Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 15, 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 February 15, 2013.

H. Lanier Brown, II

Chair

Alabama Environmental Management Commission

Certified this 19th day of April 2013.

Minutes

Environmental Management Commission Meeting Alabama Department of Environmental Management Building 1400 Coliseum Boulevard Montgomery, Alabama 36110-2400 February 15, 2013

Convened: 11:00 a.m. Adjourned: 11:41 a.m.

Part A

Transcript Word Index

Part B

Attachment Index Attachments 1 - 4



	nmission Meeting		February 15, 2013
	Pa	ige 1	Page 3
1 2	* * * * *	1	(The meeting began at
3		2	
4	AT A DAMA CHRIST DOLDSTANDAY	3	
5	ALABAMA ENVIRONMENTAL	-	morning. We'll call the February 15,
	MANAGEMENT	5	
6	COMMISSION MEETING	5	Management Commission to order. First, we
7		7	will acknowledge that we not only have a
8	* * * * *		quorum, but we have the entire Commission
9		- 1	_
10	ALABAMA DEPARTMENT OF ENVIRONMENTAL	10	present.
11	MANAGEMENT		First on the agenda is consideration of the minutes of the
12	(ADEM) Building	l l	******
13	1400 Coliseum Boulevard	1	meeting held on December 14, 2012. The
14	Alabama Room	l	minutes have been circulated to the
15	Montgomery, Alabama 36110-2400	-	members of the Commission, and at this
16		15	
17	Polisius 15 0010	16	COMMISSIONER RICHARDSON:
	February 15, 2013	- 1	Move to adopt.
18	11:00 a.m.	18	Total Bridge Bridge
19		19	CHAIRMAN BROWN: Any comments
20		20	or discussion?
21		21	(No response.)
22	Taken by: Margaret-Lea Flatt, ACCR# TL2024	22	CHAIRMAN BROWN: I will call
23		23	for the question. Everybody in favor?
-	Pac	ge 2	Pogo 4
1			
1		902	Page 4
	APPEARANCES	1	ALL: Aye.
1 2 3	APPEARANCES		ALL: Aye. CHAIRMAN BROWN: All opposed?
2	A P P E A R A N C E S COMMISSION MEMBERS PRESENT:	1	ALL: Aye. CHAIRMAN BROWN: All opposed? (No response.)
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Co	mmission Meeting			February 15, 2	2013
		Page 5		Pag	ge 7
1	offer the last of three installments		1	absolutely necessary if Alabama is to	
2	highlighting environmental progress during		1	maintain the ability to issue the NPDES	
3	the last 30 years on ADEM's watch.		1	water permits required by new and existing	
4	Budget items first. We are now		ł	industry.	
5	1 40 11 17 177 177		5	The budget process is just	
6	As we approach the halfway mark, it		6		
1	appears the State General Fund Revenues		ł	providing you regular updates on the House	
1	are on target, and at this point, it does			and Senate as the House and Senate	
1	not appear that proration will be required			undertake budget deliberations.	
1	this year.		10	Now to some ongoing	
111				initiatives. In previous Commission	
12	proposed budget for Fiscal Year 2014. In		1	meetings, I've recounted how, on many	
	it, Governor Bentley has proposed that the		l .	occasions, working in partnership with	
	Legislature adopt a general fund		ŀ	other organizations and individuals,	
	allocation that will fund Departmental			ADEM's mission has been accomplished more	
1	operations at zero. The proposed budget			effectively. Some past examples	
	does include a \$380,000 general fund line		!	have been: working with USDA to arrange	
	item earmarked to pay for implementation			funding for wastewater treatment	
	of the Concentrated Animal Feeding			facilities that improve water quality in	
	Operations or CAFO program.			impoverished communities; working with	
21	The Governor's FY2014 budget			environmental organizations and local	
22	compares to the final FY2013 General Fund			elected officials to better control storm	
1	allocation of \$2.7 million for operations,			water in sensitive coastal estuarial	
		Page 6		Pag	je 8
1	and \$350,000 for CAFO. As you may recall,		1	areas; and working with the military to	
	the FY2013 funding level required the sale			clean up chemical and conventional weapons	
1	of the Department's surveillance aircraft			on federal facilities.	
	for the \$1.2 million additional necessary		4	Building working partnerships	
	to meet minimum operating requirements.		5	is an ongoing effort. In recent weeks,	
6	Based on this, I will be coming			the Department held its 24th annual	
7	to you in your April meeting with a			Non-Point Source conference, which brings	
1	request for rule making to implement a			together a wide array of more than 300	
1	50 percent increase in the Department's			local leaders local community leaders	
1	fee schedule, excluding the Clean Air Act			and other interested parties in the	
l .	Title V fees, which are formula driven and			voluntary Non-Point Source Program to	
12	already adjusted each year.			improve water quality in water bodies	
13	As you are well aware, a			where general runoff is the major water	
14	majority of ADEM's budget comes from			quality issue.	
15	federal sources in payment for ADEM		15	Efforts are currently underway	
16	administering federal statutes such as the		16	to implement a voluntary environmental	
	Clean Air Act, the Clean Water Act, and			assessment program with government and	
18	the Resource Conservation and Recovery			private sector partners in the city of	
19	Act.		19	Montgomery to improve groundwater in the	
20	The proposed fee increase will		20	downtown area.	
	assure that at least the minimum portion		21	The department has many	
•	of the budget required to be provided from		22	longstanding relationships with many of	
23	State sources will be available. This is		23	the universities in Alabama. Over the	
1		1			- 1

