

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 24, 2012

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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10. <u>Calhoun County, et al. v. ADEM, and Black Warrior Riverkeeper, Inc., et al., Intervenor</u> , EMC Docket No. 11-05 (NPDES-Related Matter); <i>consolidated with Business Alliance for Responsible Development v. ADEM, and Black Warrior Riverkeeper, Inc., et al., Intervenor</i> , EMC Docket No. 11-06 (NPDES-Related Matter)	5

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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 DECEMBER 9, 2011
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF THE JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW'S PROPOSED AMENDMENTS TO THE AEMC RULEMAKING TO REPEAL THE STATE CLEAN AIR INTERSTATE RULE (CAIR) REGULATIONS IN ADEM ADMIN. CODE CHAPTER 335-3

On January 13, 2012, the Joint Legislative Committee on Administrative Regulation Review disapproved and proposed amendments to the rulemaking adopted by the Commission on December 9, 2011, to repeal the state Clean Air Interstate Rule (CAIR) regulations in ADEM Admin. Code Chapter 335.3. The Committee's proposed amendments clarify that the repeal of the subject regulations "shall take effect upon certification by the Alabama Department of Environmental Management to the Legislative Reference Service that the corresponding federal Clean Air Interstate Rules (CAIR) are no longer in effect." The Commission will consider the Legislative Committee's proposed amendments and will vote to accept or reject them.

5. 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, Chapter 335-3-20. The proposed revisions to Chapter 335-3-20 would sunset the special gasoline quality requirement in Jefferson and Shelby Counties. Federal standards for quality of gasoline have largely superseded Alabama's standards. The Department held a public hearing on the proposed amendments on December 7, 2011.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN CODE DIVISION 335-6, WATER QUALITY PROGRAM REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations, Chapters 335-6-6-.02 and 335-6-6-.05. The proposed revisions would toll the automatic, 18-month expiration of an NPDES permit by any administrative request for hearing in addition to an administrative or judicial stay. In addition, the proposed revision would modify the automatic, 18-month expiration of an NPDES permit for a surface coal mine, such that the permit will expire 18 months from the issuance of the permit if construction has not begun, unless the Permittee has not begun construction pending the issuance of a permit by the Alabama Surface Mining Commission (ASMC), in which case, the NPDES permit will expire 18 months from the issuance of the ASMC permit. The Department held a public hearing on the proposed amendments on February 3, 2012.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-8, COASTAL PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-8, Coastal Area Management Program Regulations. The Department proposes to modify these rules to be consistent with the existing statutory and regulatory timelines of Section 307 of the Coastal Zone Management Act (CZMA) and 15 Code of Federal Regulations (C.F.R.) part 930. The Department held a public hearing on the proposed amendments on January 4, 2012.

8. CONSIDERATION OF ADOPTION OF PROPOSED NEW CHAPTER 14, COMPOSTING FACILITY PERMITTING REGULATIONS WITHIN ADEM ADMIN. CODE DIVISION 335-13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider the adoption of a proposed new Chapter 14 within ADEM Admin. Code Division 335-13, Solid Waste Program titled Chapter 335-13-14, Composting Facility Permitting Regulations, pursuant to amendments to the Solid Wastes and Recyclable Materials Management Act enacted in 2008. The Department proposes to establish technical and operational requirements for facilities engaged in the composting of solid waste. Chief among the proposed requirements for subject facilities would be the requirements to obtain permits from the Department and to implement certain control measures necessary to prevent the mitigation of solid waste into the environment. The Department held a public hearing on the proposed new chapter on December 7, 2011.

9. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 335-14, HAZARDOUS WASTE PROGRAM REGULATIONS

The Commission will consider the adoption of proposed amendments to ADEM Admin. Code Division 335-14, Hazardous Waste Program Regulations, Chapters 335-14-1 to 335-14-8, and 335-14-17. The proposed revisions would adopt federal hazardous waste regulation additions/modifications that occurred from July 2010 to June 2011 so the Department's hazardous waste program is equivalent to the federal program. The Department held a public hearing on the proposed amendments on December 5, 2011.

10. CALHOUN COUNTY, ET AL. V. ADEM, AND BLACK WARRIOR RIVERKEEPER, INC., ET AL., INTERVENORS, EMC DOCKET NO. 11-05 (NPDES-RELATED MATTER); CONSOLIDATED WITH BUSINESS ALLIANCE FOR RESPONSIBLE DEVELOPMENT V. ADEM, AND BLACK WARRIOR RIVERKEEPER, INC., ET AL., INTERVENORS, EMC DOCKET NO. 11-06 (NPDES-RELATED MATTER)

The Commission will consider the Order/Recommendation of the Hearing Officer in this consolidated appeal concerning National Pollutant Discharge Elimination System (NPDES) General Permit No. ALR040000 (Municipal Separate Storm Sewer System (MS4) General Permit, Phase II), issued on January 31, 2011. The Commission will also notice the withdrawal of the Intervenors' Intervention.

11. OTHER BUSINESS
12. FUTURE BUSINESS SESSION