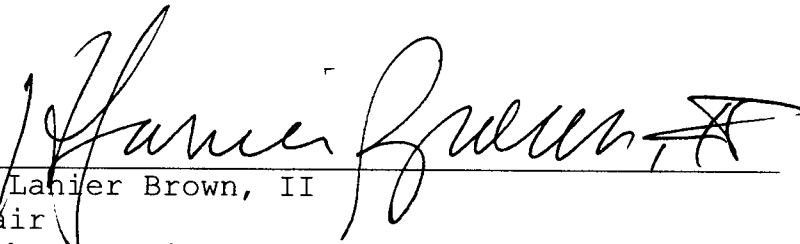


8/16/13

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 21, 2013**

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 June 21, 2013.



H. Lanier Brown, II
Chair
Alabama Environmental Management Commission

Certified this 16th day of August 2013.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 21, 2013

Convened: 11:00 a.m.
Adjourned: 11:33 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachments 1 - 2

Part A

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1 * * * * * *

2

3 ALABAMA ENVIRONMENTAL

4 MANAGEMENT

5 COMMISSION MEETING

6

7 * * * * * *

8

9 ALABAMA DEPARTMENT OF ENVIRONMENTAL

10 MANAGEMENT

11 (ADEM) BUILDING

12 1400 Coliseum Boulevard

13 Alabama Room

14 Montgomery, Alabama 36110-2400

15

16 June 21, 2013

17 11:00 a.m.

18

19

20

21 Taken by: Margaret-Lea Flatt, ACCR# TL2024

22

23

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1 (The proceedings began at

2 approximately 11:00 a.m.)

3 CHAIRMAN BROWN: The

4 June 21st, 2013, meeting of the Alabama

5 Environmental Management Commission will

6 now come to order. First, I will note

7 that we have a quorum present.

8 First item on the

9 agenda is consideration of the minutes of

10 the meeting held on April 19, 2013. The

11 minutes have been circulated previously to

12 all Commissioners, and I will entertain a

13 motion.

14 COMMISSIONER LESTER: So

15 moved.

16 COMMISSIONER RICHARDSON:

17 Second.

18 CHAIRMAN BROWN: Any

19 discussion?

20 (No response.)

21 CHAIRMAN BROWN: All in favor?

22 ALL: Aye.

23 CHAIRMAN BROWN: All opposed?

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1 A P P E A R A N C E S

2

3 COMMISSION MEMBERS PRESENT:

4 H. Lanier Brown, II, Esq., Chair

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

6 Mary J. Merritt

7 Terry D. Richardson, Ph.D

8 Samuel L. Miller, M.D.

9

10 COMMISSION MEMBERS NOT PRESENT:

11 W. Scott Phillips, Vice Chair

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

13

14 ALSO PRESENT:

15 Robert Tambling, EMC Legal Counsel

16 Debi Thomas, EMC Executive Assistant

17 Lance R. LeFleur, ADEM Director

18 Russell A. Kelly, Chief,

19 Permits and Services Division

20 Michael Mullen

21

22

23

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1 (No response.)

2 CHAIRMAN BROWN: Motion

3 passes.

4 The second item on

5 the agenda is our customary report from

6 the Director.

7 DIRECTOR LEFLEUR: Good

8 morning. Welcome to all of you present

9 for the fifth of six scheduled meetings of

10 the Alabama Environmental Management

11 Commission for the Fiscal Year 2013.

12 In today's report I

13 will comment on the current state of the

14 ADEM budget and the proper funding level

15 of the Department moving forward, update

16 you on our ongoing efforts to obtain

17 appropriate facilities for the Mobile

18 field office and Coastal Program, and

19 present an overview of the recently

20 completed first phase of the Auburn Solid

21 Waste study; and last but not least,

22 report to you on the Earth Day festivities

23 hosted by the Department for local school

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1 children.
2 Budget items first.
3 We're about to begin the final three
4 months of Fiscal Year 2013 and it does not
5 appear that proration of the General Fund
6 will be required. If that is the case, I
7 anticipate the previously implemented
8 cost-cutting measures combined with this
9 year's sale of the surveillance aircraft
10 will allow the Department to just meet its
11 obligations for Fiscal Year 2013.
12 Please direct your
13 attention to the monitor. As you're well
14 aware, there are three general components
15 to ADEM's operating budget: federal
16 grants, state General Fund allocations,
17 and permit fees paid by the regulated
18 community. The federal grants portion of
19 our budget has been flat or declining for
20 several years and was recently, again,
21 downwardly impacted by the well-publicized
22 sequestration cuts. We are currently
23 reassessing with EPA our

