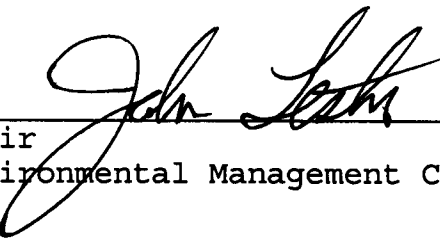


**10/20/10**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
August 27, 2010**



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 27, 2010.

  
\_\_\_\_\_  
Chair  
Environmental Management Commission

Certified this 15th day of October 2010.



**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
August 27, 2010**

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

**Part A**

**Transcript**

**Part B**

**Attachment Index**

**Attachments 1 – 2**



**Part A**





AEMC COMMISSION MEETING - 8/27/2010

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING</p> <p style="text-align: center;">Alabama Department of Environmental Management Building Alabama Room (Main Hearing Room) 1400 Coliseum Boulevard Montgomery, Alabama</p> <p style="text-align: center;">August 27, 2010                      11:00 a.m.</p>	<p style="text-align: right;">Page 3</p> <p>1                      PROCEEDINGS 2                      DR. LESTER: Call this 3 meeting to order. We have a new member; 4 and I'm going to introduce him, and then 5 our director will say a few words about 6 him, too, I guess about his conduct or 7 something. I don't know. 8                      So we have Dr. Terry D. 9 Richardson, University of North Alabama. 10 He's a biologist. His resume is so long 11 that it takes a ream of paper to print it 12 all out, but he's very well qualified and 13 very well known throughout his area of 14 expertise. Good to have you with us. 15 He's replacing where Dr. Gardner's slot 16 was. 17                      DR. RICHARDSON: Thank you. 18 Thank you. It's a pleasure to be here. 19                      DR. LESTER: At this time, 20 I'll call -- get a motion for the minutes 21 of the June 25th meeting. It's so 22 unusual, because Dr. Richardson wasn't at 23 that meeting, so he asked to mark him</p>
<p style="text-align: right;">Page 2</p> <p>1 COMMISSION MEMBERS PRESENT: 2 DR. JOHN H. LESTER, VICE-CHAIR 3 SAM H. WAINWRIGHT, P.E. 4 W. SCOTT PHILLIPS 5 DR. J. CONRAD PIERCE 6 H. LANIER BROWN, II, ESQ. 7 DR. TERRY D. RICHARDSON 8 9 ALSO PRESENT 10 ROBERT TAMBLING, EMC LEGAL COUNSEL 11 DEBI THOMAS, EMC EXECUTIVE ASSISTANT 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 "abstain" on the vote because the fact 2 that -- even though all of us have got 3 copies of the minutes, even though he 4 wasn't physically here, he would abstain. 5                      Do I have a motion on the 6 minutes? 7                      MR. BROWN: So move. 8                      MR. WAINWRIGHT: Second. 9                      DR. LESTER: Motion and 10 second. All in favor, say aye. 11                      ALL: Aye. 12                      DR. LESTER: All opposed? 13 (No response.) Fixing to leave you out. 14 Report from the Director. 15                      MR. LEFLEUR: Wouldn't be 16 the first time I've been left out. 17                      Good morning. It's a 18 pleasure to be here with y'all this 19 morning, and I want to add my welcome to 20 the Commission's welcome of our newest 21 member, Dr. Richardson. 22                      Mr. Chairman, you mentioned 23 that he and I have had some opportunity</p>

1 (Pages 1 to 4)

