

AGENDA*
 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING
 Alabama Department of Environmental Management (ADEM) Building
 Alabama Room (Main Hearing Room)
 1400 Coliseum Boulevard
 Montgomery, Alabama
 Thursday, March 20, 2008
 9:00 a.m.

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*The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

**The Minutes for this meeting will be available on the ADEM website under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON DECEMBER 14, 2007
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF MOTION AND DISCUSSION ON PROPOSED FINAL DIRECTOR'S 2007 PERFORMANCE EVALUATION

The Commission's Personnel Committee will recommend and the Commission will discuss and consider a motion on a proposed Final Director's Performance Evaluation for the 2007 annual review period for adoption by the Commission along with a recommendation that the Commission delegate to the Commission Chair the authority to sign the final evaluation on behalf of the Commission and present it to the Director for signature.

5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 6 – UNDERGROUND STORAGE TANK REGULATIONS

The Commission will consider proposed amendments to the Division 6 – Underground Storage Tank Regulations. The Department proposes to amend Chapter 335-6-15 to provide updated regulations to meet the requirements of the Secondary Containment Provisions of the Federal Energy Policy Act of 2005 and other necessary updates. The Department held a public hearing on the proposed amendments on January 4, 2008.

6. DISCUSSION OF ADEM ADMIN. CODE CHAPTER 335-6-10, APPENDIX A, (REFERENCE DOSES) AND CONSIDERATION OF POSSIBLE FUTURE RULEMAKING TO AMEND SAID RULE (NPDES-RELATED MATTER)

The Commission will discuss which EPA sources to use to set reference dose values for toxic substances in ADEM Admin. Code Chapter 335-6-10, Appendix A, including those for Acrolein and Phenol, and consider a motion on possible future rulemaking to amend said rule.

7. BLACK WARRIOR RIVERKEEPER, INC. V. ADEM, AND BIRMINGHAM AIRPORT AUTHORITY, INTERVENOR, EMC CONSOLIDATED DOCKET NOS. 07-08, 07-09, AND 07-10 (NPDES-RELATED MATTER)

The Commission will acknowledge the Petitioner's withdrawal of the requests for hearing in the matters of the issuance of Consent Order 07-155-CMNPS to Dunn Construction Company, Inc., Consent Order 07-156-CMNPS to Birmingham Airport Authority, and Consent Order 07-157-CMNPS to APAC-Southeast, Inc., Alabama Division, for the Birmingham Airport Runway Extension, Jefferson County.

8. JOHN JORDAN, SR. AND JOHN JORDAN, JR., D/B/A ALABAMA RECYCLING V. ADEM, EMC DOCKET NO. 08-03

The Commission will first consider Petitioner John Jordan, Jr., d/b/a Alabama Recycling's request for oral argument. If the request for oral argument is granted, the Commission will hear oral argument on the objections to the Recommendations of the Administrative Law Judge raised by Petitioner John Jordan, Jr., d/b/a Alabama Recycling in the "Objection to Recommendations of the Administrative Law Judge" and from the Department on the responses to the Petitioners' objections raised in the "Response to Petitioners' Objection to Recommendation of the Administrative Law Judge."

After hearing oral argument or denying the request for oral argument, the Commission will consider the Recommendation of the Administrative Law Judge to deny the Petitioners' motion to reconsider dismissal and the Recommendation of the Administrative Law Judge to dismiss the Petitioners' appeal of the issuance of ADEM Administrative Order 08-047-AP to John Jordan, Sr. and John Jordan, Jr., d/b/a Alabama Recycling, Montgomery, Montgomery County, Air Facility No. 209-0094.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION