

6/22/09

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
April 17, 2009

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on April 17, 2009.



Laurel G. Gardner, Chair
Environmental Management Commission

Certified this 19th day of June 2009.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
April 17, 2009

Convened: 11:00 a.m.
Adjourned: 11:35 a.m.

Part A

Transcript

Part B

Attachment Index

Attachments 1 – 6

Part A

AEMC COMMISSION MEETING - 4/17/2009

ALABAMA ENVIRONMENTAL MANAGEMENT
COMMISSION MEETING
ALABAMA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT BUILDING
ALABAMA ROOM (MAIN HEARING ROOM)
1400 COLISEUM BOULEVARD
MONTGOMERY, ALABAMA

APRIL 17, 2009 11:00 a.m.

COMMISSION MEMBERS PRESENT:
DR. LAUREL G. GARDNER, CHAIR
SAM H. WAINWRIGHT, P.E., VICE-CHAIR
DR. JOHN H. LESTER
KENNETH A. HAIRSTON, ESQUIRE

COMMISSION MEMBERS NOT PRESENT:
ANITA L. ARCHIE
W. SCOTT PHILLIPS

ALSO PRESENT:
ONIS "TREY" GLENN, III, ADEM DIRECTOR
ROBERT TAMBLING, EMC LEGAL COUNSEL
DEBI THOMAS, EMC EXECUTIVE ASSISTANT

1 on at the Department. I hope -- I trust
2 you've been receiving some of the
3 correspondence I've sent between the last
4 Commission meeting and this regarding some
5 of the ongoing activities. As we have
6 discussed, a lot of focus has been on a
7 smaller number of activities spending more
8 time and resources on that and we'll talk
9 about real, real briefly. First you should
10 have recently received a memo from me
11 outlining contracts we've recently entered
12 into, and also from an administrative
13 standpoint the budget issues still exist,
14 and they're very numerous, first starting
15 with the current 2009 budget. Nothing has
16 changed with our current budget since we
17 last spoke. We do continue to have the
18 hiring freeze, and we are implementing the
19 cost cutting measures that we have talked
20 about. We are living within our means, and
21 everything's going according to the plan.
22 There is the possibility of the legislature
23 introducing a supplemental budget for the

1 DR. GARDNER: I would like to
2 call this meeting to order. We do have a
3 quorum, and we need to consider the minutes
4 of the meeting held on February 20th, 2009.
5 I would like to entertain a motion from the
6 Commission regarding the adoption of said
7 minutes.
8 MR. LESTER: We approve them.
9 DR. GARDNER: Pardon?
10 MR. WAINWRIGHT: Move we approve
11 the minutes.
12 DR. GARDNER: And a second?
13 MR. WAINWRIGHT: Second.
14 DR. GARDNER: All in favor?
15 (All ayes.)
16 DR. GARDNER: That motion
17 carries.
18 Agenda item Number 2 is the
19 report from the director.
20 MR. GLENN: Thank you,
21 Commissioner. Thank you for the
22 opportunity to stand before you today and
23 update you on some of the activities going

1 2009 budget based on some recent decisions
2 at the Supreme Court that revolve around
3 the Governor's veto we discussed almost a
4 year ago. Now we're not sure if that will
5 affect us much, we hope in a positive way
6 if at all, but that's unknown right now.
7 The 2010 budget has been
8 introduced. I think that was done when we
9 spoke last time or was happening then.
10 That still is the official budget on the
11 floor. It is being discussed in committee
12 now, and so therefore a substitute for that
13 budget will likely occur and our money has
14 not changed much based on that. We come
15 out about the same. If you recall, the
16 2010 budget as introduced was approximately
17 equal to the prorated 2009 budget. So
18 basically we're at the same spot we were
19 when we last spoke from a budget
20 standpoint.
21 Right now on to quarry research
22 as we discussed that a lot during calendar
23 year 2008. We have completed that

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<p style="text-align: right;">Page 5</p> <p>1 research, and you should have received a 2 transmission from me earlier this week on 3 that. Likewise the operating plan 4 implementation has begun. I think we've 5 already got you the first deliverable that 6 was identified in there regarding our field 7 operations division and all the other 8 projects are under way. And we've put a 9 status report out for you to see on that 10 just to allow you to stay continually 11 involved to the level you want to be in 12 seeing our implementation of that operating 13 plan. 14 Last from an administrative 15 standpoint rulemaking. We do have a lot of 16 rules before you today. We also have a lot 17 of rules that are under way, and those were 18 in the memo that I sent you earlier this 19 week, a description of those potential 20 future rules and the expected times and 21 dates on those and status of those. Also 22 in the realm of rulemaking, not necessarily 23 associated with an action for us at ADEM or</p>	<p style="text-align: right;">Page 7</p> <p>1 down that path that we identified at the 2 last Commission meeting, and I am pleased 3 to report that we do exceed the EPA minimum 4 requirements on checking compliance with 5 those standards, and we plan to continue to 6 do that through efficient utilization of 7 our staff resources even in light of the 8 funding that they have given us. 9 We discussed the Conservation 10 Alabama Report, and outside of just some 11 very, very small minor things in there, my 12 review of that report has not changed. 13 There was little things. But for the most 14 part I think they accurately compare that 15 monitoring data to the IRIS values the 16 group included. So nothing about our 17 review of that report changed from what I 18 reported to you at the last Commission 19 meeting, even though we had not officially 20 completed our very detailed review of that. 21 Nothing of a policy substance in my opinion 22 has changed in that. Also if you read in 23 the article -- if you recall the USA Today</p>
<p style="text-align: right;">Page 6</p> <p>1 the Commission, but the visible emissions. 2 The Opacity Rule that was discussed a lot 3 last summer and passed and subsequently 4 approved by EPA is being reconsidered yet 5 again by EPA. They're being reconsidered a 6 second time by EPA, and so I just want to 7 make you aware of that. There's also the 8 lawsuit that is ongoing, that that has not 9 changed since we've spoken several times 10 before, but what has changed is EPA has 11 granted a second motion for 12 reconsideration, which is a little unique, 13 but it has occurred, the situation. 14 Now let's spend a moment on air 15 toxics. We introduced that topic with a 16 little more structure at the last meeting, 17 so I just want to continue discussing that. 18 First and foremost we do regulate air 19 toxics through the enforcement of and 20 permitting of MACT standards. We do check 21 compliance with MACTs, and I just want to 22 -- we've been discussing that internally. 23 We're making sure that we're continuing</p>	<p style="text-align: right;">Page 8</p> <p>1 article that came out a while back that 2 instigated some action in Washington, that 3 has been credited for EPA Administrator 4 Lisa Jackson's efforts to put more monitors 5 around. And there's been four sites 6 selected in Alabama, all of those around 7 schools in Jefferson County, all of which 8 are not -- is not of course an area that we 9 regulate from an air standpoint. So EPA 10 will be working to fund the monitors 11 through the Jefferson County Health 12 Department, not through ADEM, but there is 13 monitoring going on in the sites of 14 interest to EPA and we thought might be a 15 potential area to look at. 16 Also we have enhanced our 17 compliance assistance section's efforts to 18 prepare more outreach material targeted at 19 smaller more numerous sources of air 20 toxics. So we've got the bigger source 21 that we regulate, but as you know there are 22 many, many small sources out there of 23 emissions, and we are working with the air</p>

