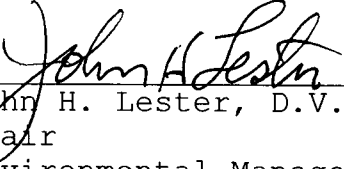


08/17/12

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 20, 2012

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 20, 2012.



John H. Lester, D.V.M.
Chair
Environmental Management Commission

Certified this 17th day of August 2012.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 20, 2012

Convened: 11:00 a.m.
Adjourned: 11:25 a.m.

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Transcript
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Part A

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1 * * * * *

2

3

4 ALABAMA ENVIRONMENTAL MANAGEMENT

5 COMMISSION MEETING

6

7 ALABAMA DEPARTMENT OF ENVIRONMENTAL

8 MANAGEMENT

9 Alabama Room

10 1400 Coliseum Boulevard

11 Montgomery, Alabama 36110-2400

12

13 APRIL 20, 2012

14 11:00 a.m.

15 * * * * *

16

17

18

19 Taken by: Cornelia J. Baker, ACCR 290

20

21

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23

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1 CHAIRMAN LESTER: I'd like to

2 call to order this meeting

3 and acknowledge that there

4 is a quorum.

5 Each Commissioner

6 received a copy of the

7 minutes of our

8 February 24th meeting in

9 addition to the corrections

10 that were presented to you.

11 MR. PHILLIPS: I move we accept

12 the minutes.

13 MR. BROWN: Second.

14 CHAIRMAN LESTER: Motion and

15 second. All in favor say

16 aye.

17 (Unanimous.)

18 CHAIRMAN LESTER: All opposed?

19 (No response.)

20 CHAIRMAN LESTER: Next item of

21 business is the Director's

22 comments and report.

23 MR. LeFLEUR: Thank you,

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1 * * * * *

2 APPEARANCES

3

4 COMMISSION MEMBERS PRESENT:

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

6 H. Lanier Brown, II, Esquire, Vice Chair

7 Samuel L. Miller, M.D.

8 W. Scott Phillips

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

10 Terry D. Richardson, Ph.D.

11

12

13 ALSO PRESENT:

14 Robert Tambling, EMC Legal Counsel

15 Lance R. LeFleur, ADEM Director

16 Debi Thomas, EMC Executive Assistant

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Page 4

1 Mr. Chairman. Thank you,

2 Commissioners. Good

3 morning and welcome to all

4 of you present at this

5 fourth meeting of the

6 Alabama Environmental

7 Management Commission for

8 Fiscal Year 2012.

9 My report will cover

10 several topics today. As

11 usual, the 2012 and 2013

12 budgets will be front and

13 center. We've passed the

14 halfway mark of Fiscal Year

15 2012 and the budgetary

16 situation is becoming

17 clearer, but the news is

18 not good. We will briefly

19 review what the situation

20 is likely to be and some

21 new efforts for dealing

22 with that situation. After

23 discussing the budgets,

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1 I'll update you on several
2 previously announced and
3 ongoing non-budget
4 Departmental initiatives.
5 The 2012 Fiscal Year
6 budgets: Until March 16th
7 of this year, ADEM's
8 general fund budget for
9 Fiscal Year 2012 was \$4.2
10 million, which was
11 32 percent less than the
12 Fiscal Year 2011 general
13 fund budget.
14 On March 16th, our
15 Fiscal Year 2012 general
16 fund budget was prorated
17 10.6 percent or \$452,000.
18 Since we are halfway
19 through the fiscal year,
20 this amounts to cutting
21 general fund expenditures
22 for the remainder of the
23 year by 21.2 percent.

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1 20 percent from the
2 original FY 2012 budget
3 down to \$3.4 million. The
4 House Ways and Means
5 Committee substitute --
6 which recently passed out
7 of the House of
8 Representatives and has now
9 been transmitted to the
10 Senate -- further reduces
11 the Department's general
12 funds for Fiscal Year 2013
13 down to \$2.96 million.
14 This amounts to a
15 30-percent cut from the
16 Fiscal Year 2012 budget.
17 The Senate has not released
18 its budget proposal, but as
19 you can see from the
20 Governor's and the House
21 budgets, the budget outlook
22 for Fiscal Year 2013 is
23 bleak.