Co	mmission Meeting			Februar	y 15, 2013
		Page 9			Page 11
1	last several months, ADEM and the		,	of several slides that will give you the	
2	University of South Alabama have been			feel for the breadth of the activities of	
3	working to build a closer relationship.		ı	this division.	
4			4	Field Operations monitors	į
1	program in Alabama, and is able to provide		_	ambient air quality at 22 locations	
6				throughout the State for ozone,	
1	spill cleanup. With the prospect of			particulates, and lead. During normal	
8					
۵	environmental restoration and enhancement			periods of rainfall, the state of Alabama is blessed with an abundance of water	
10	on the Alabama coast, USA will be an				
1	important source of expertise.		l	resources including 77,000 miles of	
12	More of these type			waterways.	
1	collaborations will be evident in the		12	In the water area, ADEM has	
				1	
14				monitoring programs to enhance the	
16	At the last two Commission			understanding of the chemistry, habitat	
1	meetings, I reviewed some of the			quality, and biological health of our	
	_			surface waters and these programs include:	
1	environmental progress our State has made		18	Rivers & Reservoirs Monitoring Program,	
	during the last 30 years since ADEM was			Wadeable Rivers & Streams Monitoring	
1	formed. Activities in the Air, Land,		20	Program, Fish Tissue Monitoring Program,	
ī	Water, and Permits & Services Divisions		21	Wetlands Monitoring Program, and Coastal	
1	were highlighted previously.		22	Waters Monitoring Program.	
23	Today I will close out this		23	Each of these programs is	
1					
		Page 10			Page 12
1	30th anniversary look back by focusing on	Page 10	1	distinctive, and each is overseen by the	Page 12
ſ		Page 10		distinctive, and each is overseen by the Field Operations Division.	Page 12
ſ	30th anniversary look back by focusing on our largest division, Field Operations.	Page 10		Field Operations Division.	Page 12
2	30th anniversary look back by focusing on	Page 10	2 3	Field Operations Division. For example, our Fish Tissue	Page 12
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	mmission Meeting		February	15, 2013
		Page 13		Page 15
1	Alabama's beaches. This effort involves		1 Department, the productivity of the Field	ì
ì	the collection of water samples from 25		2 Operations Division has increased	
- 1	public recreational sites in Alabama's		3 dramatically since the formation of the	
4	coastal waters.		4 Department in order to meet the ever	
5	The objective of this		5 increasing needs of our State. The	
6	collaboration is to increase public		6 Department now has 25,000 facilities	
7			7 permitted, and the job of oversight falls	
8	quality information to help the public		8 in large part to Field Ops.	
9	make more informed decisions concerning		9 There's been more than a	
10	the recreational use of Alabama's natural	:	10 40-fold increase in the annual rate of	
11	coastal waters.	:	11 inspections over the last 30 years. The	
12	It's noteworthy that although		12 increase in inspection activities is	
13	several bay monitoring sites tend to have	:	13 attributable to the increased number of	
14	elevated bacteria following significant	:	14 regulatory programs, the need for	
1	rainfall events, none of Alabama's	:	15 environmental data associated with	
16	Gulf-fronting beaches have exceeded the	:	16 regulated facilities, and the continuing	
17	1 3	:	17 enhancements in technology that allow	
18	F-0.0m	:	18 Field Ops to more efficiently carry out	
19	3	:	19 inspections.	
20	, , , , , , , , , , , , , , , , , , ,	1	While mandates for more	
	proposed eliminating funding for this part	t t	21 inspections increase, budgets are flat or	
	of our Coastal Waters Monitoring Program		22 declining, which means Field Operations	
23	in his proposed FY2013 budget.	1	23 must continue to find ways to do more with	
		Page 14		Page 16
1	Our CAFO program provides		• 1000	
2			1 IESS	1
			1 less.2 Setting permit limits	
3	oversight of both animal feeding		2 Setting permit limits,	
1	oversight of both animal feeding operations and the larger concentrated		Setting permit limits,analyzing inspection sampling, and taking	
4	oversight of both animal feeding		Setting permit limits,analyzing inspection sampling, and takingenforcement action all require quality	
4 5	oversight of both animal feeding operations and the larger concentrated animal feeding operations. It was developed using interagency/stakeholder		 Setting permit limits, analyzing inspection sampling, and taking enforcement action all require quality data. Field Operations performs more than 	
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	ommission Meeting			rebruar	y 15, 2013
		Page 17			Page 19
	1 praise.		1	post-oiling photograph on the left-hand	
	As mentioned in the last slide,			side of the slide, the impacts stand in	
	3 ADEM's field offices are strategically			stark contrast to the post-cleanup picture	
- 1	located in Decatur, Birmingham,		1	on the right. Near shore tar mats	
	Montgomery, and Mobile. This not only			continue to serve as feedstock for	
	allows for efficient oversight of the			re-oiling of our beaches with tar balls.	
1	regulated community for compliance, it		1	The Department continues to monitor the	
	also allows for timely responses to			ongoing cleanup of the beaches to ensure	
- 1	environmental emergencies.		ł	that the cleanup is effective and the	
1				response is fully coordinated with local	
1	1 triggered by severe weather events,			and State officials.	
- 1	2 facility-based incidents, and		12		
	transportation accidents. On the average,		13	Alabama that impacts the environment,	
	emergency personnel respond to nearly one		l l	whether it is the historic Deepwater	
- 1	s emergency per day somewhere in Alabama.			Horizon oil spill, the devastating	
1			1	tornadoes of April 2011, or the fuel	
1	Department's responders quickly provide			tanker that wrecked on the interstate	
1	guidance to responsible entities on how to		1	early one morning, ADEM is there.	İ
- 1	mitigate environmental damages and threats		19	The Field Operations Division	
	to human health. The emergency response		20	provides our "boots on the ground" not	
	staff is on-call 24 hours per day/7 days			only during times of crisis, but also	
2	per week, and is thoroughly trained to be			during our day-to-day statewide monitoring	
5	prepared to address any environmental			of environmental permits.	
				•	
		Page 18			Page 20
:	crisis that may arise.		1	These slides highlight a few of	
1:	=		-	These shaes inglinging a low of	1
1	The largest environmental			the significant activities of the Field	
	The largest environmental management response in our nation's		2		
1	The largest environmental management response in our nation's history, in our State's history, and		2	the significant activities of the Field	
1	The largest environmental management response in our nation's		2 3 4	the significant activities of the Field Operations Division. This closes out my	
!	The largest environmental management response in our nation's history, in our State's history, and certainly in ADEM's history is the Deepwater Horizon oil spill. The		2 3 4 5 6	the significant activities of the Field Operations Division. This closes out my three-part report on the environmental accomplishments over the last 30 years, which the Department, the Commission, and	
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•		Page 21		Р	age 23
1	the new Airbus aircraft manufacturing		1	facilities for our Mobile office have	
2			1	already resulted in operational	
3	vacate the premises in June of this year.			inefficiencies, and how they may seriously	
4	This makes more urgent the need to			hinder efforts to manage the coming	
5	assesses the proper physical facilities			industrial and environmental demands.	
6	for our Mobile operation.		6	Due to a lack of affordable	
7	Like our other field offices,		7	space of the necessary size, Mobile	
8	Mobile executes the standard regulatory		8	operations are housed in two locations.	
9	activities such as permit issuance,		9	Again, please direct your	
10	performing inspections, performing lab		10		:
11	analysis, and taking enforcement action on		11	One is this laboratory and	
	a regional basis. Additionally, it is		12	office space building dating from a time	
13	responsible for implementing the Coastal		13	before ADEM was created some 30 years ago.	
14	Waters Monitoring program, highlighted in		14	Note the sagging roof. It's at the top of	
15			15	the slide on the right-hand side. The	
16	The Mobile area has a large		16	building is owned and the cost is low;	
17	industrial base that is on the verge of		17	however, as you can see, on these next few	
18	1		18	slides, the building has numerous	
1	the Airbus manufacturing complex and its		19	problems.	
3	associated suppliers. Expansion of the		20	There are structural	
	Panama Canal is nearly complete, and it is		1	problems such as building subsidence. It	
	anticipated to significantly increase port			has poor roof integrity, and is not	}
23	activity in Mobile.		23	weather-tight resulting in environmental	
1					
		Page 22		Pa	age 24
1	The Mobile and Baldwin County	Page 22	1		age 24
	The Mobile and Baldwin County area is home to some of the most important	Page 22		control problems. The facility is	age 24
	area is home to some of the most important	Page 22	2	control problems. The facility is undersized to house 23 employees and a	age 24
2	area is home to some of the most important	Page 22	2	control problems. The facility is undersized to house 23 employees and a functioning laboratory.	age 24
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2 3 4 5	area is home to some of the most important estuaries and wetlands in the nation, as well as coastal related economic drivers	Page 22	2 3 4 5	control problems. The facility is undersized to house 23 employees and a functioning laboratory.	age 24
2 3 4 5 6	area is home to some of the most important estuaries and wetlands in the nation, as well as coastal related economic drivers such as beach tourism and the seafood	Page 22	2 3 4 5 6	control problems. The facility is undersized to house 23 employees and a functioning laboratory. Cramped quarters results in sometimes incompatible functions being	age 24
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		Page 25			Page 27
1	between the two sites. As you can see,		1	conversations with Commissioner Laier.	
	this facility is a World War II vintage			University of South Alabama has a science	
1	military structure located on the old			office park; they may be a little too high	
4	Brookley Airfield.			cost for us, but we shall see about that.	
5	As mentioned a few moments		5	We're also having conversations	
6	ago, the building is scheduled for		-	with some of the other land owners in that	
1	demolition to make way for the new Airbus			area. The area is developing very quickly	
	aircraft manufacturing facility, and ADEM			and finding affordable space is going to	
	will be required to vacate the premises.			be a challenge.	
10			10	VICE-CHAIRMAN PHILLIPS: Two	
1	relocation requirements, as well as the	ľ	-	things. One, thank you very much for the	ļ
	strategic physical facilities	1		program that you've given to us about the	
1	requirements, are being evaluated. I'll		13	last 30 years, and thank you and all the	
1	be reporting progress in future meetings.	l		professionals that work for ADEM for all	
15	The staff in our Field	i i		that you've done for us. The second item	
16	Operations Division and each of our field	1		that I have is the budget. I mean, to say	
1	offices does a tough job, and they do it	i		I'm disappointed is an understatement.	
	well. I would like to introduce our field		18	To think that the Governor	
1	office chiefs. If they would please	1		would propose a zero budget from the	
,	stand. Ed Poolos is our Decatur field			General Fund, I just can't fathom that	
1	office chief; Paul Rogers in Birmingham,			let me finish. I know and I respect that	
	Fred Leslie, our Montgomery field office			you're looking for options for gaining	ĺ
	chief; and Joe Price, our lab chief here			funding for permit fees most certainly is	
İ				8 F	
		Page 26		1	Page 28
1	in our central lab; and Scott Brown, our		1	one way to do that, but having sat here	
	Mobile office chief could not be with us			for a long time, I can imagine that if we	
3	today due to illness. And I'd also like			haven't already received phone calls, we	
l	for Steve Jenkins to please stand; he's			will.	
5	the Field Operations Division Chief.		5	And so I'm going to ask you, as	
6	The Field Ops Division is		6	I've asked you before, I'm really going to	
7	our eyes and ears responsible for				
8					
	collecting and analyzing data in support		7	want to know that the permit fees cover	
9	collecting and analyzing data in support of a sound, science-based regulatory		7 8	want to know that the permit fees cover the cost of permitting, not the cost of	
	of a sound, science-based regulatory		7 8 9	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have	
			7 8 9 10	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if	
10 11	of a sound, science-based regulatory system. I appreciate their dedication.		7 8 9 10	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have	
10 11 12	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let		7 8 9 10	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money.	
10 11 12 13	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving		7 8 9 10 11 12	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I	
10 11 12 13 14	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and		7 8 9 10 11 12 13	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most	
10 11 12 13 14 15	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and the Alabama Environmental Management		7 8 9 10 11 12 13 14	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most certainly will share with you the views	
10 11 12 13 14 15	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and the Alabama Environmental Management Commission, and for allowing me to serve		7 8 9 10 11 12 13 14 15	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most certainly will share with you the views that the people that I'm sure I will hear	
10 11 12 13 14 15 16	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and the Alabama Environmental Management Commission, and for allowing me to serve the State in my current capacity. If		7 8 9 10 11 12 13 14 15 16	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most certainly will share with you the views	
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10 11 12 13 14 15 16 17 18 19 20 21	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and the Alabama Environmental Management Commission, and for allowing me to serve the State in my current capacity. If there's any questions I'd be pleased to try and answer them. CHAIRMAN BROWN: Have you identified a potential location yet? DIRECTOR LEFLEUR: Well, we		7 8 9 10 11 12 13 14 15 16 17 18	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most certainly will share with you the views that the people that I'm sure I will hear from, and I will ask that you share with us, as much as you can, on the cost of programs and what it will really take to	
10 11 12 13 14 15 16 17 18 19 20 21	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and the Alabama Environmental Management Commission, and for allowing me to serve the State in my current capacity. If there's any questions I'd be pleased to try and answer them. CHAIRMAN BROWN: Have you identified a potential location yet? DIRECTOR LEFLEUR: Well, we got the news fairly recently, on January		7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most certainly will share with you the views that the people that I'm sure I will hear from, and I will ask that you share with us, as much as you can, on the cost of programs and what it will really take to run ADEM effectively.	
10 11 12 13 14 15 16 17 18 19 20 21	of a sound, science-based regulatory system. I appreciate their dedication. With that, once again, let me close with my thanks to you for serving the State of Alabama as Commissioners and the Alabama Environmental Management Commission, and for allowing me to serve the State in my current capacity. If there's any questions I'd be pleased to try and answer them. CHAIRMAN BROWN: Have you identified a potential location yet? DIRECTOR LEFLEUR: Well, we		7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	want to know that the permit fees cover the cost of permitting, not the cost of everything else you do. And that we have other options for covering those costs, if we're not going to get any General Fund money. So as you prepare for April, I think it's going to be important I most certainly will share with you the views that the people that I'm sure I will hear from, and I will ask that you share with us, as much as you can, on the cost of programs and what it will really take to run ADEM effectively. I don't think we can ask you to	

