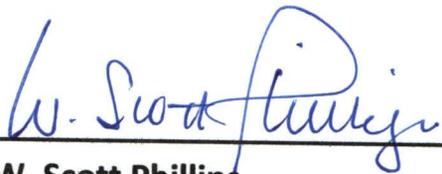


**10/19/15**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
August 21, 2015**

**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 August 21, 2015.**



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**W. Scott Phillips**

**Vice Chair**

**Alabama Environmental Management Commission**

**Certified this 16th day of October 2015.**

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**August 21, 2015**

**Convened: 11:00 a.m.**  
**Adjourned: 11:55 a.m.**

**Part A**

**Transcript**  
**Word Index**

**Part B**

**Attachment Index**  
**Attachment 1**  
**Attachment 2**  
**Attachment 3**  
**Attachment 4**  
**Attachment 5**  
**Attachment 6**

**Part A**

Page 1

1 ALABAMA ENVIRONMENTAL MANAGEMENT  
 2 COMMISSION MEETING  
 3  
 4  
 5  
 6  
 7  
 8  
 9 ALABAMA DEPARTMENT OF ENVIRONMENTAL  
 10 MANAGEMENT  
 11 Alabama Room  
 12 1400 Coliseum Boulevard  
 13 Montgomery, Alabama 36110-2400  
 14 August 21, 2015  
 15 11:00 a.m.  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23 Taken by: Charity McCulley, CCR #424

Page 3

1 CHAIRMAN BROWN: We call to  
 2 order the August 21st, 2015,  
 3 Alabama Environmental Management  
 4 Commission. The Chair notes we  
 5 have a quorum.  
 6 First item on the agenda is  
 7 consideration of the minutes of  
 8 the meeting held on June 19th,  
 9 2015. The minutes have been  
 10 circulated to the Commissioners  
 11 for review prior to the meeting.  
 12 And the Chair will entertain a  
 13 motion regarding the minutes.  
 14 DR. RICHARDSON: Move to  
 15 accept the minutes as presented.  
 16 DR. MILLER: Second.  
 17 CHAIRMAN BROWN: All in  
 18 favor?  
 19 THE COMMISSION: Aye.  
 20 CHAIRMAN BROWN: Any  
 21 opposed?  
 22 (No response.)  
 23 CHAIRMAN BROWN: It passes.

Page 2

1 A P P E A R A N C E S  
 2  
 3 COMMISSION MEMBERS PRESENT:  
 4 H. Lanier Brown, II, Esquire, Chair  
 5 Terry D. Richardson, Ph.D.  
 6 Samuel L. Miller, M.D.  
 7 Craig Martin, D.V.M.  
 8 Mary J. Merritt  
 9 W. Scott Phillips, Vice Chair  
 10 James E. Laier, Ph.D., P.E.  
 11  
 12  
 13  
 14 ALSO PRESENT:  
 15 Robert D. Tambling, EMC Legal Counsel  
 16 Debi Thomas, EMC Executive Assistant  
 17  
 18  
 19  
 20  
 21  
 22  
 23

Page 4

1 Agenda item two, as usual, is  
 2 the report from the Director.  
 3 DIRECTOR LeFLEUR: Good  
 4 morning, Commissioners. And  
 5 welcome to others present for  
 6 the final meeting of the  
 7 Commission for 2015 fiscal year.  
 8 Today's report will address the  
 9 General Fund budget situation as  
 10 we now understand it, and then  
 11 discuss several matters as  
 12 related to our land division,  
 13 including identifying major  
 14 programs and focusing in on  
 15 Brownfields and Voluntary  
 16 Cleanup programs.  
 17 At the June commission  
 18 meeting, I reported that the  
 19 Legislature in its regular  
 20 session, passed a general fund  
 21 budget that was subsequently  
 22 vetoed by the Governor.  
 23 Although that budget was vetoed,

<p style="text-align: right;">Page 5</p> <p>1 it was anticipated to be the  2 starting point for budget  3 considerations in the then  4 anticipated special session of  5 the Legislature. That budget  6 called for zero funding of ADEM  7 operations and the transfer of  8 \$7.7 million of departmental  9 funding supplied by  10 environmental clean up fees to  11 the General Operating Fund of  12 the State. The Commission was  13 informed that in order to retain  14 the Department's water program  15 authority, it would be necessary  16 to raise permit fees by the  17 amount of any reduction in  18 funding of the Department's  19 General Fund operating  20 appropriation. The amount of  21 the necessary increase was  22 estimated to be 15 to 20  23 percent.</p>	<p style="text-align: right;">Page 7</p> <p>1 transfers to come from the  2 Underground Storage Tank Fund.  3 The UST Fund is the largest fund  4 available for the transfer and  5 the one from which the transfer  6 would cause the least harm to  7 critical cleanup programs in the  8 State. If this provision is in  9 the final budget, then for the  10 Department to transfer the  11 required funds to the General  12 Fund without collapsing critical  13 and statutorily mandated  14 programs, a regulated industry  15 permit fee increase of up to an  16 additional 100 percent will be  17 added to the planned 15 to 20  18 percent increase that is  19 necessary to replace the lost  20 operating funds.  21 As of today, a fiscal year  22 2016 state General Fund budget  23 does not exist. However, since</p>
<p style="text-align: right;">Page 6</p> <p>1 As you're aware, the  2 Governor called a special  3 session of the Legislature that  4 convened on July 13th. The  5 special session concluded on  6 August 11th with no General Fund  7 budget being sent to the  8 Governor; thus a second special  9 session will now be required.  10 The budgets proposed by the  11 House and Senate during the  12 first special session both  13 contained a new ominous  14 provision regarding ADEM. Both  15 proposed budgets mandated that  16 the Department transfer  17 dedicated environmental cleanup  18 fees to the General Fund, as did  19 the budget passed by the  20 Legislature in the regular  21 session; however, the new  22 budgets included a new provision  23 that would not allow any of the</p>	<p style="text-align: right;">Page 8</p> <p>1 none of the various budgets  2 passed or proposed have any  3 appropriation to fund  4 departmental operations, it is  5 anticipated that at the October  6 Commission meeting, the  7 Department will be required to  8 seek rulemaking to implement an  9 across-the-board increase in  10 permit fees by the amount of the  11 reduction in the Department's  12 General Fund operating  13 appropriation, plus possibly an  14 additional amount to transfer to  15 the General Fund to avoid the  16 collapse of the Solid Waste and  17 Scrap Tire programs. We are  18 working with various groups to  19 minimize any permit fee  20 increases.  21 In addition to reporting on  22 the financial aspects of the  23 Department, my reports to the</p>

<p style="text-align: right;">Page 9</p> <p>1 Commission are intended to 2 describe what the Department 3 does, how results are 4 accomplished, and what the 5 results are. Often the 6 individual programs within the 7 division are highlighted. 8 Results are often accomplished 9 by involving a wide range of 10 partners. For some programs 11 results are shown in the form of 12 dashboard visuals. At other 13 times, results must be evaluated 14 by other means. Today's report 15 will highlight some of what our 16 Land Division does. It will 17 describe how partners are 18 involved to obtain results. 19 And, finally, it will offer an 20 analysis of the results 21 achieved. 22 I'll make a sidenote here: 23 We have new visuals. I hope</p>	<p style="text-align: right;">Page 11</p> <p>1 Brownfields Program; the Toxic 2 Substance Control Act, driving 3 the PCB inspection program; and 4 portions of the Comprehensive 5 Environmental Response, 6 Compensation, and Liability Act, 7 known as CERCLA, related to the 8 site assessments portion and 9 Remedial Action Support Program. 10 The four remaining major 11 programs of the Land Division 12 are based on State environmental 13 laws, including: The Alabama 14 Land Recycling and Economic 15 Redevelopment Act, which drives 16 the Brownfields Voluntary 17 Cleanup Program; the State Solid 18 Wastes and Recyclable Materials 19 Management Act, which drives the 20 Solid Waste Program; and the 21 Scrap Tire Environmental Quality 22 Act, which is the basis of the 23 Scrap Tire Program. Finally,</p>
<p style="text-align: right;">Page 10</p> <p>1 that all of your laptops or 2 iPads or whatever are 3 functioning properly. And 4 hopefully this will benefit our 5 visitors and the audience, 6 making the ability to see this a 7 little bit easier. 8 Our Land Division has been 9 granted authority to administer 10 a number of federal laws, which 11 it does through programs within 12 the Division. As shown on these 13 next slides, the primary federal 14 laws that drive six of the ten 15 major programs in the Land 16 Division are: The Resource 17 Conservation and Recovery Act, 18 RCRA, which drives the hazardous 19 waste and the Underground 20 Storage Tank programs; the Small 21 Business Liability Relief and 22 Brownfields Revitalization Act, 23 which is known as the Federal</p>	<p style="text-align: right;">Page 12</p> <p>1 the Alabama Hazardous Substance 2 Cleanup Fund Act, which cleans 3 up small sites contaminated with 4 hazardous substances. 5 Of the ten major programs in 6 the Land Division, EPA 7 compliance and enforcement 8 metrics are only available for 9 the RCRA hazardous waste 10 program. Normally, today's 11 report would begin with an 12 update of EPA's Interactive 13 Visual Compliance and 14 Enforcement Metrics, or 15 dashboards, for the RCRA 16 Hazardous Waste Program. 17 However, in order to dedicate 18 the time necessary to do justice 19 to the Brownfields activities, 20 that dashboard analysis will be 21 postponed until the October 22 Commission Meeting. The 23 remainder of today's report will</p>

<p style="text-align: right;">Page 13</p> <p>1 focus on the Federal Brownfields 2 Program and the State Sponsored 3 Voluntary Cleanup Program, which 4 are complementary federal and 5 state programs dealing with 6 Brownfields. 7 As with the discussion of 8 the RCRA Hazardous Waste 9 dashboards, a discussion of the 10 other major programs in the Land 11 Division will take place at a 12 later date. For convenience, 13 the term Brownfields will be 14 used to describe both the 15 Federal Brownfields Program and 16 the Alabama Voluntary Cleanup 17 Program. The term Brownfields 18 site is used to describe sites 19 where despite existing 20 infrastructures, such as 21 utilities and transportation, 22 potential contamination of 23 property from previous industry</p>	<p style="text-align: right;">Page 15</p> <p>1 granted ADEM authority to 2 administer a voluntary cleanup 3 program that provides certain 4 liability protections and tax 5 incentives to "clean hands" 6 developers, who assess and 7 remediate sites under the 8 program. To further encourage 9 the cleanup and redevelopment of 10 hazardous waste sites, the 11 Department has also implemented 12 a revolving loan program that 13 provides loans to local 14 governments to remediate 15 contaminated properties. 16 Each Brownfields site is 17 unique. Because of the types of 18 pollutants, soil conditions, 19 size, level of contamination, 20 and numerous other factors, vary 21 widely among individual 22 hazardous waste sites, standard 23 comparison metrics between</p>
<p style="text-align: right;">Page 14</p> <p>1 and other activity has made 2 redevelopment a challenge. 3 An abandoned gas station, textile 4 mill, or an illegal dump could 5 be considered a Brownfields 6 because of the potential 7 presence of hazardous 8 substances, pollutants or 9 contaminants. In many cases 10 these sites would not be 11 attractive for redevelopment due 12 to the cost of cleaning up these 13 contaminants. The Federal 14 Brownfields Program was 15 initiated under CERCLA in 1995 16 and ADEM began administering 17 that program in 1999. The State 18 developed its own program to 19 complement the federal program 20 in 2001 when the Legislature 21 passed the Alabama Land 22 Recycling and Economic 23 Redevelopment Act. The Act</p>	<p style="text-align: right;">Page 16</p> <p>1 states or even within a given 2 state are not possible. For 3 this reason, dashboard 4 comparisons, such as are used to 5 measure performance in the RCRA 6 Hazardous Waste program are not 7 available. One way to evaluate 8 the Brownfields Programs 9 performance is to measure 10 progress in meeting the annual 11 Brownfields grant commitments 12 negotiated between EPA and the 13 Land Division. 14 These commitments are 15 tailored to the unique array of 16 sites in Alabama and they set 17 out what results are to be 18 achieved during the coming year. 19 The commitments typically 20 contain both quantitative and 21 qualitative elements. For the 22 last five years, the Land 23 Division has met or exceeded all</p>

