

6/20/16

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 15, 2016**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on April 15, 2016.



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

Certified this 17th day of June 2016.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 15, 2016

Convened: 11:15 a.m.
Adjourned: 11:50 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachment 1
Attachment 2
Attachment 3

Part A

L*4545*L* Page 1

1 ALABAMA ENVIRONMENTAL MANAGEMENT
2 COMMISSION MEETING
3
4
5
6
7
8
9 ALABAMA DEPARTMENT OF ENVIRONMENTAL
10 MANAGEMENT
11 Alabama Room
12 1400 Coliseum Boulevard
13 Montgomery, Alabama 36110-2400
14 April 15, 2015
15 11:15 a.m.
16
17
18
19
20
21
22
23 Taken by: Charity McCulley, CCR #424

Page 3

1 CHAIRMAN BROWN: Good
2 morning. We will call to order
3 the April 15th, 2016 meeting of
4 the Alabama Environmental
5 Management Commission. Hope
6 everybody is having a great tax
7 day.
8 Acknowledgement that we have
9 a quorum present.
10 First item on the agenda is
11 consideration of the minutes of
12 the meeting held on February
13 19th, 2016.
14 Chair will consider a
15 motion.
16 MR. MILLER: I motion that
17 we accept them.
18 MR. PHILLIPS: I second.
19 CHAIRMAN BROWN: All in
20 favor?
21 THE COMMISSION: Aye.
22 CHAIRMAN BROWN: Next on the
23 agenda is the report from the

Page 2

1 A P P E A R A N C E S
2
3 COMMISSION MEMBERS PRESENT:
4 H. Lanier Brown, II, Esquire, Chair
5 W. Scott Phillips, Vice Chair
6 Samuel L. Miller, M.D.
7 Craig Martin, D.V.M.
8 James E. Laier, Ph.D., P.E.
9 Mary J. Merritt
10
11
12
13 COMMISSION MEMBERS NOT PRESENT:
14 Terry D. Richardson, Ph.D.
15
16
17
18 ALSO PRESENT:
19 Robert D. Tambling, EMC Legal Counsel
20 Debi Thomas, EMC Executive Assistant
21 Russell Kelly, Chief of the Department's
22 Permits and Services Division
23

Page 4

1 Director.
2 Mr. Director, good morning.
3 DIRECTOR LeFLEUR: Good
4 morning. I'm glad to see you've
5 seen your way through the wreck
6 on the interstate. Good to see.
7 CHAIRMAN BROWN: More like
8 circumvented it through Clanton
9 and other parts.
10 DIRECTOR LeFLEUR: All
11 right. Well, good morning to
12 all. Today's report will
13 address efforts to obtain
14 increased Departmental funding
15 from the General Fund, highlight
16 the Department's activities in
17 the area of Environmental
18 Justice, and notify you of a
19 recent Civil Rights Act Title VI
20 complaint filed against the
21 Department that EPA is now
22 required to investigate.
23 The Legislature adopted a FY

Page 5	Page 7
<p>1 2017 General Fund budget, which 2 the Governor vetoed. The 3 Legislature overrode the 4 Governor's veto so the General 5 Fund budget is now final. It is 6 possible the Governor may call a 7 special session of the 8 Legislature some time in the 9 coming weeks to address Medicaid 10 funding. Actions in any special 11 session may impact some General 12 Fund appropriations. 13 As you may recall from the 14 February Director's report to 15 the Commission, the Department 16 requested a total of \$8.5 17 million in funding from the 18 General Fund, \$6 million of 19 which was for a new facility in 20 Mobile to house our field office 21 and coastal program in a single 22 location. The remaining \$2.5 23 million requested was to cover</p>	<p>1 existing pollution. 2 Fortunately, the FY 2017 3 General Fund budget does not 4 call for an ADEM transfer of 5 fees to the General Fund. 6 Since the \$6 million budget 7 request for new facilities in 8 Mobile was not granted, the 9 Department will be submitting a 10 proposal for funding the new 11 facilities to a council set up 12 to administer funds coming to 13 Alabama as a result of the 14 recently approved 2010 BP oil 15 spill settlement. We are 16 finalizing plans to respond to 17 the available operational 18 funding in the FY 2017 budget 19 and will be reporting those 20 plans at a future Commission 21 meeting. 22 The Commission has expressed 23 an ongoing interest in the</p>
Page 6	Page 8
<p>1 emergency response funding, 2 increased resources to meet the 3 demands of the new federal coal 4 ash and eReporting regulations 5 and the Department's cost 6 related to the state-mandated 7 new financial reporting system. 8 Given the State's financial 9 challenges, we were doubtful all 10 these well-justified requests 11 would be granted, and our doubts 12 were confirmed. The final ADEM 13 FY 2017 General Fund 14 appropriation is \$400,000, which 15 is earmarked to administer the 16 Concentrated Animal Feeding 17 Operations, or CAFO, Program. 18 This compares to the FY '16 19 appropriation of \$280,000 20 earmarked for the CAFO Program 21 and a \$1.2 million transfer to 22 the General Fund from fees 23 dedicated to cleaning up</p>	<p>1 Environmental Justice activities 2 of the Department. Today's 3 report will provide an update on 4 those activities. The report 5 will focus on four areas: The 6 history and definition of 7 Environmental Justice, or EJ; 8 ADEM personnel that have been 9 designated to coordinate EJ 10 activities; the Department's 11 implementation of elements of 12 the EPA-developed Plan EJ 2014; 13 and finally, a summary of EJ 14 activities of the Department 15 that go above and beyond even 16 those EPA has undertaken. 17 It's appropriate to begin 18 with some history and a 19 definition of the term 20 "Environmental Justice," or EJ. 21 In 1994 Presidential Executive 22 Order 12898 was signed. In the 23 Order, specified federal</p>

Page 9	Page 11
<p>1 agencies were directed to -- and 2 I'm quoting -- make achieving 3 Environmental Justice part of 4 its mission by identifying and 5 addressing, as appropriate, 6 disproportionately high and 7 adverse human health or 8 environmental effects of its 9 programs, policies, and 10 activities on minority 11 populations and low-income 12 populations, close quote. 13 Unlike the Civil Rights Act, 14 which is a federal law with 15 associated regulations binding 16 on all federal, state and local 17 governments, as well as other 18 organizations and individuals, 19 the Presidential Order is not a 20 law and is only binding on 21 certain identified federal 22 agencies, including EPA, in the 23 executive branch of the federal</p>	<p>1 process. 2 Since EJ is not incorporated 3 in any statute, no rules or 4 regulations for its 5 implementation have been 6 adopted, and thus, EPA has no 7 statutory or regulatory 8 authority to require any state 9 to undertake any EJ activity. 10 EJ is only an internal EPA 11 initiative. EPA has developed 12 internal agency policy to 13 advance its EJ initiative, but 14 only recommends that states 15 adopt EJ initiatives. An EJ 16 program is totally voluntary for 17 states. 18 In 2011, EPA developed a 19 document titled "Plan EJ 2014" 20 as a roadmap for integrating EJ 21 into its programs and policies. 22 EPA also entered into a 23 Memorandum of Understanding with</p>
Page 10	Page 12
<p>1 government. 2 While EPA itself is subject 3 to the Order, the Order does not 4 confer on EPA any statutory or 5 regulatory obligation or 6 authority to require any 7 Environmental Justice related 8 action by any state 9 environmental regulatory agency. 10 Only Federal environmental 11 statutes, including the Clean 12 Water Act, Safe Drinking Water 13 Act, Resource Conservation 14 Recovery Act, and the Clean Air 15 Act, grant EPA authority to 16 adopt implementing rules and 17 regulations, through a formal 18 process, that are binding on 19 state environmental regulatory 20 agencies. In all cases, EPA's 21 authority is limited to its 22 rules and regulations as adopted 23 in the formal rulemaking</p>	<p>1 16 other federal agencies and 2 White House Offices that 3 reaffirmed their commitment to 4 implementing the Presidential 5 Executive Order. 6 ADEM has determined that EJ 7 is a worthy concept and has 8 taken a number of actions during 9 the past ten years, including 10 adapting and implementing a 11 number of the EPA "Plan EJ 2014" 12 elements to confirm the fair 13 treatment of minority and 14 low-income communities as the 15 Department executes its mission 16 to assure for all citizens a 17 safe, healthful, and productive 18 environment. 19 While ADEM engages in many 20 outreach activities to the 21 general public, today's report 22 identifies enhanced activities 23 focused on minority and</p>