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<p style="text-align: right;">Page 5</p> <p>1 to engage with one another a bit. He was 2 down working on the -- on the gulf 3 cleanup, worked at some in Florida and 4 some in Alabama, and he was with the 5 environmental -- keeping everybody on the 6 environmental right track down there. So 7 I'm very familiar with his work. We 8 relived some of the old times of where we 9 spent the day and the night working. But 10 welcome, and on behalf of the whole 11 Department, I welcome you, Dr. 12 Richardson. 13 DR. RICHARDSON: Thank you, 14 thank you. 15 MR. LEFLEUR: Before we get 16 into our reports, let me give you a brief 17 update on the Deepwater Horizon oil 18 spill. The -- as you probably know from 19 the news reports, the well was capped on 20 July the 15th, and for the last 30 days, 21 there's been no skimmable oil in the 22 Gulf. We are moving from the protection 23 and response efforts into the recovery</p>	<p style="text-align: right;">Page 7</p> <p>1 what we call hard boom deployed in the 2 area, and when the well was capped and no 3 skimmable oil was seen for a period of 4 seven days, began a program of staged 5 removal, working with the local elected 6 officials down there. And as of today, 7 all of the hard boom has been removed. 8 And one of the important 9 things about removing that hard boom is 10 it's necessary because if we have any 11 kind of tropical storm or hurricane, that 12 boom can do more damage than good, 13 especially if it gets into the wetlands 14 area. So that is now complete. All 15 Alabama waters are now open to fishing 16 and swimming. So on those fronts, we're 17 making significant headway. 18 I do want to repeat what 19 we've said in the past, that there 20 continues to be a catastrophic impact to 21 tourism and seafood industries down 22 there, and we're working now closely with 23 federal authorities to get direct claims</p>
<p style="text-align: right;">Page 6</p> <p>1 efforts. 2 Recovery efforts include 3 cleanup of tar balls at Dauphin Island, 4 Gulf Shores, and Orange Beach, and this 5 could go on for a period of weeks or 6 perhaps even months. The tar balls 7 coming ashore has resulted in significant 8 staining of those beaches down there, and 9 that's one of the major efforts of the 10 cleanup is to clean up those beaches 11 using a number of different techniques 12 including manual raking, mechanical 13 raking, some water application, sand 14 screening, using some bioremediation and 15 other methods, and working closely with 16 the mayors of those communities down 17 there, because the beaches is the main 18 thing that brings the tourists down 19 there. So they have a very high standard 20 of what's going to be needed to bring 21 that area back. We're working closely 22 with them. 23 We had about 600,000 feet of</p>	<p style="text-align: right;">Page 8</p> <p>1 paid and to get funding for the 2 environmental and economic recovery 3 that's going to need to take place over a 4 period of months and years in that area. 5 You should have received a 6 memo from me in your package on 7 rulemaking and contracts that I'll refer 8 you to. You also should have received a 9 memo referencing some different issues 10 that are currently facing ADEM. I 11 welcome any questions you may have 12 concerning those memos whenever you would 13 like to pose any questions. 14 We're now closing out our 15 Fiscal Year 2010 budget. As you're 16 aware, this has been a very interesting 17 year. Remarkably, ADEM managed to meet 18 its grant commitments despite its sparse 19 appropriation and numerous demands on its 20 resources. 21 It's important to understand 22 that ADEM operated during this past year 23 under a 20 percent proration budget cut.</p>

2 (Pages 5 to 8)

