

01/12/2012

DRAFT

**Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 9, 2011**

DRAFT
Minutes

Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 9, 2011

Convened: 11:00 a.m.
Adjourned: 11:36 a.m.

Part A

Transcript
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Part B

Attachment Index

Attachments 1 - 6

Part A

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1
2
3 ALABAMA ENVIRONMENTAL MANAGEMENT
4 COMMISSION MEETING
5
6
7
8 * * * * *
9
10 December 9, 2011
11 11:00 a.m.
12 Alabama Department of
13 Environmental Management Building
14 Alabama Room
15 1400 Coliseum Boulevard
16 Montgomery, Alabama
17
18 * * * * *
19
20
21
22
23

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1 * * * * *
2 APPEARANCES
3
4
5 rd Members:
6 John H. Lester, Chair
7 H. Lanier Brown, II, Esquire, Vice Chair
8 Terry D. Richardson
9 Samuel L. Miller
10 W. Scott Phillips
11 James E. Laier
12
13 o Present:
14 Lance LeFleur, ADEM Director
15 Debra Thomas, AEMC Executive Assistant
16 Gerald Hardy, Chief, Land Division
17 Ron Gore, Chief, Air Division
18 Gisele Echols, AEMC Assistant
19 Robert Tambling, AEMC Legal Counsel
20
21 * * * * *
22
23

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1 CHAIRMAN LESTER: I'd like to call
2 this meeting of our
3 December 9th meeting to order.
4 We have a quorum present.
5 Each commissioner has received
6 a copy of the minutes of our
7 last meeting.
8 Do I have a motion?
9 MR. BROWN: Move to adopt.
10 DR. LAIER: Second.
11 CHAIRMAN LESTER: Motion and
12 second.
13 All in favor say
14 aye.
15 (Unanimous vote.)
16 CHAIRMAN LESTER: All opposed?
17 (No response.)
18 CHAIRMAN LESTER: As to election
19 of officers, we said at this
20 meeting we would select our
21 Chairs and Members of our
22 Personnel Committee and
23 Rule-making Committee. And

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1 we've circulated a list among
2 the Commissioners. Each one
3 has signed off on it. And
4 I'll need a motion when I get
5 through. The Personnel
6 Committee, Lanier Brown is
7 Chairman; Jim Laier and Sam
8 Miller as Members.
9 Rule-making, Scott Phillips,
10 Chair. And when we get to the
11 new Commissioner appointed, he
12 will be on it, and Terry
13 Richardson.
14 MR. BROWN: Move to adopt.
15 DR. MILLER: Second.
16 CHAIRMAN LESTER: Motion to adopt
17 with a second.
18 All in favor say
19 aye.
20 (Unanimous vote.)
21 CHAIRMAN LESTER: All opposed?
22 (No response.)
23 CHAIRMAN LESTER: Now we'll call

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1 on the Director.
2 MR. LEFLEUR: Good morning,
3 Commissioners, and welcome to
4 all of you present at this
5 last meeting of the Alabama
6 Environmental Management
7 Commission for Calendar Year
8 2011, and the second meeting
9 for fiscal year 2012.
10 My comments today
11 will be brief. I'll update
12 you on the current budget
13 situation first, and then
14 quickly bring you up to date
15 on several ongoing matters.
16 One issue dominates
17 all of State government and
18 certainly is the focus of our
19 team at ADEM, and that is
20 maintaining adequate funding
21 to accomplish our mission for
22 the balance of the current
23 fiscal year and securing

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1 adequate funding for the
2 upcoming fiscal year. Failure
3 to accomplish our mission
4 would mean EPA taking over our
5 programs and having Alabama's
6 environmental and economic
7 future determined by the
8 federal government. In these
9 dire financial times, our
10 budget will continue to be a
11 limiting factor on what this
12 Department can achieve. It
13 remains incumbent upon us to
14 determine which of our
15 priorities are mission
16 critical and maintain them at
17 all costs.
18 Allow me to recap
19 The Department's financial
20 position for fiscal year 2012
21 and then forecast our
22 financial prospects for fiscal
23 year 2013.

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1 As you know, The
2 Department's operating budget
3 is funded primarily from three
4 sources: Federal funds in the
5 form of grants to administer
6 Federal statutes; Departmental
7 fees from the regulated
8 community; and State General
9 Funds.
10 For Fiscal Year
11 2012, we know for certain that
12 two of these primary funding
13 sources, the General Fund
14 allotment and Departmental
15 fees, will change
16 significantly from the just
17 completed fiscal year 2011.
18 Our current 2012
19 General Fund allotment is
20 \$4.2 million, which is
21 \$2 million less than our
22 original FY 2011 General Fund
23 allotment. Such a massive cut

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1 would normally be catastrophic
2 especially following on the
3 heels of a 30-percent cut the
4 previous year, but as you are
5 aware, the Commission passed a
6 19-percent fee increase at its
7 October meeting that will go
8 into effect later this month.
9 This increase is expected to
10 offset a large part of this
11 year's General Fund reduction
12 and stave off the worst
13 effects of the reduction.
14 There do, however,
15 remain two wild cards in FY
16 2012; one with our Federal
17 funding and one with our
18 General Fund allotment.
19 Although all current
20 indications are that Federal
21 funding for our continuing
22 programs will remain stable,
23 this is not certain, because

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1 no Federal budgets for FY 2012
2 have passed. As you may
3 remember, the Federal
4 Government never did pass a
5 budget for FY 2011.
6 As for our FY 2012
7 State General Fund allotment,
8 we may well suffer additional
9 cuts on top of the \$2 million
10 we've already lost. Although
11 we will probably not know for
12 certain until spring, there
13 are initial indications that
14 some level of proration in the
15 General Fund is probable for
16 the FY 2012. Until we do know
17 for certain whether these
18 proration cuts will
19 materialize and to what
20 degree, I cannot report what
21 additional actions The
22 Department will take to absorb
23 them. At this time, we

