

AGENDA*
MEETING OF THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 17, 2018

TIME: 10:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

<u>ITEMS</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on August 19, 2016**	2
2. Discussion and consideration of ADEM Administrative Code Rule 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) and a possible recommendation from the Committee regarding the Commission proceeding to rulemaking and Brief statements by members of the public registered to speak regarding the matters being discussed and considered by the Committee under Agenda Item 2 (NPDES-Related Matter)	2
3. Other business	3
4. Future Rulemaking Committee meeting	3

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The minutes of this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 19, 2016
2. DISCUSSION AND CONSIDERATION OF ADEM ADMINISTRATIVE CODE RULE 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) AND A POSSIBLE RECOMMENDATION FROM THE COMMITTEE REGARDING THE COMMISSION PROCEEDING TO RULEMAKING AND BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK REGARDING THE MATTERS BEING DISCUSSED AND CONSIDERED BY THE COMMITTEE UNDER AGENDA ITEM 2 (NPDES-RELATED MATTER)

The Committee will discuss and consider ADEM Administrative Code Rule 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 consider a recommendation from the Commission 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).

Members of the public that wish to make a brief statement regarding the matters being discussed and considered by the Committee under Agenda Item 2 may do so by first signing in on a register maintained by the Commission office prior to the Rulemaking Committee meeting. The register will close ten minutes prior to convening the Committee meeting. The Committee Chair will call on members of the public wishing to make a statement in the order their names appear on the register. 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 Committee may place reasonable limitations on the number of speakers to be heard.

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3. OTHER BUSINESS
4. FUTURE RULEMAKING COMMITTEE MEETING