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<p style="text-align: right;">Page 9</p> <p>1 division on our larger sources as well as 2 our compliance assistance group on the 3 smaller sources to make sure there is a lot 4 of information starting to flow out of 5 these walls to have a positive impact on 6 the compliance of individuals with our air 7 toxic standards. 8 Lastly I have personally 9 established conversations with Dr. 10 Williamson of the Public Health Department 11 as well as EPA Region 4 and EPA 12 headquarters involving even face to face 13 meeting with some individuals of the EPA 14 headquarters regarding the question of 15 levels of air toxics in the ambient air and 16 when should we be concerned, what different 17 regulatory options are there. Those 18 discussions have begun as we've mentioned 19 at the last Commission meeting. 20 And we have to talk about federal 21 stimulus if we get together. I think 22 that's a prerequisite with anyone in 23 government today, and this will be no</p>	<p style="text-align: right;">Page 11</p> <p>1 package are the cleanup of UST sites, 2 approximately four million dollars of 3 activity scheduled for Alabama as well as 4 retro fittings of diesel engines. I think 5 in the press clipping you saw an EPA press 6 release on that grant award that 7 highlighted the main use of that money, 8 which is off road diesel engines for the 9 Department of Transportation in the 10 Jefferson County area where it should have 11 a very real impact on the air quality in 12 that area. 13 We will continue to apply for any 14 competitive grants that are available, such 15 as Brownfield and others, and continue to 16 work on the implementation of these current 17 grants that we have. 18 And the last thing from my more 19 traditional report is Supplemental 20 Environmental Projects. I know we've 21 talked about that in very general terms for 22 some time now, but we also for some time 23 have been working on the process of</p>
<p style="text-align: right;">Page 10</p> <p>1 exception now. We do continue to 2 coordinate with EPA, with the Governor's 3 office, stakeholders and Congress and 4 everyone on the implementation of that 5 federal stimulus program. Not much has 6 changed since we talked before on that 7 except for now we are in the implementation 8 process. The most notable funding coming 9 through ADEM is in the area of the water 10 and waste water infrastructure loans, our 11 SRF program, and we do anticipate loaning 12 out approximately 93 million dollars this 13 year. Of that approximately 30 million 14 dollars will be principal forgiveness. So 15 of the 90 something million we loan out, 16 only 60 millionish will have to be repaid 17 back, so you can see how that will greatly 18 benefit many of the recipients of those 19 loans. We do plan on putting that intended 20 use plan out for public notice here very, 21 very soon and to have that process on move 22 to get those loans out as quickly as we 23 can. Other notable items from the stimulus</p>	<p style="text-align: right;">Page 12</p> <p>1 developing a SEP bank, a Supplemental 2 Environmental Project bank. And basically 3 SEPs are commonly used to offset a portion 4 of a penalty that may be levied to a 5 violator during a formal enforcement 6 action, and you would offset the benefit of 7 the SEP of the project. That might offset 8 some of the penalty amount that they would 9 have to pay, assuming it provides a 10 positive impact for Alabama's environment 11 and happening inside even the local 12 community where that impact might have 13 occurred. Our plan will include the 14 continuous identification, just a rolling 15 list of qualifying state projects that can 16 be deposited into that SEP bank for people 17 to consider, for entities that might be 18 under enforcement action from us to 19 consider in a response to an enforcement 20 action that they get from us. The use of a 21 SEP bank is voluntary. We cannot require 22 someone to do this. Should they want to 23 just pay a fine, they can do that. But we</p>

3 (Pages 9 to 12)

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<p style="text-align: right;">Page 13</p> <p>1 also might will encourage the use of 2 Supplemental Environmental Projects in 3 putting some projects on the ground that 4 will have a positive impact on health and 5 safety of the citizens of Alabama in their 6 area and throughout the whole state of 7 Alabama. So I just want to introduce that 8 process is ongoing, and we're doing this of 9 course in coordination with many 10 stakeholders, EPA and others to make sure 11 that that program is very successful. 12 That concludes the primary 13 remarks as I mentioned to Chair Gardner 14 before. We do have an award to give out, 15 but before we do that, would you like me to 16 answer any questions? 17 DR. GARDNER: Are there any 18 questions? 19 MR. WAINWRIGHT: How fast will 20 that stimulus money get to the job sites? 21 When will the bids go out? 22 MR. GLENN: Well, we will close 23 loans hopefully as early as late summer,</p>	<p style="text-align: right;">Page 15</p> <p>1 down here, I would love to take this 2 opportunity to recognize Harvest-Monrovia 3 receiving a national recognition from EPA 4 with the presentation of an award revolving 5 around the Drinking Water State Revolving 6 Fund for sustainable public health 7 protection. It recognizes a drinking water 8 SRF Award. DWSRF you see, this is our loan 9 program we just spoke about and 10 Harvest-Monrovia was a recipient of 11 approximately -- a loan for the 12 construction of a 10 MGD waste water 13 treatment plant to provide advanced water 14 treatment for two existing wells, two 15 storage tanks, as well as an emergency 16 connection with the City of Madison. These 17 awards go to borrowers who demonstrate 18 leadership innovation and creative use of 19 projects to advance the goals of the Safe 20 Drinking Water Act. Only five projects in 21 the southeast are receiving this honor, and 22 one of those happens to be Harvest-Monrovia 23 here in Alabama. So if we could, I</p>
<p style="text-align: right;">Page 14</p> <p>1 and if you will let me turn around and make 2 sure nobody kicks me on that, roughly late 3 summer. And then once those loans are 4 closed, that money should be -- contracts 5 let. Those projects should begin working, 6 and we hope to see work happening this 7 calendar year. And that was of course the 8 intention of Congress and the President in 9 doing that. For a project to be qualified 10 this year, it has to be shovel ready. So 11 it has to be ready to go. Some projects, 12 we know they already have contracts let, 13 and they're ready to move on these things. 14 Some of them will be quicker than others, 15 but there are requirements, and should 16 someone not be able to meet the time 17 requirements in there, we'll -- the funding 18 will likely go to someone else that can do 19 that. 20 DR. GARDNER: Are there any 21 further questions for Mr. Glenn? 22 MR. GLENN: Now with that said, 23 Chair Gardner, if you don't mind joining me</p>	<p style="text-align: right;">Page 16</p> <p>1 understand Mr. Roger Rabi, who is a general 2 manager, is here, and if he will come up 3 and receive the award, we would like to 4 recognize you. 5 (Award presented.) 6 MR. GLENN: Chair Gardner, that 7 does conclude my report pending any 8 questions. 9 DR. GARDNER: Thanks. We 10 appreciate it. Excuse me. Agenda item 11 Number 3 is the report from the Commission 12 Chair. I really don't have anything at 13 this meeting other than to thank the 14 Strategic Planning Committee for the work 15 that they've done on reconciling the public 16 comments. Mr. Wainwright will be 17 addressing that in the next agenda item, 18 and that's really all I've got. So Mr. 19 Wainwright, agenda item 4, the report from 20 the Strategic Planning Ad Hoc Committee. 21 MR. WAINWRIGHT: Madam Chair, the 22 Strategic Planning Ad Hoc Committee met 23 this morning briefly to review the</p>

