



ALABAMA ENVIRONMENTAL UPDATE

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING OF AUGUST 27, 2010

In attendance at the meeting were Commission Vice-Chair Lester and Commissioners Brown, Phillips, Pierce, Richardson, and Wainwright. Vice-Chair Lester began the meeting by introducing biologist Terry Richardson, Ph.D., as a new member of the Commission.

ADEM Director's Report

ADEM Director LeFleur opened by welcoming Commissioner Richardson to the AEMC and providing an update on the Deepwater Horizon oil spill. He noted that there has been no skimmable oil during the past thirty days. Now, the focus is on recovery efforts, particularly the removal of tar balls at Dauphin Island, Gulf Shores, and Orange Beach—the recovery effort involves manual and mechanical raking, water applications, sand screening, and bio remediation. Director LeFleur also noted that the 600,000 ft of hard boom that was deployed has now been removed. While the State's waters are now open to fishing and swimming, there continues to be a significant impact to tourism and the seafood industry. ADEM is working with the federal government to get all legitimate claims paid, jumpstarting economic recovery.

Next, Director LeFleur turned to other matters. In terms of the 2010 budget, he noted that ADEM is in good shape, although ADEM has essentially been operating under a 12% cut in its operating budget. Director LeFleur stated that ADEM's 2011 budget will impose a variety of challenges on the agency due to new regulations. For the air division, there will be new boiler MACT standards as well as new standards for ozone, SO_x, and NO_x. There is also the potential for climate change regulation. In addition, the land division will be dealing with the regulation of coal ash and new hazardous waste regulations, and the water division will be dealing with new MS4 permits and other stormwater issues. Given the foregoing impending budgetary issues for 2011, Director LeFleur was confident that ADEM will be able to meet these challenges.

Director LeFleur then discussed ADEM's involvement in various programs. First, he mentioned that there has been a 270% increase in the use of the electronic discharge monitoring report (DMR) program. He also noted ADEM's recent involvement in the scrap tire program, cleanup of the Anniston Army Depot, and the 24-hour fine particle nonattainment problem in Jefferson County. In addition, ADEM has been involved in a community outreach program, so that the public understands that ADEM promotes positive environmental contributions.

Finally, Director LeFleur introduced Dennis Harrison, Chief of the drinking water program. Harrison handed out two EPA awards for operator excellence in 2009—these awards are issued to public water systems that operate above the minimum standards of the Safe Drinking Water Act. Daphne Utilities and Monroeville Water Works were the recipients of these awards.

Commission Actions

Russell Kelly, Chief of the Permits and Services Division, discussed the proposed new Alabama Administrative Code Division 335-11, the Clean Water State Revolving Fund Program. Kelly noted that new division 335-11 allows for a wider range of water quality improvement projects to qualify for assistance from the Clean Water State Revolving Fund, such as green infrastructure projects and water conservation and reuse projects. In addition, Kelly reported that two comments were received prior to the

close of the comment period. One of the comments was supportive of the new Division 335-11. The other comment was considered by ADEM, resulting in slight changes to the new regulations.

The Commission unanimously approved the adoption of the new proposed ALA. ADMIN. CODE Division 335-11 and the concurrent repeal of Ala. Admin. Code r. 335-6-4 and ALA. ADMIN. CODE r. 335-6-14.

Other Items

On August 16, 2010, the Mine Safety and Health Administration (MSHA) issued guidelines for industry compliance with ventilation regulations applicable to mines across the country. These guidelines are a product of the congressional hearings on the explosion of Massey Energy's Upper Big Branch mine in West Virginia. MSHA inspectors have also been instructed to enhance enforcement efforts relating to violations of ventilation standards. This month, MSHA conducted surprise inspections of four mines located in Kentucky, Tennessee and West Virginia. As a result of these inspections, MSHA issued dozens of citations and compliance orders.

Next Meeting

The Commission will hold its next regularly scheduled meeting on October 15, 2010, in Montgomery, Alabama.