

12/19/24

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 11, 2024

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on October 11, 2024.



A. Frank McFadden, Chair
Alabama Environmental Management Commission

Certified this 13th day of December 2024.

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 11, 2024**

**Convened: 11:00 a.m.
Adjourned: 12:07 p.m.**

Part A

**Transcript
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Part A

MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT (ADEM) BUILDING
ALABAMA ROOM
1400 COLISEUM BOULEVARD
MONTGOMERY, ALABAMA 36110-2400
DATE: FRIDAY, OCTOBER 11, 2024
TIME: 11:00 A.M.

REPORTED BY: JEANA S. BOGGS, CCR
Commissioner for the
State of Alabama at Large

1 APPEARANCES
2 COMMISSION MEMBERS:
3 A. FRANK MCFADDEN, P.E., CHAIR
4 KEVIN MCKINSTRY, VICE-CHAIR
5 JOHN (JAY) H. MASINGILL, III
6 RUBY L. PERRY, D.V.M.
7 H. LANIER BROWN, II, ESQ.
8 J. PATRICK TUCKER, M.D.
9 MARY J. MERRITT

10
11 ALSO PRESENT:
12 LINDSAY BARTON, ESQ., EMC LEGAL COUNSEL
13 LANCE LEFLEUR, ADEM DIRECTOR
14 DEBI THOMAS, EMC EXECUTIVE ASSISTANT
15 STEPHEN A. COBB, CHIEF, LAND DIVISION
16
17
18
19
20
21
22
23

1 CHAIRMAN MCFADDEN: Okay. We
2 are good to go. I'll call the
3 meeting to order. It's a little
4 after 11:00. We have everybody but
5 one here, and she is en route. So,
6 Ms. Ruby will come in in a few
7 minutes hopefully. A little traffic
8 issues.

9 And so, we do have a quorum and
10 glad to see everybody. Thank you for
11 coming, and we will go ahead with
12 agenda Item Number 1: Consideration
13 of the minutes. It was held on
14 August 9th, 2024, and I want to
15 entertain a motion regarding the
16 minutes.

17 DR. TUCKER: I move to adopt the
18 minutes from the August 9 meeting.

19 CHAIRMAN MCFADDEN: Okay.
20 Second?

21 MR. MASINGILL: Second.

22 CHAIRMAN MCFADDEN: I have a
23 second. Any discussion on that?

1 (No response).
2 CHAIRMAN MCFADDEN: Hearing
3 none, I'll call for the question.
4 All in favor raise your hand.
5 (Commission members raising
6 hands).
7 CHAIRMAN MCFADDEN: All opposed?
8 (No response).
9 CHAIRMAN MCFADDEN: Motion
10 carries.

11 We are in an election year, and
12 it starts here, a month early. The
13 Chair notes that the Commission will
14 consider the election of Commission
15 chair and vice-chair. And I will
16 entertain a motion from the
17 Commission regarding election of the
18 Chair.

19 MR. MASINGILL: I move to accept
20 Frank McFadden as Chair.

21 MR. BROWN: Second.

22 CHAIRMAN MCFADDEN: A motion and
23 a second. I guess we are starting at

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1 the bottom. And is there any
 2 discussion on that?
 3 MS. THOMAS: I'm sorry. Who was
 4 the second?
 5 CHAIRMAN MCFADDEN: Lanier was
 6 second.
 7 MR. BROWN: Put your hand down.
 8 CHAIRMAN MCFADDEN: Do what?
 9 MR. BROWN: Put your hand down.
 10 CHAIRMAN MCFADDEN: I am
 11 counting. You are out. You're the
 12 culprit.
 13 Okay. So, I call for the
 14 question. All in favor raise your
 15 hand.
 16 (Commission members raising
 17 hands).
 18 CHAIRMAN MCFADDEN: All opposed?
 19 (No response).
 20 CHAIRMAN MCFADDEN: And one
 21 abstention.
 22 MS. THOMAS: Okay.
 23 CHAIRMAN MCFADDEN: Okay. We

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1 Okay. Item -- Agenda Item Number 3
 2 will be the report from our Director,
 3 Mr. LeFleur.
 4 MR. LEFLEUR: Good morning. And
 5 as usual, I congratulate the Chair
 6 and Vice-Chair on their hard fought
 7 victory election.
 8 CHAIRMAN MCFADDEN: I had a good
 9 campaign committee: Nobody. So...
 10 MR. LEFLEUR: And good morning
 11 to everyone who is here at this first
 12 meeting of the Alabama Environment
 13 Management Commission for Fiscal Year
 14 2025. As is done at the first
 15 meeting of each fiscal year, today's
 16 report will review how the Department
 17 has done against its FY-2024 Annual
 18 Operating Plan, and report
 19 Departmental plans for the coming
 20 year.
 21 Before each of the six
 22 Commission meetings during the year,
 23 you receive a written memorandum that

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1 will entertain a motion, secondly,
 2 from the Commission regarding
 3 election of vice-chair. Is there a
 4 motion for that position?
 5 MR. MASINGILL: I move to accept
 6 Kevin McKinstry as vice-chair.
 7 MS. MERRITT: Second.
 8 CHAIRMAN MCFADDEN: Okay. I
 9 have a motion and a second. Any
 10 discussion?
 11 (No response).
 12 CHAIRMAN MCFADDEN: Okay. I
 13 call for the question. All in favor
 14 of Kevin McKinstry as vice-chair
 15 raise your hand.
 16 (Commission members raises
 17 hands).
 18 CHAIRMAN MCFADDEN: All opposed?
 19 (No response).
 20 CHAIRMAN MCFADDEN: The motion
 21 carries.
 22 MS. THOMAS: I do have an order.
 23 CHAIRMAN MCFADDEN: Sign that.

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1 updates you on progress towards
 2 meeting the objectives set out in the
 3 current Operating Plan. Through
 4 those memoranda, the Commission, as
 5 well as the public, has the means to
 6 hold the Department accountable for
 7 our performance throughout the year.
 8 Before reviewing the
 9 Department's 2024 and 2025 Annual
 10 Operating Plans, let me briefly
 11 summarize the Commission's and
 12 Department's Unified 5-year Strategy
 13 Plan which was developed in 2024 and
 14 is the guiding document for the
 15 Department's Annual Operating Plans.
 16 The Commission and the Department
 17 began developing unified strategic
 18 plans in 2004 and have updated the
 19 plans at five-year intervals.
 20 The major sections of the
 21 Unified Strategic Plan are its
 22 foundational elements:
 23 First, the Mission, Values, and

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1 Operating Guidelines for the
 2 Commission and the Department.
 3 Next, the Roles of the
 4 Commission and the Department.
 5 And, third, the Vision for
 6 achieving the most meaningful results
 7 for the environment.
 8 The first foundational element
 9 is the Mission, Values and Operating
 10 Guidelines. It incorporates the
 11 Mission, as set out in the statute
 12 that create the Commission and the
 13 Department which is to "Assure for
 14 all citizens of the state a safe,
 15 healthful and productive
 16 environment."
 17 It goes on to state that the
 18 values that guide the operation of
 19 the Commission and the Department
 20 are: Science-based decisions and
 21 policies; Mutually respecting the
 22 differing roles of the Commission and
 23 the Department; Transparent

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1 communication; Using resources
 2 wisely; and Acting on agreed-upon
 3 goals.
 4 The second foundational element
 5 for the Unified Strategic Plan
 6 recognizes that the Commission and
 7 the Department have differing roles
 8 and addresses how the relationship
 9 operates. The Commission sets
 10 environmental policy by promulgating
 11 rules, a legislative-like function,
 12 hearing appeals of the administrative
 13 actions, a judicial-like function,
 14 and managing the Director of the
 15 Department, an executive oversight
 16 role. It's the Department's role to
 17 implement Commission policies.
 18 The third foundational element
 19 is the vision for achieving the most
 20 meaningful results for the
 21 environment which is focused
 22 individually on the air, land, and
 23 water media.

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1 For the Air media, it is meeting
 2 or beating federal ambient air
 3 quality standards.
 4 For the Land media, it is the
 5 safe and responsible management and
 6 disposal of solid and hazardous
 7 waste; cleaning up and redeveloping
 8 contaminated sites; and promoting
 9 recycling.
 10 For the water media, it is the
 11 attainment of water quality standards
 12 including all use classifications,
 13 minimizing the effects of storm water
 14 runoff and ensuring safe reliable
 15 drinking water. The vision for
 16 achieving results in the water media
 17 also includes utilizing the State
 18 Revolving Fund Programs to improve
 19 drinking water and wastewater
 20 infrastructure.
 21 The Unified Strategic Plan goes
 22 on to set out the broad agreed-upon
 23 goals for the Commission and

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1 Department to achieve our shared
 2 mission. Those broad long-range
 3 goals in the Unified Strategic Plan
 4 are: An effective and responsive
 5 Commission; a high-performing work
 6 environment; credible relationships
 7 with external stakeholders; and
 8 efficient and effective Departmental
 9 operations.
 10 It is the Department's
 11 responsibility to undertake actions
 12 to realize those goals which the
 13 Department does by developing and
 14 implementing annual plans. That
 15 brings us to our review of the
 16 Department's 2024 and 2025 Annual
 17 Operating Plans.
 18 The Department's Annual
 19 Operating Plans have objectives that
 20 can be categorized in two ways --
 21 those that are continuous, and those
 22 that have a finite completion
 23 timeframe. Continuous objectives are

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1 those that are in the Operating Plan
 2 every year. These are activities
 3 like communication practices,
 4 promoting professional development,
 5 regularly measuring performance,
 6 public outreach activities,
 7 innovation, and things such as that.
 8 Finite objectives include such
 9 activities as completing construction
 10 on physical facilities, implementing
 11 specific new programs or systems,
 12 technology upgrades, and the like.
 13 The FY-2024 Operating Plan had
 14 121 objectives with 66 categorized as
 15 continuous and 55 with a finite
 16 completion schedule. All finite
 17 objectives due to be completed in
 18 2024 were accomplished and planned
 19 progress on all other objectives was
 20 achieved. The FY-2025 Operating Plan
 21 has 130 itemized objectives of which
 22 53 have a finite completion schedule.
 23 The next several slides will

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1 recap some of the individual FY-2024
 2 Departmental Operating Plan
 3 objectives accomplished during the
 4 past fiscal year and provide a
 5 general description of some of the
 6 new objectives in the FY-2025 plan.
 7 The objectives are grouped under the
 8 four broad shared goals in the
 9 Unified five-year Strategic Plan.
 10 The first goal in the
 11 Department's Annual Operating Plan is
 12 to have an Effective and Responsive
 13 Commission. To achieve this goal,
 14 there must be effective communication
 15 between me, as Director, and each of
 16 the seven commissioners. This
 17 involves a setting of -- a set of
 18 ongoing objectives that continue year
 19 to year.
 20 The Commission and the public
 21 are provided a written schedule of
 22 all anticipated rulemaking well
 23 before proposed rules are formally

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1 presented. Before each of the six
 2 regularly scheduled Commission
 3 meetings, the "Ongoing Rulemaking
 4 Information" memo is sent to each
 5 commissioner and posted on the ADEM
 6 website. This practice will
 7 continue.
 8 The Director will continue
 9 one-on-one meetings six times per
 10 year with each commissioner to
 11 discuss the latest issues confronting
 12 the Department and affecting our
 13 environment.
 14 As in the past, the Director
 15 will provide a written memorandum
 16 entitled "ADEM Update" prior to each
 17 Commission meeting highlighting
 18 significant new activities in each of
 19 the Department's five divisions and
 20 addressing interim progress on the
 21 individual objectives set out in the
 22 Department's Annual Operating Plan.
 23 And, the Director will deliver a

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1 report at each Commission meeting.
 2 The reports will include a review of
 3 standard EPA performance metrics, an
 4 analysis of the State of the
 5 environment in Alabama, and other
 6 current environmental topics.
 7 Each of these objectives was
 8 accomplished in FY-2024 and will
 9 continue as objectives in FY-2025.
 10 The ongoing rulemaking memo, the ADEM
 11 update memo, the Director's
 12 Reports -- and the Director's Reports
 13 are all available to any interested
 14 party on the ADEM website in eFile
 15 under the heading "Director's
 16 Correspondence."
 17 Goal 2, High Performing
 18 Work Environment, has several
 19 sub-goals or objectives that are --
 20 that focus on resource management
 21 including financial, physical, and
 22 human resources. Other objectives
 23 under this goal focus on management

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1 activities that promote high
 2 performance. There are both ongoing
 3 objectives that are the same
 4 year-to-year and fixed horizon
 5 objectives that are to be
 6 accomplished within a specific
 7 timeframe that may be one or more
 8 years.

9 On the financial and physical
 10 resources side:

11 As was the case for FY-2024, the
 12 Department successfully worked with
 13 the Governor's Office, Legislative
 14 Leadership, interested
 15 non-governmental individuals and
 16 entities to obtain the Department's
 17 FY-2025 General Fund appropriation.
 18 As reported to you previously, the
 19 FY-2025 appropriation is \$10 million,
 20 which is a \$6 million increase over
 21 FY-2024 which, if maintained in the
 22 future, should provide adequate
 23 funding for several years. The

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1 General Fund appropriation now
 2 represents about 14% of our operating
 3 budget.

4 In FY-2024, the Department was
 5 also successful in obtaining more
 6 than \$5.7 million in competitive
 7 grants in addition to our general
 8 fund appropriation and normal
 9 programmatic funding from EPA. This
 10 is up from \$1.8 million in the prior
 11 year.

12 In FY-2024, we also completed
 13 our largest fiscal resource upgrade,
 14 the \$13 million multi-year Mobile
 15 Field Office development funded
 16 primarily by RESTORE Act grants and
 17 the Alabama Legislative General Fund.

18 In the human resource management
 19 effort to promote a high performing
 20 work environment, the Department has:

21 Continued to recruit interns and
 22 co-op students with the objective of
 23 encouraging the most talented

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1 candidates to become permanent
 2 employees when they graduate. During
 3 2024, we were able to recruit 11
 4 interns and co-ops up from nine in
 5 2023.

6 The Department has and will
 7 continue to focus on advancing
 8 diversity within the Department
 9 through specific initiatives
 10 including recruiting at Alabama
 11 historically blacks colleges and
 12 universities. We recruit minority
 13 candidates from many other regional
 14 colleges and universities, as well.
 15 In keeping with the current trend in
 16 recruiting, we are also using online
 17 recruiting services.

18 Another ongoing objective in the
 19 management of human resources is to
 20 promote professional development of
 21 our workforce, which is a necessary
 22 element to support the high-
 23 performing organization. Progress

Page 20

1 made includes:

2 In FY-2024, 35 individuals up
 3 from 27 in '23 -- in 2023 completed a
 4 voluntary leadership-training program
 5 developed by the Department in
 6 cooperation with Auburn University
 7 Montgomery. The program trains ADEM
 8 professional staff who have not yet
 9 become managers. In total 176
 10 personnel have completed the program
 11 since its inauguration in 2019. The
 12 FY-2025 Operating Plan continues the
 13 leadership training initiative.

14 Sixty-six of our managers
 15 completed the "Leading and Engaging a
 16 Multigenerational Workforce in
 17 Changing Times" program. That's a
 18 mouthful. This is important because
 19 in these changing times approximately
 20 56% of our personnel now work
 21 remotely either one or two days per
 22 week.