23 our mission.

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		Page 29			Page 31
1	what you do, but I thank you for what you		1	I believe that the fee increase	
1	do. I think you need this Commission to		2	will be required, based on what happened	
I .	be as vocal as you are about the need for		i	in 2013, and the fact that 2014 is going	
	funding. So that's all I have.			to be an even tighter year for the General	
5	DIRECTOR LEFLEUR:		i i	Fund budget. Our field operations down in	
6	Commissioner Phillips, I thank you for			Mobile are clearly going to be critical in	
	those comments. I think that the			the coming years. We will be pursuing	
8	zero-funding level for ADEM is an			some sources of funding that are outside	
1	indication of the dire straights our State		1	of our normal budget process to see if we	
1	General Fund finds itself in now. And it		1	can have that facility funded from	
1	is our we are dedicated to doing			appropriate sources that the State may	
Į.	everything that we can to make sure that		l .	have available.	
1	the Department is properly funded, and to		13	VICE-CHAIRMAN PHILLIPS: I	
1	get that message out to not just the			have one more, based on what I just heard.	
1	Legislature, but also to the regulated			I do understand that the State's in dire	
	community, and to the public in general.		1	straits, we all are. We all live in the	
	And your point is exceptionally		1	same economy. So I don't want to belittle	
	well-taken, and there are others that have		1	the comment that the State has to look at	
	expressed similar comments. Thank you for			ways to cut costs. But cutting costs to	
1	them.		l	zero, makes it very hard to do a job. And	
21	COMMISSIONER RICHARDSON:			we have federal funds that are linked to	
	Director, I'm concerned again, I too		l .	those funds.	
1	want to express my thanks for the		23	So all I ask is before we take	
		Page 30			Page 32
1	presentation and all the work that the		1	on permit fees in April, that we, as a	
l	field officers do, but maybe I'm confused			Commission, understand what it really	
l	here. I kind of was under the impression			costs to run this agency, and what costs	
l	that it was your encouragement that we			really can be covered by permit fees.	
1	were going to be zeroed out of the budget,			Because I don't think we're going to get a	
	and that the idea was to stabilize things			lot of reception from people paying permit	
}	through the fee increases. And I'm			fees for using those funds well, I	
f	wondering, given the circumstances that			don't think you can use it for anything	
l .	have arisen now in Mobile, is this the			but permitting costs, and if you can, we	
ļ	prudent time to be doing that?			need to know that. And if you can't, we	
11	DIRECTOR LEFLEUR: Please			need to know how you're going to pay for	
	don't mistake my planning ahead with a fee			the things that you can't use that money	
I	increase to be an encouragement that the			for, for the different programs.	
I	State do anything but fund the Department		14	It is our responsibility to	
	in a way that's appropriate. Our fee			make sure that you have what you need to	
1	increase plan and proposal has been based			do your jobs. And at zero I don't know	}
l .	on the fact that in 2013 Fiscal Year		17	that you do. And I'm not sure 50 percent	
l .	2013, the Department was already zero, in			permit fees I'm not sure at this point,	
1	effect, zero budgeted because money was		19	50 percent increase in permit fees will	
	taken from the Scrap Tire Fund, another			cover everything that you need.	
	ADEM program, and put into the Operations		21	DIRECTOR LEFLEUR: Well, as	
1	Fund, which cut the Scrap Tire portion of			it was put to me a few days back: "How	
l .	our mission			many rivets can you take out of the	

23 many rivets can you take out of the

22 applicability to federal facilities;

23 language to clarify the recording of

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1	airplane before it crashes?" And what we	1	covenants; clarifications to the
	are seeking to do is to make sure that	1	applicability of certain fees for certain
	that key rivet does not come out of that		types of controls; and, finally, other
	airplane.		minor revisions to correct typographic and
5	VICE-CHAIRMAN PHILLIPS: Well,		formatting error.
6		6	A public notice of these
7		7	
8	CHAIRMAN BROWN: Any others?	1	2012, and a public hearing was held on
و	(No response.)		December 13, 2012. No oral comments were
10	CHAIRMAN BROWN: Thank you.		received at the hearing, and no written
11	DIRECTOR LEFLEUR: Thank you.		comments were received during the comment
12	CHAIRMAN BROWN: I don't have	1	period, which ended on December 13, 2012.
ı	any formal report of the Chair, other than	13	At this time, the Department
	to thank the Department for all its work	ľ	requests the Commission to adopt these
	over the last 30 years, and thank the		rules as presented, and I'd be glad to
	Director for his presentation.	1	answer any questions that you might have.
17	Agenda item Number 4,	17	VICE-CHAIRMAN PHILLIPS: Move
	consideration of the adoption of proposed	1	that we adopt the proposed amendments.
	amendments to the ADEM Administrative Code	19	COMMISSIONER RICHARDSON:
1	Division 335-5, Uniform Environmental	i	Second.
1	Covenants Program Regulations. Here at	21	CHAIRMAN BROWN: Chair will
	this time, we'll hear from the Department		
	with comments.	1	call to question all in favor of adopting the proposed amendments as described. All
		23	the proposed amendments as described. An
	Page 34	T	Page 36
1	MR. DAVIS: Good morning,	١,	in favor say "Aye."
1	Mr. Chairman, members of the Commission,	2	ALL: Aye.
	I'm Phillip Davis. I'm Chief of the Land	3	CHAIRMAN BROWN: Thank you
	Division. During the 2012 legislative		very much.
	session, Act 2-12-317 was passed and	5	-
	signed into law by Governor Bentley, which	1	Next, Agenda Item 5 excuse me, the Commission will consider the
	amends Section 35-19-2, of the Code of		adoption of proposed new Chapter 13,
1	Alabama, to exempt underground and	1	Centralized Waste Treatment Facility
	aboveground storage tanks storing motor		<u> </u>
1	fuel from the requirements of the Alabama	1	Financial Assurance Requirements within the ADEM Administrative Code Division
	Uniform Environmental Covenants Act.	1	
12	To comply with this amendment in	12	335-6, Water Quality Program Regulations. The Commission will hear from the
13	State law, the Department is proposing to	1	Department.
	revise certain regulations contained in	14	MS. SMART: Good afternoon.
	the Division 5 of the ADEM Administrative		I am Daphne Smart; I am Chief of the
1	Code. These proposed revisions are before	16	Industrial/Municipal Branch of the Water
1	you today for your consideration.	i	Division.
18	In addition to these changes,	18	You have before you the
1	several other minor changes to the	19	complete hearing record for a proposed new
	Division 5 are being proposed, which	20	chapter in the Water Program, Division 6
1	include: language to clarify the	1	Regulations. Chapter 13 details financial
1	annlicability to federal facilities:	22	assurance requirements for controlized

