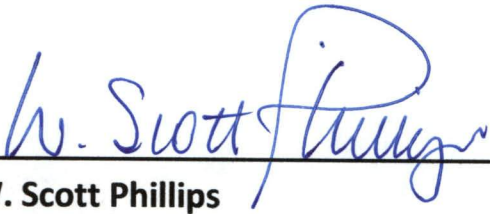


4/17/15

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 20, 2015

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 February 20, 2015.



W. Scott Phillips

Vice Chair

Alabama Environmental Management Commission

Certified this 17th day of April 2015.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 20, 2015

Convened: 11:00 a.m.
Adjourned: 11:50 a.m.

Part A

Transcript
Word Index

Part B

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Part A

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1 * * * * *

2

3

4 ALABAMA ENVIRONMENTAL MANAGEMENT

5 COMMISSION MEETING

6

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8 ALABAMA DEPARTMENT OF ENVIRONMENTAL

9 MANAGEMENT

10 Alabama Room

11 1400 Coliseum Boulevard

12 Montgomery, Alabama 36110-2400

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20 Taken by: Bridgette W. Mitchell,

21 ACCR 231

22

23

Page 3

1 CHAIRMAN BROWN: Good morning.

2 Call the meeting -- February 20, 2015

3 meeting of the Environmental Management

4 Commission for the State of Alabama to

5 order. Acknowledge that we have a

6 quorum, barely.

7 Good morning. I apologize for being

8 late. First on the agenda is

9 consideration of the minutes of the

10 December 12, 2014 meeting. And I'll

11 entertain a motion.

12 VICE CHAIRMAN PHILLIPS: Move we

13 accept the minutes as written.

14 DR. LAIER: Second.

15 CHAIRMAN BROWN: All in favor?

16 (Unanimous.)

17 CHAIRMAN BROWN: Next on the item

18 is our customary report from the

19 Director. Good morning, sir.

20 MR. LeFLEUR: Good morning,

21 Mr. Chairman. Good morning members of

22 the Commission. And good morning to all

23 of you welcome -- and welcome to all of

Page 2

1 * * * * *

2 APPEARANCES

3

4 COMMISSION MEMBERS PRESENT:

5 H. Lanier Brown, II, Esquire, Chair

6 W. Scott Phillips, Vice Chair

7 James E. Laier, Ph.D., P.E.

8 Mary J. Merritt

9

10 COMMISSION MEMBERS NOT PRESENT:

11 Samuel L. Miller, M.D.

12 Terry D. Richardson, Ph.D.

13 Robert L. Carson, Jr., D.V.M.

14

15

16 ALSO PRESENT:

17 Robert Tambling, EMC Legal Counsel

18 Lance R. LeFleur, ADEM Director

19 Debi Thomas, EMC Executive

20 Assistant

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1 you present for the third scheduled

2 meeting of the Alabama Environmental

3 Management Commission for fiscal year

4 2015 and the first AEMC meeting of

5 calendar year 2015.

6 Today's report will update you on

7 the operating budget and, this being the

8 first meeting of the calendar year, the

9 remainder of my report will focus on an

10 in-depth update on the Department's

11 annual operating plan.

12 We are currently in the second

13 quarter of the fiscal year budget cycle,

14 fiscal year 2015 budget cycle. At this

15 point, the Department, with our general

16 fund appropriation, federal grants, and

17 other generated revenue is able to meet

18 all of our financial obligations.

19 As reported in the December

20 Commission meeting, in our FY 2016 budget

21 request to the Department of Finance, the

22 Department requested an increase of

23 approximately \$1.3 million in general

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1 funds for emergency response and to cover
2 costs passed down to the Department from
3 the State. The Legislative Session will
4 begin on March 3rd, and although it will
5 be difficult in the current atmosphere of
6 restricted budgets and growing statewide
7 deficits, we will continue to work
8 closely with the Governor's office and
9 the Legislature to first maintain our
10 FY 2015 funding level and then to seek
11 this additional funding.
12 Each year the Department develops an
13 operating plan designed to ultimately
14 achieve the five-year goals set out in
15 the Unified Strategic Plan that's been
16 adopted by both the Commission and the
17 Department. Each year the Department
18 also develops detailed work plans for the
19 air, water, and land media with EPA, and
20 those work plans are then incorporated as
21 part of the Department's annual operating
22 plan. The Departmental Operating Plan
23 sets out specific actions to be taken

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1 category includes the suite of Compliance
2 Methods which, as the name suggests, is
3 designed to obtain compliance with permit
4 conditions. This group is comprised of
5 compliance assistance, inspections, and
6 enforcement.
7 Following a discussion of the tools
8 employed, we will look at what results
9 have been achieved to date in each
10 program as a result of the Department's
11 efforts, beginning first with Regulatory
12 Control tools. The regulatory process
13 involves two steps: the adoption of the
14 necessary regulatory framework, which is
15 often driven by federal regulations, and
16 then the development of permits
17 incorporating that regulatory framework.
18 There is considerable discussion
19 currently about both the pace and scope
20 of federal demands in the regulatory
21 area. The Department does not subscribe
22 to the theory that more regulation is
23 always better. However, in order to

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1 that will result in measurable
2 environmental improvements.
3 Today, my remarks will focus on --
4 first on the tools used to execute the
5 plan and then on the measurable
6 environmental results. This slide is a
7 representation of what will be discussed
8 today. Breaking it down on this second
9 slide, the tools can be grouped into
10 three categories; namely, Regulatory
11 Control, Education and Outreach, and
12 Compliance Methods.
13 The first category of tools,
14 Regulatory Control, involves the
15 development of required regulations and
16 the issuance of permits. Next is
17 Education and Outreach to citizens and
18 the regulated communities designed to
19 improve understanding of and compliance
20 with those regulatory controls.
21 Education and Outreach can take the form
22 of educational conferences, workgroups,
23 and electronic applications. The third

