

9/13/18

DRAFT
Minutes
Meeting of the
Rulemaking Committee of the
Alabama Environmental Management Commission
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 17, 2018

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**Convened: 10:00 a.m.
Adjourned: 10:47 a.m.**

Part A

**Transcript
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Part A

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3
4 MEETING OF THE RULEMAKING COMMITTEE
5 OF THE ALABAMA ENVIRONMENTAL MANAGEMENT
6 COMMISSION
7 AUGUST 17, 2018
8 10:00 A.M.
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12
13
14 LOCATION: Alabama Department of Environmental
15 Management Building
16 Alabama Room
17 1400 Coliseum Boulevard
18 Montgomery, Alabama 36110
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1 DR. RICHARDSON: Thanks for
2 coming to the Rulemaking Committee meeting. I
3 would like to go ahead and call this meeting
4 to order. And we would like to announce that
5 all the members of the Rulemaking Committee
6 are here. So we do have a quorum.
7 And agenda item one is the
8 consideration of the minutes of the meeting
9 held on August 19th, 2016. The Committee will
10 consider the minutes of the committee meeting
11 held on August 19th, 2016. I would entertain
12 a motion from the Committee regarding the
13 minutes.
14 MS. MERRITT: Move to adopt the
15 minutes of the August 19th, 2016, meeting.
16 DR. RICHARDSON: There's been a
17 move to adopt. Do I hear a second?
18 MR. MASINGILL: Second.
19 DR. RICHARDSON: Been moved and
20 seconded. Is there any discussion regarding
21 these minutes?
22 (No response.)
23 DR. RICHARDSON: Hearing none, I

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1 A P P E A R A N C E S
2
3 COMMITTEE MEMBERS PRESENT:
4 Terry D. Richardson, Ph.D., Chair
5 John (Jay) H. Masingill, III
6 Mary J. Merritt
7
8 ALSO PRESENT:
9 Robert Tambling, EMC Legal Counsel
10 Kayla Currie, Assistant Attorney General
11 Lance R. LeFleur, ADEM Director
12 Debi Thomas, EMC Executive Assistant
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1 will call into question. All in favor of the
2 minutes as presented signify by saying aye.
3 MR. MASINGILL: Aye.
4 MS. MERRITT: Aye.
5 DR. RICHARDSON: All opposed same
6 sign.
7 (No response.)
8 DR. RICHARDSON: Any abstentions?
9 (No response.)
10 DR. RICHARDSON: The approval for
11 the motion to approve minutes carries.
12 This brings us up to agenda item
13 two, which is the main item of business for
14 the Rulemaking Committee to consider today,
15 and that is discussion and consideration of
16 ADEM Administrative Code Rule 335-6-6-.12,
17 Conditions Applicable to All NPDES Permits, to
18 determine the need for any additional rules or
19 modifications for public notification of
20 Sanitary Sewer Overflows or SSOs and a
21 possible recommendation from the Committee
22 regarding the Commission proceeding to
23 rulemaking and brief statements by members of

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1 the public registered to speak regarding the
 2 matters being discussed and considered by the
 3 Committee under this agenda item.
 4 I note that the Committee will
 5 discuss and consider ADEM Administrative Code
 6 Rule 335-6-6-.12, the Conditions Applicable to
 7 All NPDES Permits, to determine the need for
 8 any additional rules or modifications for the
 9 public notification of the Sanitary Sewer
 10 Overflows. The Committee may also consider
 11 recommendation from the Committee regarding
 12 the Commission proceeding to rulemaking.
 13 We have members of the public
 14 signed up to make --
 15 MS. THOMAS: Terry, I'm sorry.
 16 DR. RICHARDSON: Yes.
 17 THE COURT REPORTER: Can I have one
 18 second? My equipment's acting up.
 19 DR. RICHARDSON: We will stand in
 20 recess until we are instructed to move
 21 further.
 22 (Recess taken.)
 23 DR. RICHARDSON: We will begin, not

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1 alternate between environmental organizations
 2 and regulated community on this so that we get
 3 to hear a fair and balanced presentation from
 4 both sides of this. Okay?
 5 So without further ado, again,
 6 keeping in mind the three-minute limit, I
 7 would like to ask Eva Dillard to come forward
 8 speaking on behalf of the Petitioners making
 9 the rule.
 10 MS. DILLARD: Good morning, and
 11 thank you for allowing me to speak to you
 12 today. When the Petitioners first asked for
 13 rulemaking to accomplish better public
 14 notification of sewer spills in Alabama, many
 15 people who use public waterways in the state
 16 were at significant risk of being exposed to
 17 sewage overflows and spills. And
 18 unfortunately some eighteen months later that
 19 is still the case.
 20 During the intervening time, ADEM
 21 has taken some steps to improve public
 22 notification, most notably the rollout of
 23 their E-SSO program. E-SSO represents,

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1 at the top again. We'll pick up where we left
 2 off.
 3 We have a number of members of
 4 the public that have signed up to make brief
 5 statements regarding the matters being
 6 discussed and considered by the Committee
 7 under agenda item two.
 8 There are seven speakers that
 9 have signed up, and I will be calling upon
 10 these members to come up and give their
 11 presentation as time allows. There are seven
 12 speakers with a three-minute limit. That puts
 13 us at the best possible scenario of twenty-one
 14 minutes, which is going to push us into a
 15 legally mandated 11:00 Commission meeting. So
 16 I am going to provide a reasonable amount for
 17 those before you to speak.
 18 I will tell you that I will be
 19 adhering strictly to the three-minute
 20 limitation and will proceed to cut you off and
 21 move forward with the next speaker once your
 22 time has expired.
 23 I'm also going to try to

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1 however, the beginning and not the end of good
 2 notification.
 3 Our own research which we
 4 presented in conjunction with the petition as
 5 well as a presentation given by ADEM employee,
 6 Daphne Lutz, confirms that approximately one
 7 in four -- one in four sewer spills is not
 8 being reported through E-SSO. And if it's not
 9 being reported, then E-SSO cannot notify the
 10 public of the possible dangers.
 11 A notification system can only be
 12 as accurate as the information that's being
 13 input into that system, and unfortunately we
 14 think that for municipal operators there is
 15 good information being put in, but
 16 unfortunately not the level of information
 17 that is required to support a good
 18 notification system.
 19 Most importantly, this
 20 notification system does not reach citizens
 21 without smart phones, computer access, or
 22 technology. And these are the people who are
 23 often most in need of notification and the