<p style="text-align: right;">Page 17</p> <p>1 its grant commitments, which is 2 indicative of a high performance 3 program. 4 Another important means to 5 measure performance is to 6 determine if our efforts have 7 made a visible difference in 8 communities around our state. 9 Today's remaining slides 10 will present a visual case study 11 of some of the sites assessed, 12 remediated, and redeveloped and 13 how they have made a visible 14 difference in some Alabama 15 communities. These slides will 16 also show how some of the grant 17 commitments have been met. 18 In every case, a Brownfields 19 redevelopment is preceded by 20 assessment and remediation. 21 Redevelopment cannot take place 22 until remediation is in place. 23 All redevelopment involves</p>	<p style="text-align: right;">Page 19</p> <p>1 acres to productive use. 2 Clearly today's report 3 cannot review each of the 285 4 sites cleaned up. So to give 5 you a sense of how the 6 Brownfields Redevelopment 7 Program has performed and how it 8 has made a visible difference in 9 communities, we will focus on a 10 number of projects that have 11 been done in the Montgomery area 12 as a type of case study. 13 The Montgomery area is home 14 to the Selma-to-Montgomery 15 Historic Voting Rights Trail 16 shown on this slide. The 17 cleaned up sites identified on 18 this slide are good examples of 19 the wide variety of Brownfields 20 projects. There are urban and 21 rural projects, voluntary 22 privately-sponsored projects, 23 and government sponsored</p>
<p style="text-align: right;">Page 18</p> <p>1 partners. Local leadership is 2 the most important factor in 3 successful redevelopment. 4 While ADEM does not design 5 or build any redevelopment 6 project, the Department makes 7 redevelopment possible. Most 8 often this is done through the 9 Voluntary Cleanup Program. 10 This slide gives you an idea 11 of the scope of the Brownfields 12 program. Since its inception in 13 2001, 439 sites have been 14 enrolled in the Voluntary 15 Cleanup Program. This map 16 identifies 285 of those sites, 17 about 20 per year, that have 18 been assessed and cleaned up 19 with nearly 4,000 acres returned 20 to productive use. An 21 additional 103 sites remain 22 active, which, when remediated, 23 will return an additional 3,200</p>	<p style="text-align: right;">Page 20</p> <p>1 projects, state-funded projects, 2 federally-funded projects, and 3 projects involving few partners, 4 and those involving many 5 partners. 6 In 2008, ADEM conceived the 7 idea of assessing sites along 8 the historic Selma-to-Montgomery 9 Voting Rights Trail. The Trail 10 begins in Selma, runs through 11 forests, farms, and small 12 communities. It ends at the 13 State Capitol in downtown 14 Montgomery. ADEM partnered with 15 EPA, the National Parks Service, 16 and other state and federal 17 agencies to assist communities 18 along the Trail in identifying 19 and assessing Brownfields sites. 20 By sharing information with 21 community leaders about 22 remediating and redeveloping 23 these sites, the partnership is</p>

<p style="text-align: right;">Page 21</p> <p>1 helping to revitalize blighted 2 areas, increase employment 3 opportunities, increase local 4 tax bases, and in some cases, 5 save or create green space. The 6 Trail assessment activities 7 covered four counties: 8 Montgomery, Lowndes, Dallas and 9 Perry. The associated cities, 10 towns, and communities include: 11 Montgomery, Burkville, 12 Hayneville, Lowndesboro, White 13 Hall, Benton, Tyler, Selmont, 14 Selma and Uniontown. A kick-off 15 meeting occurred in January of 16 2009 to discuss Brownfields and 17 potential development and 18 redevelopment along the Trail. 19 A recurring theme in my regular 20 reports to the Commission is the 21 importance of partnerships. 22 As shown on this slide, 23 representatives from ADEM, EPA,</p>	<p style="text-align: right;">Page 23</p> <p>1 also conducted what are called 2 "visioning sessions" in West 3 Montgomery, Hayneville, Selmont, 4 Selma and Uniontown. These 5 sessions were open to the public 6 and participation was excellent. 7 This slide shows some of the 8 numerous conceptual renderings 9 of the visions developed during 10 the sessions. 11 Input from stakeholders 12 played a key role in the final 13 redevelopment plans that have 14 since taken shape, such as those 15 shown here at the ground 16 breaking ceremony for the new 17 Riverfront Park in Selma toward 18 the western end of the Trail. 19 Moving eastward along the 20 Trail, the ADEM Brownfields 21 Program was awarded a \$200,000 22 community-wide petroleum 23 assessment grant by EPA to help</p>
<p style="text-align: right;">Page 22</p> <p>1 the municipalities of Selma, 2 White Hall, Lowndesboro, the 3 Dallas County Center for 4 Commerce, Craig Field Airport 5 and Industrial Authority, the 6 Alabama Departments of Revenue 7 and Transportation, the US 8 National Park Service, the US 9 Army Corps of Engineers, the US 10 Department of Housing and Urban 11 Development, and the nonprofit 12 Friends of the 13 Selma-to-Montgomery Trail were 14 in attendance. 15 Over the past six years, 16 numerous meetings with community 17 leaders, municipal and county 18 officials, developers, funding 19 providers, and concerned 20 citizens have been held in 21 Selma, Selmont, Hayneville, and 22 West Montgomery. As part of the 23 outreach activities, ADEM has</p>	<p style="text-align: right;">Page 24</p> <p>1 address petroleum sites located 2 along and near the historic 3 Trail. The most common type of 4 petroleum Brownfields is an old 5 abandoned gas station with 6 potentially leaking underground 7 storage tanks. This grant was 8 in addition to a \$4 million 9 Underground Storage Tank 10 Remediation grant by EPA under 11 the American Recovery and 12 Reinvestment Act in 2008 that 13 funded considerable remediation 14 along the Trail. 15 ADEM used the Community-Wide 16 Petroleum Assessment grant to 17 inventory 41 petroleum 18 Brownfields sites, and with the 19 involvement of the local 20 communities and EPA, the effort 21 resulted in fifteen Phase 1 and 22 three Phase 2 assessments. 23 Numerous non-environment</p>

<p style="text-align: right;">Page 25</p> <p>1 related improvements in addition  2 to those funded by the grants  3 also occurred on the Trail  4 during this period. These  5 include the Civil Rights museums  6 in Selma, Lowndesboro and  7 Montgomery, area beautification  8 projects in Selma and  9 Montgomery, and the listing of  10 US Highway 80, between  11 Montgomery and Selma as a  12 Historic Scenic Highway with  13 historic markers citing events  14 that occurred along the Trail.  15 In its routine activity, the  16 ADEM UST Program performed site  17 assessments at four additional  18 petroleum Brownfields sites  19 along the Trail shown on this  20 slide.  21 Today, as funding allows,  22 corrective action and  23 groundwater monitoring continue</p>	<p style="text-align: right;">Page 27</p> <p>1 and an overgrown abandoned  2 commercial glass facility, which  3 were an eyesore to the  4 community. ADEM provided loans  5 from the Brownfields Revolving  6 Loan Fund and grants from the  7 Clean Water Act, Section 319  8 non-point source program, to the  9 City of Montgomery to partially  10 fund the Genetta Creek project.  11 EPA partnered with the  12 Department and provided  13 additional grant funds, and the  14 City allocated in its budget the  15 funds necessary to complete the  16 project.  17 Today, this park serves as a  18 recreational and educational  19 asset to the community, where  20 residents, as well as voting  21 rights Trail sojourners can  22 enjoy a restful green space.  23 The project also serves as a</p>
<p style="text-align: right;">Page 26</p> <p>1 for two of those sites. Both  2 sites are currently in use, one  3 as an auto repair facility and  4 the other as a gas station.  5 Continuing our eastward  6 movement along the Trail, in  7 2008, community visioning  8 sessions were held to develop a  9 master plan for all of West  10 Fairview Avenue near the  11 terminus of the Trail in West  12 Montgomery. Focus was put on  13 providing green space at one of  14 the entrances to the Historic  15 Selma-to-Montgomery Voting  16 Rights Trail and the City of  17 Montgomery.  18 That visioning effort gave  19 rise to the Genetta Creek  20 Restoration and Flood Control  21 Project.  22 Originally, the site  23 consisted of a concrete culvert</p>	<p style="text-align: right;">Page 28</p> <p>1 constructed wetland, controlling  2 storm water and filtering out  3 pollutants; thus, improving  4 water quality downstream all the  5 way to and including the Alabama  6 River. The West Fairview Avenue  7 area, where the project is  8 located, is a low-income,  9 minority area and ties in with  10 the Department's Environmental  11 Justice activities. Earlier  12 this summer, EPA Regional  13 Administrator, Heather  14 McTeer-Toney, visited Montgomery  15 for the official dedication of  16 the Genetta Creek project.  17 Another significant area of  18 redevelopment is in downtown  19 Montgomery. Previous industrial  20 and commercial activity in the  21 downtown area resulted in  22 contamination that hindered  23 redevelopment and revitalization</p>

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1 efforts.  
2 Several years ago, following  
3 remediation of a former cotton  
4 warehouse and manufactured gas  
5 plant site, the construction of  
6 the Riverwalk Stadium, a  
7 professional baseball facility  
8 in downtown Montgomery, began a  
9 redevelopment boom.  
10 More recently, the Hampstead  
11 Institute Downtown Farm and  
12 urban farm, located on a former  
13 rail yard in downtown  
14 Montgomery, was remediated and  
15 then redeveloped by the City of  
16 Montgomery.  
17 The project came to fruition  
18 through the partnership efforts  
19 of a number of organizations and  
20 individuals, including ADEM, the  
21 City, the Hampstead Institute,  
22 the Alabama Department of  
23 Economic and Community Affairs,

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1 railway from the Alabama River  
2 and two blocks from downtown  
3 Montgomery. It is a stop along  
4 the Scenic Riverwalk, which  
5 includes Riverwalk Stadium and  
6 Riverfront Amphitheater.  
7 To the west of Overlook Park  
8 are bio-retention basins to  
9 assist with the replenishing of  
10 groundwater.  
11 The Brownfields Program of  
12 the Land Division has made it  
13 easier and more financially  
14 feasible to put some of these  
15 old sites back into productive  
16 use in Alabama communities.  
17 Here we see attractive new  
18 housing constructed in the same  
19 Brownfields area shown in  
20 previous slides. Redeveloping  
21 old sites that have existing  
22 infrastructure creates new jobs  
23 in the community, property

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1 and the US EPA. ADEM personnel  
2 conducted Brownfields Phase 1  
3 and Phase 2 Assessments on the  
4 four-acre site and determined it  
5 was suitable for use as an urban  
6 garden. Initial agricultural  
7 activities provide fresh produce  
8 that is sold to local  
9 restaurants and the public.  
10 Second and third phase  
11 activities will include  
12 community garden space and a  
13 "hands-on" children's garden.  
14 The site has a fully-functional  
15 windmill and a restored red  
16 caboose that will serve as an  
17 office and learning center.  
18 Montgomery's Scenic  
19 Riverwalk and Overlook Park  
20 incorporates several Brownfields  
21 sites. The farm site is located  
22 at the base of Montgomery's  
23 Overlook Park, across an active

