

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 17, 2014

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 AUGUST 15, 2014

2. ELECTIONS

The Commission will elect a Commission Chair and Vice Chair.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. REPORT FROM THE RULEMAKING COMMITTEE

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Admin. Code Division 335-3, Air Pollution Control Program Regulations, Rule 335-3-14-.04, 335-3-16-.01 and Appendix I. Revisions are being proposed to the current construction permit regulations and Major Source Operating Permit rules in Division 3 to be consistent with the recent U.S. Supreme Court decision concerning the regulation of greenhouse gases. The Court ruled that sources of greenhouse gases would not be regulated under the PSD and Title V programs based solely on their greenhouse gas emissions. Appendix I is also being proposed for amendment to be consistent with EPA's revision of global warming potential values for certain greenhouse gases. The Department held a public hearing on the proposed amendments on September 10, 2014.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE 335-7, WATER SUPPLY PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Admin. Code Division 7, Water Supply Program Regulations, chapters 335-7-1, 335-7-2, 335-7-10, 335-7-11, and 335-7-14. The proposed rulemaking would incorporate revisions made by EPA to the Total Coliform Rule (TCR). The Department held a public hearing on the proposed amendments on September 10, 2014.

8. R. NOLAN WILLIAMS V. ADEM, EMC DOCKET NO. 14-01 (NPDES-RELATED MATTER)

The Commission will consider the Hearing Officer's Order and Recommendation in which the Hearing Officer recommended that the Commission deny ADEM's Motion to Strike and Motion to Dismiss and grant ADEM's Motion for Summary Judgment in this request for hearing filed by Petitioner R. Nolan Williams, an adjoining landowner, concerning ADEM's issuance of NOR ("Notice of Registration") Tracking Number 229580/NPDES ("National Pollutant Discharge Elimination System") AFO ("Animal Feeding Operation") Permit Number AL001173 to Mark A. Potts, Newton, Alabama, Sandridge Farms, Dale County.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION

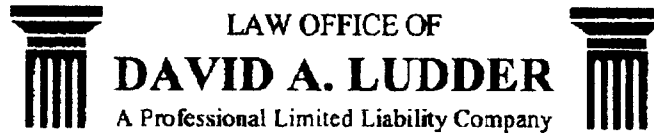
**PUBLIC COMMENT PERIOD**

(The Request from the public to address the Commission is attached to the agenda.)

David A. Ludder, Esq., on behalf of the Environmental Defense Alliance

SUBJECT: ADEM's graduated enforcement response

(Chair Brown will recommend that the Commission grant the Request. The full Commission will vote on whether or not to grant the Request prior to moving to the Public Comment Period.)



October 3, 2014

**Delivered via Facsimile**

(334) 279-3052

H. Lanier Brown, II, Esq. (Chair)

c/o Environmental Management Commission

P.O. Box 301463

Montgomery, AL 36130-1463

Re: **Request to Speak at October 17, 2014 Commission Meeting**

Dear Chairman Brown:

This is to request that I be permitted to address the Commission at its October 17, 2014 meeting on behalf of the Environmental Defense Alliance on the following topic:

***THE GRADUATED ENFORCEMENT RESPONSE***

Intent: Fair and expedient enforcement

Reality: Delayed compliance and increased environmental degradation

Fix: Continuous evaluation and adaptation

As the topic description suggests, the Environmental Defense Alliance is concerned that ADEM's implementation of the graduated enforcement response (included in ADEM's *Compliance and Enforcement Strategy*) is causing delayed compliance and unnecessary environmental degradation. The Commission has the authority to advise the Director on his manner of implementing the graduated enforcement response and to develop environmental policy for the State, including environmental enforcement policy. I intend to include a visual presentation and will provide it to the Commission as soon as it is completed, but certainly in advance of the meeting.

Sincerely,

A handwritten signature in cursive script that reads "David A. Ludder".

David A. Ludder

