

Amended 12/1/20

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: December 11, 2020

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 MEETING HELD ON OCTOBER 9, 2020

2. ELECTIONS

The Commission will elect Chairs and Members of the Commission's Personnel and Rulemaking Committees.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-2, Environmental Management Commission Regulations. Revisions to Rule 335-2-1-.12, Subpoenas, are being proposed to clarify the payment of subpoena fees in accordance with the Ala. Code § 22-22A-7. The Commission held a public hearing on the proposed amendments on November 12, 2020.

6. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, ANIMAL FEEDING OPERATIONS (AFOs) AND CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs) REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs) Regulations. Revisions to Chapter 335-6-7, National Pollutant Discharge Elimination System (NPDES) Best Management Practices (BMPs), Registration Requirements, Technical Standards and Guidelines, Construction and Operation Requirements, Waste/Wastewater and Waste Product Treatment, Storage, Handling, Transport, and Disposal/Land Application, Nutrient Management, and Animal Mortality Management Requirements for Owners and Operators of AFOs and CAFOs are being proposed to establish new procedures for AFO/CAFO facilities to obtain non-NPDES permit coverage. The Department held a public hearing on the proposed amendments on November 4, 2020.

7. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM UNDERGROUND STORAGE TANK (UST) REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Underground Storage Tank (UST) Regulations. Revisions to Chapter 335-6-16, Administrative Guidelines and Procedures for the Alabama Underground and Aboveground Storage Tank Trust Fund, are being proposed to establish new rules for owners/operators who do not participate in the Tank Trust Fund (i.e. 'Self-Assurers'); to incorporate rules to address the inactive release sites; to revise the Tank Trust Bulk Charge to \$0.012 per gallon, as recommended by the Alabama Tank Trust Fund Management Board; and to make routine grammatical and typographical corrections. The Department held a public hearing on the proposed amendments on November 5, 2020.

8. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-13, Solid Waste Program Regulations. Revisions to Chapter 335-13-5 and Chapter 335-13-15 are being proposed to reflect changes made to EPA's regulations for the management and disposal of coal combustion residuals from electric companies. These changes include the adoption of the Holistic Approach to Closure Part A rule, published on August 28, 2020 (85 FR 53516). These revisions also include removing provisions that were proposed previously but never promulgated by EPA. The Department is also proposing to correct typographical and citation errors in the existing regulations. The Department held a public hearing on the proposed amendments on November 5, 2020.

9. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-14, HAZARDOUS WASTE PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-14, Hazardous Waste Program Regulations. Revisions to Division 14 Code are being proposed to adopt the Universal Waste Aerosol Cans Rule and to adjust the term length for hazardous waste treatment, storage, and/or disposal permits issued to disposal facilities by the Department. Revisions to the code are also being proposed to make general clarification and correct typographical or grammatical errors. The Department held a public hearing on the proposed amendments on September 17, 2020.

10. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-1, GENERAL ADMINISTRATION REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-1, General Administration Regulations. Revisions to Division 1 Code are being proposed to modify and add forms required for the implementation of the Department's rules and regulations along with correcting typographical errors. Additional modifications are being proposed to restructure the Hazardous Waste Program fees outlines in Fee Schedule C. The Department held a public hearing on the proposed amendments on September 17, 2020.

11. OTHER BUSINESS

12. FUTURE BUSINESS SESSIONS

PUBLIC COMMENT PERIOD

a. REQUEST TO MAKE PRESENTATION

Request – Request from W.M. Campbell, Dadeville, Alabama, to make a presentation regarding Agenda Item 6, ADEM proposed amendments to rules 335-6, CAFOs

b. 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.