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1 values increase, and so do the  
2 tax revenues. Eyesores are  
3 eliminated, along with health  
4 and safety hazards.  
5 This final project slide in  
6 our case study deals with a  
7 recent site remediation project  
8 in an area in the middle of  
9 downtown Montgomery. The area  
10 has widespread groundwater  
11 contamination that is a  
12 potential impediment to  
13 redevelopment in a large portion  
14 of the central city. It has  
15 been labeled the Montgomery  
16 Capitol City Plume. The primary  
17 contaminant in this groundwater  
18 plume is the chlorinated  
19 solvent, tetrachlorethylene.  
20 The Plume was discovered in 1993  
21 during construction near the  
22 intersection of Monroe Street  
23 and North McDonough Street. EPA

<p style="text-align: right;">Page 33</p> <p>1 proposed that the site be added 2 to the CERCLA National 3 Priorities List, or NPLA, in May 4 2000. This step identifies the 5 site as one which falls under 6 EPA's federal control for 7 assessment and clean-up. For 8 more than twenty years, EPA has 9 overseen several assessment and 10 investigation efforts concerning 11 the plume, but to date little 12 has been accomplished in the way 13 of actual remediation. 14 As an alternative to 15 addressing contamination at the 16 site on the federal level 17 through CERCLA, the Downtown 18 Environmental Alliance, a local 19 public-private entity, was 20 formed this year to resolve past 21 costs with the EPA for work 22 previously performed to 23 investigate the Capitol City</p>	<p style="text-align: right;">Page 35</p> <p>1 Alliance and its relationship 2 with ADEM as a national success 3 story in building public-private 4 partnerships as a means of 5 making a visible difference in a 6 community. 7 The Brownfields project 8 highlighted in the slides shown 9 today are connected in some way 10 to the Historic Voting Rights 11 Trail. They have been presented 12 as a representative case study 13 typical of the 285 Brownfields 14 sites remediated during the last 15 fourteen years of the Land 16 Division's Brownfields programs. 17 Each site remediated and 18 redeveloped required the 19 involvement of partners, often 20 many partners; diverse resources 21 had to be brought to bear. 22 While the results are not able 23 to be reflected as metrics in</p>
<p style="text-align: right;">Page 34</p> <p>1 Plume site and to execute a 2 voluntary oversight agreement 3 with ADEM's Land Division to 4 complete the investigation and 5 remediation. 6 The actions by the Alliance 7 are significant in that they 8 have prevented the site from 9 being placed on the NPL and 10 labeled as a Superfund site, 11 which carries with it many 12 negative perceptions. Economic 13 development in downtown 14 Montgomery should continue as a 15 result of the agreements entered 16 into by the Alliance. Regional 17 Administrator McTeer-Toney 18 appeared at a joint press 19 conference with Mayor Strange, 20 and other members of the 21 Alliance, during her recent 22 visit to Montgomery. At this 23 event, she commended the</p>	<p style="text-align: right;">Page 36</p> <p>1 the EPA dashboard program, many 2 have been reflected in the 3 detailed annual reports that the 4 Land Division transmits to EPA 5 each year. 6 These slides provide a few 7 examples of how the ADEM 8 Brownfields program is making a 9 visible difference in 10 communities which is an 11 important measure of results. 12 From time to time in reports 13 it's my pleasure to report 14 recent significant matters 15 involving our personnel. The 16 best way to recognize this group 17 of people, I would like to 18 recognize today, is to simply 19 read the incident report that 20 was provided by our Mobile field 21 office chief. This is the 22 incident report. I felt it 23 better to read directly from the</p>

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1 report. The report was sent to  
2 me on August the 11th. The  
3 report reads: On Monday, August  
4 10, 2015, Mobile field office  
5 personnel, Joie Horn, Brian  
6 Kincaid and Daryl Smith were  
7 conducting field work from a  
8 motor vessel along the eastern  
9 shore of Mobile Bay as part of  
10 the Department's NCCA monitoring  
11 program. They were alerted to  
12 the possibility of a person in  
13 distress on a beach at or near  
14 the Bon Secour National Wildlife  
15 Refuge. The ADEM crew located  
16 the individual, who appeared to  
17 be weak and confused. The  
18 individual claimed to have been  
19 left in the swamp six days ago.  
20 After speaking with him to  
21 ascertain the problem, 911 was  
22 called for an ambulance. The  
23 individual was helped onto the

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1 and it just continues to impress  
2 me what we do for the  
3 communities around the State,  
4 which brings me to the question  
5 about the budget crisis. I  
6 apologize to the full Commission  
7 for not being at the last  
8 meeting, or I would have brought  
9 it up at that point. But since  
10 we're going to have another  
11 special session, I think what  
12 I'm going to say is at least  
13 timely. I would like to know  
14 what the Department is doing to  
15 -- what activities you're  
16 engaged in, what partnerships  
17 you're having discussions with,  
18 to try to get the Legislature to  
19 understand that shifting the  
20 budget issue to us by taking  
21 \$7.7 million from the citizens  
22 of the State of Alabama for the  
23 protection of their environment

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1 boat and taken to the nearest  
2 access point, the Highway 59  
3 bridge in Gulf Shores. The  
4 individual was helped off the  
5 boat, and he was subsequently  
6 loaded into the ambulance. The  
7 ADEM crew answered questions  
8 from the Gulf Shores police  
9 before returning to assigned  
10 sampling duties for the day.  
11 The same crew is back in the  
12 field again today, continuing  
13 with the assigned duties.  
14 I am continually impressed  
15 with the caliber of our  
16 personnel. And this is simply  
17 another example.  
18 That concludes today's  
19 report. If there are any  
20 questions, I would be pleased to  
21 address them now.  
22 MR. PHILLIPS: I have a  
23 question. Great presentation

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1 is a good idea. So I would love  
2 to hear what the Department is  
3 doing as opposed to just saying,  
4 we're going to raise fees.  
5 DIRECTOR LeFLEUR: This is  
6 one of those interesting  
7 situations where our friends in  
8 the environmental community are  
9 making the concerns known to the  
10 Legislature. Our friends in the  
11 regulating community are doing  
12 exactly the same thing. We have  
13 been in contact with leadership  
14 in the Legislature and with the  
15 Budget Chairman and with a  
16 number of Legislators. In  
17 particular, this recent  
18 provision that made the UST Fund  
19 as a sacred cow, the UST Fund  
20 comprises about \$35 million of  
21 the funds coming into the  
22 Department annually in that  
23 earmarked category, the other

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1 two being our Scrap Tire and  
2 Solid Waste Funds. They bring  
3 in approximately 4 to 6 million  
4 dollars annually. To exclude  
5 that \$35 million component and  
6 still have the \$7.7 million  
7 transfer would be devastating to  
8 both of those programs. We are  
9 very actively pursuing an  
10 educational process, if you  
11 will, with the Legislature about  
12 the impacts. I don't want to  
13 fail to mention that they have  
14 already proposed to eliminate  
15 the operating funds for the  
16 Department. And those funds, as  
17 my report indicates, we believe  
18 need to be replaced dollar for  
19 dollar, or we run a substantial  
20 risk of EPA withdrawing water  
21 program authority.  
22 Does that cover the point?  
23 MR. PHILLIPS: I would just

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1 the Chair. If Scott hadn't said  
2 what he said, I would have said  
3 it. So we'll move onto the next  
4 item on the agenda, which is the  
5 report from the Rulemaking  
6 Committee.  
7 MR. PHILLIPS: Sorry, Mr.  
8 Chairman. I would have let you  
9 said it had I known.  
10 CHAIRMAN BROWN: That's  
11 okay. As long as it got said.  
12 MR. PHILLIPS: The  
13 Rulemaking Committee met this  
14 morning at 10:00 a.m. We had  
15 shared quite a bit of  
16 information from our last  
17 meeting, two meetings ago from  
18 our working session with the  
19 public. We also shared -- Debi  
20 successfully found that this  
21 issue had come up before the  
22 Commission before some time  
23 back, and she shared with the

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1 strongly urge you to do as much  
2 as you can. I know you may be,  
3 but do all you can do.  
4 Everybody in the room, do all  
5 you can do. I'm not in favor of  
6 a fee increase to offset this,  
7 because it's just shifting it  
8 from one spot to the next.  
9 I think we need to get our  
10 Legislature to understand that.  
11 And I would strongly urge you  
12 personally to have those  
13 discussions with Legislators.  
14 DIRECTOR LeFLEUR: I have  
15 and I will continue to do so.  
16 MR. PHILLIPS: Thank you.  
17 CHAIRMAN BROWN: Any other  
18 questions from the Commission?  
19 (No response.)  
20 CHAIRMAN BROWN: Thank you.  
21 DIRECTOR LeFLEUR: Thank  
22 you.  
23 CHAIRMAN BROWN: Report from

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1 Committee the information that  
2 had been provided to the  
3 Rulemaking Committee from the  
4 full Commission to look at  
5 before. And then Dr.  
6 Richardson, who sits on our  
7 Committee, also provided us some  
8 suggested straw-man beginnings  
9 to consider. Summarizing the  
10 major topics that we have heard  
11 from the public, the Regulated  
12 Committee, the Department and  
13 others, the Committee agreed in  
14 our meeting this morning to take  
15 Dr. Richardson's start and  
16 review that between now and our  
17 October Rulemaking Committee.  
18 And we also asked Robert, as our  
19 counsel, to review and provide  
20 his recommendations on what, if  
21 any, rulemaking may be required  
22 to enact those or if we could  
23 provide just guidance to manage

Page 45	<p>1 our meetings. The Committee 2 also asked Debi to make Dr. 3 Richardson's proposed language 4 available to the public for 5 review and their comments -- and 6 ask them for their comments for 7 us to consider. And we will 8 also make sure that the full 9 Commission gets that 10 information. And I would 11 encourage you, if you have any 12 comments, to please share that 13 with us before our next meeting. 14 We will meet on October the 15 16th at 10:00 a.m. and take up 16 what we hear back from Robert, 17 what we hear from the public, 18 and what we hear from the 19 Commission and try to move 20 ourselves forward with either 21 more specific guidance or a 22 recommendation to the Commission 23 for rulemaking.</p>	Page 47	<p>1 proposed revisions in the Water 2 Program Division 6, Chapter 6 3 regulations. On April the 26th, 4 2015, the Department initiated 5 the rulemaking process to 6 consider proposed amendments to 7 ADEM Administrative Code 8 335-6-6. This Chapter 9 prescribes the rules for the 10 National Pollutant Discharge 11 Elimination System, or NPDES, 12 Program. 13 The Department proposed 14 revisions to reflect changes in 15 federal rules found in 40 CFR 16 parts 122 and 136, which require 17 the use of sufficiently 18 sensitive test methods for 19 quantitative data provided in 20 NPDES permit applications and 21 for monitoring to determine 22 compliance with NPDES permit 23 limitations. In conjunction</p>
Page 46	<p>1 Any questions I would be 2 happy to answer. 3 CHAIRMAN BROWN: Thank you. 4 MR. PHILLIPS: You're 5 welcome. 6 CHAIRMAN BROWN: Next on the 7 agenda is consideration of the 8 adoption of proposed amendments 9 to ADEM Administrative Code 10 335-6, Water Quality 11 Regulations, National NPDES. 12 I'll call on the Department for 13 comments. 14 MS. LUTZ: Good morning. 15 THE COMMISSION: Good 16 morning. 17 MS. LUTZ: Honorable Chair 18 and members of the Commission, I 19 am Daphne Lutz, and I am Chief 20 of the Industrial/Municipal 21 Branch of the Water Division. 22 You have before you the 23 complete hearing record for</p>	Page 48	<p>1 with these proposed amendments, 2 the Department also proposed to 3 make it clear that regulated 4 entities are expected to utilize 5 the most current EPA-approved 6 test methods in 40 CFR, part 7 136, and abide by the most 8 current procedures in 401 CFR, 9 part 136, by removing the 10 version dates that follow each 11 40 CFR, part 136, citation. 12 Lastly, the rulemaking 13 proposed administrative 14 amendments to correct minor 15 errors and improve clarity and 16 consistency in the rules. 17 On June 15th, 2015, a public 18 hearing was held to receive 19 data, views, and comments from 20 interested persons regarding the 21 proposed revisions. Written 22 comments were accepted at any 23 time during the public comment</p>

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1 period, which extended from  
2 April the 26th through June  
3 15th, 2015. No one presented  
4 testimony at the hearing, and no  
5 written comments were received  
6 during the comment period.  
7 The Department proposes that  
8 the Commission adopt the rule  
9 amendments as proposed.  
10 Are there any questions  
11 regarding the proposed  
12 amendments?  
13 (No response.)  
14 CHAIRMAN BROWN: Thank you.  
15 The Chair will entertain a  
16 motion.  
17 MR. PHILLIPS: I move we  
18 adopt.  
19 DR. MARTIN: Second.  
20 CHAIRMAN BROWN: All in  
21 favor.  
22 THE COMMISSION: Aye.  
23 CHAIRMAN BROWN: Passes.