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1 least likely to actually receive it.
2 Approximately a quarter of Alabama's
3 residents, twenty-five percent, don't have a
4 smart phone.
5 ADEM has acknowledged there needs
6 to be a local piece in effective notification,
7 and that is what we are asking the Commission
8 to address. ADEM has done some work on
9 incorporating a sewer overflow response plan
10 and to permitting. Regrettably, they worked
11 with municipal operators and trade
12 associations with that language, got their
13 input, and put that into the permit. They
14 didn't ask us. And that could -- that was a
15 missed opportunity we think for the Department
16 because while that SORP language is a start,
17 we think that there are things that can be
18 done to improve it.
19 Most notably the reason that we
20 first filed this petition was because there's
21 too much operator discretion, and as a result,
22 notification isn't happening. The SORP also
23 places a lot of discretion on the operators.

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1 We think their needs to be a minimum baseline
2 for local operators and that is what we are
3 asking the Rulemaking Committee to recommend
4 to the full Commission.
5 Unfortunately in Alabama we are
6 too comfortable with the lowest common
7 denominator. We have presented to the
8 Commission Georgia's public notification
9 regulations, which have some excellent means
10 of public notification. We urge you to
11 recommend to the full Commission that they
12 look at that Georgia regulation and that they
13 adopt similar measures to ensure that local
14 operators are doing their best to protect the
15 public.
16 DR. RICHARDSON: Eva, I'm going to
17 have to stop you there. Sorry.
18 MS. DILLARD: Thank you.
19 DR. RICHARDSON: It's already
20 thirty seconds over. Thank you.
21 MS. DILLARD: Thank you.
22 DR. RICHARDSON: The Chair will now
23 recognize -- forgive me if I mispronounce

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1 names -- Pat Sefton. He is from Alabama Water
2 and Waste Water Institute and Alabama Water
3 Environmental Association.
4 MR. SEFTON: Good morning. My name
5 is Pat Sefton. I appreciate this Committee
6 listening to our remarks.
7 AWWI, which is the Alabama Water
8 and Waste Water Institute, is a trade
9 association of water and waste water utilities
10 in Alabama. The Alabama Water Environment
11 Association also has some utility members but
12 also has other water and waste water
13 professionals. I'm not going to introduce
14 every one of them here this morning, but I
15 would like for you for these -- for those
16 members to stand that are here.
17 This is a big issue for this
18 industry. They work very, very hard to ensure
19 that there's clean water and waste water is
20 treated appropriately. Our overarching
21 comment is that the existing regulations by
22 ADEM are sufficient. We believe that ADEM has
23 already recognized that by recommending denial

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1 of the petition. We would ask this Committee
2 when you're evaluating that to find that the
3 existing regulations are sufficient.
4 We believe the information that's
5 out there that's been given to the public
6 before this hearing outlines the number of
7 things that ADEM has done really over the last
8 two years, some of which was mentioned by the
9 previous speaker.
10 We just don't believe that there
11 need to be any further regulations. There
12 will be some other speakers that will be here
13 to answer any questions that you have about
14 specific examples of what has happened in
15 various localities. We believe that those
16 individuals in those localities are best able
17 to come up with individual SSO response
18 plans.
19 In fact, ADEM in the permits, in
20 the renewal permits, is now requiring local
21 utilities to submit their SSO response plans,
22 and those are working. I expect some of these
23 speakers can tell you for a fact that the

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1 trend is down in terms of SSO incidents.
2 There are different types of
3 SSOs. The ones that we believe the previous
4 speaker is referring to are the probably the
5 very worse situations, but there's not a one
6 size fits all situation. You can have a very
7 small SSO incident that's contained very
8 quickly without any potential -- without any
9 potential of .harm and then, of course, you do
10 from time to time have unfortunate situations
11 where you have worse situations.
12 But for this group to enact a one
13 size fits all regulation will do nothing but
14 increase cost for the public, will make public
15 utilities a litigation target because if you
16 have all of these additional regulations
17 it's -- it becomes somewhat impossible to
18 comply.
19 But the most important thing is
20 we want the public to understand when they're
21 really at risk. And everybody knows if you're
22 constantly flooding the public with warnings
23 and notices and things like that they become

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1 tone deaf, and they don't respond. Everybody
2 knows the tornado watches and the sever
3 thunderstorm warnings that are endless.
4 DR. RICHARDSON: Thank you,
5 Mr. Sefton.
6 MR. SEFTON: Thank you.
7 DR. RICHARDSON: Appreciate your
8 comments. I'm going to start for the
9 speaker's benefit just raising my hand when
10 there's thirty seconds left. That way you
11 kind of know you need to start wrapping it
12 up.
13 I'd like to recognize Bill
14 Shugart with One World Adventure.
15 MR. SHUGART: Thank you, ladies and
16 gentlemen, for letting me address you today.
17 Most of my comments were captured
18 by Eva Dillard, so I won't take much of your
19 time. I will say that I would like to
20 encourage all of us here in this room to take
21 a proactive stance in notification. To rest
22 on the fact that we think it's good enough
23 doesn't really capture the advancement of

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1 technology right now to get the word out to
2 people in multiple different ways.
3 I would also like to ask the
4 Commission to please take a look at including
5 in the certification training the notification
6 standards so as new operators come online that
7 that's part of their initial training. Thank
8 you.
9 DR. RICHARDSON: Thank you,
10 Mr. Shugart.
11 The Chair now recognizes David
12 Denard from Jefferson County.
13 MR. DENARD: Thank you. I
14 appreciate the Commission's attention to the
15 subject. I think it's very important to our
16 community. I think it's important to the
17 public and public health and to our customers
18 as well.
19 As an operator, our job is to --
20 we're in the clean water business and we make
21 clean water. But I will also say there is
22 room to do better and there was room to do
23 better. Whether from a lack of resources or a

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1 lack of knowledge, I think all of us as
2 operators can and should do better in SSO
3 response and in public notification. It is
4 our responsibility as operators to do that and
5 to do that responsibly.
6 I did want to provide some
7 perspective from the ground though because
8 every SSO is unique, and it does require
9 individual judgment. A small SSO in dry
10 weather is completely different circumstances
11 than perhaps a larger SSO, which you may end
12 up containing. That happens in wet weather.
13 And so you have to have the operator exercise
14 judgment to know what the proper response is.
15 And if you are overly
16 prescriptive, I think you can limit the
17 judgment of the operator. As an example, our
18 plant permits requires the operator maintain
19 our plants in a responsible manner, to be
20 overly prescriptive to that. We rely on the
21 judgment of our maintenance staff and the
22 judgment of our operators to still meet the
23 requirements of a permit.

