Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 17, 2016
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 17, 2016.

[Signature]

W. Scott Phillips, Vice Chair
Alabama Environmental Management Commission

Certified this 19th day of August 2016.
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June 17, 2016

Convened: 11:03 a.m.
Adjourned: 11:39 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachment 1
Attachment 2
Attachment 3
Attachment 4
Part A
CHAIRMAN BROWN: Good morning. We'll call to order the June 17, 2016, regular meeting of the Environmental Management Commission. Chair acknowledges that we do have a quorum today.

The first item on the agenda is the consideration of the minutes of the meeting held on April 15, 2016. The minutes have been circulated to the Commissioners for review.

And I will entertain a motion.

DR. RICHARDSON: So moved.

DR. LAIER: Second.

CHAIRMAN BROWN: All in favor?

(All Commission members signify with "aye")

CHAIRMAN BROWN: The next item on the agenda is the report from the ADEM Director.

Good morning, sir.

DIRECTOR LeFLEUR: Good morning. A couple of Commissioners were curious as to why we had such a large crowd today, and we have a lot of the members of the environmental community that will be meeting with top folks at ADEM after lunch, so I am very pleased to see that we have such a large group here today. There was nothing on your agenda that drew the big -- well, I'm not implying that, but -- excuse me.

But let me welcome everyone in the room to the fifth meeting of the Alabama Environmental Management Commission for FY 2016. Today's report will address Departmental funding, review performance of the Department's Drinking Water Branch along with recent developments in that area, report the results of a recent cyber security review, and report some recent achievements by members of our staff.

The budget: At the April Commission meeting, it was reported that ADEM's final FY 2017 General Fund budget is $400,000, which is earmarked for the
1. Concentrated Animal Feeding Operations, or CAFO, program. It was also reported that the appropriation did not cover either the badly needed replacement of the physical facilities in Mobile for the field office and Coastal program, or the costs for several other Departmental programs. The budget portion of today's report is an interim status report describing progress to date in dealing with the FY '17 budget challenges.

12. As for the Mobile physical facilities, work continues to obtain funding through the council administering the funds coming to Alabama as a result of the settlement of the 2010 BP oil spill. A full report on those efforts will be made at either the August or October Commission meeting after the council's award process becomes clear.

21. The Department recently competed for and was awarded an Exchange Network grant from EPA to help with costs to implement mandates in new EPA electronic submission requirements. Before year-end, I will be reporting on several innovative new efficiency measures that are being undertaken to help free up necessary resources for those programs that were not provided for as requested in ADEM's FY 2017 budget request.

9. The Department is also dealing with its lack of funding by diverting costs to other funding sources. For example, recently in Birmingham, Alabama, an emergency response was required as a result of a petroleum products pipeline leak. Since the Department did not have sufficient funds to address the emergency, ADEM deferred the emergency response to EPA. The responsible party was subsequently determined, and is now dealing directly with EPA, rather than ADEM. In another budget matter, since the $400,000 FY 2017 General Fund earmark for the CAFO program does not cover the cost to administer the CAFO program, and no other General Fund appropriation is available to augment the funding, ADEM is working with representatives of the impacted CAFOs to find a solution that will keep this valuable program in place. The final solution may involve scaling back the program, transferring some program elements to other organizations, developing a formula-based fee structure, or some other action.

12. In a budget-related matter, the Department was notified that the state-mandated new financial reporting system, which has been encountering significant implementation problems, may be unable to generate the statewide financial statements necessary to allow the state auditors to perform the federally-required annual audit. This situation impacts every state agency that receives any federal funding. Federal agencies do not currently grant audit extension requests and may issue sanctions or other penalties for failures to submit timely single audit packages. I will update you as the situation develops.

5. Finally, there remains a strong possibility that the Governor will call a special session of the Legislature to address the shortfall in Medicaid, among other issues. Actions in any special session can impact some General Fund appropriations, including ADEM's. So we will be monitoring the session closely if it is called.

14. Periodically, over the past several years, a part of my reports to the Commission have included an analysis of Departmental performance utilizing the EPA Interactive Visual Compliance and Enforcement Metrics, known as "dashboards," individually for the Air, Land, and Water media. These statistical updates are regularly presented for several reasons.

23. First, they represent data that
1. is standardized, consistent, and objective,
2. which can be used by all parties as a basis
3. for informed discussion of performance
4. issues.
5. Second, they provide a clear
6. picture of the work of the Department over
7. time compared to EPA goals and other
8. states, so the Commission and the public
9. can make an informed judgment of the
11. Third, they can be used by the
12. Department to see where adjustments may be
13. needed in the operation of the Department,
14. and thus promote corrective action if
15. necessary.
16. In the past, Air, Land, and
17. Water media dashboards were the only ones
18. available for analysis. Recently, EPA
19. began generating dashboards for the
20. Drinking Water portion of the Water
21. program.
22. In light of the crisis in Flint,
23. Michigan, resulting from the possible

1. failure of the appropriate state and
2. federal officials to safeguard the drinking
3. water from lead contamination, and the very
4. recent drinking water health advisory for
5. perfluorinated compounds, which I will
6. report on in a few moments, it is timely to
7. review ADEM's performance in this important
8. arena compared to the rest of the nation.
9. Today's report will be the initial analysis
10. of the dashboards for the Drinking Water
11. activities of the Department. Presentation
12. of these dashboards will be added to the
13. regular rotation of performance analysis.
14. Please turn your attention to
15. the screen, where I will walk you through a
16. few of the 26 Drinking Water graphs
17. available for analysis of the Drinking
18. Water program. As is done in each
19. dashboard presentation, we will first look
20. at the size of the universe of regulated
21. facilities, then the rate of inspections,
22. the findings from those inspections, and,
23. finally, the enforcement actions taken