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1 necessary for the required State portion
2 of the Department's annual operating
3 budget.
4 I would like to draw
5 your attention to three slides that I know
6 are very familiar to each of you, but
7 under our present circumstances, bear
8 addressing once again.
9 This slide
10 highlights the last 24 years of the State
11 General Fund portion of our budget. These
12 are actual appropriated dollars without
13 any adjustment for inflation. The high
14 water mark for General Fund appropriations
15 in the last 20 years was in 2008. Since
16 2008, the General Fund appropriation has
17 dropped 87 percent. Compared to 2011, it
18 has dropped approximately 84 percent. And
19 compared to the last year, the
20 appropriation dropped 69 percent.
21 Historically, the
22 State General Fund appropriation
23 represented about 10 percent of the

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1 previously-approved work plans to
2 determine the impact of these latest
3 federal funding cuts.
4 Since my last report
5 to you, the State Legislature passed its
6 proposed General Fund budget for Fiscal
7 Year 2014, and it was signed by Governor
8 Bentley on May 20. In it, ADEM received a
9 \$628,000 appropriation for departmental
10 operations. This amount will actually
11 cover less than the projected \$700,000
12 increased cost of employee fringe benefits
13 in Fiscal Year 2014.
14 The budget also
15 included an additional \$380,000 General
16 Fund line item earmarked to pay for
17 implementation of the Concentrated Animal
18 Feeding Operation, CAFO program. The
19 earmark has been in place since the CAFO
20 program was started in 1999. The total
21 budget appropriation is \$1 million. The
22 Fiscal Year 2014 budget does not provide
23 the remaining \$4 million of general funds

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1 Department's budget. The Fiscal Year 2014
2 appropriation represents 1.6 percent of
3 the Department's budget.
4 This slide compares
5 funding from all State sources, which for
6 Alabama includes permit fees and general
7 funds, on a per capita basis in EPA
8 Region 4. In simple terms, this
9 represents the burden borne by each
10 citizen for environmental regulation. As
11 you can see, Alabama is the lowest in
12 Region 4 and ranks 49th in the nation.
13 Down at the bottom there you can see the
14 national rankings.
15 In 2008, which as
16 you saw earlier was the high water mark
17 for General Fund appropriations, Alabama
18 also ranked 49th. We are consistently
19 ranked 49th. In order to maintain the
20 49th ranking in Fiscal Year 2014, a
21 minimum of \$5 million is required from the
22 General Fund or other State source.
23 As noted earlier,

