐ treatment plant ☐
  - other: ☒

* Location of Discharge (address: city): ☒

* Lat/Lon of Discharge:
  - Latitude: ☒
  - Longitude: ☒

* Known or Suspected Cause of Discharge:
  - ground absorbed ☐
  - creek or river (indicate name: ☒
  - un-named Tributary ☐
  - storm drain ☐
  - drainage ditch ☐
  - backup into building/residence ☒
  - other (describe): ☒

* Did the Discharge reach swimming water? Yes ☒ No ☐

* Monitoring of the Receiving Water:
  - completed ☒ ongoing ☐ not necessary ☐
  - cleaned ☒ disinfected ☐

* Describe corrective actions taken, plans to eliminate future discharges, and actions or plans to mitigate impacts to the environment and/or public health:
  - press release ☐
  - placement of signs ☐
  - other (describe): ☒

* Indicate efforts to notify Public (check all that apply): ☒
* Date/Time SSO Began:

mm/dd/yyyy

5/30/2017

hh mm

10 15 AM

* Is SSO currently ongoing?

Yes No

* Date/Time SSO Stopped:

mm/dd/yyyy

hh mm

0 0 AM

Report Estimated Volume as

Value Range

Was the Department verbally notified?

Yes No

(If report online, verbal notification is not required)

Source of Discharge Event:

- manhole
- lift station
- broken line
- cleanout
- treatment plant
- other
Location of Discharge(address, etc)

* Lat/Long of Discharge

Latitude: [Field]
Longitude: [Field]

Known or Suspected Cause of Discharge
Ultimate Destination of Discharge
- ground absorbed
- creek or river (Provide name) [Find Receiving Water]
- Un-named Tributary
- storm drain
- drainage ditch
- backup into building/residence
- other (describe) [ ]
- Yes [ ] No [ ]
- complete [ ] ongoing [ ] not necessary [ ]
- cleaned? [ ] disinfected? [ ]

Did the Discharge reach swimming water? [ ]

Monitoring of the Receiving Water Is [ ]

Was the affected area [ ]

Describe corrective actions taken, plans to eliminate future discharges, and actions or plans to mitigate impacts to the environment and/or public health [ ]

Indicate Efforts to Notify Public [ ]

(check all that apply)

- press release [ ]
- placement of signs [ ]

8
RESOLUTION

WHEREAS, W. Scott Phillips served in the Certified by Water Well Association position of the Alabama Environmental Management Commission for 15 years, with his service on the Commission beginning on December 16, 2002 and ending on April 22, 2017; and

WHEREAS, due to his professional expertise in the environmental field, he provided experience, wisdom, and foresight in the Commission’s deliberations on significant issues; and

WHEREAS, he served admirably in the leadership positions of Commission Chair and Vice-Chair, having served three terms as Chair and four and a half term as Vice-Chair; and

WHEREAS, during his tenure on the Commission, he also served as Chair of the Rulemaking and Strategic Planning Committees and as a Member of the Personnel, Rulemaking, and Strategic Planning Committees; and

WHEREAS, his dedication to effectively resolving environmental issues was accomplished at great personal effort and sacrifice; and

WHEREAS, his personable manner, cooperative spirit, and support for the efforts of the Commission and the Alabama Department of Environmental Management will be greatly missed by his fellow Commissioners, the Commission’s legal counsel and assistant, and the Department’s Director, supervisors, and staff; now

THEREFORE, BE IT RESOLVED that the Alabama Environmental Management Commission expresses gratitude to W. SCOTT PHILLIPS for his significant contribution to a better environment and an improved quality of life for the citizens of Alabama.

DONE this 16th day of June 2017.

Mary J. Memmott

James E. Cooper

Terry D. Richardson

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of June 2017.

Terry D. Richardson, Vice Chair
Environmental Management Commission
Certified this 16th day of June 2017