1. where violations are found.
2. This slide shows there are three
3. categories of Public Water Systems, PWSs:
4. Community systems, which are those serving
5. organized communities such as cities and
6. towns, shown in dark blue; Transient,
7. non-community systems, such as campgrounds
8. or interstate rest stops, shown in red; and
9. non-transient, non-community systems, such
10. as would be present at a commercial or
11. industrial facility, shown in green. The
12. total universe is 590 facilities, which has
13. been very steady in recent years.
14. Alabama has far fewer public
15. drinking water systems than most states, as
16. a result of an intentional strategy
17. implemented in the 1980s. The program
18. encouraged the development of more
19. substantial systems that are better able to
20. have the technical, financial, and
21. managerial ability to operate in accordance
22. with state and federal requirements.
23. The next two slides will deal

1. with inspections.
2. This slide shows the percentage
3. of public water systems in the state that
4. have been visited by ADEM inspectors during
5. each of the last five fiscal years. Every
6. system in Alabama has had a site visit in
7. each of the last five years, compared to
8. the national average of about 40 percent.
9. What is known as a "Sanitary
10. Survey" in public drinking water systems is
11. an in-depth review of all water sources,
12. treatment plants, storage tanks, and
13. pumping facilities, along with an
14. administrative review of operating
15. procedures, plans, and other documentation.
16. A Sanitary Survey is required to be
17. performed at least every three years, or
18. approximately 33 percent of the universe
19. must be surveyed each year. As shown on
20. this graph, in Alabama the rate for
21. Sanitary Surveys for both community
22. systems, shown in red, and non-community
23. systems, shown in orange, consistently
1. exceeds the 33 percent requirement, as well
2. as the national average.
3. This next dashboard shows the
4. percentage of public water systems with
5. health-based violations. The rates of
6. Alabama's health-based violations, shown in
7. green, are well below the national average
8. represented by the orange line. Not shown
9. in the EPA dashboard program is the
10. statistic that more than 99 percent of
11. Alabama's population served by community
12. water systems receives drinking water in
13. compliance with all health-based standards,
14. as compared to only 96.6 percent in the
15. eight states in Region 4 and 94 percent
16. nationally.
17. Of those systems with
18. health-based violations, a portion falls
19. into the category of Serious Violators, as
20. shown on this graph. To become a serious
21. violator, a water system accumulates a
22. number of lesser violations without
23. returning to compliance, or they have a few

1. critical violations, such as an acute
2. health-based violation. Continual
3. reporting violations can also cause a water
4. system to be deemed a serious violator. As
5. with other measures of violations, at less
6. than one percent, Alabama has a much lower
7. rate of serious violators, shown in red,
8. than the three percent national average
9. represented by the orange line.
10. Moving now to enforcement
11. actions taken as a result of
12. non-compliance, this next dashboard shows
13. the percentage of public water systems with
14. either formal or informal enforcement
15. actions. It has been the Department's
16. strategy to have high rates of inspections
17. and high rates of informal enforcement
18. actions as the best means to achieve
19. compliance. In earlier graphs, you saw the
20. high inspection rates. In this graph, you
21. now see the high rate of informal
22. enforcement actions shown in light blue.
23. EPA requires a state to take a

1. formal enforcement action if a water system
2. remains a serious violator more than one
3. quarter. The Department takes very few
4. formal enforcement actions, shown in dark
5. blue, compared to national averages because
6. nearly all Alabama's serious violators
7. return to compliance before a formal
8. enforcement action is required.
9. The rate of return to compliance
10. is shown in this next dashboard graph. The
11. graph reflects the percentage of the
12. violating drinking water systems that
13. return all violations to compliance during
14. at least one quarter of the fiscal year.
15. Many of the violations included on this
16. graph are monitoring or reporting
17. violations which do not return to
18. compliance until the next reporting period,
19. which could be as long as 12 months. As
20. you saw on previous graphs, Alabama has a
21. low occurrence of serious violations and
22. formal enforcement actions yet, as shown in
23. purple on this slide, Alabama is always

1. above -- is always above the national
2. average, represented by the orange line,
3. for returning those drinking water systems
4. that are in non-compliance to compliance.
5. These are exactly the results we want.
6. To summarize, in the Drinking
7. Water program, like other Departmental
8. regulatory programs, compliance is the
9. objective. The Department's strategy of
10. high rates of inspections and high rates of
11. informal enforcement results in lower
12. levels of non-compliance; and when there is
13. non-compliance, a rapid return to
14. compliance. The strategy not only achieves
15. higher levels of compliance, it does so
16. more cost effectively.
17. To provide an additional level
18. of assurance in this critical program that
19. potentially affects the health of every
20. member of the public, during the past year
21. an independent internal review program to
22. review drinking water procedures and
23. protocols was established. This is now a
1. regular part of the Department's internal 
2. review process. 
3. I'll close out the analysis of 
4. the Drinking Water program by noting that 
5. in calendar year 2015 among the 50 states 
6. in the nation, only two have fewer absolute 
7. numbers of drinking water violations, and 
8. those states are two of the smallest, 
9. Delaware and Hawaii. Of those two, only 
10. Hawaii has a lower percentage of violations 
11. or serious violations. I am considering 
12. whether I need to conduct an on-site review 
13. to see how they do it, but I will be 
14. working on that. 
15. I will take a moment to make all 
16. present aware of a recent development 
17. related to drinking water throughout the 
18. nation. On May 19, 2016, EPA, in 
19. conjunction with the Centers for Disease 
20. Control and others, issued a final 
21. nationwide health advisory for the 
22. perfluorinated chemicals known PFOS and 
23. PFOA. These compounds are manmade 