<p style="text-align: right;">Page 9</p> <p>1 the General Fund appropriation for Fiscal 2 Year 2014 was \$1 million, which leaves the 3 Department \$4 million short. 4 Given the dramatic 5 General Fund budget cuts, not to mention 6 federal funding cuts in recent years, the 7 Department has been preparing for this 8 eventuality by cutting costs, increasing 9 efficiency, and reducing activities to the 10 minimum necessary to meet program 11 commitments. Even with these cost-saving 12 measures, it was recognized that it may be 13 necessary to replace lost General Fund 14 appropriations. 15 In light of 16 declining federal funding, it was clear 17 that there would be no assistance to be 18 had from federal sources. That left the 19 sole remaining source of possible funding 20 as permit fees paid by the regulated 21 community. 22 As reported to you 23 on numerous occasions previously, the</p>	<p style="text-align: right;">Page 11</p> <p>1 for rule-making and will ask you to 2 approve that proposal a few minutes from 3 now. 4 The proposed 5 increase in permit fees will be equal to 6 the State General Fund allocation short 7 fall of \$4 million, so overall 8 departmental funding, basically, will not 9 change from Fiscal Year 2013 and will 10 remain very close to the bare minimum 11 needed to meet federal grant commitments. 12 By statute, permit 13 fees cannot exceed 100 percent of the cost 14 to issue permits. The fee schedule 15 reflecting the increased fees, which you 16 will be asked to approve later in this 17 meeting, will result in a recovery of 18 something less than 80 percent of the cost 19 to issue permits, and will therefore be 20 less than the limit imposed by statute. 21 Our goal in this 22 rule-making is to maintain, not expand, 23 our commitment to environmental regulation</p>
<p style="text-align: right;">Page 10</p> <p>1 Department has been working diligently for 2 more than a year to meet with all those 3 who would be impacted if it became 4 necessary to increase permit fees. The 5 situation and the alternatives available 6 have been presented to the regulated 7 community and discussed in detail. 8 Additionally, in an 9 effort to provide interested parties ample 10 opportunity to weigh in on such an 11 important possible action as a dramatic 12 permit fee increase, a well-publicized 13 permit -- excuse me, a well-publicized 14 public comment period of more than 13 15 weeks that concluded on May 6, 2013, was 16 provided. During that time, the 17 Department received four comment letters 18 and responded to each one. You should 19 each have copies of those comments and the 20 Department's responses in your folder. 21 The bottom line is: 22 The Department was left no option but to 23 propose a 50 percent permit fee increase</p>	<p style="text-align: right;">Page 12</p> <p>1 in this state and thereby maintain our 2 primacy in each of the programs. Nothing 3 more, nothing less. After decades of 4 substantial funding through the State 5 General Fund, the Department can no longer 6 rely on this source for anything more than 7 token support. 8 I'd like to assure 9 the permit-fee paying regulated community 10 that with its support an important step is 11 being taken toward maintaining 12 environmental primacy. Further, at 49th 13 nationally, ADEM has been and will 14 continue to be an exceptionally low-cost 15 provider of environmental regulation when 16 compared to every other state in the 17 nation. 18 I'd now like to 19 bring you up to date on our physical 20 facility situation in south Alabama. At 21 the February 15, 2013, Commission meeting, 22 I reported to you that we had just been 23 notified that our Coastal Program would be</p>

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1 required to vacate the office space
2 occupied at the Brookley Aeroplex by
3 July 1st.
4 As you may recall,
5 our Coastal Program was required to
6 operate at a separate facility from our
7 Mobile Field Office because the Department
8 does not have funding to provide a single
9 facility capable of accommodating both
10 programs. This is extremely inefficient
11 because both offices are under common
12 management, peer-to-peer interactions are
13 limited and administrative and
14 infrastructure services such as I.T. must
15 be duplicated.
16 At the February
17 Commission meeting, I also highlighted the
18 rapidly increasing activity level for
19 industrial expansion, international port
20 activities, and environmental recovery
21 from the Deepwater Horizon oil spill in
22 the Alabama coastal area. The need to
23 provide coordinated oversight grows daily.

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1 The Coastal Program
2 has now leased office facilities
3 approximately nine miles further inland at
4 an acceptable cost. However, the
5 underlying issues of inefficiency and poor
6 positioning to meet future regulatory
7 demands remain. Further, the problems
8 associated with the facilities currently
9 housing the Mobile Field Office, which
10 were also highlighted in the February
11 Commission meeting remain.
12 As you may recall,
13 the substandard building has foundation
14 settling problems, compromised structural
15 integrity, inadequate space, and outdated
16 laboratory facilities that make supporting
17 the existing regulatory program tenuous.
18 We anticipate that the dramatically
19 increasing workload will only compound
20 this problem.
21 In the coming
22 months, the Department will be focusing on
23 obtaining funding sufficient to acquire

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1 adequate physical facilities to properly
2 execute our mission in the coastal area of
3 Alabama. This will be an exceptionally
4 challenging -- this will be exceptionally
5 challenging given the current financial
6 situation in the state, but the need is
7 critical and the project is worthy of the
8 effort.
9 In May of 2011, the
10 Alabama Legislature passed legislation
11 placing a two-year moratorium on the
12 issuance of permits to new public solid
13 waste landfills. This moratorium was
14 subsequently extended to May 31, 2014. As
15 part of the moratorium legislation, ADEM
16 and the Alabama Department of Public
17 Health were tasked to review their duties
18 under the state solid waste management law
19 and to make recommendations for any
20 changes necessary to improve the landfill
21 permitting process.
22 In consultation with
23 Public Health, the Department undertook a