23 In FY-2024, nine individuals

Page 21

1 took advantage of the opportunity for
 2 specialized training for
 3 accreditation as a Professional
 4 Geologist or Professional Engineer.
 5 That program will continue in
 6 FY-2025.
 7 In 2024, we introduced you to
 8 five individuals who earned
 9 professional engineer accreditation.
 10 In 2024, seven personnel
 11 completed the Certified Public
 12 Manager 1 (CPM 1) accreditation
 13 program, and four completed the
 14 Advanced CPM 2 program. Today, I am
 15 pleased to announce and introduce
 16 those to you: And if you would, when
 17 I call your name, please stand and
 18 remain standing so we can recognize
 19 you.
 20 Heather Griffin in our Permits
 21 and Services Division.
 22 Clay James in the Water
 23 Division.

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1 Rachel McManus in the Land
 2 Division.
 3 Bobby Rowland in the Permits and
 4 Services Division.
 5 Brandy Tiblier in the Air
 6 Division.
 7 Otis Todd, Land Division.
 8 Anna Wood in the Air Division.
 9 And now for the CPM 2 -- please
 10 keep standing. We want to make sure
 11 we can see y'all.
 12 Crystal Collins in the Land
 13 Division.
 14 Devin Jenkins in the Water
 15 Division.
 16 William McClimans in the Water
 17 Division.
 18 And Christina Stram in the Field
 19 Operations Division here in
 20 Montgomery.
 21 Congratulation, all.
 22 (Applause).
 23 MR. LEFLEUR: Thank you for that

Page 23

1 hard work.
 2 Okay. This list of professional
 3 development objectives does not
 4 include the numerous continuing
 5 education programs our personnel
 6 engage in to maintain their
 7 accreditation. The FY-2025 Operating
 8 Plan will continue to emphasize
 9 professional development.
 10 Also, within this broad goal of
 11 promoting a high performing work
 12 environment, we will continue the
 13 practice of presenting updated
 14 standard EPA dashboard analyses for
 15 the air, water, hazardous waste, and
 16 drinking water programs at Commission
 17 meetings. We present these metrics
 18 to keep the Commission and the public
 19 informed about performance, but as
 20 importantly, the Department uses the
 21 dashboards to track its results which
 22 is a necessary activity if we are to
 23 continue being a high performing

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1 organization. The most recent
 2 dashboard updates show the Department
 3 continues to beat national averages.
 4 Finally, innovation is an
 5 important objective within the goal
 6 of achieving a high performing work
 7 environment. As is typical, ideas
 8 generated in earlier years gave rise
 9 to innovations in FY-2024 and will do
 10 so again in FY-2025. Some '24
 11 examples -- 2024 examples are:
 12 Implementing drone inspections in the
 13 water and land programs; expanded
 14 partnering with counties to identify
 15 and clean up unauthorized dumps;
 16 implementing the new Microsoft
 17 PowerBI reporting platform for
 18 improved reporting and data analysis;
 19 and implementing an advanced phone
 20 system with Voiceover Internet
 21 Protocol to facilitate secure
 22 teleworking.
 23 Maintaining a high performance

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1 organization requires continual
 2 improvement. Many of the objectives
 3 in the high performing work
 4 environment goal, which includes
 5 providing financial, physical, and
 6 human resources, using data-driven
 7 performance measures, and promoting
 8 innovation are ongoing endeavors that
 9 continue to move us forward but by
 10 their nature are never fully
 11 completed. For that reason, a number
 12 of the 34 objectives for FY-2025
 13 within this broad goal remain the
 14 same as they were in 2024.

15 The third broad goal is Credible
 16 Relationships with External
 17 Stakeholders. Objectives to achieve
 18 this operating goal include engaging
 19 at least twice per year with all
 20 interested regulated industry groups,
 21 as well as meetings with elected
 22 officials, state agencies, civic
 23 groups, and any group or individual

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1 interested in working with the
 2 Department on environmental issues.
 3 That objective was achieved in 2024
 4 and continues to be an objective for
 5 Fiscal Year 2025.

6 For several years, we've been
 7 working with outside advisers to
 8 improve communication with the
 9 public. That effort is showing
 10 results and will continue to be a
 11 priority in FY-2025 -- in the FY-2025
 12 Operating Plan.

13 We plan to continue engaging
 14 with specific community stakeholder
 15 groups including the low income,
 16 minority and disadvantaged
 17 communities. A detailed update on
 18 the Department's activities to
 19 promote outreach and fair treatment
 20 to those groups was presented at the
 21 August Commission meeting. The
 22 FY-2024 Plan and planned FY-25
 23 activities include: Environmental

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1 justice training for all ADEM
 2 personnel; training in diversity for
 3 all employees; and updating and
 4 publishing on our website the
 5 Community Engagement document that
 6 provides information about the many
 7 ways the Department goes about
 8 creating credible relationships with
 9 external stakeholders.

10 In FY-2025 -- The FY-2025
 11 Operating Plan continues objectives
 12 to build credible relationships with
 13 external stakeholders utilizing the
 14 Internet by encouraging the public to
 15 use the eMaps, eFile, What's
 16 Happening in Your County, Water
 17 Quality information, eComplaint and
 18 the new AEPACS Site Map Explorer and
 19 other applications available on our
 20 website to help citizens access
 21 information about their specific
 22 geographic areas of interest and, if
 23 needed, to voice their concerns.

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1 Encouraging the public to view
 2 the live streaming of Commission
 3 meetings and rulemaking hearings on
 4 our website, and the planned upgrade
 5 to our website which -- to make it
 6 more user friendly, which has begun
 7 now that most of the AEPACS software
 8 upgrades will be implemented about
 9 the same time the website upgrades
 10 are ready. Altogether the goal of
 11 credible relationships with external
 12 stakeholders includes 51 discreet
 13 objectives set out in the FY-2025
 14 Operating Plan.

15 The fourth and final ADEM
 16 Operating Plan Goal is Efficient and
 17 Effective Departmental Operations.
 18 This is a critical element in the
 19 Department's efforts to provide high
 20 quality cost effective services to
 21 Alabama citizens.

22 A major objective under this
 23 goal is to meet or exceed our

<p style="text-align: right;">Page 29</p> <p>1 detailed annual work plan commitments 2 with EPA. Specific work plans are 3 negotiated with EPA for the NPDES 4 Water Program, the Drinking Water 5 Program under the Safe Drinking Water 6 Act, the Air Program under the Clean 7 Air Act, and the Hazardous Waste 8 Program under the Resource 9 Conservation and Recovery Act. The 10 Department met all work plan 11 commitments in FY-2024. Meeting or 12 exceeding EPA work plan commitments 13 continues to be an objective for 14 FY-2025.</p> <p>15 For more than a decade ADEM has 16 invested considerable resources in 17 electronic tools to promote public 18 outreach and to improve efficiency of 19 our day-to-day work output. That 20 investment in automation has allowed 21 us to become the lowest cost provider 22 of environmental regulation in the 23 nation, while maintaining among the</p>	<p style="text-align: right;">Page 30</p> <p>1 highest quality performance in the 2 nation.</p> <p>3 Some of the initiatives include 4 the high priority multi-year 5 objective for the development and 6 implementation of a new generation of 7 computer software called the Alabama 8 Environmental Permitting And 9 Compliance System (AEPACS) begun in 10 FY-2020 that is ongoing. While 11 several elements such as the 12 Beneficial Use application have been 13 completed in FY-2024 several 14 milestones in the Air Program were 15 missed by our vendor, which caused a 16 delay in that application, as well as 17 the schedule for Hazardous Waste 18 applications. As a result, the 19 scheduled overall completion date has 20 been moved to after mid-year 2025 21 versus the original completion date 22 of yearend 2024.</p> <p>23 A collection of AEPACS support</p>
<p style="text-align: right;">Page 31</p> <p>1 tools has been developed to enhance 2 the AEPACS user experience and work 3 has begun on the new non-AEPACS 4 Laserfiche Workflow tracking for the 5 Voluntary Cleanup Program.</p> <p>6 Other objectives under the 7 Efficient and Effective Departmental 8 Operations Goal completed in 2024 9 include: The phone system has been 10 upgraded to utilize a more robust 11 cloud-based application; a review of 12 the recycling and scrap tire program 13 to increase effectiveness has been 14 completed; the AEPACS recycling 15 reporting module has been completed; 16 the initial update to the recycling 17 rules has been completed; 18 implementation of electronic 19 processing and storage of legal 20 documents has begun; and the use of 21 artificial intelligence to 22 potentially increase efficiency in 23 permitting, compliance and</p>	<p style="text-align: right;">Page 32</p> <p>1 enforcement has been evaluated.</p> <p>2 Objectives from FY-2024 that 3 will continue in FY-2025 include: 4 Continue to incorporate greater 5 e-enterprise and e-business 6 applications as a means to reduce 7 costs and increase quality; 8 continuing implementation of the 9 American Rescue Plan Act, Bipartisan 10 Infrastructure Plan and the State 11 Revolving Fund Programs to help 12 address deteriorating water and 13 wastewater infrastructure, especially 14 in disadvantaged and small 15 communities; implementing the AEPACS 16 conversion for Solid Waste and other 17 remaining Land Programs, as well as 18 the Air Program; and emphasize 19 regular formal and informal internal 20 communications.</p> <p>21 Some of the new FY-2025 22 objectives for Efficient and 23 Effective Departmental Operations</p>

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1 includes: Resolving the CCR and
 2 Ozone Transport State Implementation
 3 Plan program issues; prepare for
 4 rulemaking to conform our rules to
 5 the new Federal PM 2.5, Methane,
 6 Lead/Copper, and Legacy regulations;
 7 evaluate updates to the Beneficial
 8 Use Program based on results from an
 9 Auburn University odor reduction
 10 research project; and implementing a
 11 new bulk email capability.
 12 Altogether, the goal of
 13 Efficient and Effective Departmental
 14 Operations includes 42 individual
 15 objectives as set out in the FY-2025
 16 Operating Plan.
 17 Additional information on
 18 meeting the 121 objectives in our
 19 FY-24 Operating Plan is available in
 20 the six ADEM update reports mentioned
 21 earlier that were prepared during
 22 2024. Once again, these are
 23 available on the ADEM website.

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1 You received a copy of the
 2 FY-2025 Departmental Operating Plan
 3 with its 130 individual objectives.
 4 Additional copies are on the table
 5 outside the meeting room for others
 6 who may be interested.
 7 While the development of the
 8 Department's Operating Plan is an
 9 annual activity, many of the
 10 initiatives focus on positioning the
 11 Department to be a high-achieving
 12 organization for the long term. That
 13 long-term focus includes: Providing
 14 the physical facilities and the
 15 financial resources necessary to
 16 accomplish the Department's mission;
 17 developing our future leaders through
 18 education and recognizing their
 19 accomplishments; establishing a
 20 routine of regularly measuring
 21 performance; building lasting
 22 relationships with various
 23 stakeholder groups; and embracing

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1 innovation including modern
 2 leading-edge automation to allow high
 3 performance despite extremely low
 4 funding.
 5 And that concludes my report for
 6 today. I will be pleased to answer
 7 any questions you may have.
 8 CHAIRMAN MCFADDEN: Does anyone
 9 have any questions for Lance?
 10 (No response).
 11 CHAIRMAN MCFADDEN: Great
 12 summary. You did a good job.
 13 MR. LEFLEUR: Okay. Thank you,
 14 sir.
 15 CHAIRMAN MCFADDEN: Proud to be
 16 associated with it.
 17 Okay. The next item is report
 18 from the Chair. I do have a short
 19 report today. First, thank you, my
 20 fellow commissioners, for putting me
 21 in this chair again and for Kevin as
 22 vice-chair. Ruby you missed that.
 23 So --

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1 DR. PERRY: I was aware of it.
 2 CHAIRMAN MCFADDEN: Okay. I
 3 will try to do my best as many more
 4 qualified people up here than me to
 5 do this. But I enjoy working with
 6 the Department and our Director, and
 7 I think we are doing a good job. We
 8 can certainly do better, but...
 9 This was kind of playing on what
 10 our Director has given some details
 11 on. So -- and this does not
 12 represent necessarily the views of
 13 the rest of the Commission, the
 14 Director and the staff, or the
 15 Governor or anybody else.
 16 But as we begin a new fiscal
 17 year here at ADEM with our partner
 18 agencies -- Conservation, Natural
 19 Resources, Health Department, ADECA
 20 and others -- we face challenges to
 21 manage our natural resources, protect
 22 human health, manage the environment,
 23 and work to keep Alabamians gainfully

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1 employed through a strong economy.
 2 With these goals in mind, we
 3 should rely on the best science we
 4 can find to guide our policymaking
 5 and enforcement actions to have clean
 6 water, air, and land resources. That
 7 sounds simple, I guess, but can be
 8 challenging even for those of us who
 9 have some relevant technical
 10 background in some of these areas.
 11 Why? Because we have to rely on
 12 research done by others, publications
 13 by others, technical presentations by
 14 others, with many filters on that
 15 information as it comes out, not to
 16 mention and not to forget our big
 17 brother at EPA.
 18 So, it's a balancing act of
 19 trying to evaluate what we have as
 20 data, what we have as information to
 21 make policy and to do enforcement.
 22 As an example, in Steven
 23 Koonin's book "Unsettled," he

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1 elaborates on the problem of filtered
 2 science via the media, politicians
 3 and others with his national
 4 notoriety as a computational
 5 physicist, university professor,
 6 industry scientist -- who, I think he
 7 was actually sustainability person in
 8 charge for British Petroleum, BP --
 9 and former Undersecretary for Science
 10 under President Obama.
 11 So, I think he is a very
 12 balanced guy, in reading his
 13 information and it's, of course, been
 14 in the Wall Street Journal. If you
 15 Google that, you'll find it.
 16 Dr. Koonin makes the following
 17 statement on the topic, and I quote,
 18 "Policymakers and the public may wish
 19 for the comfort of certainty in their
 20 climate science." And he's using
 21 climate science as an example here.
 22 "But, I fear that rigidly
 23 promulgating the idea that climate

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1 science is settled or is a hoax
 2 demeans and chills the
 3 scientific enterprise retarding its
 4 progress in these important matters.
 5 Uncertainty is a prime mover and
 6 motivator of science and must be
 7 faced head on," unquote.
 8 That reference is "Unsettled,"
 9 title of his book, "What Climate
 10 Science Tells Us, What It Doesn't,
 11 and Why It Matters" in 2021. If you
 12 need another reference on that, I
 13 will gladly give it to you.
 14 So, how does this example on one
 15 relevant environmental topic, climate
 16 science, guide our plans and goals
 17 for our State agencies and partners
 18 who are tasked with managing
 19 environmental complexities that come
 20 with a thriving economy and ever
 21 increasing demand for goods, energy,
 22 jobs, et cetera? I think it goes
 23 back to what our Director has said

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1 many times in public forums and, in
 2 fact, today -- which I didn't know he
 3 was going to say this today -- with
 4 the media and stakeholders; that is,
 5 we have to rely on the law and good
 6 science. We have to follow the law
 7 first and make decisions on the best
 8 science we can get and in that order.
 9 Sometimes environmental stakeholders
 10 or industry stakeholders don't really
 11 like what the law is, and we don't
 12 sometimes have a choice in that but
 13 to enforce that.
 14 As with any topic,
 15 interpretation is paramount
 16 discerning what the science and law
 17 has to say in how we should proceed.
 18 I think our Agency does a good job
 19 with that but certainly has room to
 20 do even better and with the task
 21 of -- with the task of managing our
 22 environment and natural resources.
 23 So, I think we have done a good