<p style="text-align: right;">Page 13</p> <p>1 low-income populations in 2 specific areas identified by 3 EPA, which are referred to as 4 "EJ areas" or "EJ communities." 5 The first step in 6 implementing an EJ program is to 7 assign and manage the necessary 8 human resources. EJ 9 coordinators have been assigned 10 in each of the Department's 11 three media: Air, land and 12 water. Because of the 13 importance of this effort, the 14 coordinators have their EJ 15 activities overseen by the 16 Deputy Director. The Deputy 17 Director meets with the 18 coordinators regularly to manage 19 activities and assess progress. 20 The personnel assigned to 21 coordinate EJ activities receive 22 the specialized training 23 necessary to be effective in</p>	<p style="text-align: right;">Page 15</p> <p>1 implemented by the Department 2 and will then highlight where 3 the Department has gone above 4 and beyond the EPA plan. 5 First, the elements 6 identified in the EPA "Plan EJ 7 2014" all of which are being 8 implemented by the Department. 9 Rulemaking is the initial 10 step in the environmental 11 regulatory process. Soliciting 12 public input in the 13 environmental regulatory process 14 is one of the most basic tenets 15 of Environmental Justice. Since 16 the Department was created, all 17 rulemaking has been preceded by 18 public comment periods. In 19 recent years, the Department has 20 simplified public notices to 21 make them more readable and more 22 likely to stimulate public 23 involvement. The Department has</p>
<p style="text-align: right;">Page 14</p> <p>1 their work. The ongoing 2 training often involves 3 EPA-sponsored programs. 4 EPA has devoted considerable 5 effort and resources to studying 6 and developing its internal 7 program to promote Environmental 8 Justice. As mentioned a few 9 moments ago, the results are set 10 out in a document titled "Plan 11 EJ 2014," which is in the 12 process of being updated in an 13 activity called "EJ 2020 Action 14 Agenda Framework." The 15 Department has implemented many 16 activities included as elements 17 of the EPA "Plan EJ 2014," as 18 well as a number of activities 19 that go above and beyond the 20 "Plan EJ 2014" elements. The 21 next several slides will first 22 show some of the "Plan EJ 2014" 23 elements that have been</p>	<p style="text-align: right;">Page 16</p> <p>1 also petitioned EPA to modernize 2 its outdated public notice 3 regulations by incorporating new 4 electronic methods of providing 5 public notices. This action has 6 now become a national issue and 7 proposed new regulations are 8 currently under review at the 9 U.S. Office of Management and 10 Budget. 11 In the interest of engaging 12 the public, especially those in 13 the EJ communities, in 14 permitting, the second step in 15 the regulatory process, the 16 Department has developed early 17 notification tools, such as the 18 "What's Happening in Your 19 County?" webpage, enhanced 20 formal public comment 21 opportunities and public meeting 22 opportunities, all of which 23 exceed statutory, regulatory,</p>

<p style="text-align: right;">Page 17</p> <p>1 and EPA requirements. 2 After permitting, the 3 environmental regulatory process 4 involves assessing compliance 5 with permit conditions and 6 taking enforcement actions when 7 there is noncompliance. The 8 Department has an increased 9 frequency of inspections in EJ 10 areas, often as a result of 11 increased use of the eComplaint 12 application on the ADEM website. 13 Appropriate remedies when 14 violations occur in EJ areas are 15 often implemented using either 16 the EPA -- quote, Environmental 17 Collaborative Problem-Solving 18 Model -- close quote, as was the 19 case with the Anniston lead 20 contamination removal, or 21 through multi-participant 22 initiatives as is being done 23 with the Uniontown Waste Water</p>	<p style="text-align: right;">Page 19</p> <p>1 minority elected leaders to 2 demonstrate how to access grant 3 funds and low-interest loans, 4 undertake brownfield 5 redevelopment, and manage storm 6 water or illegal solid waste or 7 scrap tire dump cleanup. 8 Targeted training is also 9 provided, on a one-to-one basis 10 to minority and low-income 11 citizens at local libraries or 12 other local venues on how to 13 file a complaint, how to find 14 out what is happening in their 15 community related to the 16 environment, and how to use the 17 various alternative methods to 18 get linked in. 19 Another element of the EPA 20 "Plan EJ 2014" recognizes that 21 there are benefits to 22 cooperation between EPA and the 23 states. EPA and ADEM have been</p>
<p style="text-align: right;">Page 18</p> <p>1 Treatment Plant, the Bayou La 2 Batre Waste Water Treatment 3 Plant, and the mercaptan release 4 in the City of Eight Mile. 5 The Department, like EPA, 6 looks for new community-based 7 practices to promote 8 environmental justice. In this 9 area, the Department has 10 developed several programs, 11 including: Regular meetings 12 with all interested EJ and 13 environmental advocacy groups; 14 regular formal citizen's opinion 15 surveys; and commissioning 16 independent study of EJ 17 community issues, in particular 18 those related to the siting of 19 landfills. Another group of 20 community-based activities 21 involves enhanced EJ community 22 training sessions, which can 23 take the form of meetings with</p>	<p style="text-align: right;">Page 20</p> <p>1 involved in a number of 2 interagency cooperative 3 initiatives, including the EPA 4 Urban Watershed Initiative, 5 which included the Fairview 6 Environmental Park project in 7 Montgomery, which, by the way, I 8 was notified just yesterday, won 9 EPA's prestigious "Rain Catcher 10 Award," also co-sponsorship of 11 the Southeastern Environmental 12 Justice Conference, designation 13 of a Center for Excellence in 14 Watershed Management at Alabama 15 A&M University, a minority 16 agricultural community outreach 17 program at Tuskegee University 18 and others. 19 The final EPA "Plan EJ 2014" 20 element involves the development 21 of various tools to advance EJ 22 initiatives. Numerous tools 23 have been developed inhouse at</p>

<p style="text-align: right;">Page 21</p> <p>1 the Department, including 2 Geographic Information System, 3 or GIS, tracking maps for 4 environmental programs in EJ 5 areas, the eFile system that 6 allows any interested party to 7 see all documents related to all 8 regulated facilities, and the 9 previously mentioned eComplaint 10 and "What's Happening in Your 11 County?" web applications. The 12 Department is also undertaking 13 Department-wide training on the 14 newest EPA developed tool called 15 EJSCREEN that provides census 16 block data on parameters that 17 help identify EJ populations 18 that may be subject to 19 disproportionate environmental 20 burdens. 21 Earlier, I noted that the 22 Department has gone above and 23 beyond what EPA has done in its</p>	<p style="text-align: right;">Page 23</p> <p>1 Total Maximum Daily Loading 2 limits, or TMDLs, have been 3 developed; the number of water 4 quality sampling stations; the 5 number of fish tissue sampling 6 stations; the number of 7 non-point source grant awards; 8 the number of diesel retrofit 9 grant awards; the number of 10 brownfield sites cleaned up; the 11 number of illegal solid waste 12 dumps cleaned up; and the number 13 of illegal scrap tire dumps 14 cleaned up. In every case, the 15 majority have been in EJ areas. 16 When prioritizing which dump 17 sites are to be cleaned up, the 18 Department gives extra ranking 19 weight to those in EJ areas. 20 Additionally, disadvantaged EJ 21 communities are eligible for 22 partial principal forgiveness in 23 the drinking water State</p>
<p style="text-align: right;">Page 22</p> <p>1 "Plan EJ 2014." These final 2 slides are intended to provide 3 you with a sense of the extra 4 effort the Department is 5 investing in EJ activities. 6 Not only does the Department 7 train our assigned EJ 8 coordinators and teach our 9 personnel how to use new 10 EJ-related tools, since 2007, 11 the Department has provided 12 formal Environmental Justice 13 training for all staff, 14 including our legal staff. 15 The Department tracks where 16 environmental improvement 17 activities have actually taken 18 place. It is worthwhile to note 19 that of the nine program metrics 20 tracked, between 64 percent and 21 100 percent have been in or abut 22 EJ communities. The metrics 23 include such things as how many</p>	<p style="text-align: right;">Page 24</p> <p>1 Revolving Fund Program. 2 In national forums and at 3 least semiannually in meetings 4 with the Region 4 administrator, 5 the Department is a consistent 6 advocate for EPA to back up its 7 commentary on EJ with dollars to 8 help address the crumbling 9 wastewater infrastructure in 10 many EJ areas. 11 The Department also has 12 specifically targeted EJ areas 13 for a number of programs. For 14 example, knowing that the 15 Selma-to-Montgomery Voting 16 Rights Trail is in the middle of 17 the largest EJ area in the 18 state, the Department has 19 performed an unprecedented 20 number of assessments of 21 brownfields sites along the 22 trail. You may recall that the 23 majority of the August 2015</p>

Page 25	<p>1 Director's report to the 2 Commission was dedicated to this 3 area and this issue. 4 Special compliance 5 assistance has been provided to 6 96 communities in EJ areas to 7 review local government 8 Aboveground Storage Tank 9 inspections, containment and 10 other procedures to avoid costly 11 undetected leaks. 12 Environmentally related 13 health programs such as the 14 Asthma Initiative, Young Lungs 15 at Play, and the No Idling 16 Campaign at schools, are aimed 17 at young people, many of whom 18 are in disadvantaged 19 communities. 20 Earth Day activities, Water 21 Festivals and the like, provide 22 environmental education 23 opportunities to thousands of</p>	Page 27	<p>1 while they are still in school. 2 The effort also includes 3 involvement in the Inner City 4 Career Connection program, Job 5 Fairs, Professional Employment 6 Day programs, and the like. 7 As you can see, the 8 Department is involved in many 9 activities relating to 10 Environmental Justice. 11 Personnel are assigned to 12 coordinate EJ activities. 13 Departmental activities 14 incorporate those set out in the 15 EPA developed "Plan EJ 2014" 16 programs and the Department 17 engages in EJ activities that go 18 above and beyond what EPA does. 19 ADEM EJ activities are 20 systematic, focused and results 21 oriented. Very few, if any, are 22 mandated by statute or 23 regulation which may actually</p>
Page 26	<p>1 Alabama's students in addition 2 to the targeted one-on-one 3 meetings mentioned a few moments 4 ago. 5 The Community Leaders 6 Institute at three historically 7 black Alabama educational 8 institutions, supported by ADEM, 9 focuses on the relationship 10 between environmental 11 protection, human health, 12 environmental justice, and 13 economic development. 14 The Department has an 15 ongoing program to find 16 innovative ways to be 17 competitive in attracting 18 minority students to work at 19 ADEM. The program includes 20 developing broad ties to 21 historically black universities 22 to feed co-op students and 23 interns into the Department</p>	Page 28	<p>1 contribute to their 2 effectiveness. 3 Copies of an outline of 4 ADEM's Environmental Justice 5 activities, as well as a 6 reference copy of the more 7 detailed compilation of the 8 Department's broader community 9 outreach activities included in 10 a loose-leaf book titled 11 "Community Engagement" are 12 available on the table in the 13 lobby for review. The book is 14 in loose-leaf format because it 15 is a living document, subject to 16 update and input from interested 17 parties. The electronic version 18 of "Community Engagement" is 19 available on the Department's 20 website by first selecting "More 21 Information" on the homepage and 22 then selecting the 23 "Publications" option.</p>