Page 6

1 On the Federal side,
2 we still do not have a
3 Fiscal Year 2012 budget
4 even though we are halfway
5 through the Fiscal Year.
6 EPA continues to slow down
7 it's normal schedule of
8 making funds available to
9 the states and is also
10 withholding 5 percent of
11 the Federal funds that the
12 states would otherwise
13 receive until the end of
14 the fiscal year to cover
15 possible cuts to the EPA
16 Federal budget when it is
17 finally adopted.
18 2013 Budgets: For
19 the upcoming Fiscal Year
20 2013, the Governor's
21 proposed budget called for
22 the Department's general
23 fund budget to be cut by

Page 8

1 ADEM is working on
2 the Fiscal Year 2013 budget
3 with the Senate to either
4 restore funding or at least
5 to allow the Department
6 input on how to target the
7 cuts so they will do the
8 least damage. Regardless,
9 we must act to make
10 additional cuts to our
11 Fiscal Year 2012 and Fiscal
12 Year 2013 expenditures
13 beyond those previously
14 announced.
15 First, I have given
16 instructions to sell the
17 ADEM airplane. Although
18 this will give up a proven
19 proactive enforcement tool,
20 which has been especially
21 useful in identifying Scrap
22 Tire and other illegal
23 dumps and has also proved

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1 to be indispensable during
2 the BP oil spill and
3 tornado responses, it will
4 save over \$500,000 a year.
5 While this will reduce the
6 effectiveness of our
7 enforcement activities, the
8 time has come to dispose of
9 this asset. Unlike many
10 others, this cut will not
11 dramatically increase the
12 risk of the Department
13 losing the authority to
14 issue air, land, and water
15 permits.
16 Second, except in
17 the most extreme
18 circumstances, ADEM is no
19 longer hiring replacements
20 as employees leave our
21 service through attrition.
22 In the past, we have not
23 increased our staffing, but

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1 year and high private
2 sector demand for our
3 well-trained engineers and
4 scientists, we expect to
5 have many more leave our
6 service by the end of this
7 fiscal year and into the
8 next.
9 At the same time we
10 are cutting staff through
11 attrition and disposing of
12 the airplane, we continue
13 to move forward with
14 electronic efficiencies in
15 our effort to maintain
16 continuity of service and
17 enforcement.
18 To this end, the
19 Department is adding
20 another feature to our
21 e-government applications,
22 which will allow payment of
23 permit fees, fines,

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1 have been able to maintain
2 constant staffing levels
3 even in the face of rapidly
4 increasing Federal
5 mandates. In 2008, some
6 four years ago, prior to
7 many of the new Federal
8 mandates, the Department
9 was authorized for an
10 optimum workforce of 648.
11 We are currently at 610.
12 Keeping staff, even at the
13 current sub-optimum levels,
14 is no longer good enough.
15 We must reduce further.
16 Since this decision was
17 implemented thirty days
18 ago, following the
19 proration announcement, our
20 staffing levels have
21 already fallen by seven
22 employees. With the salary
23 freeze well into its fourth

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1 registrations and so forth
2 by e-check. E-check is in
3 addition to credit card and
4 electronic transfer
5 payments already
6 established.
7 In March, a "How-To
8 Guide" example was added to
9 the e-File web page and a
10 "Search How-To" example was
11 added to the Complaints web
12 page. Both examples are
13 intended to educate and
14 assist the public with
15 their use of our e-File and
16 e-Complaint systems.
17 All e-applications
18 reduce staffing
19 requirements by replacing
20 human effort with
21 automation. Making it
22 easier for the public to
23 file complaints