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1 job as an agency. I think I have
 2 said before, I have worked with many
 3 agencies across the country,
 4 including some of, you know, varying
 5 levels of regulatory heavy-handedness
 6 or under-handedness, including
 7 California, New York, and some in
 8 between, a lot in between, and we
 9 have a good agency. We are not
 10 perfect. None of us are perfect up
 11 here, and we don't have a perfect
 12 agency.
 13 But I congratulate our Director
 14 and the staff for doing the great job
 15 they do here. So, I am proud of you.
 16 Okay. Thanks for listening. I
 17 know some of you didn't have a
 18 choice, but I appreciate you
 19 listening anyway.
 20 All right. The next on the item
 21 is the ADEM Director Job Performance
 22 Evaluation. The Chair notes that the
 23 Commission is concluding an

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1 The Chair also notes that Step
 2 19 of pay grade 91 increased from
 3 \$206,606 and some change to \$210,739
 4 and some change effective 9/1 of
 5 2024, due to an across-the-board cost
 6 of living salary increase of 2% for
 7 State employees passed by the Alabama
 8 Legislature.
 9 The Chair notes that Step 20 of
 10 paygrade 91 is an annual salary of
 11 \$215,983 and change, and Step 21 is
 12 an annual salary of \$221,517 and some
 13 change.
 14 I will note that we have looked
 15 at regional comparisons of this. We
 16 have a very well paid Director, and
 17 you can see why with his report on
 18 what, under his leadership, this
 19 agency has done in the last several
 20 years. How many years have you been
 21 here, Lance? 18?
 22 MR. LEFLEUR: Going on 15.
 23 CHAIRMAN MCFADDEN: Fifteen

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1 evaluation of Director LeFleur's job
 2 performance as part of the ADEM
 3 director job performance evaluation.
 4 Note -- The Chair notes that nine
 5 written comments were received
 6 regarding Director LeFleur's job
 7 performance and also note that
 8 written comments have been provided
 9 to the commissioners and the Director
 10 and considered as part of the
 11 evaluation.
 12 The Chair notes that, you know,
 13 I will meet with the Director
 14 regarding his evaluation and execute
 15 the verification of understanding
 16 between the Commission and the
 17 Director regarding the results of
 18 that evaluation. And the Chair
 19 reminds the Commission that Director
 20 LeFleur is currently in Step 19 of
 21 pay grade 91, which means he has
 22 three more steps before reaching the
 23 top pay grade.

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1 years. So, that's a long time for a
 2 director. So, naturally, he should
 3 be the leader of the pack in our
 4 region of the country, and we are
 5 proud of that.
 6 So, anyway, so the Chair calls
 7 for a motion from the Commission, and
 8 you see the three options there to
 9 move to approve a salary advance of
 10 two steps to Step 21. Move to
 11 approve a one step to Step 20, or
 12 move for no salary advance for the
 13 Director for his evaluation.
 14 So, if I have a motion for one
 15 of those, and please read the motion
 16 out entirety so our recording will
 17 get that exact.
 18 MR. MASINGILL: I move to
 19 approve a salary advance for Director
 20 LeFleur of two steps to Step 21 and
 21 pay grade 91 with an annual salary of
 22 \$221,517.60.
 23 CHAIRMAN MCFADDEN: Okay. Do we

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1 have a second to that?
2 MR. MCKINSTRY: Second.
3 CHAIRMAN MCFADDEN: A motion and
4 a second. Any discussion regarding
5 this?
6 (No response).
7 CHAIRMAN MCFADDEN: I think we
8 know where we stand in the order of
9 states. EPA, I think, if I am
10 correct, is still ranking us in the
11 top ten of state agencies. As has
12 been mentioned, our electronic
13 records availability to the general
14 public and others is at the very top,
15 I believe, or right there at it. So,
16 you know, we have a good track record
17 with what we are supposed to be doing
18 as an agency, and that comes down to
19 leadership.
20 So, any -- any more discussion
21 on that?
22 (No response).
23 CHAIRMAN MCFADDEN: Okay. I'll

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1 don't think so.
2 CHAIRMAN MCFADDEN: I may have
3 skipped it. I am sorry if I did.
4 DR. PERRY: But we might want to
5 go on record that you did not note
6 that. And I didn't want to interrupt
7 the motion to say that.
8 CHAIRMAN MCFADDEN: Okay. We
9 had --
10 DR. PERRY: I do want to make
11 some comments, though.
12 CHAIRMAN MCFADDEN: We had
13 discussion down here on Item Number
14 8. But, either way, if you have
15 something to add.
16 DR. PERRY: Okay. I didn't want
17 to do a motion. I want to go back to
18 number 4, if I can make comments on
19 number 4.
20 CHAIRMAN MCFADDEN: Yeah.
21 Absolutely.
22 DR. PERRY: Okay. So, I do want
23 the record to show that for the

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1 call for the question. All those in
2 favor of the motion to increase to a
3 two step, Step 21 and pay grade 91 of
4 the annual salary of \$221,517.60
5 raise your hand.
6 (Commission members raising
7 hands).
8 CHAIRMAN MCFADDEN: And any
9 opposed?
10 (No response).
11 CHAIRMAN MCFADDEN: The motion
12 carries with unanimous vote.
13 Thank you, Lance, for your hard
14 work, and your staff.
15 DR. PERRY: Mr. Chairman, if
16 I --
17 CHAIRMAN MCFADDEN: Yes. Go
18 ahead, Ruby.
19 DR. PERRY: -- could call a
20 point of order. In step 4, the
21 comments from the Commission for any
22 discussion related to the evaluation,
23 did you call for that? If not -- I

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1 Director, in terms of his
2 communication, actually he over
3 communicates. And when you -- and
4 that's always good. And so, even
5 though when I am unable to meet at
6 the breakfast place, we are now doing
7 Zoom.
8 And so, he actually hounds us to
9 make sure that we are well informed.
10 So, I want to thank you for that.
11 And I think the other commissioners
12 agree with that. And sometimes we
13 want to say Lance go away. But Lance
14 doesn't go away.
15 MR. LEFLEUR: It is good natured
16 hounding.
17 DR. PERRY: And I want to also
18 let you know that he is open for
19 constructive feedback. There are
20 some suggestions I have made, and
21 because sometimes you have leaders
22 that just want to just dictate and
23 tell you what to do.

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1 So, I do appreciate your
 2 listening to us in giving feedback.
 3 And he always gives us a
 4 benchmark. So, whatever we were
 5 doing at ADEM, he says, this is where
 6 we are with the other states. So,
 7 it's always good -- it's always good
 8 to know how we are doing to get some
 9 kind of scale or benchmark. So, I
 10 really appreciate that, as well. I
 11 didn't want to miss that.
 12 CHAIRMAN MCFADDEN: Thank you
 13 very much. I am glad you brought
 14 that up. That's -- I think that's
 15 what we were all saying together.
 16 But, yeah, I appreciate that.
 17 Okay. Got everything signed in?
 18 MS. THOMAS: Yes, I have got it.
 19 Thank you.
 20 CHAIRMAN MCFADDEN: All right.
 21 Go on to agenda Item 6, unless I
 22 missed something else. Consideration
 23 of -- Chair note that agenda Item 6

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1 proposed to update the requirements
 2 for Tank Trust Fund coverage of
 3 emergency response action costs, and
 4 to allow an approved response action
 5 contractor to seek reimbursement of
 6 expenditures up to \$150,000 for
 7 emergency response actions at a site.
 8 The proposed revisions were the
 9 subject of a public comment period
 10 which ran from June 8th, 2024, to
 11 August 8th -- excuse me, June 18th to
 12 August 8th, and a public hearing was
 13 held at the Department on August 8th.
 14 No more comments were received during
 15 the hearing, and no written comments
 16 were received during the public
 17 comment period.
 18 So, I am presenting the proposed
 19 regulations today for your
 20 consideration, and the Department
 21 asks that the Commission adopt the
 22 proposed changes to the Division 6,
 23 Chapter 16, regulations.

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1 is Consideration of Proposed
 2 Amendments to ADEM Administrative
 3 Code Division 335-6, Volume II, Water
 4 Quality Program, Underground Storage
 5 Tank (UST) Regulations.
 6 The Alabama Underground and
 7 Aboveground Storage Tank and Tank
 8 Trust Fund sections.
 9 So, I call for the Department,
 10 Mr. Cobb for comments.
 11 MR. COBB: Thank you,
 12 Mr. Chairman and Commissioners.
 13 I'm Steven Cobb, Chief of the
 14 Land Division. And I am here today
 15 to recommend that the Commission
 16 adopt amendments to the Department's
 17 Division 6, Volume II, Chapter 16,
 18 Administrative Guidelines and
 19 Procedures for the Alabama
 20 Underground and Aboveground Storage
 21 Tank Trust Fund.
 22 Revisions to the ADEM
 23 Administrative Code 335-6 are being

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1 I am happy to answer any
 2 questions which you might have.
 3 CHAIRMAN MCFADDEN: Does anybody
 4 have anything they would like to ask
 5 Mr. Cobb?
 6 (No response).
 7 CHAIRMAN MCFADDEN: Lanier, are
 8 you thinking about it?
 9 MR. BROWN: No. This isn't
 10 really a question. This is more of a
 11 request. You know, we live stream
 12 these meetings.
 13 MR. COBB: Yes, sir.
 14 MR. BROWN: We, through Debi and
 15 Director LeFleur, get tons of
 16 information about all of this on
 17 the -- you know, through email. And
 18 I just think that when you-all come
 19 up and make this request, for the
 20 people that are listening or watching
 21 online, a description free of
 22 legalese and technical information so
 23 that folks know what we are -- what

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1 we are doing would be nice.
 2 MR. COBB: Point taken. Yes.
 3 sir.
 4 CHAIRMAN MCFADDEN: Put the
 5 cahbage down where the cows can eat
 6 it, Mr. Cobb, is what he's saying,
 7 including me. So, thank you for
 8 that, Lanier. Good point.
 9 Anybody else have anything?
 10 (No response).
 11 CHAIRMAN MCFADDEN: Okay. A
 12 proposed option for the motion is to
 13 move to adopt the proposed
 14 amendments, if anyone would like to
 15 make that motion.
 16 DR. PERRY: I move to adopt the
 17 proposed amendment.
 18 MR. BROWN: Second.
 19 CHAIRMAN MCFADDEN: I have a
 20 motion and a second. Any further
 21 discussion on that?
 22 (No response).
 23 Hearing none, I call for the

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1 Steven Cobb, Chief of the Land
 2 Division.
 3 Commissioner Brown, I will
 4 hopefully have a little more
 5 information in this one in the
 6 direction that you had commented.
 7 Also here today to recommend
 8 that the Commission adopt amendments
 9 to the Department's Division 13,
 10 Solid Waste Program Requirements,
 11 these amendments were proposed to as
 12 spoken chapters 4, 5, 8 and 11 and
 13 12. Specifically, changes were
 14 proposed to Chapter 4 of the
 15 regulations to restrict disposal of
 16 whole tires in landfills and to make
 17 other general updates for clarity.
 18 The Chapter 5 revisions updated
 19 the permit application requirements,
 20 updates references to outdated forms
 21 and adds new requirements for
 22 Department initiated permit
 23 modifications, and updates minor

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1 question. All those in favor raise
 2 your hand.
 3 (Commission members raising
 4 hands).
 5 CHAIRMAN MCFADDEN: And those
 6 opposed, like sign?
 7 (No response).
 8 CHAIRMAN MCFADDEN: Okay.
 9 Motion carries.
 10 (Commission members signing).
 11 CHAIRMAN MCFADDEN: I will move
 12 on while that is continuing to be
 13 signed for Agenda Item 7. Chair
 14 notes that Agenda Item 7 is
 15 Consideration of Proposed Amendments
 16 to ADEM Administrative Code Division
 17 335-13, Solid Waste Regulations,
 18 Landfill Requirements, Chapters
 19 335-13, -4, -5, -8, -11 and -12.
 20 So, the Chair calls on the
 21 Department for comments.
 22 MR. COBB: Okay. Thank you,
 23 Mr. Chairman. And, again, I am

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1 modifications to include leachate
 2 treatments systems for landfills.
 3 Chapter 8 was updated to clarify
 4 and update the variance procedures
 5 related to Solid Waste Regulations,
 6 and to add procedures for revoking
 7 variances.
 8 Chapter 11 revisions include
 9 updating the requirements for the
 10 invitation to bid process for
 11 remediating unauthorized waste dumps,
 12 and general updates to clarify
 13 language in that section.
 14 Chapter 12 amends the
 15 requirements for work experience and
 16 training requirements for certified
 17 operators, and makes additional
 18 general updates to that section.
 19 These proposed revisions were
 20 the subject to a public comment
 21 period which ran for June 18th to
 22 August 8th, and a public hearing was
 23 held at the Department on August 8th.

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1 Oral comments were received
 2 during the hearing, and written
 3 comments were received during the
 4 comment period.
 5 Based on the comments received,
 6 Rule 335-13-4.21 the general
 7 operational standards for landfill
 8 units was revised to give an extended
 9 transition period for compliance with
 10 the whole tire disposal ban by
 11 extending the date to December 31st,
 12 2027. And the minimum requirement
 13 for processing tires before disposal
 14 was revised to require the tires to
 15 be cut into thirds or smaller pieces.
 16 The original proposal was for fourths
 17 or smaller pieces.
 18 These changes are included and
 19 described in the reconciliation
 20 package you have before you. I would
 21 ask for your consideration for
 22 adoption of the proposed rules, and I
 23 am happy to answer any questions that

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1 re-disposal, or whatever, and we do
 2 that in accordance with the Water
 3 Division.
 4 CHAIRMAN MCFADDEN: Okay. So,
 5 is EPA still sort of pushing the wet
 6 cell concept, or has that gone away?
 7 MR. COBB: I haven't seen a lot
 8 with that lately with landfills.
 9 CHAIRMAN MCFADDEN: Okay.
 10 MR. COBB: They did some
 11 research on that a number of years
 12 ago, but most landfills are still
 13 managed as dry cells.
 14 CHAIRMAN MCFADDEN: Okay. All
 15 right. That's basically to keep
 16 rainwater and infiltration out of
 17 them, versus letting it go in and --
 18 into the landfill and help the
 19 biology to reduce those contaminants.
 20 I know EPA has changed some of their
 21 suggestions on that over the years.
 22 So, I was just curious where
 23 that was.

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1 you might have.
 2 CHAIRMAN MCFADDEN: What -- What
 3 were the changes in the leachate
 4 treatment specifically, if you
 5 remember? I may be putting you on
 6 the spot here but if you would --
 7 MR. COBB: The leachate
 8 treatment was -- I believe those
 9 changes were that if changes are
 10 being made to a leachate treatment
 11 system or to add a leachate treatment
 12 system at a facility, that
 13 required -- now requires an update to
 14 the permit to reflect those changes.
 15 CHAIRMAN MCFADDEN: Okay. Is
 16 that treated water then allowed to be
 17 reapplied for grass cover and some of
 18 that now? I know EPA had argued with
 19 that.
 20 MR. COBB: It would depend on
 21 the treatment and the circumstances
 22 as whether that treatment would be
 23 for discharge, for recirculation,

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1 Okay. Is there any other
 2 questions for Mr. Cobb?
 3 (No response).
 4 CHAIRMAN MCFADDEN: Okay. The
 5 Chair notes I will entertain a motion
 6 from the Commission regarding the
 7 proposed amendments for the Solid
 8 Waste Regulations, landfill
 9 requirements.
 10 MS. MERRITT: I move to adopt
 11 the proposed amendment.
 12 DR. TUCKER: Second.
 13 CHAIRMAN MCFADDEN: We have a
 14 motion and a second. Any more
 15 discussion?
 16 (No response).
 17 CHAIRMAN MCFADDEN: Hearing
 18 none, I call for the question. All
 19 those in favor raise your hand.
 20 (Commission members raise
 21 hands).
 22 CHAIRMAN MCFADDEN: Those
 23 opposed, same sign?