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1 maintain its primacy, ADEM must adopt
2 regulations as needed to meet changing
3 federal mandates.
4 Over the last two years, 15 new
5 regulatory updates have been adopted by
6 the Commission at the request of the
7 Department. This slide illustrates the
8 types of regulations that have come
9 before the Commission for adoption. As
10 you can see, the majority of the changes
11 have been in the air and water programs.
12 Unlike other media, RCRA regulations are
13 updated on an annual basis. In fact, the
14 annual update for this past year is on
15 the agenda for your consideration today.
16 Once the regulatory framework is in
17 place, permits are issued with the
18 appropriate conditions and limits.
19 This slide demonstrates the number
20 of permits, registrations, and
21 certifications issued or reissued for
22 each year since 2008. As you can see,
23 with approximately 10,000 permit actions

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1 each year, this is a major Departmental
2 activity. The fluctuation from year to
3 year is due in large part to the renewal
4 cycle of various permits. For example,
5 the NPDES General Permits are on a five-
6 year cycle. Variation can also reflect
7 the level of economic activity in our
8 state. For example, as economic activity
9 increases, the number of new homes being
10 built increases and, therefore, the
11 number of construction storm water
12 permits being issued increases.
13 The second category of tools is
14 referred to as Education and Outreach.
15 Education plays a vital role in achieving
16 environmental protection and improvement.
17 By reaching out and engaging the
18 regulated community as well as the
19 general public at every opportunity, the
20 Department can educate stakeholders on
21 what the regulations are and how they can
22 best comply. The better informed
23 stakeholders are, the more likely they

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1 people, the Department seeks to improve
2 actual compliance as well as
3 transparency.
4 A recent excellent example in the
5 area of media-specific educational
6 conferences is the 26th Annual Nonpoint
7 Source Conference which was held on
8 January 15, 2015. Participants learn
9 about ways to address nonpoint source
10 pollution and share success stories. The
11 319 Nonpoint Source Program is an
12 important effort to improve water quality
13 through an educational, nonregulatory
14 initiative. Participation in the 319
15 program is voluntary, so to have more
16 than 300 participants attend the
17 conference is extraordinary and it speaks
18 to the quality of that conference. It is
19 encouraging that nearly 20 percent of the
20 attendees are first-time participants,
21 which shows that interest continues to
22 grow.
23 Over the last several years, I have

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1 are to aid our efforts to protect public
2 health and the environment.
3 Media-specific educational
4 conferences are held annually to update
5 interested individuals on the status of
6 regulatory changes and to share success
7 stories, thus providing both information
8 and encouragement.
9 We continue our program of formal
10 meetings with industry and environmental
11 stakeholder groups in addition to
12 informal meetings at the request of any
13 party.
14 The Department continues to expand
15 its use of e-government applications.
16 These applications are designed to both
17 educate and make the process of
18 compliance, or in some cases make
19 reporting noncompliance, as user-friendly
20 as possible.
21 By making the process of
22 environmental compliance as accessible as
23 possible to the greatest number of

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1 come to you -- before you and discussed
2 the e-government tools available to all
3 Alabamians, including e-complaint,
4 e-file, e-NOI, e-SSO, e-DWR, AEERS, and
5 e-DMR. Today, I will highlight just one
6 of those efforts, electronic Discharge
7 Monitoring Reporting, or e-DMRs.
8 This chart displays the number of
9 permittees by category now utilizing the
10 e-DMR system. For example, 2,055 general
11 permit holders, shown in yellow, are now
12 submitting electronically.
13 As of our last reporting period
14 ending January 28th, 76 percent of all
15 permittees with water discharges are now
16 using the e-DMR system; 90 percent of the
17 industrial facilities are in e-DMR; and
18 88 percent of the municipal facilities
19 are participating with more to come.
20 Even those industry segments with
21 uniquely complicated reporting challenges
22 such as mining and underground injection
23 control permits are continuing to show

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1 increased electronic reporting
2 utilization. Electronic reporting is
3 extremely important in achieving our key
4 goals of compliance, efficiency, and
5 transparency. In the future, I will be
6 reporting regularly on the Department's
7 progress for converting DMR reporting
8 into an entirely electronic format.
9 The final category of tools utilized
10 by the Department is designed to achieve
11 compliance and includes Compliance
12 Assistance, Inspections, and Enforcement.
13 Research has shown that these three
14 activities are the most effective means
15 of obtaining compliance.
16 By way of example, this next slide
17 highlights a Compliance Assistance
18 program very recently undertaken in
19 Alabama's low income and minority
20 communities, which are sometimes referred
21 to as Environmental Justice or simply EJ
22 communities. Aboveground petroleum
23 storage tanks can be a source of

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1 like having an inspector show up
2 periodically to keep you on your toes.
3 As you can see in this slide, the
4 Department conducted more than 25,000
5 inspections and observations in 2014 and
6 has maintained approximately the same
7 level of inspections over the past
8 several years.
9 After Compliance Assistance and
10 Inspections, the third most effective
11 means of achieving compliance is
12 enforcement. At a number of the past
13 Commission meetings, I have updated you
14 on the Department's enforcement actions
15 using EPA's dashboards. In an effort not
16 to repeat too much information previously
17 presented, I have chosen a single
18 dashboard in each of the three media to
19 summarize enforcement.
20 The charts on this slide show both
21 formal and informal enforcement actions
22 taken by the Department and EPA. In the
23 air and hazardous waste charts, at the

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1 groundwater contamination when
2 underground piping or the tanks
3 themselves leak. Several recent
4 incidents have occurred in disadvantaged
5 communities that have resulted in costly
6 cleanups that could have been avoided.
7 This new compliance assistance program
8 has targeted 92 communities where ADEM
9 personnel will provide on-site assistance
10 in developing both preventative and
11 quick-response plans to deal with
12 potential problems. The objective is to
13 administer that important ounce of
14 prevention and avoid the costly cure that
15 these communities can ill-afford to pay.
16 Compliance assistance is one of the
17 two most effective means to obtain
18 compliance. The other most effective
19 method or tool to obtain compliance is
20 facility inspections and observations.
21 Inspections can serve as education,
22 compliance assistance, or an initial step
23 toward enforcement. There is nothing

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1 top of the slide, the light blue bar
2 represents the informal actions while the
3 yellow bar represents formal actions. In
4 the water chart at the bottom of the
5 slide, informal actions are represented
6 by the orange column and formal actions
7 are represented in blue. Why EPA decided
8 to switch the color code, I don't know.
9 As you can see, in recent years, the
10 number of informal enforcement actions in
11 each of the three charts far exceeds the
12 number of formal actions. As I have said
13 on a number of occasions, if informal
14 action, such as a notice of violation,
15 returns a facility to compliance, then an
16 administrative order or litigation
17 becomes unnecessary. It is far more
18 efficient in terms of time and resources
19 to gain compliance through informal
20 action. The violation has ended and,
21 where appropriate, remediated in the
22 shortest time -- in the shortest possible
23 time with the least expenditure of