22 assurance requirements for centralized

23 waste treatment facilities. This chapter

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	Page	9 37	Page 39	7
1	is being proposed to implement the		1 questions?	
	requirements of the Centralized Waste		2 (No response.)	
1	Treatment Act passed by the Alabama		CHAIRMAN BROWN: Would this	
1	Legislature.		help us avoid situations like REEF down in	
5			5 Sylacauga?	
6	centralized waste treatment facilities to		MS. SMART: It would not	l
7	post a bond or other financial assurance	i	prevent a new CWT from coming in if they	
1	mechanism prior to the issuance,		would meet all the regulations. However,	
	reissuance, or modification of a National		e at the point that facility ceased	
	Pollutant Discharge Elimination System,		o operations, in this case it was a	1
11	AYDDDG)		bankruptcy, there would be a financial	1
12			mechanism there that a third party could	
13			s come in and do closure of that facility.	
14	mechanism would be required to be in an	1	So it would be a quicker response, and we	
	amount sufficient for closure of the		wouldn't have to hopefully wouldn't	
16	0.111, 10.1		s have to pull EPA in to do additional	
17		1	•	
18	facility, or fails to properly maintain	18	OTT 1 TR 2 C 1 T 2 T 2 T 2 T 2 T 2 T 2 T 2 T 2 T 2 T	
	the facility to ensure compliance with	19		
20		20		
21		2:		
22	hearing was held to receive data, views,	22		
i	and comments from interested persons	23		
	Page	38	Page 40	1
1	regarding the proposed new regulations.	,	. CHAIRMAN BROWN: All in favor	
2	Written comments were accepted during the	1		
3	public comment period, which extended from	3	4 14 4	
4	December 2, 2012, through February 4,	4		
5	2013.			
6	During the comment period, the	6	A.T.	
7	Department received written comments from	7	·	
8	one individual. At the hearing on January	8	agenda is consideration of the adoption of	
9	16, 2013, no written or oral comment	2	proposed amendments to ADEM Administrative	
10	testimony was received. The commenter was		Code Division 335-14, Hazardous Waste	
11	in support of the regulations; however,	11	Program Regulations. The Chair will call	
	requested additional requirements beyond	12	on the Department for comments.	
	those specified under the Act passed by	13	MR. DAVIS: Thank you,	
14	the Alabama Legislature.	14	Mr. Chairman. Again, I'm Phillip Davis of	
15	No changes were made to the	15	the Department's Land Division.	
	proposed new chapter as a result of the	16	The Department is required to	
17	_		ensure that its hazardous waste	1
	comments. As discussed in the	17	clisure that its hazardous waste	1
18	comments. As discussed in the reconciliation statement, the Department	- 1	regulations remain equivalent to those of	
18 19	comments. As discussed in the reconciliation statement, the Department requests that the Commission adopt the new	18		
18 19 20	comments. As discussed in the reconciliation statement, the Department requests that the Commission adopt the new chapter as presented to you today, and I'd	18 19 20	regulations remain equivalent to those of the U.S. Environmental Protection Agency in order to retain our program	
18 19 20 21	comments. As discussed in the reconciliation statement, the Department requests that the Commission adopt the new chapter as presented to you today, and I'd be happy to address any questions that you	18 19 20	regulations remain equivalent to those of the U.S. Environmental Protection Agency in order to retain our program authorization from EPA.	
18 19 20 21 22	comments. As discussed in the reconciliation statement, the Department requests that the Commission adopt the new chapter as presented to you today, and I'd be happy to address any questions that you may now have.	18 19 20 21 22	regulations remain equivalent to those of the U.S. Environmental Protection Agency in order to retain our program authorization from EPA. To maintain this equivalency,	
18 19 20 21	comments. As discussed in the reconciliation statement, the Department requests that the Commission adopt the new chapter as presented to you today, and I'd be happy to address any questions that you	18 19 20 21 22	regulations remain equivalent to those of the U.S. Environmental Protection Agency in order to retain our program authorization from EPA.	

$\tilde{}$	minission Meeting			rebruary 1	5, 201.
		Page 41		F	Page 43
:	to capture any new or revised federal		1	ALL: Aye.	
- 1	rules. The proposed revisions to Division		2	CHAIRMAN BROWN: All opposed?	
	14 of the ADEM Administrative Code, which		3	(No response.)	
	is before you for your consideration,		4	CHAIRMAN BROWN: Thank you.	
- 1	would incorporate hazardous waste		-	I don't believe we have any other business	
1	regulations promulgated by EPA from			to discuss. The Chair will note that the	
ı	July 1, 2011, through June 30, 2012.			next Commission meeting is April 19, 2013,	
				at 11:00 a.m., right here. I presume all	
	Department is proposing to do the			Commissioners will be available.	
	following: adopt federal technical		10	COMMISSIONER LAIER: I may	
- 1	corrections; add a wastewater treatment			have an out of town conflict.	
1	sludge generated by ISE Innomotive Systems		12	CHAIRMAN BROWN: Sounds like	
1	U.S. to the list of hazardous wastes			we'll still have a quorum, so we'll be	
	excluded from non-specific sources; add	5		here. If there's no other business, the	
	chlorination reactor dust to the list of			,	
	hazardous wastes excluded from	1	16	Chair will entertain a motion to adjourn.	
1	non-specific sources; remove language	1		VICE-CHAIRMAN PHILLIPS: I	
	referencing corrective action from the	i		move we adjourn.	
- 1	letter from the chief financial officers	ŀ	18	CHAIRMAN BROWN: All in favor?	
1	submitted for the purposes of meeting the	1			
1	- 		20	ALL: Aye.	
	financial assurance requirement; and to make minor revisions to update and to	1	21	CHAIRMAN BROWN: I will	
				adjourn.	
23	correct any typographic or formatting		23	(The meeting concluded at	
-		Page 42		D	2000 44
		r age 42		_	age 44
1	errors.		1	11:41 a.m.)	
2	= main and an another proposed	į	2		
1	changes to the hazardous waste rules began		3		
1	on October 28, 2012, and public hearing		4		
1	was held here at ADEM on December 13,		5		
	2012. No oral comments were received at		6		
7	the public hearing, and no written		7		
8	comments were received during the comment		8		
9	period that ended on December 13, 2012.		9		
10	On January 16, 2013, the State		10		
11	Committee of Public Health concurred with		11		
12	1F		12		
13	1 1		13		
14	At this time, the Department		14		
1					
1	requests that the Commission adopt these		15		
15		į į	15 16		
15 16	requests that the Commission adopt these				
15 16	requests that the Commission adopt these rules as recommended, and I'll be glad to answer any questions you may have.		16		
15 16 17 18	requests that the Commission adopt these rules as recommended, and I'll be glad to answer any questions you may have.		16 17		
15 16 17 18	requests that the Commission adopt these rules as recommended, and I'll be glad to answer any questions you may have. VICE-CHAIRMAN PHILLIPS: I		16 17 18		
15 16 17 18 19	requests that the Commission adopt these rules as recommended, and I'll be glad to answer any questions you may have. VICE-CHAIRMAN PHILLIPS: I move we adopt the proposed amendments.		16 17 18 19		
15 16 17 18 19	requests that the Commission adopt these rules as recommended, and I'll be glad to answer any questions you may have. VICE-CHAIRMAN PHILLIPS: I move we adopt the proposed amendments. COMMISSIONER RICHARDSON: Second.		16 17 18 19 20		
15 16 17 18 19 20 21 22	requests that the Commission adopt these rules as recommended, and I'll be glad to answer any questions you may have. VICE-CHAIRMAN PHILLIPS: I move we adopt the proposed amendments. COMMISSIONER RICHARDSON: Second.		16 17 18 19 20 21		