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1 But I will say that prescriptive
 2 rulemaking can be problematic because every
 3 system is different as well. A large system
 4 such as ours of thirty-five hundred miles and
 5 four hundred and fifty square miles of service
 6 area may have the resources but we lack the
 7 knowledge. We don't know where every fishing
 8 hole is and where every point of public
 9 contact is. A smaller system may have the
 10 knowledge but they lack the resources to enact
 11 that.

12 So one of the problems or lessons
 13 for that is over saturation of public notice.
 14 Part of our consent degree, we began doing
 15 public media notice for all SSOs, and
 16 eventually those SSO notices were ignored by
 17 the media. So our message never gets out.
 18 And so being able to prioritize those messages
 19 is very critical to responsible and effective
 20 notification.

21 Having too much rulemaking in the
 22 end makes you respond to the response as
 23 opposed to responding to the actual problem.

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1 what we have now is in many cases inadequate.
 2 I will argue with others who have spoken. The
 3 response plans and actions do not have to all
 4 be one size. You know, I would like to see
 5 protection in place by the 2019 recreational
 6 season. We have a growing -- a rapidly
 7 growing water recreational tourist industry
 8 in Alabama. There are close to ninety
 9 outfitters now in Alabama.

10 When the Scenic River Trail
 11 started up, there was less than a dozen.
 12 There might have been less than ten. But
 13 serious spills, serious incidents, at critical
 14 high use areas could have a tremendous public
 15 information impact. You know, we potentially
 16 have maybe thousands or tens of thousands of
 17 people now in Canada that have learned about
 18 our trail that may be coming to Alabama as
 19 they go to Florida and elsewhere using these
 20 trails.

21 My request is regardless of what
 22 you do is these utilities should be tasked to
 23 work with their outfitters, work with Scenic

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1 And so mitigation is the primary -- mitigation
 2 and stopping an SSO is the primary
 3 responsibility and what we do.

4 And so I would say responses --
 5 the responses that the Commission and ADEM
 6 staff to date are appropriate. Lack of new
 7 rules doesn't mean that there's no further
 8 need for action. We, as an organization, need
 9 to develop best practices and SSO response
 10 plans and continue to adopt those and
 11 communicate with the petitioners and the
 12 public to make this better and to continue to
 13 make it better. So thank you.

14 DR. RICHARDSON: Thank you,
 15 Mr. Denard.

16 The Chair now recognizes Michael
 17 Mullen, Choctawhatchee Riverkeeper and
 18 Southeast Alabama Division of ASRT.

19 MR. MULLEN: Thank you,
 20 Dr. Richardson. My comments are much
 21 condensed from what I originally had because a
 22 lot of them have been covered already. I'm in
 23 agreement with Eva, our first speaker, that

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1 River Trails and the chapters we're developing
 2 around the state, work with (inaudible),
 3 identify where your significant recreational
 4 use areas are. If you don't have any, you
 5 know, the process we have now is perfectly
 6 adequate, but if you do have significant
 7 recreational areas, identify where they are.
 8 That will help you identify -- and you may not
 9 have to cover three thousand miles of streams
 10 in your response plan. But develop a plan
 11 that prevents us from creating an image.

12 I know years ago they had a
 13 problem in Lake Jackson in Florala and
 14 there's -- that problem has not existed for
 15 years and years and years in the severity that
 16 it once was, and there's people that still ask
 17 me do we still have this problem in Lake
 18 Jackson.

19 So we can create an image for
 20 some of our recreational use areas that may
 21 create a stigma that lasts many years.

22 So I would just really criticize
 23 people saying there's one size, one plan. I

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1 think ADEM is smart enough. You guys are
 2 smart enough to write -- to write regs that
 3 aren't one size fits all, and I would urge you
 4 to act to keep our public, our recreational
 5 public, and our growing tourist industry safe
 6 from unnecessary impacts. Thank you.
 7 DR. RICHARDSON: Thank you,
 8 Mr. Mullen.
 9 Next The Chair will recognize
 10 Scott Cummings from Alabama Water
 11 Environmental Association.
 12 MR. CUMMINGS: Thank you,
 13 Mr. Chairman.
 14 I represent the Alabama Water
 15 Environmental Association. They've asked me
 16 to represent them as the advocacy committee
 17 chairman.
 18 My committee along with the
 19 collections committee have been working
 20 diligently over the past several years
 21 providing public education and outreach to our
 22 members. We represent the waste water
 23 industry across the state, and our main

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1 outreach opportunities we're given, we're
 2 seeing, you know, better and better response
 3 out of that. We're seeing that it is working.
 4 And, granted, you know, it may not have been
 5 working as well as some may indicate, you
 6 know, in the past. We feel like this move
 7 that we've enacted over the past several years
 8 is getting the word out. We are seeing a
 9 transformation of what we're doing.
 10 We don't see a need for
 11 additional rulemaking, not because we are
 12 opposed to public notification, but it is a
 13 very customizable matter. And it needs to be
 14 handled on the local front through the
 15 response plans, and we would encourage the
 16 citizen groups to work with the local
 17 utilities to, you know, provide input. We
 18 invite that. We invite that to input on the
 19 types of training that we provide. We request
 20 and invite that from ADEM.
 21 So our idea is more for continued
 22 collaboration and what ADEM has already laid
 23 out, and we would -- you know, we would

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1 primary goals of our organization is to
 2 provide training and network opportunities for
 3 these utilities.
 4 So providing this training, you
 5 know, we work very closely with ADEM. We
 6 review very closely EPA regulations in order
 7 to provide the best information we can to --
 8 not only dealing with, you know, the SSO
 9 response itself but also with public
 10 notification and better documentation of SSOs.
 11 Our members are very passionate
 12 about what they do in their job. They work
 13 long hours. They come in at night. And
 14 they'll work a night shift to respond to an
 15 SSO and be back at work at six or seven the
 16 next morning to work a full shift. They're
 17 very passionate about what they do, very
 18 passionate about protecting the public health
 19 and environment. They enjoy it as much as
 20 anyone else in the state does. So, you know,
 21 that is their life that they're working
 22 towards.
 23 And, you know, with the education