AEAC COMMISSION MEETING - 8/27/2010

Page 9	<p>1 8 percent was covered through a loan from                  2 the General Fund Rainy Day Fund, leaving                  3 ADEM with an effective 12 percent cut in                  4 its operating funds. That's typical of                  5 most governmental agencies; so we're                  6 having difficult times, and they are                  7 also.                  8 Most of the revenue                  9 components of the General Fund are                  10 performing, really, now below where we                  11 were last year. We have less volume than                  12 last year. Congress is currently                  13 operating under a continuing resolution,                  14 so we have the same basic funding that                  15 we've had from the federal sources for                  16 the last four years.                  17 With this in mind, I look                  18 forward to 2011 probably being more                  19 austere even than in 2010 fiscal year.                  20 ADEM will have to work closely together                  21 with its stakeholders and everyone                  22 affected to meet the challenges of the                  23 next fiscal year.</p>	Page 11	<p>1 with the MS4 and permits in the new                  2 nutrient standards that are being worked                  3 on primarily in Florida which will apply                  4 to all of the states within our region.                  5 We are ahead of the curve on the nutrient                  6 standards. We just met with the water                  7 people, and they've made significant                  8 progress ahead of where EPA is requiring                  9 that we go.                  10 Field Operations will                  11 continue to respond to the Deepwater                  12 Horizon spill and its remediation, and                  13 that's going to be a longterm project.                  14 They will be working down there. As I                  15 said, more tar balls will be coming in                  16 for a period of months, and cleaning up                  17 the staining on the beach could last a                  18 year or more. So we have a long-term                  19 commitment down there on that. That will                  20 be handled primarily through Field                  21 Operations.                  22 Permits and Services, one of                  23 their major efforts this year is going to</p>
Page 10	<p>1 Some of these challenges I'd                  2 like to outline briefly for you. In the                  3 upcoming year, by division, some of the                  4 challenges that we'll be facing in                  5 addition to our normal pursuits: In the                  6 Air Division, we'll be having new ozone                  7 standards. They were going to be                  8 promulgated and released at the end of                  9 August, but they've now delayed that                  10 until the first part of October.                  11 There'll be new NOx and SOx                  12 standards, and climate change regulation                  13 is now coming online with greenhouse gas.                  14 We have the new boiler MACT standards,                  15 which are posing considerable strictures                  16 on various industry around, including                  17 many small industries. Land Division                  18 will be facing coal ash regulations and                  19 some new hazardous waste regulations                  20 also.                  21 The water area, we're moving                  22 to general permits in the storm water                  23 area. We'll be having some challenges</p>	Page 12	<p>1 be to expand the E-Gov applications.                  2 That's going to have a positive impact on                  3 our budget in that the more we can get                  4 participation in that E-Gov program, the                  5 less man hours that will be required to                  6 handle the paper mailing type of                  7 reporting and applications.                  8 They're continuing with                  9 their pursuit of the transparency goals                  10 we've had for some time. This is                  11 happening primarily through our website.                  12 And we have been meeting with many of the                  13 stakeholder groups, including many of the                  14 environmental groups, about improving the                  15 transparency through our website, and                  16 we're making considerable efforts in that                  17 area.                  18 These are in addition to the                  19 normal things that are going on, the                  20 normal challenges that are seen within                  21 the Department each year. We have some                  22 level of confidence that we can meet                  23 these challenges because ADEM's</p>

3 (Pages 9 to 12)

AEMC COMMISSION MEETING - 8/27/2010

Page 13

1 performance in the past has proven that  
 2 we can deal with changing budgets and  
 3 changing priorities as they come due.  
 4 This past year, a few items  
 5 that will help us understand what's been  
 6 going on and how ADEM has been able to  
 7 respond, we have over a 270 percent  
 8 increase in the electronic DMR  
 9 participation. That's a good increase,  
 10 but we're looking to continue that  
 11 increase, as I said before.  
 12 Initiated cleanup of over  
 13 \$350,000 worth of scrap tire sites and  
 14 over \$1.7 million worth of illegal dump  
 15 sites. We continue to be ahead of  
 16 schedule with the Anniston Army Depot  
 17 Weapons Disposal program. That's been a  
 18 model program, and it's running ahead of  
 19 schedule.  
 20 ADEM has also seen a  
 21 dramatic increase in the number of  
 22 inspections and compliance evaluations  
 23 across the board. This has been a source

Page 14

1 of criticism for ADEM in the past,  
 2 primarily because of restructuring and  
 3 manpower shortages that we have within  
 4 our state due to budgetary concerns.  
 5 We are correcting -- we've  
 6 worked on correcting the 24-hour fine  
 7 particle non-attainment problem in  
 8 Jefferson County, and by year end, it's  
 9 likely that Jefferson County will be able  
 10 to achieve attainment for the one-year  
 11 standard as well as for the 24-hour  
 12 standard.  
 13 It's worthy to note that  
 14 ADEM has already begun work on meeting a  
 15 number of EPA's priorities before those  
 16 were officially announced, and the  
 17 nutrients program is an example of that  
 18 but not the only example we have.  
 19 Another set of  
 20 accomplishments in which we take a  
 21 -- take significant pride is the  
 22 involvement ADEM has had in community  
 23 outreach. I've put in your folders a

