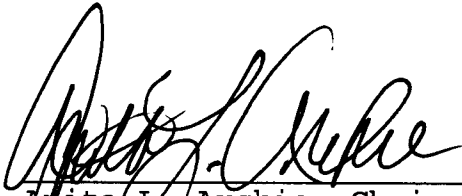


**2/22/10**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
December 11, 2009**



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 December 11, 2009.



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Anita L. Archie, Chair  
Environmental Management Commission

Certified this 9th day of February 2010.



**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2059**  
**December 11, 2009**

**Convened: 11:00 a.m.**  
**Adjourned: 11:43 a.m.**

**Part A**

**Transcript**

**Part B**

**Attachment Index**

**Attachments 1 – 7**



**Part A**





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ALABAMA ENVIRONMENTAL MANAGEMENT  
COMMISSION MEETING

Alabama Department of Environmental  
Management Building  
Main Hearing Room  
1400 Coliseum Boulevard  
Montgomery, Alabama

December 11, 2009                      11:00 a.m.

COMMISSION MEMBERS PRESENT:

ANITA L. ARCHIE, CHAIR

DR. JOHN H. LESTER, VICE CHAIR

H. LANIER BROWN, II

W. SCOTT PHILLIPS

SAM H. WAINWRIGHT, P.E.

ALSO PRESENT:

ONIS "TREY" GLENN, III,

ADEM DIRECTOR

ROBERT TAMBLING, EMC LEGAL COUNSEL

DEBI THOMAS, EMC EXECUTIVE ASSISTANT

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<p>1 INDEX</p> <p>2</p> <p>3</p> <p>4</p> <p>5 Page</p> <p>6</p> <p>7 Consideration of Minutes of 4 Meeting held on October 16, 2009</p> <p>8</p> <p>9 Election of Committee Chairs 5</p> <p>10</p> <p>11 Report from the Director 6</p> <p>12</p> <p>13 Report from the Commission Chair 36</p> <p>14</p> <p>15 Consideration of Adoption of 39 Proposed Amendments to ADEM Administrative Code Division 1, General Administration Regulations, Rules 335-1-1-.07 and 335-1-6-.07</p> <p>16</p> <p>17 Consideration of Adoption of 41 Proposed Amendments to ADEM Administrative Code Division 6, Water Quality Program Regulations, Rules 335-6-10-.09 and 335-6-11-.02</p> <p>18</p> <p>19 Tuscaloosa Resources, Inc. V. 44 ADEM, EMC Docket No. 09-03</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 COMMISSIONER ARCHIE: I would</p> <p>2 like to call this meeting to order. I</p> <p>3 would also like to acknowledge that we</p> <p>4 have a quorum present.</p> <p>5 The first Agenda Item</p> <p>6 Number 1 is consideration of minutes</p> <p>7 of the meeting held on October 16th,</p> <p>8 2009. I would entertain a motion at</p> <p>9 this time.</p> <p>10 COMMISSIONER LESTER: I move</p> <p>11 that we accept the minutes as</p> <p>12 presented to us.</p> <p>13 COMMISSIONER BROWN: Second.</p> <p>14 COMMISSIONER ARCHIE: Call for</p> <p>15 the question. All in favor, say aye.</p> <p>16 (Commission members in favor</p> <p>17 of the motion so indicated.)</p> <p>18 COMMISSIONER ARCHIE: Those</p> <p>19 opposed?</p> <p>20 (No response.)</p> <p>21 COMMISSIONER ARCHIE: The motion</p> <p>22 carries.</p> <p>23 Agenda Item Number 2 is</p>
Page 3	Page 5
<p>1 Friends of Hurricane Creek and 45 Alabama Rivers Alliance, Inc. V.</p> <p>2 ADEM and Tuscaloosa Resources, Inc., EMC Docket No. 08-07</p> <p>3 consolidated with Tuscaloosa Resources, Inc. V. ADEM and</p> <p>4 Friends of Hurricane Creek and Alabama Rivers Alliance, Inc., EMC Docket No. 08-08</p> <p>5</p> <p>6 Other Business 45</p> <p>7</p> <p>8 Future Business Sessions 54</p> <p>9</p> <p>10 Meeting Adjourned 55</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 the election of committee chairs. I</p> <p>2 would like to note that a list of</p> <p>3 committee chairs and members have been</p> <p>4 circulated to the Commissioners, and I</p> <p>5 would like to entertain a motion from</p> <p>6 the Commission regarding that list,</p> <p>7 which includes the following: For the</p> <p>8 Personnel Committee, John Lester as</p> <p>9 Chair and Conrad Pierce and Lanier</p> <p>10 Brown as members; B, for the</p> <p>11 Rulemaking Committee, Scott Phillips</p> <p>12 as Chair, Anita Archie and Sam</p> <p>13 Wainwright as members.</p> <p>14 COMMISSIONER PHILLIPS: So move.</p> <p>15 COMMISSIONER LESTER: Second.</p> <p>16 COMMISSIONER ARCHIE: Call for</p> <p>17 the question. All in favor, say aye.</p> <p>18 (Commission members in favor</p> <p>19 of the motion so indicated.)</p> <p>20 COMMISSIONER ARCHIE: Those</p> <p>21 opposed?</p> <p>22 (No response.)</p> <p>23 COMMISSIONER ARCHIE: Motion</p>

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<p style="text-align: right;">Page 6</p> <p>1 carries. 2 Agenda Item Number 3 is 3 the report from the Director. Mr. 4 Glenn? 5 MR. GLENN: Thank you, Chair 6 Archie, Commissioners, and thank you 7 for the opportunity to once again 8 stand before you and give this report. 9 You should have each received a signed 10 memo from me recently updating you all 11 on the contracts that have been 12 entered into by the Department. 13 Additionally, you should have received 14 a report from me per the operating 15 plan on the Project Transparency area. 16 Y'all, please excuse my 17 voice. I think this time last year I 18 lost my voice again, and this just 19 seems to be what I do now this time of 20 year. So please don't think it's 21 disrespectful if I take a sip of 22 water. 23 You should have received</p>	<p style="text-align: right;">Page 8</p> <p>1 decisions around the strategic goal of 2 having efficient and effective 3 departmental operations. In a moment 4 I'll cover a few additional 5 Line-of-Sight items, which is the 6 recognition of some high achievers and 7 later cover an issue as far as an 8 outstanding -- part of a standing 9 expectation which you've addressed in 10 Project Assist the Commission, which 11 is to inform you of some national and 12 international major policy issues. 13 One other thing to 14 mention is I know many of you have 15 talked to me -- and you hear feedback 16 on this -- on the complaint systems 17 and the inquiry systems that we have. 18 Obviously, we have a lot of 19 information here at ADEM. Many people 20 will request that information or log 21 complaints. And we have made some 22 moves since the last Commission 23 meeting, which is to appoint Mike</p>
<p style="text-align: right;">Page 7</p> <p>1 a report on project transparency, and 2 it includes the Project Speed update. 3 As we talked about last time, this 4 update reflects our performance 5 against a 10 percent reduction in 6 speed goals in nearly every program. 7 Increasing speed of our operations 8 drives the rate at which we're gaining 9 return on our largest asset, and 10 that's our people here, our personnel, 11 thereby increasing the velocity of our 12 operations and supporting the key 13 strategic goal, which is to have a 14 high-performing, efficient work 15 environment. 16 As part of the 17 Line-of-Sight, we added budget 18 subcategory data to individual team 19 boards where they will control those 20 funds and manage that. This clarity 21 provides the line managers and their 22 teams with the information that they 23 need to more effectively align their</p>	<p style="text-align: right;">Page 9</p> <p>1 Sherman to head up that process to 2 work for Russell Kelly to lead a team 3 to develop a more robust complaint in 4 an inquiry system. And our goal is, 5 just like we can go on UPS and see 6 where our packages are coming in for 7 Christmas, someone that logs a 8 complaint here should be able to go 9 on-line and see what the status of 10 that complaint is, what has happened 11 since then, and then ultimately link 12 themselves to the files that they 13 might be interested in. So that's the 14 vision that we have there that we have 15 been laying out through the operating 16 plans as we've been going through. 17 And so I just wanted to point out who 18 will be the instrumental player in 19 that, and it's Mr. Sherman. 20 Next is the 2009 21 Innovative Awards. Last week our 22 NPDES branch -- do we have -- I know 23 we have Mac and Glenda -- oh, there</p>