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1 appreciate your consideration and not carrying
 2 this on to further rulemaking considerations.
 3 Thank you.
 4 DR. RICHARDSON: Thank you,
 5 Mr. Cummings.
 6 The Chair now recognizes John
 7 Kinney, Black Warrior River Keeper.
 8 MR. KINNEY: Good morning. Thank
 9 you for giving me this opportunity to talk
 10 with y'all.
 11 Like Ms. Dillard, I would like to
 12 recognize ADEM for instituting the new E-SSO
 13 program. I think it is a wonderful step in
 14 the right direction. I know that it's taken a
 15 lot of hard work by ADEM. But like
 16 Ms. Dillard, I just don't think that it is
 17 sufficient, and I'll give you a couple of
 18 reasons why.
 19 I analyzed sixty consecutive
 20 initial SSO reports in April. And in looking
 21 at those, there was an average of forty-five
 22 hours delay between when the SSO started and
 23 when it was sent out through the E-SSO

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1 system. I've also noticed as I'm getting
2 these SSO reports through email that I'm
3 almost never seeing any SSO reports come in on
4 weekends, and then we get flooded with them
5 during the week. So I analyzed those numbers
6 for this summer.

7 On an average weekend day, we get
8 0.7 SSO reports per day. On an average
9 weekday, we get 4.3 SSO reports per day. So
10 that's seven times more SSO reports coming in
11 on a weekday than there are on a weekend day.

12 Now, I don't think that SSOs are
13 just not happening on the weekend. It's just
14 that the notifications aren't going out or the
15 operators aren't noticing these SSOs on the
16 weekend. Maybe they've got fewer employees on
17 the ground on the weekends. But, if anything,
18 more people are recreating on the weekends and
19 it's more important that we get those reports
20 at that time.

21 So there are several limitations
22 with this E-SSO system. While it is a step in
23 the right direction, I don't believe it's

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1 sufficient.

2 And I want to appeal to you as a
3 father who takes my kids swimming in our
4 streams routinely. I've gone swimming with my
5 kids in Locust Fork and Mulberry Fork at least
6 twelve times this summer. And I check the SSO
7 before I go out. I look to see if there's
8 been an SSO upstream of where I'm going. But
9 knowing what I know, that there's an average
10 of two days wait in between when an SSO starts
11 and when it's reported, that's always in the
12 back of my mind, knowing that I'm taking my
13 kids out there as informed as I can be, but I
14 still have that two-day window where I could
15 be taking my kids swimming somewhere where it
16 might be dangerous.

17 And that's why I feel like we
18 need to make these SSO reports more immediate
19 and enforceable so that we can be more
20 confident in the information that we're
21 getting. Thank you.

22 DR. RICHARDSON: Thank you,
23 Mr. Kinney.

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1 That concludes the list of folks
2 that have signed up. I will open the
3 opportunity for anyone else that would like to
4 make a brief comment.

5 Please state your name.

6 MR. TURNER: Ed Turner, Anniston
7 Water Works.

8 Just in response to the previous
9 speaker, I want to make it clear that it's
10 twenty-four hours to be reported for an SSO,
11 and that's enforced. So I'm not sure where
12 the two-day window has occurred or where he's
13 getting that information. And working with
14 ADEM on a regular basis, we've improved our
15 notification, our SORT and everything. And
16 the way the rule sits now, I think it's
17 adequate, actually more than adequate.

18 And the other day we had
19 notification from an SSO that was sent out.
20 WBRC notified me and asked me if I would like
21 to speak about it. I said, of course, I
22 would. Give me the opportunity to notify the
23 public what causes these SSOs. And that's the

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1 thing. That's where the notification needs to
2 go, public education on what causes these
3 SSOs. That's what helps the utilities.

4 And that's all I have, sir.

5 DR. RICHARDSON: Thank you. And I
6 might suggest that the two of you may want to
7 get together after the Committee meeting and
8 discuss the data that you have.

9 I will take one more. I believe
10 a hand was up over here. Please when you get
11 to the podium state your name and who you're
12 representing, if anyone.

13 MR. BUTLER: My name is David
14 Butler. I'm the Cahaba Riverkeeper. And just
15 to kind of clarify what Mr. Kinney was talking
16 about, we do the same thing as far as the SSOs
17 as we get them. And a lot of times we don't
18 get the emails until days after it occurs. So
19 I'm not sure where the gap is, if they're
20 being reported on time or if there's a delay
21 in us getting the information, but by the time
22 we get it, it's many times several days after
23 the spill.

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1 And I just wanted to talk about
2 two other things that has come up a couple of
3 times is, you know, one argument against this
4 petition is the added expense. And I think,
5 you know, just like the operators, we are
6 dedicated employees who do all the same
7 things. We spend our nights and weekends, and
8 we do a great job of public notification for
9 very little money. And so I don't look at the
10 expense of this notification system as a
11 burden.
12 And as far as the potential to
13 make these utilities a greater target for
14 litigation, I think every step you take of
15 better public notification limits that
16 liability instead of expands it. With the
17 system that we have now, we have seen
18 instances where there have been overflows that
19 there was little to no notification of major
20 events. And I think that by itself is much
21 more concerning from a liability standpoint
22 than a measured process that intends to notify
23 as many people as possible. Thank you.