1. chemicals that may be found in nonstick 
2. cookware, carpet protection products, 
3. firefighting foams, and waterproof 
4. clothing. Typical sources of PFOS and PFOA 
5. in drinking water are manufacturing 
6. facilities that produced those compounds 
7. and industries that use those compounds in 
8. their manufacturing processes. 
9. The health advisory applies to 
10. those who may be exposed to these chemicals 
11. in low concentrations in their drinking 
12. water continuously over a lifetime, with 
13. the exception of pregnant women and nursing 
14. children who are potentially affected 
15. during a shorter exposure period. 
16. The Department has been working 
17. with EPA, the Alabama Department of Public 
18. Health, and others for more than ten years 
19. to monitor levels of PFOS and PFOA, which 
20. are emerging contaminants, in surface 
21. water, drinking water, and fish tissue. If 
22. a drinking water system detected these 
23. contaminants in its drinking water, the 

1. information is included in the annual 
2. Consumer Confidence Report which is 
3. provided to its customers and is also 
4. available online in ADEM's eFile system. 
5. All drinking water systems in 
6. Alabama that were tested for PFOS and PFOA 
7. were below the provisional health advisory 
8. level set in 2009. The new final health 
9. advisory level, however, is significantly 
10. lower than the provisional health advisory 
11. level, which has resulted in eight drinking 
12. water systems, all located in the 
13. northwestern and northeastern areas of 
14. Alabama, having tested at least once above 
15. the new final advisory level. 
16. ADEM is continuing to monitor 
17. the levels of PFOS and PFOA in drinking 
18. water and is working closely with the 
19. Alabama Department of Public Health and the 
20. affected local drinking water systems to 
21. address any health recommendations from the 
22. Department of Public Health. 
23. Cyber security has become an 

1. increasingly important issue to all users 
2. of electronic media. Federal and state 
3. systems have been compromised, some with 
4. little notice and some with wide news media 
5. coverage. Since the very beginning of 
6. computer-based activities being employed by 
7. ADEM, the Department has maintained 
8. security measures. In light of the growing 
9. sophistication of those interested in 
10. disrupting governmental and other 
11. organizations, the Department included as 
12. one of the goals in its FY 2016 Operating 
13. Plan to, quote, "Obtain external review of 
14. Departmental cyber security." In May of 
15. this year, the review was completed. 
16. The audit activities included: 
17. Review of the State of Alabama's security 
18. program and coordinating ADEM's cyber 
19. security review with the security staff in 
20. the Information Systems Division of the 
21. State Finance Department; performance of a 
22. security audit of servers, clients, and the 
23. Microsoft Active Directory by the primary
1. important resource that must be protected.
2. Although there have been no material
3. breaches of ADEM's IT systems to date, the
4. Department must necessarily interface with
5. numerous state and federal systems, as well
6. as the Internet, individual members of the
7. regulated universe, and everyday citizens,
8. which are all potential sources of
9. breaches. This exercise is intended to be
10. a prudent "ounce of prevention" in the
11. continuing challenge of cyber security.
12. I'm pleased at this time to take
13. a few moments to focus on our employees.
14. If we are to be a high performing
15. organization in the future, we must develop
16. our employees. To that end, one of the
17. Department's Operating Plan objectives is
18. to promote a high performing work
19. environment, in part through the ongoing
20. development of our human resources. We
21. aggressively encourage the development of
22. our personnel, from the most junior
23. employees to the top levels of management.

1. Achieving the formal designation
2. of "Professional Engineer" requires
3. extensive education, on-the-job experience,
4. and rigorous testing. It is a significant
5. milestone in the professional life of those
6. pursuing a career in engineering. It's my
7. pleasure to recognize Jennifer Haslauer in
8. our Water Division -- Jennifer is not here.
9. We also have Kris Berry and Colin Mitchell
10. in our Land Division all who have recently
11. achieved that milestone.
12. Please stand.
13. (Audience applause)
14. DIRECTOR LeFLEUR:
15. Congratulations. Keep up the good work,
16. and you do get a raise.
17. Another measure of the
18. dedication of our employees is the work
19. they do that is above and beyond what is in
20. their job description. Today's recognition
21. relates to the Earth Day activities on
22. April 19. Young people represent our hope
23. for the future in so many areas, and this
is true for the environment and ADEM. For
the fifth consecutive year, the Department
hosted a group of high school students from
area schools and provided them with an
up-close look at the programs we implement
on a daily basis to regulate Alabama's air,
land, and water resources.
Approximately, 150 students from
Brantley High School, Crenshaw Christian
Academy, and Pike County High School
received guided tours and hands-on
demonstrations from ADEM staff related to a
wide range of environmental programs,
including fish tissue monitoring, water
quality sampling, air monitoring,
recycling, solid waste disposal, and other
efforts that ensure Alabamians are provided
with a safe and healthful environment.
Students also learned about career
opportunities at ADEM and were encouraged
to pursue careers in engineering and
science-related fields.
In addition to our on-site

1 efforts, on April 19 and 20, ADEM employees
2 participated in an Earth Day Safari at the
3 Montgomery Zoo in partnership with the
4 Alabama Forestry Commission, the Montgomery
5 Clean City Commission, and the Montgomery
6 Museum of Fine Arts.
People visiting the zoo on those
two days were able to learn about various
aspects of water treatment, recycling,
plant and animal conservation, and air
quality protection.
A total of 62 employees, more
than ten percent of our total personnel,
participated in these Earth Day activities.
In the interest of time, I cannot introduce
all of them individually, but I do ask
those that are present at this meeting,
please stand. Okay. We have a few of
them.
(Audience applause)
DIRECTOR LeFLEUR: Those are
some of the leaders in the program. But
the 62 rest of them are at their desks