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1 (No response).
 2 CHAIRMAN MCFADDEN: The motion
 3 carries.
 4 Thank you, Mr. Cobb.
 5 (Commission members signing).
 6 CHAIRMAN MCFADDEN: Okay.
 7 Moving on to Agenda Item Number 8,
 8 which is regarding Valicor
 9 Environmental Services LLC, the
 10 Petitioner, versus ADEM, Respondent,
 11 and the City of Huntsville, Alabama,
 12 as Intervenor, EMC Docket Number
 13 24-02, related to the permits.
 14 So, the Chair notes that the
 15 agenda states under this item that
 16 the Commission will consider the
 17 Petitioner's motion to stay its SID
 18 permit, State Indirect Discharge
 19 permit, and that number is I, India,
 20 U, uniform, 08450052, reissued by
 21 ADEM on August 30th, 2024.
 22 As an update in this matter, the
 23 Chair notes also that a joint motion

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1 to continue the Commission's
 2 consideration of the Petitioner's
 3 motion to stay was filed with the
 4 Commission on Tuesday, October 8th of
 5 2024. And I note that this is a
 6 joint motion filed by counsel for all
 7 the parties in this matter.
 8 So, with that being said, you
 9 know, I also note this joint motion
 10 to continue Commission's
 11 consideration of the Petitioner's
 12 motion to stay now before the
 13 Commission, I will entertain a motion
 14 from the Commission regarding the
 15 joint motion and ask that the date of
 16 the Commission meeting consideration
 17 of Petitioner's motion to stay is
 18 continued to be included if it is
 19 moved to grant the continuation.
 20 Yes, sir.
 21 MR. BROWN: I move to grant the
 22 joint motion to continue the
 23 Commission's consideration of the

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1 Petitioner's motion to stay, and the
 2 continuation to the December 13,
 3 2024, Commission meeting.
 4 CHAIRMAN MCFADDEN: Okay. We
 5 have a motion.
 6 DR. TUCKER: Second.
 7 CHAIRMAN MCFADDEN: And we have
 8 a second.
 9 Any discussion on this?
 10 (No response).
 11 CHAIRMAN MCFADDEN: Hearing
 12 none, I'll call for the question.
 13 All those in favor of the motion
 14 signify with your hand raised.
 15 (Commission members raising
 16 hands).
 17 CHAIRMAN MCFADDEN: All opposed,
 18 the same sign.
 19 (No response).
 20 CHAIRMAN MCFADDEN: The motion
 21 carries.
 22 Talking about Mr. Cobb being
 23 legal.

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1 MR. BROWN: I was trying to be
 2 correct.
 3 CHAIRMAN MCFADDEN: I had to
 4 practice that about 30 minutes before
 5 I could even read it. Thank y'all.
 6 All right. Debi is bringing the
 7 order around. Thank you, Debi.
 8 Okay. Agenda Item 9 is other
 9 business. Is there any other
 10 business at this point?
 11 (No response).
 12 CHAIRMAN MCFADDEN: Hearing
 13 none.
 14 Agenda Item 10, future business
 15 session. The Chair notes the date of
 16 the next Commission meeting is
 17 December 13th, 2024. And are we
 18 going to have a quorum, do we know
 19 yet? It depends on how many
 20 Christmas parties are in the way,
 21 right?
 22 DR. PERRY: Yeah.
 23 CHAIRMAN MCFADDEN: Well,

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1 hopefully everyone can make it, or at
 2 least a quorum.
 3 All right. Public comment
 4 period. We have one person that has
 5 registered -- signed up to make a
 6 brief statement. And I note there's
 7 only one name on this list. And I
 8 will call on the members of the
 9 public in order their names that
 10 appear and there is just one.
 11 So, I do want to remind you it's
 12 a three-minute time limit. And we
 13 have a gong somewhere if you go too
 14 much over that.
 15 So, Mr. Michael Mullen; is that
 16 correct? Come on down.
 17 MR. MULLEN: I am giving
 18 Ms. Debi a written copy, plus a lot
 19 of the data.
 20 And I will try to hold it to
 21 three minutes and go not much over.
 22 I want to talk about ADEM's
 23 failure to protect Alabamians in

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1 criteria. I hope that's ongoing and
 2 will happen soon.
 3 ADEM has failed, in my opinion,
 4 and a lot of people's opinion to
 5 regulate CCRs in a manner that
 6 protects waters and irreplaceable
 7 resources, including Mobile Bay.
 8 What just happened with historic
 9 Hurricane Helene should demonstrate
 10 how increasing intensity of tropical
 11 systems might threaten to sweep CCRs
 12 into near waterways, rivers, and
 13 bays.
 14 ADEM is failing in its
 15 management of PFAS pollution. It is
 16 not requiring monitoring of important
 17 PFAS sources including landfill
 18 leachate and runoff, municipal waste
 19 treatment plant discharges -- even
 20 when they receive landfill
 21 leachate -- and also sludge from
 22 wastewater treatment plants.
 23 My specific complaint comes out

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1 their --
 2 CHAIRMAN MCFADDEN: Mr. Mullen,
 3 state who you are with just for the
 4 record.
 5 MR. MULLEN: I'm Michael Mullen.
 6 I'm the Executive Director of
 7 Choctawhatchee Riverkeeper.
 8 CHAIRMAN MCFADDEN: Okay. Thank
 9 you.
 10 MR. MULLEN: I want to talk some
 11 about ADEM's failure to protect
 12 Alabamians, particularly from toxic
 13 substances, and protect their
 14 environmental heritage.
 15 ADEM pretty much is, in some
 16 areas, has consistently failed to
 17 protect Alabamians and environmental
 18 cultural heritage from toxic
 19 pollution. I will note some of those
 20 without going into detail because I
 21 want to get to the PFAS issue.
 22 Thus far, ADEM has failed to
 23 update criteria for toxic water

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1 of ADEM issuing a modified permit for
 2 Hazardous Waste management area at
 3 Fort Novosel. Their draft removed
 4 the requirement for monitoring PFAS
 5 and surface water runoff, and also
 6 for several wells. ADEM did
 7 reinstate the testing requirement for
 8 the wells, but there's no requirement
 9 now in that permit for testing
 10 surface runoff from that facility.
 11 We found PFAS in a creek just
 12 off the site in Dilly Branch on
 13 Highway 134 near Daleville that had
 14 254 parts per trillion PFAS.
 15 Clay Bank Creek that drains from
 16 another airfield on the other side of
 17 Novosel had 74 parts per trillion
 18 total PFAS. At US84 downstream of
 19 where Dilly Branch enters the
 20 Choctawhatchee River, there is 45
 21 parts per trillion total PFAS.
 22 So, we sampled up and down the
 23 Choctawhatchee from east of Daleville

1 down almost as far as Geneva. There
2 are levels of PFAS that you look at
3 them. So, what? But PFAS readily
4 bio concentrates and bio magnifies in
5 fish. We are concerned primarily
6 about the fishermen in that waterway
7 and other waterways, including
8 Claybank Creek.

9 Fortunately Southeast Alabama
10 everybody seems to be on ground
11 water, so we are not that worried
12 about drinking water in Southeast
13 Alabama.

14 You know, it just seems that
15 ADEM -- are they finding that these
16 PFAS levels and what might happen to
17 people who eat the fish, is
18 acceptable collateral damage.

19 So, I basically have three
20 questions, and I asked the Director
21 these questions this morning, and I
22 didn't -- really didn't get a
23 satisfactory answer.

1 Is ADEM doing the test waters
2 coming off of Novosel, surface water,
3 for PFAS? They took it out of that
4 permit.

5 Is ADEM's fish tissue monitoring
6 going to start doing PFAS, not just
7 in the Tennessee River, but are they
8 going to do it here, below Novosel?
9 If so, when? If not, why?

10 When might ADEM require the Army
11 to pump and treat or, otherwise,
12 capture PFAS in ground and surface
13 water?

14 CHAIRMAN MCFADDEN: Mr. Mullen,
15 please conclude. We are hearing your
16 comments, but your time has well
17 passed three minutes.

18 MR. MULLEN: I would be very
19 pleased to meet with the Director and
20 appropriate staff on this. I just
21 think ADEM is grossly failing.

22 Time is ticking. These
23 substances will be in the river for

1 hundreds, some of them maybe a
2 thousand years. I don't feel under
3 this guy's leadership that the
4 Director -- the Director's leadership
5 --

6 CHAIRMAN MCFADDEN: Thank you
7 for your comments. Okay. Moving on
8 to --

9 MS. SPIER: Commissioner, I am
10 so sorry to come in like I just did,
11 but I was unable to register outside.
12 I would like to make a comment, if
13 possible.

14 CHAIRMAN MCFADDEN: I am sorry,
15 ma'am. We appreciate that, but we
16 have to follow the protocol. And you
17 need to see Ms. Thomas about that,
18 and more than happy to have you at
19 the next meeting come present
20 whatever. We certainly look for
21 input from everyone, but we have to
22 follow the protocols because we --

23 MS. SPIER: Thank you. I

1 understand that, but I was just told
2 by the lovely ladies out there just
3 to let you know that their wasn't
4 one, and that maybe I would get the
5 opportunity.

6 CHAIRMAN MCFADDEN: You have to
7 sign up. Is it ten minutes before?

8 MS. SPIER: Yes. And I was here
9 ten minutes before, but there was no
10 form to sign up.

11 CHAIRMAN MCFADDEN: Yeah. Okay.
12 Thank you. Just get with Ms. Thomas
13 and maybe the next meeting just make
14 sure you get here in plenty of time
15 to sign up. We are happy to hear
16 your comments.

17 MS. SPIER: Thank you very much.

18 CHAIRMAN MCFADDEN: Okay. I
19 think that was the only person from
20 the public that was going to make
21 comments.

22 Anything else on the agenda? Do
23 you see anything I have missed,

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1 anyone? Debi? Good to go?

2 MS. THOMAS: No, sir.

3 CHAIRMAN MCFADDEN: Okay. I

4 will entertain a motion to adjourn.

5 MR. BROWN: So moved.

6 DR. PERRY: Second.

7 CHAIRMAN MCFADDEN: Everybody

8 jumping on that one. We have a

9 motion and a second. All those in

10 favor, raise your hand.

11 (Commission members raising

12 hands).

13 CHAIRMAN MCFADDEN: Any opposed?

14 (No response).

15 CHAIRMAN MCFADDEN: Hearing

16 none, the motion carries. We are

17 adjourned. Thank y'all.

18

19 ***

20

21 (Meeting concluded at

22 approximately 12:07 p.m.)

23

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1 * * * * *

2 REPORTER'S CERTIFICATE

3 * * * * *

4

5 STATE OF ALABAMA

6 TALLAPOOSA COUNTY

7

8 I, Jeana S. Boggs, Certified Professional

9 Reporter and Notary Public in and for the State of

10 Alabama at Large, do hereby certify on Friday,

11 October 11, 2024, that I reported the meeting in the

12 matter of:

13 MEETING OF THE

14 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

15 ALABAMA DEPARTMENT OF ENVIRONMENTAL

16 MANAGEMENT (ADEM) BUILDING

17 ALABAMA ROOM

18 1400 COLISEUM BOULEVARD

19 MONTGOMERY, ALABAMA 36110-2400

20

21 That the foregoing 74 computer-printed

22 pages contain a true and correct transcript of the

23 meeting set out herein.

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1 I further certify that I am neither of

2 relative, employee, attorney or counsel of any of

3 the parties, nor am I a relative or employee of such

4 attorney or counsel, nor am I financially interested

5 in the results thereof. All rates charged are usual

6 and customary.

7 I further certify that I am duly licensed

8 by the Alabama Board of Court Reporting as a

9 Certified Court Reporter as evidenced by the ABCR

10 number following my name found below.

11 This 8th day of November, in the year of

12 our Lord, 2024.

13

14 *Jeana S. Boggs*

15 Jeana S. Boggs

16 ACCR NO. 7, Exp 9/30/2024

17 Certified Court Reporter and

18 Notary Public

19 Commission expires: 8/9/2027

20

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Part B

Attachment Index

- Attachment 1 Agenda**
- Attachment 2 Order accepting Frank McFadden as Chair and Kevin McKinstry as Vice Chair (Agenda Item 2)**
- Attachment 3 Director's Slides (Agenda Item 3)**
- Attachment 4 Order approving a salary advance for Director LeFleur of two steps to Step 21 in Pay Grade 91 (Agenda Item 5)**
- Attachment 5 Resolution adopting amendments to ADEM Administrative Code Division 335-6, Water Quality Program Volume II (Underground Storage Tank) Regulations, and Attachment A, Final Proposed Rules (Agenda Item 6)**
- Attachment 6 Resolution adopting amendments to ADEM Administrative Code Division 335-13, Solid Waste Program Regulations (Landfill Requirements), and Attachment A, Final Proposed Rules (Agenda Item 7)**
- Attachment 7 Order granting a Joint Motion to Continue Commission's Consideration of Petitioner's Motion to Stay and continuing consideration of Petitioner's Motion to Stay to the December 13, 2024, Commission meeting (Agenda Item 8)**

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 11, 2024

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 proposed amendments to ADEM Administrative Code Division 335-6, Volume II, Water Quality Program Underground Storage Tank (UST) Regulations, The Alabama Underground and Aboveground Storage Tank (Tank Trust Fund) Trust Fund	2
7. Consideration of proposed amendments to ADEM Administrative Code Division 335-13, Solid Waste Program Regulations (Landfill Requirements)	2
8. <u>Valicor Environmental Services, LLC, Petitioner v. ADEM, Respondent, and The City of Huntsville, Alabama, Intervenor</u> EMC Docket No. 24-02 (NPDES-Related Matter)	3
9. Other business	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 AUGUST 9, 2024

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. ADEM DIRECTOR JOB PERFORMANCE EVALUATION

The Commission will consider the ADEM Director's job performance as part of the ADEM Director Job Performance Evaluation. The Commission will consider written comments received and compiled regarding the Director's job performance for the evaluation. The Commission will discuss actions it will take for the ADEM Director Job Performance Evaluation.

6. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-6, VOLUME II, WATER QUALITY PROGRAM UNDERGROUND STORAGE TANK (UST) REGULATIONS, THE ALABAMA UNDERGROUND AND ABOVEGROUND STORAGE TANK (TANK TRUST FUND) TRUST FUND

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-6, Volume II, Water Quality Program Underground Storage Tank (UST) Regulations, The Alabama Underground and Aboveground Storage Tank (Tank Trust Fund) Trust Fund. Revisions to the ADEM Administrative Code Chapter 335-6-16, Administrative Guidelines and Procedures for The Alabama Underground and Aboveground Storage Tank (Tank Trust Fund) Trust Fund are being proposed to update the requirements for Tank Trust Fund coverage of emergency response action costs and to increase the additional expenditures amount. The Department held a public hearing on the proposed amendments on August 8, 2024.

7. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-13, SOLID WASTE PROGRAM REGULATIONS (LANDFILL REQUIREMENTS)

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-13, Solid Waste Program Regulations (Landfill Requirements). Revisions to the ADEM Administrative Code Chapters 335-13-4, 335-13-5, 335-13-8, 335-13-11, and 335-13-12 are being proposed to amend existing regulations for the disposal of whole tires, to update the requirements for permit applications and ADEM initiated permit modifications, to refine remediation contracting requirements, and to make general needed updates for clarity and consistency. The Department held a public hearing on the proposed amendments on August 8, 2024.

8. VALICOR ENVIRONMENTAL SERVICES, LLC, PETITIONER V. ADEM, RESPONDENT, AND THE CITY OF HUNTSVILLE, ALABAMA, INTERVENOR, EMC DOCKET NO. 24-02 (NPDES-RELATED MATTER)

Petitioner Valicor Environmental Services, LLC filed with the Commission a Request for Hearing and Motion to Stay regarding the State Indirect Discharge (SID) Permit No. IU08450052 reissued to the Petitioner by ADEM on August 30, 2024. The Commission will consider the Petitioner's motion to stay its reissued SID permit.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION

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.

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept Frank McFadden as Chair and

Kevin McKinstry as Vice Chair

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Environmental Management Commission Order
Page 2

ISSUED this 11th day of October 2024.

APPROVED:



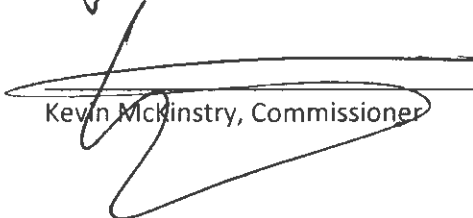
Mary J. Merritt, Commissioner



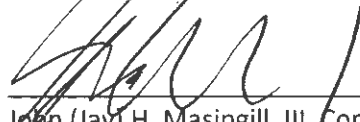
H. Lanier Brown, II, Commissioner



J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
Page 3

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

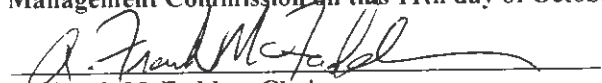
John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner


A. Frank McFadden, Commissioner

***McFadden abstained from the vote on the Chair and
voted to adopt the motion to accept the Vice Chair.**

**This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 11th day of October 2024.**


A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of October 2024

Attachment 3

Strategic Plan Foundational Elements

- A. Mission, Values, Operating Guidelines
- B. Roles of the Commission and Department
- C. Vision for Achieving Environmental Results

1

A. Mission, Values, Operating Guidelines

- ✓ Assure for all citizens of the state a safe, healthful and productive environment

2

A. Mission, Values, Operating Guidelines

- ✓ Science-based decisions and policies
- ✓ Mutually respecting differing roles of Commission and Department
- ✓ Transparent communication
- ✓ Using resources wisely
- ✓ Acting on agreed upon goals

3

**B. Roles of the Commission and
Department**

- ✓ Commission and Department differing roles.
- ✓ Commission sets environmental policy:
 - Promulgating rules
 - Hearing appeals of administrative actions
 - Managing the Director of the Department
- ✓ Department implements Commission policy.

4

**C. Vision for Achieving Environmental
Results**

- ✓ Air media: attaining federal ambient air quality standards
- ✓ Land media: safely manage solid & hazard waste, cleanup contamination, recycle
- ✓ Water media: attain water quality standards, control storm water, safe drinking water

5

Shared AEMC / ADEM Plan Goals

1. Effective and Responsive Commission
2. High Performing Work Environment
3. Credible Relationships with External Stakeholders
4. Efficient and Effective Departmental Operations

6

1. Effective and Responsive Commission

7

1. Effective and Responsive Commission

- Information on proposed rulemaking
- Information on current environmental policy issues
- Regular updates on Operating Plan progress
- Provide performance metrics

8

2. High Performing Work Environment

9

2. High Performing Work Environment

- Financial and physical resources
 - Stable state-sourced funding - \$10 mil. Gen Fund
 - Obtain other funding sources - \$5.7 mil. Grants
 - Mobile facilities - \$13 mil. RESTORE Act / GF

10

High Performing Work Environment

- Human resources
 - Recruit interns & co-ops
 - Recruit minority university students
 - Professional development of personnel
 - Specialized leadership training
 - Remote workforce management training
 - Professional accreditation training
 - Professional accreditation recognition
 - Certified Public Manager training

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High Performing Work Environment

- Data driven performance measurement
- Promoting Innovation:
 - Drone inspections for Water & Land
 - Partnerships to cleanup Unauthorized Dumps
 - New PowerBI to improve reporting & analysis
 - Advanced phone system for secure teleworking

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3. Credible Relationships with External Stakeholders

13

3. Credible Relationships with External Stakeholders

- Engage private sector, NGOs, Fed & State
- Improved public communication
- Community engagement
 - Environmental Justice training for all personnel
 - Diversity training personnel
 - Document community engagement

14

**Credible Relationships with External
Stakeholders**

- Encourage website utilization
 - eMaps, eFile, What's Happening in Your County, Water Quality info, eComplaint, AEPACS Site Map Explorer
 - Encourage livestream utilization
 - User friendly website upgrades

15

4. Efficient & Effective Departmental Ops

16

4. Efficient & Effective Departmental Ops

- Meet or exceed EPA work plans:
 - NPDES Water
 - SDWA Drinking Water
 - CAA Air
 - RCRA Hazardous Waste

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Efficient & Effective Departmental Ops

- Emphasis on automation:
 - Complete implementation of next generation software by Mid-Year 2025
 - AEPACS support tools to enhance user experience
 - Initiating Laserfiche Workflow to track Voluntary Cleanup program

18

Efficient & Effective Departmental Ops

- Other objectives completed in FY 2024
 - Upgraded phone system cloud-based
 - Review of recycling and scrap tire programs
 - AEPACS recycling reporting module complete
 - Initial recycling rules update complete
 - Electronic process & storage of legal begun
 - AI use for permitting & enforcement evaluated

19

Efficient & Effective Departmental Ops

- Other objectives ongoing in FY 2025
 - Increased e-applications for cost & quality
 - ARPA / BIL / SRF to improve infrastructure
 - Implementation of AEPACS for Land & Air Division programs
 - Emphasize formal & informal communication

20

Efficient & Effective Departmental Ops

- New objectives in FY 2025
 - Resolve CCR & Ozone SIP program issues
 - Rulemaking for PM_{2.5}, CH₄, Pb/Cu, Legacy
 - Complete beneficial use odor reduction update
 - Bulk email capabilities

21

Long-term Focus

- Physical facilities & financial resources
- Develop future leaders
- Regularly measure performance
- Build lasting relationships
- Embrace innovation

22

Attachment 4

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Approve a salary advance for Director LeFleur of two steps to Step 21 in Pay Grade 91

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That pursuant to the adoption of the above motion, the Commission approves a salary advance for Director LeFleur of two steps to Step 21 in Pay Grade 91 (annual salary of \$221,517.60); and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Environmental Management Commission Order
Page 2

ISSUED this 11th day of October 2024.

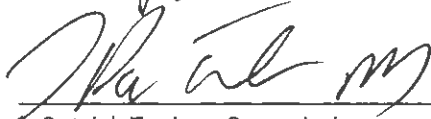
APPROVED:



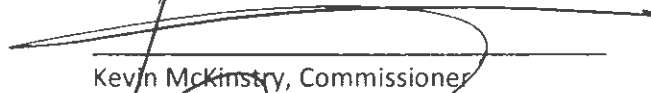
Mary J. Merritt, Commissioner



H. Lanier Brown, II, Commissioner



J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
Page 3

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 11th day of October 2024.



**A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of October 2024**

Attachment 5

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [335-6-16-.10/ Requirements For Tank Trust Fund Coverage of Response Action Costs For UST and AST Systems (Amend)] of the Department's Water Quality Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

Environmental Management Commission Resolution
Page 3

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 11th day of
October, 2024.

APPROVED:



Mary J. Merritt, Commissioner



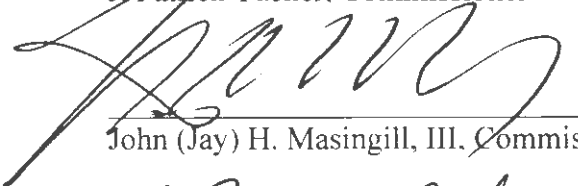
H. Lanier Brown, II, Commissioner



J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
Page 4

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

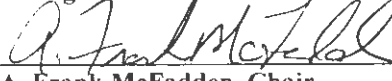
Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 11th day of October 2024.



A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of October 2024

335-6-16-.10

Requirements For Tank Trust Fund Coverage Of
Response Action Costs For UST And AST Systems.

(1) An eligible owner or operator conducting response actions is entitled to coverage of reasonable costs from the Tank Trust Fund, subject to the following provisions:

(a) Upon confirmation and reporting of a release in accordance with the requirements of Rules 335-6-15-.20 through 335-6-15-.23 of the ADEM Administrative Code the owner or operator shall select a contractor from the Department's list of approved contractors, or upon approval by the Department under the conditions identified in Rule 335-6-16-.16(5) and (6), may use the owner or operator's personnel and/or equipment to accomplish all or part of an investigation and necessary corrective action. If a contractor is to be retained the Department must be notified in writing of such a selection within twenty (20) days of reporting of a release. A contractual agreement must be established between the owner or operator and the contractor, and the Department must be provided a copy of the contractual agreement. The owner or operator of an UST is responsible for the first \$5000 or the owner or operator of an AST is responsible for the first \$10,000 of eligible response action costs, or other such amount as may be set by the Commission, as the owner's limit of individual responsibility.

In the event the owner or operator retains a different Approved Response Action Contractor, a contractual agreement must be established between the owner or operator and the Approved Response Action Contractor, and the Department must be provided a copy of the contractual agreement within twenty (20) days of execution of the contract.

(b) If initial release responses, abatement measures and initial free product removal, conducted in accordance with Rules 335-6-15-.22 through 335-6-15-.25 and 335-6-15-.27 of the ADEM Administrative Code, are required to properly stabilize a site and prevent significant continuing damage to the environment or risk to human health, and the cost of such required measures is expected to exceed the individual limit of financial responsibility established by the Commission, the owner, or the Approved Response Action Contractor may contact the Department to obtain verbal or written approval to allow additional expenditures prior to the submittal of a cost proposal.

Additional expenditures may be authorized by the Department up to a total of ~~\$50~~\$150,000 which may be reimbursable from the Tank Trust Fund to achieve site stabilization and immediate protection of human health or the environment. Such approval may be given following the actual expenditures if immediate actions were necessary to protect human health or the environment and Departmental personnel were unavailable. In such a case, the Department must be notified of the actions taken within twenty-four hours.

(c) Following completion of necessary site stabilization actions as described in Subparagraph (b) of this Rule, subsequent investigative and corrective actions must be performed by approved contractors, or by owners or operators approved by the Department to perform such actions, and in accordance with the requirements of Rules 335-6-15-.25 through 335-6-15-.31 of the ADEM Administrative Code. The contractor selection, Departmental notification and contractual requirements as described in subparagraph (a) of this Rule, relative to Approved Response Action Contractors, will be applicable.

(d) Prior to initiating any of the response actions identified in 1. through 6. below, unless otherwise directed by the Department, a cost proposal shall be submitted to the Department for conducting the proposed response action. Cost proposals shall be submitted in accordance with a format which shall be established by the Department and which utilizes the current Tank Trust Fund Reasonable Rates, where applicable.

1. Preliminary Investigation (in accordance with ~~Rule~~Rules 335-6-15-.25 and 335-6-15-.26).
2. Risk Assessment in accordance with Rule 335-6-15-.30.
3. Free Product Removal (in accordance with Rule 335-6-15-.27).
4. Secondary Investigation and Development of Corrective Action Plan (in accordance with ~~Rule~~Rules 335-6-15-.28 through 335-6-15-.32).
5. Implementation of Corrective Action Plan. This shall include the costs of: finalizing equipment design; purchase of equipment and materials to be dedicated to the site for corrective action; installation and bringing to operational status the corrective action system; and the operation and maintenance costs of the corrective action system for the total projected time period in which the corrective action system will be needed to comply with corrective action limits of Chapter 335-6-15 of the ADEM Administrative Code.
6. Provision of alternate water supply.

(e) Upon review of a cost proposal for any of the activities identified in (d)1. through 6. above, the Department may:

1. Approve the cost proposal and authorize work to be initiated; or
2. Require a modification to or clarification of the cost proposal if projected costs are not determined to be reasonable.

(f) In addition to the above requirements of (c), (d) and (e) of this Rule, the owner or operator shall upon submittal of a cost proposal for a site investigation, also submit an estimate of the total cost of remediation for the site which shall be used solely for the purpose of the Commission, the Department, and the Tank Trust Fund Management Board in projecting future funding requirements for the Tank Trust Fund. The total estimated cost of remediation for a site shall be updated by the owner or operator as necessary and as more complete information

regarding a site becomes available. The Department will utilize the submitted data and other data available to the Department to determine cost projections for the total estimated cleanup costs for an occurrence.

(g) Upon approval of a cost proposal by the Department, sufficient funds will be obligated from the Tank Trust Fund for completion of the particular phase of work for which the cost proposal was submitted and authorization will be provided for the initiation of the proposed action. Obligation of funds shall be subject to the availability of funds at the time of acceptance of the cost proposal.

(h) The Department shall approve or disapprove that portion(s) of cost proposals dealing with the scope of remedial action or clean-up work within 120 days of receipt of the proposal. Response Action Contractors may act on proposals as if approved by the Department, if the Department does not notify the Response Action Contractor that the scope of work recommended in the proposal is disapproved within 120 days of receipt of the proposal. The Department shall pay for response action services conducted by a Response Action Contractor consistent with any proposal that was not disapproved within 120 days of receipt by the Department.

(i) Response actions performed prior to approval of an associated cost proposal may not be eligible for reimbursement.

(j) If the costs of completing any of the response actions of subparagraph (d)1. through 6. is expected to exceed the amount of an approved cost proposal, an amended cost proposal must be submitted and approved to allow additional funds to be obligated.

(k) Any response action which is carried out in response to any discharge, release or threatened release of motor fuels from an UST or AST must be conducted in accordance with the requirements of Rules 335-6-15-.21 through 335-6-15-.31 and subparagraphs (a) through (d) of this Rule.

(l) The owner or operator shall keep and preserve detailed records demonstrating compliance with approved investigative and corrective action plans and all invoices and financial records associated with costs for which reimbursement will be requested. These records shall be kept for at least three years, or as otherwise instructed by the Department, after corrective action has been completed for a site.

(m) The selected investigative and/or corrective action alternative must be implemented in a manner acceptable to the Department in order for the owner or operator to be eligible for the reimbursement of costs associated with those activities.

(n) An eligible owner or operator conducting AST response actions from August 1, 1993 until June 1, 1994 relative to any discharge, release or threatened release of motor fuels from an AST, is entitled to reimbursement of reasonable costs from the

Tank Trust Fund if the release was discovered and subsequently reported August 1, 1993 or after, and is exempted from the requirements of subparagraphs (a) through (i) above, provided that response actions were carried out in a manner acceptable to the Department.

(o) If response actions which were initiated during the time period referenced in subparagraph (n) above are still continuing upon the effective date of these regulations, the Department will require submittal of cost proposals for any remaining phases of work and for the total projected cost of the remediation.