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1 believe the worst of the
2 potential impact will be
3 mitigated by the previously
4 approved fee increase.
5 As challenging as
6 the FY 2012 budget is, it
7 appears the FY 2013 budget
8 will be worse. Our
9 preliminary meetings with the
10 State Finance Department have
11 given us the opportunity to
12 present our list of "wants and
13 needs" to the Finance Director
14 and to make our case for at
15 least level funding, if not
16 increased funding, for FY
17 2013. Although the numbers
18 are not yet final, it is clear
19 that there will be a
20 significant deficit in the
21 overall General Fund for FY
22 2013. It is also clear that
23 we, along with every other

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1 General Fund agency, will be
2 funded at a much lower level
3 than FY 2012.
4 To the casual
5 observer looking at The
6 Department's funding scheme,
7 this might not seem like a
8 major difficulty, because
9 percentage-wise The Department
10 receives a rather small
11 portion of its total funding
12 from the General Fund.
13 However, although our State
14 General Fund allotment is
15 small in comparison to our
16 Federal funding and income
17 from permit fees, it is
18 critical, because the General
19 Fund allotment provides the
20 required match funds for our
21 Federal funds. We are now at
22 the point where net decrease
23 in our General Fund allotment

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1 will result in the loss of
2 Federal funds. Approximately
3 40 percent of our total budget
4 is from the Federal
5 Government. So a significant
6 percentage reduction due to
7 lack of matching funds -- lack
8 of State matching funds would
9 have a dramatic impact on The
10 Department.
11 There are two
12 primary questions going
13 forward: How much will the FY
14 2013 General Fund allocation
15 be cut? And how do we absorb
16 the cut without compromising
17 our critical functions? We
18 will continue to engage with
19 the Finance Department over
20 the next several weeks and
21 should know for certain what
22 the Executive Branch's
23 recommended allotment for ADEM

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1 will be by the first of the
2 year. The Governor will then
3 transmit his proposed budget
4 to the Legislature for its
5 consideration during February.
6 We will not know our final
7 General Fund allotment until
8 the General Fund budget is
9 passed by the legislature in
10 April or May. In the
11 meantime, we will continue to
12 evaluate every part of The
13 Department for new
14 efficiencies to be implemented
15 and for noncritical functions
16 that could be eliminated.
17 The adoption of the
18 19-percent permit fee
19 increase, along with the
20 continued streamlining of
21 operations, are key components
22 of our efforts to overcome the
23 financial challenges in both

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1 FY 2012 and 2013 without
2 compromising our mission to
3 assure the citizens of the
4 State a safe, healthful, and
5 productive environment.
6 We must and we will
7 be prepared to meet the
8 challenges of these new cuts
9 well before they become final,
10 and we will continue to
11 deliver the best service
12 possible within the confines
13 of our new economic reality.
14 As you're aware, one
15 of the ways The Department is
16 addressing the budget
17 challenges is through the use
18 of technology. I've discussed
19 on numerous occasions ongoing
20 projects such as e-DMR, e-NOI,
21 e-file, and now e-complaint,
22 and the electronic flow of
23 State databases to the EPA

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1 data systems. These projects
2 have multiple benefits.
3 Clearly, they help us keep our
4 costs down. They also improve
5 the accuracy of our systems.
6 The e-file system also allows
7 all citizens to review
8 Departmental records,
9 including permits,
10 inspections, and enforcement
11 actions.
12 Additionally, our
13 Web site allows citizens to
14 submit complaints electrically
15 and to track The Department's
16 activities regarding that
17 complaint.
18 That is the latest
19 snapshot of our budget
20 situation and what we are
21 doing to deal with it.
22 Moving now to
23 nonbudget matters, I am

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1 pleased to report to you that
2 after some extended
3 discussions with EPA and the
4 efforts of many people and
5 organizations over the last
6 thirty years, the EPA has
7 requested public comment on a
8 proposed action to declare
9 Jefferson and Shelby Counties
10 an attainment area for
11 short-term and long-term fine
12 particle standards. This is
13 quite an accomplishment,
14 because since being classified
15 as a nonattainment area more
16 than thirty years ago, fine
17 particulate pollution has been
18 steadily declining, but the
19 standard for attainment has
20 been declining faster. And
21 the area has, in effect, been
22 chasing, but never catching up
23 to, the standard. Well, those

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1 in the area can be proud that
2 they have now caught the
3 standard. I extend The
4 Department's congratulations
5 to all involved.
6 On another matter,
7 as you and many in this room
8 are well aware, the
9 legislature in its last
10 session adopted legislation
11 implementing a two-year
12 moratorium on the permitting
13 of new or expanded municipal
14 solid waste landfills of a
15 certain size. During the
16 two-year moratorium, the
17 legislation charges The
18 Department, along with the
19 Alabama Department of Public
20 Health, to review the State's
21 Solid Waste Plan to determine
22 if changes are appropriate.
23 Our plan to do this involves

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1 retaining a qualified
2 independent third party
3 through a competitive bid
4 process to moderate public
5 meetings around the state,
6 which will address the solid
7 waste permitting process,
8 materials management
9 strategies for the State, and
10 other solid waste program
11 issues. A request for
12 proposals document has been
13 developed, and the selection
14 process is expected to be
15 completed by the end of
16 February, 2012. The study
17 itself will take about a year
18 to complete after that.
19 Now, to the
20 continuing issue of the
21 cleanup of the BP oil spill.
22 The response to the BP oil
23 spill is in Stage V, which is

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1 the final stage before efforts
2 transition to the recovery
3 phase. When the transition
4 from response to recovery
5 occurs, the Federal On-Scene
6 Coordinator, in this case, the
7 U.S. Coast Guard, will no
8 longer be in place, and the
9 State will deal with BP
10 directly. In anticipation of
11 the changeover, the Stage V
12 plan provides a road map to
13 complete all response
14 activities, including those
15 that will carry over into the
16 recovery phase. The cleanup
17 standard in all cases will be
18 no visible oil, which is an
19 exceptionally high standard
20 and is critical to both the
21 environment and the tourism
22 industry on our Gulf beaches.
23 Finally, I'd like to

Page 20

1 report on Environmental
2 Justice activities at ADEM.
3 This Commission has expressed
4 its desire to address how low
5 income and minority
6 communities are impacted by
7 environmental matters in
8 Alabama. The Department has
9 undertaken multiple activities
10 to identify EJ communities,
11 track industry in those areas,
12 monitor Department inspection
13 and enforcement actions in EJ
14 communities, to help low
15 income and minority
16 communities be better informed
17 about environmental matters in
18 their local areas, and,
19 finally, to provide an
20 effective way for them to file
21 environmental complaints.
22 The charts to my
23 left identify the low income