<p style="text-align: right;">Page 17</p> <p>1 resources. There are obvious 2 environmental benefits from the quick 3 resolution. The Department is also able 4 to use its scarce resources to cover more 5 facilities or preserve those scarce 6 resources to use in enforcement actions 7 against those bad actors that willfully 8 or negligently refuse to end and/or 9 remediate the environmental harm done by 10 their action or inaction.</p> <p>11 We have looked at how the regulatory 12 framework is developed, how the regulated 13 community and others are engaged and 14 educated, and how compliance is pursued. 15 Now, we will look at the results of those 16 efforts in the various media.</p> <p>17 We'll start with air-quality 18 results. In the 1970s, Alabama had 15 19 areas that did not meet air-quality 20 standards for ozone, fine particles, SO₂, 21 and lead. Today, that number has been 22 reduced to one small site less than one 23 mile in diameter surrounding a lead</p>	<p style="text-align: right;">Page 19</p> <p>1 pollutant impairments. 2 You will note a significant increase 3 in waterbody-pollutant delistings over 4 the last several 303(d) two-year cycles, 5 culminating with 40 waterbody-pollutants 6 meeting the criteria for being removed 7 from the 303(d) list in 2014. This is 8 the type of observable impact that we 9 seek to achieve in all of our compliance 10 and enforcement efforts.</p> <p>11 Turning now to Unauthorized Solid 12 Waste Dumps. The Department maintains a 13 program funded by the Solid Waste Fund to 14 remediate illegal solid waste disposal 15 sites where no responsible party can be 16 identified. Since its inception in 2009, 17 this program has been responsible for the 18 removal of more than 48,000 tons of solid 19 waste from 415 sites across the state. 20 An additional 1,073 sites have been 21 identified and addressed through 22 enforcement actions against responsible 23 parties.</p>
<p style="text-align: right;">Page 18</p> <p>1 smelter. A plan to reduce lead emissions 2 is in place in that area. Current 3 ambient readings show that if such 4 readings are maintained, the facility is 5 on a path that will allow an attainment 6 designation in due course.</p> <p>7 As announced at the last Commission 8 meeting, the entire state is in 9 attainment for ozone, for fine particle, 10 and SO₂ air-quality standards for the 11 first time since the Clean Air Act became 12 law in 1970.</p> <p>13 This graph shows the dramatic 14 improvement in ozone that resulted in 15 achieving attainment. Graphs for fine 16 particles, SO₂, and lead would show 17 similar results.</p> <p>18 Moving on to water-quality results, 19 this next slide is one example of the 20 improvements made in water quality. This 21 particular comparison was selected 22 because it speaks directly to water 23 quality as measured by waterbody-</p>	<p style="text-align: right;">Page 20</p> <p>1 Similarly, the Department maintains 2 the Scrap Tire Remediation Program funded 3 by the Scrap Tire Fund to remediate 4 illegal tire disposal sites. Scrap tire 5 cleanup is accomplished by both direct 6 Departmental action and, recently, by 7 actions in partnership with individual 8 counties around the state. Direct 9 actions have resulted in the remediation 10 of 126 sites containing more than eight 11 million scrap tires. The quality of life 12 for Alabama citizens has been improved by 13 reduced vector populations and reduced 14 fire hazard.</p> <p>15 In 2011, the Scrap Tire Remediation 16 Program began what has turned out to be 17 an exceptionally successful partnership 18 with the counties. The Department has 19 entered into contracts with individual 20 county governments to remove scrap tire 21 debris from right of ways. The counties 22 are compensated for their work from the 23 Scrap Tire Fund. This removes both an</p>

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1 illegal waste and a potential hazard from
2 our roadways. To date, 48 counties are
3 participating in this program and more
4 than 400,000 scrap tires have been
5 successfully remediated.
6 Moving on to the hazardous waste
7 arena, the Department has a fully-
8 authorized RCRA program through which
9 hazardous waste management permits are
10 issued, inspections are conducted at
11 regulated sites, and appropriate
12 enforcement actions are taken to ensure
13 compliance.
14 In 2009, EPA established corrective-
15 action goals with a 2020 Corrective
16 Action Baseline. That baseline includes
17 3,779 facilities nationally and currently
18 includes 71 facilities in Alabama. In
19 measuring progress towards these RCRA
20 Corrective Action Goals, EPA focuses on
21 seven milestones, shown on this slide, in
22 the remediation of a corrective-action
23 site. The level of achievement of each

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1 milestones. It should be noted that this
2 work on the national baseline sites is in
3 addition to that conducted by the
4 Department on nonbaseline facilities,
5 including major remediation sites such as
6 Redstone Arsenal in Huntsville.
7 The final area of results the
8 Department has achieved a significant --
9 where the Department has achieved
10 significant environmental improvements is
11 its Underground Storage Tank, or UST
12 Corrective Action Program. To date, the
13 UST program has issued No Further Action
14 letters on 3,700 of the releases, shown
15 in light blue, or 75 percent of the 4900
16 UST releases identified. The
17 remaining -- of the remaining sites, 657,
18 shown in dark blue, are working under an
19 authorized corrective-action plan. To
20 put this in perspective, it should also
21 be noted that during FY 2014, there were
22 only 68 new releases identified.
23 To summarize, the Department's

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1 of these milestones at baseline
2 facilities forms the foundation for EPA's
3 oversight of authorized state corrective
4 action programs and its national
5 reporting of results to Congress.
6 Time clearly would not allow us to
7 show the progress on each of these seven
8 milestones, so Remedies Constructed, one
9 of the key milestones, has been selected
10 as a representative indicator for all
11 milestones. This slide depicts the
12 Department's steady progress, shown in
13 blue, toward the construction of onsite
14 wide -- of sitewide remedies for the
15 baseline corrective-action sites. In
16 2011, the Department attained the 2015
17 objective set by EPA. By year end 2014,
18 the Department had put in place remedies
19 at 76 percent of the 71 baseline
20 facilities in Alabama, which far exceeds
21 the 2015 objective of 60 percent, shown
22 in red, set by EPA. Similar progress can
23 be noted for each of the remaining