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1 DR. RICHARDSON: Thank you, David.
2 I will now ask the ADEM Director,
3 Lance LeFleur, if he has any comments that he
4 would like to share with the Committee,
5 reminding him that he will be under the same
6 three minute limitation.
7 MR. LEFLEUR: Noted. I want to
8 thank each of the people who spoke today.
9 This is a continuation of the conversation
10 that's been going on for some time regarding
11 this matter. Not surprisingly, for the
12 Department, in all activities it seems like
13 that we're involved with there are two sides
14 to the question.
15 When the petition first came
16 up -- well, first, let me make one comment
17 related to the E-SSO program, the electronic
18 reporting of Sanitary Sewer Overflows. It's a
19 process that's being stood up over a period of
20 years. The infrastructure has been put in
21 place and it's now being implemented
22 throughout the system, and it will take time
23 for that to completely go through the

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1 process.
2 But when the petition was first
3 presented, the Department did a thorough study
4 of the rulemaking petition before making a
5 recommendation to the Commission. Since then,
6 the Department has engaged numerous interested
7 parties on many occasions to consider the
8 costs, benefits, alternatives, and other
9 matters related to public notification and
10 rulemaking.
11 ADEM has implemented several
12 programs that address many, if not most, of
13 the concerns that have been expressed by the
14 petitioners. All of these have been
15 well-documented and I would commend --
16 recommend for everybody's examination the list
17 of those things that have been undertaken, as
18 well as some things that are going on within
19 the Department to try to keep everybody
20 informed.
21 We have tried to get that into
22 the hands of all interested parties. The
23 Department has concluded that the information

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1 presented during this process would not
2 warrant a change in the Department's
3 recommendation to the Commission, that
4 rulemaking is not required at this time, and
5 that the process that's being implemented in
6 the Department will address the concerns that
7 have been raised.
8 I'd be pleased to answer any
9 questions.
10 DR. RICHARDSON: Any questions from
11 the Committee?
12 Thank you, Director.
13 MS. MERRITT: Oh, I do have one.
14 MR. LEFLEUR: Yes, ma'am.
15 MS. MERRITT: How long has that
16 ES -- the E-SSO folks, how long has that been
17 in place?
18 MR. LEFLEUR: We began E-SSO --
19 MS. BLANTON: Roughly 2013.
20 MR. LEFLEUR: Right at 2013 was the
21 early beginnings of it, and it was implemented
22 first with those people who had violations.
23 They were required to begin reporting

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1 electronically as a part of the enforcement
2 action. As permits have been renewed, all
3 permits now that are renewed have a
4 requirement for electronic reporting, and we
5 have a federal mandate to have electronic
6 reporting by 2020.
7 So we are well on our way. We
8 are up to -- I don't know -- what's the
9 percentage now?
10 MS. LUTZ: Eighty-five percent is
11 now registered.
12 MR. LEFLEUR: Eighty-five percent
13 of the systems are now registered for
14 electronic SSO reporting.
15 DR. RICHARDSON: Can you or a
16 member of your Department comment on whether
17 we know if the delay between ADEM being
18 notified by the facility and then the email
19 release to the public, where that glitch is?
20 Is it in notification of ADEM or is it
21 something that's taking ADEM time to process
22 things and get it out? Is it because the
23 Department is basically closed on the weekend

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1 that they don't get out on the weekend, they
2 wait till Monday to do it? Can you comment on
3 any of that or someone in your Department
4 comment on that?
5 MR. LEFLEUR: Well, the electronic
6 reporting that comes in goes immediately --
7 well, within five minutes or less.
8 MS. LUTZ: Twenty minutes.
9 MR. LEFLEUR: Twenty minutes or
10 less. Okay. It goes immediate -- or twenty
11 minutes or less is on the website. The
12 reports -- there are a certain number of
13 reports that still come in in paper form. And
14 those paper form reports have to be hand
15 entered. Those are entered. But as soon as
16 they are entered, they go into the system.
17 DR. RICHARDSON: So when -- it
18 comes in. Within twenty minutes it's posted
19 on the website. The email also goes out?
20 MR. LEFLEUR: Yes.
21 MS. LUTZ: Yes.
22 MS. MERRITT: So is that happening
23 on the weekend, too?

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1 MS. LUTZ: For the electronic, yes.
2 MR. LEFLEUR: For E-SSO.
3 MS. MERRITT: E-SSO. Got it.
4 MR. LEFLEUR: That's one of the
5 reasons we're pushing E-SSOs so hard is it's
6 immediate or within twenty minutes. But the
7 paper that comes in still has to go -- whether
8 it's snail mail or fax or email or however, it
9 still has to be entered, and then it goes into
10 the reporting system. Eventually, paper will
11 go away.
12 DR. RICHARDSON: Thank you. Any
13 further questions for the Director?
14 Thank you, Director.
15 MR. LEFLEUR: Thank you.
16 DR. RICHARDSON: I now will open
17 this agenda item two up for Committee
18 discussion and ask if my fellow Committee
19 members have any comments that they would like
20 to make at this time.
21 MS. MERRITT: I do have one, but I
22 wanted to ask Ms. Dillard. She was trying --
23 can I ask her? I want to ask her a question

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1 on --
2 You were saying about you would
3 think the media -- the media, I guess,
4 television or radio, you think that would
5 work -- you think that would work better than
6 the E -- the electronic they have? Do you
7 think that would work better? Do you think
8 people's going to look at that?
9 MS. DILLARD: Commissioner Merritt,
10 that's an excellent question. And it goes to
11 the heart of notification.
12 EPA recommends and the petition
13 endures a multi-faceted approach to public
14 notification precisely because different
15 people get notified in different ways. And
16 you cannot invent or construct a system that's
17 going to notify everyone. That is an
18 impossibility. What the petition seeks to do
19 is to offer a mix of notification processes
20 that will notify the greatest number of people
21 possible while recognizing the limitations
22 that local operators have.
23 What we advocated was in addition

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1 to E-SSO to have a local component of
2 notification to include, you know, posting
3 notifiable spills, which is defined by the
4 regulation, and also other means, you know,
5 for local operators to make sure that that
6 word is getting out. And then those efforts
7 ultimately complement each other and, you
8 know, make a robust notification program.
9 Does that answer your question?
10 MS. MERRITT: Yeah.
11 DR. RICHARDSON: I'd like to make a
12 few comments myself. And I'll begin by making
13 sure everyone's aware that in April of 2017
14 when the petition was first presented and
15 subsequently denied by the Commission, I think
16 I speak for all of the Commissioners sitting
17 at the time, that it wasn't denied based on
18 recommendations from ADEM. It was denied
19 simply because of the fact that the Commission
20 received the petition with too little time for
21 critical review and consideration. So we
22 thought the appropriate route was to deny it.
23 We only had two options, approve it or deny

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1 it.
2 In an effort to move forward and
3 take this to the Rulemaking Committee, some of
4 you know the history after that point, the
5 Rulemaking Committee lost a member, and I was
6 not willing to convene this Committee with two
7 people and not until I had a full Committee in
8 order to convene. That has only just taken
9 place with Jay Masingill coming on to the
10 Commission. So we have taken this up at the
11 earliest opportunity following that.
12 Since that time we did have a
13 stakeholders meeting in December of '17, I
14 believe it was, in which environmental
15 organizations along with the regulated
16 community were all present and represented. I
17 was at that meeting and was able to listen to
18 the comments and things that were said. I
19 have transcripts of that meeting, and have had
20 the opportunity to look over that, as have my
21 fellow Committee members.
22 There's been a tremendous amount
23 of information presented to this Committee.