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<p style="text-align: right;">Page 10</p> <p>1 they are sitting together. Y'all know 2 these individuals. You know the great 3 work that they do, them and their 4 peers here. Last week the NPDES 5 Permit Branch won an honorable mention 6 at the 2009 Innovative Alabama 7 Government Awards. This is remarkable 8 in my mind because unlike most past 9 winners, ADEM was not recognized for 10 starting a new program or doing 11 something new, but for excellence in 12 its management and the re-engineering 13 of our NPDES business model. As the 14 entire department more fully realizes 15 your vision, all of our vision, I 16 expect there will be many more 17 opportunities for recognition of the 18 world class level operations that we 19 are embarking on. I am hopeful this 20 is just a first. 21 I don't think a meeting 22 goes by that we don't talk about 23 construction stormwater rules, or</p>	<p style="text-align: right;">Page 12</p> <p>1 just a bit. But we will now go back 2 through -- we are ceasing the efforts 3 to update them right now, and that 4 will be part of the bigger process, to 5 update the construction stormwater 6 regulations looking toward the new EPA 7 requirements. And I know you have 8 talked and we have talked over the 9 past couple of years, these types of 10 significant changes most likely will 11 be a major change to a program that's 12 of major interest. I anticipate that 13 based on past conversations, the Rules 14 Committee and the Commission will get 15 involved in this process as it moves 16 forward. And so I just wanted to give 17 you a heads up that that is now 18 starting. 19 And on to the current 20 theme of a real busy EPA recently is 21 the endangerment finding. As part of 22 our responsibility to inform you, the 23 Commission, of meaningful policy -- I</p>
<p style="text-align: right;">Page 11</p> <p>1 almost a conversation that we have 2 where we don't talk about that 3 program. We have talked about it, and 4 there's a lot of reasons for that, 5 very valid reasons. But we are 6 currently in the process of reviewing 7 our construction stormwater 8 regulations now. On December 1st of 9 this year EPA published effluent limit 10 guidelines and new source performance 11 standards to control the discharge of 12 pollutants from construction sites. 13 To maintain the consistency with the 14 program, we will have to modify our 15 rules to incorporate these changes. 16 And among the modifications will be 17 some forms. And so y'all have some 18 forms coming before you today, and I 19 think those stormwater forms have been 20 pulled out of that to make room for -- 21 or to just wait until the whole 22 program gets updated. I think Russell 23 or his crew will talk about that in</p>	<p style="text-align: right;">Page 13</p> <p>1 believe you all saw press releases and 2 everything else about this -- I wanted 3 to share about two findings that came 4 out. The first was the endangerment 5 finding that states that the 6 Administrator, Lisa Jackson, in 7 Washington finds that current and 8 projected concentrations of six key 9 well-mixed greenhouse gases, including 10 carbon dioxide -- that's a big focus 11 for many people -- threaten public 12 health and welfare of current and 13 future generations. Finding number 14 two states that the Administrator 15 finds that the combined emissions of 16 these well-mixed gases from new motor 17 vehicles and engines contribute to 18 greenhouse gas pollution which 19 threatens public health and welfare. 20 We will continue to monitor the 21 situation and work with it to see 22 where Congress will be. That's 23 obviously been our long-standing</p>

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<p style="text-align: right;">Page 14</p> <p>1 position hoping that Congress will do 2 something, but to figure out how this 3 will apply to us. Reading from the 4 press release here that came from EPA, 5 the findings do not in and of 6 themselves impose any emission 7 reduction requirements, but rather 8 allow EPA to finalize the greenhouse 9 gas standards proposed earlier this 10 year. So as we talked about before, 11 these don't have any new requirements 12 coming on, but they do open the door 13 for many things to come. 14 COMMISSIONER WAINWRIGHT: Madam 15 Chair? 16 COMMISSIONER ARCHIE: 17 Commissioner Wainwright? 18 COMMISSIONER WAINWRIGHT: Well, 19 it appears we have a conflict between 20 the EPA greenhouse gas endangerment 21 findings and the Alabama Act 98-668 22 prohibiting the promulgation of state 23 regulations intended to reduce</p>	<p style="text-align: right;">Page 16</p> <p>1 COMMISSIONER WAINWRIGHT: I 2 would just like to ask that you ask 3 the Attorney General to do that. 4 MR. GLENN: I would be happy to 5 do that. 6 COMMISSIONER ARCHIE: Let me ask 7 a quick question. 8 MR. GLENN: Yes, ma'am? 9 COMMISSIONER ARCHIE: These 10 findings, they are final? And they're 11 going to promulgate the rules and -- 12 MR. GLENN: Well, these are 13 final. Yeah, they proposed these 14 rules back -- they propose something 15 in the federal register, and then they 16 come in and make their final findings. 17 And so this is that final -- 18 COMMISSIONER ARCHIE: This is 19 the final finding? 20 MR. GLENN: There will be more 21 rules and regs that follow it. But 22 this one is -- 23 COMMISSIONER ARCHIE: Out of</p>
<p style="text-align: right;">Page 15</p> <p>1 emissions of greenhouse gases. I 2 would like to ask that the Director 3 request the Attorney General to 4 investigate filing a petition of 5 review or other such allowable appeal 6 for the endangerment and cause of 7 contributing findings of the 8 greenhouse gases under Section 202(a) 9 of the Clean Air Act promulgated by 10 EPA on December the 7th, 2009. 11 MR. GLENN: As you pointed out, 12 there's -- there is a conflict here. 13 We talked about the -- what I call the 14 Kyoto Protocol bill, the act that's 15 been in place. And we've spoken to 16 that several times and basically said 17 that we all want Congress to act, and 18 we don't need to pass any rules until 19 they do so. And so there's a 20 potential conflict brewing here, a 21 very real legal conflict brewing here, 22 and we're not the only ones in that 23 arena.</p>	<p style="text-align: right;">Page 17</p> <p>1 this? 2 MR. GLENN: Yes, ma'am. That's 3 correct. 4 COMMISSIONER ARCHIE: Okay. Any 5 questions regarding the request of 6 Commissioner Wainwright? Is everybody 7 comfortable with that? 8 COMMISSIONER PHILLIPS: What 9 type of time frame are we talking 10 about to have that? 11 COMMISSIONER WAINWRIGHT: It's 12 about 60 days to do that. 13 COMMISSIONER PHILLIPS: Is it 14 60 days? Okay. 15 COMMISSIONER ARCHIE: Okay. 16 MR. GLENN: We spoke about this 17 a while back, and this has taken off 18 like crazy, and it's the No Idling 19 program. I would like to give you an 20 update on that No Idling campaign. I 21 think these signs are now becoming 22 familiar to you. There's a lot of 23 them in production right now. And</p>