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<p>1 reconciliation statements for the comments 2 that were made during the public hearing 3 process for the rule change. There was one 4 slight change to the rule that opens it up 5 to allow the Commission to make to go back 6 into the strategic plan at any time the 7 Commission so chooses. There was some 8 comments from Dr. Felker and Mr. Hairston 9 had made comments regarding the fact that 10 it was a little rigid, so it has opened up 11 and the rule that's proposed is to allow 12 them to go back into the strategic plan as 13 the Commission sees fit. The Committee 14 recommends the reconciliation as part of 15 your consideration for the rule change, and 16 I guess the next step would be a motion to 17 adopt the rules, and under agenda Item 5, 18 and I would like to say one more thing 19 after we do Item 5. 20 DR. GARDNER: Okay. Let's move 21 on to agenda item Number 5. The Commission 22 is to consider the adoption of proposed 23 amendments to the Division 1 General</p>	<p>1 sign. And that motion will carry. 2 And the second part of this 3 agenda item is to entertain a motion from 4 the Commission regarding the adoption of 5 the proposed amendments to Division 2 6 Environmental Management Commission 7 Regulations. Do you have a motion? 8 MR. WAINWRIGHT: So moved. 9 MR. LESTER: Second. 10 DR. GARDNER: Is there any 11 discussion regarding these proposed 12 amendments? 13 MR. LESTER: Second. 14 DR. GARDNER: Okay. All in favor 15 of these proposed amendments say aye. 16 (All ayes.) 17 DR. GARDNER: All opposed, like 18 sign. That motion also carries. 19 MR. WAINWRIGHT: Madam Chair, 20 before we get away from this issue, I would 21 like to thank the Committee, Mr. Hairston 22 and Dr. Lester for all of their efforts in 23 getting this accomplished. I would also</p>
Page 18	Page 20
<p>1 Administration Regulations and the Division 2 Environmental Management Commission 3 Regulations. Do you have any further 4 comments, Mr. Wainwright, before we move on 5 to the motion? 6 MR. WAINWRIGHT: No. I think 7 everybody's had several months to look 8 these over, and I have no other comments. 9 DR. GARDNER: I would like to 10 entertain a motion from the Commission 11 regarding the adoption of these amendments. 12 MR. WAINWRIGHT: So move. 13 DR. GARDNER: Division 1 General 14 Administration Regulations. 15 MR. WAINWRIGHT: So move. 16 DR. GARDNER: Do I have a second? 17 MR. LESTER: I second. 18 DR. GARDNER: Is there any 19 discussion from the Commission? Okay. All 20 in favor of adoption of these proposed 21 amendments say aye. 22 (All ayes.) 23 DR. GARDNER: All opposed, same</p>	<p>1 like to thank the Director who's spent a 2 tremendous amount of time with Mr. Robert 3 Ashurst from the Auburn -- I guess it's the 4 Auburn Government Center. They did a 5 tremendous job putting the plan together 6 and getting these rules prepared. Also I 7 would like to thank Robert Tambling and 8 John Hagood for their efforts in doing the 9 reconciliation, and the charge that was 10 given to this ad hoc committee has now been 11 completed, and I would recommend that the 12 Committee be discharged. 13 DR. GARDNER: Okay. I believe 14 according to our rules once that charge is 15 completed that the Committee simply is 16 dissolved, so we consider that Committee 17 dissolved. Okay. 18 Moving on to agenda item 6, we 19 will consider the adoption of the proposed 20 amendments to the Division 1 General 21 Administration Regulations and the proposed 22 addition of Division 5 Uniform 23 Environmental Covenant Program Regulations.</p>

5 (Pages 17 to 20)