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1 lose them.
 2 This is a resolution
 3 where Debra S. Thomas has
 4 served as assistant to the
 5 Alabama Environmental
 6 Management from 1987 to 2001,
 7 whereas her service as
 8 assistant to the Alabama
 9 Environmental Management, she
 10 exemplified professionalism in
 11 her work and performance. And
 12 whereas her vast knowledge
 13 acquired from her experience
 14 with the Alabama Department of
 15 Environment Management and The
 16 Department's office of the
 17 director, and with The
 18 Department's predecessor
 19 agency, the Alabama Water
 20 Improvement Commission, she
 21 will be irreplaceable.
 22 Therefore, be it
 23 resolved that the Alabama

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1 Environmental Management
 2 Commission expresses gratitude
 3 to Debra Thomas for her
 4 significant contributions to
 5 the Commission, Department,
 6 and citizens of Alabama.
 7 Thank you.
 8 MS. THOMAS: I appreciate all of
 9 the support I've had over the
 10 many years. I've met a lot of
 11 friends. Y'all going to make
 12 me cry.
 13 CHAIRMAN LESTER: Don't cry. In
 14 her office, she's got -- The
 15 Governor has already given her
 16 one. And Lance and The
 17 Department have given her one.
 18 And Eric put it in a frame. I
 19 was afraid I would drop it.
 20 MS. THOMAS: Thank you so much.
 21 CHAIRMAN LESTER: We sure
 22 appreciate you. And I'm glad
 23 we're still going to have her

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1 here and her knowledge,
 2 because folks don't know on a
 3 day-to-day basis what --
 4 that's why our meetings run
 5 real smoothly. She's always
 6 got us in advance. She and
 7 Lance and all the departments
 8 have got us lined up. We've
 9 already got the information.
 10 And it's a good thing we've
 11 gone to this electronic stuff
 12 now, because used to when I'd
 13 leave up here, I'd have a
 14 pickup truck back full of
 15 boxes and stuff, especially
 16 when we'd have these hearings.
 17 Thank you so much.
 18 I notice for this
 19 item, the Toxic Air Studies
 20 Committee was formed by the
 21 Commission on April the 16th,
 22 2010. And that ordered the
 23 Commission designated matters

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1 related to the special
 2 committees to study air
 3 toxins. And the Commission
 4 Chair at that time handed the
 5 ADEM Director an approved list
 6 of proposed invitees to serve
 7 on the committee. Director
 8 LeFleur provided me with a
 9 transcript of the
 10 October 28th, 2011, Air Toxics
 11 Study Committee meetings, the
 12 position paper submitted by
 13 the environmental group on the
 14 Committee, and its
 15 presentation to the Committee
 16 on October the 28th meeting,
 17 and the position papers
 18 submitted to the industrial
 19 group on the committees. At
 20 my request, these documents
 21 were forwarded to all of the
 22 Commissioners and to
 23 Mr. Tambling, Robert.

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1 Under the agenda
2 item, I wanted to report that
3 the mentioned documents from
4 the Air Toxics Study Committee
5 have been received and are
6 accepted by me on behalf of
7 the Commission as
8 documentation of the
9 Committee's work. And
10 material has been provided to
11 all other members of the
12 Commission and Mr. Tambling.
13 So I think that they can get
14 that online, too, if anybody
15 wants to read that. We do
16 appreciate the work that y'all
17 have done on this one.
18 The next item is the
19 proposed amendment to the ADEM
20 Administrative Code Division
21 335-R, Air Pollution Control
22 Program Regulation.
23 MR. GORE: Good morning, Mr. Chair

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1 and Gentlemen. I'm Ron Gore
2 with the air division. And
3 I'm here to ask you to do
4 something very unusual, and
5 that is to take some
6 substantial rules off ADEM's
7 books.
8 Back in the summer,
9 the U.S. EPA replaced a cap
10 and trade program in the
11 thirty-one states east of
12 Mississippi with a brand-new
13 program. That former program
14 was known as the Clean Air
15 Interstate Rule, and it had
16 been voided by a court some
17 years before. We, meaning
18 ADEM, had been administering
19 that program at the State
20 level from regulations y'all
21 adopted five or six years ago.
22 And so now that EPA had
23 replaced that program, our

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1 care rules on the books are
2 null and void. They cannot be
3 met by the sources that are
4 subject to them.
5 The new rule that
6 EPA has adopted will be
7 administrated by the EPA
8 during calendar year 2012.
9 And we hope to come back
10 before y'all in calendar year
11 2012 asking you to adopt rules
12 that will transfer privacy
13 from the Feds to ADEM
14 beginning January 1st, 2013.
15 So, again, the point there is
16 that for the calendar year
17 2012, EPA will run a new
18 program.
19 So we held a public
20 comment period beginning
21 September the 26th, ending
22 November the 10th. Held a
23 public hearing on November the

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1 9th. No comments were
2 received.
3 Pending any
4 questions from y'all, I would
5 ask that you adopt these --
6 no, unadopt these rules.
7 CHAIRMAN LESTER: Any questions
8 from the Committee?
9 DR. MILLER: I move that we
10 unadopt the rules.
11 MR. PHILLIPS: Second.
12 CHAIRMAN LESTER: Motion and
13 second.
14 All in favor say
15 aye.
16 (Unanimous vote.)
17 CHAIRMAN LESTER: All opposed?
18 (No response.)
19 MR. GORE: Thank you.
20 CHAIRMAN LESTER: Appreciate it,
21 Ron.
22 The next item of the
23 Commission is to consider the

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1 adoption of the proposed
2 amendment ADEM Administrative
3 Code Division 335-6, Water
4 Quality Program, Underground
5 Storage Tank Regulation.
6 MR. HARDY: Good morning,
7 Mr. Chair and Commission
8 Members. My name is Gerald
9 Hardy, and I am the Chief of
10 the Land Division of ADEM.
11 You have before you for
12 consideration proposed
13 revisions to Chapter 15 of
14 Division 6 of the
15 Administrative Code of The
16 Department of Environmental
17 Management. These proposed
18 regulations are necessary to
19 implement an Underground
20 Storage Tank Installer
21 Certification Program. This
22 is a program the regulated
23 community requested that The