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1 Next on the agenda is Commission  
2 will consider a proposed new  
3 Chapter in ADEM Administrative  
4 Code 335-6, Water Quality  
5 Regulations, Reclaimed Water  
6 Reuse Program under Chapter  
7 335-6-20.  
8 MS. LUTZ: Me again.  
9 CHAIRMAN BROWN: Welcome  
10 back.  
11 MS. LUTZ: Again, Honorable  
12 Chair and members of the  
13 Commission, I am Daphne Lutz,  
14 and I am Chief of the  
15 Industrial/Municipal Branch of  
16 the Water Division.  
17 And you also have before you  
18 the complete hearing record for  
19 a proposed new Chapter in the  
20 Water Program Division 6  
21 Regulations.  
22 On April the 26th, 2015, the  
23 Department initiated the

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1 rulemaking process to consider  
2 the addition of Chapter 335-6-20  
3 to ADEM Administrative Code to  
4 establish the Reclaimed Water  
5 Reuse Program.  
6 The Department proposed this  
7 Chapter to establish the  
8 procedures and requirements for  
9 the issuance and maintenance of  
10 pollution source permits for  
11 publically- and privately-owned  
12 wastewater treatment plants,  
13 with waste streams consisting  
14 mostly of municipal wastewater,  
15 to voluntarily reuse  
16 highly-treated effluent  
17 wastewater for beneficial  
18 irrigation purposes. The  
19 permits would be known as  
20 "Reclaimed Water Reuse Permits."  
21 On June 11th, 2015, a public  
22 hearing was held to receive  
23 data, views, and comments from

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1 interested persons regarding the  
2 proposed revisions. Written  
3 comments were accepted any time  
4 during the public comment  
5 period, which extended from  
6 April the 26th to June 11th,  
7 2015. The Department received  
8 comments at the hearing, as well  
9 as written comments during the  
10 comment period. As noted in the  
11 Reconciliation Statement  
12 provided to the Commission, the  
13 Department determined that the  
14 comments received did not  
15 necessitate any changes to the  
16 proposed rules.  
17 The Department proposes that  
18 the Commission adopt the new  
19 Chapter for the Reclaimed Water  
20 Reuse Program as proposed.  
21 And are there any questions  
22 regarding this new rule?  
23 MR. PHILLIPS: I have a

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1 question. On this rule I  
2 noticed in the Reconciliation  
3 Statement, the Department took  
4 exception to several of the  
5 comments, that they were outside  
6 the purview of the notice and it  
7 would require -- if you were to  
8 address them, it would require  
9 going back out to notice.  
10 MS. LUTZ: That's correct.  
11 MR. PHILLIPS: I just want  
12 to make sure to be on the record  
13 saying, I would encourage the  
14 Department to look at some of  
15 those comments. And if it  
16 necessitates going back out for  
17 rulemaking, because it's in the  
18 best interest of the regulations  
19 and the community as a whole,  
20 please do that.  
21 MS. LUTZ: And I do want to  
22 point out that our agency is  
23 involved in the AAWWG, the

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1 Alabama Water Agency Working  
2 Group. We continue to be  
3 involved in that and discussions  
4 regarding reuse and other  
5 conservation procedures.  
6 MR. PHILLIPS: I just think  
7 there were some valid comments  
8 made that were excluded because  
9 they're really part of the  
10 notice. I just ask the  
11 Department to please look at  
12 those, and if they merit going  
13 back out to rulemaking, don't be  
14 shy about going back out for  
15 rulemaking.  
16 MS. LUTZ: Okay.  
17 CHAIRMAN BROWN: Any other  
18 comments or questions?  
19 (No response.)  
20 CHAIRMAN BROWN: The Chair  
21 will entertain a motion.  
22 MR. PHILLIPS: So moved.  
23 DR. MARTIN: Second.

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1 CHAIRMAN BROWN: All in  
2 favor?  
3 THE COMMISSION: Aye.  
4 CHAIRMAN BROWN: Item seven  
5 on the agenda is consideration  
6 of the adoption of proposed  
7 amendments to ADEM  
8 Administrative Code 335-6,  
9 Groundwater and Underground  
10 Injection Control.  
11 We'll hear from the  
12 Department.  
13 MS. MASSEY: Good morning.  
14 My name is Sonja Massey. I'm  
15 Chief of the Groundwater Branch  
16 of the Land Division of ADEM.  
17 You have in the information  
18 provided to you, proposed  
19 revisions to the ADEM  
20 Administrative Code, Division 6,  
21 Volume two, Chapter 335-6-8,  
22 which are the regulations for  
23 groundwater and underground

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1 injection control.  
2 The proposed revisions to  
3 Chapter 335-6-8 would allow and  
4 set permitting standards for  
5 aquifer storage and recovery  
6 wells, revised permit  
7 application requirements for  
8 general permits issued under  
9 Chapter 335-6-8, and add or  
10 delete references to certain  
11 federal regulations and forms.  
12 The required public notice  
13 for this proposed revision has  
14 been completed, and a public  
15 hearing was held on June 11th,  
16 2015. During the public comment  
17 period, two written comments  
18 were received and two  
19 individuals presented oral  
20 testimony at the public hearing.  
21 In response to these comments,  
22 changes were made to two of the  
23 proposed rules as described in

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1 the Reconciliation Statement in  
2 the information provided to you.  
3 The Department recommends  
4 adoption of the proposed rules  
5 with the changes noted.  
6 And I'll be happy to address  
7 any questions you may have.  
8 MR. PHILLIPS: One, I want  
9 to applaud the Department for  
10 these new regulations. I think  
11 they bring us into the 21st  
12 Century relative to aquifer  
13 storage and recovery. So great  
14 job.  
15 Second, thanks for making  
16 the two changes you made. I  
17 thought they clarified the rule  
18 very much. But I would also  
19 encourage you, there were also  
20 comments made in this one that  
21 you really thought were outside  
22 the purview, so you didn't  
23 address. I just encourage you,

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1 if it really makes the rule  
2 better, do it in the future.  
3 Just take it up in rulemaking  
4 again. Don't be shy. But good  
5 job.  
6 MS. MASSEY: Thank you.  
7 MR. PHILLIPS: Thank you.  
8 Mr. Chairman.  
9 CHAIRMAN BROWN: The Chair  
10 will entertain a motion.  
11 MR. PHILLIPS: So moved.  
12 DR. MARTIN: Second.  
13 CHAIRMAN BROWN: All in  
14 favor?  
15 THE COMMISSION: Aye.  
16 CHAIRMAN BROWN: Agenda  
17 number eight. The Commission  
18 will consider the adoption of  
19 proposed amendments to the Water  
20 Quality Regulations, Chapter  
21 335-6-16, Administrative  
22 Guidelines and Procedures for  
23 the Alabama Underground and

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1 Aboveground Storage Tank, Tank  
2 Trust Fund, Trust Fund.  
3 Welcome back.  
4 MS. MASSEY: Good morning  
5 again. My name is Sonja Massey.  
6 I'm Chief of the Groundwater  
7 Branch of the Land Division of  
8 ADEM. You have in the  
9 information provided to you, a  
10 proposed revision to the  
11 Administrative Code, Division 6,  
12 Volume two, Chapter 335-6-16,  
13 which are the Administrative  
14 Guidelines and Procedures for  
15 the Alabama Underground and  
16 Aboveground Storage Tank Trust  
17 Fund.  
18 The proposed revision to  
19 Rule 335-6-16-.09 would increase  
20 the Tank Trust Fund per  
21 occurrence indemnification limit  
22 from 1.3 million to 1.5 million  
23 per occurrence, less the

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1 deductible. The proposed  
2 revision was recommended by the  
3 Alabama Underground and  
4 Aboveground Storage Tank Trust  
5 Fund Management Board on May  
6 12th, 2015. The required notice  
7 for the proposed revision has  
8 been completed, and a public  
9 hearing was held on August 5th,  
10 2015. No comments have been  
11 received. The Department  
12 recommends adoption of this rule  
13 as proposed, and I'll be happy  
14 to address any questions you may  
15 have.  
16 CHAIRMAN BROWN: Does the  
17 Commission have any questions or  
18 comments?  
19 (No response.)  
20 CHAIRMAN BROWN: The Chair  
21 will entertain a motion.  
22 MR. PHILLIPS: So moved.  
23 MR. JAMES: Second.

1 CHAIRMAN BROWN: All in  
2 favor?  
3 THE COMMISSION: Aye.  
4 CHAIRMAN BROWN: Thank you.  
5 Is there any other business  
6 before the Commission?  
7 (No response.)  
8 CHAIRMAN BROWN: The next  
9 Commission meeting is October  
10 16, 2015, right here, same time.  
11 I will entertain a motion to  
12 adjourn.  
13 MR. PHILLIPS: So moved.  
14 DR. RICHARDSON: Second.  
15 CHAIRMAN BROWN: All in  
16 favor?  
17 THE COMMISSION: Aye.  
18 CHAIRMAN BROWN: We're  
19 adjourned.  
20  
21 (THE ALABAMA ENVIRONMENTAL MANAGEMENT  
22 COMMISSION MEETING WAS CONCLUDED AT  
23 11:55 A.M.)

1 C E R T I F I C A T E  
2 T A T E O F A L A B A M A )  
3 C O U N T Y O F C O N E C U H )  
4 I hereby certify that the above and  
5 foregoing transcript of proceedings was  
6 taken down by me in machine shorthand, and  
7 the questions and answers thereto were  
8 transcribed by means of computer-aided  
9 transcription, and that the foregoing  
10 represents a true and correct transcript of  
11 the proceedings given by said witness upon  
12 said hearing.  
13 I further certify that I am neither  
14 of counsel nor of kin to the parties to the  
15 action, nor am I in anywise interested in  
16 the result of said cause.  
17 I further certify that I am duly licensed  
18 by the Alabama Board of Court Reporting as  
19 a Certified Court Reporter as evidenced by  
20 my ACCR number following my name below.  
21  
22 CHARITY McCULLEY ACCR# 424  
23 My Commission Expires: 2/19/17

## 1                    C E R T I F I C A T E

2        STATE OF ALABAMA    )

3        COUNTY OF CONECUH    )

4                    I hereby certify that the above and  
5        foregoing transcript of proceedings was  
6        taken down by me in machine shorthand, and  
7        the questions and answers thereto were  
8        transcribed by means of computer-aided  
9        transcription, and that the foregoing  
10       represents a true and correct transcript of  
11       the proceedings given by said witness upon  
12       said hearing.

13                    I further certify that I am neither  
14        of counsel nor of kin to the parties to the  
15        action, nor am I in anywise interested in  
16        the result of said cause.

17        I further certify that I am duly licensed  
18        by the Alabama Board of Court Reporting as  
19        a Certified Court Reporter as evidenced by  
20        the ACCR number following my name below.

21                    *Charity McCulley*

22                    CHARITY McCULLEY ACCR# 424

23                    My Commission Expires:    2/19/17

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**Part B**

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- Attachment 1**      **Agenda**
- Attachment 2**      **Director's Report Slides  
(Agenda Item 2)**
- Attachment 3**      **Resolution to adopt amendments to ADEM Admin. Code  
Division 335-6, Water Quality Regulations, Chapter 335-6-6,  
National Pollutant Discharge Elimination System (NPDES)  
(The amended regulations are on file with the Commission  
meeting records.)  
(Agenda Item 5)**
- Attachment 4**      **Resolution to adopt new chapter to ADEM Admin. Code  
335-6, Water Quality Regulations, Chapter 335-6-20,  
Reclaimed Water Reuse Program  
(The regulations are on file with the Commission meeting  
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- Attachment 5**      **Resolution to adopt amendments to ADEM Admin. Code  
335-6, Water Quality Regulations, Chapter 335-6-8,  
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(The amended regulations are on file with the Commission  
meeting records.)  
(Agenda Item 7)**
- Attachment 6**      **Resolution to adopt amendments to ADEM Admin. Code  
335-6, Water Quality Regulations, Chapter 335-6-16,  
Administrative Guidelines and Procedures for the Alabama  
Underground and Aboveground Storage Tank (Tank Trust  
Fund) Trust Fund  
(The amended regulations are on file with the Commission  
meeting records.)  
(Agenda Item 8)**

**Attachment 1**

7/22/15

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 21, 2015

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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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under Environmental Management Commission.

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

1. CONSIDERATION OF MINUTES OF MEETING HELD ON JUNE 19, 2015
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. REPORT FROM THE RULEMAKING COMMITTEE
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-6, WATER QUALITY REGULATIONS, CHAPTER 335-6-6, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Admin. Code 335-6, Water Quality Regulations, Chapter 335-6-6, NPDES. The revisions to Chapter 335-6-6 are necessary due to revised federal NPDES regulations regarding the use of sufficiently sensitive test methods for applications and reporting. The Department held a public hearing on the proposed amendments on June 15, 2015.

6. CONSIDERATION OF ADOPTION OF PROPOSED NEW CHAPTER TO ADEM ADMIN. CODE 335-6, WATER QUALITY REGULATIONS, CHAPTER 335-6-20, RECLAIMED WATER REUSE PROGRAM

The Commission will consider the proposed new chapter in ADEM Admin. Code 335-6, Water Quality Regulations, Chapter 335-6-20, Reclaimed Water Reuse Program. The Reclaimed Water Reuse Program is a proposed new chapter that will establish the procedures and requirements for the issuance and maintenance of pollution source permits for public, semi-private, and privately owned wastewater treatment plants with waste streams consisting mostly of municipal wastewater to be able to voluntarily reuse highly treated effluent wastewater for beneficial irrigation purposes. The Department held a public hearing on the proposed new chapter on June 11, 2015.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-6, WATER QUALITY REGULATIONS, CHAPTER 335-6-8, GROUND WATER AND UNDERGROUND INJECTION CONTROL (UIC)

The Commission will consider proposed amendments to ADEM Admin. Code 335-6, Water Quality Regulations, Chapter 335-6-8, Ground Water and UIC. The proposed revisions amend "Class V Well Permit Requirements" to allow for Aquifer Storage and Recovery (ASR) wells for storage and beneficial reuse of treated municipal wastewater and modify the permit application requirements for UIC General Permits. The Department held a public hearing on the proposed amendments on June 11, 2015.

8. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-6, WATER QUALITY REGULATIONS, CHAPTER 335-6-16, ADMINISTRATIVE GUIDELINES AND PROCEDURES FOR THE ALABAMA UNDERGROUND AND ABOVEGROUND STORAGE TANK (TANK TRUST FUND) TRUST FUND

The Commission will consider proposed amendments to ADEM Admin. Code 335-6, Water Quality Regulations, Chapter 335-6-16, Administrative Guidelines and Procedures for the Alabama Underground and Aboveground Storage Tank (Tank Trust Fund) Trust Fund. The revisions amend Rule 335-6-16-.09, Scope of Tank Trust Fund Coverage. On May 12, 2015, the Trust Fund Management Board voted to increase the per incident coverage for eligible motor fuel releases from \$1.3 million to \$1.5 million. The proposed amendments would implement that change. The Department held a public hearing on the proposed amendments on August 5, 2015.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION

**Attachment 2**

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL  
MANAGEMENT**

**LAND DIVISION**

# FEDERAL LAND DIVISION PROGRAMS

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## ❖ RCRA

- HAZARDOUS WASTE PROGRAM
- UNDERGROUND STORAGE TANK PROGRAM

## ❖ SMALL BUSINESS LIABILITY RELIEF AND BROWNSFIELDS REVITALIZATION ACT

- FEDERAL BROWNFIELDS PROGRAM

# FEDERAL LAND DIVISION PROGRAMS (CON'T)

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## ❖ TOXIC SUBSTANCES CONTROL ACT

- PCB INSPECTION PROGRAM

## ❖ CERCLA

- PRE-REMEDIAL SITE ASSESSMENT AND INVESTIGATION PROGRAM
- REMEDIAL ACTION SUPPORT PROGRAM

# STATE LAND DIVISION PROGRAMS

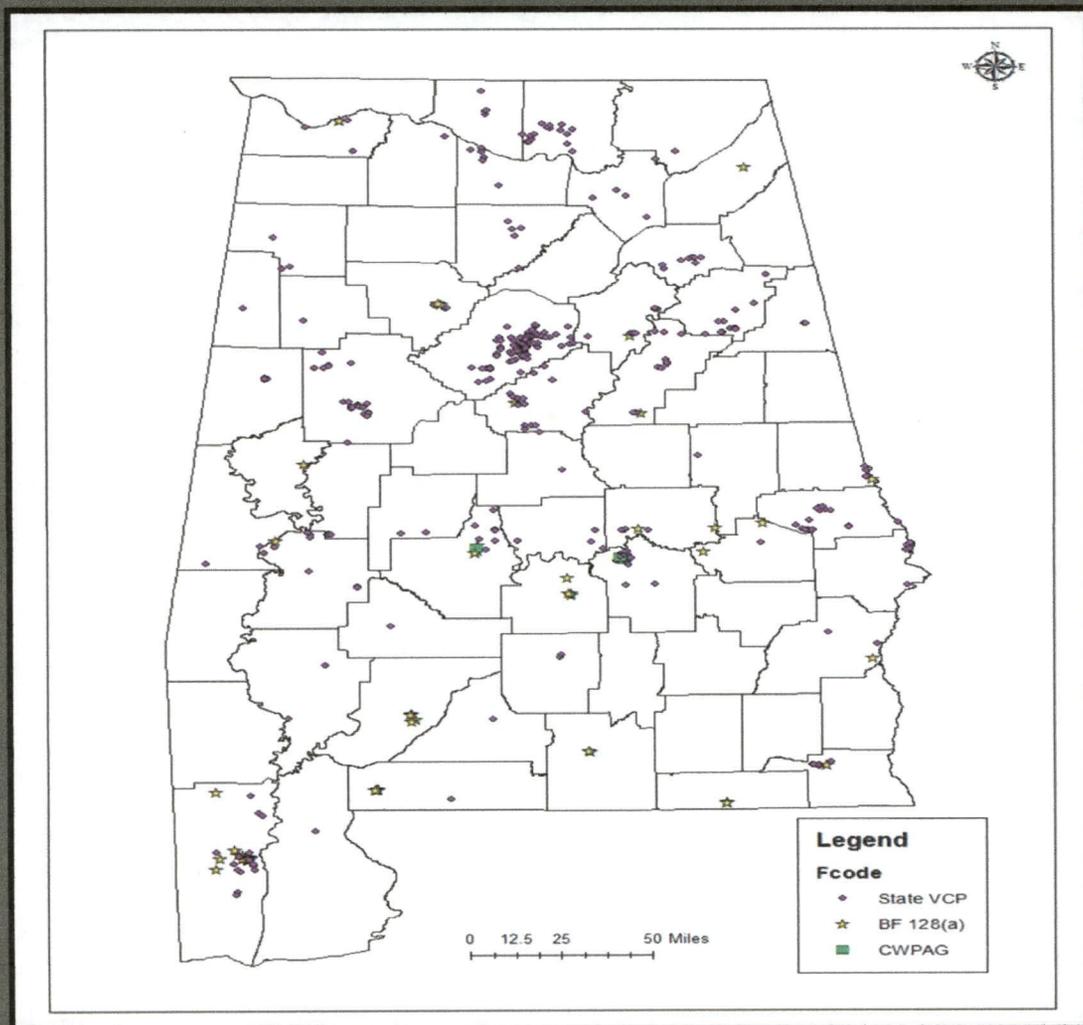
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- ❖ ALABAMA LAND RECYCLING AND ECONOMIC REDEVELOPMENT ACT
  - VOLUNTARY CLEANUP PROGRAM
- ❖ STATE SOLID WASTES AND RECYCLABLE MATERIALS MANAGEMENT ACT
  - SOLID WASTE PROGRAM
- ❖ SCRAP TIRE ENVIRONMENTAL QUALITY ACT
  - SCRAP TIRE PROGRAM
- ❖ ALABAMA HAZARDOUS SUBSTANCE CLEANUP FUND ACT

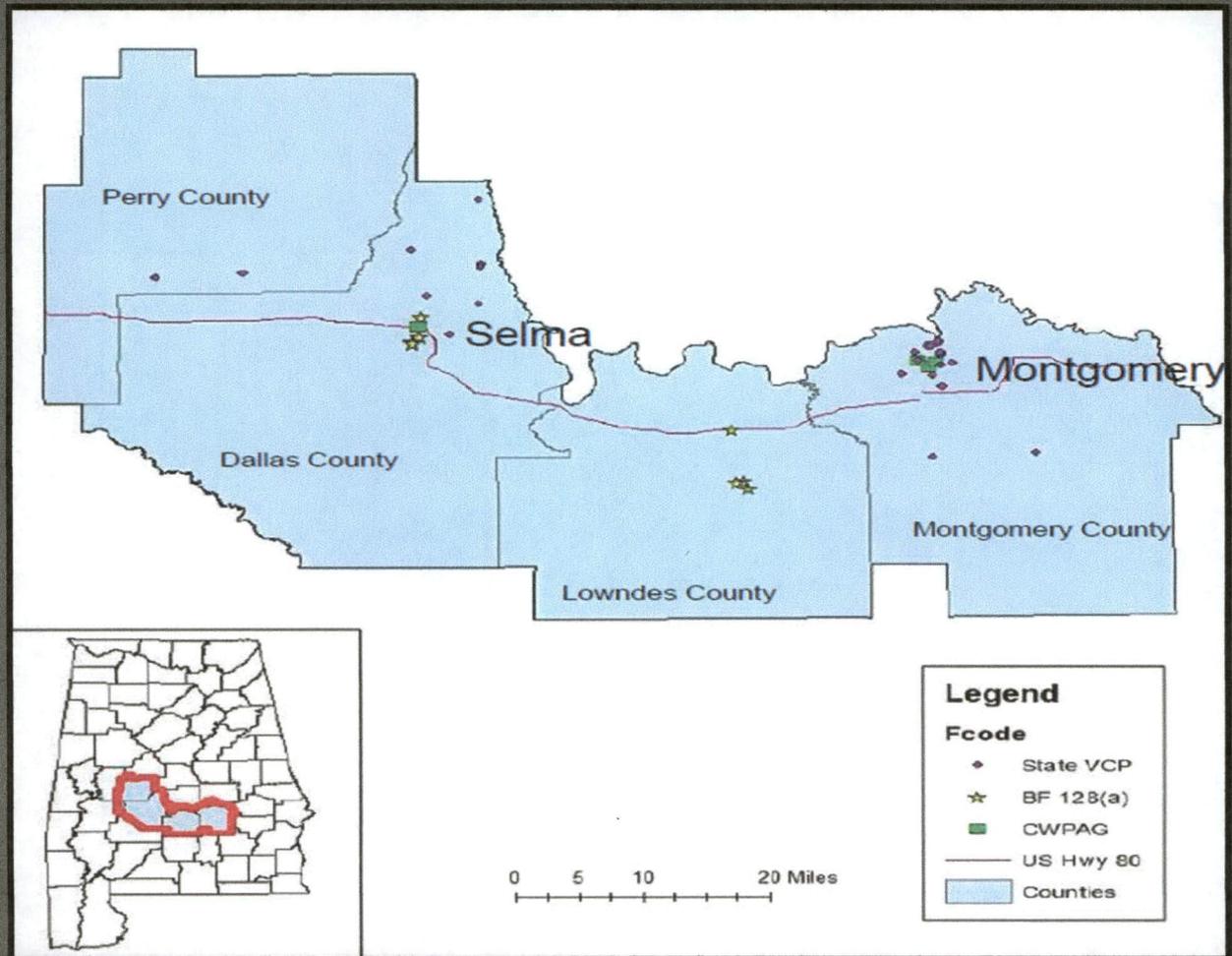
**MAKING A VISIBLE  
DIFFERENCE IN COMMUNITIES**

