Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 21, 2013
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 21, 2013.

H. Lanier Brown, II  
Chair  
Alabama Environmental Management Commission

Certified this 16th day of August 2013.
Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 21, 2013

Convened: 11:00 a.m.
Adjourned: 11:33 a.m.

Part A

Transcript
Word Index

Part B

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Attachments 1 - 2
Part A
June 21, 2013

1 (The proceedings began at
2 approximately 11:00 a.m.)
3 CHAIRMAN BROWN: The
4 June 21st, 2013, meeting of the Alabama
5 Environmental Management Commission will
6 now come to order. First, I will note
7 that we have a quorum present.
8 First item on the
9 agenda is consideration of the minutes of
10 the meeting held on April 19, 2013. The
11 minutes have been circulated previously to
12 all Commissioners, and I will entertain a
13 motion.
14 COMMISSIONER LESTER: So
15 moved.
16 COMMISSIONER RICHARDSON:
17 Second.
18 CHAIRMAN BROWN: Any
19 discussion?
20 (No response.)
21 CHAIRMAN BROWN: All in favor?
22 ALL: Aye.
23 CHAIRMAN BROWN: All opposed?

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APPEARANCES

COMMISSION MEMBERS PRESENT:
H. Lanier Brown, II, Esq., Chair
John B. Lester, D.V.M.
Mary J. Merritt
Terry D. Richardson, Ph.D
Samuel L. Miller, M.D.

COMMISSION MEMBERS NOT PRESENT:
W. Scott Phillips, Vice Chair
James H. Leiter, Ph.D., P.E.

ALSO PRESENT:
Robert Tambling, EMC Legal Counsel
Debi Thomas, EMC Executive Assistant
Lance R. LeFleur, ADEM Director
Russell A. Kelly, Chief,
Permits and Services Division
Michael Mullen
1 children.
2 Budget items first.
3 We're about to begin the final three
4 months of Fiscal Year 2013 and it does not
5 appear that proration of the General Fund
6 will be required. If that is the case, I
7 anticipate the previously implemented
8 cost-cutting measures combined with this
9 year's sale of the surveillance aircraft
10 will allow the Department to just meet its
11 obligations for Fiscal Year 2013.
12 Please direct your
13 attention to the monitor. As you're well
14 aware, there are three general components
15 to ADEM's operating budget: federal
16 grants, state General Fund allocations,
17 and permit fees paid by the regulated
18 community. The federal grants portion of
19 our budget has been flat or declining for
20 several years and was recently, again,
21 downwardly impacted by the well-publicized
22 sequestration cuts. We are currently
23 reassessing with EPA our

1 previously-approved work plans to
2 determine the impact of these latest
3 federal funding cuts.
4 Since my last report
5 to you, the State Legislature passed its
6 proposed General Fund budget for Fiscal
7 Year 2014, and it was signed by Governor
8 Bentley on May 20. In it, ADEM received a
9 $628,000 appropriation for departmental
10 operations. This amount will actually
11 cover less than the projected $700,000
12 increased cost of employee fringe benefits
13 in Fiscal Year 2014.
14 The budget also
15 included an additional $380,000 General
16 Fund line item earmarked to pay for
17 implementation of the Concentrated Animal
18 Feeding Operation, CAFO program. The
19 earmark has been in place since the CAFO
20 program was started in 1999. The total
21 budget appropriation is $1 million. The
22 Fiscal Year 2014 budget does not provide
23 the remaining $4 million of general funds

1 necessary for the required State portion
2 of the Department's annual operating
3 budget.
4 I would like to draw
5 your attention to three slides that I know
6 are very familiar to each of you, but
7 under our present circumstances, bear
8 addressing once again.
9 This slide
10 highlights the last 24 years of the State
11 General Fund portion of our budget. These
12 are actual appropriated dollars without
13 any adjustment for inflation. The high
14 water mark for General Fund appropriations
15 in the last 20 years was in 2008. Since
16 2008, the General Fund appropriation has
17 dropped 87 percent. Compared to 2011, it
18 has dropped approximately 84 percent. And
19 compared to the last year, the
20 appropriation dropped 69 percent.
21 Historically, the
22 State General Fund appropriation
23 represented about 10 percent of the