Page 29

1 That brings me to the final
2 matter in today's report.
3 Despite the robust Environmental
4 Justice program just described,
5 the Department has been the
6 target of two Civil Rights Act
7 Title VI complaints during the
8 last several years. Unlike
9 Environmental Justice, which is
10 based solely on voluntary
11 participation, Title VI
12 complaints are based on law,
13 specifically the Civil Rights
14 Act of 1964.
15 Both complaints were filed
16 by the same attorney and both
17 relate to the renewal and/or
18 modification of landfill
19 permits. The first complaint
20 involved the Perry County
21 landfill, while the one just
22 filed relates to the City of
23 Dothan landfill.

Page 31

1 kind. Nonetheless, the
2 Department must expend its
3 scarce resources to address
4 these issues head-on.
5 ADEM will continue with the
6 outreach efforts to communities
7 as highlighted in both the EJ
8 program and the "Community
9 Engagement" document with the
10 objective of demonstrating more
11 productive avenues to addressing
12 community concerns.
13 That concludes today's
14 report. I'll be pleased to
15 answer any questions you may
16 have.
17 CHAIRMAN BROWN: Anyone have
18 any questions for the Director?
19 (No response.)
20 CHAIRMAN BROWN: No
21 comments. I have a question.
22 DIRECTOR LeFLEUR: Yes, sir.
23 CHAIRMAN BROWN: You

Page 30

1 The requirements that must
2 be met for EPA to investigate a
3 complaint are: The complaint
4 must be in writing; it must
5 identify an action that purports
6 to be a discriminatory act; the
7 complaint must be filed within
8 180 days of the alleged
9 discriminatory act; and the
10 proposed defendant must be the
11 recipient of federal funding.
12 In both cases, these conditions
13 were met and EPA is therefore
14 required to undertake the
15 investigations.
16 The Department is fully
17 cooperating with the EPA
18 investigations. To date, the
19 Department has provided more
20 than 25,000 pages of requested
21 documents. The Department
22 anticipates EPA will find no
23 indication of a violation of any

Page 32

1 mentioned earlier that EJ is
2 disproportionately high impact
3 for health on minority or
4 low-income communities.
5 DIRECTOR LeFLEUR: That's
6 correct.
7 CHAIRMAN BROWN: That sounds
8 more like a concept than a
9 definition to me. Do you have a
10 definition or some way of
11 measuring that?
12 DIRECTOR LeFLEUR: Well,
13 that has been a topic of
14 conversation about measuring
15 impact of actions, versus
16 measuring the treatment of
17 different communities. Under
18 the Civil Rights Act, it
19 prohibits disproportionate
20 treatment of any group, minority
21 or low-income group. The EJ
22 concept as laid out in the
23 Presidential Executive Order,

Page 33

1 addresses disproportionate
2 impact, which is different than
3 disproportionate treatment. And
4 like I said, that's a topic
5 that's had a lot of conversation
6 about. Is a permit acceptable
7 for one group and the same
8 permit not acceptable for
9 another group?
10 CHAIRMAN BROWN: And I just
11 don't recall off the top of my
12 head, but two Title VI
13 complaints for Perry County and
14 Dothan landfills, were those
15 based on modifications or -- to
16 the landfill itself?
17 DIRECTOR LeFLEUR: The Perry
18 County appeal was based on a
19 renewal of the permit and a
20 modification of the permit.
21 The Dothan appeal was based
22 on a modification of the permit.
23 CHAIRMAN BROWN: Expansion?

Page 34

1 DIRECTOR LeFLEUR:
2 Expansion. That's correct.
3 CHAIRMAN BROWN: And how are
4 we to integrate the Department's
5 or EPA's Environmental Justice
6 concerns or policies with the
7 local government's
8 responsibility for zoning sites?
9 DIRECTOR LeFLEUR: Well, in
10 the case of landfills, state law
11 grants the authority to site a
12 landfill to the locally elected
13 body. In the case of a city, it
14 would be the city council. For
15 outside the city, it would be
16 the county commission. They
17 have the sole ability to site a
18 landfill. The Department has
19 the responsibility to make sure
20 once they have sited the
21 landfill, that the landfill is
22 designed and constructed in a
23 way that is protective of human

Page 35

1 health and the environment and
2 that it is operated in a way
3 that's protective of human
4 health and the environment.
5 The Department has no
6 ability to oversee the siting of
7 landfills, but rather to make
8 sure that the landfill, wherever
9 it's sited, that it is
10 protective, it is safe and it's
11 protective of health and the
12 environment.
13 The local body that sites
14 the landfill has six criteria
15 that they need to consider when
16 siting a landfill, such things
17 as traffic and those kinds of
18 things. But those are the
19 criteria that the local
20 authority is responsible for
21 considering in their decision
22 whether or not to site the
23 landfill.

Page 36

1 CHAIRMAN BROWN: Okay.
2 MR. PHILLIPS: Mr. Director,
3 thank you for your presentation.
4 I would like to ask to get a
5 copy of that from your notes for
6 the Committee meeting. But my
7 question is: You refer to EPA's
8 EJ framework document 2014 plan,
9 are we aware of any rules or
10 regulations that they are
11 planning to add relative to
12 Environmental Justice?
13 DIRECTOR LeFLEUR: Because
14 it's a Presidential Executive
15 Order and binding on EPA but not
16 binding on any other
17 non-executive branch entities,
18 EPA is prohibited from having
19 rules or regulations directly
20 related to EJ. However, they do
21 work with each of the states
22 informally to help them advance
23 EJ programs. And they do have

Page 37

1 tools that they've built. As I
2 mentioned, the EJ screening
3 tool, which uses census data to
4 try to get a handle on those EJ
5 issues.
6 Now, they have struggled,
7 frankly, with how to incorporate
8 EJ into the permitting process
9 and enforcement in those kinds
10 of things. And to date, their
11 primary initiatives have been
12 directed toward community
13 involvement to make sure that
14 the community is informed, to
15 make sure that they have an
16 opportunity to speak when the
17 time comes for these permits to
18 be issued.
19 MR. PHILLIPS: Thank you.
20 CHAIRMAN BROWN: Thank you.
21 Any Commissioners have any other
22 questions of the Director?
23 (No response.)

Page 39

1 Commission at our last meeting.
2 Based on that, we decided
3 that we really needed to dig
4 into our guidelines, look at
5 those much more closely should
6 the full Commission today decide
7 to move forward with that, that
8 we would be prepared to bring
9 back our recommendations of
10 those guidelines in our June
11 meeting so that you have time to
12 digest those before the
13 rulemaking process would have
14 been completed.
15 The second item we took up
16 was one that Commissioner
17 Richardson had brought to the
18 full Commission and was referred
19 to the Rulemaking Committee,
20 which was to look at
21 Environmental Justice and the
22 policy of this Commission
23 relative to Environmental

Page 38

1 CHAIRMAN BROWN: Thank you.
2 DIRECTOR LeFLEUR: I will
3 remind everybody that Tuesday is
4 Earth Day. We are having
5 celebrations here and Tuskegee.
6 CHAIRMAN BROWN: Next item
7 on the agenda is a report from
8 the Rulemaking Committee Chair.
9 And I'll turn it over to
10 Commissioner Phillips.
11 MR. PHILLIPS: Thank you,
12 Mr. Chair. This morning at
13 10:00 a.m. we had a Rulemaking
14 Committee meeting. And the
15 purpose of that Rulemaking
16 Committee meeting was to reflect
17 on our guidelines that we have
18 prepared. As you're aware, on
19 the agenda today, we have an
20 item for the consideration to
21 proceeding to rulemaking with
22 proposed amendment that the
23 Committee brought to the full

Page 40

1 Justice. We had information
2 that had been gathered for us
3 that we had received today in
4 our Committee meeting. We knew
5 that our Director was going to
6 make his presentation today,
7 which would provide additional
8 information for us. And when
9 Commissioner Richardson returns
10 in our June meeting, we will
11 take that discussion up.
12 Our next Committee meeting
13 is at 10:00 a.m. before our next
14 Commission meeting in June.
15 I'll take any questions that
16 the Commission may have.
17 (No response.)
18 CHAIRMAN BROWN: Thank you.
19 Next item is the report from the
20 Commission Chair. And I'll just
21 apologize for being late due to
22 the interstate being shut down
23 due to an accident. And I think

Page 41

1 Commissioner Martin was caught
2 up as well.
3 Next item is consideration
4 to Rulemaking proposed
5 amendments to ADEM
6 Administrative Code 335-2,
7 Environmental Management
8 Commission Regulations, Rule
9 335-2-3-.05. I'll call on
10 the --
11 MR. PHILLIPS: No. This is
12 before the full Commission.
13 CHAIRMAN BROWN: Okay. Call
14 on Chair Phillips to present the
15 Committee's recommendation.
16 MR. PHILLIPS: Thank you,
17 Mr. Chair, once again. And just
18 to clarify, we are not passing a
19 rule today. We are only taking
20 the question of going out or
21 commencing the rulemaking
22 process. So all of the
23 Commission received the

Page 42

1 Committee's recommendations for
2 changes to the Rule 335-2-3-.05
3 Agenda. Those recommended
4 changes also reflect the
5 inclusion of guidelines, which
6 we will present at the next
7 meeting. But what we are
8 recommending to the Commission
9 are these changes and to issue
10 -- or to approve going out for
11 rulemaking process. So once
12 again, you would not be
13 approving the rule change, you
14 would be approving the process
15 of going to rulemaking process.
16 And I'll take any questions
17 about those changes that we
18 suggested.
19 MR. MILLER: So what you're
20 asking today is just to
21 implement the start of a
22 rulemaking process?
23 MR. PHILLIPS: Right.