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<p style="text-align: right;">Page 18</p> <p>1 it's an ongoing effort between ADEM,  2 the Department of Public Health and  3 the Department of Education. The No  4 Idling signs are now in production  5 with two signs being produced for  6 every public school in Alabama. Later  7 this month, bus drivers statewide will  8 assemble for their regular training  9 that they do mid year -- I wasn't  10 aware of this, but they do this mid  11 year -- and as part of that the  12 Department of Education will introduce  13 a mandatory requirement that they are  14 not to idle their engines more than  15 five minutes. Violation of this  16 five-minute standard will lead to  17 actions by the Department of Education  18 that can ultimately result in the  19 drivers being dismissed from their  20 employment. This strategic  21 partnership will reduce the levels of  22 carcinogenic chemicals released into  23 the air by these diesel engines</p>	<p style="text-align: right;">Page 20</p> <p>1 out there ensuring that the bus  2 drivers turn these -- turn them off?  3 MR. GLENN: Before I had a  4 chance to ask that question, my staff  5 told me the answer to that. So that's  6 absolutely the right question. That's  7 not something we are expected to do.  8 I think those details will be worked  9 out during this training of the bus  10 drivers and the instructions they  11 receive. But my understanding was  12 that teachers and administrators and  13 people there who are loading the kids  14 on are supposed to keep an eye on  15 this. They're going to be asked to  16 watch out for this and tell -- I don't  17 know who they tell, but tell whoever  18 they are supposed to that the idling  19 is going on too long. And because now  20 the school board -- the Board of  21 Education has adopted this, they want  22 to minimize that just to reduce the  23 risk. The initial answer to that</p>
<p style="text-align: right;">Page 19</p> <p>1 including benzene and formaldehyde and  2 many others and will also reduce the  3 exposure of students to environmental  4 triggers of asthma. And we have a  5 resolution that the Department of  6 Education passed on this, and they've  7 really embraced this and see this as a  8 way to help protect the health and  9 welfare of their students out there.  10 COMMISSIONER ARCHIE: I've got a  11 question.  12 MR. GLENN: Yes, ma'am?  13 COMMISSIONER ARCHIE: So they  14 have to not have them running for five  15 minutes. Who is going to go out there  16 and enforce and make sure that -- what  17 happens? I mean, are they going to  18 have an officer out there, or how are  19 they going to be able to, you know,  20 exactly make sure they are complying  21 with this requirement? So, you know,  22 it sounds good, and, you know, it  23 looks good. But who is going to be</p>	<p style="text-align: right;">Page 21</p> <p>1 question is that the teachers and  2 administrators and those people who  3 are assisting in the loading of the  4 buses, the ones who are right there,  5 are going to be made aware of this and  6 asked to inform their appropriate  7 parties. Now, I'm not sure who those  8 are.  9 COMMISSIONER ARCHIE: It's only  10 as good as the enforcement of it. So  11 I commend the effort, but at the same  12 time I'm more concerned with the  13 actual enforcement and what happens  14 with it. So if you could keep us  15 up-to-date on who is going to be in  16 charge and making sure that bus  17 drivers are complying with this new  18 policy.  19 MR. GLENN: We will do that.  20 And we are in communication with the  21 Health Department and the Board of  22 Education on that, and I think that's  23 a very insightful statement on this.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Let me close a  2 traditional portion of my report with  3 an update on stimulus money. Chair  4 Archie, I know being in state  5 government yourself, I don't think a  6 day goes by where we're not asked  7 about or talked about or questioned  8 about or getting a letter about the  9 stimulus and the recovery act. And so  10 I wanted to give you an update. We  11 do, I think, play a very significant  12 role in the distribution of those  13 funds in the State of Alabama and a  14 very, very meaningful program that we  15 have been implementing and y'all have  16 been supporting for many years, much  17 well prior to this stimulus bill. We  18 are working diligently though to  19 ensure that those funds are being put  20 to work in Alabama as fast as  21 possible. There are specific  22 deadlines out in February that all  23 states are having to meet. But I just</p>	<p style="text-align: right;">Page 24</p> <p>1 milestones will be reached very soon.  2 The bottom line is we're on track.  3 EPA has been sending letters to every  4 governor, maybe even to the  5 Commission, basically just saying, hey  6 guys, don't forget, don't forget, this  7 is important; please get this money  8 out. But they didn't have interim  9 milestones or anything like that, but  10 we've got an end date that we're  11 looking at, and Alabama is on track to  12 doing that. One interesting note on  13 that is obviously you're aware of the  14 state our country is in, the economic  15 status of it. So it should not be  16 surprising that many contractors are  17 coming in under bid. People want to  18 do work. So that is actually a good  19 problem, I think, to work through. It  20 means there might be more projects  21 that we're able to do. And so this is  22 a very significant issue, not just in  23 Alabama, but all across the country</p>
<p style="text-align: right;">Page 23</p> <p>1 wanted to update you that all nine  2 clean water -- that's the wastewater  3 programs -- SRF loans have closed.  4 And this is a total of \$59,780,800.  5 Those loans have now all closed. The  6 bidding -- the bidding process has now  7 begun, so the clean water bidding is  8 progressing swiftly. 17 different  9 contracts have been executed totaling  10 \$42 million, and this is over 35  11 percent of the total ARA monies at  12 ADEM. So the contracts are  13 progressing forward, and we anticipate  14 all of it to be done prior to the  15 mandatory deadlines that are out  16 there. Four drinking water SRF loans  17 have closed, and the remainder are  18 expected to close before Christmas.  19 Drinking water execution is currently  20 at about two million, which is only  21 about 12 percent of the total, but a  22 lot of activity is happening between  23 now and Christmas. So significant</p>	<p style="text-align: right;">Page 25</p> <p>1 that we're having to work through and  2 implement.  3 And with that, that  4 concludes this portion of my report.  5 I will be happy to answer any  6 additional questions about this.  7 COMMISSIONER ARCHIE: Any  8 questions?  9 COMMISSIONER PHILLIPS: I have a  10 question. Do you have any idea  11 percentage wise how much stimulus  12 money the state got that was more  13 directed toward environment as opposed  14 to other infrastructure like roads and  15 bridges?  16 MR. GLENN: Chair Phillips, I'm  17 not sure on that. I've seen all those  18 reports about all the dollars, and I  19 can tell you we're only a few line  20 items in a very lengthy report. Now,  21 our line items, you know, total 60  22 plus million dollars for that, so  23 we're real significant. But I don't</p>

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<p style="text-align: right;">Page 26</p> <p>1 have that. We can get you that 2 information, because that information 3 does exist. Like everyone in the 4 country that are distributing these 5 funds that are reporting this, we are 6 reporting as well. The entire State 7 of Alabama is reporting as well. 8 Every agency is dealing with it. So 9 those numbers exist and I'll -- 10 COMMISSIONER PHILLIPS: Would 11 you make that available to us, please? 12 MR. GLENN: Yes, sir, I will. 13 COMMISSIONER PHILLIPS: Thank 14 you. 15 COMMISSIONER ARCHIE: I would 16 like to add that you can basically go 17 to federalreporting.gov and key in if 18 you're interested in the money that 19 the State of Alabama received. 20 They're quarterly reporting, so you 21 should be able to track how much money 22 we have actually expended towards 23 these programs and how many jobs</p>	<p style="text-align: right;">Page 28</p> <p>1 much prayer. It's been an honor to 2 serve Alabama in this capacity. It's 3 been an opportunity that I think many, 4 many people would relish. But for me 5 and for my family, it's time to write 6 the next chapter of my life as I do 7 work to realize a personal vision that 8 I have developed with my family as we 9 go forward. 10 I appreciate all of your 11 support. You know, beginning back in 12 September and October is the first 13 time I even began discussing this with 14 y'all. I first mentioned it with you 15 and the governor back then. And 16 individually, y'all have been 17 extremely supportive working with me, 18 supporting me in this decision, and I 19 appreciate that greatly and all the 20 way up through preparing the process 21 -- or in the process for preparing for 22 making this announcement. Thank you 23 for that.</p>
<p style="text-align: right;">Page 27</p> <p>1 they've created. So that is also 2 available on federalreporting.gov. 3 COMMISSIONER PHILLIPS: Thanks. 4 COMMISSIONER ARCHIE: Any other 5 business? 6 MR. GLENN: If you all would 7 like me to address the letter I gave 8 you this morning, I'll be happy to do 9 that now or wait until whenever you -- 10 COMMISSIONER ARCHIE: Please go 11 ahead. 12 MR. GLENN: Okay. As I've 13 discussed with each of you, today is 14 the appropriate time for me to step 15 down from the position of Director of 16 the Alabama Department of 17 Environmental Management. I had the 18 opportunity to address my staff a few 19 moments ago and make them aware of 20 this, and it's obviously with very 21 mixed emotions that I make this 22 decision. It was reached after much, 23 much discussion with my family and</p>	<p style="text-align: right;">Page 29</p> <p>1 You have a very critical 2 job. I don't have to tell you that. 3 You know it. I appreciate you serving 4 Alabama. I have four young kids, and 5 we are living here because this is a 6 safe place to live, and you play an 7 important role in that. Our state is 8 better off because of what you do. 9 I will truly miss coming 10 to work here every day. I will truly 11 miss walking in these doors and 12 working with the great professionals 13 that make up the ADEM team. My 14 employees are absolutely second to 15 none. They are constantly working in 16 situations here where they're 17 constantly being beat up. They're 18 getting beat up for things that are 19 outside of their control and for 20 decisions they didn't make. They 21 don't deserve that. They deserve 22 better. But they come in here and do 23 that; they work with you and work with</p>

