



ALABAMA ENVIRONMENTAL UPDATE

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING OF FEBRUARY 20, 2009

All Commission members were present for the EMC meeting, except Commissioner Kathleen Felker, who has resigned and no longer serves on the Commission. The meeting began with a vote to approve the minutes from the last meeting.

ADEM Director's Report

ADEM Director Trey Glenn addressed several subjects. Director Glenn first noted that ADEM's \$60 million budget is being cut by \$2 million due to the 10% cut in the general fund and other state budget cuts. He then discussed how to improve compliance with air toxic regulations. Lastly, Director Glenn updated the Commission on ADEM's progress with the development of the Unified Strategic Plan and identified projects that the Department is going to undertake to comply with the Plan. A primary focus for ADEM is to develop a method to track compliance with its regulations and report back to the EMC with respect to compliance rates.

Report from the Commission Chair

Dr. Laurel Gardner noted that Dr. Felker has resigned from the Commission. The Commission voted unanimously to adopt a resolution thanking Dr. Felker for her service.

Rulemaking Committee Report

Prior to today's Commission meeting, the Rulemaking Committee had met to discuss two items: (1) whether to adopt a resolution to determine the method for individual Commission members to ask Director Glenn to look into issues; and (2) whether to develop a Code of Conduct for the Commission members. The Rulemaking Committee decided to delay taking action on the second item. However, with regard to the first item, the Committee adopted a resolution providing that should a Commission member request the Director to take action on any matter, then the Director shall immediately notify the Commission Chair for direction with regard to resolution of the matter.

The Rulemaking Committee presented this resolution to the Commission. Commissioner Anita Archie, Chair of the Rulemaking Committee, said that the resolution would streamline the process and help the Director prioritize time. The Commission approved the resolution, with all members voting in favor except one. Commissioner Kenneth Hairston questioned the Commission Chair's authority to do this and voted in opposition.

Other Commission Actions

The Commission voted unanimously to approve revisions to Alabama's Clean Air Interstate Rule regulations to make them conform to EPA's regulations. In addition, the Commission voted unanimously to remove the Clean

Air Mercury Rule regulations in light of the D.C. Circuit's vacatur of the law. The Commission voted unanimously to approve proposed amendments to Division 14, Hazardous Waste Regulations, which update ADEM's regulations to conform with EPA's regulations. Lastly, the Commission tabled, per ADEM's request, consideration of the adoption of a new chapter to ADEM's NPDES regulations entitled, "Financial Assurance Requirements for Privately-Owned Sewage Treatment Systems."

Turning its attention to ongoing administrative proceedings, the Commission voted unanimously to approve the Joint Motion to Dismiss in Utilities Board of the City of Andalusia v. ADEM, EMC Docket No. 08-06.

Other Items

As noted above, Commissioner Felker has resigned from the Commission. Her resignation was effective January 29, 2009. That brings to three the number of Commission seats subject to appointments by Governor Riley. The terms of Commissioners Hairston and Scott Phillips have expired, but they continue to serve until the Governor appoints new Commission members. The three seats subject to appointment are reserved for a physician (Felker), a certified water well operator (Phillips), and an attorney (Hairston).

Next Meeting

The Commission will hold its next regularly scheduled meeting on April 17, 2009, in Montgomery, Alabama.