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1 Department implement.
2 These proposed
3 regulations will require
4 individuals to complete
5 classroom training and
6 experience requirements to
7 become certified in order to
8 perform underground storage
9 tank system installations,
10 closures, and repairs. These
11 proposed regulations will
12 require that a certified
13 installer be present at
14 certain critical junctures of
15 the tank system installations,
16 closures, and repairs.
17 In addition, there
18 are certain other regulatory
19 updates and corrections to
20 Chapter 15 that are included
21 in this rule-making.
22 On November the 4th,
23 2011, The Department held a

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1 public hearing to receive
2 comments concerning these
3 proposed revisions. No
4 comments were received
5 concerning this rule-making.
6 The Department recommends that
7 these revisions to Chapter 15
8 of Division 6 be adopted as
9 proposed.
10 And I'll be glad to
11 answer any questions you may
12 have.
13 CHAIRMAN LESTER: Any questions
14 from the Committee?
15 MR. BROWN: I move to adopt it.
16 DR. RICHARDSON: I have a
17 question.
18 CHAIRMAN LESTER: Oh, I'm sorry.
19 DR. RICHARDSON: Who is going to
20 do this training, and how much
21 is it going to cost the
22 individuals to get certified
23 to take this training?

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1 MR. HARDY: We will select a -- we
2 will not do it in-house. We
3 will go through a process and
4 approve a firm or firms to do
5 the training. That cost, I
6 don't know that that's been
7 determined yet -- for it to be
8 certified. Repeating one of
9 my staff, that's about four to
10 \$500 in our estimate for the
11 certification.
12 DR. RICHARDSON: Thank you.
13 CHAIRMAN LESTER: Any other
14 questions?
15 (No response.)
16 CHAIRMAN LESTER: Do I have a
17 motion and a second?
18 MR. BROWN: Now I move to adopt.
19 DR. LAIER: I second.
20 CHAIRMAN LESTER: Motion and
21 second.
22 All in favor say
23 aye.

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1 (Unanimous vote.)
2 CHAIRMAN LESTER: And all opposed?
3 (No response.)
4 MR. HARDY: Thank you.
5 CHAIRMAN LESTER: Thank you.
6 The next item is
7 concerning the adoption of the
8 amendment to the ADEM
9 Administrative Code 335-6,
10 Water Quality Programs
11 Underground and Aboveground,
12 Tank Trust Fund Regulation.
13 MR. HARDY: Again, good morning.
14 I'm Gerald Hardy, Chief of the
15 Land Division.
16 You have before you
17 proposed revisions to Chapter
18 16 of Division 6 of the
19 Administrative Code of The
20 Department of Environmental
21 Management. These proposed
22 revisions would decrease the
23 amount of the Underground and

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1 Aboveground Storage Tank Trust
2 Fund Charge from one-and-one-
3 quarter cent to one cent per
4 gallon. This is made possible
5 because the projected income
6 from the reduced charge would
7 be adequate to meet current
8 payment demands required by
9 ongoing soil and groundwater
10 investigations and cleanups at
11 regulated tank sites.
12 The Tank Trust Fund
13 was established in 1988 to pay
14 for cleanups at sites where
15 releases to soil and
16 groundwater have occurred from
17 motor fuel underground storage
18 tanks. It was later expanded
19 to include registered
20 aboveground motor fuel storage
21 tanks. There are
22 approximately 1,000 releases
23 that are presently covered by

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1 the Tank Trust Fund.
2 The Alabama
3 Underground and Aboveground
4 Storage Tank Trust Fund Act
5 was amended in 2009 to allow
6 the Trust Fund Charge to be
7 set between three-tenths of
8 one cent to two cents per
9 gallon upon action by both the
10 Management Board of the Tank
11 Trust Fund and the
12 Environmental Management
13 Commission. The amount of
14 this charge may be adjusted on
15 an annual basis according to
16 the projected need of the
17 cleanups.
18 On August the 24th,
19 2011, the Trust Fund
20 Management Board met and voted
21 to recommend that the Trust
22 Fund Charge be decreased to
23 one cent per gallon. On

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1 November the 4th, 2011, The
2 Department held a public
3 hearing to receive comments
4 concerning this proposed
5 decrease. No comments have
6 been received concerning this
7 rule-making.
8 The Department
9 recommends that these
10 revisions to Chapter 16 of
11 Division 6 be adopted as
12 proposed. And I will be glad
13 to answer any questions you
14 may have.
15 CHAIRMAN LESTER: Any questions
16 from the Commission?
17 (No response.)
18 CHAIRMAN LESTER: Do I have a
19 motion?
20 MR. PHILLIPS: Motion to adopt the
21 proposed amendment.
22 DR. RICHARDSON: Second.
23 CHAIRMAN LESTER: Motion and

Page 41

1 second.
2 All in favor say
3 aye.
4 (Unanimous vote.)
5 CHAIRMAN LESTER: All opposed.
6 (No response.)
7 MR. HARDY: Thank you.
8 CHAIRMAN LESTER: The next item of
9 business is to consider
10 adoption of proposed new
11 Division 17, Medical Waste
12 Program Regulations within the
13 ADEM Administrative Code and
14 amendment to ADEM's
15 Administrative Code 335-13,
16 Solid Waste Program
17 Regulations.
18 MR. HARDY: Once again, I'm Gerald
19 Hardy, the Chief of the Land
20 Division.
21 In September 2011,
22 the Land Division initiated a
23 rule-making for proposed

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1 amendments to its Solid Waste
2 Program regulations in ADEM
3 Administrative Code Chapters
4 335-13-1 and 335-13-7. The
5 rules being proposed would
6 remove medical waste
7 requirements in Chapter
8 335-13-7 and place them in a
9 newly-created Division 17 of
10 the ADEM Administrative Code.
11 Medical waste definitions in
12 Chapter 335-13-1 would be
13 deleted and the same
14 definitions would be added in
15 the new Division 17. The
16 proposed rule-making would
17 also revise two existing
18 definitions and add two new
19 definitions to Chapter
20 335-13-1 in accordance with
21 revisions to the Solid Wastes
22 and Recyclable Materials
23 Management Act passed as Act