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<p style="text-align: right;">Page 30</p> <p>1 me every day to perform our functions                  2 in light of all that. And they                  3 deserve more credit than they ever                  4 get.                  5         At your direction and                  6 with your leadership, we have done                  7 some amazing things. I can't say I                  8 take credit for all this. We've all                  9 done it together. I'm not talking                  10 about the fact that the air and the                  11 land and the water are cleaner and                  12 that Alabama is a healthier place to                  13 call home. I'm not talking about the                  14 passage of legislation that we've                  15 celebrated in here and has already                  16 resulted in a more sustainable future.                  17 I'm not talking about the fact that                  18 ADEM is in the strongest financial                  19 situation that we've been in the                  20 history of the department. I am                  21 talking about the true transformation                  22 of a good government organization into                  23 a high-performing, transparent work</p>	<p style="text-align: right;">Page 32</p> <p>1 resources policy. We as a country are                  2 at a very exciting time in many areas,                  3 and I'm looking forward to getting                  4 involved in these issues that are                  5 going to define our global future.                  6         I am going to take a                  7 little time to reflect on the most                  8 effective way that I can use my                  9 education and experiences to make a                  10 meaningful difference for our state's                  11 and country's future success. I have                  12 been blessed to have the opportunity                  13 to be involved in the many important                  14 issues here and to have the                  15 experiences I've gained in my previous                  16 roles in public and private service.                  17         Lastly, I just have to                  18 say, thank you for the opportunity to                  19 serve you. Thank you for the                  20 opportunity to serve my staff, and                  21 thank you for the opportunity to serve                  22 the State of Alabama.                  23         And that concludes my</p>
<p style="text-align: right;">Page 31</p> <p>1 environment. If you walk around the                  2 halls of ADEM and observe how our                  3 managers manage -- and this isn't just                  4 me talking; other people have observed                  5 this too. But if walk around the                  6 halls, you will see a focused,                  7 quality, highly-efficient system. All                  8 of you have experiences and exposures                  9 outside of government. I think you                  10 will agree with me that this is                  11 Fortune 100 company kind of stuff                  12 going on around here. I'm proud of                  13 what they have done. And I'm thankful                  14 to you for giving me the opportunity                  15 to be a part of it.                  16         I'm looking forward to                  17 seeing the heights that you and the                  18 Department will reach in the future.                  19 I'm also looking forward to building                  20 on my great experiences here and my                  21 past education, training and                  22 experience to further my career in the                  23 areas of environmental and natural</p>	<p style="text-align: right;">Page 33</p> <p>1 report.                  2         COMMISSIONER ARCHIE: Do I have                  3 a motion to accept Director Glenn's                  4 resignation?                  5         COMMISSIONER LESTER: Madam                  6 Chair, I make a motion that we accept                  7 the resignation and --                  8         COMMISSIONER ARCHIE: Do I have                  9 a second?                  10         COMMISSIONER PHILLIPS: Second.                  11         COMMISSIONER ARCHIE:                  12 Discussion?                  13         (No response.)                  14         COMMISSIONER ARCHIE: Any                  15 discussion? Did I cut you off?                  16         COMMISSIONER LESTER: Well, you                  17 did, but that's all right.                  18         COMMISSIONER ARCHIE: I'm sorry.                  19 Would you like to amend your motion?                  20         COMMISSIONER LESTER: I would.                  21 I amend my motion to say that we                  22 appoint John Hagood as Interim                  23 Director to assist the Commission</p>

9 (Pages 30 to 33)

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<p style="text-align: right;">Page 34</p> <p>1 during this transition process. He is 2 a lawyer. He's been here five years. 3 He doesn't want to make an application 4 for the new Director's job. I think 5 -- and we'll ask him in a minute if 6 he'll put that down. And this is a 7 transitional time, and we need some 8 consistency here. And I think -- and 9 we're looking at a short period of 10 time. So I think this would be the 11 best choice at this time. 12 COMMISSIONER PHILLIPS: Since I 13 seconded that, I guess I have to 14 decide whether I second that. And I 15 do. 16 COMMISSIONER ARCHIE: Any 17 further discussion? 18 (No response.) 19 COMMISSIONER ARCHIE: Mr. Glenn, 20 thank you so much for your service. I 21 have enjoyed working with you and wish 22 you and your family well. 23 MR. GLENN: Thank you very much</p>	<p style="text-align: right;">Page 36</p> <p>1 everything else, but thank you. 2 MR. GLENN: Thank you, Dr. 3 Lester. 4 COMMISSIONER ARCHIE: I think 5 under other business, we will discuss 6 the process for the selection of the 7 new Director under new business. But 8 right now we will continue with the 9 rest of our agenda. 10 Agenda Item Number 4 is 11 the report from the Commission Chair. 12 The only report I have is that we 13 actually had Dr. Laurel Gardner to 14 tender her resignation to serving on 15 the Alabama -- as part of the Alabama 16 Environmental Commission. It is -- I 17 am going to personally miss her 18 because she actually came on -- we 19 both were nominated at the same time, 20 and both of us went through senate 21 confirmation. I really enjoyed her. 22 She had a great passion for 23 environmental issues in the state as</p>
<p style="text-align: right;">Page 35</p> <p>1 on behalf of me and my family. 2 COMMISSIONER ARCHIE: I'll call 3 for the question. All in favor say 4 aye. 5 (Commission members in favor 6 of the motion so indicated.) 7 COMMISSIONER ARCHIE: Any 8 opposed? 9 (No response.) 10 COMMISSIONER ARCHIE: Motion 11 carries. 12 COMMISSIONER LESTER: I'd like 13 to say, too, that -- (inaudible.) 14 THE REPORTER: I can't hear you, 15 sir. 16 COMMISSIONER ARCHIE: I call on 17 Commissioner Lester. 18 COMMISSIONER LESTER: I would 19 like to say, too, that I appreciate 20 the job that you've done over the 21 years. And we know you've got a 22 growing family and everything, and you 23 have to look after them as well as</p>	<p style="text-align: right;">Page 37</p> <p>1 well as looking out for the best 2 interests of the employees of ADEM. 3 And I think you had great service with 4 Commissioner Gardner. At this time I 5 would like to read the resolution and 6 then possibly have a motion on the 7 resolution. 8 (As read:) Whereas, 9 Laurel G. Gardner, DVM, served as a 10 member of the Alabama Environmental 11 Management Commission from October 12 2006 until November 2009; and whereas, 13 she provided experience, wisdom and 14 foresight in the Commission's 15 deliberations on significant issues; 16 and whereas, her leadership abilities 17 were recognized by her election as 18 Chair of the Commission in October of 19 2008, a position she held until 20 October of 2009, and election as Vice 21 Chair of the Commission in October of 22 2007, a position she held until 23 October of 2008; and whereas, her</p>