Page 13

1 electronically not only
2 better serves the public,
3 it reduces staffing. It
4 also allows us to become
5 more efficient in our
6 enforcement by inspecting
7 more sites with known
8 violations and thereby more
9 effectively utilizing our
10 shrinking staff.
11 Now allow me to
12 update you on ongoing
13 non-budget Departmental
14 initiatives. In October of
15 2011, I identified seven
16 non-budgetary Departmental
17 initiatives that would be
18 undertaken in Fiscal Year
19 '12.
20 At the December
21 Commission meeting, two of
22 those initiatives were
23 addressed: Efforts to have

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1 status of three additional
2 initiatives was reported:
3 The Scrap Tire Program,
4 outreach to the
5 disadvantaged North
6 Birmingham community, and
7 review of the State's Solid
8 Waste Plan.
9 By way of recent
10 updates, I must report that
11 dire financial
12 circumstances in State
13 budgets has caused some
14 legislators to propose
15 diverting the one dollar
16 per tire fee on new tires,
17 which was earmarked to
18 clean up scrap tire dumps
19 and promote recycling of
20 scrap tires, to the General
21 Fund. This could undermine
22 a successful outcome for
23 our Scrap Tire initiative.

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1 Jefferson and Shelby
2 Counties redesignated as
3 "attainment" for fine
4 particle pollution and
5 reaching out to
6 disadvantaged communities
7 in our environmental
8 justice activities.
9 Unfortunately, EPA did not
10 meet its commitment to
11 promptly redesignate
12 Jefferson and Shelby
13 Counties as "attainment"
14 areas, and uncertainty with
15 the fate of new EPA
16 proposed rules has now put
17 the redesignation on hold.
18 Continuing non-attainment
19 status means ongoing
20 restrictions to industrial
21 development in the area.
22 At the February
23 Commission meeting, the

Page 16

1 As for review of the
2 State's Solid Waste Plan,
3 another step forward took
4 place this week with the
5 signing of a formal
6 contract with Auburn
7 University to assist the
8 Department in the review.
9 The first of a proposed
10 dozen public meetings will
11 take place the middle of
12 June. Another
13 late-breaking development
14 regarding this issue is the
15 passage by the House of
16 House Bill 556, which would
17 extend the moratorium on
18 permitting new landfills
19 for another year until
20 May 31, 2014.
21 Today, I would like
22 to report on another
23 initiative identified in

Page 17

1 October 2011, which is the
2 Department's approach to
3 water usage policy.
4 There's been an increasing
5 amount of conversation in
6 many quarters around the
7 State concerning the lack
8 of a statewide water use
9 policy in Alabama. While
10 the matter has been
11 discussed in legislative
12 committees and cabinet
13 agencies, progress has not
14 been forthcoming.
15 As you are aware,
16 ADEM's longstanding
17 regulation of water quality
18 is greatly influenced by
19 water quantity
20 considerations and, as a
21 result, we have of
22 necessity been heavily
23 involved in matters related

Page 19

1 the best interest of the
2 impacted stakeholders and
3 the State as a whole.
4 There is currently broad
5 consensus that water
6 quality in the State must
7 be regulated. At this
8 time, there is no consensus
9 that water quantity usage
10 must be regulated. That
11 consensus must be built
12 before there is a realistic
13 possibility of implementing
14 a water usage policy.
15 Second, it is our
16 approach that water policy
17 be addressed holistically
18 rather than piecemeal. A
19 piecemeal approach does not
20 allow for a stakeholder to
21 compromise on one issue in
22 exchange for being granted
23 a concession on another

Page 18

1 to quantity. ADEM is very
2 interested in the
3 development of a statewide
4 water usage policy. To
5 that end, we have engaged
6 with other state agencies
7 to advance that effort. We
8 have and will continue to
9 also engage stakeholders,
10 including industry, public
11 water systems, agricultural
12 interests,
13 environmentalists, and
14 other water users to
15 understand their individual
16 interests. While several
17 groups have suggested
18 unilateral action and
19 piecemeal legislation, the
20 Department has proposed the
21 following approach: The
22 case must first be made
23 that water use policy is in