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1	* * * * * * * * * * *]	
2	REPORTER'S CERTIFICATE		
3	* * * * * * * * * *		
4	TATE OF ALABAMA)		
5	OUNTY OF MONTGOMERY)		
6	I, Margaret-Lea Flatt, Certified Court		
7	eporter and Notary Public in and for the		
8	tate of Alabama at Large, do hereby certify		
9	hat on February 15, 2013, I reported the		
10	forementioned proceedings, and that the		
11	ages herein contain a true and accurate		
12	ranscription of the said proceedings.		
13	I further certify that I am neither of		
14	in nor of counsel to the parties to said		
15	ause, nor in any manner interested in the		
16	esults thereof.		
17	This the 28th day of February, 2013.		
18			
19	.		
20 21	Notary Public for the		
22			
23			
		i	

REPORTER'S

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 February 15, 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 28th day of February, 2013.

20

21

22

23

Certified Court Reporter and Notary Public for the State of Alabama

My Commission expires 1/16/17.

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	20:20;23:13;25:8;	Alabama's (5)	Ameil (6)	12.22.12.14.19
Φ.	27:14;28:20;29:8;		April (6)	12:23;13:14,18
\$		13:1,3,10,15;18:15	6:7;18:8;19:16;	bacteriological (1)
	30:21;33:19;34:15;	allocation (2)	28:13;32:1;43:7	16:15
\$1.2 (1)	36:10;40:9,23;41:3;	5:15,23	area (8)	balance (1)
6:4	42:5	allow (1)	8:20;11:12;21:16;	22:20
\$2.7 (1)	ADEM's (7)	15:17	22:2,6,11;27:7,7	Baldwin (1)
5:23	5:3;6:14;7:15;17:3;	allowing (1)	areas (1)	22:1
\$350,000 (1)	18:5;22:17,18	26:15	8:1	balls (1)
6:1	adjourn (3)	allows (2)	arise (1)	19:6
\$380,000 (1)	43:15,17,22	17:6,8	18:1	bankruptcy (1)
5:17	adjusted (1)	almost (1)	arisen (1)	39:11
3.17	6:12	5:5	30:9	base (1)
A	administering (1)	although (1)	arrange (1)	21:17
A	6:16	13:12	7:17	Based (4)
-1 1 (4)	Administrative (5)	ambient (2)	l .	
abandons (1)	33:19;34:15;36:10;	11:5;13:17	array (1)	6:6;30:16;31:2,14
37:16	40:9;41:3		8:8	basis (1)
ability (1)	1	amendment (1)	assesses (1)	21:12
7:2	adopt (9)	34:12	21:5	bay (1)
able (2)	3:17;5:14;35:14,18;	amendments (5)	assessment (1)	13:13
9:5;10:20	38:19;41:10;42:12,15,	33:19;35:18,23;40:9;	8:17	BEACH (2)
aboveground (1)	19	42:19	assignment (1)	12:23;22:5
34:9	adopted (1)	amends (1)	10:6	beaches (4)
absolutely (1)	4:5	34:7	associated (2)	13:1,16;19:6,8
7:1	adopting (1)	amount (1)	15:15;21:20	bear (1)
abundance (1)	35:22	37:15	Assurance (5)	4:20
11:9	adoption (3)	analyses (2)	36:9,22;37:7,13;	becoming (1)
accept (1)	33:18;36:7;40:8	16:11,13	41:21	9:8
39:22	Advisories (1)	analysis (2)	assure (1)	began (4)
accepted (1)	12:15	21:11;24:13	6:21	3:1;14:6;35:7;42:3
38:2	affordable (2)	analytical (1)	attainment (1)	beginning (2)
accidents (1)	23:6;27:8	16:6	14:17	7:6;18:19
17:13	afternoon (1)	analyze (1)	attention (3)	belittle (1)
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Part B

Attachment Index

Attachment 1 Agenda

Attachment 2 Resolution to adopt amendments to ADEM Admin. Code

Div. 335-5, Uniform Environmental Covenants Program

Regulations

(Agenda Item 4)

Attachment 3 Resolution to adopt new chapter 13, Centralized Waste

Treatment Facility Financial Assurance Requirments, within ADEM Admin. Code Div. 335-6, Water Quality

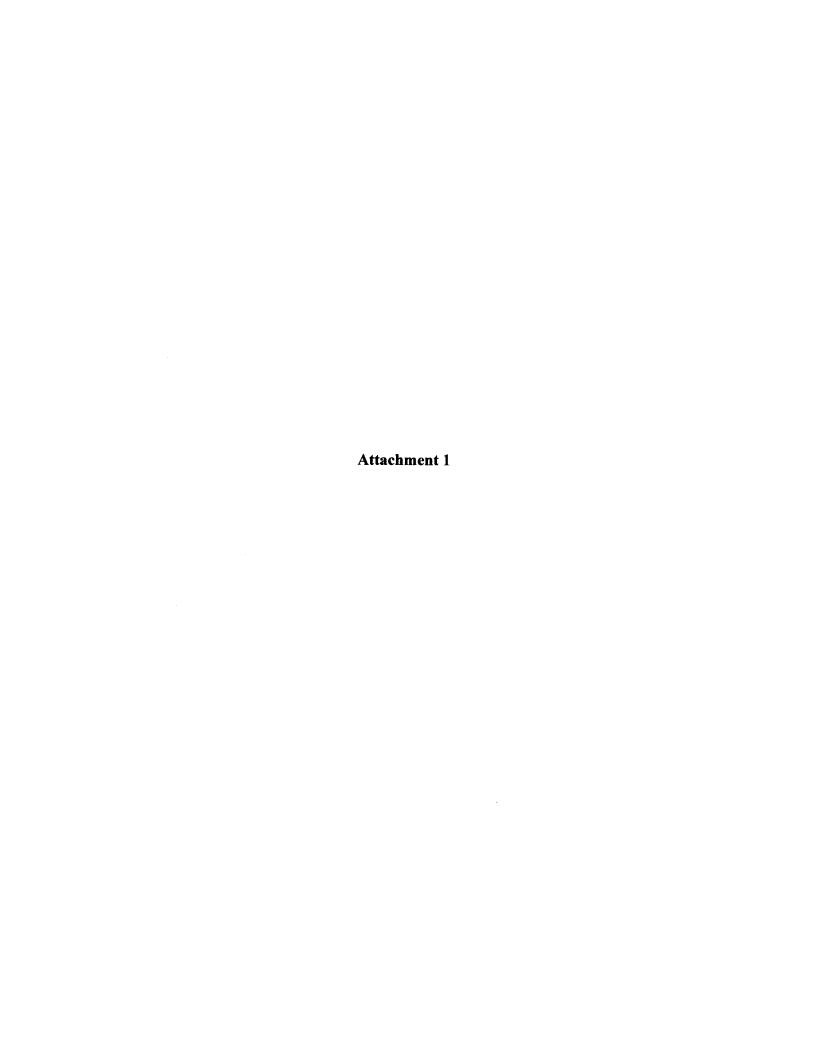
Program Regulations (NPDES-Related Matter)