**THROUGH BROWNFIELDS  
REDEVELOPMENT**

# ALABAMA BROWNFIELD SITES

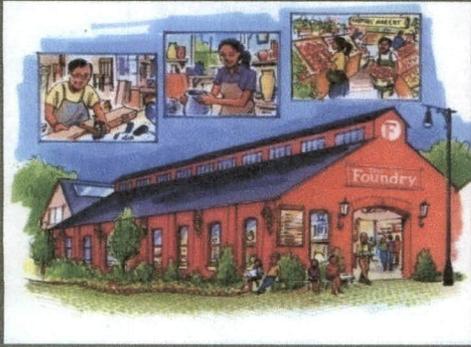
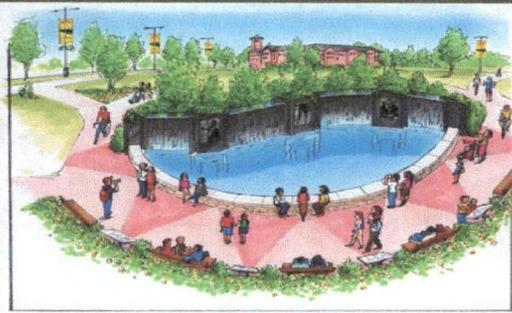


# BROWNFIELD SITES ALONG THE VOTING RIGHTS TRAIL



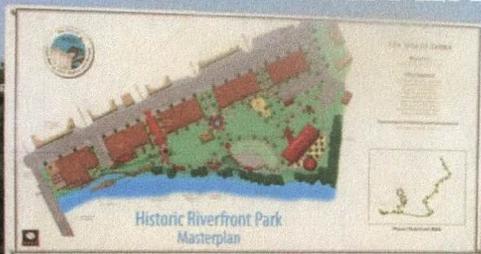
## VOTING RIGHTS TRAIL PARTNERS

- ◉ ADEM
- ◉ AL DEPT OF REVENUE
- ◉ CITY OF SELMA
- ◉ TOWN OF HAYNEVILLE
- ◉ FEDERAL HWY ADMIN
- ◉ AL HISTORICAL COMMISSION
- ◉ DOL JOB CORPS
- ◉ US GEOLOGICAL SURVEY
- ◉ HOUSING & URBAN DEVELOPMENT
- ◉ EPA
- ◉ CITY OF MONTGOMERY
- ◉ NATIONAL PARKS SERVICE
- ◉ USDA NRCS
- ◉ US ARMY CORPS OF ENGINEERS
- ◉ AL DEPT OF TRANSPORTATION
- ◉ AL SCENIC RIVER TRAIL ASSOCIATION
- ◉ AL TOURISM DEPT

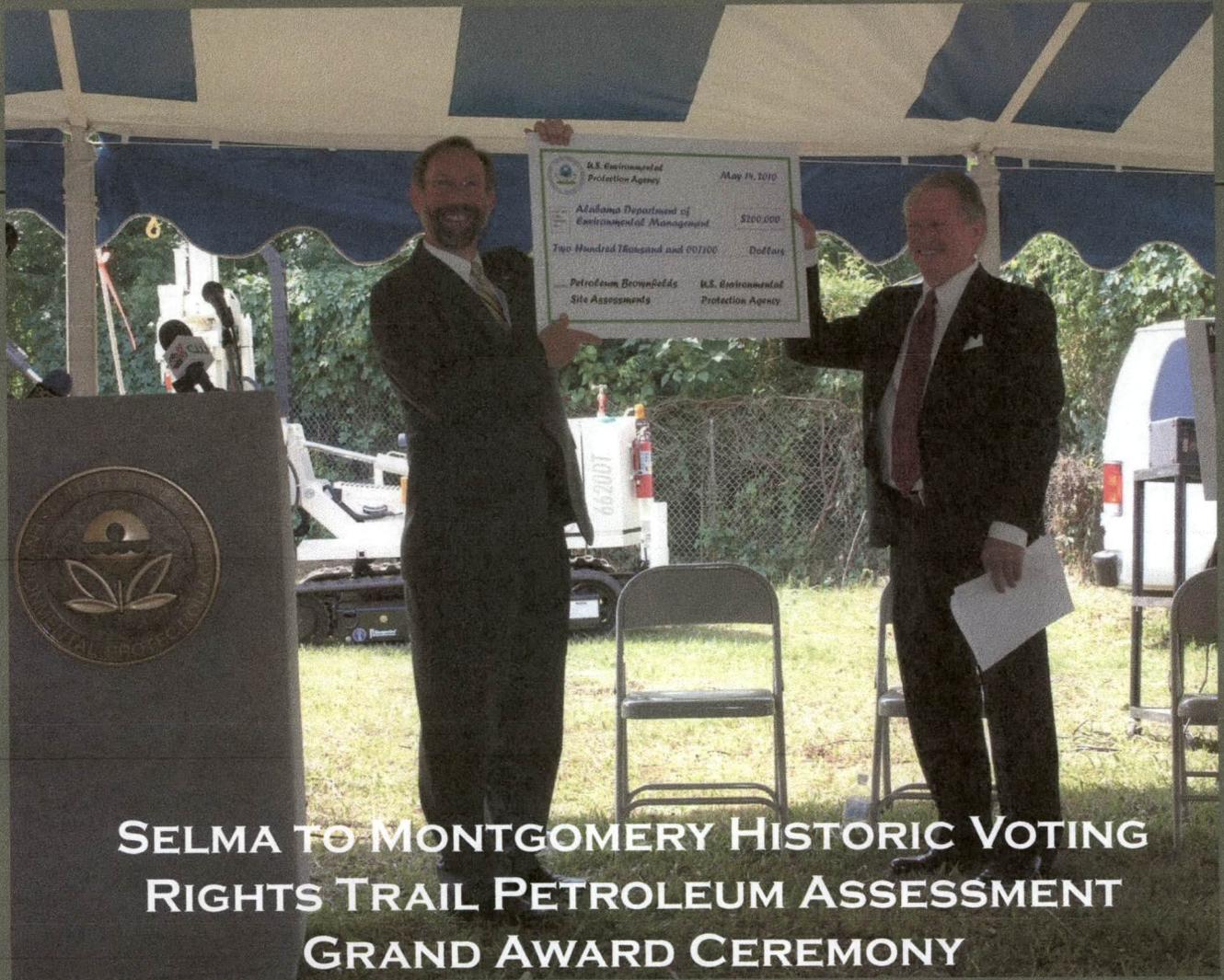


ARTISTS' RENDITIONS FROM SELMA TO MONTGOMERY  
VOTING RIGHTS TRAIL "VISIONING" SESSIONS

# PREPARATION FOR THE GROUNDBREAKING CEREMONY FOR SELMA'S HISTORIC RIVERFRONT PARK



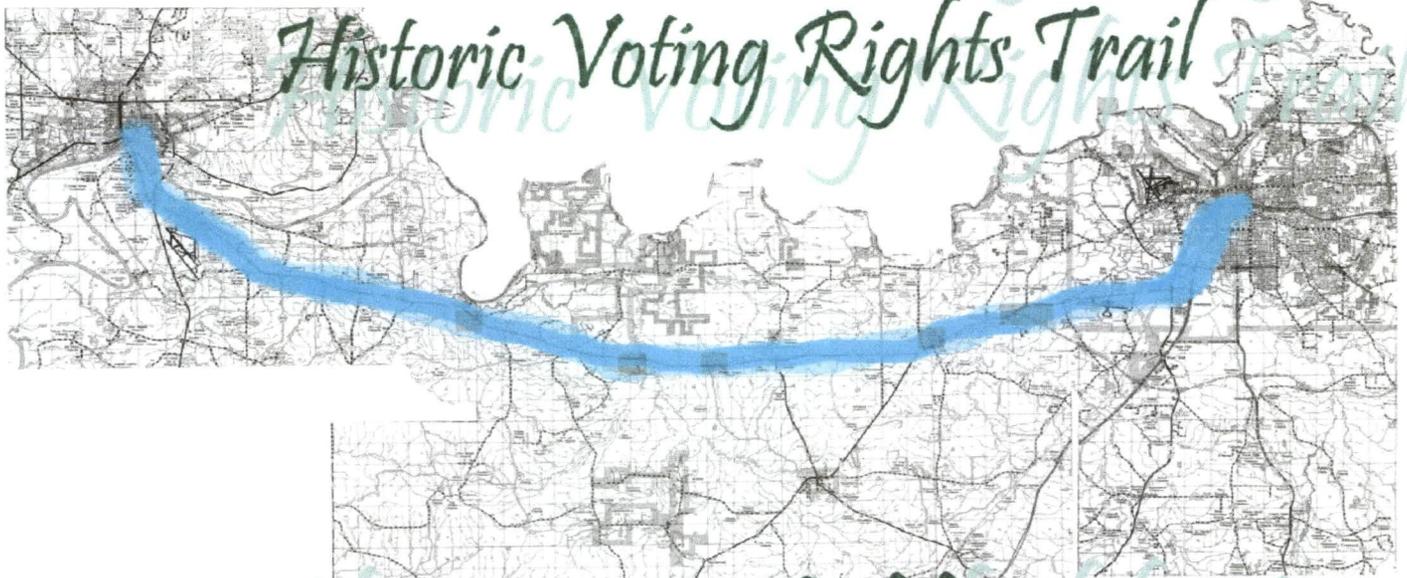
FORMER BROWNFIELDS SITE



**SELMA TO MONTGOMERY HISTORIC VOTING  
RIGHTS TRAIL PETROLEUM ASSESSMENT  
GRAND AWARD CEREMONY**

Selma to Montgomery

Historic Voting Rights Trail



Petroleum Brownfields Sites



**PETROLEUM BROWNFIELDS SITE ON THE SELMA TO MONTGOMERY  
HISTORIC VOTING RIGHTS TRAIL**



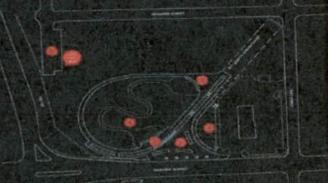
# FAIRVIEW ENVIRONMENTAL PARK (GENETTA CREEK RESTORATION AND FLOOD CONTROL PROJECT)

## FAIRVIEW ENVIRONMENTAL PARK



The City of Montgomery created Fairview Environmental Park to enhance water quality in Genetta Watershed through green infrastructure and to provide green space for Fairview Avenue's business district and neighborhoods.