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1 The Environmental Management Commission has
2 been spoken to no fewer than seven times since
3 this issue was raised in April of 2017. We
4 have had plenty of information put before us.
5 We know the Department has taken a number of
6 steps and a number of actions.
7 Based on the extensive record of
8 information presented regarding the SSO public
9 notification activities, it seems to me that
10 nearly all of the petitioner's concerns have
11 been addressed. Not all of them certainly,
12 but many of them have been addressed.
13 And I think the Rules Committee
14 has ample basis now to conclude that human
15 health and the environment are protected by
16 the regulatory activities that are currently
17 being undertaken pursuant to the existing
18 rules.
19 Additional rulemaking regarding
20 public notice of SSOs would not provide
21 effective, efficient, or measurable
22 additional -- additional protection to human
23 health or the environment. Therefore, I think

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1 it would be well-supported and reasonable that
2 the Rules Committee recommend to the
3 Commission that rulemaking related to public
4 notice of SSOs need not be initiated at this
5 time.
6 That is my personal position and
7 take on this. And I will again ask if there's
8 any further discussion from my fellow
9 Committee members.
10 MS. MERRITT: I don't have any.
11 MR. MASINGILL: I would just like
12 to state that, of course, I'm late to this
13 party. This is -- I've only been to one
14 Commission meeting, and we didn't make a
15 quorum. So this is really going to be my
16 first meeting. I just wanted kind of for the
17 record to let you all know that I went back
18 and I read every one of the transcripts going
19 back to April of '17. I didn't just show up
20 at this Committee meeting.
21 I met with Ms. Dillard and
22 listened to her concerns in Tuscaloosa, I
23 guess a couple of weeks ago. And I just

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1 wanted to state that, that I feel like I'm
2 informed on the issue before I take any
3 action.
4 DR. RICHARDSON: Thank you.
5 And I would like to add one more
6 thing. I commend Ms. Dillard immensely for
7 her efforts in this. I've been on this
8 Commission for eight years, and one time --
9 one time I've had a person from an
10 environmental organization or representing an
11 environmental organization ask for an audience
12 with me, and that was Ms. Dillard back some
13 time -- I don't remember if it was this spring
14 or last fall, but she came in with a member
15 from --
16 UNIDENTIFIED SPEAKER: Andy
17 Shugart.
18 DR. RICHARDSON: Yes, exactly. And
19 we had a good, long, lengthy conversation. My
20 door is open. My door has always been open to
21 the environmental community and to the
22 regulated community. It's unfortunate to me
23 that that open door policy has been used so

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1 little in my eight-year tenure as a Commission
2 member.
3 A lot can be accomplished on a
4 one-on-one conversation that is difficult to
5 accomplish in a public forum. And I think
6 people need to understand that and utilize
7 that availability and that ability as it
8 exists.
9 At this point, I will entertain a
10 motion from the Committee regarding a proposed
11 recommendation to the full Commission
12 regarding ADEM Administrative Code Rule
13 335-6-6-.12 and the need for any additional
14 rules or modifications to the rules for public
15 notification of separate Sanitary Sewer
16 Overflows. The Chair will stand for a motion.
17 MR. MASINGILL: I move that the
18 Committee recommend the Commission not proceed
19 to rulemaking with ADEM Administrative Code
20 Rule 335-6-6-.12 with additional rules or
21 modifications to the rules for public
22 notification of separate Sanitary Sewer
23 Overflows.

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1 DR. RICHARDSON: The motion has
2 been made. Do I hear a second?
3 MS. MERRITT: Second.
4 DR. RICHARDSON: Motion has been
5 made and seconded. Do the Committee members
6 have any discussion regarding the motion?
7 (No response.)
8 DR. RICHARDSON: Hearing no
9 discussion, I will call the question. All in
10 favor of the motion as presented signify by
11 saying I aye.
12 MR. MASINGILL: Aye.
13 MS. MERRITT: Aye.
14 DR. RICHARDSON: All opposed same
15 sign.
16 (No response.)
17 DR. RICHARDSON: Any abstentions?
18 The motion carries. We will now
19 sign the order.
20 (Order signed.)
21 DR. RICHARDSON: This brings us up
22 to agenda item three, other business. Is
23 there any other business that my fellow

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1 Committee members know of to be brought before
2 this Committee?
3 MR. MASINGILL: No.
4 DR. RICHARDSON: Then we'll move on
5 to agenda item four, the future Rulemaking
6 Committee meeting. At this point, I know of
7 no issue before the Commission to be put
8 before the Commission for rulemaking. So I
9 see no reason for us to set a Rulemaking
10 Committee meeting for the future.
11 I will now entertain a motion to
12 adjourn.
13 MR. MASINGILL: I move to adjourn.
14 DR. RICHARDSON: Been moved to
15 adjourn.
16 MS. MERRITT: Second.
17 DR. RICHARDSON: Seconded. All in
18 favor, vote with your feet.
19 Thank you all for coming.
20
21 (The Rulemaking Committee meeting
22 concluded on August 17, 2018, at
23 10:47 a.m.)

1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA)
3 JEFFERSON COUNTY)
4 I, Elaine Scott, Certified Court
5 Reporter and Commissioner for the State of
6 Alabama at Large, hereby certify that on
7 August 17, 2018, I reported the Rulemaking
8 Committee meeting, and that pages 1 through 45
9 contain a true and accurate transcription of
10 the hearing by counsel for the parties set out
11 herein.