1 doing their work, catching up.
2 Starting last year, ADEM began
3 hosting internships and co-ops for
4 engineering and science students interested
5 in gaining first-hand experience in
6 environmental regulation. One of our
7 objectives with this program is to bring in
8 promising candidates for permanent
9 positions with the Department while they
10 are still in school. We had five students
11 in our first class drawn from Auburn
12 University, Tuskegee University, and the
13 University of South Alabama. We currently
14 have eight in our class of 2016.
If any of you are here, please
stand when I call your name. From Alabama
A&M, Destini Smith; from Auburn
University -- stay standing -- from Auburn
University, Madeline Burton, Stephen Gass,
Kevin Nixon, William Olinger; from Tuskegee
University, Morgan Dean; from the
University of Alabama, Philip Costa; and
from the University of South Alabama,

1 Stephanie Kohrmann. Pleasure to have all of
2 you on board. Thank you very much.
3 (Audience applause)
4 DIRECTOR LeFLEUR: With
5 that, I conclude today's report, and I will
6 be pleased to answer any questions you may
7 have.
8 CHAIRMAN BROWN: Comment on
9 West Morgan Water Authority and how it
10 relates to what you spoke about, but was
11 noticeably absent.
12 DIRECTOR LeFLEUR: They are
13 the manager of that water system. When the
14 final health advisory came out, he, with
15 his board, elected to declare that their
16 drinking -- that they recommended that
17 people not drink their water that they
18 supply from their system. Because, in
19 their statement, they said it was unsafe to
20 drink.
21 Since that time, we have been
22 working with the water system, along with
23 the Department of Public Health and the
1. governor's office, and a program has been
2. put in place to bring in water from the
3. Decatur Utility system to blend with the
4. water from the West Morgan facility. And
5. the resulting drinking water will have a
6. Concentration of PFOS and PFOA below that
7. which was included in the EPA health
8. advisory.
9. So that should be -- it's in
10. place now, I believe, but the final tests
11. will come in next week.
12. Is that correct, Glenda, that
13. they'll be in next week?
14. MS. DEAN: We're getting
15. tests every week.
16. DIRECTOR LeFLEUR: They'll
17. be doing testing over a four-week cycle,
18. and the first one has already been in and
19. found to below the level. The second one
20. should be in early next week.
21. MS. DEAN: The first one was
22. prior to blending starting, and we'll get
23. the first one after blending either this

1. week or next, either today or next week.
2. DIRECTOR LeFLEUR: So
3. there's a series of testing that will go
4. on. And this is to provide people in that
5. area assurance that their drinking water is
6. safe for them. The health advisory was
7. focused on a lifetime exposure for drinking
8. water consistently from a system, as
9. opposed to an acute health advisory.
10. CHAIRMAN BROWN: Thank you.
11. Any other questions?
12. (No response)
13. CHAIRMAN BROWN: Thank you.
14. DIRECTOR LeFLEUR: Thank
15. you.
16. CHAIRMAN BROWN: Next we
17. will have our report from the Rulemaking
18. Committee chair.
20. VICE-CHAIR PHILLIPS: The
21. Rulemaking Committee met this morning in
22. this room at 10 a.m. I want to acknowledge
23. and thank my fellow Committee members,

1. Commissioner Merritt, Commissioner
2. Richardson, for all of their hard work and
3. contributions.
4. We took up the draft guidelines
5. to the public comment rule that the
6. Committee had prepared to provide guidance
7. to both the public and the Commission for
8. implementing the rules, should it be
9. approved. Just a reminder, that rule is
10. out, that proposed rule is out for
11. rulemaking currently and will be before the
12. Commission at our August meeting.
13. We had some modifications to the
14. guidelines that will be made. Once those
15. are made, we will review it and then
16. finalize it and get it to the full
17. Commission and the public for comment.
18. However, I do want to make sure
19. it is clear that the guidelines are not
20. rules. They are not going out for proposed
21. rulemaking. They should be taken in
22. context of a guidance for the Commission on
23. how we would implement the proposed rule in

1. August. We are looking for comments back,
2. however, we are not going through a formal
3. rulemaking process for those guidelines.
4. After that, we took up the issue
5. of environmental justice policy. It became
6. very clear to us that we needed to learn a
7. lot, so we asked Mr. Tambling and
8. Ms. Thomas to work with the Committee to
9. collect some more information for us beyond
10. what we had already received.
11. Specifically, we asked for the distinction
12. between Title VI and environmental justice,
13. and we wanted a very clear understanding
14. and explanation of how environmental
15. justice is currently set forth by EPA.
16. We wanted to understand the
17. Department's existing actions and
18. activities relative to both Title VI and
19. environmental justice, and then, if any,
20. just identification of gaps between those
21. two.
22. And then, finally, we wanted to
23. make sure that we understand any state
legislature proposed bills, existing laws that were passed by the state that are relevant to this issue of environmental justice policy.

Once we receive that information, we will take a deliberate and measured approach to reviewing the information and determining if we believe as a Committee that any action is warranted by the full Commission through a recommendation from the Committee.

I will have more to report on that process that we intend to use in the next meeting.

With that, we thank you for allowing the Rulemaking Committee to address you. And if you have any questions, I will be happy to answer them.

CHAIRMAN BROWN: Any questions?

(No response)

CHAIRMAN BROWN: Next is the Chair report. And at this time, the Chair

would ask or direct the Personnel Committee to start a job performance evaluation for Director LeFleur, covering the period of October 17, 2015, to the date of the meeting where recommendations from the Committee will be considered.