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1 competitive proposal process, which
2 resulted in the selection of Auburn
3 University as an independent third party
4 to review Alabama's landfill permitting
5 process and to generate a report on its
6 findings.
7 As part of the
8 study, Auburn conducted a series of public
9 meetings across the state, receiving
10 extensive comments from the general
11 public, industry groups, environmental
12 groups, and state and federal officials.
13 During these meetings, Auburn described
14 the current process for permitting solid
15 waste landfills, discussed non-landfill
16 alternative solid waste management
17 strategies, and solicited input from the
18 public on potential changes needed to
19 enhance both Alabama's current solid waste
20 landfill permitting process and solid
21 waste alternative use strategies.
22 In addition to the
23 public meetings, Auburn conducted several

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1 focused stakeholder meetings to better
2 understand landfill issues specific to
3 governmental entities, state and federal
4 regulators, those involved in businesses
5 related to landfills, and environmental
6 advocacy groups. Each group had a unique
7 perspective on how the current landfill
8 permitting process in Alabama operates in
9 practice and how it could possibly be
10 improved.

11 On May 31, 2013,
12 Auburn University submitted its report on
13 the Phase I portion of the study. This
14 report includes both public and
15 stakeholder input, as well as Auburn
16 University's interpretation of this input
17 within the broader context of established
18 state and federal solid waste law. The
19 report also includes an analysis of the
20 landfill permitting processes in other
21 states. A copy of the Phase I report has
22 been posted on the Department's website.
23 The Department will

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1 group of high school students from area
2 schools and provided them with an up-close
3 look at the programs we implement on a
4 daily basis to regulate Alabama's air,
5 land, and water resources.

6 Approximately 100
7 students from G.W. Carver High School,
8 Jefferson Davis High School, and Holtville
9 High School received guided tours and
10 hands-on demonstrations from ADEM staff
11 related to a wide range of environmental
12 programs including fish tissue monitoring,
13 water quality sampling, air monitoring,
14 recycling, solid waste disposal, and other
15 efforts to ensure Alabamians are provided
16 with a safe and healthful environment.
17 Students also learned about career
18 opportunities at ADEM and were encouraged
19 to pursue careers in engineering and
20 science-related fields.

21 Because recycling is
22 one of the major keys to the long-term
23 sustainability of our natural resources,

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1 conclude its review of this report in the
2 coming weeks, and, as appropriate, begin
3 the process of developing recommendations
4 for potential changes to the solid waste
5 landfill permitting process. Phase II of
6 the report, which includes the evaluation
7 of the State's efforts to improve the
8 overall management of its solid waste, is
9 expected to be submitted to the Department
10 later this summer.

11 On behalf of the
12 Department, I would like to thank Auburn
13 University for preparing this report and
14 all those who have participated in this
15 process to date.

16 Next, I would like
17 to report on our Earth Day activities from
18 back on April the 17th. Young people
19 represent our hope for the future in so
20 many areas and this is true for the
21 environment and ADEM.

22 For the second
23 consecutive year, the Department hosted a

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1 ADEM sponsored the Rep Your School
2 Recycling Challenge this year as a way to
3 teach the kids about recycling and to
4 encourage them to develop a habit of
5 recycling at an early age.

6 The Rep Your School
7 Recycling Challenge was a contest between
8 rival schools to see which one could
9 collect the most recyclable material in
10 one week's time. This challenge was an
11 effort to raise awareness among the
12 students of the merits of recycling. Our
13 winners were the students at G.W. Carver
14 High School, who managed to collect and
15 recycle over 1,000 pounds of materials
16 during the one-week period. This was a
17 fantastic accomplishment, and I was
18 pleased to present a check for over \$450
19 to the principal of G.W. Carver High
20 School for their participation in the Rep
21 Your School Recycling Challenge.

