



# ALABAMA ENVIRONMENTAL UPDATE

## ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING OF JUNE 27, 2008

The meeting began with the approval of the minutes from the previous meeting held on April 18, 2008.

### **ADEM Director's Report**

As an initial order of business, ADEM Director Trey Glenn reported that ADEM was operating on budget for the year, but that the 2009 budget recently passed by the Alabama Legislature included substantial cuts to all agencies, including a reduction of ADEM's budget by \$1 million. Director Glenn next discussed the process of enhancing the water programs. ADEM has made all staff decisions and is now working on enhancing core operations and further supporting activities that contribute to the program, including permit decisions, compliance determinations, enforcement actions, reporting and background discussions, and the aerial program. Director Glenn also mentioned the solid waste program, stating that ADEM is in the early phase of developing new regulations for the program, and that new rules will be presented to the Commission in the next few months. In addition, organizational changes have been implemented, including the appointment of Phil Davis as the Solid Waste Branch Chief, with Jeff Kitchens moving over from the Air Division to fulfill Mr. Davis' former position as Hazardous Waste Branch Chief.

Lastly, Director Glenn touched on the Brownfields Redevelopment Program. He discussed the three major parts of the program, including the Federal 128(a) Program, the Voluntary Cleanup Program ("VCP"), and the Alabama Land Recycling Revolving Loan Fund Program ("ALRRLF"). Federal 128(a) involves ADEM's work plans and grant commitments to EPA to: 1) assess local governments and nonprofits that failed to receive EPA grants, and 2) conduct outreach activities that target local governments and provide information about brownfields opportunities. The VCP program allows non-responsible parties the opportunity to assess, clean up, and redevelop brownfields and receive protection and tax benefits from the brownfields program. Finally, the ALRRLF provides low-interest loans to local governments for brownfields remediation projects. Director Glenn emphasized that this is an active program, and he provided examples of sites that have participated in the brownfields program, including recreation, commerce, office, and government sites.

### **Commission Actions**

Following the Director's report, the Commission addressed several agenda items. First, Commissioner Gardner delivered the Commission Chair's report in Commission Chair Scott

Phillips' absence, noting that the Commission is working on new standards of conduct. Second, Commissioner Wainwright submitted a motion to continue the Request for Proposal ("RFP") to public universities for the development of a Unified Strategic Plan for the AEMC and ADEM. Auburn is the only institution to submit a complete proposal so far. The Commission voted unanimously to approve the motion. Third, the Commission voted unanimously to approve the adoption of proposed amendments to the Division 3 Air Regulations to conform them to the technology-based changes implemented in the federal regulations. No comments were received on the proposed amendments during the public comment period from March 24 through May 9, 2008, or the public hearing held on May 9, 2008. Lastly, the Commission voted unanimously to adopt the recommendation of the Administrative Law Judge to dismiss the Petitioner's appeal of ADEM Administrative Order 08-096-MNPS issued on February 26, 2008, to Ronnie Smith of Ronnie Smith Development in Elmore County.

### **Next Meeting**

The Commission will hold its next regularly scheduled meeting on August 22, 2008.

---

Questions about items appearing in this Update may be directed to Steve McKinney at (205) 226-3496 in Birmingham or Jim Byram at (334) 269-3159 in Montgomery, or our website can be accessed at [www.balch.com](http://www.balch.com). This publication is intended to provide general information and does not constitute advice. It is not intended as a solicitation and, in the event legal services are sought, no representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.