

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 17, 2018

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, 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 MEETINGS HELD ON APRIL 20, 2018, AND JUNE 15, 2018
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT AND POSSIBLE RECOMMENDATION FROM THE RULEMAKING COMMITTEE ON ADEM ADMINISTRATIVE CODE 335-6-6-.12, CONDITIONS APPLICABLE TO ALL NPDES PERMITS, AND THE NEED FOR ANY ADDITIONAL RULES OR MODIFICATIONS FOR PUBLIC NOTIFICATION OF SEPARATE SANITARY SEWER OVERFLOWS (SSOs) (NPDES-RELATED MATTER)

The Rulemaking Committee Chair will report on the Committee's discussion and consideration of ADEM Administrative Code 335-6-6-.12, Conditions Applicable to All NPDES Permits, to determine the need for any additional rules or modifications for public notification of Separate Sanitary Sewer Overflows (SSOs). The Committee may also present to the Commission its recommendation as to whether the Commission should proceed to rulemaking with additional rules or modifications for public notification of SSOs.

On April 21, 2017, the Environmental Management Commission adopted a motion denying the Petition for Rulemaking to Amend ADEM Administrative Code Rule 335-6-6-.12, Conditions Applicable to All NPDES Permits, EMC Rulemaking Petition 17-03, Petitioners Alabama Rivers Alliance, et al., based on ADEM Administrative Code Rule 335-2-2-.05, Consideration of Petition, paragraphs (g) and (i), with the reasons for denial being that adoption of the proposed rule would negatively impact the overall regulatory scheme of the Department and consideration of any other relevant factors, evidence, data, or information. The Petition for Rulemaking sought the amendment of Rule 335-6-6-.12 by expansion of the provisions of Rule 335-6-6-.12(1)(7)(v), Minimum requirements for public notification, and the addition of Rule (vii), Public notification plan.

The motion adopted by the Commission on April 21, 2017, also referred the proposed amendments in the Petition for Rulemaking to the Rulemaking Committee to determine by working with the Department and stakeholders the need for any additional rules or modifications to the existing rules in Rule 335-6-6-.12 for public notification of Separate Sanitary Sewer Overflows (SSOs).

4. REPORT FROM THE COMMISSION CHAIR

5. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-3, Air Pollution Control Program Regulations. Revisions to the Division 3 Regulations are being proposed to amend ADEM Administrative Code Rules 335-3-8-.40, 335-3-10-.01, 335-3-10-.03, 335-3-11-.01, 335-3-11-.06, 335-3-11-.07, 335-3-14-.04, and 335-3-19-.01 through 335-3-19-.05.

- A. Revisions to the Division 3 Code are proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs).
- B. Revisions are recommended to Chapter 335-3-8 to incorporate title changes to be consistent with EPA's Cross State Air Pollution Rules (CSAPR).
- C. Chapter 335-3-14 is being proposed for revision to clarify the definition of replacement units.
- D. The State Plans to control emissions at Existing Municipal Solid Waste Landfills (MSWL) are also being recommended for revision to rescind previous regulations.

Chapters 335-3-8, and 14, 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 public hearing on the proposed amendments on May 9, 2018.

6. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations. Revisions to Division 6 Regulations are being proposed to amend ADEM Administrative Code Rules 335-6-13-.02, 335-6-13-.03, 335-6-13-.04, 335-6-13-.06, 335-6-13-.07, and 335-6-13-.08. The revisions will remove the trust fund as an allowable financial assurance mechanism and require an annual certification that the financial mechanism established for financial assurance is current and valid. Administrative corrections and administrative revisions for clarification and consistency will also be proposed. The Department held a public hearing on the proposed amendments on July 12, 2018.

7. BOBBY LEWIS, ET AL. V. ADEM, AND CITY OF DOTHAN, ALABAMA, EMC DOCKET NO. 18-01

The Commission will consider in the above matter the Recommendation of the Hearing Officer on the Department's Motion to Dismiss. The Hearing Officer recommends that the Motion to Dismiss be granted. The Department, upon the City of Dothan's request, has rescinded its November 1, 2017, modification of Solid Waste Disposal Permit 35-06 issued to the City of Dothan. The Petitioners and Intervenor do not oppose the Department's Motion to Dismiss this request for hearing as moot.

8. JOHNNY RICK HAYES D/B/A RICK'S OIL RECOVERY V. ADEM, EMC DOCKET NO. 18-02

The Commission will acknowledge for the record Petitioner Johnny Rick Hayes d/b/a Rick's Oil Recovery's withdrawal of the request for hearing in the above matter.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.