22 Please take a moment
23 to look at the lobby display with some

Page 21

1 photos of the activities. Plans are
2 underway to expand the program to other
3 schools and to lengthen the challenge
4 period. Thirty-four of our employees
5 expended the extra effort to reach out to
6 these young people while continuing to
7 meet their normal work obligations. I tip
8 my hat to all of them.
9 Before closing, I
10 would like to make you aware of a
11 just-announced significant honor received
12 by one of our employees. As you may be
13 aware, we have just marked the third
14 anniversary of the Deepwater Horizon oil
15 spill. From day one and continuing still
16 today, ADEM has led the Alabama response.
17 Most of the more
18 than 60,000 departmental work hours
19 invested were by those volunteering for
20 the assignment. Many of our employees
21 have worked 60, 80, and even 100-hour
22 weeks, which, in all cases, were with zero
23 pay beyond their normal 40-hour salary.

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1 For most of the last
2 three years, Roy Collins from our Mobile
3 field office, one of those volunteers, has
4 worked seven days per week, only recently
5 cutting back to six days per week. Roy
6 has worked with all the local elected
7 officials, many federal officials,
8 business leaders, and many private
9 citizens to help our Alabama coastal
10 communities respond to and recover from
11 the devastating effects of the historic
12 oil spill.
13 Although he is
14 entitled to be relieved and pass all or
15 part of his duties to others, he has
16 committed himself to completing the task
17 he began to provide consistent oversight
18 to response efforts on Alabama's gulf
19 coast. Roy has paid a very high price in
20 time away from family. However, his
21 dedication has resulted in thousands of
22 tons of oil and tar being identified and
23 removed from Alabama's coastline, avoiding

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1 incalculable damage to estuaries that are
2 essential to the oyster, shrimp, crab, and
3 fishing industries.
4 By insisting on the
5 highest level of cleanup, Alabama's
6 beaches are returning to their sugar white
7 sand color and the tourism industry is
8 recovering. For his exemplary efforts,
9 the Alabama Wildlife Federation has
10 awarded Roy Collins its Governor's
11 Conservation Achievement Award of Water
12 Conservationist of the Year. This is
13 indeed a very high honor for anyone, but
14 especially so for a state employee in the
15 performance of his duty. This is another
16 example of why it is an honor to work with
17 the dedicated people of ADEM that are
18 typified by Roy Collins.
19 Once again, let me
20 close my remarks with my thanks to you for
21 serving the State of Alabama as
22 Commissioners on the Alabama Environmental
23 Management Commission and for allowing me

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1 to serve the State in this capacity.
2 If there are any
3 questions, I would be pleased to try to
4 answer them now.
5 CHAIRMAN BROWN: Anyone have
6 any questions?
7 (No response.)
8 COMMISSIONER LESTER: Is Roy
9 here?
10 COMMISSIONER RICHARDSON: Is
11 Roy not with us today?
12 DIRECTOR LEFLEUR: No, he's on
13 duty.
14 CHAIRMAN BROWN: Thank you,
15 Director.
16 Next is the report
17 of the Commission Chair. I think I'd like
18 to simply comment on the Director's
19 analysis and presentation regarding the
20 funding. As many people are aware, some
21 months ago, before the final budget was
22 prepared and approved by the Legislature,
23 ADEM was notified of even more drastic

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1 cuts from the General Fund budget that
2 were ultimately approved by the
3 Legislature.
4 I just thought it
5 was important for me to point out that we
6 did, through the Director, through various
7 other groups, go back to the Legislature
8 and press them and the Governor's Office
9 to restore as much funding as possible so
10 that we could hopefully avoid yet another
11 rate increase. And I thank the Director
12 for that.
13 Next, I'd simply
14 note that when I arrived there were some
15 people from Uniontown out on the front.
16 We appreciate y'all being here. I know
17 you all have concerns, and I'm sure that
18 the Director will be happy to address
19 those with you.
20 Next is agenda item
21 four, which is consideration of the
22 proposed amendments to the ADEM
23 Administrative Code, Division 335-1,

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1 General Administration Regulations.
2 Chair will call on
3 the Department for comments.
4 MR. KELLY: Thank you. Good
5 morning, Mr. Chairman and members of the
6 Commission. I'm Russell Kelly, Chief of
7 the Permits and Services Division. Before
8 you now are the Division 1 proposed rule
9 revisions. These revisions include an
10 across-the-board fee adjustment that
11 reflects a 50 percent fee increase with
12 very few exceptions.
13 The comment period
14 began on February 1st and continued until
15 May 6th. Public hearing was held on
16 March 19th here at the ADEM central
17 office. During the comment period, the
18 Department received comments from four
19 entities. Most of the comments were
20 supportive in nature and some asked for
21 the Department to continue to work on cost
22 reduction and efficiency measures.
23 One comment required