(p) If the contractor performing response actions as described in subparagraph (o) above is not an Approved Response Action Contractor, the Department may authorize the continued use of that contractor.

(2) An Approved Response Action Contractor may seek reimbursement

from the Trust Tank Fund for costs incurred during the emergency response to a release, where such response was necessary to achieve immediate protection of human health or the environment, by preventing the release from entering a stormwater conveyance, waterway, sensitive ecosystem, or as otherwise directed by the Department, provided that:

(a) The emergency response costs do not exceed \$150,000;

(b) The general emergency response activities were pre-approved by the Department (verbal approval is acceptable); and

(c) Reimbursements are made according to the Trust Fund Reasonable Rates, where applicable.

Author: Sonja Massey, James Stevens, Gregory Stephens, Dorothy Malaier, James Thrash, Vernon H. Crockett

Statutory Authority: Code of Ala. 1975, §§22-35-4, 22-35-5.

History: Effective June 1, 1989. **Amended:** Filed March 18, 1994; effective April 22, 1994. **Amended:** Filed August 28, 2003; effective October 2, 2003. **Amended:** Published December 31, 2020; effective February 14, 2021. **Amended:** Published
; effective _____.

Attachment 6

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-13 of the Department's Land Division – Solid Waste Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-27-2, 22-27-7, 22-27-9, 22-27-12 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-13 [rules 335-13-4-.21/General Operational Standards For Landfill Units (Amend); 335-13-4-.22/ Specific Requirements For Municipal Solid Waste Landfills (Amend); 335-13-4-.23/ Specific

Requirements For Inert-Construction/Demolition Landfills And Industrial Landfills (Amend); 335-13-5-.02/ Permit Application (Amend); 335-13-5-.03/ Public Notice (Amend); 335-13-5-.04/Public Hearing (Amend); 335-13-5-.06/ Permit Modification (Amend); 335-13-8-.05/ Termination of Variance (Amend); 335-13-11-.05/ Remediation Contracting (Amend); 335-13-12-.02/ Training and Certification Requirements (Amend); 335-13-12-.04/ Revocation of Certificate (Amend)] of the Department's Land Division – Solid Waste Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

Environmental Management Commission Resolution
Page 3

ADEM Admin. Code division 335-13 – Solid Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 11th day of
October, 2024.

APPROVED:



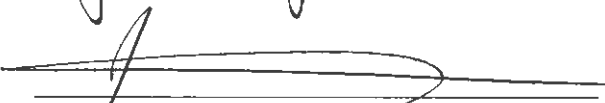
Mary J. Merritt, Commissioner



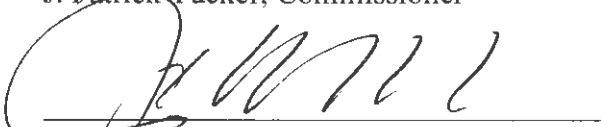
H. Lanier Brown, II, Commissioner



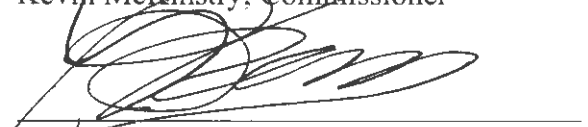
J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
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ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

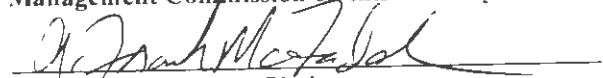
Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 11th day of October 2024.



A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of October 2024

335-13-4-.21

General Operational Standards For Landfill Units.

Any- person or agency operating or planning to operate a landfill- unit shall operate and maintain the facility consistent with- this Division. General requirements for operating and- maintaining an acceptable landfill unit shall be:

(1) General Operation.

(a) The operation and use of the landfill unit shall- be as stipulated in the permit.

(b) Waste accepted at the facility shall be strictly-~~controlled so as to allow only waste stipulated on the permit or otherwise as may be approved by the department. The permittee~~ controlled so as to allow only waste stipulated in the permit or otherwise as may be approved by the Department. The permittee of any facility permitted under these rules must have in the- operating record a plan describing procedures the permittee will- implement for detecting and preventing the disposal of free- liquids, regulated hazardous wastes, regulated medical wastes,- and regulated PCB wastes at the facility. This plan must- include at a minimum:

1. Random inspections of incoming loads to ensure- that incoming loads do not contain free liquids, regulated- hazardous wastes, regulated medical wastes, or regulated PCB- wastes.

2. Inspection of suspicious loads.

3. Records of all inspections to include the origin- of waste suspected to be regulated hazardous, regulated medical,- or regulated PCB waste if known; transporters, to include- transfer stations and all handlers of the waste en route to the- disposal site; and any certifications from generators provided- to the permittee or facility personnel. These records must be- maintained on file in the operating record of the facility.

4. Training of facility personnel to recognize free- liquids, regulated hazardous wastes, regulated medical wastes,- and regulated PCB wastes.

5. Procedures for notifying the proper authorities if- free liquids, regulated hazardous wastes, regulated medical- wastes, or regulated PCB wastes are discovered at the facility.

6. Methods to identify all industrial users of the- facility, producers of special wastes, and transporters of these- wastes.

(c) Prior to disposal of industrial waste and/or- medical waste, the permittee shall obtain from each generator a- written certification that the material to be disposed does not- contain free liquids, regulated hazardous wastes, regulated- medical wastes, or regulated PCB wastes.

1. This certification may be based on laboratory- analysis of the waste on a case-by-case basis, or documentation- supporting the generator's knowledge of the wastestreams(s), or- as may be required by the Department.

2. Copies of the certification shall be submitted to the Department for disposal approval and for any specific requirements prior to disposal. After submittal of the required certification, the Department shall have five (5) working days to respond. If no response is given, the permittee may dispose of the material as proposed.

3. In the case of one-time emergency disposal requests, the permittee shall submit the required certification no later than five (5) days after the disposal of waste.

4. Certification shall be renewed or revised biennially (every two years) or at such time that operational changes at the point of generation could render the waste hazardous, whichever is more frequent and submitted to the Department for approval.

5. Copies of these certifications and approvals shall be maintained on file in the operating record of the facility and shall be made available for the Department upon request.

6. The above requirements notwithstanding and, as may otherwise be required, pursuant to Division 13 rules, generators will not be required to submit certification to the Department provided that:

(i) The waste will be disposed of at a non-commercial-industrial waste landfill which has been permitted by the Department, and is owned either exclusively or mutually by the generator(s) of the waste, and which disposes of waste generated only by the owner(s);

(ii) The wastestream(s) to be disposed of are specifically described in the Solid Waste Landfill Permit issued by the Department or in the final application as referenced by the permit for the site designated to receive the waste;

(iii) The required certification, as described above, is maintained on-site by the owner(s) of the landfill; and

(iv) The required certification, as described above, is made available for inspection by the Department upon request.

(d) The landfill unit shall be operated in such a manner that there will be no water pollution or unauthorized discharge.

1. Any discharge resulting from a landfill unit or practice may require:

(i) A National Pollutant Discharge Elimination System (NPDES) permit under the Alabama Water Pollution Control Act as issued by the Department.

(ii) A dredge or fill permit from the Army Corps of Engineers as required under Section 404 of the Clean Water Act, as amended; or

(iii) That a non-point source of surface waters does not violate an area wide or statewide water quality management plan that has been approved under the Alabama Water Pollution Control Act.

2. The groundwater shall not be contaminated as specified by this Division.

(e) The historic and certified disposal areas shall be identified with a sufficient number of permanent markers which are at least visible from one marker to the next.

(f) Measuring or weighing devices shall be required for all municipal solid waste landfill units accepting solid waste. All solid waste shall be properly measured or weighed prior to disposal unless otherwise approved by the Department.

(g) Deep rooted vegetation (with roots that may grow below the six inch erosion layer) shall be prohibited as vegetative cover.

(h) With the exception of very small quantity generator waste disposed of in municipal solid waste landfills, regulated hazardous waste, as defined by Division 14 of the ADEM Administrative Code, is prohibited from disposal in a non-hazardous landfill unit.

(i) Except as provided in paragraph 1. below, a landfill shall not dispose of whole tires after December 31, 2026. Whole tires shall at a minimum be shredded or cut into quarters or smaller pieces prior to disposal.

1. Incidental whole tires received in loads of solid waste may be disposed, provided the whole tires constitute a de minimis portion of the overall load of waste.

2. "De minimis" refers to a small amount of material or number of items, as applicable, commingled and incidentally disposed of with other solid waste.

(2) Open Burning.

(a) Open burning of solid waste at any landfill unit is prohibited unless approved by the Department as follows:

1. Clearing debris at the landfill unit such as trees and stumps may be burned if prior approval is received from the Department and the Alabama Forestry Commission.

2. Emergency clean-up debris resulting from catastrophic incidents may be burned at a permitted landfill unit if consistent with the intent of this Division and air pollution control requirements. Prior approval must be received from this Department and other appropriate agencies.

3. If approved, the burning shall not occur over previously filled areas or within 200 feet of existing disposal operations unless otherwise specified by the Department and such burning shall not cause a public nuisance or pose a threat to public health.

(b) The person or agency requesting permission to burn solid waste shall apply in writing to the Department, outlining why a burn request should be granted. This request should include, but not be limited to, specifically what areas will be utilized, types of waste to be burned, the projected starting and completion dates for the project, and the projected days and hours of operation.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-3, 22-27-4, 22-27-7, 22-27-47, 22-27-48.

History: November 18, 1981; **Amended:** March 31, 1988 (Emergency Regulations); July 21, 1988; October 2, 1990.

Amended: Filed September 28, 1993; effective November 2, 1993.

Amended: Filed June 21, 1996; effective July 26, 1996.

Amended: Filed April 24, 2018; effective June 8, 2018.

Amended: Filed June 25, 2019; effective July 9, 2019.

Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published ; effective .

335-13-4-.22

Specific Requirements For Municipal Solid Waste Landfills.

The following requirements in conjunction with 335-13-4-.21 shall be for operating and maintaining an acceptable MSWLF:

(1) Daily Operation.

(a) All waste shall be covered as follows:

1. A minimum of six inches of compacted earth or other alternative cover material that is approved by the Department shall be added at the conclusion of each day's operation or as otherwise approved by the Department to control disease vectors, fires, odors, blowing litter, and scavenging.

2. In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of subparagraph (1)(a)1. of this section.

3. Final closure shall be carried out in accordance with rule 335-13-4-.20 of this Division.

(b) All waste shall be confined to as small an area as possible within a single working face and spread to a depth not exceeding two feet prior to compaction, and such compaction shall be accomplished on a face slope not to exceed 4 to 1 (25%) or as otherwise approved by the Department.

(c) All waste shall be thoroughly compacted with adequate landfill equipment before the daily cover is applied. A completed daily cell shall not exceed eight feet in vertical thickness measured perpendicular to the slope of the preceding cell.

(d) The site shall be operated in accordance with approved plans and permits.

(e) Adequate personnel shall be provided to ensure continued and smooth operation of the facility.

(f) Adequate equipment shall be provided to ensure continued operation in accordance with the permit and regulations.

(g) Provisions shall be made for disposal activities in adverse weather conditions.

(h) The site shall be adequately secured using artificial barriers, natural barriers, or both to prevent entry of unauthorized vehicular traffic.

(i) A sign outlining instructions for use of the site shall be posted at the entrance and shall include: name of facility, name of permittee and/or operating agency or person, days and hours of operation, disposal fees, and types of waste accepted if the site is available to the general public or commercial haulers.

1. Name of facility,
2. Name of permittee and/or operating agency or person,
3. Days and hours of operation,
4. Disposal fees, and

5. Types of waste accepted if the site is available to the general public or commercial haulers.

(j) Special provisions shall be made for handling large dead animals or highly putrescible waste. Immediately covering the waste with a minimum of 12 inches of cover in a designated area of the facility shall be included in these provisions.

(k) Bulk or noncontainerized liquid waste, or containers capable of holding liquids, shall not be accepted at a landfill unit unless:

1. The liquid is household waste other than septic waste;

2. The liquid is leachate or gas condensate derived from the MSWLF unit, and the MSWLF unit is designed with a minimum composite liner and leachate collection system or approved equivalent liner and leachate collection system; or

3. The containers:

(i) Are similar in size to that normally found in household waste;

(ii) Are designed to hold liquids for use other than storage; or

(iii) Contain household wastes.

(l) Empty containers larger in size than normally found in household waste must be rendered unsuitable for holding liquids prior to disposal in the landfill unit unless otherwise approved by the Department.

(m) Unless otherwise provided by 335-13-4-.22(1)(k), free liquids are prohibited from disposal in the landfill unit.

(n) MSWLF units containing sewage sludge and failing to satisfy the criteria in this Division violate Sections 309 and 405(e) of the Clean Water Act.

(2) Routine Maintenance.

(a) Scavenging shall be prohibited and salvaging operations shall be controlled.

(b) Litter shall be controlled within the permitted facility.

(c) An all-weather access road shall be provided to the dumping face.

(d) Measures shall be taken to prevent the breeding or accumulation of disease vectors. If determined necessary by the Department or the State Health Department, additional disease vector control measures shall be conducted.

(e) Environmental monitoring and treatment structures shall be clearly marked and identified, protected and maintained in good repair and shall be easily accessible.

(f) Completed sites or portions of sites shall be properly closed as provided by this Division and approved facility plans.

(g) The average daily volume of waste received at a MSWLF shall be calculated by dividing the total month's receipts by the total number of days in the reporting month. Records shall be maintained on the average daily volume of waste received at

MSWLFs. A quarterly report which summarizes the daily volumes, with volumes received reported in a format specified and approved by the Department, shall be submitted to the Department and maintained on file in the operating record of the facility by the permittee. If the average daily volume is exceeded for two or more consecutive quarters, by 20 percent or 100 tons/day, whichever is less, a modification would be required to adjust the permitted average daily volume.

(3) Additional Requirements.

(a) Owners or operators of all MSWLFs must ensure that the units do not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to Section 110 of the Clean Air Act, as amended.

(b) Notwithstanding this rule, additional requirements for operating and maintaining a MSWLF may be imposed by the Department, as deemed necessary, to comply with the Act and this Division.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-27-3, 22-27-4, 22-27-7.

History: November 18, 1981; **Amended:** July 21, 1988; October 2, 1990. **Amended:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8, 2018.

Amended: Filed June 25, 2019; effective July 9, 2019.

Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published ; effective .

335-13-4-.23

Specific Requirements For Inert-Construction/
Demolition Landfills And Industrial Landfills.

The following requirements in conjunction with 335-13-4-.21 shall be for operating and maintaining an acceptable C/DLF or ILF:

(1) Operation.

(a) All waste shall be covered as follows:

1. A minimum of six inches of compacted earth or other alternative cover material that is approved by the Department shall be added at the conclusion of each week's operation or as otherwise specified by the Department to control disease vectors, fires, odors, blown litter and scavenging.
2. In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of subparagraph (1)(a)1. of this section.
3. Final closure shall be carried out in accordance with 335-13-4-.20 of this Division.

(b) All waste shall be thoroughly spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing the weekly cover as specified in 335-13-4-.23(1)(a)1., unless otherwise approved by the Department. Waste, such as construction/demolition waste and other types of waste, which cannot be managed by landfill equipment in this manner shall be managed in a manner approved

(c) All waste shall be confined to as small an area as possible within a single working face and placed onto an appropriate slope not to exceed 4 to 1 (25%) or as approved by the Department.

(d) The facility shall be operated in accordance with approved plans and permits.