Page 43

1 Correct. Should you approve
2 that process being started, then
3 Debi, the timing -- this would
4 come back most likely, unless
5 there's something that came up
6 we're not aware of in the August
7 --
8 MS. THOMAS: August, yes,
9 sir.
10 MR. PHILLIPS: At the August
11 meeting. At that time, you
12 would have benefit of comments
13 that had come from the public
14 for consideration. And at that
15 time, we would take before us
16 whether to approve or deny the
17 rule changes.
18 MR. MARTIN: Do you need a
19 motion or does it --
20 MR. PHILLIPS: I make a
21 motion to proceed to rulemaking
22 with the proposed amendments.
23 MR. MARTIN: Second.

Page 44

1 CHAIRMAN BROWN: All in
2 favor?
3 THE COMMISSION: Aye.
4 CHAIRMAN BROWN: Any
5 opposed?
6 (No response.)
7 CHAIRMAN BROWN: Passes.
8 Next item on the agenda is
9 to note Chevron U.S.A., Inc.,
10 versus ADEM appeal has been
11 voluntarily dismissed by the
12 Petitioner.
13 Next item: Is there any
14 other business the Commission
15 needs to take up at this time?
16 (No response.)
17 CHAIRMAN BROWN: The Chair
18 notes that the next Commission
19 meeting is June 17th, 2016.
20 And with that, I will
21 entertain a motion to adjourn.
22 MR. PHILLIPS: So moved.
23 MR. LAIER: Second.

1 CHAIRMAN BROWN: All in
2 favor?
3 THE COMMISSION: Aye.
4 CHAIRMAN BROWN: We are
5 adjourned.
6
7 (THE ALABAMA ENVIRONMENTAL MANAGEMENT
8 COMMISSION MEETING WAS CONCLUDED AT 11:50
9 A.M.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 C E R T I F I C A T E
2 STATE OF ALABAMA)
3 COUNTY OF CONECUH)
4 I hereby certify that the above and
5 foregoing transcript of proceedings was
6 taken down by me in machine shorthand, and
7 the questions and answers thereto were
8 transcribed by means of computer-aided
9 transcription, and that the foregoing
10 represents a true and correct transcript of
11 the proceedings given by said witness upon
12 said hearing.
13 I further certify that I am neither
14 of counsel nor of kin to the parties to the
15 action, nor am I in anywise interested in
16 the result of said cause.
17 I further certify that I am duly licensed
18 by the Alabama Board of Court Reporting as
19 a Certified Court Reporter as evidenced by
20 the ACCR number following my name below.
21
22 CHARITY McCULLEY ACCR# 424
23 My Commission Expires: 2/19/17

C E R T I F I C A T E

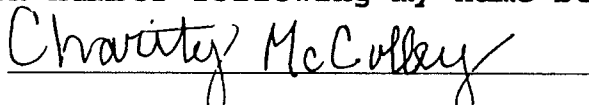
STATE OF ALABAMA)

COUNTY OF CONECUH)

I hereby certify that the above and foregoing transcript of proceedings was taken down by me in machine shorthand, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name below.



CHARITY MCCULLEY ACCR# 424

My Commission Expires: 2/19/17

	add (1) 36:11	3:4;7:13;20:14;26:7; 45:7	assigned (4) 13:9,20;22:7;27:11	black (2) 26:7,21
§	addition (1) 26:1	Alabama's (1) 26:1	assistance (1) 25:5	block (1) 21:16
\$1.2 (1) 6:21	additional (1) 40:7	alleged (1) 30:8	associated (1) 9:15	body (2) 34:13;35:13
\$2.5 (1) 5:22	Additionally (1) 23:20	allows (1) 21:6	assure (1) 12:16	book (2) 28:10,13
\$280,000 (1) 6:19	address (4) 4:13;5:9;24:8;31:3	along (1) 24:21	Asthma (1) 25:14	Both (4) 29:15,16;30:12;31:7
\$400,000 (1) 6:14	addresses (1) 33:1	alternative (1) 19:17	attorney (1) 29:16	BP (1) 7:14
\$6 (2) 5:18;7:6	addressing (2) 9:5;31:11	amendment (1) 38:22	attracting (1) 26:17	branch (2) 9:23;36:17
\$8.5 (1) 5:16	ADEM (13) 6:12;7:4;8:8;12:6, 19:17;12:19;23:26;8, 19:27;19:31;5;41:5; 44:10	amendments (2) 41:5;43:22	August (4) 24:23;43:6,8,10	bring (1) 39:8
A	ADEM's (1) 28:4	and/or (1) 29:17	authority (6) 10:6,15,21;11:8; 34:11;35:20	brings (1) 29:1
A&M (1) 20:15	adjoin (1) 44:21	Animal (1) 6:16	available (3) 7:17;28:12,19	broad (1) 26:20
ability (2) 34:17;35:6	adjourn (1) 45:5	Anniston (1) 17:19	avenues (1) 31:11	broader (1) 28:8
above (5) 8:15;14:19;15:3; 21:22;27:18	administer (2) 6:15;7:12	anticipates (1) 30:22	avoid (1) 25:10	brought (2) 38:23;39:17
Aboveground (1) 25:8	Administrative (1) 41:6	apologize (1) 40:21	Award (1) 20:10	BROWN (23) 3:1,19,22;4:7;31:17, 20,23;32:7;33:10,23; 34:3;36:1;37:20;38:1, 6,40;18;41:13;44:1,4, 7,17;45:1,4
abut (1) 22:21	administrator (1) 24:4	application (1) 17:12	awards (2) 23:7,9	brownfield (2) 19:4;23:10
accept (1) 3:17	adopt (2) 10:16;11:15	applications (1) 21:11	aware (3) 36:9;38:18;43:6	brownfields (1) 24:21
acceptable (2) 33:6,8	adopted (3) 4:23;10:22;11:6	appropriate (3) 8:17;9:5;17:13	Aye (3) 3:21;44:3;45:3	budget (6) 5:1,5;7:3,6,18;16:10
access (1) 19:2	advance (3) 11:13;20:21;36:22	appropriation (2) 6:14,19	B	built (1) 37:1
accident (1) 40:23	adverse (1) 9:7	appropriations (1) 5:12	back (3) 24:6;39:9;43:4	burdens (1) 21:20
achieving (1) 9:2	advocacy (1) 18:13	approve (3) 42:10;43:1,16	based (6) 29:10,12;33:15,18, 21;39:2	business (1) 44:14
Acknowledgement (1) 3:8	advocate (1) 24:6	approved (1) 7:14	basic (1) 15:14	
Act (11) 4:19;9:13;10:12,13, 14,15;29:6,14;30:6,9; 32:18	again (2) 41:17;42:12	approving (2) 42:13,14	basis (1) 19:9	C
action (4) 10:8;14:13;16:5; 30:5	against (1) 4:20	April (1) 3:3	Batre (1) 18:2	CAFO (2) 6:17,20
Actions (4) 5:10;12:8;17:6; 32:15	agencies (4) 9:1,22;10:20;12:1	area (4) 4:17;18:9;24:17; 25:3	Bayou (1) 18:1	call (5) 3:2;5:6;7:4;41:9,13
activities (24) 4:16;8:1,4,10,14; 9:10;12:20,22;13:15, 19,21;14:16,18;18:20; 22:5,17;25:20;27:9,12, 13,17,19;28:5,9	agency (2) 10:9;11:12	areas (11) 8:5;13:2,4;17:10,14; 21:5;23:15,19;24:10, 12;25:6	become (1) 16:6	called (2) 14:13;21:14
activity (2) 11:9;14:13	agenda (7) 3:10,23;14:14;38:7, 19;42:3;44:8	ash (1) 6:4	begin (1) 8:17	came (1) 43:5
actually (2) 22:17;27:23	ago (2) 14:9;26:4	assess (1) 13:19	benefit (1) 43:12	Campaign (1) 25:16
adapting (1) 12:10	agricultural (1) 20:16	assessing (1) 17:4	benefits (1) 19:21	can (2) 18:22;27:7
	aimed (1) 25:16	assessments (1) 24:20	beyond (5) 8:15;14:19;15:4; 21:23;27:18	Career (1) 27:4
	Air (2) 10:14;13:11	assign (1) 13:7	binding (5) 9:15,20;10:18;36:15, 16	case (4) 17:19;23:14;34:10, 13
	Alabama (5)			cases (2)