1 Department's budget. The Fiscal Year 2014
2 appropriation represents 1.6 percent of
3 the Department's budget.
4 This slide compares
5 funding from all State sources, which for
6 Alabama includes permit fees and general
7 funds, on a per capita basis in EPA
8 Region 4. In simple terms, this
9 represents the burden borne by each
10 citizen for environmental regulation. As
11 you can see, Alabama is the lowest in
12 Region 4 and ranks 49th in the nation.
13 Down at the bottom there you can see the
14 national rankings.
15 In 2008, which as
16 you saw earlier was the high water mark
17 for General Fund appropriations, Alabama
18 also ranked 49th. We are consistently
19 ranked 49th. In order to maintain the
20 49th ranking in Fiscal Year 2014, a
21 minimum of $5 million is required from the
22 General Fund or other State source.
23 As noted earlier,
the General Fund appropriation for Fiscal Year 2014 was $1 million, which leaves the Department $4 million short.

Given the dramatic General Fund budget cuts, not to mention federal funding cuts in recent years, the Department has been preparing for this eventuality by cutting costs, increasing efficiency, and reducing activities to the minimum necessary to meet program commitments. Even with these cost-saving measures, it was recognized that it may be necessary to replace lost General Fund appropriations.

In light of declining federal funding, it was clear that there would be no assistance to be had from federal sources. That left the sole remaining source of possible funding as permit fees paid by the regulated community.

As reported to you on numerous occasions previously, the Department has been working diligently for more than a year to meet with all those who would be impacted if it became necessary to increase permit fees. The situation and the alternatives available have been presented to the regulated community and discussed in detail.

Additionally, in an effort to provide interested parties ample opportunity to weigh in on such an important possible action as a dramatic permit fee increase, a well-publicized permit -- excuse me, a well-publicized public comment period of more than 13 weeks that concluded on May 6, 2013, was provided. During that time, the Department received four comment letters and responded to each one. You should each have copies of those comments and the Department's responses in your folder.

The bottom line is: The Department was left no option but to propose a 50 percent permit fee increase for rule-making and will ask you to approve that proposal a few minutes from now.

The proposed increase in permit fees will be equal to the State General Fund allocation short fall of $4 million, so overall departmental funding, basically, will not change from Fiscal Year 2013 and will remain very close to the bare minimum needed to meet federal grant commitments.

By statute, permit fees cannot exceed 100 percent of the cost to issue permits. The fee schedule reflecting the increased fees, which you will be asked to approve later in this meeting, will result in a recovery of something less than 80 percent of the cost to issue permits, and will therefore be less than the limit imposed by statute.

Our goal in this rule-making is to maintain, not expand, our commitment to environmental regulation in this state and thereby maintain our primacy in each of the programs. Nothing more, nothing less. After decades of substantial funding through the State General Fund, the Department can no longer rely on this source for anything more than token support.

I'd like to assure the permit-fee paying regulated community that with its support an important step is being taken toward maintaining environmental primacy. Further, at 49th nationally, ADEM has been and will continue to be an exceptionally low-cost provider of environmental regulation when compared to every other state in the nation.

I'd now like to bring you up to date on our physical facility situation in south Alabama. At the February 15, 2013, Commission meeting, I reported to you that we had just been notified that our Coastal Program would be...
required to vacate the office space occupied at the Brookley Aeroplex by July 1st.

As you may recall, our Coastal Program was required to operate at a separate facility from our Mobile Field Office because the Department does not have funding to provide a single facility capable of accommodating both programs. This is extremely inefficient because both offices are under common management, peer-to-peer interactions are limited and administrative and infrastructure services such as I.T. must be duplicated.

At the February Commission meeting, I also highlighted the rapidly increasing activity level for industrial expansion, international port activities, and environmental recovery from the Deepwater Horizon oil spill in the Alabama coastal area. The need to provide coordinated oversight grows daily.

The Coastal Program has now leased office facilities approximately nine miles further inland at an acceptable cost. However, the underlying issues of inefficiency and poor positioning to meet future regulatory demands remain. Further, the problems associated with the facilities currently housing the Mobile Field Office, which were also highlighted in the February Commission meeting remain.

As you may recall, the substandard building has foundation settling problems, compromised structural integrity, inadequate space, and outdated laboratory facilities that make supporting the existing regulatory program tenuous. We anticipate that the dramatically increasing workload will only compound this problem.

In the coming months, the Department will be focusing on obtaining funding sufficient to acquire adequate physical facilities to properly execute our mission in the coastal area of Alabama. This will be an exceptionally challenging -- this will be exceptionally challenging given the current financial situation in the state, but the need is critical and the project is worthy of the effort.