Page 15

1 booklet outlining the grants programs  
 2 managed by ADEM. And it's the one that  
 3 looks like this; and we'll have some  
 4 copies available for anybody who might  
 5 want one, and we'll have them in volume  
 6 as time goes by.  
 7 But one of the things that  
 8 prompted the production of that  
 9 particular little brochure -- and it will  
 10 be updated as time goes by, like I say.  
 11 But one of the things that prompted the  
 12 development of that is, ADEM has  
 13 wide-reaching impact in communities that  
 14 is often not noted in the press and other  
 15 forums, and having some way to at least  
 16 communicate that to interested parties to  
 17 let them know that ADEM does a lot of  
 18 things that are sort of below the radar.  
 19 And this is to get a little bit more  
 20 visibility and put it in terms that  
 21 people can hopefully understand that ADEM  
 22 is a proactive agent for the  
 23 environmental -- positive environmental

Page 16

1 change in the state. I think you'll find  
 2 that those contributions are fairly  
 3 remarkable.  
 4 At the end of that brochure,  
 5 by the way, you'll see a list of some of  
 6 the staff members that make these works  
 7 possible, on the back page there. You'll  
 8 also notice in the lobby the board  
 9 exhibit shows some of the good work done  
 10 through our no-idling campaign in the  
 11 school system across the state.  
 12 We've had great response to  
 13 this effort, and I'd like to recognize  
 14 Sonja Favors and Lynn Roper, if they're  
 15 in the room, for their hard work. Don't  
 16 see them here, but they have done a lot  
 17 of work on this initiative. This is  
 18 where we have the busses turning off  
 19 their ignitions if they've been idling  
 20 for a five-minute period of time to  
 21 reduce emissions from these diesel  
 22 busses.  
 23 The spirit of cooperation

4 (Pages 13 to 16)

AEMC COMMISSION MEETING - 8/27/2010

Page 17	Page 19
<p>1 among this fine staff of professionals 2 will in the end carry us through the 3 challenges we're going to be seeing in 4 2011, and I have great confidence in 5 that. 6 A good example of the 7 teamwork at ADEM is clearly represented 8 by the number of ADEM staff that have 9 answered the call during the oil spill. 10 We did up a list that's in your folders, 11 and Debi counted them for me just before 12 we came in here. It's gotten up to 96 13 people. And that's quite remarkable that 14 we've had that many people that have 15 volunteered to participate in this 16 incident. It's been a dramatic incident 17 in the life of this state, and I'd like 18 for any of the employees that are here 19 today that have been down on the coast, 20 please stand up and let us recognize you. 21 Ed, you can stand up. (Applause.) 22 So with that, if there are 23 no questions from the Commission, I'd</p>	<p>1 Act in all areas. A public water system, 2 if nominated for consideration, competes 3 against public water systems in all eight 4 states regulated by EPA Region 4. 5 The requirements are so 6 stringent that in most years, EPA does 7 not issue an award in all six categories. 8 In 2009, EPA only issued three Operation 9 Excellent Awards. Of those three awards 10 issued, two of them were issued to public 11 water systems located in the state of 12 Alabama. 13 These two Alabama public 14 water systems are, in the large 15 groundwater system category, Daphne 16 Utilities, and in the medium groundwater 17 system category, Monroeville Water Works. 18 Today, we have representatives from both 19 of these public water systems here to 20 receive recognition from the Department 21 for being selected by EPA Region 4 as 22 being Operation Excellent Award winners 23 for 2009.</p>
Page 18	Page 20
<p>1 like to -- I'd like to introduce one of 2 our people in our drinking water area, 3 our chief, Dennis Harrison. It's always 4 a pleasure for us to have the permitted 5 facilities that we work with to be 6 recognized for their superior 7 accomplishments. And come on up, Dennis. 8 I'd like for Dennis to do -- on my 9 behalf, to do this presentation to these 10 people for their fine work. 11 MR. HARRISON: Mr. Chairman, 12 members of the Commission, every year, 13 EPA issues Operation Excellent awards for 14 as many as six different categories of 15 public water systems. The six categories 16 are based on the drinking water source, 17 whether it's groundwater or surface 18 water, and the size of the water system. 19 These awards are only issued 20 to public water systems -- to a public 21 water system if that water system is 22 operated above and beyond the minimum 23 requirements of the Safe Drinking Water</p>	<p>1 And I'll call up the -- 2 first, the folks from Daphne. We have 3 Rob McElroy, Danny Lyndall, Bob Segalla, 4 Larry Jackson, and Larry English. 5 (Applause.) 6 MR. LEFLEUR: It's my 7 pleasure to award you this. That's quite 8 an accomplishment. Quite an 9 accomplishment. They're one of only 10 three. Congratulations, gentlemen. 11 Excellent work. Please keep it up. 12 Please keep it up. You do us all proud. 13 (Applause.) 14 MR. HARRISON: In the medium 15 groundwater system, from Monroeville, 16 William Snyder, Butch Feaster, and Bob 17 Burns. And you may remember about two 18 Commission meetings ago, they were here 19 and also won a CCR award from EPA. I've 20 never known anybody to get two in one 21 year, and this is really a fantastic 22 accomplishment. (Applause.) 23 MR. LEFLEUR: We're going to</p>