10:20;30:12 Catcher (1) 20:9 caught (1) 41:1 celebrations (1) 38:5 census (2) 21:15;37:3 Center (1) 20:13 certain (1) 9:21 Chair (7) 3:14;38:8,12;40:20; 41:14,17;44:17 CHAIRMAN (23) 3:1,19,22;4:7;31:17, 20,23;32:7;33:10,23; 34:3;36:1;37:20;38:1, 6;40:18;41:13;44:1,4, 7,17;45:1,4 challenges (1) 6:9 change (1) 42:13 changes (5) 42:2,4,9,17;43:17 Chevron (1) 44:9 circumvented (1) 4:8 citizens (2) 12:16;19:11 citizen's (1) 18:14 City (6) 18:4;27:3;29:22; 34:13,14,15 Civil (5) 4:19;9:13;29:6,13; 32:18 Clanton (1) 4:8 clarify (1) 41:18 Clean (2) 10:11,14 cleaned (4) 23:10,12,14,17 cleaning (1) 6:23 cleanup (1) 19:7 close (2) 9:12;17:18 closely (1) 39:5 coal (1) 6:3 coastal (1) 5:21 Code (1)	41:6 Collaborative (1) 17:17 coming (2) 5:9;7:12 commencing (1) 41:21 comment (2) 15:18;16:20 commentary (1) 24:7 comments (2) 31:21;43:12 Commission (23) 3:5,21;5:15;7:20,22; 25:2;34:16;39:1,6,18, 22;40:14,16,20;41:8, 12,23;42:8;44:3,14,18; 45:3,8 Commissioner (4) 38:10;39:16;40:9; 41:1 Commissioners (1) 37:21 commissioning (1) 18:15 commitment (1) 12:3 Committee (8) 36:6;38:8,14,16,23; 39:19;40:4,12 Committee's (2) 41:15;42:1 communities (10) 12:14;13:4;16:13; 22:22;23:21;25:6,19; 31:6;32:4,17 community (12) 18:17,21;19:15; 20:16;26:5;28:8,11,18; 31:8,12;37:12,14 community-based (2) 18:6,20 compares (1) 6:18 competitive (1) 26:17 compilation (1) 28:7 complaint (6) 4:20;19:13;29:19; 30:3,3,7 complaints (4) 29:7,12,15;33:13 completed (1) 39:14 compliance (2) 17:4;25:4 Concentrated (1) 6:16 concept (3) 12:7;32:8,22 concerns (2)	31:12;34:6 CONCLUDED (1) 45:8 concludes (1) 31:13 conditions (2) 17:5;30:12 confer (1) 10:4 Conference (1) 20:12 confirm (1) 12:12 confirmed (1) 6:12 Connection (1) 27:4 Conservation (1) 10:13 consider (2) 3:14;35:15 considerable (1) 14:4 consideration (4) 3:11;38:20;41:3; 43:14 considering (1) 35:21 consistent (1) 24:5 constructed (1) 34:22 containment (1) 25:9 contamination (1) 17:20 continue (1) 31:5 contribute (1) 28:1 conversation (2) 32:14;33:5 co-op (1) 26:22 cooperating (1) 30:17 cooperation (1) 19:22 cooperative (1) 20:2 coordinate (3) 8:9;13:21;27:12 coordinators (4) 13:9,14,18;22:8 Copies (1) 28:3 copy (2) 28:6;36:5 co-sponsorship (1) 20:10 cost (1) 6:5 costly (1)	25:10 council (2) 7:11;34:14 County (6) 16:19;21:11;29:20; 33:13,18;34:16 cover (1) 5:23 created (1) 15:16 criteria (2) 35:14,19 crumbling (1) 24:8 currently (1) 16:8	4:16;6:5;8:10;13:10; 28:8,19;34:4 Department-wide (1) 21:13 Deputy (2) 13:16,16 described (1) 29:4 designated (1) 8:9 designation (1) 20:12 designed (1) 34:22 Despite (1) 29:3 detailed (1) 28:7 determined (1) 12:6 developed (8) 11:11,18,16:16; 18:10;20:23;21:14; 23:3;27:15 developing (2) 14:6;26:20 development (2) 20:20;26:13 devoted (1) 14:4 diesel (1) 23:8 different (2) 32:17;33:2 dig (1) 39:3 digest (1) 39:12 directed (2) 9:1;37:12 directly (1) 36:19 Director (18) 4:1,2,3,10;13:16,17; 31:18,22;32:5,12; 33:17;34:1,9;36:2,13; 37:22;38:2;40:5 Director's (2) 5:14;25:1 disadvantaged (2) 23:20;25:18 discriminatory (2) 30:6,9 discussion (1) 40:11 dismissed (1) 44:11 disproportionate (4) 21:19;32:19;33:1,3 disproportionately (2) 9:6;32:2 document (5) 11:19;14:10;28:15;
D				
			Daily (1) 23:1 data (2) 21:16;37:3 date (2) 30:18;37:10 day (4) 3:7;25:20;27:6;38:4 days (1) 30:8 Debi (1) 43:3 decide (1) 39:6 decided (1) 39:2 decision (1) 35:21 dedicated (2) 6:23;25:2 defendant (1) 30:10 definition (4) 8:6,19;32:9,10 demands (1) 6:3 demonstrate (1) 19:2 demonstrating (1) 31:10 deny (1) 43:16 Department (39) 4:21;5:15;7:9;8:2, 14;12:15;14:15;15:1,3, 8,16,19,23;16:16;17:8; 18:5,9;21:1,12,22;22:4, 6,11,15;23:18;24:5,11, 18;26:14,23;27:8,16; 29:5;30:16,19,21;31:2; 34:18;35:5 Departmental (2) 4:14;27:13 Department's (7)	

<p>31:9;36:8 documents (2) 21:7;30:21 dollars (1) 24:7 done (2) 17:22;21:23 Dothan (3) 29:23;33:14,21 doubtful (1) 6:9 doubts (1) 6:11 down (1) 40:22 Drinking (2) 10:12;23:23 due (2) 40:21,23 dump (2) 19:7;23:16 dumps (2) 23:12,13 during (2) 12:8;29:7</p>	<p>9,10,13,15,15,19,20; 12:6,11;13:4,4,6,8,14, 21;14:11,13,17,20,22; 15:6;16:13;17:9,14; 18:12,16,21;19:20; 20:19,21;21:4,17;22:1, 5,7,22;23:15,19,20; 24:7,10,12,17;25:6; 27:12,15,17,19;31:7; 32:1,21;36:8,20,23; 37:2,4,8 EJ-related (1) 22:10 EJSCREEN (1) 21:15 elected (2) 19:1;34:12 electronic (2) 16:4;28:17 element (2) 19:19;20:20 elements (6) 8:11;12:12;14:16,20, 23;15:5 eligible (1) 23:21 emergency (1) 6:1 Employment (1) 27:5 enforcement (2) 17:6;37:9 Engagement (3) 28:11,18;31:9 engages (2) 12:19;27:17 engaging (1) 16:11 enhanced (3) 12:22;16:19;18:21 entered (1) 11:22 entertain (1) 44:21 entities (1) 36:17 environment (5) 12:18;19:16;35:1,4, 12 Environmental (38) 3:4;4:17;8:1,7,20; 9:3,8;10:7,9,10,19; 14:7;15:10,13,15;17:3, 16;18:8,13;20:6,11; 21:4,19;22:12,16; 25:22;26:10,12;27:10; 28:4;29:3,9;34:5; 36:12;39:21,23;41:7; 45:7 Environmentally (1) 25:12 EPA (37) 4:21;8:16;9:22;10:2,</p>	<p>4,15;11:6,10,11,18,22; 12:11;13:3;14:4,17; 15:4,6;16:1;17:1,16; 18:5;19:19,22,23;20:3, 19;21:14,23;24:6; 27:15,18;30:2,13,17, 22;36:15,18 EPA-developed (1) 8:12 EPA's (4) 10:20;20:9;34:5; 36:7 EPA-sponsored (1) 14:3 eReporting (1) 6:4 especially (1) 16:12 even (1) 8:15 everybody (2) 3:6;38:3 example (1) 24:14 exceed (1) 16:23 Excellence (1) 20:13 executes (1) 12:15 Executive (5) 8:21;9:23;12:5; 32:23;36:14 existing (1) 7:1 Expansion (2) 33:23;34:2 expend (1) 31:2 expressed (1) 7:22 extra (2) 22:3;23:18</p>	<p>feed (1) 26:22 Feeding (1) 6:16 fees (2) 6:22;7:5 Festivals (1) 25:21 few (3) 14:8;26:3;27:21 field (1) 5:20 file (1) 19:13 filed (4) 4:20;29:15,22;30:7 final (5) 5:5;6:12;20:19;22:1; 29:1 finalizing (1) 7:16 finally (1) 8:13 financial (2) 6:7,8 find (3) 19:13;26:15;30:22 First (6) 3:10;13:5;14:21; 15:5;28:20;29:19 fish (1) 23:5 focus (1) 8:5 focused (2) 12:23;27:20 focuses (1) 26:9 forgiveness (1) 23:22 form (1) 18:23 formal (5) 10:17,23;16:20; 18:14;22:12 format (1) 28:14 Fortunately (1) 7:2 forums (1) 24:2 forward (1) 39:7 four (1) 8:5 Framework (2) 14:14;36:8 frankly (1) 37:7 frequency (1) 17:9 full (4) 38:23;39:6,18;41:12</p>	<p>fully (1) 30:16 Fund (10) 4:15;5:1,5,12,18; 6:13,22;7:3,5;24:1 funding (7) 4:14;5:10,17;6:1; 7:10,18;30:11 funds (2) 7:12;19:3 future (1) 7:20 FY (5) 4:23;6:13,18;7:2,18</p>
E		F		G
<p>Earlier (2) 21:21;32:1 early (1) 16:16 earmarked (2) 6:15,20 Earth (2) 25:20;38:4 eComplaint (2) 17:11;21:9 economic (1) 26:13 education (1) 25:22 educational (1) 26:7 effective (1) 13:23 effectiveness (1) 28:2 effects (1) 9:8 effort (4) 13:13;14:5;22:4; 27:2 efforts (2) 4:13;31:6 eFile (1) 21:5 Eight (1) 18:4 either (1) 17:15 EJ (63) 8:7,9,12,13,20;11:2,</p>	<p>facilities (3) 7:7,11;21:8 facility (1) 5:19 fair (1) 12:12 Fairs (1) 27:5 Fairview (1) 20:5 favor (3) 3:20;44:2;45:2 February (2) 3:12;5:14 federal (9) 6:3;8:23;9:14,16,21, 23;10:10;12:1;30:11</p>	<p>gathered (1) 40:2 General (10) 4:15;5:1,4,11,18; 6:13,22;7:3,5;12:21 Geographic (1) 21:2 GIS (1) 21:3 Given (1) 6:8 gives (1) 23:18 glad (1) 4:4 Good (5) 3:1;4:2,3,6,11 government (2) 10:1;25:7 governments (1) 9:17 government's (1) 34:7 Governor (2) 5:2,6 Governor's (1) 5:4 grant (4) 10:15;19:2;23:7,9 granted (2) 6:11;7:8 grants (1) 34:11 great (1) 3:6 group (5) 18:19;32:20,21;33:7, 9 groups (1) 18:13 guidelines (4) 38:17;39:4,10;42:5</p>		
H		H		H
				handle (1)