- Stormwater Plaza
- Amphitheatre
- MIA Rain Garden
- Constructed Wetland
- Stormwater Inlet
- Parking



### FOUNDER PARTNERS

Alabama Department of Environmental Management • U.S. Environmental Protection Agency • U.S. Department of Housing and Urban Development • USDA Forest Service • National Fish and Wildlife Foundation • Alabama Power Company

**PARK OPEN SUNRISE TO SUNDOWN**

**FORMER BROWNFIELDS AND  
VOLUNTARY CLEANUP PROGRAM SITE**

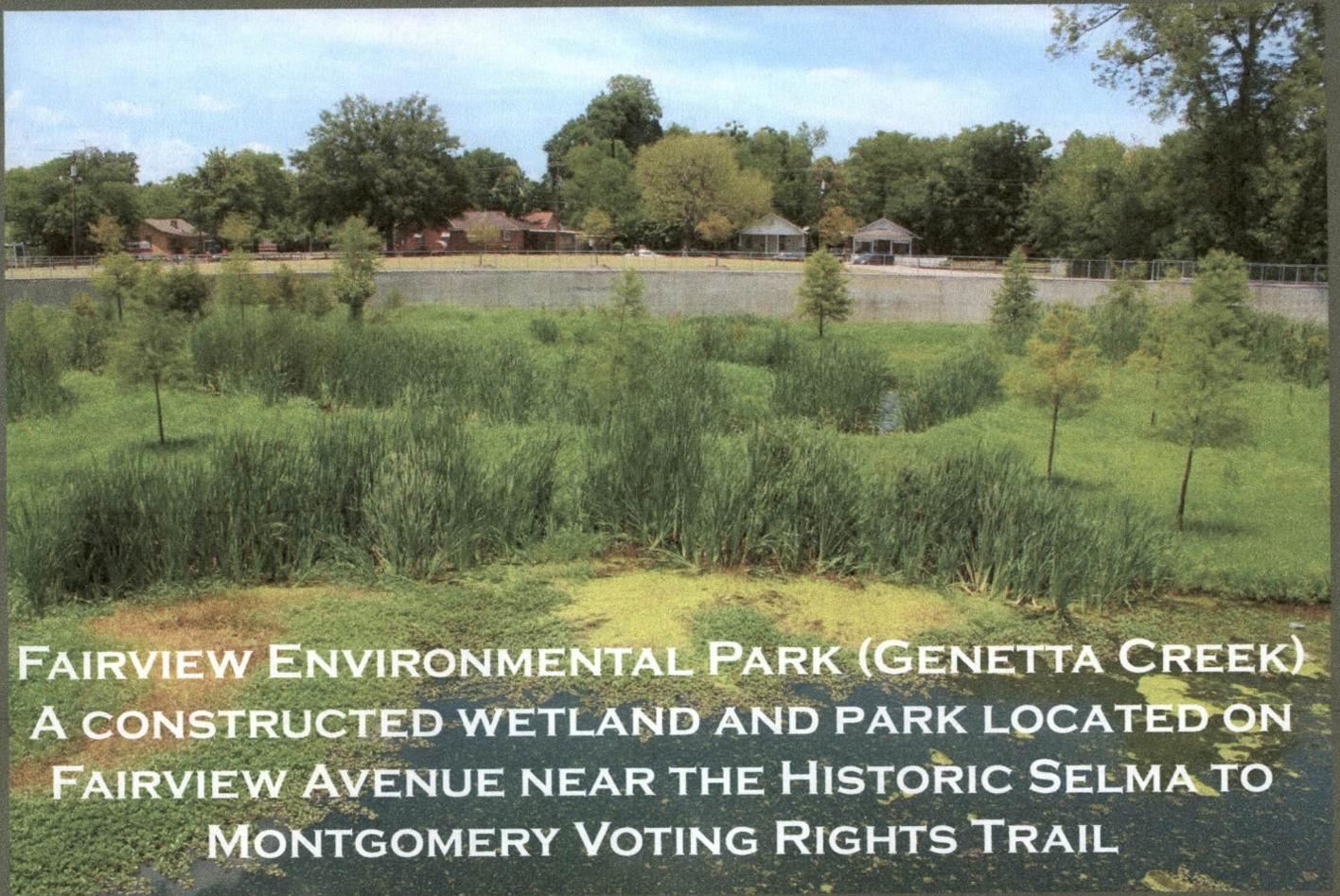


**GENETTA CREEK BEFORE REDEVELOPMENT**



**FAIRVIEW ENVIRONMENTAL PARK  
WALKING TRAIL**

**FORMER BROWNFIELDS AND  
VOLUNTARY CLEANUP  
PROGRAM SITE**



**FAIRVIEW ENVIRONMENTAL PARK (GENETTA CREEK)  
A CONSTRUCTED WETLAND AND PARK LOCATED ON  
FAIRVIEW AVENUE NEAR THE HISTORIC SELMA TO  
MONTGOMERY VOTING RIGHTS TRAIL**

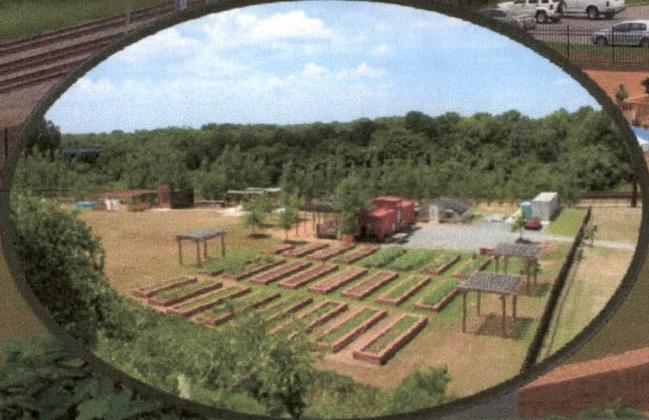
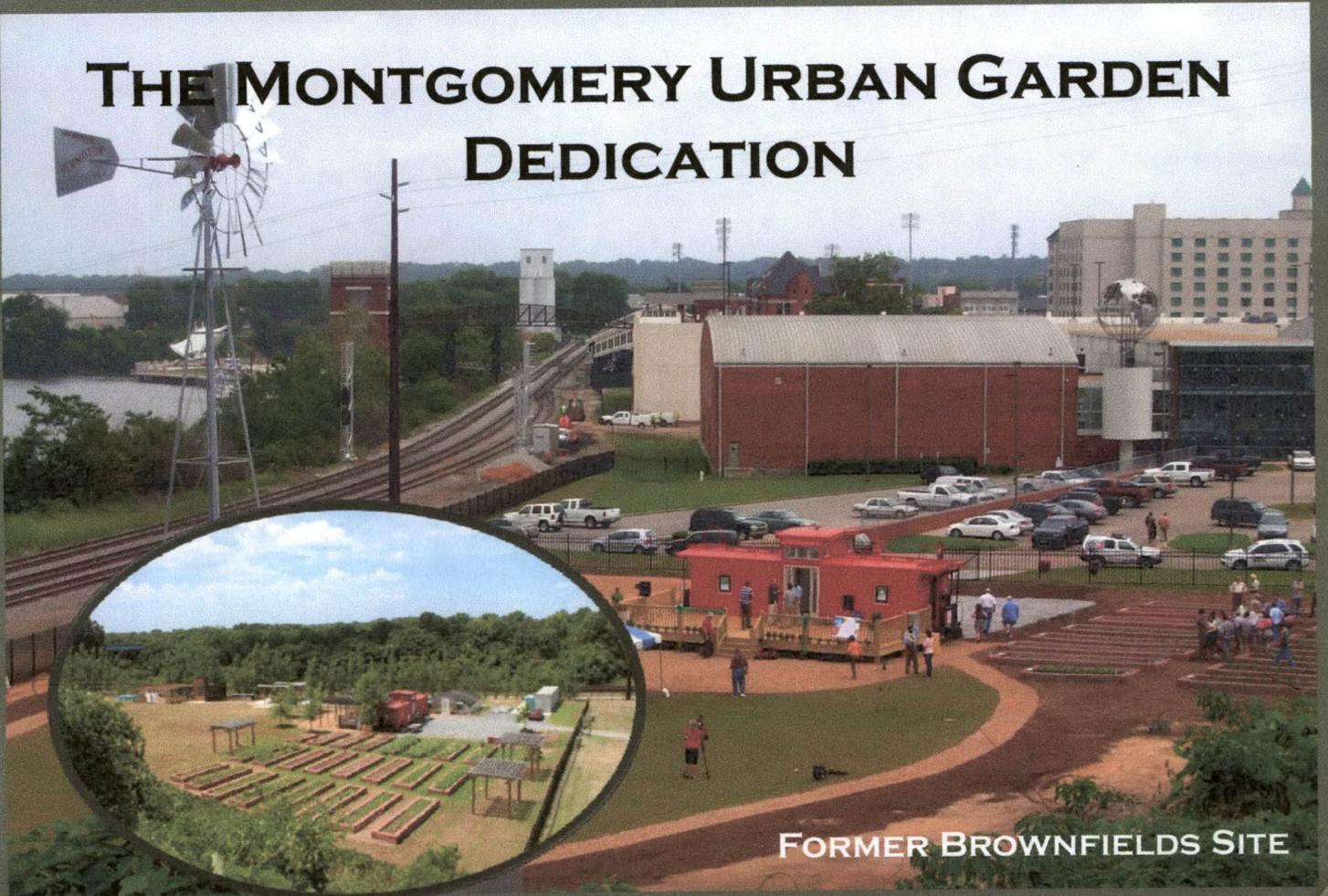


**MONTGOMERY'S RIVERWALK STADIUM  
FORMER COTTON WAREHOUSE AND MANUFACTURED  
GAS PLANT.**



**MONTGOMERY RAIL AREA ~ 1950**

# THE MONTGOMERY URBAN GARDEN DEDICATION



FORMER BROWNFIELDS SITE

ENTRANCE FROM OVERLOOK PARK TO  
THE MONTGOMERY URBAN GARDEN





**RENOVATED OVERLOOK PARK  
VIEW TO THE WEST**

# BIORETENTION BASINS AID IN REPLENISHING GROUNDWATER AQUIFERS (WEST OF OVERLOOK PARK)

## Bioretention Basin

The American River Watershed Partnership, in partnership with the City of Montgomery, Coca-Cola Refreshments, WWF and the World Wildlife Fund to assist the demonstration rain garden at this location.

**What is a rain garden?** A rain garden is a shallow depression in the landscape that captures and filters rainwater runoff from roofs, driveways, and parking lots. It is a natural, self-sustaining system that helps reduce the amount of stormwater that enters the sewer system and helps recharge groundwater aquifers.

**Why plant a rain garden?** Stormwater is an important resource and every drop counts. Rain gardens help manage the water by capturing runoff and allowing it to infiltrate the ground. This process helps recharge groundwater aquifers and reduces the amount of stormwater that enters the sewer system. Rain gardens also help filter pollutants from the water and provide habitat for native plants and animals.

**What plants are in the garden?** The plants in the garden are native to the area. Native plants are the best choice for a rain garden because they are adapted to the local climate and soil conditions. Some of the plants in the garden include: Blackberry, Swamp Milkweed, Yellow-flowered Anemone, Blueberry, and Purple Coneflower. Other plants in the garden include: Blackberry, Swamp Milkweed, Yellow-flowered Anemone, Blueberry, and Purple Coneflower.

**Other things to be in a rain garden:** A rain garden should be planted with a variety of plants that have different root depths and water requirements. This helps to filter the water and recharge the groundwater. It is also important to plant native plants that are adapted to the local climate and soil conditions.

**Plant a tree!** Trees help filter rainwater and provide shade for the garden. They also help to reduce the amount of stormwater that enters the sewer system. It is important to plant trees that are adapted to the local climate and soil conditions.

**Cover bare ground and stop mowing:** Bare ground and mowed lawns can contribute to the amount of stormwater that enters the sewer system. It is important to cover bare ground with mulch or plants and to stop mowing the lawn.

**Reduce the water:** It is important to reduce the amount of water that enters the sewer system. This can be done by taking shorter showers, using less water when washing dishes, and fixing leaks.