As was done in the 2015 evaluation, the Committee should obtain feedback from Commissioners and the public regarding the Director's job performance and provide the Commission with the consolidated list of comments received by the deadlines set for receipt of comments and the Committee's recommendations relative to the Director's job performance for the evaluation period. Thank you.

Next on the agenda is the Commission will consider amendments to ADEM Administrative Code, and we'll call on the Department.

MR. KELLY: Good morning,

Mr. Chairman and Members of the Commission.

Before you now are the revisions to Division I of the ADEM Administrative Code. These revisions include one new form and the modification of fourteen forms. During the comment period, which included a public hearing on May 11th, the Department received comments from one entity. Upon reviewing those comments, the Department agreed to revise one form.

At this time, the Department asks for your favorable consideration of these proposed revisions, and I'll yield for any questions.

VICE-CHAIR PHILLIPS: I move we adopt the proposed amendments.

DR. MILLER: Second.

CHAIRMAN BROWN: All in favor?

(All Commission members signify with "aye")

MR. KELLY: Thank you, sir.

CHAIRMAN BROWN: Motion carries.

Next on the agenda, the Commission will consider amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations.

Again, we will call on the Department for comment.

MR. HARRISON: Good morning.

Mr. Chairman and Members of the Commission.

I am Dennis Harrison, and I am Chief of the Drinking Water Branch of the Water Division.

You have before you the complete hearing record for proposed changes to the Department's Division 7 Public Water Supply Program regulations. The proposed changes include administrative and technical changes in three chapters, as noted in the Summary of Reasons Supporting the Adoption of these proposed amendments.

On May 13, 2016, a public hearing was held to receive comments from interested persons regarding the proposed revisions. Written comments were accepted any time during the public comment period,
1 which extended from March 27th through May
2 13th, 2016.
3 During the comment period, the
4 Department received written comments from
5 EPA and one individual. At the hearing on
6 May 13, 2016, no written or oral statements
7 were presented. All comments have been
8 addressed and resolved, and the
9 reconciliation statement is included in
10 your package.
11 The Department requests that the
12 Commission adopt the proposed revisions. I
13 will be happy to address any questions you
14 may have.
15 VICE-CHAIR PHILLIPS: Move
16 we adopt the proposed amendments.
17 DR. RICHARDSON: Second.
18 CHAIRMAN BROWN: All in
19 favor?
20 (All Commission members
21 signify with "aye")
22 CHAIRMAN BROWN: Motion
23 carries. Thank you.

1 MR. HARRISON: Thank you.
2 CHAIRMAN BROWN: Any other
3 business?
4 (No response)
5 CHAIRMAN BROWN: The next
6 Commission meeting is on August 19, 2016.
7 I believe everyone thinks that they will be
8 available at this time.
9 But, with that, I will entertain
10 a motion for adjournment.
11 VICE-CHAIR PHILLIPS: Move
12 to adjourn.
13 DR. LAIER: Second.
14 CHAIRMAN BROWN: All in
15 favor?
16 (All Commission members
17 signify with "aye")
18 CHAIRMAN BROWN: So
19 adjourned.
20 (The meeting adjourned at
21 11:39 a.m.)
22 ***************
23
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.

Victoria Castillo

VICTORIA CASTILLO, ACCR #17, 9/30/16
FREELANCE COURT REPORTER
Alabama Environmental Management Commission Meeting

June 17, 2016

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able (1)
Academy (1)
accepted (1)
accordance (1)
accumulates (1)
achieve (1)
achieved (1)
achievements (1)
achieves (1)
Achieving (1)
acknowledge (1)
acknowledges (1)
action (5)
actions (9)
Active (1)
activities (6)
acute (2)
added (1)
addition (1)

25:23
additional (1)
16:17
address (6)
4:13;6:16;8:8;19:21;
33:17;37:13
addressed (1)
37:8
ADEM's (7)
4:22;6:7;8:11;10:7;
19:4;20:18;23:3
adjourn (1)
38:12
adjourned (2)
38:19;20
adjournment (1)
38:10
adjustments (1)
9:12
administer (1)
7:1
administering (1)
5:14
administrative (6)
12:14;22:14;34:19;
35:13;36:2,15
adopt (3)
35:14;37:12,16
Adoption (1)
36:17
advisory (11)
10:4;17:21;18:9;
19:7;9,10;15;28:14;
29:8;30:6,9
affected (2)
18:14;19:20
affects (1)
16:19
Again (1)
36:4
against (2)
21:20,22
agencies (1)
7:22
agency (1)
7:21
agenda (5)
3:6;19;47;34;17;
35:23
aggressively (1)
23:21
agreed (1)
35:8
Air (5)
8:20;9:16;25:6,15;
26:10
Alabama (18)
4:12;5:15;6:12;
11:14;12:6;20;14:6;
15:20;23;18;17;9:6,
14:19;26:4;27:13,16,
22,23
Alabama's (5)
13:6;11;15;6;20:17;
25:6
Alabamians (1)
25:17
allow (1)
7:18
allowing (1)
33:16
along (3)
4:16;12:13;28:22
Although (2)
21:16;23:2
always (3)
15:23;16:1;21:19
amendments (5)
34:18;35:14;36:1,18;
37:16
among (2)
8:8;17:5
analysis (6)
8:16;9:18;10:9,13,
17:17
Animal (2)
5:1;16:10
annual (2)
7:20;19:1
appliance (3)
24:13;26:20;28:3
applies (1)
18:9
approach (2)
22:23;37:7
appropriate (1)
10:1
appropriation (2)
5:3;7,2
approprations (1)
8:11
approved (1)
31:9
approximately (2)
12:18;25:8
April (4)
3:8;4:20;24:22;26:1
area (2)
25:4;30:5
areas (2)
19:13;24:23
arena (2)
4:17;10:8
Armed (1)
22:12
art (1)
21:3
Arts (1)
26:6
aspects (1)
26:9
assessment (1)
22:9
assurance (2)
16:18;30:5
attention (1)
10:14
Auburn (3)
27:11,17,18
Audience (3)
24:13;26:20;28:3
audits (5)
7:20;23;8;20:16,22
auditors (1)
7:19
augment (1)
7:3
August (4)
5:18;31:12;32:1;
38:6
Authority (1)
28:9
available (5)
7:3;9:18;10:17;19:4;
38:8
average (5)
12:8;13;2,7;14;8;
16:2
averages (1)
15:5
award (1)
5:19
awarded (1)
5:22
aware (1)
17:16
aye (4)
3:17;35:19;37:21;
38:17