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<p style="text-align: right;">Page 21</p> <p>1 I believe Mr. Hardy is going to grace us 2 with his presence this morning. 3 MR. HARDY: Good morning, madam 4 Chairman. I am Gerald Hardy, Chief of the 5 Land Division. In June of 2007 Governor 6 Bob Riley signed into law the Alabama 7 Uniform Environmental Covenants Act, which 8 had an effective date of January the 1st, 9 2008. ADEM staff began rulemaking for the 10 act in August of 2008 to draft regulations 11 in a new Division 5 of the ADEM 12 Administrative Code and to add fees in 13 Division 1. The public comment period 14 began August 29th, and a public hearing was 15 held October 8th. Due to the number of 16 comments received and their nature, it was 17 decided not to go forward with that 18 rulemaking and to review and revise the 19 proposed rules to address significant 20 comments. A second rulemaking was began in 21 January 2009, also to add the new Division 22 5 and fees in Division 1. Public comment 23 period began January the 30th and ended</p>	<p style="text-align: right;">Page 23</p> <p>1 Covenants rules do apply to all federal 2 facilities and is proposing language in the 3 final draft specifically stating the same. 4 The comments and responses stating the 5 Department's position regarding the changes 6 in question were sent to the commentors. 7 At this time the Department requests the 8 Commission to adopt these rules, a new 9 Division 5 and revisions to Division 1 as 10 recommended. I'll be glad to answer any 11 questions you may have. 12 DR. GARDNER: Are there any 13 questions for Mr. Hardy? Okay. First 14 we're going to entertain a motion regarding 15 the adoption of proposed amendments to the 16 Division 1 General Administration 17 Regulations. Do I have a motion? 18 MR. LESTER: I so move. 19 DR. GARDNER: Do I have a second? 20 MR. WAINWRIGHT: I second. 21 DR. GARDNER: Is there any 22 discussion regarding this motion? All in 23 favor please say aye.</p>
<p style="text-align: right;">Page 22</p> <p>1 March the 6th, and the public hearing was 2 held on March the 6th. Comments were 3 received from five persons during the 4 comment period. Many of the comments were 5 about specific wording or the meaning of 6 words and phrases in both Division 1 and 7 Division 5. Two comments on Division 5 8 were more significant. One stated that 9 ADEM was creating new real property law in 10 one section of the regulations and the 11 second wanted the regulations to not apply 12 to federal facilities until and unless the 13 property was transferred to private 14 ownership. 15 Our staff carefully reviewed all 16 comments, and we are proposing to amend the 17 regulations as shown on the reconciliation 18 statement previously provided to the 19 Commission. The proposed regulation 20 alleged to have created new real property 21 law has been removed from the final draft 22 regulations. And the Department strongly 23 believes that the Uniform Environmental</p>	<p style="text-align: right;">Page 24</p> <p>1 (All ayes.) 2 DR. GARDNER: All opposed, same 3 sign. Motion carries. 4 Next we will entertain a motion 5 regarding the adoption of proposed addition 6 of Division 5 Uniform Environmental 7 Covenant Program Regulations. Do I have a 8 motion to adopt these? 9 MR. LESTER: So moved. 10 DR. GARDNER: Do I have a second? 11 MR. HAIRSTON: Second. 12 DR. GARDNER: Is there any 13 discussion regarding this motion? I think 14 there's no discussion or questions. All in 15 favor of the proposed regulations signify 16 by saying aye. 17 (All ayes.) 18 DR. GARDNER: All opposed, same 19 sign. That motion also carries. Thank 20 you, Mr. Hardy. Moving on to agenda item 21 Number 7. The Commission is going to 22 consider the adoption of proposed 23 amendments to the Division 7 Water Supply</p>

6 (Pages 21 to 24)

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<p>1 Program Regulations. 2 MR. HARRISON: Madam Chair and 3 members of the Commission, I am Dennis 4 Harrison, and I am Chief of the Drinking 5 Water Branch of the Water Division. In 6 December 2008 the Department initiated the 7 rulemaking process to consider proposed 8 amendments to ADEM Administrative Code 9 335-7 addressing federal regulations that 10 that were promulgated in 2006 and 2007. 11 Adoption of these revisions will allow the 12 Department to retain privacy for 13 implementation of federal drinking water 14 requirements for public water systems in 15 Alabama. In this rulemaking the Department 16 proposed the addition of new rules to adopt 17 the requirements of the new federal ground 18 water rule. Other federal revisions 19 proposed for adoption at the state level 20 strengthen the implementation of the lead 21 and copper rule. All other state revisions 22 include correcting clerical errors and 23 making clarifications to existing rules.</p>	<p>1 DR. GARDNER: Are there any 2 further questions? I would like to 3 entertain a motion from the Commission 4 regarding the adoption of proposed 5 amendments Division 7 Water Supply Program 6 Regulations. 7 MR. HAIRSTON: I move. 8 MR. LESTER: I second. 9 DR. GARDNER: Mr. Lester. Is 10 there any further discussion or further 11 comments? All in favor of the proposed 12 amendments signify by saying aye. 13 (All ayes.) 14 DR. GARDNER: All opposed, same 15 sign. Motion carries. Thank you. 16 Moving on to agenda item Number 17 8. The Commission is going to consider the 18 adoption of proposed amendments to the 19 Division 13 Solid Waste Regulations. Mr. 20 Hardy. 21 MR. HARDY: Good morning, madam 22 Chairman and members of the Commission. 23 I'm Gerald Hardy, Chief of the Land</p>
Page 26	Page 28
<p>1 On February 4th, 2009 a public hearing was 2 held regarding the proposed revisions. 3 Written comments were accepted any time 4 during the public comment period, which 5 extended from December 22nd, 2008 through 6 February 4th, 2009. During the comment 7 period the Department received written 8 comments from one commentor. That was U.S. 9 EPA Region 4. At the hearing on February 10 4th, 2009 no one presented oral testimony. 11 EPA's comments were predominantly 12 administrative corrections. All EPA 13 comments have been addressed. The 14 Department requests that the Commission 15 adopt the proposed revisions with changes 16 pursuant to EPA's comments, and I will be 17 glad to answer any questions which you may 18 have. 19 DR. GARDNER: Does the Commission 20 have any questions, please? 21 MR. HAIRSTON: Did you do what 22 EPA said? 23 MR. HARDY: Yes, sir.</p>	<p>1 Division, and I am before you to recommend 2 the Commission's adoption of amendments to 3 the Department's Solid Waste Regulations. 4 The proposed regulation before the 5 Commission today would establish the 6 requirements for the implementation of an 7 unauthorized solid waste dump remediation 8 program under the Solid Waste Fund. This 9 fund was created by the Solid Waste and 10 Recyclable Materials Management Act, which 11 was passed by the legislature and signed 12 into law by the Governor last year. The 13 proposed regulations before you were the 14 subject of a public comment period that ran 15 from January the 25th to March the 11th, 16 2009 and of a public hearing held on March 17 the 11th. Only one commentor spoke at the 18 public hearing. The Department has 19 reviewed the comments and made the 20 appropriate revisions to the proposed 21 regulations to reconcile those suggestions. 22 Pending any questions you might have, the 23 Department asks that the Commission adopt</p>

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1 these changes to the Solid Waste
2 Regulations.
3 DR. GARDNER: Does the Commission
4 have any questions from Mr. Hardy regarding
5 this?
6 MR. HAIRSTON: What would it do?
7 MR. HARDY: Creates a fund to
8 clean up illegal dumps that are discovered.
9 And we have a ranking process to rank the
10 number of dumps, and it provides moneys to
11 clean up those dumps on innocent land
12 owners or where that proposed presents a
13 threat to public health, we can clean those
14 up even if we know who the creator of the
15 dump is.
16 MR. HAIRSTON: How do you
17 generate the revenue?
18 MR. HARDY: It's from a dollar
19 per ton or 25 cents per cubic yard that's
20 for waste disposed of in landfills in the
21 state. 25 percent of that money goes into
22 this Solid Waste Fund for the cleanup of
23 illegal dumps.