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1 Annual Operating Plan incorporates -- to
2 summarize, the Department's Annual
3 Operating Plan incorporates the goals set
4 in the Unified Strategic Plan as well as
5 the annual work plans negotiated with
6 EPA. A variety of tools are utilized in
7 executing the plan. The results show
8 significant measurable improvements to
9 the environment and the lives of
10 Alabamians.
11 The Annual Operating Plan is in
12 keeping with the Department's mission to
13 assure for all citizens of the state a
14 safe, healthful, and productive
15 environment.
16 Once again, let me close with my
17 thanks to you for serving the State of
18 Alabama as commissioners on the
19 Environmental Management Commission and
20 for allowing me to serve the state in
21 this capacity.
22 If there are any questions, I'd be
23 pleased to address them.

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1 CHAIRMAN BROWN: Thank you,
2 Mr. Director. Do any of the
3 Commissioners have any questions or
4 comments?
5 (No response.)
6 CHAIRMAN BROWN: Thank you.
7 MR. LeFLEUR: Thank you.
8 CHAIRMAN BROWN: Next on the
9 agenda is a report from the Commission
10 Chair. I would, on behalf of the
11 Commission, like to acknowledge and
12 welcome Representative Robinson for
13 attending today. Thank you for being
14 here and being interested in the work
15 that the Department and the Commission
16 are responsible for.
17 Next on the agenda is the report
18 from the Rulemaking Committee. The Chair
19 will recognize Commissioner Phillips.
20 VICE CHAIRMAN PHILLIPS: Thank
21 you, Mr. Chairman. We don't really have
22 a report as such, but we do have a work
23 session this afternoon at one o'clock.

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1 So after that, we'll be able to report
2 back to the Commission.
3 CHAIRMAN BROWN: Thank you. Next
4 on the agenda is consideration of the
5 adoption of proposed amendments to ADEM
6 Administrative Code 335-14, Hazardous
7 Waste Regulations. And we'll call on the
8 Department for comments.
9 MR. CROCKETT: Thank you,
10 Mr. Chairman. Good morning,
11 Commissioners. I'm Chip Crockett, Chief
12 of the Industrial Hazardous Waste Branch
13 of the Land Division.
14 The Department is required to ensure
15 that its hazardous waste regulations
16 remain equivalent to the U.S.
17 Environmental Protection Agency
18 regulations in order to retain its fully-
19 authorized status. As the Director
20 mentioned earlier, the proposed revisions
21 to Division 14 of the ADEM Administrative
22 Code before you today are the result of
23 the Department's annual efforts to

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1 maintain this equivalency.
2 In its rulemaking, the Department is
3 proposing to do the following: adopt
4 revisions to federal rules addressing the
5 exportation of cathode ray tubes,
6 adopting new rules addressing solvent-
7 contaminated wipes, make minor revisions
8 to update existing requirements, and to
9 correct any typographical and formatting
10 errors.
11 Public notice of these proposed
12 annual revisions began on October 26,
13 2014, and a public hearing was held on
14 December the 10th, 2014. Three written
15 comments were received during comment
16 period. Copies of the comments, along
17 with the Department's reconciliation of
18 them, should be in your packets. There
19 was no one in attendance at the public
20 hearing.
21 On January 21st of this year, the
22 State Board of Public Health concurred
23 with the Department's recommendation to

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1 adopt these rules as proposed. At this
2 time, the Department requests that the
3 Commission adopt these rules as
4 recommended.
5 I'm glad to answer any questions you
6 may have.
7 VICE CHAIRMAN PHILLIPS: I move
8 we accept the recommendation of the
9 Department.
10 MS. MERRITT: I second.
11 CHAIRMAN BROWN: All in favor.
12 (Unanimous.)
13 CHAIRMAN BROWN: Thank you. Next
14 on the agenda is Marshall Durbin
15 Companies of Jasper versus ADEM. The
16 request for a hearing has been withdrawn,
17 so we will move on to other business.
18 Do any of the Commissioners have any
19 other business they would like to address
20 at this time?
21 (No response.)
22 CHAIRMAN BROWN: The Commission
23 or the Chair notes that the next meeting

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1 is April 17, 2015, at 11 a.m. in this
2 room. I understand all Commissioners are
3 currently available to be here.
4 Moving on to the public-comment
5 period, we have a request from State
6 Representative Oliver L. Robinson, Jr. on
7 behalf of concerned citizens working and
8 residing in north Birmingham regarding
9 the proposed addition of the 35th Avenue
10 site in north Birmingham to the EPA's
11 National Priority List and the impacts
12 thereof.
13 The Chair recommends that the
14 Commission vote in favor of hearing from
15 Representative Robinson and will
16 entertain a motion.
17 VICE CHAIRMAN PHILLIPS: So
18 moved.
19 DR. LAIER: Second.
20 CHAIRMAN BROWN: All in favor.
21 (Unanimous.)
22 CHAIRMAN BROWN: After that, we
23 will have Mitch Reid on behalf of the

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1 Environmental Protection Agency to have
2 the City of Tarrant and Inglenook
3 neighborhood designated as Superfund
4 sites. And both of these locations were
5 in my legislative district, and I have
6 been called by constituents to have
7 questions answered and to understand
8 better the process of them becoming --
9 being on the Superfund site. That led
10 me, as the vice chairman of the Jefferson
11 County House delegation, to do some
12 research on the Superfund designations
13 and the NPL listings and to look at the
14 North Birmingham 35th Avenue area
15 location with some fervor.
16 And I've had an opportunity to meet
17 with the EPA and the GASP organization
18 who are involved in this process, but I
19 have yet to see any information that
20 shows me that this area should be
21 designated as a Superfund site, not to
22 mention being put on the NPL listing.
23 And maybe I can get some of those answers