37:4 Happening (3) 16:18;19:14;21:10 head (1) 33:12 head-on (1) 31:4 health (7) 9:7;25:13;26:11; 32:3;35:1,4,11 healthful (1) 12:17 held (1) 3:12 help (3) 21:17;24:8;36:22 high (2) 9:6;32:2 highlight (2) 4:15;15:2 highlighted (1) 31:7 historically (2) 26:6,21 history (2) 8:6,18 homepage (1) 28:21 Hope (1) 3:5 house (2) 5:20;12:2 human (5) 9:7;13:8;26:11; 34:23;35:3	22:16 Inc (1) 44:9 include (1) 22:23 included (3) 14:16;20:5;28:9 includes (2) 26:19;27:2 including (7) 9:22;10:11;12:9; 18:11;20:3;21:1;22:14 inclusion (1) 42:5 incorporate (2) 27:14;37:7 incorporated (1) 11:2 incorporating (1) 16:3 increased (4) 4:14;6:2;17:8,11 independent (1) 18:16 indication (1) 30:23 individuals (1) 9:18 informally (1) 36:22 Information (4) 21:2;28:21;40:1,8 informed (1) 37:14 infrastructure (1) 24:9 inhouse (1) 20:23 initial (1) 15:9 initiative (4) 11:11,13;20:4;25:14 initiatives (5) 11:15;17:22;20:3,22; 37:11 Inner (1) 27:3 innovative (1) 26:16 input (2) 15:12;28:16 inspections (2) 17:9;25:9 Institute (1) 26:6 institutions (1) 26:8 integrate (1) 34:4 integrating (1) 11:20 intended (1) 22:2	interagency (1) 20:2 interest (2) 7:23;16:11 interested (3) 18:12;21:6;28:16 internal (3) 11:10,12;14:6 interns (1) 26:23 interstate (2) 4:6;40:22 into (5) 11:21,22;26:23;37:8; 39:4 investigate (2) 4:22;30:2 investigations (2) 30:15,18 investing (1) 22:5 involved (3) 20:1;27:8;29:20 involvement (3) 15:23;27:3;37:13 involves (4) 14:2;17:4;18:21; 20:20 issue (3) 16:6;25:3;42:9 issued (1) 37:18 issues (3) 18:17;31:4;37:5 item (8) 3:10;38:6,20;39:15; 40:19;41:3;44:8,13	L La (1) 18:1 laid (1) 32:22 LAIER (1) 44:23 land (1) 13:11 landfill (12) 29:18,21,23;33:16; 34:12,18,21,21;35:8, 14,16,23 landfills (4) 18:19;33:14;34:10; 35:7 largest (1) 24:17 last (2) 29:8;39:1 late (1) 40:21 law (4) 9:14,20;29:12;34:10 lead (1) 17:19 leaders (2) 19:1;26:5 leaks (1) 25:11 least (1) 24:3 LeFLEUR (10) 4:3,10;31:22;32:5, 12:33;17:34;1,9;36:13; 38:2 legal (1) 22:14 Legislature (3) 4:23;5:3,8 libraries (1) 19:11 likely (2) 15:22;43:4 limited (1) 10:21 limits (1) 23:2 linked (1) 19:18 living (1) 28:15 Loading (1) 23:1 loans (1) 19:3 lobby (1) 28:13 local (7) 9:16;19:11,12;25:7; 34:7;35:13,19	locally (1) 34:12 location (1) 5:22 look (2) 39:4,20 looks (1) 18:6 loose-leaf (2) 28:10,14 lot (1) 33:5 low-income (6) 9:11;12:14;13:1; 19:10;32:4,21 low-interest (1) 19:3 Lungs (1) 25:14
I		J	M	
identified (3) 9:21;13:2;15:6 identifies (1) 12:22 identify (2) 21:17;30:5 identifying (1) 9:4 Idling (1) 25:15 illegal (3) 19:6;23:11,13 impact (4) 5:11;32:2,15;33:2 implement (1) 42:21 implementation (2) 8:11;11:5 implemented (4) 14:15;15:1,8;17:15 implementing (4) 10:16;12:4,10;13:6 importance (1) 13:13 improvement (1)		Job (1) 27:4 June (4) 39:10;40:10,14; 44:19 Justice (20) 4:18,8;1,7,20,9;3; 10:7;14:8;15:15;18:8; 20:12;22:12;26:12; 27:10;28:4;29:4,9; 34:5;36:12;39:21;40:1	majority (2) 23:15;24:23 manage (3) 13:7,18;19:5 Management (5) 3:5;16:9;20:14;41:7; 45:7 mandated (1) 27:22 many (6) 12:19;14:15;22:23; 24:10;25:17;27:8 maps (1) 21:3 Martin (3) 41:1;43:18,23 matter (1) 29:2 Maximum (1) 23:1 may (8) 5:6,11,13;21:18; 24:22;27:23;31:15; 40:16 measuring (3) 32:11,14,16 media (1) 13:11 Medicaid (1) 5:9 meet (1) 6:2 meeting (17) 3:3,12;7:21;16:21; 36:6;38:14,16;39:1,11; 40:4,10,12,14;42:7; 43:11;44:19;45:8 meetings (4) 18:11,23;24:3;26:3 meets (1) 13:17	
		K		
		kind (1) 31:1 kinds (2) 35:17;37:9 knew (1) 40:4 knowing (1) 24:14		