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1 Number 2011-258.
2 It is important to
3 note that the requirements of
4 the medical waste regulations
5 did not change by moving to
6 the new Division 17. Other
7 than a few word changes in
8 reformatting to fit the
9 regulations into the
10 prescribed Legislative
11 Reference Service form, the
12 regulations remain the same.
13 On November the 9th,
14 2011, a public hearing was
15 held to receive data, views,
16 and comments from interested
17 persons regarding the proposed
18 regulations; The Department
19 received no oral comments.
20 Written comments were accepted
21 during the public comment
22 period from September the
23 25th, 2011, through November

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1 the 10th, 2011; two
2 individuals submitted comments
3 to the record. These comments
4 have been included in the
5 reconciliation statement
6 provided to the Commission.
7 No comments received were
8 pertinent to the rule-making
9 as advertised, and ADEM
10 proposes no amendments to the
11 proposed rules due to the
12 comments received.
13 The Department
14 recommends that the Commission
15 adopt the rules as proposed.
16 And I'll be glad to
17 answer any questions you may
18 have.
19 CHAIRMAN LESTER: Any questions
20 from the Commission?
21 MR. PHILLIPS: I move we adopt the
22 proposed new Division 17
23 regulations and the amendments

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1 to Division 13.
 2 DR. LAIER: Second.
 3 CHAIRMAN LESTER: Motion and
 4 second.
 5 All in favor say
 6 aye.
 7 (Unanimous vote.)
 8 CHAIRMAN LESTER: All opposed?
 9 (No response.)
 10 MR. HARDY: Thank you.
 11 CHAIRMAN LESTER: Thank you. We
 12 got our money's worth today
 13 out of you.
 14 I tell you what, all
 15 of our department heads do a
 16 wonderful job, and the
 17 employees, too. I don't want
 18 to leave them out.
 19 Do any of the
 20 Commissioners have any other
 21 business to take care of?
 22 (No response.)
 23 CHAIRMAN LESTER: Our next

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1 MR. PHILLIPS: So moved.
 2 MR. BROWN: Second.
 3 CHAIRMAN LESTER: Motion and
 4 second.
 5 All in favor say
 6 aye.
 7 (Unanimous vote.)
 8 CHAIRMAN LESTER: All opposed?
 9 (No response.)
 10 (The hearing proceedings
 11 concluded at approximately
 12 11:36 a.m.)
 13
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1 meetings for 2012 were
 2 circulated to all known
 3 Commissioners, but I'll give
 4 them to you: February the
 5 24th, April the 20th, June the
 6 15th, August the 17th, October
 7 the 19th, and December the
 8 14th. And the time will be
 9 eleven here at our office.
 10 I'll entertain a
 11 motion to accept these.
 12 DR. MILLER: I move to accept
 13 them.
 14 CHAIRMAN LESTER: Okay. Second?
 15 DR. RICHARDSON: Second.
 16 CHAIRMAN LESTER: All in favor say
 17 aye.
 18 (Unanimous vote.)
 19 CHAIRMAN LESTER: All opposed?
 20 (No response.)
 21 CHAIRMAN LESTER: At this time,
 22 I'll entertain a motion to
 23 adjourn.

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1 * * * * *
 2 REPORTER'S CERTIFICATE
 3 * * * * *
 4 TE OF ALABAMA)
 5 NTY OF MONTGOMERY)
 6 I, Cornelia J. Baker, Certified Court
 7 orter, Certified Shorthand Reporter, and
 8 ary Public in and for the State of
 9 bama at Large, do hereby certify that on
 10 ember 9, 2011, I reported the
 11 rementioned proceedings, and that the
 12 es herein contain a true and accurate
 13 nscription of the said proceedings.
 14 I further certify that I am neither of
 15 nor of counsel to the parties to said
 16 se, nor in any manner interested in the
 17 ults thereof.
 18 This the 29th day of December, 2011.
 19
 20
 21 Cornelia J. Baker, ACCR 290
 22 Certified Shorthand Reporter,
 23 Certified Court Reporter and
 Notary Public for the
 State of Alabama
 My Commission expires 6/6/12.

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<p>25:22 third (1) 18:2 thirty (2) 16:6,16 thirty-one (1) 30:11 thirty-seven (1) 23:14 Thomas (4) 25:3;26:3,8,20 thought (1) 24:2 three (1) 7:3 three-tenths (1) 39:7 times (1) 6:9 today (3) 5:10;21:19;45:12 top (1) 9:9 total (2) 11:11;12:3 tourism (1) 19:21 Toxic (1) 27:19 Toxics (2) 28:10;29:4 toxins (1) 28:3 track (2) 15:15;20:11 tracking (1) 21:3 trade (1) 30:10 training (5) 21:12;34:5;35:20,23; 36:5 transcript (1) 28:9 transfer (1) 31:12 transition (2) 19:2,3 transmit (1) 13:3 truck (1) 27:14 Trust (9) 37:12;38:1,12;39:1,4, 6,11,19,21 two (7) 7:12;8:15;12:11;39:8; 42:17,18;44:1 two-year (2) 17:11,16</p>	<p>unadopt (2) 32:6,10 Unanimous (9) 3:15;4:20;24:17; 32:16;37:1;41:4;45:7; 46:18;47:7 Under (1) 29:1 Underground (7) 33:4,19;34:8;37:11, 23;38:17;39:3 undertaken (1) 20:9 unusual (1) 30:4 up (5) 5:14;16:22;24:22; 27:8,13 upcoming (1) 6:2 update (1) 5:11 updates (1) 34:19 upon (2) 6:13;39:9 use (2) 14:17;22:5 used (1) 27:12 utilize (2) 21:14;22:10</p>	<p>Water (3) 25:19;33:3;37:10 way (1) 20:20 ways (1) 14:15 Web (1) 15:13 weeks (1) 12:20 welcome (1) 5:3 whereas (2) 25:7,12 wild (1) 8:15 wish (1) 22:15 within (2) 14:12;41:12 without (2) 12:16;14:1 wonderful (1) 45:16 word (1) 43:7 work (4) 23:5;25:11;29:9,16 workshop (1) 21:17 workshops (1) 21:13 worse (1) 10:8 worst (2) 8:12;10:1 worth (1) 45:12 Written (1) 43:20</p>		
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	<p>vast (1) 25:12 viewed (1) 24:8 views (1) 43:15 visible (1) 19:18 void (1) 31:2 voided (1) 30:16 vote (9) 3:15;4:20;24:17; 32:16;37:1;41:4;45:7; 46:18;47:7 voted (1) 39:20</p>			
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	<p>wants (2) 10:12;29:15 waste (10) 17:14,21;18:7,10; 41:11,16;42:1,6,11;43:4 Wastes (1) 42:21</p>	<p style="text-align: center;">Y</p> <p>Y'all (5) 26:11;29:16;30:20; 31:10;32:4 Year (14) 5:7,9,23;6:2,20,23; 7:10,17;8:4;13:2;18:17; 31:8,10,16 years (6) 16:6,16;23:14;26:10; 30:17,21 year's (1) 8:11</p>		
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Part B