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<p>1 dedication in effectively resolving                  2 environmental issues has often been                  3 accomplished at great personal effort                  4 and sacrifice. Now, therefore, be it                  5 resolved that the Alabama                  6 Environmental Management Commission                  7 expresses gratitude to Laurel G.                  8 Gardner, DVM, for a significant                  9 contribution to a better environment                  10 and an improved quality of life for                  11 the citizens of Alabama. Done this                  12 11th day of December, 2009.                  13 Do I have a motion?                  14 COMMISSIONER PHILLIPS: So move.                  15 COMMISSIONER WAINWRIGHT: So                  16 move.                  17 COMMISSIONER LESTER: Second.                  18 COMMISSIONER ARCHIE: Any                  19 discussion?                  20 (No response.)                  21 COMMISSIONER ARCHIE: Call for                  22 the question. All in favor say aye.                  23 (Commission members in favor</p>	<p>1 revisions include the addition of                  2 eight new forms, the deletion of three                  3 forms, and the modification of 30                  4 existing forms.                  5 It is important to note                  6 that a public hearing was held on                  7 November 4th, 2009, and the hearing                  8 record was held open until the close                  9 of business November 4th, 2009.                  10 During the comment period, the                  11 Department received six written                  12 comments, and based upon the comments,                  13 the Department changed three of the                  14 forms and removed one of the forms                  15 from consideration. Therefore, I am                  16 requesting your favorable action                  17 concerning these proposed revisions.                  18 And I'll yield for any questions.                  19 COMMISSIONER PHILLIPS: I move                  20 we accept.                  21 COMMISSIONER LESTER: Second.                  22 COMMISSIONER ARCHIE: Any                  23 discussion?</p>
Page 39	Page 41
<p>1 of the motion so indicated.)                  2 COMMISSIONER ARCHIE: Those                  3 opposed?                  4 (No response.)                  5 COMMISSIONER ARCHIE: The motion                  6 carries.                  7 Agenda Item Number 5 is                  8 consideration of adoption of proposed                  9 amendments to ADEM Administrative                  10 Code, Division 1, General                  11 Administration Regulations, Rules                  12 335-1-1-.07 and 335-1-6-.07. I call                  13 on the Department.                  14 RUSSELL KELLY: Good morning,                  15 Madam Chair and members of the                  16 Commission. As part of your package,                  17 you have the hearing record and                  18 related documents to the proposed                  19 adoption of the ADEM Administrative                  20 Code Division 335-1. These proposed                  21 rule changes reflect a landfill                  22 operator certification fee.                  23 In addition, the</p>	<p>1 (No response.)                  2 COMMISSIONER ARCHIE: Call for                  3 the question. All in favor say aye.                  4 (Commission members in favor                  5 of the motion so indicated.)                  6 COMMISSIONER ARCHIE: Those                  7 opposed?                  8 (No response.)                  9 COMMISSIONER ARCHIE: Motion                  10 carries. Thank you.                  11 RUSSELL KELLY: Thank you.                  12 COMMISSIONER ARCHIE: Agenda                  13 Item Number 6 is consideration of                  14 adoption of proposed amendments to                  15 ADEM Administrative Code, Division 6,                  16 Water Quality Program Regulations,                  17 Rules 335-6-10-.09 and 335-6-11-.02.                  18 I call on the Department.                  19 LYNN SISK: Good morning, Madam                  20 Chair and members of the Commission.                  21 My name is Lynn Sisk, and I am Chief                  22 of the Water Quality Branch of the                  23 Water Division.</p>

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Page 42	<p>1 The Department held a 2 public hearing on October 14, 2009, to 3 receive public comments concerning 4 proposed amendments to Alabama's water 5 quality standards, specifically to 6 Rule 335-6-10-.09, Specific Water 7 Quality Criteria, and to Rule 8 335-6-11-.02, Use Classifications. 9 The proposed change to rule 10 335-6-10-.09 would change the 11 bacterial indicator organisms and 12 associated criteria for non-coastal 13 waters from fecal coliform to 14 Escherichia coli, or E. coli, to be 15 consistent with the United States 16 Environmental Protection Agency 17 recommendations for protection against 18 waterborne illnesses. The proposed 19 changes to Rule 335-6-11-.02 would 20 include an upgrade in the use 21 classification for Hurtsboro Creek in 22 Russell County from Agricultural and 23 Industrial Water Supply to Fish and</p>	Page 44	<p>1 COMMISSIONER PHILLIPS: I move 2 we adopt. 3 COMMISSIONER BROWN: Second. 4 COMMISSIONER ARCHIE: Any 5 discussion? 6 (No response.) 7 COMMISSIONER ARCHIE: Call for 8 the question. All in favor say aye. 9 (Commission members in favor 10 of the motion so indicated.) 11 COMMISSIONER ARCHIE: Those 12 opposed? 13 (No response.) 14 COMMISSIONER ARCHIE: The motion 15 carries. Thank you. 16 (Applause.) 17 COMMISSIONER ARCHIE: Item 18 Number 7 is Tuscaloosa Resources, 19 Inc., versus ADEM, EMC Docket Number 20 09-03. I would like to acknowledge 21 that the Petitioner, Tuscaloosa 22 Resources has withdrawn their request 23 for hearing for this matter.</p>
Page 43	<p>1 Wildlife and the addition of the 2 Outstanding Alabama Water use 3 classification to the Magnolia River 4 in Baldwin County. 5 During the comment 6 period, the Department received seven 7 written comments. At the hearing on 8 October 14th, 2009, 10 persons 9 presented testimony. Comments 10 regarding the proposed changes were 11 generally supportive, but there were 12 several commenters that questioned how 13 the changes would affect permits for 14 wastewater discharges. All comments 15 received have been addressed in the 16 reconciliation statement that is 17 included in the hearing record and the 18 related documents that were provided 19 to you earlier. 20 The Department asks that 21 you adopt the changes as proposed. 22 And I'll be happy to answer any 23 questions you may have.</p>	Page 45	<p>1 (Off-the-record discussion.) 2 COMMISSIONER ARCHIE: Agenda 3 Item Number 8, Friends of Hurricane 4 Creek and Alabama Rivers Alliance, 5 Inc., versus ADEM and Tuscaloosa 6 Resources, Inc., EMC Docket Number 7 08-07 consolidated with Tuscaloosa 8 Resources, Inc., versus ADEM and 9 Friends of Hurricane Creek and Alabama 10 Rivers Alliance. I would like to 11 acknowledge for the record that 12 Petitioner Tuscaloosa Resources, 13 Incorporated, withdraw their request 14 for hearing in this matter. 15 Agenda Item Number 9 is 16 other business. I guess I would start 17 off that I think we do have other 18 business that we need to consider on 19 today. It's basically a process for 20 posting the announcement of the 21 vacancy as of 5 o'clock today with the 22 Director -- or with his resignation 23 for today and a process for actually</p>

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<p style="text-align: right;">Page 46</p> <p>1 selecting a new Director and the 2 posting of that job announcement. Do 3 I have any motion to come forward 4 regarding those items? 5 COMMISSIONER LESTER: I make a 6 motion we announce the job opening. 7 COMMISSIONER PHILLIPS: Second. 8 COMMISSIONER ARCHIE: Any 9 discussion? 10 COMMISSIONER PHILLIPS: 11 Commissioner Lester, will we do that 12 with the same description that we used 13 the last time or -- 14 COMMISSIONER LESTER: Yes. 15 COMMISSIONER PHILLIPS: Okay. 16 COMMISSIONER ARCHIE: Any 17 further discussion on possibly the 18 date of posting of the job 19 announcement and the time period? 20 COMMISSIONER PHILLIPS: When 21 will it be posted? 22 COMMISSIONER LESTER: Monday. 23 COMMISSIONER ARCHIE: Monday.</p>	<p style="text-align: right;">Page 48</p> <p>1 COMMISSIONER ARCHIE: I don't 2 think we want to do that. 3 ROBERT TAMBLING: Well, I mean, 4 I would think whatever a reasonable 5 time would be in your opinion. 6 COMMISSIONER LESTER: 30 days or 7 2 days? 8 ROBERT TAMBLING: I would think 9 30 days would be fine. I'm not aware 10 of any constraints on that. 11 COMMISSIONER ARCHIE: Well, let 12 me -- can I offer an amendment to your 13 motion then; that we direct the 14 Department to post the notice of 15 vacancy, the job announcement, on the 16 -- for posting possibly in -- whatever 17 circulation, newspaper, whatever, for 18 a period of three weeks beginning 19 Monday, which Monday's date is 20 December the 14th, until close of 21 business January the 8th. 22 COMMISSIONER PHILLIPS: Can I 23 ask for some clarification on your</p>
<p style="text-align: right;">Page 47</p> <p>1 COMMISSIONER PHILLIPS: And we 2 will give them how long? 3 COMMISSIONER LESTER: We have to 4 give them a certain length of time. I 5 don't know. What time, Robert? 6 COMMISSIONER ARCHIE: Do we have 7 to give a -- calling on counsel, do we 8 have to give a certain length of time 9 for posting? 10 ROBERT TAMBLING: A length of 11 time for keeping -- 12 COMMISSIONER ARCHIE: Posting of 13 the job announcement? 14 ROBERT TAMBLING: -- keeping it 15 open, in other words? 16 COMMISSIONER LESTER: Yes. 17 COMMISSIONER ARCHIE: Yes. 18 ROBERT TAMBLING: I don't know 19 the answer to that question. I would 20 say you could keep it open 21 indefinitely. 22 COMMISSIONER PHILLIPS: I don't 23 think we want to do that.</p>	<p style="text-align: right;">Page 49</p> <p>1 amendment? 2 COMMISSIONER ARCHIE: Sure. 3 COMMISSIONER PHILLIPS: You 4 stated that you would ask the 5 Department to do that. Is that 6 something that we really would want 7 Debi to do on behalf the Commission 8 with the help from the Department? 9 COMMISSIONER ARCHIE: Yes. And 10 I amend my motion for Debi to post for 11 us. 12 COMMISSIONER PHILLIPS: Thank 13 you. 14 COMMISSIONER LESTER: Robert, it 15 has to be done three times, don't 16 they? Debi, do you know? 17 ROBERT TAMBLING: I don't recall 18 that. 19 DEBI THOMAS: I would have to 20 check on the time frame of when we 21 could get it in the newspaper as far 22 as -- the quickest place to post is 23 obviously the Department's website.</p>