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1 Alabama Rivers Alliance speak on the
2 subject of Coal Ash Regulation and the
3 recently released federal regulations on
4 that issue. The Chair recommends we
5 consider granting the request for comment
6 and will entertain a motion.
7 VICE CHAIRMAN PHILLIPS: So move.
8 DR. LAIER: Second.
9 CHAIRMAN BROWN: All in favor.
10 (Unanimous.)
11 CHAIRMAN BROWN: To
12 Representative Robinson and Mr. Reid, as
13 you know, we prefer that you limit your
14 comments to ten minutes. And we will
15 hear from Representative Robinson first,
16 if that's okay.
17 REPRESENTATIVE ROBINSON: Thank
18 you very much, Mr. Chairman and members
19 of the Commission. I promise you I'll
20 keep it under ten.
21 I'm here today because of the 35th
22 Avenue North Superfund Site. And there
23 have been petitions provided to the

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1 from this body or -- or ADEM.
2 I'm really here today to try to
3 protect the residents of north
4 Birmingham. To date, after meeting with
5 everybody, there's been no reports
6 produced to me or for me by the EPA
7 that's available to the public that
8 accurately states who is responsible for
9 that contamination. And one company --
10 Walter Coke -- in the area has accepted
11 responsibility for what they have -- the
12 part that they have contaminated. But
13 the thing that gets me and what is in the
14 process of hurting the residents in that
15 area is that the EPA has included five
16 other corporations in on this process,
17 but there has been no reports stating
18 that these individuals are culpable in
19 any way. And where that hurts the
20 residents is the fact that we will have
21 decades of litigation that will occur
22 because of these five individual
23 companies being added to Walter Coke.

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1 And that is where it all begins for
2 the residents, because at that point, I
3 can tell you from the responses that I've
4 been getting is that, number one, their
5 property values have plummeted. And in
6 doing so, we've had a couple of -- or
7 more -- to go to our tax assessor's
8 office in Jefferson County and ask
9 whether their tax burdens can be reduced
10 because of the Superfund's site
11 designation and the -- the decline in
12 their property value. And that can't
13 happen and sorry that it can't, but the
14 tax assessors cannot do anything to help
15 them in any way from that perspective.
16 That is hurting them bad.
17 The thing that we want more than
18 anything is to find out or to get a
19 fingerprint of who actually contaminated
20 that area, and we haven't received that
21 yet from the EPA. And I think that's
22 what is creating this litigation, number
23 one, and the time that it's going to take

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1 if you're put on that listing, then where
2 you live is considered a dump and nothing
3 can happen there until it's either
4 cleaned up and after that, it will take
5 tremendous investment to get it to move
6 forward.
7 And just in closing, again,
8 Mr. Chairman and members, my request here
9 today is if ADEM has the ability or if
10 there are any reports out there that --
11 that they can share that will help us to
12 narrow down who's responsible, then that
13 will be very helpful for the residents in
14 my area. And, finally, Mr. Chairman,
15 if -- if at all possible, I may have a
16 question or two because you-all know more
17 about this than I do and ever will. But
18 if I could present those questions
19 through written format that they will be
20 answered for.
21 So that is my statement here today,
22 and I thank you-all for giving me the
23 opportunity to make those statements.

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1 for this to be resolved. I'm hoping that
2 this body, along with ADEM, can come, if
3 there are current reports or current
4 ways, to let us know through testing or
5 whatever that can be done to find out who
6 is culpable in this situation. And if
7 all five or six are and we can determine
8 that, then let's move forward and -- and
9 with posthaste.
10 But if we can't do that, then let's
11 get those out that we can't identify so
12 that we can reduce the number of people
13 that's involved from that perspective.
14 These individuals, they can't rent the
15 properties, they can't sell the
16 properties, and, actually, it's against
17 the law if they go out and turn the dirt
18 on their own property because of this
19 designation as a Superfund site. And it
20 will be even more if it goes to be put on
21 the NPL list, because at that point,
22 wherever you're living, it's considered a
23 dump. That's what it is. If you are --

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1 CHAIRMAN BROWN: Thank you. Does
2 anybody have any questions for
3 Representative Robinson or any comments?
4 (No response.)
5 REPRESENTATIVE ROBINSON: Thank
6 you very much.
7 CHAIRMAN BROWN: Thank you.
8 Would the -- I guess I'd like to say,
9 Representative, first, thank you for
10 being here and we appreciate your concern
11 on the -- on behalf of the citizens of
12 Birmingham. And I think, as reflected in
13 the record, that ADEM's comments to EPA,
14 I think a lot of your concerns that you
15 have raised are shared by the Department
16 and, by extension, the Commission. And
17 Director LeFleur is the man to ask for
18 any information that you need, and you
19 can always feel free to contact us as
20 well. But that's the most efficient
21 source.
22 REPRESENTATIVE ROBINSON: All
23 right. Thank you very much.

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1 MR. LeFLEUR: Thank you.
2 CHAIRMAN BROWN: Mr. Reid?
3 MR. REID: Thank you,
4 Mr. Chairman. Thank you, Commissioners,
5 for allowing me to speak this morning on
6 a topic that's been building up over
7 time, I guess you could say, the issue of
8 coal ash in Alabama. My name is Mitch
9 Reid. I'm the program director for the
10 Alabama Rivers Alliance. We are a
11 grassroots organization of river
12 advocates throughout the state. Our
13 mission is to protect the rivers of
14 Alabama and to give a voice to citizens
15 around the state to protect their waters.
16 Our goal is healthy rivers, healthy
17 people, and a healthy system of
18 government; and water policy and the
19 development of policy in the state is a
20 key part of that.
21 We've published our agenda. You've
22 seen this before. It's the Alabama Water
23 Agenda. The action items that we look at

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1 as I said, the development of coal-ash
2 policy for the state and to review where
3 we are as a state, to really give you a
4 background of what we see sort of from
5 the Rivers' perspective on coal ash and
6 then to talk about some of these upcoming
7 regulations which will come before you.
8 This is from the Physicians of
9 Social Responsibility. The basic message
10 here is that coal ash, while it is a
11 necessary waste, if you will -- it keeps
12 the lights on, certainly -- it is also
13 full of some bad things that we don't
14 necessarily want in our drinking and
15 swimming waters. We certainly don't want
16 it in our underground aquifers either.
17 The, again, Physicians of Social
18 Responsibility say that coal ash is bad
19 for us. It has these toxic materials in
20 it. There are a lot of coal-ash sites
21 around this country. In Alabama, we have
22 over 44 coal-ash ponds in the state, and
23 that's really the topic of my discussion,