In May of 2011, the Alabama Legislature passed legislation placing a two-year moratorium on the issuance of permits to new public solid waste landfills. This moratorium was subsequently extended to May 31, 2014. As part of the moratorium legislation, ADEM and the Alabama Department of Public Health were tasked to review their duties under the state solid waste management law and to make recommendations for any changes necessary to improve the landfill permitting process.

In consultation with Public Health, the Department undertook a competitive proposal process, which resulted in the selection of Auburn University as an independent third party to review Alabama's landfill permitting process and to generate a report on its findings.

As part of the study, Auburn conducted a series of public meetings across the state, receiving extensive comments from the general public, industry groups, environmental groups, and state and federal officials. During these meetings, Auburn described the current process for permitting solid waste landfills, discussed non-landfill alternative solid waste management strategies, and solicited input from the public on potential changes needed to enhance both Alabama's current solid waste landfill permitting process and solid waste alternative use strategies.

In addition to the public meetings, Auburn conducted several...
1. focused stakeholder meetings to better understand landfill issues specific to
governmental entities, state and federal
regulators, those involved in businesses
related to landfills, and environmental
advocacy groups. Each group had a unique
perspective on how the current landfill
permitting process in Alabama operates in
practice and how it could possibly be improved.

On May 31, 2013, Auburn University submitted its report on the Phase I portion of the study. This report includes both public and stakeholder input, as well as Auburn University’s interpretation of this input within the broader context of established state and federal solid waste law. The report also includes an analysis of the landfill permitting processes in other states. A copy of the Phase I report has been posted on the Department’s website.

The Department will conclude its review of this report in the coming weeks, and, as appropriate, begin the process of developing recommendations for potential changes to the solid waste landfill permitting process. Phase II of the report, which includes the evaluation of the State’s efforts to improve the overall management of its solid waste, is expected to be submitted to the Department later this summer.

On behalf of the Department, I would like to thank Auburn University for preparing this report and all those who have participated in this process to date.

Next, I would like to report on our Earth Day activities from back on April the 17th. Young people represent our hope for the future in so many areas and this is true for the environment and ADEM.

For the second 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 100 students from G.W. Carver High School, Jefferson Davis High School, and Holtville 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 to 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.

Because recycling is one of the major keys to the long-term sustainability of our natural resources,

ADEM sponsored the Rep Your School Recycling Challenge this year as a way to teach the kids about recycling and to encourage them to develop a habit of recycling at an early age.

The Rep Your School Recycling Challenge was a contest between rival schools to see which one could collect the most recyclable material in one week’s time. This challenge was an effort to raise awareness among the students of the merits of recycling. Our winners were the students at G.W. Carver High School, who managed to collect and recycle over 1,000 pounds of materials during the one-week period. This was a fantastic accomplishment, and I was pleased to present a check for over $450 to the principal of G.W. Carver High School for their participation in the Rep Your School Recycling Challenge.

Please take a moment to look at the lobby display with some
photos of the activities. Plans are
underway to expand the program to other
schools and to lengthen the challenge
period. Thirty-four of our employees
expended the extra effort to reach out to
these young people while continuing to
meet their normal work obligations. I tip
my hat to all of them.

Before closing, I
would like to make you aware of a
just-announced significant honor received
by one of our employees. As you may be
aware, we have just marked the third
anniversary of the Deepwater Horizon oil
spill. From day one and continuing still
today, ADEM has led the Alabama response.
Most of the more
than 60,000 departmental work hours
invested were by those volunteering for
the assignment. Many of our employees
have worked 60, 80, and even 100-hour
weeks, which, in all cases, were with zero
pay beyond their normal 40-hour salary.

For most of the last	hree years, Roy Collins from our Mobile
field office, one of those volunteers, has
worked seven days per week, only recently
cutting back to six days per week. Roy
has worked with all the local elected
officials, many federal officials,
business leaders, and many private
citizens to help our Alabama coastal
communities respond to and recover from
the devastating effects of the historic
oil spill.

Although he is
entitled to be relieved and pass all or
part of his duties to others, he has
committed himself to completing the task
he began to provide consistent oversight
to response efforts on Alabama’s gulf
coast. Roy has paid a very high price in
time away from family. However, his
dedication has resulted in thousands of
tons of oil and tar being identified and
removed from Alabama’s coastline, avoiding
incalculable damage to estuaries that are
esential to the oyster, shrimp, crab, and
fishing industries.