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

16
17
18 _____
19 /s/Elaine Scott, CCR
20 ELAINE SCOTT, Court Reporter
21 and Commissioner for the State
22 of Alabama at Large
23 CCR NO. 354, Expires 9/30/18

22 MY COMMISSION EXPIRES NOVEMBER 16, 2019

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REPORTER'S CERTIFICATE

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Elaine Scott, Certified Court Reporter and Commissioner for the State of Alabama at Large, hereby certify that on August 17, 2018, I reported the Rulemaking Committee meeting, and that pages 1 through 45 contain a true and accurate transcription of the hearing by counsel for the parties set out herein.

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

Elaine Scott

/s/Elaine Scott, CCR
ELAINE SCOTT, Court Reporter
and Commissioner for the State
of Alabama at Large
CCR NO. 354, Expires 9/30/18

MY COMMISSION EXPIRES NOVEMBER 16, 2019

<p style="text-align: center;">A</p> <p>ability (1) 42:7</p> <p>able (3) 12:16;17:18;38:17</p> <p>abstentions (2) 4:8;43:17</p> <p>access (1) 8:21</p> <p>accomplish (2) 7:13;42:5</p> <p>accomplished (1) 42:3</p> <p>accurate (1) 8:12</p> <p>acknowledged (1) 9:5</p> <p>across (1) 21:23</p> <p>act (1) 21:4</p> <p>acting (1) 5:18</p> <p>action (3) 18:8;33:2;41:3</p> <p>actions (2) 19:3;39:6</p> <p>activities (3) 30:12;39:9,16</p> <p>actual (1) 17:23</p> <p>actually (2) 9:1;27:17</p> <p>add (1) 41:5</p> <p>added (1) 29:4</p> <p>addition (1) 36:23</p> <p>additional (9) 4:18;5:8;13:16; 23:11;39:19,22,22; 42:13,20</p> <p>address (4) 9:8;14:16;31:12; 32:6</p> <p>addressed (2) 39:11,12</p> <p>ADEM (26) 4:16;5:5;7:20;8:5; 9:5,8;11:22,22;12:7; 19:18;5;21:1;22:5; 23:20,22;24:12,15; 27:14;30:2;31:11; 33:17,20,21;37:18; 42:12,19</p> <p>adequate (3) 20:6;27:17,17</p> <p>adhering (1) 6:19</p> <p>adjourn (3)</p>	<p>44:12,13,15</p> <p>Administrative (4) 4:16;5:5;42:12,19</p> <p>ado (1) 7:5</p> <p>adopt (4) 3:14,17;10:13;18:10</p> <p>advancement (1) 14:23</p> <p>Adventure (1) 14:14</p> <p>advocacy (1) 21:16</p> <p>advocated (1) 36:23</p> <p>again (3) 6:1;7:5;40:7</p> <p>against (1) 29:3</p> <p>agenda (7) 3:7;4:12;5:3;6:7; 35:17;43:22;44:5</p> <p>ago (2) 20:12;40:23</p> <p>agreement (1) 18:23</p> <p>ahead (1) 3:3</p> <p>ALABAMA (17) 1:5,14,16,18;7:14; 10:5;11:1,2,7,10,10; 18:18;19:8,9,18;21:10, 14</p> <p>Alabama's (1) 9:2</p> <p>allowing (1) 7:11</p> <p>allows (1) 6:11</p> <p>almost (1) 25:3</p> <p>along (2) 21:18;38:15</p> <p>alternate (1) 7:1</p> <p>alternatives (1) 31:8</p> <p>always (2) 26:11;41:20</p> <p>amount (2) 6:16;38:22</p> <p>ample (1) 39:14</p> <p>analyzed (2) 24:19;25:5</p> <p>Andy (1) 41:16</p> <p>Anniston (1) 27:6</p> <p>announce (1) 3:4</p> <p>appeal (1) 26:2</p>	<p>Applicable (2) 4:17;5:6</p> <p>appreciate (4) 11:5;14:7;15:14; 24:1</p> <p>approach (1) 36:13</p> <p>appropriate (2) 18:6;37:22</p> <p>appropriately (1) 11:20</p> <p>approval (1) 4:10</p> <p>approve (2) 4:11;37:23</p> <p>approximately (2) 8:6;9:2</p> <p>April (4) 24:20;37:13;39:3; 40:19</p> <p>area (1) 17:6</p> <p>areas (4) 19:14;20:4,7,20</p> <p>argue (1) 19:2</p> <p>argument (1) 29:3</p> <p>around (1) 20:2</p> <p>ASRT (1) 18:18</p> <p>Association (5) 11:3,9,11;21:11,15</p> <p>associations (1) 9:12</p> <p>attention (1) 15:14</p> <p>audience (1) 41:11</p> <p>AUGUST (5) 1:7;3:9,11,15;44:22</p> <p>availability (1) 42:7</p> <p>average (4) 24:21;25:7,8;26:9</p> <p>aware (1) 37:13</p> <p>away (1) 35:11</p> <p>AWWI (1) 11:7</p> <p>aye (6) 4:2,3,4;43:11,12,13</p>	<p>37:17;39:7</p> <p>baseline (1) 10:1</p> <p>basically (1) 33:23</p> <p>basis (2) 27:14;39:14</p> <p>become (1) 13:23</p> <p>becomes (1) 13:17</p> <p>began (2) 17:14;32:18</p> <p>begin (3) 5:23;32:23;37:12</p> <p>beginning (1) 8:1</p> <p>beginnings (1) 32:21</p> <p>behalf (1) 7:8</p> <p>benefit (1) 14:9</p> <p>benefits (1) 31:8</p> <p>best (5) 6:13;10:14;12:16; 18:9;22:7</p> <p>better (12) 7:13;15:22,23;16:2; 18:12,13;22:10;23:2,2; 29:15;36:5,7</p> <p>big (1) 11:17</p> <p>Bill (1) 14:13</p> <p>Black (1) 24:7</p> <p>BLANTON (1) 32:19</p> <p>both (1) 7:4</p> <p>Boulevard (1) 1:17</p> <p>brief (3) 4:23;6:4;27:4</p> <p>brings (2) 4:12;43:21</p> <p>brought (1) 44:1</p> <p>Building (1) 1:15</p> <p>burden (1) 29:11</p> <p>business (4) 4:13;15:20;43:22,23</p> <p>BUTLER (2) 28:13,14</p>	<p>call (3) 3:3;4:1;43:9</p> <p>calling (1) 6:9</p> <p>came (2) 30:15;41:14</p> <p>Can (16) 5:17;8:11;9:17; 12:23;13:6;16:2,16; 17:2;20:19;22:7;26:13, 19;33:15;34:2;35:23; 42:3</p> <p>Canada (1) 19:17</p> <p>capture (1) 14:23</p> <p>captured (1) 14:17</p> <p>carries (2) 4:11;43:18</p> <p>carrying (1) 24:1</p> <p>case (1) 7:19</p> <p>cases (1) 19:1</p> <p>causes (2) 27:23;28:2</p> <p>certain (1) 34:12</p> <p>certainly (1) 39:11</p> <p>certification (1) 15:5</p> <p>Chair (6) 10:22;15:11;18:16; 21:9;24:6;42:16</p> <p>Chairman (2) 21:13,17</p> <p>change (1) 32:2</p> <p>chapters (1) 20:1</p> <p>check (1) 26:6</p> <p>Choctawhatchee (1) 18:17</p> <p>circumstances (1) 16:10</p> <p>citizen (1) 23:16</p> <p>citizens (1) 8:20</p> <p>clarify (1) 28:15</p> <p>clean (3) 11:19;15:20,21</p> <p>clear (1) 27:9</p> <p>close (1) 19:8</p> <p>closed (1) 33:23</p>
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Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Order to adopt motion to recommend that the Commission not proceed to rulemaking with ADEM Administrative Code Rule 335-6-6-.12 with additional rules or modifications to the rules for public notification of Separate Sanitary Sewer Overflows
(Agenda Item 2)**