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1 from the Rivers Alliance are enforcements
2 of our state laws and development of good
3 water policy, making sure our agencies
4 are coordinating their actions -- that
5 includes the EPA and ADEM as well as our
6 agencies within the state -- and then
7 obviously we're working to make sure that
8 this agency has the funding and resources
9 it has to do the job that we ask of it.
10 I come to you -- before you today to
11 address the issue of coal ash, first
12 starting with No. 3 on -- on the EMC's
13 sort of reason for being, and that's
14 development of environmental policy for
15 the state and also discuss upcoming rules
16 and regulations which we'll ask you to
17 consider as part of the rulemaking
18 process. And we'll definitely be
19 involved with ADEM in the development of
20 the proposals that will come before you.
21 I'll speak a little more about that in a
22 minute.
23 Objectives of this presentation is,

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1 what we're seeing here in Alabama.
2 You've probably seen some of these
3 pictures before. This is Kingston,
4 Tennessee. This is what the coal-ash
5 pond looked like after a dam broke. This
6 is what the river looked like when the
7 coal ash leaked into the river. It's
8 really hard to see this pointer. But
9 this is essentially the river channel
10 after the coal-ash pond broke. This is
11 coal ash in Kingston, Tennessee today.
12 So the pond, the berms have been rebuilt
13 and the production of this material
14 continues. So this is a living legacy,
15 if you will.
16 Everyone's familiar with Arrowhead
17 and Uniontown and I won't belabor the
18 points that have been made, but suffice
19 it to say that whatever we do with coal
20 ash on the rivers is going to impact a
21 community somewhere, whether it's the
22 communities downstream of ponds or
23 communities that live with this dry

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1 material in their communities. And so we
2 want to be mindful when we ask that we
3 remove coal ash from the rivers that we
4 are also looking at a safe and fair way
5 of disposing this material.
6 This is most recent in the news.
7 It's Dan River. Even more recent than
8 this was a report that came out, I
9 believe, yesterday or day before that
10 Duke Energy is planning for around \$100
11 million in criminal fines that they'll
12 have to -- to prepare for as part of the
13 litigation of this. This is an ongoing
14 problem throughout the United States. As
15 you see here, the reports -- when this
16 pond in North Carolina started leaking,
17 the impacts of that ash were found up to
18 25 miles downstream. In Alabama, this --
19 this is a map that we worked with the
20 Southern Environmental Law Center to
21 produce, and it shows where the coal ash
22 impoundments are both in Alabama and
23 outside of our states and then the

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1 see the sheer size of -- of the
2 impoundment that we're talking about.
3 This is another impoundment. You see in
4 the background here, the impoundment is
5 the sort of horizontal berm in the back
6 and this is the discharge site. That's
7 what it looks like from the air. Another
8 sort of scanning back. So this entire
9 area is essentially a coal-ash
10 impoundment. We're talking about very
11 large structures. And then you see how
12 this structure is related in relationship
13 to the river and the floodplain of that
14 river. Another discharge site. And then
15 that discharge site that you saw is --
16 is -- is sort of responsible for this
17 entire impoundment.
18 So two big issues. The first is how
19 do we discharge the waste from -- from
20 coal ash into our water and what do our
21 permits look like on the ground. And
22 then the -- sort of the overarching issue
23 that EPA has been working with lately is

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1 downstream cities. This is not to say
2 that those cities are being impacted
3 right now. We certainly don't have the
4 ability to go out and test that. It just
5 shows that this is upstream of somebody.
6 These are just a couple of pictures
7 of coal-ash ponds. This is not intended
8 to say that any given pond is necessarily
9 better or worse than the others. It's
10 just to show what the issue looks like
11 from the -- from the river. This is --
12 this shows the coal ash which is sort of
13 filling in this impoundment. This is
14 actually an impounded creek. This is the
15 discharge.
16 And I'll talk a little about water
17 discharge. So this is where coal-ash
18 leach or effluent ultimately ends up
19 under current regulations. You see
20 people are out on the rivers. And then
21 this puts it in perspective. This is --
22 this impoundment, this is a man on a boat
23 in the Black Warrior River and you can

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1 how do we deal with the storage and
2 disposal of this waste. The first thing,
3 obviously, from a river standpoint, we're
4 concerned about the permits. We want to
5 make sure that the permits account for
6 the bad material that's coming out, and
7 they currently don't cover the spectrum
8 of these materials -- arsenic, lead,
9 mercury, cadmium, chromium, selenium.
10 Some may have some provisions, but we
11 don't have sort of a standardized version
12 of that and they're certainly not
13 protective on the universe of those
14 material.
15 Most of those permits that we have
16 in the state have expired and have been
17 administratively continued over the
18 years, some as long as eight to nine
19 years. But then, you know, I can come to
20 you today and say, Let's get the permits
21 out right now, but the EPA is going to
22 take action on this. We expect action in
23 September, and we expect that the

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1 requirements for the Clean Water Act
2 permits will be tightened down
3 significantly, and that's where this will
4 come before your attention again, because
5 we'll be looking at an update to the
6 water regulations in the state and to
7 make sure that we have those permits.
8 Once we get back around to these permits,
9 we need to make sure that they -- that
10 they are protective of our water, and we
11 certainly need a policy where we don't
12 wait multiple permit cycles to get the
13 permits issued.
14 Storage and disposal. This is a
15 rule that should be coming out any day
16 now. We understand it will be published
17 by the end of September -- I'm sorry --
18 by the end of February. The EPA is going
19 to be regulating coal-ash waste, the
20 actual landfills of coal ash under
21 Subtitle D of RCRA, which means that it
22 will be basically a local landfill -- it
23 won't be listed as a hazardous waste, and

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1 individual level, you know, we're
2 thankful that the power company is taking
3 these actions but we also want to see
4 something at the State level to make sure
5 that we have these protections across the
6 board.
7 Groundwater monitoring will be
8 incorporated into this so that we'll know
9 what's coming down into the ground which
10 has a direct connection to our rivers,
11 especially the ones -- the impoundments
12 that are close to streams. There will be
13 some location restrictions, floodplains,
14 connection to aquifers, and so that's
15 positive. In some cases there will be a
16 forced closure of ponds that don't meet
17 minimum safety requirements. And I can't
18 speak to what individual impoundments in
19 the state will meet those -- those
20 requirements. In some cases, there will
21 be a requirement to close legacy ponds,
22 which are those impoundments that are no
23 longer receiving ash but have, you know,