5 (Pages 17 to 20)

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Page 21	Page 23
<p>1 have to find out how you guys do this and                  2 get you to train the rest of the folks                  3 around the state. Congratulations.                  4 (Applause.)                  5 DR. LESTER: Thank you, Mr.                  6 Director. Talking about these towns,                  7 it's hard work and doing it the right                  8 way, you know, crossing the t's and                  9 dotting the i's and following up. Thank                  10 you for your leadership throughout all of                  11 this, and also our talented staff and                  12 personnel. Now, we've got the best                  13 talent I've seen anywhere, and two have                  14 got -- even though the spotlight has been                  15 on -- we've got to remember north                  16 Alabama, east Alabama, west Alabama, and                  17 south Alabama we cover, even though the                  18 spotlight has been down in Mobile.                  19 The next item is proposed                  20 new ADEM Administrative Code Division                  21 335-11, Clean Water State Revolving Fund                  22 Program and the repeal of ADEM                  23 Administrative Code rules 335-6-4 and</p>	<p>1 package. A minor revision was made as a                  2 result of those comments.                  3 We respectfully ask for your                  4 favorable consideration of the proposed                  5 rule, and I'll yield for any questions.                  6 MR. PHILLIPS: So move that                  7 we accept.                  8 MR. BROWN: Second.                  9 DR. LESTER: Motion favored                  10 and seconded. All in favor, say aye.                  11 ALL: Aye.                  12 DR. LESTER: All opposed?                  13 (No response.)                  14 MR. KELLY: Thank you, Mr.                  15 Chairman. Thank you.                  16 MS. THOMAS: Could I clarify                  17 who seconded on that motion?                  18 MR. BROWN: (Raises hand.)                  19 MS. THOMAS: Thank you.                  20 DR. LESTER: It's all about                  21 you down in the Gulf area. Noticing he's                  22 done a lot of work on the spiny lobster.                  23 MR. LEFLEUR: I'd like to</p>
Page 22	Page 24
<p>1 335-6-14.                  2 MR. KELLY: Thank you, Mr.                  3 Chairman. Members of the Commission, I'm                  4 Russell Kelly, Chief of the Permits and                  5 Services Division. Today we're asking                  6 for your consideration of the new                  7 proposed rules in Division 11 - Clean                  8 Water State Revolving Fund Program and                  9 the repeal of the old SRF rules.                  10 The new rules will allow the                  11 Department to find a wider range of                  12 projects with the SRF, including green                  13 infrastructures, urban storm water                  14 projects, and water conservation and                  15 reuse.                  16 The Department published a                  17 notice on June 20th, 2010, and we held a                  18 public hearing on August 4th. During the                  19 public hearing, no comments were                  20 received; however, prior to the close of                  21 the comment period, we did receive two                  22 comments, one in support, one that we                  23 reconciled. And that's part of your</p>	<p>1 help him with that study.                  2 DR. LESTER: I figured                  3 that's what y'all were doing at night.                  4 Business, our future                  5 business session is October 15th. Does                  6 anybody have any problems with that date?                  7 Never know what part of the world Scott's                  8 going to be in. Just got back from                  9 Singapore.                  10 MR. PHILLIPS: Won't be                  11 here, but that's okay.                  12 DR. LESTER: By then, you                  13 might be. Does anybody else have a                  14 problem? Any way to reconcile it?                  15 MR. PHILLIPS: Only if you                  16 move it.                  17 DR. LESTER: Do I have a                  18 motion to adjourn?                  19 MR. PHILLIPS: So move.                  20 DR. RICHARDSON: Second.                  21 DR. LESTER: All in favor,                  22 say aye.                  23 ALL: Aye.</p>