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1 a text change, and that change had no
2 effect to the 50 percent fee increase
3 proposal. All comments were addressed in
4 the reconciliation statement that's
5 included in your package.
6 At this time, we
7 would ask for your favorable consideration
8 of these proposed rules, and I'll answer
9 any questions, if you have any.
10 CHAIRMAN BROWN: Anyone have
11 any questions of the Department?
12 (No response.)
13 CHAIRMAN BROWN: Thank you.
14 I'll entertain a
15 motion from the Commission regarding the
16 proposed amendments.
17 COMMISSIONER LESTER: I move
18 that we accept the amendment as written.
19 COMMISSIONER MILLER: I
20 second.
21 CHAIRMAN BROWN: Any comments
22 or discussion?
23 (No response.)

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1 CHAIRMAN BROWN: Call for any
2 question. All in favor?
3 ALL: Aye.
4 CHAIRMAN BROWN: Any opposed?
5 (No response.)
6 CHAIRMAN BROWN: Passes.
7 MR. KELLY: Thank you,
8 Mr. Chairman, members of the Commission.
9 CHAIRMAN BROWN: Thank you.
10 Next on the agenda
11 item is east Alabama -- excuse me, east
12 Huntsville, Madison County Civic
13 Association versus ADEM and Vulcan
14 Construction Materials, LP. That matter
15 has been tabled to the August Commission
16 meeting without objection of the parties.
17 Agenda item six,
18 other business. Is there any other
19 business for any members of the
20 Commission?
21 (No response.)
22 CHAIRMAN BROWN: Agenda item
23 seven, future business session. I know

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1 that our next Commission meeting is
2 August 16th, 2013, at 11 a.m right here as
3 usual.

4 Finally, we will
5 come to the public comment period. We
6 have a request from Mike Mullen to address
7 the Commission. I would approve the
8 request, and ask for a motion.

9 COMMISSIONER LESTER: So
10 moved.

11 COMMISSIONER MILLER: Second.
12 CHAIRMAN BROWN: All in favor?
13 ALL: Aye.
14 CHAIRMAN BROWN: Any opposed?
15 (No response.)
16 CHAIRMAN BROWN: Mr. Mullen,
17 we welcome you. We ask that you please
18 try to limit your comments to the standard
19 ten minutes.

20 MR. MULLEN: Mr. Chairman,
21 Commissioners, I appreciate the
22 opportunity to bring this matter before
23 you.

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1 Part of what I'm
2 going to cover is from a presentation done
3 a couple of years ago and I think
4 Dr. Lester was the only one here almost --
5 approximately the same day in 2011. But I
6 want to talk to you, basically, about
7 stormwater. If I could make sure I do
8 this right.

9 I'm sure you know
10 some of your responsibilities are to
11 advise the Director on environmental
12 matters which are within the Department's
13 scope of authority, to establish, adopt,
14 promulgate, modify, repeal, and suspend
15 any rules, regulations, or environmental
16 standards for the Department which may be
17 applicable to the state as a whole or any
18 of its geographical regions, and to
19 develop environmental policy for the
20 state.

21 Urban Stormwater is
22 one of the leading causes of stream
23 impairment and it's increasingly so. A

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1 lack of post-construction stormwater
2 controls is a major cause of severe and
3 extreme degradation and water quality
4 impairment.

5 So as I mentioned,
6 since many of you weren't on the
7 Commission, I'm going to give you one
8 example of the post-construction issue in
9 Troy. Troy is not large enough to be
10 automatically covered under the EPA
11 stormwater rules. But this is from 2010,
12 the City had developed a new access road
13 to its industrial park and a turn lane on
14 that road. They created a little under
15 two acres of new impervious surface, and
16 basically resulted in about four times the
17 run off that they had previously.