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<p style="text-align: right;">Page 50</p> <p>1 JOHN HAGOOD: I've been told by  2 the people that handle our notices  3 that Monday is ambitious for  4 publication in all of the newspapers  5 we need.  6 COMMISSIONER PHILLIPS: It's  7 impossible for people that don't have  8 to do that; right?  9 JOHN HAGOOD: And I will work  10 with Debi to make sure that we get  11 this ready to post Monday morning. We  12 can do that this afternoon and post it  13 until January the 8th. My  14 understanding is you want the major  15 dailies posted that we normally post  16 our notices in? That's my assumption  17 and so am just asking that.  18 COMMISSIONER ARCHIE: Is  19 everyone comfortable with that?  20 COMMISSIONER WAINWRIGHT: Madam  21 Chair, I would suggest that since it's  22 all up in the air, what we need to do,  23 we just pass a motion authorizing you</p>	<p style="text-align: right;">Page 52</p> <p>1 the Chair and Dr. Lester and the Chair  2 work with Robert to work through that  3 process like we did the last time. As  4 long as it doesn't deviate from the  5 last time relative to the postings, I  6 think I'm okay with it.  7 COMMISSIONER WAINWRIGHT: I  8 think I would have a motion to -- or  9 substitute a motion to authorize the  10 Chair and the Personnel Committee to  11 proceed in this manner.  12 COMMISSIONER PHILLIPS: Second.  13 COMMISSIONER ARCHIE: I just  14 want to make sure, procedurally are we  15 correct on how we've presented these  16 motions, Robert?  17 COMMISSIONER PHILLIPS: You have  18 to take this last motion up first.  19 ROBERT TAMBLING: Yeah. I think  20 you have to take up that last motion,  21 and I can't remember what it was.  22 COMMISSIONER PHILLIPS: The last  23 motion is one that Sam just made.</p>
<p style="text-align: right;">Page 51</p> <p>1 to proceed with this process.  2 COMMISSIONER LESTER: Do we have  3 to go to the trade publications?  4 JOHN HAGOOD: Well, your  5 three-week time frame for keeping this  6 posting open would make it difficult  7 to post in trade journals because  8 their publication times and their  9 periodicals may be monthly or  10 quarterly. I'm not sure that you  11 would be able to do that.  12 COMMISSIONER PHILLIPS: You may  13 be able check some of them. They may  14 do web postings for you as opposed to  15 the periodicals.  16 JOHN HAGOOD: And, of course,  17 it'll go on our website. And we'll  18 check the notice requirements for  19 other websites in the state.  20 COMMISSIONER PHILLIPS: I agree  21 with Sam that we have a motion to let  22 the Personnel Committee -- I would say  23 let the Personnel Committee work with</p>	<p style="text-align: right;">Page 53</p> <p>1 ROBERT TAMBLING: All right.  2 COMMISSIONER ARCHIE: Any  3 further discussion?  4 (No response.)  5 COMMISSIONER ARCHIE: I call for  6 the question. All in favor say aye.  7 (Commission members in favor of  8 the motion so indicated.)  9 COMMISSIONER ARCHIE: Those  10 opposed?  11 (No response.)  12 COMMISSIONER ARCHIE: Motion  13 carries.  14 COMMISSIONER PHILLIPS: Relative  15 to the other motion, it negates the  16 other one.  17 COMMISSIONER WAINWRIGHT: Yeah.  18 It was a substitute motion.  19 COMMISSIONER PHILLIPS: Right.  20 COMMISSIONER ARCHIE: All right.  21 Any other business, new business under  22 Item Number 9?  23 (No response.)</p>

14 (Pages 50 to 53)

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<p>1 COMMISSIONER ARCHIE: Item                  2 Number 10 is future business sessions.                  3 There was a list of proposed dates and                  4 times for our Commission meetings in                  5 2010. They were circulated to the                  6 Commissioners. Those times are                  7 February the 19th, April 16th, June                  8 18th, August 20th, October 15th,                  9 December 10th with 11 p.m. -- 11 a.m.,                  10 excuse me, as the meeting times for                  11 all dates.                  12 COMMISSIONER PHILLIPS: I make a                  13 motion we accept those dates.                  14 COMMISSIONER WAINWRIGHT:                  15 Second.                  16 COMMISSIONER ARCHIE: Do we have                  17 any discussion?                  18 (No response.)                  19 COMMISSIONER ARCHIE: Call for                  20 the question. All in favor say aye.                  21 (Commission members in favor of                  22 the motion so indicated.)                  23 COMMISSIONER PHILLIPS: I move</p>	<p>1 *****                  2 REPORTER'S CERTIFICATE                  3 *****                  4                  5 I, Karen Reagan Drinkard,                  6 Certified Court Reporter and Notary                  7 Public in and for the State of Alabama                  8 at Large, do hereby certify that I                  9 reported stenographically and then                  10 reduced to typewritten form by means                  11 of computer-aided transcription my                  12 stenographic notes of the foregoing                  13 Alabama Environmental Management                  14 Commission Meeting.                  15                  16 I further certify that the                  17 foregoing transcript is a true and                  18 correct transcript of the proceedings                  19 contained herein.                  20                  21 I further certify that I am                  22 neither of kin nor of counsel to the                  23 parties to said meeting, nor in any</p>
Page 55	Page 57
<p>1 we adjourn.                  2 COMMISSIONER LESTER: So move.                  3 COMMISSIONER BROWN: Second.                  4 COMMISSIONER ARCHIE: We are                  5 adjourned.                  6 (Meeting adjourned.)                  7                  8                  9 (The foregoing AEMC Commission Meeting                  10 concluded and was adjourned at                  11 approximately 11:43 a.m., on December                  12 11th, 2009.)                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23</p>	<p>1 manner interested in the results                  2 thereof.                  3                  4 Done this the 23rd day of                  5 December, 2009.                  6                  7                  8                  9 Karen Reagan Drinkard, ACCR #005                  10 Reporter and Notary Public                  11 State of Alabama at Large                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23</p>

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manner interested in the results  
thereof.

Done this the 23rd day of  
December, 2009.