Page 20

1 issue. The piecemeal
2 approach also does not
3 allow the parties to see
4 where the process will end
5 up.
6 Third, it is our
7 belief that all major
8 stakeholders should be
9 involved in the
10 conversation in a
11 forthright and open manner
12 before the policy or
13 legislation is written
14 rather than being invited
15 to the process after
16 proposals are on the table.
17 This must involve
18 one-on-one dialogue outside
19 the setting of a public
20 hearing. Trying to sell a
21 proposal to stakeholders
22 with diverse interests when
23 they did not previously

Page 21

1 have meaningful input is a
2 daunting effort that is
3 likely to end in no action
4 being taken.
5 In short, ADEM is a
6 proponent of water policy
7 and strongly endorses an
8 approach that builds a
9 consensus that there is a
10 need for water policy, that
11 addresses the issue
12 comprehensively, and that
13 involves candid input from
14 all stakeholders before
15 proposals are developed.
16 The Department will be an
17 active participant in the
18 development of statewide
19 water use policy.
20 One initiative that
21 did not make the October
22 list, but which has proven
23 to be even more relevant in

Page 23

1 Jefferson and Shelby
2 Counties since they will
3 save about 5 cents per
4 gallon on the cost of
5 gasoline. This will result
6 in approximately \$8 million
7 being put in the pockets of
8 consumers in Alabama and
9 hundreds of millions of
10 dollars in the pockets of
11 consumers across the
12 nation.
13 Of note to those
14 involved with environmental
15 matters, the 42nd annual
16 Earth Day will be
17 commemorated the day after
18 tomorrow. Although this
19 coming Sunday is officially
20 Earth Day, on Wednesday,
21 April the 18th, the
22 Department hosted a 2012
23 Earth Day and Environmental

Page 22

1 recent weeks, is the
2 Commission action in
3 February to sunset the
4 requirement for Low Vapor
5 Pressure gasoline,
6 sometimes called "boutique"
7 gasoline, in Jefferson and
8 Shelby Counties during the
9 summer months. EPA has now
10 proposed sunsetting the
11 requirement at the Federal
12 level. EPA has further
13 indicated, unexpectedly,
14 that they have fast tracked
15 approval of the
16 Commission's action, and,
17 in fact, I can confirm it
18 is in today's Federal
19 Register with an immediate
20 effective date, so it will
21 be implemented before the
22 summer season. This is
23 good news for the people in

Page 24

1 Career Fair. Please direct
2 your attention to the lobby
3 display for photos. This
4 is a new event for the
5 Department. We decided to
6 use the occasion to target
7 eleventh and twelfth grade
8 high school students from
9 the surrounding areas for
10 educational and recruitment
11 opportunities. I am
12 pleased to report that we
13 had a total of 102 in
14 attendance. These students
15 were taught by, and
16 interacted with, ADEM
17 personnel in the fields of
18 drinking water, solid
19 waste, ambient monitoring,
20 air quality, recycling,
21 aquatic assessment, scrap
22 tires, asthma, hazardous
23 waste, soil sampling,

Page 25

1 wastewater, and
2 environmental careers. I
3 wish to recognize and thank
4 the fifty-five ADEM
5 employees who volunteered
6 and worked hard to make
7 that effort a success. And
8 I don't know if any of them
9 are in the room this
10 morning. They're probably
11 trying to get caught up.
12 But if you are, please
13 raise your hand.
14 (No response.)
15 MR. LeFLEUR: Okay. They're
16 getting caught up.
17 The event seems to
18 have been a big hit with
19 the students and the
20 teachers.
21 Finally, at the last
22 Commission meeting in
23 February, we highlighted

Page 26

1 the Federal Office of
2 Inspector General's report
3 placing our Air, Land, and
4 Water divisions in the top
5 quartile regarding
6 enforcement activities.
7 That top-notched
8 performance is made
9 possible in no small part
10 by the inspection,
11 enforcement support, and
12 permitting support provided
13 by the Field Operations
14 Division and the Permits
15 and Services Division. Let
16 me take this opportunity to
17 recognize those division
18 chiefs, Steve Jenkins in
19 Field Operations and
20 Russell Kelly in Permits
21 and Services. If you don't
22 want to stand, at least
23 raise your hand.