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1 so it will be within the utilities' and
2 the State's purview of managing that
3 under the Subtitle D of RCRA. There's
4 some beneficial components.
5 And I should say, just to be blunt,
6 we were hoping that the regulations would
7 come out under Subtitle C, which would
8 have regulated this as a hazardous waste.
9 The EPA has chosen not to do that. But
10 despite that, we are encouraged for
11 Alabama by some of the things that we see
12 coming out of the regulations. Alabama
13 is the only state that does not have a
14 dam safety program, and under these
15 regulations there will be requirements
16 for dam safety inspections. This sort of
17 is the iconic picture of what we're
18 talking about here. And I should say
19 we've spoken with the power company,
20 Alabama Power Company. They have gone
21 through dam safety inspections and
22 assessments after each of the EPA actions
23 and after other spills; and so on an

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1 sort of years and years of ash sitting
2 there. And the question is how are the
3 regulations going to make sure that those
4 are closed safely and then that that ash
5 with all those materials don't come out
6 over time.
7 There will be some strong cleanup
8 requirements if -- if those closure
9 requirements are triggered or if there's
10 an emergency requirement that's
11 triggered. The cleanup requirements
12 under these new rules will be very
13 strong, and so that's a -- that's a
14 positive thing for Alabama. And then the
15 public will be notified now when there is
16 leaks and releases from these, and then
17 that will also trigger some -- some
18 cleanup requirements.
19 So these are -- these are some good
20 things for Alabama, but the next step
21 here is for the EPA to publish those
22 rules and for ADEM to go through the
23 rulemaking process and -- and present you

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1 with some options so that you can develop
2 and promulgate the regulations for the
3 state.
4 So as I've said what the next steps
5 are, we expect EPA to be forthcoming with
6 the CCR rules, the coal-ash rules for
7 landfills, any day now, and September we
8 expect a rule on the Clean Water Act or
9 the discharge; it's called the effluent
10 rule. We're asking that you review this
11 situation. I have -- I'm at your
12 disposal for any information that we have
13 and collecting information from ADEM to
14 look at what the status of coal ash is in
15 Alabama and what these rules can do for
16 us. And then we are committed as
17 stakeholders to work with both ADEM and
18 the EMC in the rulemaking process to
19 ensure that these regulations will be
20 protective of our water and of our
21 citizens.
22 I have just a couple of handouts or
23 just handouts that I'll hand to Debi

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1 (Unanimous.)
2 CHAIRMAN BROWN: Adjourned.
3
4 (The hearing concluded at
5 11:50 a.m., on February 20,
6 2015.)
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1 after the end here. Just basically gives
2 a snapshot of what I just talked about.
3 And I'll certainly answer any questions
4 that you have.
5 CHAIRMAN BROWN: Thank you. Any
6 Commissioners have any questions or
7 comments?
8 (No response.)
9 CHAIRMAN BROWN: Thank you.
10 MR. REID: Thank you, sir.
11 CHAIRMAN BROWN: Any comment from
12 the Department?
13 MR. LeFLEUR: No comment needed,
14 I don't believe. We'll certainly involve
15 any interested party in the rulemaking
16 process.
17 CHAIRMAN BROWN: Thank you.
18 There being no other business, I move
19 for -- I will entertain a motion to
20 adjourn.
21 VICE CHAIRMAN PHILLIPS: So move.
22 DR. LAIER: Second.
23 CHAIRMAN BROWN: All in favor.

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7 and foregoing transcript was taken down
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10 of computer-aided transcription, and that
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13 by said witness.
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15 I further certify that I am
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17 the parties to the action, nor am I
18 in anywise interested in the result of said
19 cause.
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21 I further certify that I am duly
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31 /s/ Bridgette W. Mitchell
32 Bridgette W. Mitchell
33 Certified Court Reporter and
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Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Resolution to adopt amendments to ADEM Admin. Code
Division 335-14, Hazardous Waste Program Regulations
(The amended regulations are on file with the Commission
meeting records.)
(Agenda Item 5)**

Attachment 1

Amended 2/11/15

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 20, 2015

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

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* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The Minutes for this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON DECEMBER 12, 2014
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. REPORT FROM THE RULEMAKING COMMITTEE
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-14, HAZARDOUS WASTE PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Admin. Code 335-14, Hazardous Waste Program Regulations, Rules 335-14-1 to 335-14-3. This proposed rulemaking would incorporate revisions made by EPA in its federal hazardous waste regulations to address the management of solvent-contaminated wipes as well as other routine updates and rules maintenance. The Department held a public hearing on the proposed amendments on December 10, 2014.

6. MARSHALL DURBIN COMPANIES OF JASPER V. ADEM, AND JASPER WATERWORKS AND SEWER BOARD, INTERVENOR, EMC DOCKET NO. 06-06 (NPDES-RELATED MATTER)

The Commission will acknowledge for the record the Petitioner's notice of withdrawal of the request for a hearing in this appeal/request for hearing regarding certain discharge limitations contained in SID Permit No. IU 39 64 00057 issued to Marshall Durbin Companies of Jasper on April 7, 2006.

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

(The Requests from the public to address the Commission are attached to the agenda.)

Request 1

Mitch Reid, on behalf of the Alabama Rivers Alliance

SUBJECT: Coal ash regulation in Alabama and the recently released federal regulations released by the U. S. Environmental Protection Agency on December 19, 2014

(Chair Brown will recommend that the Commission grant the Request. The full Commission will vote on whether or not to grant the Request prior to moving to the Public Comment Period.)

PUBLIC COMMENT PERIOD

Request 2

State Representative Oliver L. Robinson, Jr., on behalf of the concerned citizens
working and residing in North Birmingham

SUBJECT: Proposed addition of the 35th Avenue Site in North Birmingham to
EPA's National Priority List (NPL) and the impacts or potential impacts of the NPL designation
(Chair Brown will recommend that the Commission grant the Request. The full Commission will vote on
whether or not to grant the Request prior to moving to the Public Comment Period.)