B

back (2)
7:7;32:1
badly (1)
5:4
basis (2)
9:2;25:6
became (1)
32:5
become (2)
13:20;19:23
becomes (1)
5:20
began (2)
9:19;27:2
beginning (1)
20:5
below (4)
13:7;19:7;29:6,19
Berry (1)
24:9
best (2)
14:18;21:11

C

better (1)
11:19
beyond (2)
24:19;32:9
big (1)
4:7
bills (1)
33:1
Birmingham (1)
6:12
blend (1)
29:3
blending (2)
29:22,23
blue (3)
11:6;14:22;15:5
board (2)
28:2,15
both (3)
12:21;31:7;32:18
boundary (1)
22:15
BP (1)
5:16
Branch (2)
4:15;36:9
Branstley (1)
25:9
breaches (2)
23:3,9
bring (2)
27:7;29:2
BROWN (17)
3:1,14,18;28:8;
30:10,13,16,33:19,22;
35:16,21,37:18,22;
38:2,5,14,18
browser (1)
22:15
budget (6)
4:20,22;5:8,11:6,8;
21
budget-related (1)
7:12
Burton (1)
27:19
business (1)
38:3

CAFO (3)
5:2;6:23;7:1
CAFOs (1)
7:5
calendar (1)
17:5
call (5)
3:2;8:6,27:16;34:19;
36:4
called (1)
8:13
came (1)
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:17;31:16;33:10</td>
<td>Fund (4) 2:26;6:22;7:2;8:10</td>
</tr>
<tr>
<td>4:14;5:14;6:10;11;7:22</td>
<td>funding (6) 4:14;5:14;6:10;11;7:22</td>
</tr>
<tr>
<td>5:15;6:16</td>
<td>funds (2) 5:15;6:16</td>
</tr>
<tr>
<td>7:17</td>
<td>Gaining (1) 7:17</td>
</tr>
<tr>
<td>9:19</td>
<td>Gass (1) 27:19</td>
</tr>
<tr>
<td>4:22;6:22;7:2;8:10</td>
<td>General (4) 4:22;6:22;7:2;8:10</td>
</tr>
<tr>
<td>7:17</td>
<td>generate (1) 7:17</td>
</tr>
<tr>
<td>9:19</td>
<td>generating (1) 9:19</td>
</tr>
<tr>
<td>29:12</td>
<td>Glenda (1) 29:12</td>
</tr>
<tr>
<td>9:7;20:12</td>
<td>goals (2) 9:7;20:12</td>
</tr>
<tr>
<td>3:1;21,22;24:15;34:21;36:6</td>
<td>Good (6) 3:1;21,22;24:15;34:21;36:6</td>
</tr>
<tr>
<td>20:10</td>
<td>governmental (1) 20:10</td>
</tr>
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<td>Governor (1) 8:6</td>
</tr>
<tr>
<td>29:1</td>
<td>governor’s (1) 29:1</td>
</tr>
<tr>
<td>3:23;7:23</td>
<td>grant (2) 3:23;7:23</td>
</tr>
<tr>
<td>11:11;13:7</td>
<td>green (2) 11:11;13:7</td>
</tr>
<tr>
<td>4:6;21:12;25:3</td>
<td>group (3) 4:6;21:12;25:3</td>
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<tr>
<td>20:8</td>
<td>Guard (1) 22:10</td>
</tr>
<tr>
<td>21:20</td>
<td>guidance (2) 31:6,22</td>
</tr>
<tr>
<td>21:11</td>
<td>guided (1) 21:11</td>
</tr>
<tr>
<td>31:4,14,19;32:3</td>
<td>guidelines (4) 31:4,14,19;32:3</td>
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<td>31:23</td>
<td>implementation (2) 7:16;22:7</td>
</tr>
<tr>
<td>11:17</td>
<td>implemented (1) 11:17</td>
</tr>
<tr>
<td>31:8</td>
<td>implementing (1) 31:8</td>
</tr>
<tr>
<td>4:8</td>
<td>implying (1) 4:8</td>
</tr>
<tr>
<td>10:7;20:12;21:3</td>
<td>important (3) 10:7;20:12;21:3</td>
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<td>22:22</td>
<td>improved (1) 22:22</td>
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<td>improvement (1) 21:20</td>
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<td>22:23</td>
<td>improving (1) 22:23</td>
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<td>21:13</td>
<td>Inc (1) 21:13</td>
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<tr>
<td>21:13</td>
<td>include (2) 21:13</td>
</tr>
<tr>
<td>35:2;36:15</td>
<td>included (8) 35:2;36:15</td>
</tr>
<tr>
<td>8:16;15:15;19:1</td>
<td>included (8) 8:16;15:15;19:1</td>
</tr>
<tr>
<td>8:11;25:14</td>
<td>increasingly (1) 8:11;25:14</td>
</tr>
<tr>
<td>20:1</td>
<td>independent (1) 20:1</td>
</tr>
<tr>
<td>16:21</td>
<td>independent (1) 16:21</td>
</tr>
<tr>
<td>12:11</td>
<td>in-depth (1) 12:11</td>
</tr>
<tr>
<td>23:6;37:5</td>
<td>individual (2) 23:6;37:5</td>
</tr>
<tr>
<td>8:20;26:16</td>