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1 The ADEM's efforts
2 are clearly a team effort.
3 And we have three divisions
4 working on any problem at
5 any one time, it seems. So
6 my hat is tipped to those
7 division chiefs and their
8 people.
9 Once again, let me
10 close with my thanks to you
11 for serving the State of
12 Alabama as Commissioners on
13 the Alabama Environmental
14 Management Commission and
15 for allowing me to also
16 serve the State in my
17 current capacity.
18 If there are any
19 questions, I'd be pleased
20 to try to answer them now.
21 MR. RICHARDSON: I would just
22 like to point out that I
23 did not see the service

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1 stations scrambling to
2 lower the fuel prices when
3 I went through Birmingham.
4 MR. LeFLEUR: Commissioner, I'm
5 sorry to report that we do
6 not have any impact on what
7 they actually do.
8 CHAIRMAN LESTER: Before you
9 sit down, I've got two
10 things. First, I want to
11 congratulate you and all
12 our staff, because two
13 years ago tomorrow is when
14 we had the BP oil spill.
15 If you weren't onboard at
16 the time, in the next few
17 days, you jumped right in
18 the middle of it. And
19 under your leadership and
20 all our Department heads
21 and our employees, we're in
22 a much better shape than we
23 were. And I understand

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1 that the feds have told
2 them to give us some more
3 money, too. So maybe this
4 will help somebody.
5 The other thing is I
6 want you to give a report
7 or a synopsis, something,
8 on Lynn Sisk.
9 MR. LeFLEUR: Well, you bring
10 up something that I'm
11 pleased to report on. Lynn
12 Sisk is back over here.
13 He's keeping his head down.
14 But Lynn was driving
15 home -- it's been about two
16 weeks, I guess, now -- and
17 an older woman -- they were
18 out in the country, and an
19 older woman flagged him
20 down on the side of the
21 road and indicated her
22 husband was in distress,
23 having a problem. And they

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1 tried to determine what the
2 problem was and called 911,
3 and then went with the
4 woman to try to address the
5 problem that her husband
6 was having. And they went
7 back into the woods down a
8 dirt road, off the road
9 over to a pond or lake.
10 And an 81-year-old man had
11 been fishing by himself.
12 His boat had tipped over.
13 He was thrown in the water.
14 And he had been clinging to
15 the prop on his trolling
16 motor for some four hours
17 in cold water.
18 Lynn didn't think
19 twice. I presume he took
20 his shoes off, jumped in
21 the water, went out,
22 brought the man to shore.
23 It was a steep shoreline.

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1 And about the time that he
2 had reached the shoreline
3 with the older gentleman,
4 emergency people arrived
5 and helped bring the man
6 out of the water. And in
7 thinking about this, the
8 point was brought up that
9 the Lord moves in
10 mysterious ways sometimes,
11 and that sometimes he finds
12 a worthy person to help him
13 move in those ways. In
14 this case, it was Lynn
15 Sisk. And I tip my hat to
16 him, and I would like to
17 offer a round of applause.
18 (Applause.)
19 MR. LeFLEUR: As great as this
20 was, this is not the only
21 instance of this occurring
22 as far as ADEM employees
23 going the extra mile. We

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1 had one earlier this year
2 down in Orange Beach where
3 a man fell, a field
4 operations person, a man
5 fell down and would have
6 died from the heart attack
7 except that he administered
8 CPR. And even the
9 emergency people were
10 amazed that he was still
11 alive when they got there.
12 But it speaks of the high
13 caliber people of this
14 Department. And it's
15 really a pleasure to serve
16 with people such as these.
17 CHAIRMAN LESTER: Well, I was
18 going to say, this is the
19 kind of employees we've
20 got, and they're doing all
21 they can on a limited
22 budget. And I appreciate
23 the report that you gave to

