

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: April 19, 2013

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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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://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 FEBRUARY 15, 2013
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. 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, Rules 335-3-1-.02, 335-3-10-.01, 335-3-10-.02, 335-3-10-.03, 335-3-11-.01, 335-3-11-.06, 335-3-11-.07, 335-3-14-.04, 335-3-16-.01, 335-3-17-.01, and Appendix C. Revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Additional proposed changes include revisions to the Prevention of Significant Deterioration (PSD) regulations to correct an error made by EPA by removing condensables from inclusion in particulate matter emissions, and to incorporate EPA's changes to regulations for permits that have Plantwide Applicability Limits (PALs). The definition of greenhouse gases (GHGs) in Rules 335-3-14-.04 and 335-3-16-.01 are being proposed for revision to temporarily exclude biogenic carbon dioxide emissions to be consistent with EPA's definition. The definition of volatile organic compounds (VOCs) in Chapter 335-3-1, and transportation conformity rules in Chapter 335-3-17 are also being proposed for revision to be consistent with EPA's revisions. Chapters 335-3-1, 335-3-14, and 335-3-17 are considered part of the federally-enforceable State Implementation Plan (SIP). Revisions to these Chapters are proposed to be incorporated into Alabama's SIP. The Department held a public hearing on the proposed amendments on February 6, 2013.

5. 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 Program Regulations. In a letter dated April 14, 2011, the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) concurred with the ADEM that its 1994 Division 8 Coastal Program Regulations constituted a routine change (RPC) pursuant to 15 C.F.R. 923.84. On October 1, 2012, NOAA provided a clarification statement to the ADEM regarding Environmental Assessments and Environmental Impact Statements referenced in the current code. Therefore, additional modification of the ADEM's Division 8 Coastal Program Regulations – specifically ADEM Admin. Code r. 335-8-1-.09(1)(b)5 and 2(a)3 – is necessary to make the code fully consistent with Section 307 of the Coastal Zone Management Act and 15 C.F.R. Part 930. The Department held a public hearing on the proposed amendments on April 3, 2013.

6. CITY OF BRUNDIDGE, ALABAMA V. ADEM, EMC DOCKET NO. 13-02

The Commission will consider the “Request for Stay of Administrative Action” filed by Petitioner City of Brundidge, Alabama in this appeal/request for hearing regarding the transfer of Solid Waste Disposal Facility Permit No. 55-07 by ADEM to Brundidge Acquisitions, LLC on March 22, 2013.

7. OTHER BUSINESS

8. FUTURE BUSINESS SESSION

**PUBLIC COMMENT PERIOD**

(The requests from the public to address the Commission are attached to the agenda.)

**Request 1**

Kelvin W. Howard, Esq., on behalf of the Outcast Voters’ League  
SUBJECT: Effects of non-compliant waste facilities on African American Communities  
in the City of Birmingham, Alabama

**Request 2**

Adam R. Snyder, Executive Director of Conservation Alabama and  
Co-Chair of the ADEM Reform Coalition  
SUBJECTS: Comments on his involvement with ADEM over the last 12 years and  
ADEM Reform Coalition and other groups’ assessment of Director LeFleur’s progress  
on their priorities for ADEM under his leadership



WALDREP STEWART & KENDRICK, LLC  
Attorneys At Law

Request 1

April 3, 2013

**VIA FACSIMILE, E-MAIL, AND U.S. CERTIFIED MAIL**

Mr. Lance R. LeFleur  
Alabama Environmental Management Commission  
1400 Coliseum Boulevard  
Montgomery, AL 36110-2400

**RE: *Outcast Voters' League***

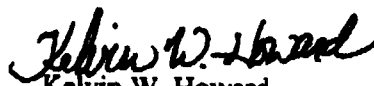
Dear Mr. LaFleur:

This correspondence comes to your attention on behalf of the Outcast Voters' League. **Please consider this correspondence as an official request to come and speak to the Environmental Management Commission (EMC) at the April 19, 2013 meeting.** The Outcast Voters' League wants to discuss the effects of non-compliant waste facilities on African American Communities in the City of Birmingham, Alabama.

The Outcast Voters' League's purpose is to promote the notions of justice and equality for the African American Community. We look forward to addressing the EMC at the aforementioned April meeting.

Yours truly,

**WALDREP STEWART & KENDRICK, LLC**

  
Kelvin W. Howard  
For the Firm

KWH/aml

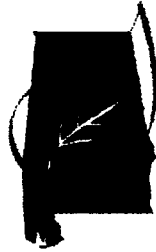


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# CONSERVATION ALABAMA

Request 2

April 5, 2013

H. Lanier Brown, II, Esq.  
Chair, Environmental Management Commission  
P.O. Box 301463  
Montgomery, AL 36130-1463

Dear Commissioner Brown:

As a representative of the ADEM Reform Coalition and my organization, I'm requesting an opportunity to speak to the Alabama Environmental Management Commission at your April 19, 2013 meeting.

As you may have heard, I will be stepping down as director of Conservation Alabama at the end of the month to take a position with the national office of The Nature Conservancy. Although I'll remain based in Alabama, my work will be focused on conservation funding and issues campaigns throughout the Southeast.

With my departure from Conservation Alabama, I will also be stepping down as co-chair of the ADEM Reform Coalition. As you know, ARC is the coalition of environmental organizations that has focused on fundamental agency improvements since 2002. And in June 2010, the ADEM Reform Coalition and other groups met with Director LeFleur to discuss our priorities for ADEM under his leadership.

During my public remarks at the April 19 meeting of the AEMC, I will provide a brief retrospective of my involvement with ADEM over the last 12 years. Additionally, I will be providing the ADEM Reform Coalition and other groups' assessment of Director LeFleur's progress on the four priority areas identified in June 2010: the NPDES petition; enforcement; stormwater, and air toxics. As a coalition, we are overdue in providing a scorecard of progress under Director LeFleur's leadership, and we hope this presentation will allow us to move forward with updating our priorities for future discussions with the Director and senior staff.

Thank you for your consideration of this request to speak.

Sincerely,

Adam R. Snyder  
Executive Director



[www.conservationalabama.org](http://www.conservationalabama.org)