(e) The site shall be adequately secured to prevent entry except by authorized person(s) unless an operator is on site.

(f) If the site is available to the public or commercial haulers, a sign shall be posted at the landfill stating:

1. Name of permittee,
2. Owner and/or operator,
3. Name of landfill,
4. Days and hours of operation,
5. Waste types accepted, and
6. Disposal fees for use of the landfill.

(g) Provisions shall be made for disposal activities in adverse weather conditions.

(h) Adequate personnel shall be provided to ensure continued and smooth operation of the site.

(i) Adequate equipment shall be provided to ensure continued operation in accordance with the permit and regulations.

(j) Bulk or non-containerized liquid waste, or containers capable of holding liquids, shall not be accepted at a C/DLF or ILF unless:

1. The liquid is leachate or gas condensate derived from the C/DLF or ILF unit, and

2. The C/DLF or ILF unit is designed with a minimum single liner and leachate collection system or approved equivalent liner and leachate collection system.

(k) Empty containers larger than 10 gallons in size must be rendered unsuitable for holding liquids prior to disposal in the landfill unit unless otherwise approved by the Department.

(l) Unless otherwise provided by 335-13-4-.23(1)(j), free liquids are prohibited from disposal in the landfill unit.

(2) Routine Maintenance.

(a) Scavenging shall not be permitted, and salvaging operations shall be controlled.

(b) Litter shall be controlled within the permitted facility.

(c) Completed sites or portions of sites shall be properly closed as provided by this Division and approved facility plans.

(d) An all-weather access road shall be provided to the dumping face.

(e) Environmental monitoring and treatment structures shall be protected and maintained in good repair and easily accessible.

(f) The average daily volume of waste received at a C/DLF or ILF shall be calculated by dividing the total month's receipts by the total number of days in the reporting month. Records shall be maintained on the average daily volume of waste received at C/DLFs and ILFs. A quarterly report which summarizes the daily volumes, with volumes received reported in a format specified and approved by the Department, shall be submitted to the Department and maintained on file in the operating record of the facility by the permittee. If the average daily volume is exceeded for two or more consecutive quarters, by 20 percent or 100 tons/day, whichever is less, a modification would be required to adjust the permitted average daily volume.

(g) Measures shall be taken to prevent the breeding or accumulation of disease vectors. If determined necessary by the Department or the State Health Department, additional disease vector control measures shall be conducted.

(3) Additional Requirements.

(a) Notwithstanding this rule, certain requirements for operating and maintaining a C/DLF or ILF may be enhanced or reduced by the Department as deemed necessary to comply with the Act and this Division.

(b) [Reserved].

(c) Industrial landfills which accept coal combustion residuals must also adhere to the applicable requirements of ADEM Admin. Code 335-13-15.

Author: Russell A. Kelly, Eric L. Sanderson, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-27-3, 22-27-4, 22-27-7.

History: November 18, 1981; **Amended:** July 21, 1988; October 2, 1990. **Amended:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8, 2018.

Amended: Filed June 25, 2019; effective July 9, 2019.

Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published ; effective .

Any person who requires a permit pursuant to this Division shall complete, sign, and submit to the Department an application for each permit required under 335-13-5-.01.

(1) Application Requirements.

(a) Solid Waste Landfills. Landfill units proposed after the effective date of this Division shall obtain permits to construct and/or operate by submitting a permit application consisting of the following in order to request a permit:

1. A completed application form designated by the Department, with applicable fees;
2. Documentation of host government approval, as provided in the Code of Ala. 1975, §22-27-48 and 48.1;
3. Facility design plans and operational procedures in accordance with Permit Application Procedures for Solid Waste Disposal Facilities as prepared by the Department;
4. Technical data and reports to comply with 335-13-4-.01, 335-13-4-.11 through 335-13-4-.24 and this Division; and
5. All technical reports, plans and specifications, plats, geological and hydrological reports required by this Division, prepared under the following:

(i) Plans, specifications, operational procedures, letters of final construction certification and other technical data, except as provided in 335-13-5-.02(1)(a)5.(ii) and (iii) for the construction and operation of a facility, shall be prepared by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans, specifications and reports.

(ii) Reports, letters of certification and other documents and technical data concerning the siting standards of 335-13-4-.01 shall be prepared by a person with technical expertise in the field of concern.

(iii) Legal property descriptions and survey plats shall be prepared by a land surveyor with the seal or signature and registration number of the land surveyor affixed.

6. The name and mailing address of all property owners whose property, per county tax records, is adjacent to the proposed site shall be submitted as part of a landfill unit's permit application.

7. The Department may waive certain requirements of (a)3. and 4. for those landfill units that will receive for disposal only construction and demolition type waste. A permit application for a C/DLF shall be submitted on a permit application form designated by the Department, which shall specify the minimum requirements for a complete application. The C/DLF permit application shall also include statements signed by a professional engineer and a representative of the facility owner/operator certifying that the information being submitted

is accurate and correct. The submittal of false or inaccurate information shall result in the C/DLF permit application being suspended or denied.

(b) Composting Facilities.

1. The owner or operator of each composting facility in existence on April 3, 2012, shall file an application, including applicable fees, for a permit with the Department no later than June 1, 2012. The owner or operator of each new composting facility desiring to begin operation after April 3, 2012, shall obtain a permit prior to commencing composting activities.

2. Each owner or operator of a composting facility shall submit a permit application prepared by a professional engineer to the Department utilizing a form designated by the Department. In addition to the designated application form, the following information shall be submitted as part of the permit application:

(i) Documentation of host government approval as provided in the Code of Ala. 1975, §22-27-48 and 48.1.

(ii) List of feed stocks to be accepted at the composting facility.

(iii) The operational capacity of the composting facility.

(iv) Legal property description and plat prepared by a land surveyor with the seal or signature and registration number of the land surveyor affixed.

(v) Composting facility design plans and operational plans in accordance with 335-13-14. Design plans and operational plans shall be prepared by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans.

(vi) A process flow diagram of the entire facility.

(vii) A fire prevention plan.

(viii) A closure plan that at a minimum includes:

(I) Information detailing the removal of all remaining solid waste material from the site as required by rule 335-13-14-.09;

(II) A detailed written estimate, in current dollars, of the cost required to complete closure of the composting facility in accordance with rule 335-13-14-.09; and

(III) A demonstration by the applicant of the ability to provide adequate financial coverage equal to the amount required in rule 335-13-5-.02(1)(b)2.(viii)(II) for the closure of the composting facility.

(ix) The names and mailing address of all property owners whose properties, per county tax records, are adjacent to the proposed site.

(c) CCR Facilities. All solid waste management of CCR generated from the combustion of coal at electrical utilities and independent power producers shall take place in a unit permitted by the Department. New and existing CCR landfills and surface

impoundments shall obtain permits for construction, operation, closure and/or post-closure in accordance with the following:
1. Existing CCR Surface Impoundments. Except as provided in 335-13-5-.02(1)(c)3., for existing CCR surface impoundments, the owner or operator shall submit the following in order to request a permit:

(i) A completed application form designated by the Department, with applicable fees.

(ii) Boundary plat and legal property description prepared, signed, and sealed by a land surveyor of the boundary of the facility and disposal area of the CCR unit.

(iii) Technical data and reports documenting compliance with the following location requirements:

(I) Five foot separation of the base of the CCR unit and the uppermost aquifer as specified in 335-13-15-.03(1);

(II) Wetland and endangered species requirements under 335-13-15-.03(2);

(III) Fault area requirements under 335-13-15-.03(3);

(IV) Seismic impact zones requirements under 335-13-15-.03(4);

(V) Unstable area requirements under 335-13-15-.03(5); and

(VI) The location requirements under 335-13-15-.01(2)(b) and 335-13-15-.03(6).

(iv) Detailed presentation of geological and hydrogeological units within the disposal site, with typical sections of disposal method and plan and profile sheets on all areas or trenches.

(v) Technical report of the determination of the liner design and type as required by 335-13-15-.04(2).

(vi) Technical report for the hazard potential classification as outlined in 335-13-15-.04(4)(a)2. and the Emergency Action Plan (EAP), if necessary, developed under 335-13-15-.04(4)(a)3.

(vii) For existing CCR surface impoundments that have a height of five feet or more and a storage volume of 20 acre-feet or more, or an existing surface impoundment with a height of 20 feet or more, the application shall include the following:

(I) All the information required by 335-13-15-.04(4)(c)1.(i) through (xii).

(II) Results of the structural stability assessment as required by 335-13-15-.04(4)(d).

(III) Results of the safety factor assessment as required by 335-13-15-.04(4)(e).

(viii) Sufficient control points on-site to provide for accurate horizontal and vertical control for facility construction, operation and closure and post-closure.

(ix) Topographical maps at contour intervals of not more than five feet for the existing ground surface elevation, initial disposal area elevation, and final disposal area elevation. The maps shall also show buffer zones.

- (x) Quality assurance/quality control (QA/QC) plan for all components of the final cover system.
- (xi) An operation plan that includes at a minimum:
 - (I) A CCR fugitive dust control plan developed in accordance with 335-13-15-.05(1).
 - (II) An inflow design flood control system plan developed in accordance with 335-13-15-.05(3).
 - (III) All technical reports, plans and specifications documenting compliance with the requirements of 335-13-15-.05(4) and 335-13-15-.05(6).
 - (IV) A detailed description of the groundwater monitoring and analysis program developed in accordance with 335-13-15-.06.
 - (V) Procedures for compliance with recordkeeping, notification and internet posting as required under 335-13-15-.08.
 - (VI) Procedures for updating all plans and assessments periodically as required by 335-13-15.
- (xii) The written closure and post-closure or retrofit plan developed in accordance with 335-13-15-.07.
- (xiii) Any additional information that may be required by the Department.
- (xiv) The name and mailing address of all property owners whose property, per county tax records, is adjacent to the proposed site.
- (xv) Plans, specifications, operational procedures, letters of final construction certification and other technical data required as part of the application, except as provided in 335-13-5-.02(1)(c)1.(ii) and (xiv), shall be certified by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans, specifications and reports.

2. New CCR surface impoundments and any lateral expansion of a CCR surface impoundment. For new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, the owner or operator shall submit the following in order to request a permit:

- (i) Except for the requirements of 335-13-5-.02(1)(c)1.(v), (vi), and (vii), the requirements for an existing CCR surface impoundment in 335-13-5-.02(1)(c)1.
- (ii) Technical report for the hazard potential classification as outlined in 335-13-15-.04(5)(a)2. and the Emergency Action Plan (EAP), if necessary, under 335-13-15-.04(5)(a)3.
- (iii) For new CCR surface impoundments that have a height of five feet or more and a storage volume of 20 acre-feet or more, or a surface impoundment with a height of 20 feet or more, the application shall include the following:
 - (I) All the information required by 335-13-15-.04(5)(c)1.(i) through (xii).
 - (II) Results of the structural stability assessment as required by 335-13-15-.04(5)(d).

(III) Results of the safety factor assessment as required by 335-13-15-.04(5)(e).

(iv) Design for the liner as required by 335-13-15-.04(3).

(v) Quality assurance/quality control (QA/QC) plan for all components of the liner.

(vi) Plans, specifications, operational procedures, letters of final construction certification and other technical data required as part of the application, except as provided in 335-13-5-.02(1)(c)1.(ii) and (xiv)., shall be certified by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans, specifications and reports.

3. For existing CCR surface impoundments that have initiated closure or are otherwise subject to the closure requirements of 335-13-15-.07(2), the owner or operator shall submit all the information as required for an existing CCR surface impoundment in 335-13-5-.02(1)(c)1., except for the requirements of 335-13-5-.02(1)(c)1.(iii), (iv) and (v), to request a closure or post-closure permit or a permit for such operations as may be authorized by 335-13-15-.07(4).

4. Existing CCR Landfills. For existing CCR landfills, the owner or operator shall submit the following to request a permit:

(i) Except for the requirements of 335-13-5-.02(1)(c)1.(iii), (v), (vi), (vii) and (xi)(II) and (III), the requirements for an existing CCR surface impoundment in 335-13-5-.02(1)(c)1.

(ii) Technical data and reports documenting compliance with the following:

(I) Unstable area requirements in 335-13-15-.03(5);

(II) The location requirements under 335-13-15-.01(2)(b) and 335-13-15-.03(6);

(III) Cover requirements under 335-13-15-.05(7)(a);

(IV) Access control requirements of 335-13-15-.05(6)(e);

(iii) An operation plan that includes, at a minimum:

(I) A run-on and run-off control system plan developed in accordance with 335-13-15-.05(2)(c), which should include existing and proposed surface drainage patterns and control structures designed to handle run-on and run-off.

(II) Details of plans for permanent all weather access roads.

(III) All technical reports, plans and specifications documenting compliance with the operational requirements of 335-13-15-.05(1)(d), 335-13-15-.05(5), (6) and (7).

5. New CCR Landfills and any lateral expansion of a CCR Landfill. In addition to the requirements listed in 335-13-5-.02(1)(c)4. above, applications for new CCR landfills and any lateral expansion of a CCR landfill shall include the following in order to request a permit:

(i) Technical data and reports documenting compliance with the following location requirements:

(I) Five foot separation of the base of the CCR unit above the uppermost aquifer as specified in 335-13-15-.03(1).

(II) Wetland and endangered species requirements under 335-13-15-.03(2).

(III) Fault area requirements under 335-13-15-.03(3).

(IV) Seismic impact zones under 335-13-15-.03(4).

(ii) Design of the liner and leachate collection and removal system as required by 335-13-15-.04(1), including a quality assurance/quality control (QA/QC) plan for all components of the liner, leachate collection, and final cover system.

(d) In addition to the requirements listed in 335-13-5-.02(1), the permit application shall also include statements signed by a professional engineer and a representative of the facility owner/operator certifying that the information being submitted is accurate and correct. The submittal of false or inaccurate information shall result in the permit application being suspended or denied.

(2) Permit Renewal Application Requirements.

(a) Permittees requesting to renew an existing permit must do so by submitting a permit renewal application consisting of the following:

1. A completed application form designated by the Department, with applicable fees;

2. ~~Updated technical data, plans or reports, where applicable,~~ Technical data, plans and reports as required under the following:

(i) 335-13-5-.02(1)(a)3. ~~and/or 4~~ through 5., excluding 335-13-5-.02(1)(a)5.(ii), for landfills;

(ii) 335-13-5-.02(1)(b)2. ~~(ii) through (viii)~~ (ii) through (ix) for composting facilities; and

(iii) 335-13-5-.02(1)(c) for CCR units.

3. The name and mailing address of all property owners whose property, per county tax records, is adjacent to the site shall be submitted as part of a renewal application.

4. All renewal applications and supporting documentation shall be prepared in accordance with 335-13-5-.02(1)(d).

(3) Permit Duration. Permits obtained in compliance with this Division shall be valid for the design life of the facility or as otherwise determined by the Department, but no longer than a period of ten years. Permits, however, are subject to revocation under 335-13-5-.05 of this Division.

(4) Filing Deadline. Applications for an extension, renewal, or a new permit for any landfill facility, composting facility or CCR facility shall be filed with the Department by the owner or operator at least 180 days prior to the expiration date for existing permits or the proposed construction date for new facilities. Applications for an initial permit for CCR facilities shall be filed with the Department within 180 days after the original effective date of 335-13-15.

(5) Modifications. Prior to any change listed in 335-13-5-.06(1) and (2), the permittee shall request a modification of the permit as described in 335-13-5-.06(3). A request for modification described in 335-13-5-.06(1) and (2) must be filed with the Department at least 120 days prior to the anticipated change and shall receive approval from the Department prior to the implementation of the proposed change.