By insisting on the
highest level of cleanup, Alabama’s
beaches are returning to their sugar white
sand color and the tourism industry is
recovering. For his exemplary efforts,
the Alabama Wildlife Federation has
awarded Roy Collins its Governor’s
Conservation Achievement Award of Water
Conservationist of the Year. This is
indeed a very high honor for anyone, but
especially so for a state employee in the
performance of his duty. This is another
element of why it is an honor to work with
the dedicated people of ADEM that are
typical of Roy Collins.
Once again, let me
close my remarks with my thanks to you for
serving the State of Alabama as
Commissioners on the Alabama Environmental
Management Commission and for allowing me
to serve the State in this capacity.
If there are any
questions, I would be pleased to try to
answer them now.
CHAIRMAN BROWN: Anyone have
any questions?
(No response.)
COMMISSIONER LESTER: Is Roy
here?
COMMISSIONER RICHARDSON: Is
Roy not with us today?
DIRECTOR LEFLEUR: No, he’s on
duty.
CHAIRMAN BROWN: Thank you,
Director.
Next is the report
of the Commission Chair. I think I’d like
to simply comment on the Director’s
analysis and presentation regarding the
funding. As many people are aware, some
months ago, before the final budget was
prepared and approved by the Legislature,
ADEM was notified of even more drastic
1. cuts from the General Fund budget that
2. were ultimately approved by the
3. Legislature.
4. I just thought it
5. was important for me to point out that we
6. did, through the Director, through various
7. other groups, go back to the Legislature
8. and press them and the Governor's Office
9. to restore as much funding as possible so
10. that we could hopefully avoid yet another
11. rate increase. And I thank the Director
12. for that.

Next, I'd simply
note that when I arrived there were some
people from Unontown out on the front.
We appreciate y'all being here. I know
you all have concerns, and I'm sure that
the Director will be happy to address
those with you.

Next is agenda item
four, which is consideration of the
proposed amendments to the ADEM
Administrative Code, Division 335-1,

1. General Administration Regulations.
2. Chair will call on
3. the Department for comments.
4. MR. KELLY: Thank you. Good
5. morning, Mr. Chairman and members of the
6. Commission. I'm Russell Kelly, Chief of
7. the Permits and Services Division. Before
8. you now are the Division 1 proposed rule
9. revisions. These revisions include an
10. across-the-board fee adjustment that
11. reflects a 50 percent fee increase with
12. very few exceptions.
13. The comment period
14. began on February 1st and continued until
15. May 6th. Public hearing was held on
16. March 19th here at the ADEM central
17. office. During the comment period, the
18. Department received comments from four
19. entities. Most of the comments were
20. supportive in nature and some asked for
21. the Department to continue to work on cost
22. reduction and efficiency measures.
23. One comment required

1. a text change, and that change had no
2. effect to the 50 percent fee increase
3. proposal. All comments were addressed in
4. the reconciliation statement that's
5. included in your package.
6. At this time, we
7. would ask for your favorable consideration
8. of these proposed rules, and I'll answer
9. any questions, if you have any.

CHAIRMAN BROWN: Anyone have
any questions of the Department?
(No response.)

CHAIRMAN BROWN: Thank you.
I'll entertain a
motion from the Commission regarding the
proposed amendments.
COMMISSIONER LESTER: I move
that we accept the amendment as written.
COMMISSIONER MILLER: I
second.

CHAIRMAN BROWN: Any comments
or discussion?
(No response.)
that our next Commission meeting is August 16th, 2013, at 11 a.m right here as usual.

Finally, we will come to the public comment period. We have a request from Mike Mullen to address the Commission. I would approve the request, and ask for a motion.

COMMISSIONER LESTER: So moved.

COMMISSIONER MILLER: Second.

CHAIRMAN BROWN: All in favor?

ALL: Aye.

CHAIRMAN BROWN: Any opposed?

(No response.)

CHAIRMAN BROWN: Mr. Mullen, we welcome you. We ask that you please try to limit your comments to the standard ten minutes.

MR. MULLEN: Mr. Chairman, Commissioners, I appreciate the opportunity to bring this matter before you.

Part of what I'm going to cover is from a presentation done a couple of years ago and I think Dr. Lester was the only one here almost -- approximately the same day in 2011. But I want to talk to you, basically, about stormwater. If I could make sure I do this right.