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Attachment 4	Resolution to adopt amendments to ADEM Admin. Code Div. 3, Air Regulations (Agenda Item 6)
Attachment 5	Resolution to adopt amendments to ADEM Admin. Code Div. 6, Underground Storage Tank Regulations (Agenda Item 7)
Attachment 6	Resolution to adopt amendments to ADEM Admin. Code Div. 6, Underground and Aboveground Tank Trust Fund Regulations (Agenda Item 8)
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Attachment 1

Amended 11/30/11

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: December 9, 2011

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, 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 OCTOBER 21, 2011

2. ELECTIONS

The Commission will elect Chairs and Members of the Commission's Personnel and Rulemaking Committees.

3. REPORT FROM THE DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. REPORT FROM THE AIR TOXICS STUDY COMMITTEE

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations, Rules 335-3-1-.14 and .16, 335-3-5-.06 through .08, 335-3-5-.11 through .14, 335-3-8-.05 through .18, 335-3-8-.20 through .27, and 335-3-8-.29 through .33. The revisions are being proposed to delete rules related to the Federal Clean Air Interstate Rules (CAIR) and NO_x Budget Trading program. The Department held a public hearing on the proposed revisions on November 9, 2011.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-6, WATER QUALITY PROGRAM, UNDERGROUND STORAGE TANK (UST) REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program, UST Regulations, Rules 335-6-15-.02, 335-6-15-.04, 335-6-15-.05, 335-6-15-.06, 335-6-15-.07, 335-6-15-.09, 335-6-15-.10, 335-6-15-.12, 335-6-15-.13, 335-6-15-.15, 335-6-15-.17, 335-6-15-.20, 335-6-15-.34, 335-6-15-.45, 335-6-15-.46, 335-6-15-.47, and 335-6-15-.48. The revisions are being proposed to provide updated regulations to add the requirement for individuals to complete training to become certified prior to performing underground storage tank system installation, closure and repair, as well as addressing other necessary updates. The Department held a public hearing on the proposed revisions on November 4, 2011.

8. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-6, WATER QUALITY PROGRAM, UNDERGROUND AND ABOVEGROUND TANK TRUST FUND REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program, Underground and Aboveground Tank Trust Fund Regulations. The revisions are being proposed to amend Chapter 335-6-16, "Administrative Guidelines and Procedures to the Alabama Underground and Aboveground Storage Tank Trust Fund" Regulations, Rule 335-6-16-.07, to establish the annual Trust Fund Charge. The Trust Fund Charge is proposed at \$0.01 per gallon. The Department held a public hearing on the proposed revisions on November 4, 2011.

9. CONSIDERATION OF ADOPTION OF PROPOSED NEW DIVISION 17, MEDICAL WASTE PROGRAM REGULATIONS WITHIN THE ADEM ADMIN. CODE AND AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider the adoption of a proposed new Division 17 within the ADEM Admin. Code titled Division 335-17, Medical Waste Program, to replace the current definitions in Division 335-13, Solid Waste Program Regulations, Rule 335-13-1-.03 and Rules in 335-13-7 regarding the ADEM medical waste program. The proposed Division 335-17 will create a separate medical waste rule from the solid waste program. Rule 335-13-1-.03 is also being amended to add definitions resulting from passage of Alabama Law 2011-258 regarding management and disposal of coal combustion residues and ashes. The Department held a public hearing on the proposed new division and amendments on November 9, 2011.

10. OTHER BUSINESS

11. FUTURE BUSINESS SESSIONS

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Adopt the Committee Chairs and Members

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That a copy of the list of Committee Chairs and Members is attached and made a part hereof; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Environmental Management Commission Order
Page 2

ISSUED this 9th day of December 2011.


APPROVED:



Commissioner



Commissioner



Commissioner

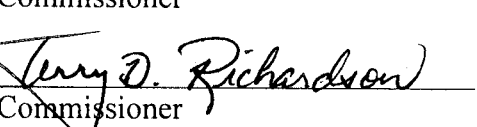
Commissioner



Commissioner



Commissioner



Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner


ABSTAINED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 9th day of December 2011.



John H. Lester, Chair
Environmental Management Commission
Certified this 9th day of December 2011

12/9/11

Alabama Environmental Management Commission 2012 Committees

Personnel Committee

Chair: Lanier Brown

Members: Jim Laier
Sam Miller

Rulemaking Committee

Chair: Scott Phillips

Members: ___New commission appointee___
Terry Richardson

Attachment 3

State of Alabama



RESOLUTION

WHEREAS, Debra S. Thomas served as Assistant to the Alabama Environmental Management Commission from 1987 to 2011; and

WHEREAS, during her service as Assistant to the Alabama Environmental Management Commission, she exemplified professionalism in her work performance; and

WHEREAS, her vast knowledge acquired from her experience with the Alabama Department of Environmental Management in the Department's Office of the Director and with the Department's predecessor agency, the Alabama Water Improvement Commission, will be irreplaceable; now

THEREFORE BE IT RESOLVED, that the Alabama Environmental Management Commission expresses gratitude to Debra S. Thomas for her significant contributions to the Commission, the Department, and the citizens of Alabama.