Attachment 1

AGENDA*
MEETING OF THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 17, 2018

TIME: 10:00 a.m.

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

<u>ITEMS</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on August 19, 2016**	2
2. Discussion and consideration of ADEM Administrative Code Rule 335-6-6-.12, Conditions Applicable to All NPDES Permits, to determine the need for any additional rules or modifications for public notification of Separate Sanitary Sewer Overflows (SSOs) and a possible recommendation from the Committee regarding the Commission proceeding to rulemaking and Brief statements by members of the public registered to speak regarding the matters being discussed and considered by the Committee under Agenda Item 2 (NPDES-Related Matter)	2
3. Other business	3
4. Future Rulemaking Committee meeting	3

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

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

1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 19, 2016
2. DISCUSSION AND CONSIDERATION OF ADEM ADMINISTRATIVE CODE RULE 335-6-6-.12, CONDITIONS APPLICABLE TO ALL NPDES PERMITS, TO DETERMINE THE NEED FOR ANY ADDITIONAL RULES OR MODIFICATIONS FOR PUBLIC NOTIFICATION OF SEPARATE SANITARY SEWER OVERFLOWS (SSOs) AND A POSSIBLE RECOMMENDATION FROM THE COMMITTEE REGARDING THE COMMISSION PROCEEDING TO RULEMAKING AND BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK REGARDING THE MATTERS BEING DISCUSSED AND CONSIDERED BY THE COMMITTEE UNDER AGENDA ITEM 2 (NPDES-RELATED MATTER)

The Committee will discuss and consider ADEM Administrative Code Rule 335-6-6-.12, Conditions Applicable to All NPDES Permits, to determine the need for any additional rules or modifications for public notification of Separate Sanitary Sewer Overflows (SSOs). The Committee may also consider a recommendation from the Commission as to whether the Commission should proceed to rulemaking with additional rules or modifications for public notification of SSOs.

On April 21, 2017, the Environmental Management Commission adopted a motion denying the Petition for Rulemaking to Amend ADEM Administrative Code Rule 335-6-6-.12, Conditions Applicable to All NPDES Permits, EMC Rulemaking Petition 17-03, Petitioners Alabama Rivers Alliance, et al., based on ADEM Administrative Code Rule 335-2-2-.05, Consideration of Petition, paragraphs (g) and (i), with the reasons for denial being that adoption of the proposed rule would negatively impact the overall regulatory scheme of the Department and consideration of any other relevant factors, evidence, data, or information. The Petition for Rulemaking sought the amendment of Rule 335-6-6-.12 by expansion of the provisions of Rule 335-6-6-.12(1)(7)(v), Minimum requirements for public notification, and the addition of Rule (vii), Public notification plan.

The motion adopted by the Commission on April 21, 2017, also referred the proposed amendments in the Petition for Rulemaking to the Rulemaking Committee to determine by working with the Department and stakeholders the need for any additional rules or modifications to the existing rules in Rule 335-6-6-.12 for public notification of Separate Sanitary Sewer Overflows (SSOs).

Members of the public that wish to make a brief statement regarding the matters being discussed and considered by the Committee under Agenda Item 2 may do so by first signing in on a register maintained by the Commission office prior to the Rulemaking Committee meeting. The register will close ten minutes prior to convening the Committee meeting. The Committee Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Committee may place reasonable limitations on the number of speakers to be heard.

Rulemaking Committee Meeting Agenda
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3. OTHER BUSINESS
4. FUTURE RULEMAKING COMMITTEE MEETING

Attachment 2

BEFORE THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

MOTION

Recommend that the Commission not proceed to rulemaking with ADEM Administrative Code Rule 335-6-6-.12 with additional rules or modifications to the rules for public notification of Separate Sanitary Sewer Overflows

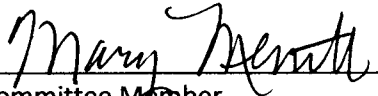
ORDER

This cause coming before the Rulemaking Committee pursuant to the motion referenced above, and the Committee having considered the proposed amendments in the Petition for Rulemaking to Amend Administrative Code R. 335-6-6-.12, EMC Rulemaking Petition 17-03, Petitioners Alabama Rivers Alliance, et al., referred to it by the Commission on April 21, 2017, to determine by working with the Department and stakeholders the need for any additional rules or modifications to the existing rules in Rule 335-6-6-.12 for public notification of Separate Sanitary Sewer Overflows (SSOs), the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the motion referenced above is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Issued this 17th day of August 2018.

APPROVED:



Committee Member




Committee Member



Committee Member

This is to certify that this Order is a true and accurate account of the actions taken by the Rulemaking Committee on this 17th day of August 2018.



Terry D. Richardson, Chair
Rulemaking Committee
Certified this 17th day of August 2018