I'm sure you know some of your responsibilities are to advise the Director on environmental matters which are within the Department's scope of authority, to establish, adopt, promulgate, modify, repeal, and suspend any rules, regulations, or environmental standards for the Department which may be applicable to the state as a whole or any of its geographical regions, and to develop environmental policy for the state.

Urban Stormwater is one of the leading causes of stream impairment and it's increasingly so. A lack of post-construction stormwater controls is a major cause of severe and extreme degradation and water quality impairment.

So as I mentioned, since many of you weren't on the Commission, I'm going to give you one example of the post-construction issue in Troy. Troy is not large enough to be automatically covered under the EPA stormwater rules. But this is from 2010, the City had developed a new access road to its industrial park and a turn lane on that road. They created a little under two acres of new impervious surface, and basically resulted in about four times the run off that they had previously.

They did not implement any post-construction measures, and as a result -- and these are the same slides that I think Dr. Lester saw in June of 2010 -- it causes this stream near my home to be unstable, causing down-cutting, widening as the stream lost its flood plain. This is not just limited to Troy.

This is happening to locations all around the state where we have jurisdictions who haven't implemented or enforced stormwater ordinances to require prudent, accepted stormwater engineering measures.

And what I'm showing here is -- this side has recently undergone stream restoration. It was about $320,000 out of a 900K-plus community development block grant that the City of Troy got. This is $325,000 that didn't have to be spent for this, that could have been spent for something more productive if Troy had had measures in place.

Basically, as environmental advocate -- as a water-quality advocate, I'm outraged that this kind of damage continues to happen in Troy and across the state because folks are not implementing prudent stormwater
1 management. And as a taxpayer, I'm
2 outraged that we're spending federal tax
3 money. Sure, it's passed through and it
4 creates jobs in Alabama, but it's money
5 that we're not going to be seeing,
6 frankly, coming from the federal
7 government in the future.
8 So it's not just the
9 post-construction, we have serious issues
10 in the construction area. Some of us --
11 and thankfully the Director has had an
12 open-door policy -- but we feel like we've
13 been beating our head against the wall for
14 a few years now. We don't seem to be
15 making any real progress in creating a
16 regulatory system that creates deterrence.
17 Generally, we see a
18 site, it's not in compliance, we report
19 it. And to the Department's credit, a lot
20 of these sites come fairly rapidly back
21 into compliance, but they shouldn't be out
22 of compliance in the first place. We're
23 not creating enough deterrence.

1 So going back to
2 this slide, it's your guys' charge to
3 develop environmental policy for the state
4 and to develop the regulations that are
5 protective and protect the taxpayers.
6 Frankly, if the state and its bodies are
7 allowing developers and companies to
8 profit by not doing what they should be
9 doing, by doing prudent stormwater
10 management, in my opinion, they're
11 violating the public trust. You know, and
12 if the Department allows them to do it,
13 they're allowing the state to allow people
14 to violate the public trust -- to protect
15 these public resources, our streams.
16 So what I'm asking,
17 and I'm sure there's other members of the
18 Alabama Stormwater Partnership and ADEM
19 Reform Coalition and we ask the same
20 thing. And I'm asking the Commission to
21 consider putting together an advisory
22 group committee, task force, whatever you
23 want to call it to take a comprehensive

1 look at stormwater management and
2 stormwater regulations in Alabama, their
3 adequacy and what might be done to improve
4 stormwater management in Alabama.
5 And I appreciate
6 your time. And I'll take any questions
7 you might have.
8 CHAIRMAN BROWN: Anyone have
9 any questions for Mr. Mullen?
10 (No response.)
11 CHAIRMAN BROWN: Thank you.
12 MR. MULLEN: Thank you, sir.
13 CHAIRMAN BROWN: There being
14 no additional business before the
15 Commission, I'll entertain a motion to
16 adjourn.
17 COMMISSIONER LESTER: So
18 moved.
19 COMMISSIONER MILLER: Moved.
20 CHAIRMAN BROWN: All in favor?
21 ALL: Aye.
22 CHAIRMAN BROWN: We are
23 adjourned.

1 (The proceedings concluded at
2 approximately 11:33 a.m.)
REPORTER'S CERTIFICATE

I, Margaret-Lea Platt, Certified Court Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that on June 21, 2013, I reported the forementioned proceedings, and that the ayes herein contain a true and accurate ranscription of the said proceedings.

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

This the 9th day of July, 2013.

