11/16/16

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: December 16, 2016
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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6.	Consideration of adoption of proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11 (NPDES-Related Matter)	2
7.	Consideration of adoption of proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations, Chapter 335-7-11	3
8.	Consideration of Petition for Rulemaking to Amend ADEM Administrative Code Rule 335-6-10-.07, Water Quality Criteria for Toxic Pollutants EMC Rulemaking Petition 17-02 (NPDES-Related Matter) Petitioners – Environmental Defense Alliance, Alabama Rivers Alliance, Inc., Black Warrior Riverkeeper, Inc., Cahaba River Society, Inc., Cahaba Riverkeeper, Inc., Choctawhatchee Riverkeeper, Inc., Coosa Riverkeeper, Inc., Friends of the Little Cahaba River, Inc., and GASP	3
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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 21, 2016

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 ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTERS 335-6-1, 335-6-5, AND 335-6-6 (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations for NPDES and Pretreatment Programs, Chapters 335-6-1, 335-6-5, and 335-6-6. These proposed amendments would include the requirements of the NPDES Electronic Reporting Rule promulgated October 22, 2015. Beginning December 21, 2016, NPDES-regulated entities will be required by rule to electronically submit Discharge Monitoring Reports. Beginning December 21, 2020, NPDES-regulated entities will be required to electronically submit General Permit Reports [Notices of Intent (NOI), No Exposure Certifications (NEC), and Notices of Termination (NOT)]; Municipal Separate Storm Sewer System (MS4) Program Reports; Sewer Overflow/Bypass Event Reports; and CWA section 316(b) Annual Reports. The amendments will also include provisions for NPDES-regulated entities to request an electronic reporting waiver. The Department held a public hearing on the proposed amendments on November 10, 2016.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTERS 335-6-10 AND 335-6-11 (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11. These proposed amendments include amending Administrative Code rule 335-6-10-.02 to add definitions; Administrative Code rule 335-6-10-.05 and 335-6-10-.09 to extend the incidental water contact and recreational season; Administrative Code rule 335-6-10-.09 to correct an error in the bacteria criteria; Administrative Code rule 335-6-10-.07, 335-6-10-.08, 335-6-10-.09, 335-6-10-.12, 335-6-11-.01, and 335-6-11-.02 to correct grammatical errors and clarify existing language; Administrative Code rule 335-6-10-.11 to update the river basin names and update West Point Chlorophyll *a* criteria; and Administrative Code rule 335-6-11-.02 to update location names to correspond with the GNIS, to update river basin names, and to upgrade Swan Creek in the Tennessee River Basin from Agricultural and Industrial (A&I) to Fish and Wildlife (F&W) use classification. The Department held a public hearing on the proposed amendments on November 10, 2016.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-7, WATER SUPPLY PROGRAM REGULATIONS, CHAPTER 335-7-11

The Commission will consider proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations, Chapter 335-7-11. The proposed amendments include revisions to the Lead and Copper Rule regulations, which are being made in response to comments from EPA. No new requirements are being added. The revisions are only intended to clarify rule language. The Department held a public hearing on the proposed amendments on November 9, 2016.

8. CONSIDERATION OF PETITION FOR RULEMAKING TO AMEND ADEM ADMINISTRATIVE CODE RULE 335-6-10-.07, WATER QUALITY CRITERIA FOR TOXIC POLLUTANTS, EMC RULEMAKING PETITION 17-02 (NPDES-RELATED MATTER), PETITIONERS – ENVIRONMENTAL DEFENSE ALLIANCE, INC., BLACK WARRIOR RIVERKEEPER, INC., CAHABA RIVER SOCIETY, INC., CAHABA RIVERKEEPER, INC., CHOCTAWHATCHEE RIVERKEEPER, INC., COOSA RIVERKEEPER, INC., FRIENDS OF THE LITTLE CAHABA RIVER, INC., AND GASP

The Commission will consider the Petition for Rulemaking to amend ADEM Administrative Code Rule 335-6-10-.07, Water Quality Criteria for Toxic Pollutants. The Petition seeks to revise and adopt water quality criteria for the protection of human health and aquatic life.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSIONS

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.