DONE this 9th day of December 2011.

John Lester
Larry D. Richardson
James E. Allen

W. Scott Puryear
John M.
James H. Wright II

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 335-3 of the Department's Air Division – Air Pollution Control Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

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

WHEREAS, the Alabama Department of Environmental Management 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 335-3 [rules 335-3-1-.14/Emissions Reporting, Requirements Relating to Budgets for NO_x Emissions (Repeal); 335-3-1-.16/ Emissions Reporting, Requirements Relating to Budgets for SO₂ and NO_x Emissions (Repeal); 335-3-5-.06/State Clean Air Interstate Rule (CAIR) SO₂ Trading Program General Provisions (Repeal); 335-3-5-.07/CAIR Designated Representative for CAIR SO₂ Sources (Repeal); 335-3-5-.08/Permits (Repeal); 335-3-5-.11/CAIR SO₂ Allowance Tracking System (Repeal); 335-3-5-.12/CAIR SO₂ Allowance Transfers (Repeal); 335-3-5-.13/Monitoring and Reporting (Repeal); 335-3-5-.14/CAIR SO₂ Opt-In Units (Repeal); 335-3-8-.05/NO_x Budget Trading Program (Repeal); 335-3-8-.06/Authorized Account Representative for NO_x Budget Sources (Repeal); 335-3-8-.07/Permits (Repeal); 335-3-8-.08/Compliance Certification (Repeal); 335-3-8-.09/NO_x Allowance Allocations (Repeal); 335-3-8-.10/NO_x Allowance Tracking System (Repeal); 335-3-8-.11/NO_x Allowance Transfers (Repeal);

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

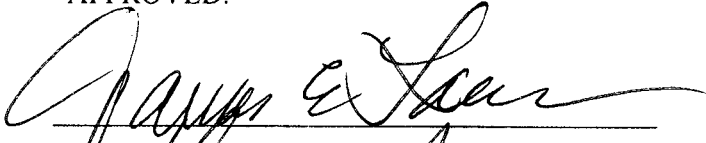
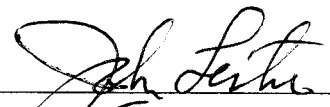
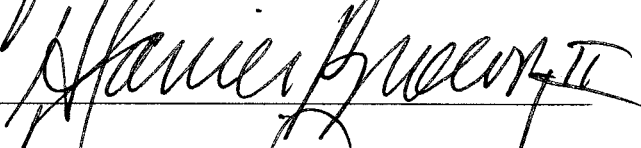
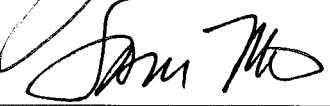
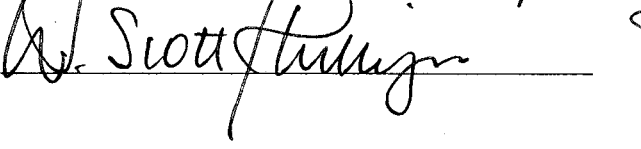
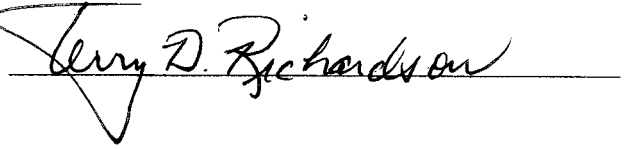
335-3-8-.12/Monitoring and Reporting (Repeal); 335-3-8-.13/Individual Unit Opt Ins (Repeal); 335-3-8-.14/New Combustion Sources (Repeal/New); 335-3-8-.15/Standards for New Combined Cycle Electric Generating Units (Repeal/New); 335-3-8-.16/CAIR NO_x Annual Trading Program (Repeal); 335-3-8-.17/CAIR Designated Representative for CAIR NO_x Sources (Repeal); 335-3-8-.18/CAIR Permits (Repeal); 335-3-8-.20/CAIR NO_x Allowance Allocations (Repeal); 335-3-8-.21/CAIR NO_x Allowance Tracking System (Repeal); 335-3-8-.22/CAIR NO_x Allowance Transfers (Repeal); 335-3-8-.23/CAIR Monitoring and Reporting (Repeal); 335-3-8-.24/CAIR NO_x Opt-in Units (Repeal); 335-3-8-.25/CAIR NO_x Ozone Season Trading Program (Repeal); 335-3-8-.26/CAIR Designated Representative for CAIR NO_x Ozone Season Sources (Repeal); 335-3-8-.27/CAIR NO_x Ozone Season Permits (Repeal); 335-3-8-.29/CAIR NO_x Ozone Season Allowance Allocations (Repeal); 335-3-8-.30/CAIR NO_x Ozone Season Allowance Tracking System (Repeal); 335-3-8-.31/CAIR NO_x Ozone Season Allowance Transfers (Repeal); 335-3-8-.32/CAIR NO_x Ozone Season Monitoring and Reporting (Repeal); 335-3-8-.33/CAIR NO_x Ozone Season Opt-in Units (Repeal)] of the Department's Air Division – Air Pollution Control 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 335-3 - Air Pollution Control Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 9th day of December 2011.

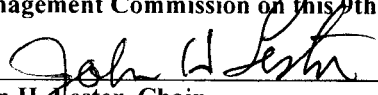
APPROVED:

DISAPPROVED:

_____	_____
_____	_____
_____	_____

ABSTAINED:

_____	<p>This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 9th day of December 2011.</p>  _____ John H. Lester, Chair Environmental Management Commission Certified this 9 th day of December 2011
_____	_____

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 did not receive any written or oral comments at the public hearing or during the public comment period.