6 (Pages 21 to 24)

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1 DR. LESTER: All opposed?  
 2 (No response.)  
 3 (End of proceedings.)  
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 2 REPORTER'S CERTIFICATE  
 3 \* \* \* \* \*  
 4  
 5 STATE OF ALABAMA  
 6 COUNTY OF MONTGOMERY  
 7  
 8 I, Jenny Cone, Certified Court  
 9 Reporter and Notary Public in and for the  
 10 State of Alabama at Large, do hereby  
 11 certify that the foregoing is a true and  
 12 accurate excerpt of the proceedings as  
 13 taken stenographically by me at the time  
 14 and place aforementioned.  
 15 This 3rd day of September, 2010.  
 16  
 17  
 18  
 19  
 20 \_\_\_\_\_  
 21 Jenny Cone  
 22 Certified Court Reporter (Lic.  
 23 #108) and Notary Public  
 State of Alabama at Large

7 (Pages 25 to 26)

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REPORTER'S CERTIFICATE

\* \* \* \* \*

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

I, Jenny Cone, Certified Court Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that the foregoing is a true and accurate excerpt of the proceedings as taken stenographically by me at the time and place aforementioned.

This 3rd day of September, 2010.

*Jenny Cone/cr*  
-----

Jenny Cone  
Certified Court Reporter (Lic. #108) and Notary Public  
State of Alabama at Large



<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 13:6 14:9  <b>abstain</b> 4:1,4  <b>accept</b> 23:7  <b>accomplishment</b>                  20:8,9,22  <b>accomplishments</b>                  14:20 18:7  <b>accurate</b> 26:12  <b>achieve</b> 14:10  <b>Act</b> 19:1  <b>add</b> 4:19  <b>addition</b> 10:5 12:18  <b>ADEM</b> 8:10,17,22                  9:3,20 13:6,20                  14:1,14,22 15:2                  15:12,17,21 17:7                  17:8 21:20,22  <b>ADEM's</b> 12:23  <b>adjourn</b> 24:18  <b>Administrative</b>                  21:20,23  <b>mentioned</b>                  26:14  <b>agencies</b> 9:5  <b>agent</b> 15:22  <b>ago</b> 20:18  <b>ahead</b> 11:5,8 13:15                  13:18  <b>Air</b> 10:6  <b>Alabama</b> 1:5,8,10                  1:12 3:9 5:4 7:15                  19:12,13 21:16,16                  21:16,17 26:5,10                  26:23  <b>allow</b> 22:10  <b>Anniston</b> 13:16  <b>announced</b> 14:16  <b>answered</b> 17:9  <b>anybody</b> 15:4       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**Part B**





## **Attachment Index**

- Attachment 1**      **Agenda**
- Attachment 2**      **Resolution adopting the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division Program Rules and Regulations (repeal of 335-6-4 and 335-6-14) and addition of a new division, 335-11 Clean Water State Revolving Fund Program**
- (Agenda Item 4 – Consideration of adoption of the proposed new ADEM Admin. Code Division 335-11, Clean Water State Revolving Fund Program, and the repeal of ADEM Admin. Code Rules 335-6-4 and 335-6-14)**