(Agenda Item 5)

Attachment 4 Resolution to adopt amendments to ADEM Admin. Code

Div. 335-14, Hazardous Waste Program Regulations

(Agenda Item 6)



AGENDA* MEETING OF THE

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 15, 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

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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 335-5, Uniform Environmental Covenants Program Regulations	2
5.	Consideration of adoption of proposed new chapter 13, Centralized Waste Treatment Facility Financial Assurance Requirements within ADEM Admin. Code Division 335-6, Water Quality Program Regulations (NPDES-Related Matter)	2
6.	Consideration of adoption of proposed amendments to ADEM Admin. Code Division 335-14, Hazardous Waste Program Regulations	2
7.	Other business	3
8.	Future business session	3

^{*} The Agenda for this meeting will be available on the ADEM website, <u>www.adem.alabama.gov</u>, 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 DECEMBER 14, 2012
- 2. REPORT FROM THE DIRECTOR
- 3. REPORT FROM THE COMMISSION CHAIR
- 4. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-5, UNIFORM ENVIRONMENTAL COVENANTS PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-5, Uniform Environmental Covenants Program Regulations, Rules 335-5-1-.02, 335-5-1-.03, 335-5-1-.05, 335-5-1-.06, 335-5-1-.07, and 335-5-3-.02 to address changes required by Alabama Act 2-12-317 concerning underground storage tanks, to address applicability to federal facilities and to clarify programmatic requirements for environmental covenants. The Department held a public hearing on the proposed amendments on December 13, 2012, and no comments were received.

5. CONSIDERATION OF ADOPTION OF PROPOSED NEW CHAPTER 13,
CENTRALIZED WASTE TREATMENT FACILITY FINANCIAL ASSURANCE
REQUIREMENTS, WITHIN ADEM ADMIN. CODE DIVISION 335-6,
WATER QUALITY PROGRAM REGULATIONS (NPDES-RELATED MATTER)

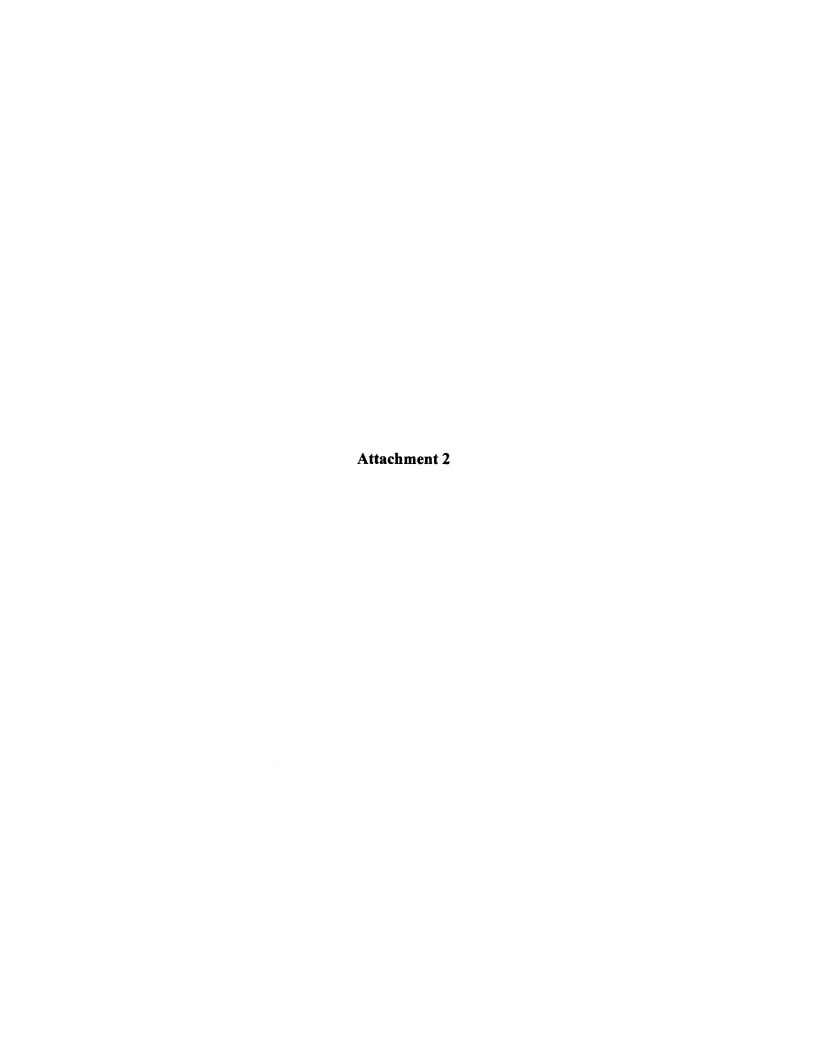
The Commission will consider the adoption of a proposed new chapter 13, within ADEM Admin. Code Division 335-6, Water Quality Program Regulations, titled Chapter 335-6-13, Centralized Waste Treatment Facility Financial Assurance Requirements. The proposed new Chapter 335-6-13 will contain new rules for centralized waste treatment facilities relating to financial assurance. The Department held a public hearing on the proposed amendments on January 16, 2013.

6. <u>CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-14, HAZARDOUS WASTE PROGRAM REGULATIONS</u>

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-14, Hazardous Waste Program Regulations, Chapters 335-14-1 to 335-14-17. These amendments would adopt federal hazardous waste regulation additions/modifications that occurred from 07/2011 to 06/2012 so the Department's Hazardous Waste Program is equivalent to the federal program and amend Chapter 335-14-2 to "delist" or exclude from the list of hazardous waste, wastewater treatment sludges from the chemical conversion coating of aluminum (EPA Hazardous Waste No. F019), generated by ISE Innomotive Systems US Inc., Tuscaloosa, AL Facility and chlorination reactor dust (EPA Hazardous Waste No. D007), generated by Mitsubishi Polycrystalline Silicon American Corporation, Theodore, AL Facility and allow these waste streams under certain prescribed conditions to be managed as nonhazardous wastes in Alabama. The Department held a public hearing on the proposed amendments on December 13, 2012 and received no comments.