Page 33

1 all of us so we can
2 understand what's
3 happening. Thank you.
4 MR. LeFLEUR: Thank you,
5 Mr. Chairman.
6 CHAIRMAN LESTER: The next item
7 is the consideration of
8 adoption of the proposed
9 amendment to the ADEM
10 Administrative Code 335-3,
11 Air Pollution Control
12 Program Regulation. I call
13 on the Department.
14 MR. GORE: Mr. Chair,
15 gentlemen, I'm Ron Gore
16 with the Air Division. I
17 don't think my business is
18 quite as inspirational as
19 the previous issue.
20 We're asking you to
21 make two changes -- two
22 types of changes to our Air
23 Regulations. One is in the

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1 CHAIRMAN LESTER: Motion and
2 second. All in favor say
3 aye.
4 (Unanimous.)
5 CHAIRMAN LESTER: All opposed.
6 (No response.)
7 MR. GORE: Thank you.
8 CHAIRMAN LESTER: Our next
9 meeting will be June the
10 15th. I'll ask the
11 Commissioners to make sure
12 that they can come and let
13 us know.
14 Before we adjourn
15 the meeting today and move
16 into the public comment
17 period, I'll entertain a
18 motion regarding approval
19 or disapproval of a request
20 to address the Commission's
21 committee by Mitch Reid on
22 behalf of the Alabama
23 Rivers Alliance.

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1 area of technology-based
2 endeavors we've adopted by
3 reference to EPA. This is
4 a periodic keep-up with
5 those rules. And then a
6 change to our construction
7 permitting regulations to
8 reflect the EPA go-by
9 rules.
10 We have the
11 appropriate public --
12 opportunity for public
13 input, and there were no
14 comments either verbal or
15 written.
16 Pending any
17 questions, I'd be happy if
18 you would adopt these
19 rules.
20 MR. PHILLIPS: Mr. Chairman, I
21 move we adopt the proposed
22 amendments.
23 MR. BROWN: Second.

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1 MR. PHILLIPS: Move to approve
2 the request.
3 MR. BROWN: Second.
4 CHAIRMAN LESTER: Motion and
5 second. All in favor say
6 aye.
7 (Unanimous.)
8 CHAIRMAN LESTER: All opposed.
9 (No response.)
10 CHAIRMAN LESTER: At this time,
11 then, I'm going to adjourn
12 the proposed Commission
13 meeting and move to the
14 public comment meeting, and
15 ask Mitch if he'll come.
16 He has ten minutes or so.
17 MR. PHILLIPS: Move we adjourn.
18 MR. BROWN: Second.
19 CHAIRMAN LESTER: Motion and
20 second to adjourn.
21 (The hearing proceedings
22 concluded at approximately
23 11:25 a.m.)

1 * * * * *
2 REPORTER'S CERTIFICATE
3 * * * * *
4 OF ALABAMA)
5 OF MONTGOMERY)
6 I, Cornelia J. Baker, Certified Court
7 er, Certified Shorthand Reporter, and
8 Public in and for the State of
9 a at Large, do hereby certify that on
10 20, 2012, I reported the
11 entioned proceedings, and that the
12 herein contain a true and accurate
13 ription of the said proceedings.
14 I further certify that I am neither of
15 r of counsel to the parties to said
16 nor in any manner interested in the
17 s thereof.
18 This the 20th day of April, 2012.
19
20
21 Cornelia J. Baker, ACCR 290
22 Certified Shorthand Reporter,
23 Certified Court Reporter and
Notary Public for the
State of Alabama
My Commission expires 6/6/12.

* * * * *

REPORTER'S CERTIFICATE

* * * * *

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, Cornelia J. Baker, Certified Court Reporter, Certified Shorthand Reporter, and Notary Public in and for the State of Alabama at Large, do hereby certify that on April 20, 2012, I reported the aforementioned proceedings, and that the pages herein contain a true and accurate transcription of the said proceedings.

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

This the 20th day of April, 2012.



Cornelia J. Baker, ACCR 290
Certified Shorthand Reporter,
Certified Court Reporter and
Notary Public for the
State of Alabama
My Commission expires 6/6/12.

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Part B

Attachment Index

Attachment 1	Agenda
Attachment 2	Resolution to adopt amendments to ADEM Admin. Code Div. 3, Air Pollution Control Program Regulations (Agenda Item 4)

Attachment 1

Amended 04/09/12

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: April 20, 2012

TIME: 11:00 a.m.