**Attachment 1**



7/28/10

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 27, 2010

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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4. Consideration of adoption of the proposed new ADEM Administrative Code Division 335-11, Clean Water State Revolving Fund Program, and the repeal of ADEM Administrative Code Rules 335-6-4 and 335-6-14	2
5. Other business	2
6. Future business session	2

\* 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 25, 2010
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION VICE CHAIR
4. CONSIDERATION OF ADOPTION OF THE PROPOSED NEW ADEM ADMINISTRATIVE CODE DIVISION 335-11, CLEAN WATER STATE REVOLVING FUND PROGRAM, AND THE REPEAL OF ADEM ADMINISTRATIVE CODE RULES 335-6-4 AND 335-6-14

The Commission will consider the adoption of the proposed new ADEM Administrative Code Division 335-11, Clean Water State Revolving Fund Program, and the repeal of ADEM Administrative Code Rule 335-6-4, System for Determining State Revolving Fund (SRF) Loan Priority of Publicly Owned Treatment Works Projects, and Rule 335-6-14, Construction Loans for Wastewater Treatment Facilities Water Pollution Control Revolving Loan Fund Procedures and Requirements. The proposed division 335-11 expands eligibility of water quality improvement projects for loan assistance from the Clean Water State Revolving Fund. The Department held a public hearing on the addition of this chapter and the repeal of these rules on August 4, 2010.

5. OTHER BUSINESS
6. FUTURE BUSINESS SESSION

**Attachment 2**





**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a joint public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division Program Rules and Regulations (repeal of 335-6-4 and 335-6-14) and addition of a new division, 335-11 Clean Water State Revolving Fund Program and 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.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

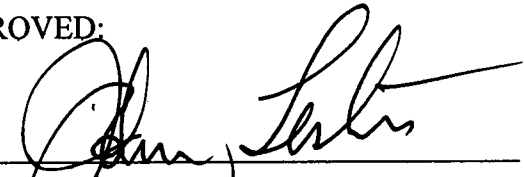

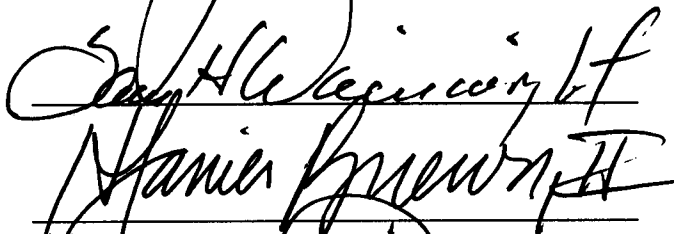
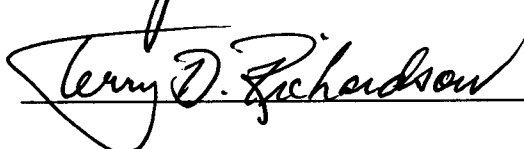

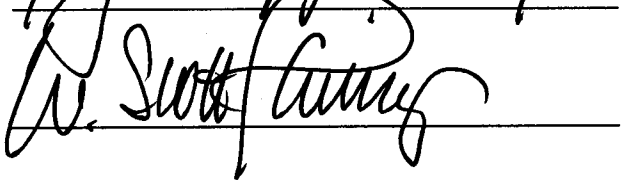
NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to 335-11/Clean Water State Revolving Fund Program, with the repeal of 335-6-4 and 335-6-14 of the Department's Water Division Program Rules and Regulations 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 335-11- Clean Water State Revolving Fund Program and repeal of  
335-6-4 and 335-6-14 Water Division Program Rules and Regulations**

IN WITNESS WHEREOF, we have affixed our signatures below on this 27<sup>th</sup> day of  
August 2010.

APPROVED:

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 _____	 _____
 _____	_____
 _____	_____

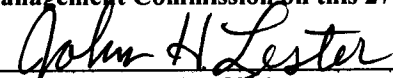
DISAPPROVED:

_____	_____
_____	_____
_____	_____

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 27th day of August 2010.

  
\_\_\_\_\_  
John H. Lester, Vice Chair  
Environmental Management Commission  
Certified this 27th day of August 2010