**Do not wash your car:** Washing your car can contribute to the amount of stormwater that enters the sewer system. It is important to avoid washing your car in a driveway or on a lawn.

**Do not use fertilizers and pesticides:** Fertilizers and pesticides can contribute to the amount of stormwater that enters the sewer system. It is important to avoid using fertilizers and pesticides in a rain garden.

**Do not use herbicides:** Herbicides can contribute to the amount of stormwater that enters the sewer system. It is important to avoid using herbicides in a rain garden.

**Do not use insecticides:** Insecticides can contribute to the amount of stormwater that enters the sewer system. It is important to avoid using insecticides in a rain garden.

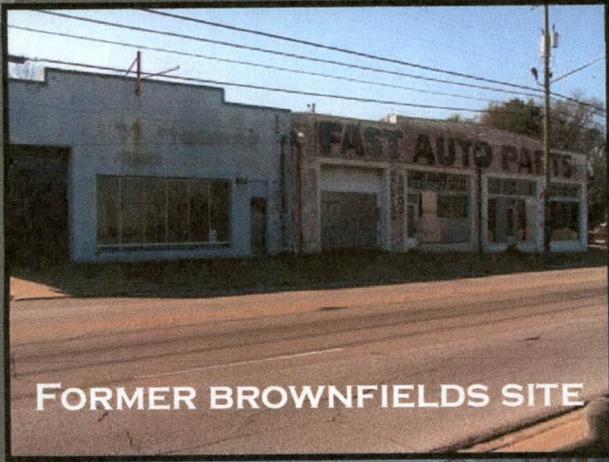
**Do not use fungicides:** Fungicides can contribute to the amount of stormwater that enters the sewer system. It is important to avoid using fungicides in a rain garden.

**Do not use any other chemicals:** It is important to avoid using any other chemicals in a rain garden.

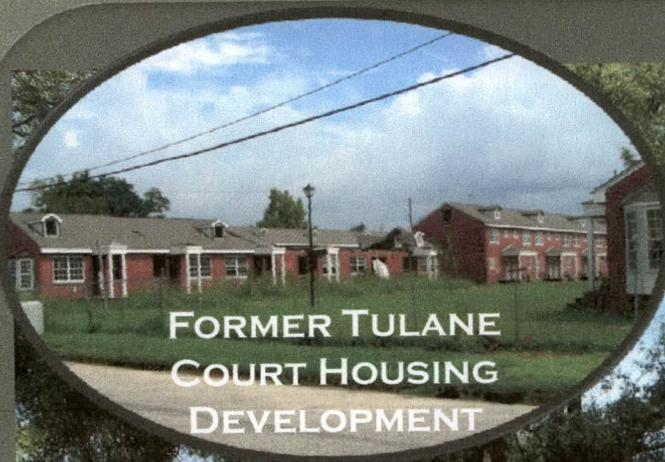
**For more information on rain gardens in your yard, visit the National Storm Water Watch website at <http://www.stormwaterwatch.org>.**

City of Montgomery, Coca-Cola Refreshments, WWF

FORMER BROWNFIELDS SITE



# BROWNFIELDS REDEVELOPMENT OVERLOOK APARTMENTS



**FORMER TULANE  
COURT HOUSING  
DEVELOPMENT**



**RENEWED AND REVITALIZED**



**MAKING A VISIBLE  
DIFFERENCE IN COMMUNITIES**

**THROUGH BROWNFIELDS  
REDEVELOPMENT**

**Attachment 3**

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

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

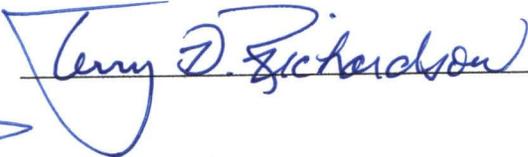
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rule 335-6-6-.01/Purpose (Amend); 335-6-6-.02/Definitions (Amend); 335-6-6-.03/Requirement for NPDES Permit (Amend); 335-6-6-.06/Duration of Permits (Amend); 335-6-6-.06/Continuation of Expiring Permits (Amend); 335-6-6-.10/Requirements Applicable to Particular Discharges (Amend); 335-6-6-.12/Conditions Applicable to all NPDES Permits (Amend); 335-6-6-.13/Conditions Applicable to Specific Categories of NPDES Permits (Amend); 335-6-6-.14/Establishing Limitations, Standards, and Other Permit Conditions (Amend); 335-6-6-.15/Calculating NPDES Permit Limitations (Amend); 335-6-6-.17/Transfer, Modification, Revocation and Reissuance, and Termination of Permits (Amend); 335-6-6-.18/Enforcement under NPDES (Amend); 335-6-6-.19/Tentative Determinations and Draft NPDES Permits (Amend); 335-6-6-.21/Public Notice Requirements (Amend); 335-6-6-.23/General Permits (Amend);] of the Department's Water Quality Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of August 2015.

APPROVED:

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DISAPPROVED:

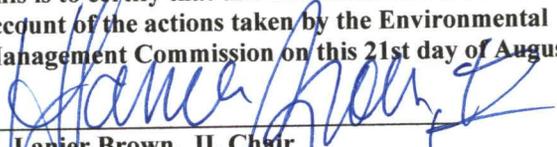
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ABSTAINED:

\_\_\_\_\_

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 21st day of August 2015.

  
\_\_\_\_\_  
H. Lanier Brown, II, Chair  
Environmental Management Commission  
Certified this 21st day of August 2015

**Attachment 4**

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

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

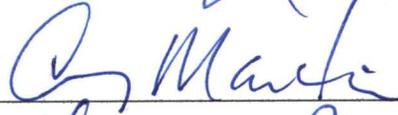
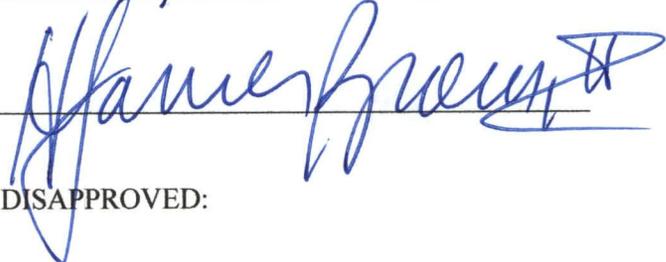
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rule 335-6-20/Reclaimed Water Reuse Program (New)] of the Department's Water Quality Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of August 2015.

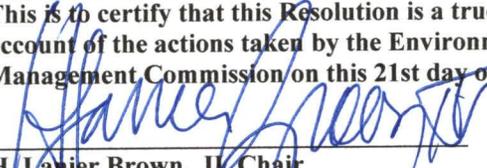
APPROVED:

DISAPPROVED:

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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 21st day of August 2015.

  
\_\_\_\_\_  
H. Lawler Brown, II, Chair  
Environmental Management Commission  
Certified this 21st day of August 2015

ABSTAINED:

\_\_\_\_\_

## **Attachment 5**

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

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

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rule 335-6-8-.01/Purpose (Amend); 335-6-8-.02/Definitions (Amend); 335-6-8-.05/Prohibited Actions (Amend); 335-6-8-.07/Permit Issuance Procedures (Amend); 335-6-8-.09/Class III Well Permit Application Requirements (Amend); 335-6-8-.10/Class V Well Permit Application Requirements (Amend); 335-6-8-.12/Class V Well Permit Requirements (Amend)] of the Department's

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

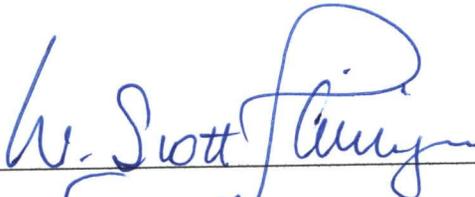
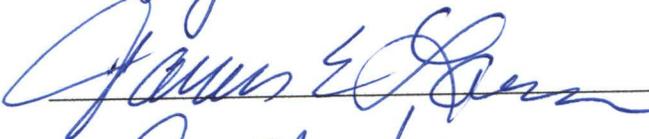
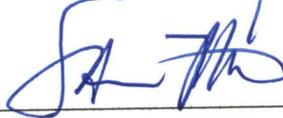
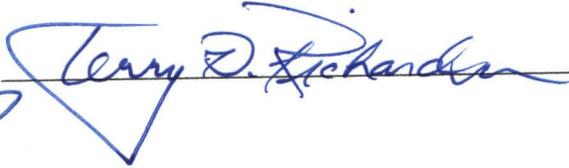
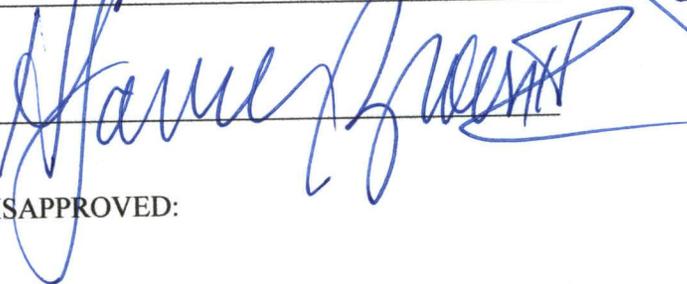
Water Quality Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 21st day of August 2015.

APPROVED:

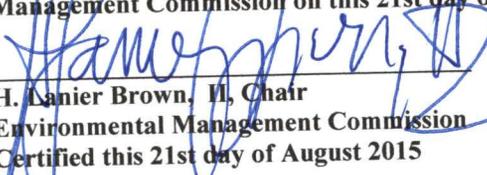
	
	
	
	

DISAPPROVED:

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ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 21st day of August 2015.



H. Danier Brown, II, Chair  
Environmental Management Commission  
Certified this 21st day of August 2015

**Attachment 6**

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

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

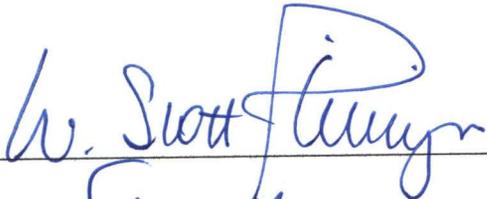
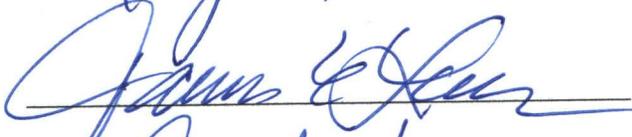
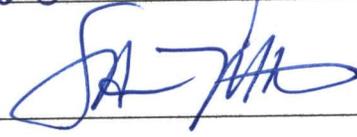
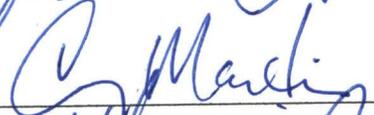
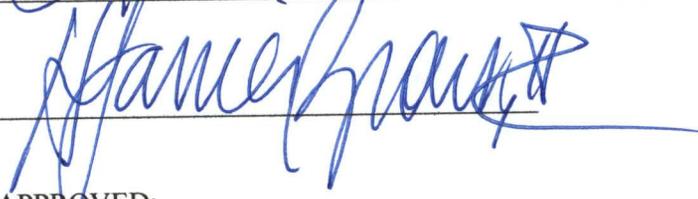
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rule 335-6-16-.09/Scope of Tank Trust Fund Coverage (Amend)] of the Department's Water Quality Program rules, administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 21<sup>st</sup> day of August 2015.

APPROVED:

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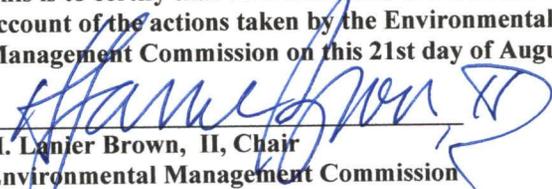
DISAPPROVED:

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ABSTAINED:

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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 21st day of August 2015.

  
\_\_\_\_\_  
H. Lanier Brown, II, Chair  
Environmental Management Commission  
Certified this 21st day of August 2015