Karen Reagan Drinkard/ca  
Karen Reagan Drinkard, ACCR #005  
Reporter and Notary Public  
State of Alabama at Large



<p style="text-align: center;"><b>A</b></p> <p><b>abilities</b> 37:16  <b>able</b> 9:8 19:19              24:21 26:21 51:11              51:13  <b>absolutely</b> 20:6              29:14  <b>accept</b> 4:11 33:3,6              40:20 54:13  <b>accomplished</b> 38:3  <b>ACCR</b> 57:9  <b>achievers</b> 8:6  <b>acknowledge</b> 4:3              44:20 45:11  <b>act</b> 14:21 15:9,14              15:17 22:9  <b>action</b> 40:16  <b>actions</b> 18:17  <b>activity</b> 23:22  <b>actual</b> 21:13  <b>add</b> 26:16  <b>added</b> 7:17  <b>addition</b> 39:23 40:1              43:1  <b>additional</b> 8:4 25:6  <b>Additionally</b> 6:13  <b>address</b> 27:7,18  <b>addressed</b> 8:9              43:15  <b>ADEM</b> 1:21 2:14              2:18,22 3:2,3 8:19              10:9 18:1 23:12              29:13 30:18 31:2              37:2 39:9,19              41:15 44:19 45:5              45:8  <b>adjourn</b> 55:1  <b>adjourned</b> 3:9 55:5              55:6,10  <b>Administration</b>              2:15 39:11  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**Part B**



## **Attachment Index**

- Attachment 1**      **Agenda**
- Attachment 2**      **Order adopting the list of Committee Chairs and Members**  
**(Agenda Item 2 – Elections)**
- Attachment 3**      **Order accepting the resignation of Mr. Glenn as Director of ADEM and appointing John Hagood as Interim Director of ADEM to assist the Commission during the transition process**  
**(Agenda Item 3 – Report from the Director)**
- Attachment 4**      **Resolution for former Commissioner Laurel G. Gardner, D.V.M.**  
**(Agenda Item 4 – Report from the Commission Chair)**
- Attachment 5**      **Resolution adopting amendments to ADEM Admin. Code Division 1, General Administration Regulations, Rules 335-1-1-.07 and 335-1-6-.07**  
**(Agenda Item 5 – Consideration of adoption of proposed amendments to ADEM Admin. Code Division 1, General Administration Regulations, Rules 335-1-1-.07 and 335-1-6-.07)**
- Attachment 6**      **Resolution adopting amendments to ADEM Admin. Code Division 6, Water Quality Program Regulations, Rules 335-6-10-.09 and 335-6-11-.02**  
**(Agenda Item 6 – Consideration of adoption of proposed amendments to ADEM Admin. Code Division 6, Water Quality Program Regulations, Rules 335-6-10-.09 and 335-6-11-.02)**
- Attachment 7**      **Order adopting motion authorizing the Chair and the Personnel Committee to proceed with the Director search process**  
**(Agenda Item 9 – Other business)**



**Attachment 1**





11/10/09

AGENDA\*  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING  
Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Hearing Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
Friday, December 11, 2009  
11:00 a.m.

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2. Elections	2
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5. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 1, General Administration Regulations, Rules 335-1-1-.07 and 335-1-6-.07	2
6. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 6, Water Quality Program Regulations, Rules 335-6-10-.09 and 335-6-11-.02	2
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8. <u>Friends of Hurricane Creek and Alabama Rivers Alliance, Inc. v. ADEM, and Tuscaloosa Resources, Inc., EMC Docket No. 08-07 Consolidated With Tuscaloosa Resources, Inc. v. ADEM, and Friends of Hurricane Creek and Alabama Rivers Alliance, Inc., EMC Docket No. 08-08 (NPDES-Related Matter)</u>	3
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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under EMC Information and Calendar of Events.

\*\* The Minutes for this meeting will be available on the ADEM website under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON OCTOBER 16, 2009
2. ELECTIONS
3. REPORT FROM THE DIRECTOR
4. REPORT FROM THE COMMISSION CHAIR
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 1, GENERAL ADMINISTRATION REGULATIONS, RULES 335-1-1-.07 AND 335-1-6-.07

The Commission will consider proposed amendments to ADEM Admin. Code Division 1, General Administration Regulations, Rule 335-1-1-.07, "Departmental Forms, Instructions, and Procedures" and Rule 335-1-6-.07, "Payment of Fees". The Department held a public hearing on the proposed amendments on November 4, 2009.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 6, WATER QUALITY PROGRAM REGULATIONS, RULES 335-6-10-.09 AND 335-6-11-.02

The Commission will consider proposed amendments to ADEM Admin. Code Division 6, Water Quality Program Regulations, Rule 335-6-10-.09, "Specific Water Quality Criteria" and Rule 335-6-11-.02, "Use Classifications". The purpose of amending Rule 335-6-10-.09 is to change the bacterial indicator organisms and associated criteria for non-coastal waters from fecal coliform to *Escherichia coli* (E. coli) to be consistent with the United States Environmental Protection Agency (EPA) recommendations for protection against water-borne illnesses. Proposed amendments to Rule 335-6-11-.02 upgrade use classifications for segments of Hurtsboro Creek in Chattahoochee River Basin and the Magnolia River in the Mobile River-Mobile Bay Basin, respectively. The Department held a public hearing on the proposed amendments on October 14, 2009.

7. TUSCALOOSA RESOURCES, INC. V. ADEM, EMC DOCKET NO. 09-03 (NPDES-RELATED MATTER)

The Commission will acknowledge Petitioner Tuscaloosa Resources, Inc.'s (TRI) withdrawal of the request for hearing in this appeal of ADEM's inclusion of certain discharge limitations, terms, and conditions in TRI, East Brookwood Mine, NPDES Permit No. AL0074349, issued October 10, 2008, and effective November 1, 2008.

8. FRIENDS OF HURRICANE CREEK AND ALABAMA RIVERS ALLIANCE, INC. V. ADEM, AND TUSCALOOSA RESOURCES, INC., EMC DOCKET NO. 08-07 CONSOLIDATED WITH TUSCALOOSA RESOURCES, INC. V. ADEM, AND FRIENDS OF HURRICANE CREEK AND ALABAMA RIVERS ALLIANCE, INC., EMC DOCKET NO. 08-08

The Commission will acknowledge Petitioner Tuscaloosa Resources, Inc.'s (TRI) withdrawal of the request for hearing for EMC Docket No. 08-08 for the appeal of ADEM's revocation of TRI, Panther 3 Mine, NPDES Permit No. AL0074012, effective August 28, 2008, and reissuance of a new TRI, Panther 3 Mine, NPDES Permit also denoted as Permit No. AL0074012 having different discharge limits, terms, and conditions.

9. OTHER BUSINESS
10. FUTURE BUSINESS SESSIONS



**Attachment 2**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Adopt the list of Committee Chairs and Members

ORDER

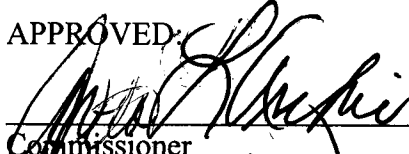
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:


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.

Environmental Management Commission Order  
Page 2

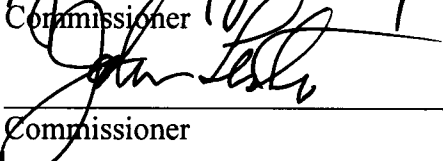
ISSUED this 11th day of December 2009.

APPROVED:

  
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Commissioner

  
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Commissioner

  
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Commissioner

  
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Commissioner

DISAPPROVED:

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Commissioner

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Commissioner

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Commissioner

ABSTAINED:

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Commissioner

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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 11th day of December 2009.

  
\_\_\_\_\_  
Chair

Environmental Management Commission  
Certified this 11th day of December 2009



12/2/09

## Alabama Environmental Management Commission 2010 Committees

### Personnel Committee

Chair: John Lester

Members: Lanier Brown  
Conrad Pierce

### Rulemaking Committee

Chair: Scott Phillips

Members: Anita Archie  
Sam Wainwright



**Attachment 3**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept the resignation of Mr. Glenn as Director of ADEM and  
Appoint John Hagood as Interim Director of ADEM to  
assist the Commission during the transition process

ORDER

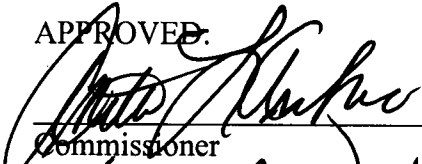
This cause having come before the Environmental Management Commission pursuant to  
the above motion, and having considered the same, the Commission hereby ORDERS,  
ADJUDGES, and DECREES as follows:

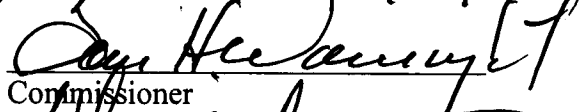
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective  
as of the date shown below.