<td>individually (2) 8:20;26:16</td>
</tr>
<tr>
<td>11:11</td>
<td>industrial (1) 11:11</td>
</tr>
<tr>
<td>18:7</td>
<td>industries (1) 18:7</td>
</tr>
<tr>
<td>21:10,12</td>
<td>industry (2) 21:10,12</td>
</tr>
<tr>
<td>14:14;17,21;16:11</td>
<td>informal (4) 14:14;17,21;16:11</td>
</tr>
<tr>
<td>19:1;20:20;21:17;32:9;33:6,8</td>
<td>information (6) 19:1;20:20;21:17;32:9;33:6,8</td>
</tr>
<tr>
<td>3:6,19</td>
<td>informed (2) 3:6,19</td>
</tr>
<tr>
<td>28:1</td>
<td>Intended (1) 28:1</td>
</tr>
<tr>
<td>23:9</td>
<td>intentional (1) 23:9</td>
</tr>
<tr>
<td>11:16</td>
<td>Interactive (1) 11:16</td>
</tr>
<tr>
<td>8:18</td>
<td>Interest (1) 8:18</td>
</tr>
<tr>
<td>26:15</td>
<td>interested (3) 26:15</td>
</tr>
<tr>
<td>20:9;27:4;36:21</td>
<td>interface (1) 20:9;27:4;36:21</td>
</tr>
<tr>
<td>23:4</td>
<td>interm (1) 23:4</td>
</tr>
<tr>
<td>5:9</td>
<td>internal (3) 5:9</td>
</tr>
<tr>
<td>16:21;17:1;21:4</td>
<td>Internet (2) 16:21;17:1;21:4</td>
</tr>
<tr>
<td>21:13;23:6</td>
<td>internships (1) 21:13;23:6</td>
</tr>
<tr>
<td>27:3</td>
<td>interstate (1) 27:3</td>
</tr>
<tr>
<td>11:8</td>
<td>into (1) 11:8</td>
</tr>
<tr>
<td>13:19</td>
<td>Introduce (1) 13:19</td>
</tr>
<tr>
<td>26:15</td>
<td>involve (1) 26:15</td>
</tr>
<tr>
<td>7:7</td>
<td>issue (4) 7:7</td>
</tr>
<tr>
<td>8:1;20:1;32:4;33:3</td>
<td>issued (1) 8:1;20:1;32:4;33:3</td>
</tr>
<tr>
<td>17:20</td>
<td>items (2) 17:20</td>
</tr>
<tr>
<td>8:9,9:9</td>
<td>issues (2) 8:9,9:9</td>
</tr>
<tr>
<td>3:6,19</td>
<td>item (2) 3:6,19</td>
</tr>
<tr>
<td>25:19</td>
<td>least (3) 25:19</td>
</tr>
<tr>
<td>3:22;24:14;26:21;28:4,12,29:16,30:2,14;34:3</td>
<td>Legislature (2) 3:22;24:14;26:21;28:4,12,29:16,30:2,14;34:3</td>
</tr>
<tr>
<td>8:7;33:1</td>
<td>less (1) 8:7;33:1</td>
</tr>
<tr>
<td>14:5</td>
<td>lesser (1) 14:5</td>
</tr>
<tr>
<td>13:22</td>
<td>level (7) 13:22</td>
</tr>
<tr>
<td>16:12,15;18:19;19:17;23:23</td>
<td>levels (5) 16:12,15;18:19;19:17;23:23</td>
</tr>
<tr>
<td>21:2</td>
<td>license (1) 21:2</td>
</tr>
<tr>
<td>24:5</td>
<td>life (1) 24:5</td>
</tr>
<tr>
<td>18:12;30:7</td>
<td>lifetime (2) 18:12;30:7</td>
</tr>
<tr>
<td>9:22;14:22;20:8</td>
<td>light (3) 9:22;14:22;20:8</td>
</tr>
<tr>
<td>13:8;14:9;16:2</td>
<td>line (3) 13:8;14:9;16:2</td>
</tr>
<tr>
<td>34:12</td>
<td>list (1) 34:12</td>
</tr>
<tr>
<td>20:4</td>
<td>little (1) 20:4</td>
</tr>
<tr>
<td>19:20</td>
<td>local (1) 19:20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Up-close (1) 25:5</th>
<th>Walk (1) 10:15</th>
<th>Warranted (1) 33:9</th>
<th>Waste (1) 25:16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Updates (1) 8:21</td>
<td>10 (1) 30:22</td>
<td>11:39 (1) 38:21</td>
<td>11th (1) 35:5</td>
</tr>
<tr>
<td>Upon (1) 35:6</td>
<td>Water (56) 11 (1) 15:19</td>
<td>Water (56) 13 (2) 36:19:37:6</td>
<td>13th (1) 37:2</td>
</tr>
<tr>
<td>Usage (1) 22:2</td>
<td>Use (2) 18:7:33:13</td>
<td>Utilize (1) 21:23</td>
<td>Utilize (1) 12 (1) 3:8</td>
</tr>
<tr>
<td>Turn (1) 10:14</td>
<td>Violating (1) 15:12</td>
<td>Women (1) 18:13</td>
<td>Women (1) 17 (3) 3:2:5,11:34:4</td>
</tr>
<tr>
<td>Undertaken (1) 6:5</td>
<td>Visit (1) 12:6</td>
<td>Year-end (1) 6:2</td>
<td>26 (1) 10:16</td>
</tr>
<tr>
<td>University (8) 27:12:12,13,18,19, 21,22,23</td>
<td>Visiting (1) 26:7</td>
<td>Yield (1) 35:1</td>
<td>Yield (1) 33 (2) 12:18:13:1</td>
</tr>
<tr>
<td>Unsafe (1) 28:19</td>
<td>Visual (1) 8:18</td>
<td>Young (1) 24:22</td>
<td>Young (1) 335-7 (1) 36:2</td>
</tr>
</tbody>
</table>
Part B
Attachment Index