Margaret-Lea Platt, ACCR TL2024
Certified Court Reporter and Notary Public for the State of Alabama

My Commission expires 1/16/17.
REPORTER'S CERTIFICATE

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, Margaret-Lea Flatt, Certified Court
Reporter and Notary Public in and for the
State of Alabama at Large, do hereby certify
that on June 21, 2013, I reported the
aforementioned proceedings, and that the
pages herein contain a true and accurate
transcription of the said proceedings.

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

This the 9th day of July, 2013.

[Signature]
Margaret-Lea Flatt, ACCR TL2024
Certified Court Reporter and
Notary Public for the
State of Alabama

My Commission expires 1/16/17.
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Part B
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Attachment 1
AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: June 21, 2013
TIME: 11:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building Alabama Room (Main Conference Room) 1400 Coliseum Boulevard Montgomery, Alabama 36110-2400

ITEM

1. Consideration of minutes of meeting held on April 19, 2013** 2
2. Report from the Director 2
3. Report from the Commission Chair 2
4. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations (NPDES-Related Matter) 2
5. *East Huntsville/Madison County Civic Association, Inc. v. ADEM, and Vulcan Construction Materials, LP, EMC Docket No. 13-01 (NPDES-Related Matter)* 2
6. Other business 2
7. Future business session 2

PUBLIC COMMENT PERIOD 2 & Attachment

* 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.
EMC Meeting Agenda
Page 2

1. CONSIDERATION OF MINUTES OF MEETING HELD ON APRIL 19, 2013

2. REPORT FROM THE DIRECTOR

3. REPORT FROM THE COMMISSION CHAIR

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

   The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations, Chapter 335-1-6, to require a permit fee increase to all schedules A-J and associated fees (except Title V). The fee increase is necessary to offset funding loss due to inadequate general fund support. The Department held a public hearing on the proposed amendments on March 19, 2013.

5. EAST HUNTSVILLE/MADISON COUNTY CIVIC ASSOCIATION, INC. V. ADEM, AND VULCAN CONSTRUCTION MATERIALS, LP, EMC DOCKET NO. 13-01 (NPDES-RELATED MATTER)

   The Commission will consider the Hearing Officer’s “Order/Recommendation” on Respondent ADEM’s and Intervenor Vulcan Construction Materials, LP’s Motions to Strike and Dismiss in this appeal/request for hearing regarding ADEM’s issuance of NPDES Permit No. AL0075507 to Vulcan Construction Materials, LP, Gurley Quarry, Madison County.

6. OTHER BUSINESS

7. FUTURE BUSINESS SESSION

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

Michael William Mullen, Choctawhatchee Riverkeeper
SUBJECT: Need for AEMC to make policy that strengthens stormwater management in Alabama
H. Lanier Brown, II, Esq, Chair  
c/o Environmental Management Commission  
P.O. Box 301463  
Montgomery, AL 36130-1463  

June 30, 2013  

Dear Chairman Brown:  

I am writing to request approval for a presentation at the June 21st AEMC meeting. The presentation addresses urban stormwater management issues that need the attention of the AEMC in order to set policy that is both protective of water quality and aquatic resources and the public treasury.  

In as much as the AEMC is the entity responsible for establishing environmental policy and providing direction to ADEM, Choctawhatchee Riverkeeper feels that it would be appropriate and timely for it to establish a committee to study the status of stormwater management in Alabama and to make policy recommendations to the AEMC for policy that establishes proactive measures for prevention of avoidable stormwater impacts. The presentation makes a case for establishing such a study committee.  

This letter and a pdf of the draft PowerPoint presentation are also being transmitted electronically to Ms. Thomas.  

Thank you for your consideration of this request.  

Respectfully,  
Michael William Mullen  
Choctawhatchee Riverkeeper  

Choctawhatchee RIVERKEEPER®, Inc.  
P.O. Box 6734  
Banks, AL 36005  
334-807-1365  
Email: riverkeeper@troy cable.net  
Web: http://choctawhatchee river.org  

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Attachment 2
ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION


WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

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 335-1 [335-1-6-.04/Permit Applications Fees (Amend); 335-1-6-.07/Payment of Fees (Amend)] of the Department’s General Administration Division Program rules, administrative code attached hereto, to become effective thirty-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 Division Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of June 2013.

APPROVED:

Mary J. Weidt

John Ester

James Brown

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 21st day of June 2013.

ABSTAINED:

H. Lamine Brown, II, Chair
Environmental Management Commission
Certified this 21st day of June 2013