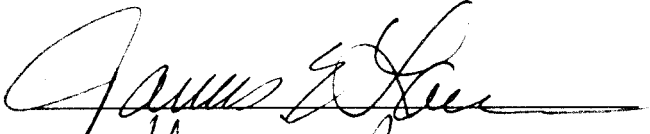

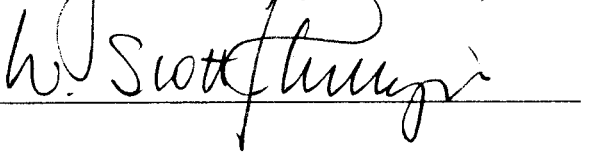
NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to rules [335-6-15-.02/Definitions (Amend); 335-6-15-.04/Interim Prohibition for Deferred UST Systems (Amend); 335-6-15-.05/Notification Requirements (Amend); 335-6-15-.06/Performance Standard for New USTs, Piping, UST Systems, and/or Dispensers (Amend); 335-6-15-.07/ Upgrading of Existing UST Systems (Amend); 335-6-15-.09/Operation and Maintenance of Spill and Overfill Control, and Containment Systems (Amend); 335-6-15-.10/Operation and Maintenance of Corrosion Protection (Amend); 335-6-15-.12/Repairs Allowed (Amend); 335-6-15-.13/Reporting and Recordkeeping (Amend); 335-6-15-.15/Release Detection Requirements for Petroleum UST Systems (Amend); 335-6-15-.17/Method of Release Detection for Tanks (Amend); 335-6-15-.20/Reporting of Suspected Releases (Amend); 335-6-15-.34/Permanent Closure and Changes-in-Service (Amend); 335-6-15-.45/Delivery Prohibition (Amend); 335-6-15-.46/Operator Training (Amend); 335-6-15-.47/Certification Requirements for Individuals Who Supervise Installation, Closure, and Repair of UST Systems (New); 335-6-15-.48/Severability (Amend)] of the administrative code attached hereto, to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.


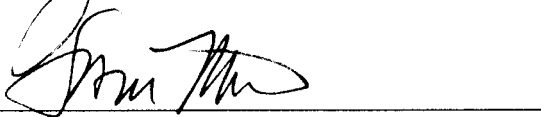

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

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

IN WITNESS WHEREOF, we have affixed our signatures below on this 9th day of December 2011.

APPROVED:

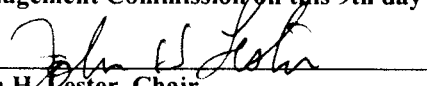




DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 9th day of December 2011.

ABSTAINED:


John H. Lester, Chair
Environmental Management Commission
Certified this 9th day of December 2011

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.

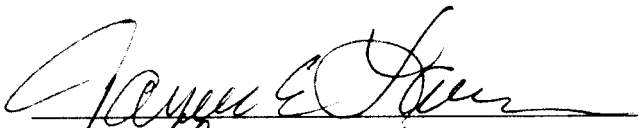




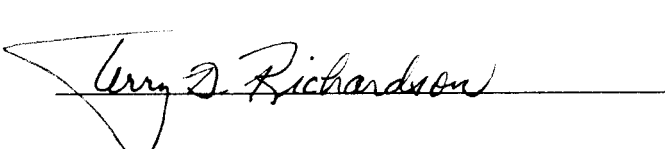
NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to rule [335-6-16-.07/Trust Fund Fee and Charge (Amend)] 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 Regulations

IN WITNESS WHEREOF, we have affixed our signatures below on this 9th day of December 2011.

APPROVED:

 _____	 _____
 _____	 _____
 _____	 _____

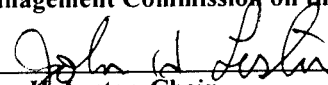
DISAPPROVED:

_____ _____	_____ _____
--------------------	--------------------

ABSTAINED:

_____	_____
-------	-------

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 9th day of December 2011.



John H. Lester, Chair
Environmental Management Commission
Certified this 9th day of December 2011

Attachment 7

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed addition of ADEM Admin. Code 335-17 of the Department's Medical Waste Program Rules and Regulations in accordance with Code of Alabama 1975, §§ 22-22A-8 and 41-22-4; and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the addition of new division 335-17 Medical Waste Program Rules and Regulations ; 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 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 addition 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 this new division 335-17 [335-17/Medical Waste (New)] of the Department's, administrative code attached hereto, to

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

become effective thirty-five days after filing, unless otherwise indicated, with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-17 – Medical Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 9th day of December 2011.

APPROVED:

James G. Lee *John Lester*
James G. Lee *John Lester*
W. Scott Fruniger *Terry D. Richardson*

DISAPPROVED:

ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 9th day of December 2011.

John H. Lester

John H. Lester, Chair
Environmental Management Commission
Certified this 9th day of December 2011

**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 335-13 of the Department's Solid Waste Program Rules and Regulations in accordance with Code of Alabama 1975, §§ 22-22A-8 and 41-22-4; and

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

WHEREAS, the Alabama Department of Environmental Management 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 335-13 [335-13-1-.03/Definitions (Amend); 335-13-7/Medical Waste (Repeal)] of the

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

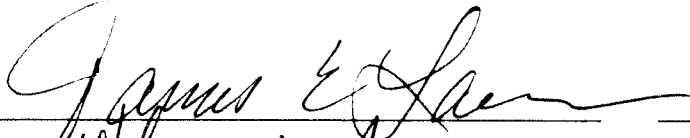
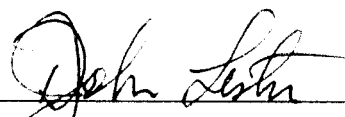
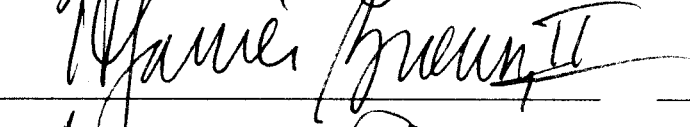

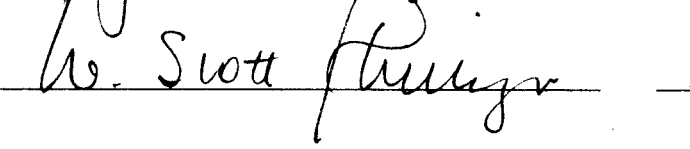

Department's Land Division – Solid Waste Program rules, administrative code attached hereto, to become effective thirty-five days after filing, unless otherwise indicated, with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-13 – Solid Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 9th day of
December 2011.

APPROVED:


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 9th day of December 2011.


John H. Lester, Chair
Environmental Management Commission
Certified this 9th day of December 2011