Attachment 1  Agenda

Attachment 2  Director’s Slides  
(Agenda Item 2)

Attachment 3  Resolution to adopt amendments to ADEM Administrative Code 335-1,  
General Administration Regulations  
(Agenda Item 5)

Attachment 4  Resolution to adopt amendments to ADEM Administrative Code 335-7,  
Water Supply Program Regulations  
(Agenda Item 6)
**AGENDA**
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: June 17, 2016
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

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Consideration of minutes of meeting held on April 15, 2016**</td>
<td>2</td>
</tr>
<tr>
<td>2. Report from the ADEM Director</td>
<td>2</td>
</tr>
<tr>
<td>3. Report from the Rulemaking Committee Chair</td>
<td>2</td>
</tr>
<tr>
<td>4. Report from the Commission Chair</td>
<td>2</td>
</tr>
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<td>5. Consideration of adoption of proposed amendments to ADEM Administrative Code 335-1, General Administration Regulations (Includes NPDES-Related Matter)</td>
<td>2</td>
</tr>
<tr>
<td>6. Consideration of adoption of proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations</td>
<td>2</td>
</tr>
<tr>
<td>7. Other business</td>
<td>2</td>
</tr>
<tr>
<td>8. Future business session</td>
<td>2</td>
</tr>
</tbody>
</table>

* 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 APRIL 15, 2016**

2. **REPORT FROM THE ADEM DIRECTOR**

3. **REPORT FROM THE RULEMAKING COMMITTEE CHAIR**

4. **REPORT FROM THE COMMISSION CHAIR**

5. **CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-1, GENERAL ADMINISTRATION REGULATIONS (INCLUDES NPDES-RELATED MATTER)**

   The Commission will consider proposed amendments to ADEM Administrative Code 335-1, General Administration Regulations to add a new Permit Application for Reclaimed Water Reuse and revise several existing forms. The Department held a public hearing on the proposed amendments on May 11, 2016.

6. **CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-7, WATER SUPPLY PROGRAM REGULATIONS**

   The Commission will consider proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations. These proposed amendments consist of administrative corrections and clarifications in response to EPA comments on the Department’s Total Coliform Rule and Public Water System Well Design requirements. In addition, the revision would allow for electronic delivery of consumer confidence reports (CCRs). The Department held a public hearing on the proposed amendments on May 13, 2016.

7. **OTHER BUSINESS**

8. **FUTURE BUSINESS SESSION**
Attachment 2
PWSs Returned to Compliance

Percentage of PWSs

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<td>FY2012</td>
<td>40%</td>
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<td>FY2013</td>
<td>20%</td>
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<td>FY2014</td>
<td>60%</td>
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<td>FY2015</td>
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Cyber Security Audit

- State Finance ISD security staff review
- Primary system vendor security audit
- Reviewed network scanning software
- Reviewed Center for Internet Security Best Practices security controls
Cyber Security Priorities

1. Perform Qualys Guard continuous vulnerability assessment and remediation
2. Stepped up control of administrative privileges
3. Optimize existing email, browser, boundary defense, and malware defense systems
Cyber Security Priorities

4. Enhance existing data recovery capability

5. Implement stepped up personnel security training
Attachment 3
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.

ENVI RONMENTAL MANAGEMENT COMMISSION
RESOLUTION

attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with
the Alabama Legislative Reference Service.
ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

ADEM Admin. Code division 335-1 – General Administration

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of June 2016.

APPROVED:

______________________________
Mary Mentil

______________________________
Jerry R. Brown

______________________________
Scott Flaugher

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 17th day of June 2016.

______________________________
H. Lamir Brown, II, Chair
Environmental Management Commission
Certified this 17th day of June 2016
Attachment 4
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.

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 335-7 [335-7-2-.07/Microbiological Standards and Monitoring Requirements (Amend), 335-7-2-.08/Radionuclide Standards and Monitoring Requirements (Amend); 335-7-2-.10/Special Monitoring and Analytical Requirements for Unregulated Contaminants (Amend);
ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

335-7-2-.12/Stage 2 Disinfection Byproducts (Amend); 335-7-2-.13/Distribution System Evaluation (Amend); 335-7-2-.14/Standard Monitoring Plan (Amend); 335-7-2-.15/System Specific Study (Amend); 335-7-2-.17/Cryptosporidium Monitoring and Compliance (Amend); 335-7-2-.21/Public Notification (Amend); 335-7-5-.04/Well Casing Requirements (Amend); 335-7-5-.11/Water Level Management (Amend); 335-7-5-.22/Ground Water Rule (Amend); 335-7-14-.02/Definitions (Amend); 335-7-14-.04/Content of Reports (Amend); 335-7-14-.05/Additional Reporting Contents (Amend); 335-7-14-.07/Report Delivery and Recordkeeping (Amend);] of the Department’s Water Division – Water Supply Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.
ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

ADEM Admin. Code division 335-7 – Water Supply Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of June 2016.

APPROVED:

Mary D. Smith

James E. Anderson

W. Scott Linn

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 17th day of June 2016.

ABSTAINED:

H. Laquer Brown, II, Chair
Environmental Management Commission
Certified this 17th day of June 2016