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

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3. Report from the Commission Chair	2
4. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations	2
5. Other business	2
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PUBLIC COMMENT PERIOD	3 & Attachment

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

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

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 24, 2012
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations, Rules 335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, 335-3-14-.04, and Appendix C. The revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Additional changes to Chapter 14 of Division 3 Code are being proposed to include federal definitions and requirements for replacement units at major sources located in areas designated as attainment or unclassifiable under the Clean Air Act. Chapter 335-3-14 is considered part of the federally-enforceable State Implementation Plan (SIP). Revisions to this Chapter are proposed to be incorporated into Alabama's SIP. The Department held a public hearing on the proposed amendments on February 8, 2012.

5. OTHER BUSINESS
6. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

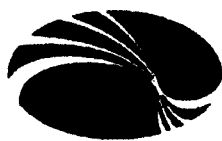
(The request from the public to address the Commission is attached to the agenda.)

Request

Mitch Reid, on behalf of the Alabama Rivers Alliance

SUBJECT: Need for a comprehensive water management plan in Alabama and how ADEM can play a key role in this important issue.

(Chair Lester will recommend approval of the request.)



Alabama Rivers Alliance
Water Is Life

April 2, 2012

John H. Lester, D.V.M. (Chair)
c/o Environmental Management Commission
P.O. Box 301463
Montgomery, AL 36130-1463

Sent via email to Debi Thomas at DST@adem.state.al.us

Dear Mr. Lester,

I am writing to request to speak on behalf of the Alabama Rivers Alliance at the Environmental Management Commission meeting on April 20, 2012. The topic of my presentation will be the need for a comprehensive water management plan in Alabama and how ADEM can play a key role in this important issue. I understand that the time limit for public presentations is approximately 10 minutes and I am happy to send a copy of my presentation prior to the meeting if desired.

Thank you for your time and consideration of this request.

Sincerely,


Mitch Reid
Program Director



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 335-3 of the Department's Air Division – Air Pollution Control 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 did not receive any written or oral comments at the public hearing or during the public comment period.



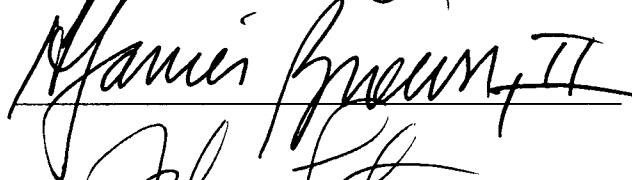
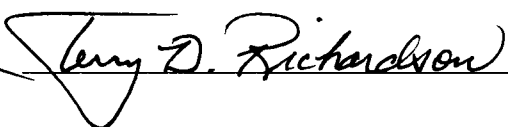
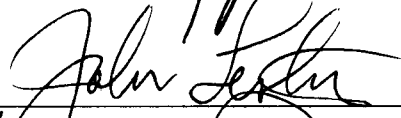
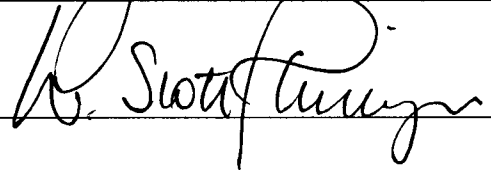
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [rule 335-3-10-.01/General (Amend); 335-3-10-.02/Designated Standards of Performance (Amend); 335-3-11-.01/General (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend); 335-3-14-.04/Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)] (Amend); Appendix C/EPA Regulations Reference Documents for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (Amend)] of the Department's Air Division – Air Pollution Control Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-3 - Air Pollution Control Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 20th day of April 2012.

APPROVED:

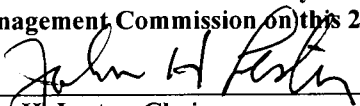
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DISAPPROVED:

_____	_____
_____	_____
_____	_____
_____	_____

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 20th day of April 2012.



John H. Lester, Chair
Environmental Management Commission
Certified this 20th day of April 2012