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1 MR. WAINWRIGHT: How are you
2 notified of these places?
3 MR. HARDY: Through complaints.
4 MR. WAINWRIGHT: Public?
5 MR. HARDY: Either from the
6 general public or we have other officials
7 that observe and notice these, and we've
8 been running a list of these illegal dumps
9 for a while. This will provide a mechanism
10 for us to finally clean up and remediate a
11 number of those.
12 DR. GARDNER: Are there any
13 further questions? I would like to
14 entertain a motion from the Commission
15 regarding the adoption of the proposed
16 amendments to Division 13 Solid Waste
17 Regulations.
18 MR. HAIRSTON: I move.
19 MR. WAINWRIGHT: Second.
20 DR. GARDNER: Any further
21 discussion? All in favor of these
22 amendments please signify by saying aye.
23 (All ayes.)

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1 DR. GARDNER: All opposed, same
2 sign. And that motion carries.
3 MR. HARDY: Thank you.
4 DR. GARDNER: Moving on to agenda
5 item Number 9, other business. I believe
6 Dr. Lester has something for us.
7 MR. LESTER: Madam Chairman, for
8 the Personnel Committee on December the
9 12th meeting, it was discussed of updating
10 our personnel evaluation form. At the time
11 we talked about when we get through the
12 strategic plan business and then we would
13 follow up with this, which today we went
14 through the strategic plan. Our last
15 meeting we were talking about that to try
16 to get this contact with Dr. Ashurst who
17 had just done our strategic plan and see if
18 he could come up with a proposal for doing
19 this environmental management evaluation
20 form of the Director. That's what it's
21 called. We got a proposal from him but
22 only Tuesday, and due to our rules, it
23 states that we have to bring any new

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1 business up until -- or any other business
2 until we've had seven days notice. So I
3 would like each of the Commissioners to
4 have a copy of the proposal to go through
5 it and then at our next meeting bring it to
6 the Commission to see if they want to go
7 this route with Dr. Ashurst and the AUM
8 Center of Government.
9 DR. GARDNER: Well, thank you for
10 bringing that to our attention. I think
11 that we each have a copy under agenda item
12 Number 9 in our packets, and we'll make
13 sure that gets on the agenda for our next
14 meeting. Is there any further business?
15 Okay. Agenda Item 10 is our
16 future meeting. The proposed date for the
17 next Commission meeting is June 19th, 2009.
18 That is of course a Friday. The proposed
19 location is the ADEM building, and the
20 start time is 11 a.m. Are there any known
21 conflicts at this time? Do I have a motion
22 to accept that -- we don't need a motion
23 for that, so we'll just set that meeting

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1 for the 19th. If there's nothing else from
2 anybody, we will adjourn this meeting.
3 Thank you for your attendance.
4 (The hearing was concluded at
5 11:35 a.m.)
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1 CERTIFICATE
2
3 STATE OF ALABAMA
4 TALLADEGA COUNTY
5

6 I, the undersigned, a CSR, RPR, CRR
7 and Notary Public of the State of Alabama
8 at Large, hereby certify that the
9 proceedings in the herein matter were taken
10 at the time and place therein stated; that
11 the proceedings were reported by me, court
12 reporter and disinterested person, and were
13 thereafter transcribed by means of
14 computer-aided transcription; that the
15 foregoing is a complete and true record of
16 said witness.

17 I further certify that I am not of
18 counsel or attorney for either or any of
19 the parties in the foregoing proceedings
20 and caption named, or in any way interested
21 in the outcome of the cause named in said
22 caption.

23 IN WITNESS WHEREOF set my hand and
affixed my seal this 30th day of April,
2009.

Mitzi Smith, ACCR# 117, RPR, CRR
Notary Public State of Alabama
My Commission Expires: August 12, 2010

9 (Pages 33 to 34)

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1 CERTIFICATE

2
3 STATE OF ALABAMA

4 TALLADEGA COUNTY

5
6 I, the undersigned, a CSR, RPR, CRR
7 and Notary Public of the State of Alabama
8 at Large, hereby certify that the
9 proceedings in the herein matter were taken
10 at the time and place therein stated; that
11 the proceedings were reported by me, court
12 reporter and disinterested person, and were
13 thereafter transcribed by means of
14 computer-aided transcription; that the
15 foregoing is a complete and true record of
16 said witness.17
18 I further certify that I am not of
19 counsel or attorney for either or any of
20 the parties in the foregoing proceedings
21 and caption named, or in any way interested
22 in the outcome of the cause named in said
23 caption.IN WITNESS WHEREOF set my hand and
affixed my seal this 30th day of April,
2009.17
18
19 Mitzi Smith /ca20 Mitzi Smith, ACCR# 117, RPR, CRR
21 Notary Public State of Alabama22 My Commission Expires: August 12, 2010
23