18 They did not
19 implement any post-construction measures,
20 and as a result -- and these are the same
21 slides that I think Dr. Lester saw in June
22 of 2010 -- it causes this stream near my
23 home to be unstable, causing down-cutting,

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1 widening as the stream lost its flood
2 plain. This is not just limited to Troy.
3 This is happening to locations all around
4 the state where we have jurisdictions who
5 haven't implemented or enforced stormwater
6 ordinances to require prudent, accepted
7 stormwater engineering measures.

8 And what I'm showing
9 here is -- this side has recently
10 undergone stream restoration. It was
11 about \$320,000 out of a 900K-plus
12 community development block grant that the
13 City of Troy got. This is \$325,000 that
14 didn't have to be spent for this, that
15 could have been spent for something more
16 productive if Troy had had measures in
17 place.

18 Basically, as
19 environmental advocate -- as a
20 water-quality advocate, I'm outraged that
21 this kind of damage continues to happen in
22 Troy and across the state because folks
23 are not implementing prudent stormwater

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1 management. And as a taxpayer, I'm
2 outraged that we're spending federal tax
3 money. Sure, it's passed through and it
4 creates jobs in Alabama, but it's money
5 that we're not going to be seeing,
6 frankly, coming from the federal
7 government in the future.
8 So it's not just the
9 post-construction, we have serious issues
10 in the construction area. Some of us --
11 and thankfully the Director has had an
12 open-door policy -- but we feel like we've
13 been beating our head against the wall for
14 a few years now. We don't seem to be
15 making any real progress in creating a
16 regulatory system that creates deterrence.
17 Generally, we see a
18 site, it's not in compliance, we report
19 it. And to the Department's credit, a lot
20 of these sites come fairly rapidly back
21 into compliance, but they shouldn't be out
22 of compliance in the first place. We're
23 not creating enough deterrence.

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1 So going back to
2 this slide, it's your guys' charge to
3 develop environmental policy for the state
4 and to develop the regulations that are
5 protective and protect the taxpayers.
6 Frankly, if the state and its bodies are
7 allowing developers and companies to
8 profit by not doing what they should be
9 doing, by doing prudent stormwater
10 management, in my opinion, they're
11 violating the public trust. You know, and
12 if the Department allows them to do it,
13 they're allowing the state to allow people
14 to violate the public trust -- to protect
15 these public resources, our streams.
16 So what I'm asking,
17 and I'm sure there's other members of the
18 Alabama Stormwater Partnership and ADEM
19 Reform Coalition and we ask the same
20 thing. And I'm asking the Commission to
21 consider putting together an advisory
22 group committee, task force, whatever you
23 want to call it to take a comprehensive

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1 look at stormwater management and
2 stormwater regulations in Alabama, their
3 adequacy and what might be done to improve
4 stormwater management in Alabama.
5 And I appreciate
6 your time. And I'll take any questions
7 you might have.
8 CHAIRMAN BROWN: Anyone have
9 any questions for Mr. Mullen?
10 (No response.)
11 CHAIRMAN BROWN: Thank you.
12 MR. MULLEN: Thank you, sir.
13 CHAIRMAN BROWN: There being
14 no additional business before the
15 Commission, I'll entertain a motion to
16 adjourn.
17 COMMISSIONER LESTER: So
18 moved.
19 COMMISSIONER MILLER: Moved.
20 CHAIRMAN BROWN: All in favor?
21 ALL: Aye.
22 CHAIRMAN BROWN: We are
23 adjourned.

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1 (The proceedings concluded at
2 approximately 11:33 a.m.)
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2 REPORTER'S CERTIFICATE
3 * * * * *
4 STATE OF ALABAMA)
5 COUNTY OF MONTGOMERY)
6 I, Margaret-Lea Flatt, Certified Court
7 Reporter and Notary Public in and for the
8 State of Alabama at Large, do hereby certify
9 that on June 21, 2013, I reported the
10 forementioned proceedings, and that the
11 pages herein contain a true and accurate
12 transcription of the said proceedings.
13 I further certify that I am neither of
14 counsel nor of counsel to the parties to said
15 cause, nor in any manner interested in the
16 results thereof.
17 This the 9th day of July, 2013.
18
19
20 Margaret-Lea Flatt, ACCR TL2024
21 Certified Court Reporter and
22 Notary Public for the
23 State of Alabama
My Commission expires 1/16/17.