Alabama Rivers Alliance
Water Is Life

January 28, 2015

Alabama Environmental Management Commission
P. O. Box 301463
Montgomery, AL 36130-1463



Dear Commissioners,

I respectfully request to present at the February 20th Environmental Management Commission meeting on the subject of coal ash regulation in Alabama and the recently released federal regulations released by the U.S. Environmental Protection Agency on December 19, 2014.

According to national reports, coal ash, the waste left over from burning coal, is the second largest industrial waste stream in the United States and poses serious threats to our health, air, and drinking water. Coal ash contains arsenic, lead, mercury, chromium, and a range of harmful heavy metals and toxic pollutants that poison the air and drinking water supplies of communities living near coal ash dumpsites.

As you are aware, the 2008 disaster in Tennessee poured a billion gallons of toxic sludge onto farmland and into the Emory and Clinch rivers, which was then transported to Perry County, Alabama and disposed of in a municipal landfill. In the absence of federal regulation and guidelines, the municipal landfill was inadequate for the protection of this already pollution-burdened community.

More recently, a failure along North Carolina's Dan River from a burst stormwater pipe underneath an unlined coal ash pit dumped 140,000 tons of coal ash and toxic wastewater into the river contaminating thousands of people's drinking water for weeks.


The problem with coal ash pollution in Alabama is a grave concern to those who rely on our rivers for clean water and safe recreation. Coal Ash warrants strong and enforceable regulation. According to EPA's rule it is now up to states to develop and implement these regulations in the most effective and efficient way possible. As the policy making body for the Alabama Department of Environmental Management, the EMC has a critical responsibility in guiding the Department's actions on Coal Ash

My presentation will provide an overview of coal ash in Alabama. I will provide some overall numbers of where coal ash is currently being stored across the state and describe the current laws and practices in Alabama that leave Alabama's citizens and waterways in a vulnerable position when it comes to coal ash.

The goal of the presentation is to give you a better understanding of where we are now in Alabama and where we need to be in implementing these important regulations as the EMC undertakes to develop the necessary policies and regulations.

Thank you for your consideration of this request and for your time in serving the people of Alabama as a member of the AEMC. I am putting together a power point presentation, which I plan to provide to you no later than February 6th.

Sincerely,



Mitch Reid
Program Director
Alabama Rivers Alliance

More information for your reference may be found at the following websites:

www.southeastcoalash.org

<http://www.epa.gov/osw/nonhaz/industrial/special/fossil/ccr-rule/index.htm>



**ALABAMA
HOUSE OF REPRESENTATIVES**

11 S. UNION STREET, MONTGOMERY ALABAMA 36130

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DISTRICT No. 58
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February 6, 2015

H. Lanier Brown, II, Chair
Alabama Environmental Management Commission
1400 Coliseum Boulevard
Montgomery, Alabama 36110

RE: Request to provide comments at the February 20, 2015 Alabama Environmental Management Commission (AEMC) Meeting.

Dear Mr. Brown,

My name is Oliver Robinson and on behalf of the concerned citizens working and residing in North Birmingham, I am requesting an opportunity to provide comments at the AEMC meeting scheduled for February 20, 2015. As you may know, on September 22, 2014, the Environmental Protection Agency (EPA) published its proposal to list a segment of North Birmingham on the National Priorities List (NPL). As a result of this proposal, several segments of North Birmingham have either already been greatly impacted or have the potential to be impacted in the near future, the particulars of which have yet to be presented to AEMC.

As a state legislator and representative of a district adjacent to the North Birmingham superfund site, it is my duty to ensure that the North Birmingham community is adequately represented to relevant State organizations such as AEMC. The health and general welfare of our community depends, in large part, on AEMCs continued willingness to hear and actively engage in matters that are critically important to them. This NPL proposal is one such matter.

Thank you in advance for your time and consideration in addressing this request. We look forward to your response.

Respectfully,

A handwritten signature in black ink that reads "Oliver Robinson".

Oliver Robinson
9640 Eastpointe Circle
Birmingham, Alabama 35217
oliver.robinson.robinson@gmail.com
205.841.3326



Attachment 2

**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 335-14 of the Department's Land Division – Hazardous Waste Program Rules 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 division 335-14 [335-14-1-.02/Definitions and References (Amend), 335-14-2-.01/General (Amend); 335-14-2-.05/Exclusions/Exemptions (Amend); 335-14-3-.08/Special Requirements for Generators of Waste Destined for disposal at Commercial Hazardous Waste Disposal

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**


Facilities Located in the State of Alabama (Amend); 335-14-3-Appendix II/Request for Commercial Disposal (Amend)] of the Department's Land Division – Hazardous Waste Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

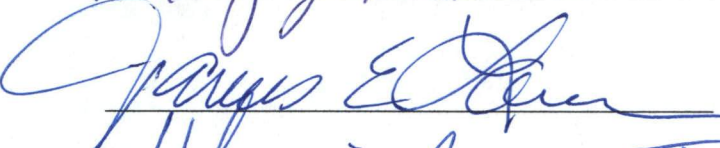
**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

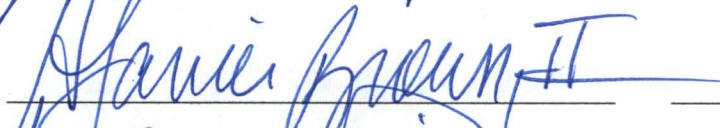
ADEM Admin. Code division 335-14 – Hazardous Waste Program

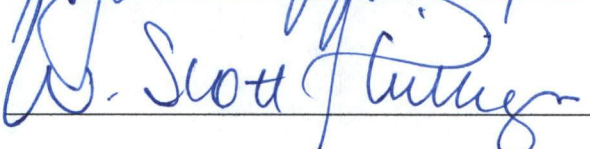
IN WITNESS WHEREOF, we have affixed our signatures below on this 20th day of
February 2015.

APPROVED:



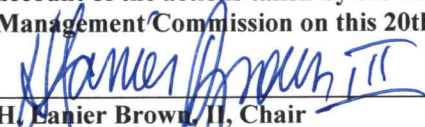






DISAPPROVED:

This is to certify that this Resolution is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 20th day of February 2015.



H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 20th day of February 2015

ABSTAINED:
