



ALABAMA ENVIRONMENTAL UPDATE

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING OF FEBRUARY 19, 2010

ADEM Director's Report

ADEM Director John Hagood reported that the Department is operating within its 2010 budget. The Department's 2011 budget has been proposed and includes a thirty-percent cut to the general fund. Director Hagood cautioned that reliance on the Department's general fund would have to be drastically reduced if approximately one-third of the fund is cut from the 2011 budget. Director Hagood stated that this is an amount ADEM can absorb for another fiscal year or maybe two, but that long-term planning will suffer with these continued cuts in funding.

Director Hagood next discussed the current state legislative session and stated that there are a number of bills that ADEM is monitoring during this session. The Department has contacted lawmakers and expressed concerns with certain bills being considered. Director Hagood made reference to a memorandum he submitted to the Commission prior to today's meeting that outlines a number of bills ADEM is monitoring. The memorandum also addresses other issues ADEM is currently handling, including the landfill in Perry County and the petition for withdrawal of ADEM's NPDES permitting authority submitted by a number of environmental groups. These issues were not discussed in detail at the Commission meeting.

ADEM's air division has been working with Adam Snyder, David Ludder, and Conservation Alabama to create a program to address air toxics. The group has reduced its focus to ten chemicals and wants ADEM to create a stakeholder committee to further develop this program.

Director Hagood discussed ADEM's NPDES program and stated that a number of wasteful and time-consuming bureaucracies have been eliminated, which has led to an increase in inspections and an increase in penalties issued by the Department. ADEM is utilizing new technology-based initiatives to increase efficiency and is one of only three states currently using eDMR for its NPDES program. Director Hagood also noted that ADEM's lab recently obtained its drinking water certification from EPA and that the Department submitted its appropriation requests for federal stimulus funds a month before the applicable deadline.

Director Hagood discussed a recycling bill that was created two years ago. In 2009, \$1.1 million was distributed to establish and/or improve recycling programs throughout the state. \$1.5 million is available for such action(s) in 2010. Director Hagood also mentioned that approximately \$800,000 was distributed throughout the state to clean up illegal dumps. Additionally, \$150,000 was distributed for scrap tire cleanups.

Commission Chair Report

Commissioner Archie stated that she met with Adam Snyder, David Ludder, and Conservation Alabama to discuss the requested stakeholder committee for the air toxics program. Ms. Archie stated that the Commission will consider the creation of such a committee at the next Commission meeting in April.

Commission Actions

The Commission passed the proposed amendments to ADEM Administrative Code Division 3, Air Pollution Control Program Regulations. The proposed revisions incorporate by reference changes to the NSPS and NESHAPs promulgated by EPA. The Commission also passed the proposed amendments to ADEM Administrative Code Division 4, Scrap Tire Program Regulations, which clarify reporting and recordkeeping requirements of scrap tire receivers, processors and transporters. Specifically, the proposed amendments lengthen the requirements for attaining "innocent landowner" status. In addition, the amendments include a requirement that a receiver, processor,

and transporter must submit a quarterly report no later than the 28th day following the end of the reporting period for each quarter of the calendar year, utilizing ADEM Form 539.

Consideration of the proposed amendments to ADEM Administrative Code Division 1, General Administrative Regulations, was withdrawn because more regulations are expected. The Commission passed the proposed amendments to ADEM Administrative Code Division 14, Hazardous Waste Program Regulations, which adopt federal hazardous waste regulations additions/modifications that occurred from July 2008 to June 2009 in order to maintain consistency with the federal program.

The Commission acknowledged that the Petitioner in *Chicago Deer River Properties, LLC v. ADEM*, EMC Docket No. 10-03, withdrew its appeal and has requested a hearing regarding ADEM's objection to the Petitioner's certification of coastal consistency for the Theodore Industrial Port Project.

Other Items

The Commission conducted forty-five minute interviews of the three remaining candidates for the ADEM Director position: Lance R. LeFleur, Louis M. Montgomery, and Dean R. Argo. An ADEM hearing officer will conduct background checks on each of the candidates and will contact their respective references on or before March 15, 2010. The new Director will be announced at the Commission's next regularly-scheduled meeting.

Next Meeting

The Commission will hold its next regularly-scheduled meeting on April 16, 2010, in Montgomery, Alabama.