* * * * *

REPORTER'S CERTIFICATE

* * * * *


STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

I, Margaret-Lea Flatt, Certified Court Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that on June 21, 2013, 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 9th day of July, 2013.



Margaret-Lea Flatt, ACCR TL2024
Certified Court Reporter and
Notary Public for the
State of Alabama

My Commission expires 1/16/17.

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Part B

Attachment Index

Attachment 1

Agenda

Attachment 2

**Resolution to adopt amendments to ADEM Admin. Code
Div. 335-1, General Administration Regulations
(Agenda Item 4)**

Attachment 1

Amended 6/7/13

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: June 21, 2013

TIME: 11:00 a.m.

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

<u>ITEM</u>	<u>PAGE</u>
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2. Report from the Director	2
3. Report from the Commission Chair	2
4. Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations (NPDES-Related Matter)	2
5. <u>East Huntsville/Madison County Civic Association, Inc. v. ADEM, and Vulcan Construction Materials, LP, EMC Docket No. 13-01 (NPDES-Related Matter)</u>	2
6. Other business	2
7. Future business session	2
PUBLIC COMMENT PERIOD	2 & 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 APRIL 19, 2013
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-1, GENERAL ADMINISTRATION REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-1, General Administration Regulations, Chapter 335-1-6, to require a permit fee increase to all schedules A-J and associated fees (except Title V). The fee increase is necessary to offset funding loss due to inadequate general fund support. The Department held a public hearing on the proposed amendments on March 19, 2013.

5. EAST HUNTSVILLE/MADISON COUNTY CIVIC ASSOCIATION, INC. V. ADEM, AND VULCAN CONSTRUCTION MATERIALS, LP, EMC DOCKET NO. 13-01 (NPDES-RELATED MATTER)

The Commission will consider the Hearing Officer's "Order/Recommendation" on Respondent ADEM's and Intervenor Vulcan Construction Materials, LP's Motions to Strike and Dismiss in this appeal/request for hearing regarding ADEM's issuance of NPDES Permit No. AL0075507 to Vulcan Construction Materials, LP, Gurley Quarry, Madison County.

6. OTHER BUSINESS
7. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

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

Michael William Mullen, Choctawhatchee Riverkeeper
SUBJECT: Need for AEMC to make policy that
strengthens stormwater management in Alabama

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 Division 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.

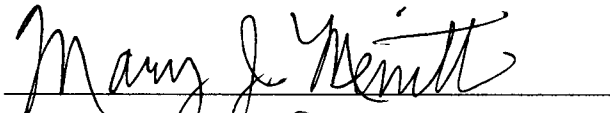

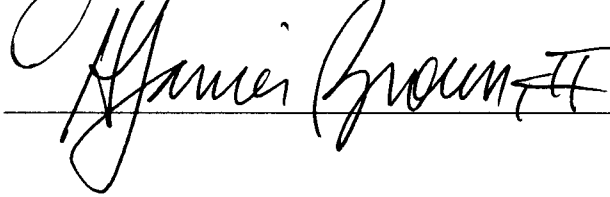
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-1 [335-1-6-.04/Permit Applications Fees (Amend); 335-1-6-.07/Payment of Fees (Amend)] of the Department's General Administration Division Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

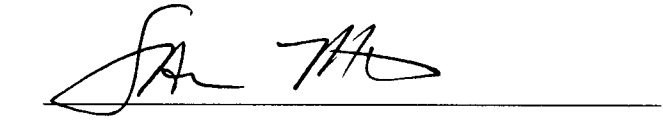
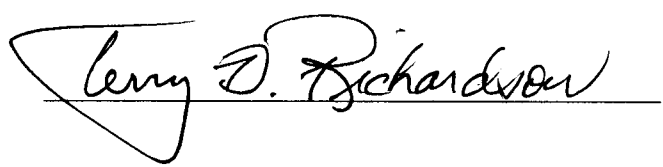
**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-1 – General Administration Division Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of June 2013.

APPROVED:

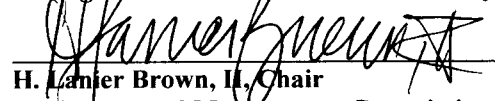




DISAPPROVED:

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 21st day of June 2013.


H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 21st day of June 2013