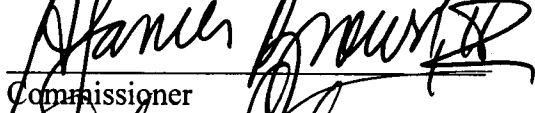
Environmental Management Commission Order  
Page 2

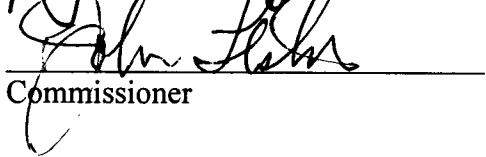
ISSUED this 11th day of December 2009.

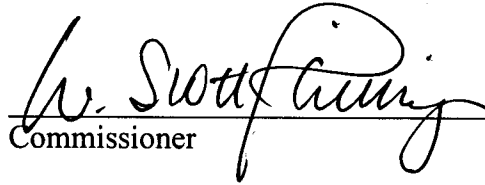
APPROVED:

  
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Commissioner

  
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Commissioner

  
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DISAPPROVED:

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Commissioner

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Commissioner

ABSTAINED:

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Commissioner

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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 11th day of December 2009.

  
\_\_\_\_\_  
Chair

Environmental Management Commission  
Certified this 11th day of December 2009

**Attachment 4**





# State of Alabama



## RESOLUTION

**WHEREAS, Laurel G. Gardner, D.V.M. served as a member of the Alabama Environmental Management Commission from October 2006 until November 2009; and**

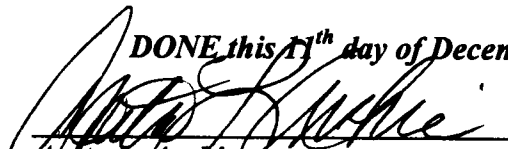
**WHEREAS, she provided experience, wisdom, and foresight in the Commission's deliberations on significant issues; and**

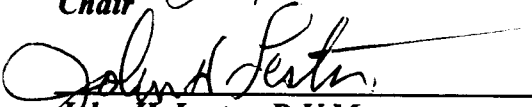
**WHEREAS, her leadership abilities were recognized by her election as Chair of the Commission in October 2008, a position she held until October 2009, and election as Vice Chair of the Commission in October 2007, a position she held until October 2008; and**


**WHEREAS, her dedication to effectively resolving environmental issues has often been accomplished at great personal effort and sacrifice; now**

**THEREFORE, be it resolved that the Alabama Environmental Management Commission expresses gratitude to Laurel G. Gardner, D.V.M. for her significant contribution to a better environment and an improved quality of life for the citizens of Alabama.**

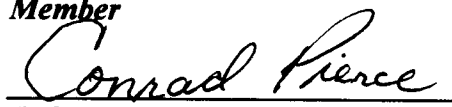
**DONE this 11<sup>th</sup> day of December 2009.**

  
Anita L. Archie  
Chair

  
John H. Lester, D.V.M.  
Vice Chair

  
H. Lanier Brown, II, Esq.  
Member

  
W. Scott Phillips  
Member

  
J. Conrad Pierce, M.D.  
Member

  
Sam H. Wainwright, P.E.  
Member



**Attachment 5**



**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-1 of the Department's General Administration Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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 and/or forms incorporating therein its reasons for the adoption of certain revisions to the proposed rules and/or forms in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules and/or forms 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.

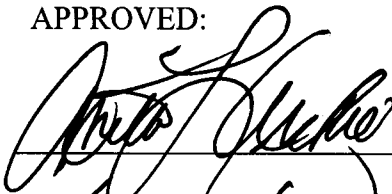
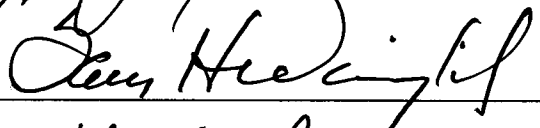

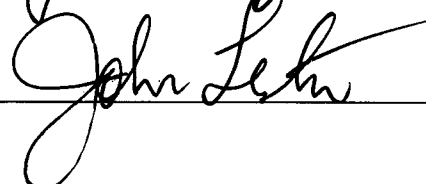
NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapters 335-1-1-.07, Departmental Forms, Instructions, and Procedures and 335-1-6-.07, Payment of Fees, 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 335-1-1-.07/Departmental Forms, Instructions, and Procedures  
ADEM Admin Code 335-1-6-.07/Payment of Fees  
General Administration

IN WITNESS WHEREOF, we have affixed our signatures below on this 11th day of  
December 2009.

APPROVED:

  
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DISAPPROVED:


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ABSTAINED:

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This is to certify that this Resolution is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 11th day of December 2009.

  
\_\_\_\_\_  
Chair  
Environmental Management Commission  
Certified this 11th day of December 2009

**Attachment 6**





**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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.

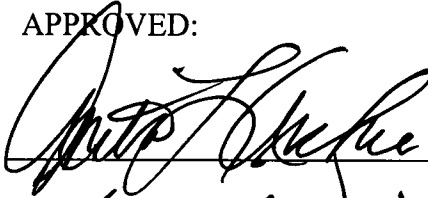
NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to rules 335-6-10-.09/Specific Water Quality Criteria and 335-6-11-.02/Use Classifications administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

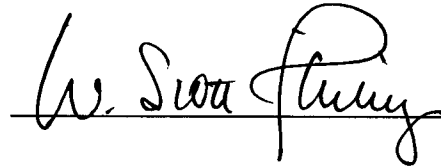
**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

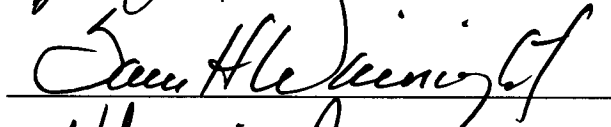
ADEM Admin. Code division 335-6- Water Quality Program Regulations  
335-6-10-.09 - Specific Water Quality Criteria  
335-6-11-.02 - Use Classifications

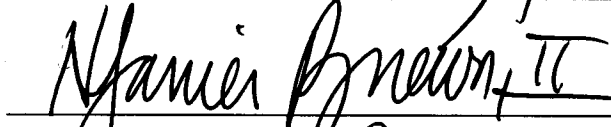
IN WITNESS WHEREOF, we have affixed our signatures below on this 11<sup>th</sup> day of  
December 2009.

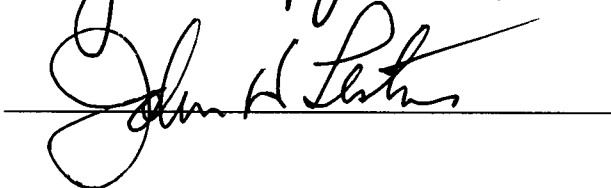
APPROVED:

  
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DISAPPROVED:

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This is to certify that this Resolution is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 11th day of December 2009.

  
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ABSTAINED:

Chair  
Environmental Management Commission  
Certified this 11th day of December 2009

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**Attachment 7**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Authorize the Chair and the Personnel Committee  
to proceed with the Director search process

ORDER

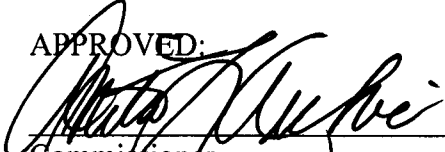
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:


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.


Environmental Management Commission Order  
Page 2

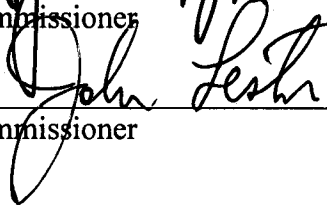
ISSUED this 11th day of December 2009.

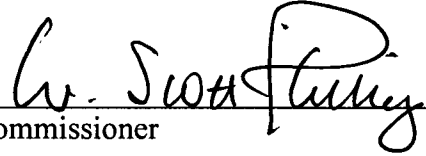
APPROVED:

  
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Commissioner

  
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Commissioner

  
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Commissioner

DISAPPROVED:

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Commissioner

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Commissioner

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Commissioner

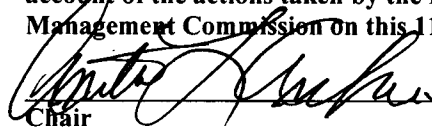
ABSTAINED:

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Commissioner

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Commissioner

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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 11th day of December 2009.**

  
\_\_\_\_\_  
Chair

**Environmental Management Commission  
Certified this 11th day of December 2009**