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<p>substance 7:21 substitute 4:12 successful 13:11 suggestions 28:21 summer 6:3 13:23 14:3 supplemental 3:23 11:19 12:1 13:2 Supply 24:23 27:5 Supreme 4:2 sure 4:4 6:23 9:3 13:10 14:2 32:13 sustainable 15:6 systems 25:14</p> <hr/> <p style="text-align: center;">T</p> <p>take 15:1 taken 34:7 talk 3:8 9:20 talked 3:19 10:6 11:21 31:11 talking 31:15 TALLADEGA 34:4 Tambling 1:22 20:7 tanks 15:15 targeted 8:18 terms 11:21 testimony 26:10 thank 2:20,21 16:13 19:21 20:1 20:7 24:19 27:15 31:3 32:9 33:3 Thanks 16:9 thing 11:18 17:18 things 7:11,13 14:13 think 4:8 5:4 7:14 9:21 11:4 18:6 24:13 32:10 THOMAS 1:23 thought 8:14 threat 29:13 time 3:8 4:9 6:6</p>	<p>11:22,22 14:16 17:6 20:2 23:7 26:3 31:10 32:20 32:21 34:7 times 5:20 6:9 today 2:22 5:16 7:23 9:23 28:5 31:13 ton 29:19 topic 6:15 toxic 9:7 toxics 6:15,19 8:20 9:15 traditional 11:19 transcribed 34:9 transcription 34:9 transferred 22:13 transmission 5:2 Transportation 11:9 treatment 15:13,14 tremendous 20:2,5 TREY 1:21 true 34:10 trust 3:1 try 31:15 Tuesday 31:22 turn 14:1 two 15:14,14 22:7</p> <hr/> <p style="text-align: center;">U</p> <p>unauthorized 28:7 undersigned 34:5 understand 16:1 Uniform 20:22 21:7 22:23 24:6 unique 6:12 unknown 4:6 update 2:23 updating 31:9 USA 7:23 use 10:20 11:7 12:20 13:1 15:18 UST 11:1 utilization 7:6</p>	<p>U.S 26:8</p> <hr/> <p style="text-align: center;">V</p> <p>values 7:15 veto 4:3 VICE-CHAIR 1:11 violator 12:5 visible 6:1 voluntary 12:21</p> <hr/> <p style="text-align: center;">W</p> <p>W 1:18 Wainwright 1:11 2:10,13 13:19 16:16,19,21 18:4 18:6,12,15 19:8 19:19 23:20 30:1 30:4,19 walls 9:5 want 5:11 6:6,17,21 12:22 13:7 32:6 wanted 22:11 Washington 8:2 waste 10:10 15:12 27:19 28:3,7,8,9 29:1,20,22 30:16 water 10:9,10 15:5 15:7,12,13,20 24:23 25:5,5,13 25:14,18 27:5 way 4:5 5:8,17 34:13 week 5:2,19 wells 15:14 went 31:13 we'll 3:8 14:17 32:12,23 we're 4:4,18 6:23 6:23 13:8 23:14 we've 3:11 5:4,8 6:9,22 8:20 9:18 11:20 30:7 32:2 WHEREOF 34:15 Williamson 9:10</p>	<p>witness 34:10,15 wording 22:5 words 22:6 work 11:16 14:6 16:14 working 8:10,23 11:23 14:5 written 26:3,7</p> <hr/> <p style="text-align: center;">Y</p> <p>yard 29:19 year 4:4,23 10:13 14:7,10 28:12</p> <hr/> <p style="text-align: center;">1</p> <p>1 17:23 18:13 20:20 21:13,22 22:6 23:9,16 1st 21:8 10 15:12 32:15 11 32:20 11th 28:15,17 11:00 1:8 11:35 33:5 117 34:20 12 34:22 12th 31:9 13 27:19 30:16 1400 1:6 17 1:8 19th 32:17 33:1</p> <hr/> <p style="text-align: center;">2</p> <p>2 2:18 18:2 19:5 20th 2:4 2006 25:10 2007 21:5 25:10 2008 4:23 21:9,10 25:6 26:5 2009 1:8 2:4 3:15 4:1,17 21:21 26:1 26:6,10 28:16 32:17 34:16 2010 4:7,16 34:22 22nd 26:5</p>	<p>25 29:19,21 25th 28:15 29th 21:14</p> <hr/> <p style="text-align: center;">3</p> <p>3 16:11 30 10:13 30th 21:23 34:15 335-7 25:9</p> <hr/> <p style="text-align: center;">4</p> <p>4 9:11 16:19 26:9 4th 26:1,6,10</p> <hr/> <p style="text-align: center;">5</p> <p>5 17:17,19,21 20:22 21:11,22 22:7,7 23:9 24:6</p> <hr/> <p style="text-align: center;">6</p> <p>6 20:18 6th 22:1,2 60 10:16</p> <hr/> <p style="text-align: center;">7</p> <p>7 24:21,23 27:5</p> <hr/> <p style="text-align: center;">8</p> <p>8 27:17 8th 21:15</p> <hr/> <p style="text-align: center;">9</p> <p>9 31:5 32:12 90 10:15 93 10:12</p>
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Part B

Attachment 1

Amended 3/26/09

AGENDA*
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING
Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
Friday, April 17, 2009
11:00 a.m.

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2. Report from the Director	2
3. Report from the Commission Chair	2
4. Report from the Strategic Planning Ad Hoc Committee	2
5. Consideration of adoption of proposed amendments to the Division 1 – General Administration Regulations and the Division 2 – Environmental Management Commission Regulations	2
6. Consideration of adoption of proposed amendments to the Division 1 – General Administration Regulations and the proposed addition of Division 5 – Uniform Environmental Covenant Program Regulations	2
7. Consideration of adoption of proposed amendments to the Division 7 – Water Supply Program Regulations	2
8. Consideration of adoption of proposed amendments to the Division 13 – Solid Waste Regulations	2
9. Other business	2
10. Future business session	2

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

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

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 20, 2009
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. REPORT FROM THE STRATEGIC PLANNING AD HOC COMMITTEE
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 1 – GENERAL ADMINISTRATION REGULATIONS AND THE DIVISION 2 – ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS

The Commission will consider proposed amendments to the Division 1 – General Administration Regulations and the Division 2 – Environmental Management Commission Regulations. The Commission proposes to amend ADEM Administrative Code rule 335-1-1-.03 to establish a process for updating the Unified Strategic Plan (USP) and ADEM Administrative Code rule 335-2-2-.05 to add a new paragraph (h) to include consideration of the relevance and relation of a proposed rule to the most recent USP as an item that the Commission may take into account when it considers petitions for rulemaking. The current paragraph (h) in rule 335-2-2-.05 will be changed to paragraph (i). The Commission held a public hearing on the proposed amendments on February 4, 2009.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 1 – GENERAL ADMINISTRATION REGULATIONS AND THE PROPOSED ADDITION OF DIVISION 5 – UNIFORM ENVIRONMENTAL COVENANT PROGRAM REGULATIONS

The Commission will consider proposed amendments to the Division 1 – General Administration Regulations and the proposed addition of Division 5 – Uniform Environmental Covenant Program Regulations. The Department proposes to add Division 5 to its Administrative Code to implement the Alabama Uniform Environmental Covenants Act, which was enacted into law in June 2007, and to revise Division 1 to include Schedule J – Environmental Covenant Fees. The Department held a public hearing on the proposed amendments on March 6, 2009.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 7 – WATER SUPPLY PROGRAM REGULATIONS

The Commission will consider proposed amendments to the Division 7 – Water Supply Regulations. The Department proposes to amend ADEM Administrative Code chapters 335-7-2, 335-7-5, 335-7-6, 335-7-10, 335-7-11, 335-7-14, and Appendices A, B, and C to reflect changes in the federal National Primary Drinking Water Regulations. Other revisions include correcting clerical errors and making clarifications to existing rules. The Department held a public hearing on the proposed amendments on February 4, 2009.

8. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE
DIVISION 13 – SOLID WASTE REGULATIONS

The Commission will consider proposed amendments to the Division 13 – Solid Waste Regulations. The Department proposes to amend its Administrative Code by creating Rule 335-13-11, which would establish the regulatory requirements necessary for the implementation of the Solid Waste Fund site remediation program. The Department held a public hearing on the proposed amendments on March 11, 2009.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION

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 335-1 of the Department's General Administration Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

WHEREAS, a representative of the Environmental Management Commission Strategic Planning Ad Hoc Committee (hereafter referred to as the Strategic Planning Committee) in consultation with a representative of 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 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 a representative of the Strategic Planning Committee in consultation with a representative of the Alabama Department of Environmental Management and submitted to the Commission by the Strategic Planning Committee.

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapter 335-1-1-.03, Organization and Duties of the Commission, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

ENVIRONMENTAL MANAGEMENT COMMISSION

RESOLUTION

ADEM Admin. Code 335-1-1-.03
Organization and Duties of the Commission
General Administration

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:

Laural S. Gardner

John Lester

Kimberly B. White

Sam Altemeyer

DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17th day of April 2009.

Laural S. Gardner

Chair

Environmental Management Commission
Certified this 17th day of April 2009.

ABSTAINED:

**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 335-2 of the Department's Environmental Management Commission Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

WHEREAS, a representative of the Environmental Management Commission Strategic Planning Ad Hoc Committee (hereafter referred to as the Strategic Planning Committee) in consultation with a representative of 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 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 a representative of the Strategic Planning Committee in consultation with a representative of the Alabama Department of Environmental Management and submitted to the Commission by the Strategic Planning Committee.

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapter 335-2-2-.05, Consideration of Petition, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code 335-2-2-.05/Consideration of Petition
Environmental Management Commission

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April
2009.

APPROVED:

Lawrence S. Gardner

John Lester

Robert M. Hunt

Sam H. ...

DISAPPROVED:

This is to certify that this Resolution is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 17th day of April 2009.

Lawrence S. Gardner

Chair
Environmental Management Commission
Certified this 17th day of April 2009.

ABSTAINED:

Attachment 3

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

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

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules 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.


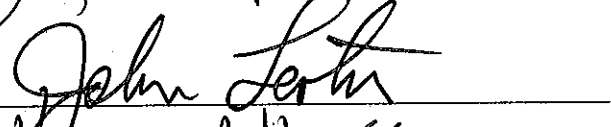
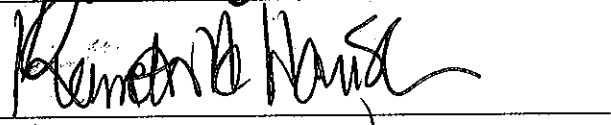

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapter 335-1-6-.04, Permit Application Fees, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code 335-1-6-.04
Permit Application Fees
General Administration

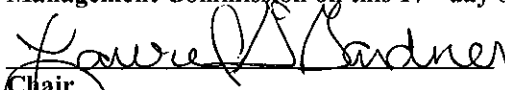
IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April
2009.

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 17th day of April 2009.


Chair
Environmental Management Commission
Certified this 17th day of April 2009.

ABSTAINED:

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed addition of ADEM Admin. Code 335-5 of the Department's Land Division Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules 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 the addition of Division 335-5, Uniform Environmental Covenants Program, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION
ADEM Admin. Code 335-5
Uniform Environmental Covenants Program**

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:

Laurel S. Gardner

John Lester

Robert A. Harris

Sam Healey

DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17th day of April 2009.

Laurel S. Gardner
Chair

Environmental Management Commission
Certified this 17th day of April 2009.

ABSTAINED:

Attachment 4

**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 335-7 of the Department's Drinking Water 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 335-7 [ADEM Admin. Code r. 335-7-2-.09/Maximum Residual Disinfectant Levels and Monitoring Requirements (MRDLs) (Amend); 335-7-2-.11/Stage 1 Disinfection Byproducts (Amend); 335-7-2-.13/Distribution System Evaluation (Amend); 335-7-2-.17/Cryptosporidium Monitoring and Compliance (Amend); 335-7-2-.21/Public Notification (Amend); 335-7-5-.22/Ground Water Rule (New); 335-7-6-.09/High Rate Filtration Requirements (Amend); 335-7-6-.26/Inactivation Toolbox Components (Amend); 335-7-10-.04/Disinfectant Residual Requirements (Amend); 335-7-10-.05/Records (Amend); 335-7-10-.06/Reports (Amend); 335-7-11-.04/Initial Monitoring To Establish Action Levels (Amend); 335-7-11-.05/Repeat Monitoring Requirements (Amend); 335-7-11-.06/Number of Lead - Copper Monitoring Sites (Amend); 335-7-11-.10/Monitoring Waivers (Amend); 335-7-11-.12/Corrosion Control Treatment Requirement (Amend); 335-7-11-.14/Corrosion Control Parameter Monitoring Requirements

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

(Amend); 335-7-11-.15/Source Water Monitoring and Treatment (Amend); 335-7-11-.16/Lead Service Line Replacement (Amend); 335-7-11-.17/Public Education Requirement (Amend); 335-7-11-.18/Reporting Requirements (Amend); 335-7-14-.04/Content of Reports (Amend); 335-7-14-.05/Required Additional Health Information (Amend); Appendix A - Standard List of Primary Drinking Water Contaminants For CCR (Amend); Appendix B - Regulated Contaminants (Amend); and Appendix C - Health Affects and Required Language for Specific Contaminants (Amend)] of the Department's Water Division - Water Supply Program Rules, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:

Laurel A. Gardner

John Lister

Keneth M. Hays

Steve Hocking

DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17th day of April 2009.