Memorandum (1) 11:23	30:1,4,4,7,10;31:2	4:13	outside (1) 34:15	3:18;36:2;37:19; 38:10,11;41:11,14,16; 42:23;43:10,20;44:22
mentioned (5) 14:8;21:9;26:3;32:1; 37:2	N	occur (1) 17:14	over (1) 38:9	place (1) 22:18
mercaptan (1) 18:3	national (2) 16:6;24:2	off (1) 33:11	override (1) 5:3	Plan (14) 8:12;11:19;12:11; 14:10,17,20,22;15:4,6; 19:20;20:19;22:1; 27:15;36:8
met (2) 30:2,13	necessary (2) 13:7,23	office (2) 5:20;16:9	oversee (1) 35:6	planning (1) 36:11
methods (2) 16:4;19:17	need (2) 35:15;43:18	Offices (1) 12:2	overseen (1) 13:15	plans (2) 7:16,20
metrics (2) 22:19,22	needed (1) 39:3	often (3) 14:2;17:10,15	P	Plant (2) 18:1,3
middle (1) 24:16	needs (1) 44:15	oil (1) 7:14	pages (1) 30:20	Play (1) 25:15
Mile (1) 18:4	new (9) 5:19;6:3,7;7:7,10; 16:3,7;18:6;22:9	once (3) 34:20;41:17;42:11	parameters (1) 21:16	pleased (1) 31:14
MILLER (2) 3:16;42:19	newest (1) 21:14	one (4) 15:14;29:21;33:7; 39:16	Park (1) 20:6	policies (3) 9:9;11:21;34:6
million (5) 5:17,18,23;6:21;7:6	Next (11) 3:22;14:21;38:6; 40:12,13,19;41:3;42:6; 44:8,13,18	one-on-one (1) 26:2	part (1) 9:3	policy (2) 11:12;39:22
minority (9) 9:10;12:13,23;19:1, 10;20:15;26:18;32:3, 20	nine (1) 22:19	one-to-one (1) 19:9	partial (1) 23:22	pollution (1) 7:1
minutes (1) 3:11	noncompliance (1) 17:7	ongoing (3) 7:23;14:1;26:15	participation (1) 29:11	populations (4) 9:11,12;13:1;21:17
mission (2) 9:4;12:15	Nonetheless (1) 31:1	only (6) 9:20;10:10;11:10,14; 22:6;41:19	particular (1) 18:17	possible (1) 5:6
Mobile (2) 5:20;7:8	non-executive (1) 36:17	operated (1) 35:2	parties (1) 28:17	practices (1) 18:7
Model (1) 17:18	non-point (1) 23:7	operational (1) 7:17	parts (1) 4:9	preceded (1) 15:17
modernize (1) 16:1	note (2) 22:18;44:9	Operations (1) 6:17	party (1) 21:6	prepared (2) 38:18;39:8
modification (3) 29:18;33:20,22	noted (1) 21:21	opinion (1) 18:14	Passes (1) 44:7	present (3) 3:9;41:14;42:6
modifications (1) 33:15	notes (2) 36:5;44:18	opportunities (3) 16:21,22;25:23	passing (1) 41:18	presentation (2) 36:3;40:6
moments (2) 14:9;26:3	notice (1) 16:2	opportunity (1) 37:16	past (1) 12:9	Presidential (5) 8:21;9:19;12:4; 32:23;36:14
Montgomery (1) 20:7	notices (2) 15:20;16:5	opposed (1) 44:5	people (1) 25:17	prestigious (1) 20:9
More (9) 4:7;15:21,21;28:6, 20;30:19;31:10;32:8; 39:5	notification (1) 16:17	option (1) 28:23	performed (1) 24:19	previously (1) 21:9
morning (5) 3:2;4:2,4,11;38:12	notified (1) 20:8	order (9) 3:2;8:22,23;9:19; 10:3,3;12:5;32:23; 36:15	periods (1) 15:18	primary (1) 37:11
most (2) 15:14;43:4	notify (1) 4:18	organizations (1) 9:18	permit (6) 17:5;33:6,8,19,20,22	principal (1) 23:22
motion (5) 3:15,16;43:19,21; 44:21	number (13) 12:8,11;14:18;20:1; 23:3,5,6,8,9,11,12; 24:13,20	oriented (1) 27:21	permits (2) 29:19;37:17	prioritizing (1) 23:16
move (1) 39:7	notice (1) 16:2	others (1) 20:18	permitting (3) 16:14;17:2;37:8	Problem-Solving (1) 17:17
moved (1) 44:22	Numerous (1) 20:22	out (6) 14:10;19:14;27:14; 32:22;41:20;42:10	Perry (3) 29:20;33:13,17	procedures (1) 25:10
much (1) 39:5	O	outdated (1) 16:2	personnel (4) 8:8;13:20;22:9; 27:11	proceed (1) 43:21
multi-participant (1) 17:21	objective (1) 31:10	outline (1) 28:3	petitioned (1) 16:1	proceeding (1) 38:21
must (6)	obligation (1) 10:5	outreach (4) 12:20;20:16;28:9; 31:6	Petitioner (1) 44:12	process (15) 10:18;11:1;14:12;
	obtain (1)		PHILLIPS (12)	

15:11,13;16:15;17:3; 37:8;39:13;41:22; 42:11,14,15,22;43:2	quoting (1) 9:2	regulations (10) 6:4;9:15;10:17,22; 11:4;16:3,7;36:10,19; 41:8	responsible (1) 35:20	24:3
productive (2) 12:17;31:11	R	regulatory (9) 10:5,9,19;11:7; 15:11,13;16:15,23; 17:3	result (2) 7:13;17:10	sense (1) 22:3
Professional (1) 27:5	Rain (1) 20:9	relate (1) 29:17	results (2) 14:9;27:20	session (2) 5:7,11
program (14) 5:21;6:17,20;11:16; 13:6;14:7;20:17;22:19; 24:1;26:15,19;27:4; 29:4;31:8	ranking (1) 23:18	related (7) 6:6;10:7;18:18; 19:15;21:7;25:12; 36:20	retrofit (1) 23:8	sessions (1) 18:22
programs (10) 9:9;11:21;14:3; 18:10;21:4;24:13; 25:13;27:6,16;36:23	rather (1) 35:7	relates (1) 29:22	returns (1) 40:9	set (3) 7:11;14:9;27:14
progress (1) 13:19	readable (1) 15:21	relating (1) 27:9	review (3) 16:8;25:7;28:13	settlement (1) 7:15
prohibited (1) 36:18	reaffirmed (1) 12:3	relationship (1) 26:9	Revolving (1) 24:1	several (3) 14:21;18:10;29:8
prohibits (1) 32:19	really (1) 39:3	relative (2) 36:11;39:23	Richardson (2) 39:17;40:9	show (1) 14:22
project (1) 20:6	recall (3) 5:13;24:22;33:11	release (1) 18:3	right (2) 4:11;42:23	shut (1) 40:22
promote (2) 14:7;18:7	receive (1) 13:21	remaining (1) 5:22	Rights (6) 4:19;9:13;24:16; 29:6,13;32:18	signed (1) 8:22
proposal (1) 7:10	received (2) 40:3;41:23	remedies (1) 17:13	roadmap (1) 11:20	simplified (1) 15:20
proposed (5) 16:7;30:10;38:22; 41:4;43:22	recent (2) 4:19;15:19	remind (1) 38:3	robust (1) 29:3	single (1) 5:21
protection (1) 26:11	recently (1) 7:14	removal (1) 17:20	Rule (5) 41:8,19;42:2,13; 43:17	site (3) 34:11,17;35:22
protective (4) 34:23;35:3,10,11	recipient (1) 30:11	renewal (2) 29:17;33:19	rulemaking (15) 10:23;15:9,17;38:8, 13,15,21;39:13,19; 41:4,21;42:11,15,22; 43:21	sited (2) 34:20;35:9
provide (4) 8:3;22:2;25:21;40:7	recognizes (1) 19:20	report (11) 3:23;4:12;5:14;8:3, 4;12:21;25:1;29:2; 31:14;38:7;40:19	rules (5) 10:16,22;11:3;36:9, 19	sites (5) 23:10,17;24:21;34:8; 35:13
provided (4) 19:9;22:11;25:5; 30:19	recommendation (1) 41:15	reporting (2) 6:7;7:19	S	siting (3) 18:18;35:6,16
provides (1) 21:15	recommendations (2) 39:9;42:1	request (1) 7:7	Safe (3) 10:12;12:17;35:10	six (1) 35:14
providing (1) 16:4	recommended (1) 42:3	requested (3) 5:16,23;30:20	same (2) 29:16;33:7	slides (2) 14:21;22:2
public (11) 12:21;15:12,18,20, 22;16:2,5,12,20,21; 43:13	recommending (1) 42:8	requests (1) 6:10	sampling (2) 23:4,5	sole (1) 34:17
Publications (1) 28:23	recommends (1) 11:14	require (2) 10:6;11:8	scarce (1) 31:3	solely (1) 29:10
purports (1) 30:5	Recovery (1) 10:14	required (2) 4:22;30:14	school (1) 27:1	Soliciting (1) 15:11
purpose (1) 38:15	redevelopment (1) 19:5	requirements (2) 17:1;30:1	schools (1) 25:16	solid (2) 19:6;23:11
Q	refer (1) 36:7	Resource (1) 10:13	scrap (2) 19:7;23:13	sounds (1) 32:7
quality (1) 23:4	reference (1) 28:6	resources (4) 6:2;13:8;14:5;31:3	screening (1) 37:2	source (1) 23:7
quorum (1) 3:9	referred (2) 13:3;39:18	respond (1) 7:16	second (5) 3:18;16:14;39:15; 43:23;44:23	Southeastern (1) 20:11
quote (3) 9:12;17:16,18	reflect (2) 38:16;42:4	response (6) 6:1;31:19;37:23; 40:17;44:6,16	selecting (2) 28:20,22	speak (1) 37:16
	Region (1) 24:4	responsibility (2) 34:8,19	Selma-to-Montgomery (1) 24:15	special (3) 5:7,10;25:4
	Regular (2) 18:11,14		semiannually (1)	specialized (1) 13:22
	regularly (1) 13:18			specific (1) 13:2
	regulated (1) 21:8			specifically (2) 24:12;29:13
	regulation (1) 27:23			specified (1) 8:23
				spill (1)