EMC Meeting Agenda Page 3

- 7. <u>OTHER BUSINESS</u>
- 8. <u>FUTURE BUSINESS SESSION</u>



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

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

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.

NOW THEREFORE, pursuant to <u>Ala. Code</u> §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and <u>Ala. Code</u> § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the Uniform Environmental Covenants Program- [335-5-1-.02/Applicability (Amend); 335-5-1-.03/Definitions (Amend); 335-5-1-.05/Registry of Environmental Covenants (Amend); 335-5-1-.06/Fees (Amend); 335-5-1-.07/Process for Entering a Covenant (Amend); and 335-5-3-.02/Recording of Covenants (Amend)], Uniform Environmental Covenants Program, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

ADEM Admin. Code 335-5 Uniform Environmental Covenants Program

IN WITNESS WHEREOF, we have affixed our signatures below on this $15^{\rm h}$ day of February 2013.

APPROVED: Many Mentt James & Same James Sestin James & Jam	A. Sweet things. Terry D. Richardson
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 15th day of February 2013 H. Lahier Brown, II, Chair Environmental Management Commission Certified this 15th day of February 2013



WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program regulations in accordance with <u>Ala. Code</u> § 22-22A-8 (2006 Rplc. Vol.) and <u>Ala. Code</u> § 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

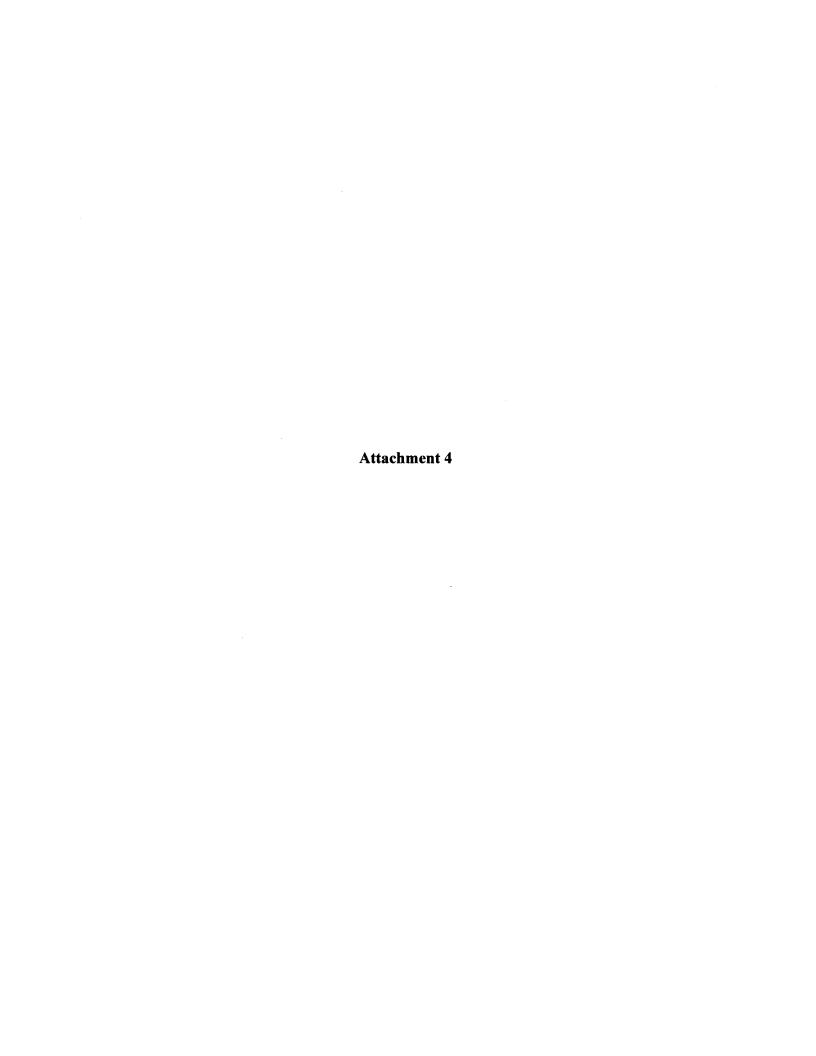
WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

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 335-6 [335-6-13/Centralized Waste Treatment Facility Financial Assurance Requirements (New)] administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

ADEM Admin. Code chapter 335-6-13 Water Division - Water Quality Program Regulations

IN WITNESS WHEREOF, we have affixed our signatures below on this 15^{th} day of February 2013.

APPROVED:	
Mary Menth James Extern	h Swatting
John Jestry	Terry D. Richardson
DISAPPROVED:	~
	This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 15th day of February 2013.
ABSTAINED:	H. Lanier Brown II Chair Environmental Management Commission Certified this 15th day of February 2013



WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-14 of the Department's Hazardous Waste Program Rules and Regulations in accordance with <u>Code of Alabama</u> 1975, §§ 22-22A-8 and 41-22-4; and

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

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.

NOW THEREFORE, pursuant to Ala. Code. § 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-14 [Amendments to 335-14-1-.01/General (Amend); 335-14-1-.02/Definitions and References (Amend); 335-14-2-Appendix IX/Wastes Excluded Under 335-14-1-.03(2) (Amend); 335-14-3-.09/Transboundary Shipments of Hazardous Waste for Recovery within the Organization for Economic Cooperation and Development (OECD) (Amend); 335-14-4-.03/Hazardous Waste Discharges (Amend); 335-14-4-.04/Financial Requirements (Amend); 335-14-7-.08/Financial Requirements (Amend); 335-14-6-.16/Thermal Treatment (Amend); 335-14-7-.03/Recycled Materials Used in a Manner Constituting Disposal (Amend); 335-14-9 Appendix

IV/ Wastes Excluded from Lab Packs Under the Alternative Treatment Standards of Section 268.42(c) (Amend); 335-14-9 Appendix VI/Recommended Technologies to Achieve Deactivation of Characteristics in Section 268.42 (Amend); 335-14-17-.05/Standards for Used Oil Transporter and Transfer Facilities (Amend)] of the Department's Land Division – Hazardous Waste Program rules, administrative code attached hereto, to become effective thirty-five days after filing, unless otherwise indicated, with the Alabama Legislative Reference Service.

ADEM Admin. Code division 335-14 – Hazardous Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this <u>15th</u> day of February 2013.

APPROVED:	
Man Menth Halles & San	h. Swafting
Jahn Seith Hames Journ, W	Terry D. Richardson
DISAPPROVED:	
A DCT A DIFD.	This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 15th day of February 2013.
ABSTAINED:	H. Vanier Brown, IV Chair Environmental Management Commission Certified this 15th day of February 2013