Laurel A. Gardner

Chair
Environmental Management Commission
Certified this 17th day of April 2009.

ABSTAINED:

Attachment 5

ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-13 of the Department's Solid Waste Program Rules and Regulations in accordance with Code of Alabama 1975, §§ 22-22A-8 and 41-22-4; 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 Code of Alabama 1975, §§ 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-5, as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to 335-13-11/Solid Waste Fund Site Remediation/Solid Waste Program administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-13 – Solid Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:

Lawrence Gardner

John Lester

Robert A. King

Scott King

DISAPPROVED:

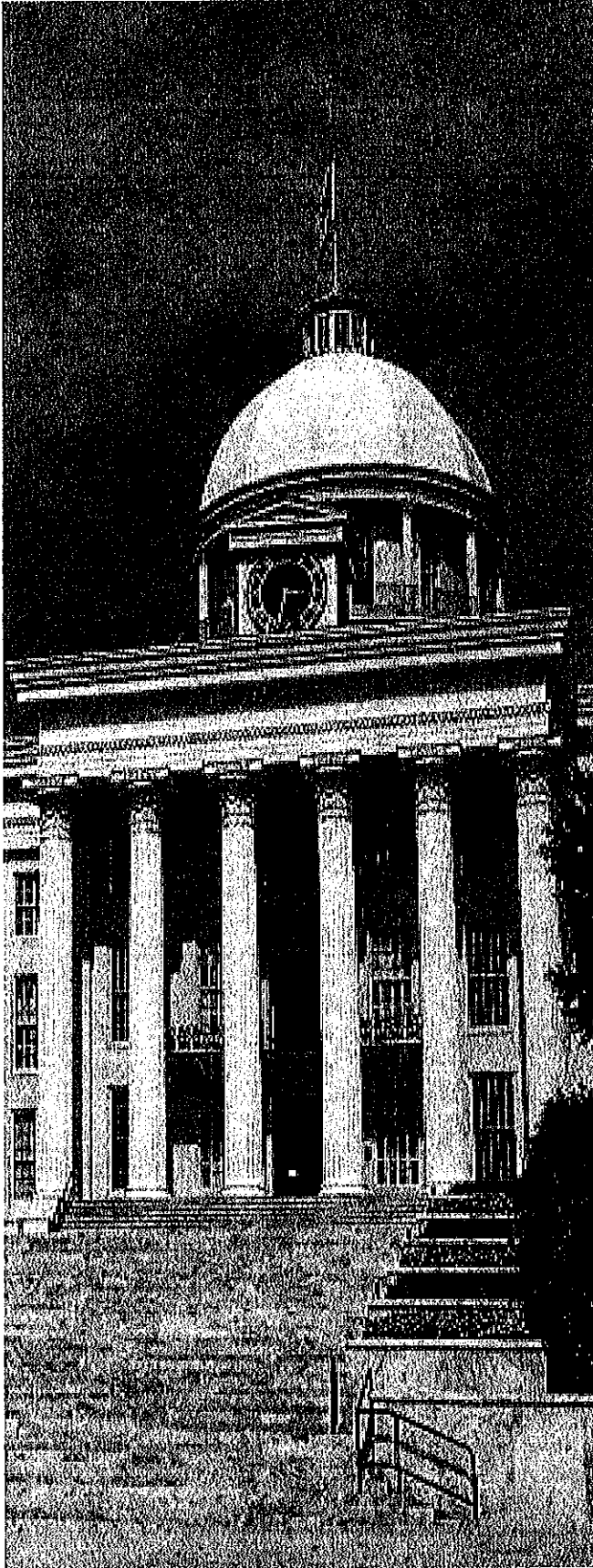
ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17th day of April 2009.

Lawrence Gardner
Chair

Environmental Management Commission
Certified this 17th day of April 2009.

Attachment 6



AUBURN

MONTGOMERY

CENTER FOR GOVERNMENT

*Proposal
to the
Alabama
Environmental Management
Commission
for the
Development of a Form
for the
Evaluation of the Director*

March 15, 2009

*Contact:
Robert T. Ashurst
Auburn Montgomery,
Center for Government
400 South Union Street, Suite 100
Montgomery, AL 36104
(334) 244-3050*



Proposal to the Alabama Environmental Management Commission for the Development of a Form for the Evaluation of the Director

Background

The Alabama Environmental Management Commission (AEMC) is responsible for the evaluation of the Director of the Alabama Department of Environmental Management (ADEM).

Past evaluations have involved the use of a form with evaluation criteria which the AEMC could not use. The criteria do not appropriately represent performance criteria of the Director and when Commissioners attempted to use the form they realized that they had no basis for evaluating the Director using the criteria listed.

The Commission would like to use an evaluation form that reflects the Director's current role and includes criteria which Commissioners can, in fact, use for evaluation. The approach should consider both self evaluation and Commissioner evaluation.

Proposed Approach

Auburn Montgomery proposes the following approach to the development of a form for the evaluation of the Director.

Phase 1 – Project Initiation – to initiate the project with key Commissioners and the Director.

- Conduct project initiation meeting and agree on project purpose, scope, schedule and expectations.
- Review the current form and approach to evaluation.

Phase 2 – Definition of Expectations – define the Director's performance expectations to be used for evaluation.

- Performance Expectations Data Collection - Meetings with the Director to collect detailed information about the Director's performance expectations.
- Expectation Identification - prepare draft of job performance expectations.
- Commission Review – Meet with the members of the Commission to review the defined performance expectations.
- Deliverable – A Description of the Director's performance expectations for the purpose of evaluation.

Phase 3 – Develop Evaluation Process and Form



- Develop a suggested process for reviewing identified job performance expectations.
- Present the process, including form, to the Commission for their review.
- Be available to assist the Commission in executing the process they choose.



Schedule and Pricing

Project Schedule	Weeks:							
	1	2	3	4	5	6	7	8
Phase 1: Project Initiation								
Phase 2: Definition								
Phase 3: Process								

Pricing

AUM proposes to develop the evaluation approach and forms as described above for a fixed fee of \$12,000 payable upon completion of the project.

Phase 1: Project Initiation	\$1,800
Phase 2: Definition	\$5,200
Phase 3: Process	<u>\$5,000</u>
Total	\$12,000

Agreement

We propose that we engage in an Interdepartmental Agreement which will contain the terms of this proposal and that we begin work as soon as the Interdepartmental Agreement is signed by both parties.