7:15 staff (2) 22:13,14 start (1) 42:21 started (1) 43:2 state (7) 9:16;10:8,19;11:8; 23:23;24:18;34:10 state-mandated (1) 6:6 states (4) 11:14,17;19:23; 36:21 State's (1) 6:8 stations (2) 23:4,6 statute (2) 11:3;27:22 statutes (1) 10:11 statutory (3) 10:4;11:7;16:23 step (3) 13:5;15:10;16:14 still (1) 27:1 stimulate (1) 15:22 Storage (1) 25:8 storm (1) 19:5 struggled (1) 37:6 students (3) 26:1,18,22 study (1) 18:16 studying (1) 14:5 subject (3) 10:2;21:18;28:15 submitting (1) 7:9 suggested (1) 42:18 summary (1) 8:13 supported (1) 26:8 sure (4) 34:19;35:8;37:13,15 surveys (1) 18:15 system (3) 6:7;21:2,5 systematic (1) 27:20	T table (1) 28:12 Tank (1) 25:8 target (1) 29:6 Targeted (3) 19:8;24:12;26:2 tax (1) 3:6 teach (1) 22:8 ten (1) 12:9 tenets (1) 15:14 term (1) 8:19 therefore (1) 30:13 THOMAS (1) 43:8 thousands (1) 25:23 three (2) 13:11;26:6 thus (1) 11:6 ties (1) 26:20 timing (1) 43:3 tire (2) 19:7;23:13 tissue (1) 23:5 Title (4) 4:19;29:7,11;33:12 titled (3) 11:19;14:10;28:10 TMDLs (1) 23:2 today (6) 38:19;39:6;40:3,6; 41:19;42:20 Today's (5) 4:12;8:2;12:21;29:2; 31:13 took (1) 39:15 tool (2) 21:14;37:3 tools (5) 16:17;20:21,22; 22:10;37:1 top (1) 33:11 topic (2) 32:13;33:4 total (2)	5:16;23:1 totally (1) 11:16 toward (1) 37:12 tracked (1) 22:20 tracking (1) 21:3 tracks (1) 22:15 traffic (1) 35:17 Trail (2) 24:16,22 train (1) 22:7 training (6) 13:22;14:2;18:22; 19:8;21:13;22:13 transfer (2) 6:21;7:4 treatment (6) 12:13;18:1,2;32:16, 20;33:3 try (1) 37:4 Tuesday (1) 38:3 turn (1) 38:9 Tuskegee (2) 20:17;38:5 two (2) 29:6;33:12	40:11;41:2;43:5;44:15 update (2) 8:3;28:16 updated (1) 14:12 Urban (1) 20:4 USA (1) 44:9 use (3) 17:11;19:16;22:9 uses (1) 37:3 using (1) 17:15	webpage (1) 16:19 website (2) 17:12;28:20 weeks (1) 5:9 weight (1) 23:19 well-justified (1) 6:10 What's (2) 16:18;21:10 wherever (1) 35:8 White (1) 12:2 within (1) 30:7 won (1) 20:8 work (3) 14:1;26:18;36:21 worthwhile (1) 22:18 worthy (1) 12:7 wreck (1) 4:5 writing (1) 30:4
				V various (2) 19:17;20:21 venues (1) 19:12 version (1) 28:17 versus (2) 32:15;44:10 veto (1) 5:4 vetoed (1) 5:2 VI (4) 4:19;29:7,11;33:12 violation (1) 30:23 violations (1) 17:14 voluntarily (1) 44:11 voluntary (2) 11:16;29:10 Voting (1) 24:15
		U under (2) 16:8;32:17 undertake (3) 11:9;19:4;30:14 undertaken (1) 8:16 undertaking (1) 21:12 undetected (1) 25:11 Uniontown (1) 17:23 universities (1) 26:21 University (2) 20:15,17 unless (1) 43:4 Unlike (2) 9:13;29:8 unprecedented (1) 24:19 up (12) 6:23;7:11;23:10,12, 14,17;24:6;39:15;		
			W Waste (4) 17:23;18:2;19:6; 23:11 wastewater (1) 24:9 Water (9) 10:12,12;13:12; 17:23;18:2;19:6;23:3, 23;25:20 Watershed (2) 20:4,14 way (5) 4:5;20:7;32:10; 34:23;35:2 ways (1) 26:16 web (1) 21:11	Y years (3) 12:9;15:19;29:8 yesterday (1) 20:8 Young (2) 25:14,17
				Z zoning (1) 34:8
				I 10:00 (2) 38:13;40:13 100 (1) 22:21 12898 (1) 8:22 15th (1) 3:3 16 (2) 6:18;12:1 17th (1) 44:19 180 (1) 30:8 1964 (1) 29:14

<p>1994 (1) 8:21 19th (1) 3:13</p>				
2				
<p>2007 (1) 22:10 2010 (1) 7:14 2011 (1) 11:18 2014 (13) 8:12;11:19;12:11; 14:11,17,20,22;15:7; 19:20;20:19;22:1; 27:15;36:8 2015 (1) 24:23 2016 (3) 3:3,13;44:19 2017 (4) 5:1;6:13;7:2,18 2020 (1) 14:13 25,000 (1) 30:20</p>				
3				
<p>335-2 (1) 41:6 335-2-3-05 (2) 41:9;42:2</p>				
4				
<p>4 (1) 24:4</p>				
6				
<p>64 (1) 22:20</p>				
9				
<p>96 (1) 25:6</p>				

Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Director's Slides
(Agenda Item 2)**

**Attachment 3 Order to adopt motion to proceed to rulemaking with the proposed
amendments
(Agenda Item 5)**

Attachment 1

Amended 4/4/16

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: April 15, 2016

TIME: 11:00 a.m.

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

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on February 19, 2016**	2
2. Report from the ADEM Director	2
3. Report from the Rulemaking Committee Chair	2
4. Report from the Commission Chair	2
5. Consideration of proceeding to rulemaking with proposed amendments to ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda	2
6. <u>Chevron U.S.A. Inc. v. ADEM</u> , EMC Docket No. 16-02	2
7. Other business	2
8. Future business session	2

* 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 FEBRUARY 19, 2016
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE RULEMAKING COMMITTEE CHAIR
4. REPORT FROM THE COMMISSION CHAIR
5. CONSIDERATION OF PROCEEDING TO RULEMAKING WITH PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA

The Rulemaking Committee will recommend that the Commission proceed to rulemaking with proposed amendments to ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda. The Commission will consider this recommendation and may vote to proceed to rulemaking with these proposed amendments.

6. CHEVRON U.S.A. INC. V. ADEM, EMC DOCKET NO. 16-02

The Commission will acknowledge for the record Petitioner Chevron U.S.A. Inc.'s Notice of Voluntary Dismissal as a notice of withdrawal of the request for hearing in the above matter.

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

Attachment 2

ADEM

**Report on ADEM Environmental Justice
Activities**

to

**Alabama Environmental Management
Commission**

April 15, 2016



Focus Areas

- History and Definition of Environmental Justice (EJ)
- Designated ADEM Personnel to Coordinate EJ Activities
- Implementing Elements of EPA Plan EJ 2014
- Additional ADEM EJ Initiatives

History and Definition of Environmental Justice (EJ)

- 1994 Presidential Executive Order
- Unlike the Civil Rights Act it is not a law
- State participation is voluntary
- ADEM vigorously engages in EJ activities

ADEM

Designated ADEM Personnel to Coordinate EJ Activities

- Air, Land, and Water EJ coordinators
- EJ activities overseen by Deputy Director
- Meet with Deputy Director at least twice per month
- Specialized training (e.g. EPA conferences)

Implementing Elements of EPA Plan EJ 2014

- Community Participation in Rulemaking
- Community Engagement in Permitting
- Compliance and Enforcement

ADEM

Implementing Elements of **EPA Plan EJ 2014**

- Promising Community-Based Practices
- Interagency EJ Efforts
- Tools Development

Additional ADEM EJ Initiatives

- Formal EJ Training for ADEM Employees
- Tracking of Environmental Improvements in EJ Areas
- Increased Ranking Weight for Cleanups and Eligibility for Loan Forgiveness in EJ Areas
- Pressing EPA for Infrastructure Funding in EJ Areas

ADEM

Additional ADEM EJ Initiatives

- Targeted:
 - ✓ Assessments
 - ✓ Compliance Assistance
 - ✓ Environmental Health Programs
 - ✓ Environmental Education Programs
 - ✓ Leadership Programs
 - ✓ Employment Recruiting

Attachment 3

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

MOTION

Proceed to rulemaking with the proposed amendments

ORDER

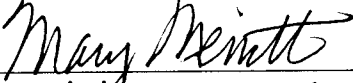
This cause having come before the Environmental Management Commission pursuant to the above motion, and the Commission having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

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.

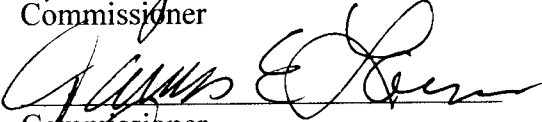
Environmental Management Commission Order
Page 2

ISSUED this 15th day of April 2016.

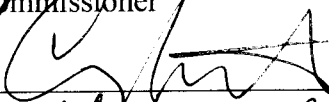
APPROVED:



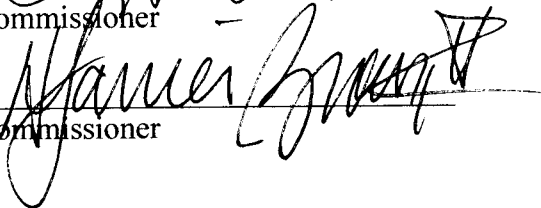
Commissioner



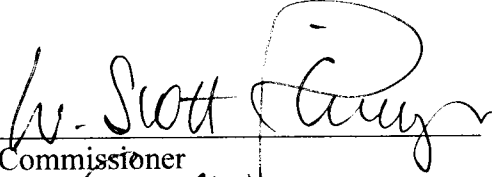
Commissioner



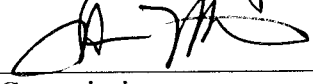
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

ABSTAINED:

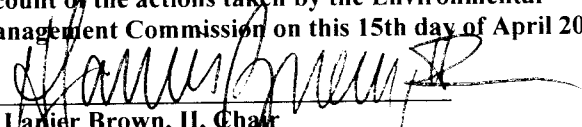
Commissioner

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 15th day of April 2016.



H. Lantier Brown, II, Chair
Environmental Management Commission
Certified this 15th day of April 2016