(6) Effect of non-compliance.

(a) As determined by the Director, substantial non-compliance with Department regulations or permits at any facility owned or operated by the applicant, including any facility for which the pending permit application is requested, will be grounds for denial of the application, or alternatively, for suspension of further consideration of the application until such non-compliance is corrected.

(b) In addition to the foregoing, the Director may deny a permit application if:

1. The Director determines that a permit could not be issued that would result in compliance with applicable solid waste standards; or
2. The applicant could not comply with the permit as issued.

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Statutory Authority: Code of Ala. 1975, §§22-27-3, 22-27-5, 22-27-7, 22-27-48 and 48.1.

History: Effective November 18, 1981. **Amended:** March 31, 1988. (Emergency Regulations); July 21, 1988; October 2, 1990.

Amended: Filed September 28, 1993; effective November 2, 1993.

Amended: Filed June 21, 1996; effective July 26, 1996.

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Amended: Published December 31, 2020; effective February 14, 2021. **Amended:** Published October 29, 2021; effective December

13, 2021. **Amended:** Published ; effective .

335-13-5-.03

Public Notice.

(1) Notice Requirements.

(a) The Department shall provide notice and an opportunity for a public hearing and comment on any solid waste landfill unit, composting facility or CCR facility permit initial issuance, renewal, a modification listed in 335-13-5-.06(1), 335-13-5-.06(2)(b), or 335-13-5-.06(4)(b)2. ~~or (2)(b)~~ to the facility permit, or if otherwise determined necessary to meet the requirements of this Division.

(b) The following procedures shall be observed:

1. The Department shall send a copy of the notice to persons on a mailing list developed by:

(i) Including those who request in writing to be on the list;
(ii) Notifying the public of the opportunity to be put on the mailing list through the Department's website, periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals (the Director may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such a request);

2. The Department shall notify interested and potentially interested persons of the proposed permit action for a solid waste landfill, composting or CCR facility by posting a notice to the Department's website. The draft permit action shall be posted on the website for the duration of the public comment period.

3. The notice shall be given not less than 35 days prior to the proposed issuance of a permit action.

4. The notice shall contain the specific type and nature of the solid waste landfill, composting or CCR facility, the type of waste to be disposed or accepted, as applicable, the owner or operator requesting the permit action, and the descriptive location of the solid waste landfill, composting or CCR facility, address and telephone number of the Department, and how the public may submit comments and request a public hearing on the proposed permit action.

5. The Department shall send by certified mail, a written copy of the public notice to landowners adjacent to the subject solid waste landfill, composting or CCR facility at the address as indicated on county tax records and provided by the applicant as part of the permit application. The list and addresses of adjacent land owners, as provided in the permit application, shall be verified and/or updated by the applicant and such documentation shall be provided to the Department within 90 days prior to the public notice date. Documentation that notice was sent shall include copies of the signed receipts of certified mail delivery or a copy of any returned certified mail item, that is refused or otherwise undeliverable.

(2) Departmental Action. After the comment period closes, the Department shall review, consider and respond to all public comments received by the close of the comment period and take one of the following actions:

(a) Deny the permitting action, stating in writing the reasons for denial and informing the person requesting the permitting action of appeal procedures in chapter 335-2-1;

(b) Issue the permitting action if the application complies with this Division; or

(c) Require additional information or additional elements of design for the facility. If required, the applicant must specify procedures for inclusion into the permit of any additional information prior to issuance of the permit action.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-7.

History: Effective November 18, 1981. **Amended:** July 21, 1988.

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335-13-5-.04 Public Hearing.

(1) Authorization. The Department shall authorize a public hearing at its discretion, or upon receipt of a significant number of technical requests as provided in 335-13-5-.04(2).

(2) Procedures.

(a) Requests for public hearings shall be submitted in writing to the Department.

1. Frivolous or nontechnical requests shall be denied by the Department.

2. Requests for public hearings must be submitted within 35 days after the publication of the public notice and must contain the following:

(i) The name, address, and telephone number of the person requesting the hearing.

(ii) A brief statement of the person's interest and the information the person wishes to submit.

(iii) The person's signature, if an individual, or the signature of a responsible officer of an organization or legal entity.

(b) When a hearing has been authorized, the Department shall appoint a hearing officer to conduct the hearing and shall establish a time, date, and location for the hearing. The location for the hearing shall comply with the requirements of the Americans with Disabilities Act.

(c) The Department shall give notice of the public hearings in the manner set forth in 335-13-5-.03(1), and also to the persons requesting the hearing in 335-13-5-.04(2). The notice shall be given not less than 35 days prior to the time of the public hearing and shall include:

1. A summary of the proposed permitting action.

2. The place, time, and date of the hearing.

3. The name, address and telephone number of an office at which interested persons may receive further information.

(3) Departmental Action. After the public hearing and close of the comment period, the Department shall review, consider, and respond to comments received by the close of the comment period and take one of the following actions:

(a) Deny the permitting action, stating in writing the reasons for denial and inform the person requesting the permitting action of appeal procedures in chapter 335-2-1;

(b) Issue the permitting action, if the application complies with this Division; or

(c) Require additional information or additional elements of design for the facility. If required, the applicant must specify procedures for inclusion into the permit of any additional information prior to issuance of the permit action.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-7.

History: Effective November 18, 1981. **Amended:** July 21, 1988.
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335-13-5-.06**Permit Modification.**

The Department may modify any permit after receiving a satisfactory request for modification that is found in compliance with ADEM rules and regulations. Permit modifications shall be requested in writing utilizing application forms designated by the Department (ADEM Form 439 for ~~MSWLFs, ILFs and CCR facilities, ADEM Form 305 for C/DLFs~~ landfills and CCR facilities, or ADEM Form 018 for composting facilities) when the permittee proposes to modify its operation in any of the ways listed in 335-13-5-.06(1) or (2). The Department may administratively modify a permit as described in 335-13-5-.06(4).

(1) Major Modifications.

(a) Major modifications are limited to the following actions:

1. There is any change in the permitted service area. The Director may temporarily or on a one-time basis waive permit modification requirements related to service area on a case-by-case basis, if it is demonstrated that a disposal alternative is needed immediately to protect human health or the environment.
2. Convert an industrial landfill (ILF) or construction/demolition landfill (C/DLF) to a municipal solid waste landfill (MSWLF) or convert a construction/demolition landfill (C/DLF) to an industrial landfill (ILF).
3. Addition of a liner and/or leachate collection system or any design change in the existing permitted liner and/or leachate collection system.
4. Addition of acreage to the facility boundary or addition of disposal acreage inside the permitted perimeter where design plans have not been previously submitted.

(b) Modifications required under this paragraph are subject to the provisions of rules 335-13-5-.03 and ~~§~~335-13-5-.04, which require a public notice and may require a public hearing.

(2) Minor Modifications.

(a) Except as provided in 335-13-5-.06(2)(b), minor modifications are limited to the following actions:

1. Correction of typographical errors and informational changes as requested by the permittee.
2. Changes to remove permit conditions to conform with revised Department guidance or regulations (i.e., permit conditions that are no longer applicable because the standards upon which they were based are no longer applicable to the facility).
3. Changes, by the permittee, to approved applicable plans, as included in the permit application, that increase the frequency, duration or stringency of the actions covered by the applicable plan(s).
4. Addition of a new groundwater monitoring well or replacement of an existing monitoring well (i.e., one that has been damaged or rendered inoperable, as close as possible to the original location, and of similar design and depth).

5. Changes in the statistical analysis method (e.g. changing from interwell or intrawell analysis).
6. Changes in the stormwater conveyance system including, but not limited to, the addition of a sedimentation basin.
7. Changes in fill sequence.
8. Modifications required by 335-13-5-.06(2)(a) are not subject to the provisions of 335-13-5-.03 and 335-13-5-.04, and do not require public notice or a public hearing.

(b) Other Minor Modifications. Modifications not explicitly listed in 335-13-5-.06(1), 335-13-5-.06(2)(a), 335-13-5-.06(4)(a)1., or 335-13-5-.06(4)(b)1. ~~or (2)(a)~~, will be considered a minor modification that would be subject to the provisions of 335-13-5-.03 for public notice and may require a public hearing under 335-13-5-.04. Applicable actions include, but are not limited to, the following:

1. Addition of a waste stream to an ILF, C/DLF or CCR unit.
2. An increase in the average daily volume specified by the permit for a landfill or CCR unit. The Director may temporarily or on a one-time basis waive permit modification requirements related to an increase in the average daily volume on a case-by-case basis, if it is demonstrated that a disposal alternative is needed immediately to protect human health or the environment.
3. Addition of an alternative cover material for daily or weekly cover.
4. For landfill or CCR units undergoing corrective action, incorporation of approved final remedies into the permit, or any changes to the approved final remedy.
5. Any changes to the permitted final fill elevations.
6. Any change to the approved final closure method, as detailed in the closure plan submitted with the approved permit application.

7. Addition of an on-site leachate treatment system or any design change in an existing permitted on-site leachate treatment system.

(c) For any proposed change covered under 335-13-5-.06(2)(b), the permittee may request a determination by the Department that the modification application should be reviewed and approved as a minor modification under 335-13-5-.06(2)(a). To do so, the permittee must provide the Department with the necessary information to support the requested classification. In determining the appropriate classification for a specific modification, the Department shall consider:

1. The similarity of the modification to other modifications listed in 335-13-5-.06(2)(a); and
2. The criteria that the modification(s) apply only to changes that:
 - (i) Keep the permit current with routine changes to the facility or its operation; and
 - (ii) Do not substantially alter the permit conditions.

(3) Procedures. The Permittee shall request a permit modification in accordance with the following procedures:

(a) Submit a request for modification to the Department at least 120 days prior to the anticipated change.

(b) Identify each and every part of the permit or plans to be modified.

(c) Submit revised plans and narratives as required by the Department.

(d) For those modifications subject to the provisions of 335-13-5-.03 for public notice that may require a public hearing under 335-13-5-.04, the name and mailing address of all property owners whose property, per county tax records, is adjacent to the site shall be submitted as part of the permit modification application.

(e) Receive approval from the Department prior to implementing the modification.

(4) Agency Initiated Modifications.

(a) Administrative modifications may be initiated by the Department if any of the following conditions exist:

1. The Department has determined there are typographical or informational errors that need to be corrected;

2. Reserved.

(b) Modifications for cause may be initiated by the Department when:

1. The Department has received supplemental information from a previously approved permitting action that was not available at the time of permit issuance (other than revised regulations, guidance or test methods);

2. The standards or rules on which the permit was based have been changed by statute, through promulgation of new or amended standards or rules, or by judicial decision after the permit was issued.

(c) Agency initiated modifications listed in 335-13-5-.06(4)

(a)1. and 335-13-5-.06 (4) (b)1. would be considered a minor modification that may be initiated with the concurrence of the permittee and are not subject to the provisions of 335-13-5-.03 and 335-13-5-.04, and do not require public notice or a public hearing.

(d)Administrative modifications listed in 335-13-5-.06(4) (b)2. would be considered minor modifications that would be subject to the provisions of 335-13-5-.03 for public notice and may require a public hearing under 335-13-5-.04.

Author: Russell A. Kelly, S. Scott Story, Jared Kelly, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-3, 22-27-5, 22-27-7.

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335-13-8-.05

Termination Of Variance.

Any variance granted by the Department may be terminated by the Department whenever the Department finds, after notice ~~and opportunity for hearing~~to the petitioner, that the petitioner is in violation of any requirement, condition, schedule, limitation or any other provision of the variance or that operation under the variance does not meet the minimum requirements established by state and federal laws and regulations or is unreasonably threatening the public health. Any variance granted by the Department may also be terminated after notice to and concurrence from the petitioner that the variance is no longer necessary or applicable.

Author: Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala-Alabama 1975, §22-27-7.

History: Effective November 18, 1981. **Amended:** July 21, 1988.

Amended: Published ; effective .

335-13-11-.05

Remediation Contracting.

(1) The Department will ~~provide notice of requests for proposals from remediation contractors by publication of a legal advertisement~~ extend an Invitation to Bid to prospective remediation contractors by posting the solicitation on the Department's website and other media as required by the State of Alabama's contracting laws and rules.

(a) The ~~Request for Proposals shall identify the site, scope of work, and a deadline for submittal of bids~~ Invitation to Bid shall identify the site, scope of work, and a deadline for submitting of bid proposals.

(b) Interested remediation contractors ~~shall submit three sets of their bids in response to the Request for Proposals. Submittals shall also~~ submitting bid proposals shall include:

1. A remediation plan prepared in accordance with ~~rule~~ 335-13-11-.03(4) for closure of the unauthorized dump, if required; and

2. Documentation of all required licenses, bonds, or other documents or approvals necessary to perform work under applicable Alabama contracting laws and regulations.

(c) ~~Not later than sixty days after the deadline for accepting remediation~~ No later than sixty days after the deadline for accepting bid proposals, the Department shall select the remediation contractor submitting the lowest responsible bid proposal that meets all requirements of the scope of work in the ~~Request for Proposals~~ Invitation to Bid.

(d) A contract between the Department and the remediation contractor will be executed in compliance with State of Alabama contracting procedures. The contract shall contain the following items:

1. Detailed scope of work.

2. Schedule for completion of the work.

3. Recordkeeping and reporting requirements.

4. Maximum amount of remediation cost reimbursement.

5. Methods of payment to the contractor.

6. Provisions for removing the contractor for inadequate performance.

7. Financial assurance for the completion of the contract, if required by the Department.

8. Provisions for monetary penalties for failure to complete the work as stipulated in the contract in a timely manner.

(e) The Department may utilize processes available under state law for contractor selection and contract execution.

~~(2) Misrepresentation of any information in the proposal may be cause for disqualification of the contractor from further consideration on~~ Misrepresenting any information in the bid proposal may be cause to disqualify the contractor from future unauthorized dump remediation projects.

(3) A contractor may lose authorization to perform work under the Solid Waste Fund if the contractor fails to make progress in completing work at funded sites due to poor quality or untimely work, or if they are found to be significantly noncompliant ~~progress in completing actions at funded sites has been significantly delayed or inhibited due to the quality or timeliness of work performed by the contractor, or if the contractor is determined to be in significant noncompliance~~ with any environmental regulation or statute.

(4) The acceptance of a bid proposal from a remediation contractor shall in no way establish liability or responsibility on the part of the Department or the State of Alabama with regard to the services provided by the contractor or circumstances ~~which~~ that may occur as a result of the services, nor shall it guarantee that the contractor will receive future Solid Waste Fund work.

(5) Contractor Performance.

(a) ~~The remediation activities shall be implemented consistent with the approved Remediation Plan in a manner acceptable to the Department in order for the contractor to be reimbursed for all costs associated with those activities~~ contractor must follow the approved Remediation Plan to be reimbursed for all associated costs by the Department.

(b) If, after the contract is executed, the Department determines that the activities in the approved scope of work need to be revised, an amended Remediation Plan shall be submitted that details the additional efforts that are to be undertaken to accomplish the revised remediation activities and the estimated cost increases proposed. The Department shall

review the amended Plan, and, if ~~costs projections are justified, shall approve the amended Remediation Plan~~cost projections are justified, shall approve the amended remediation plan, modify the approved scope of work, and obligate more funds from the Fund before the additional work may proceed. However, there shall be a presumption against allowing amendments to Remediation Plans for failure to adequately estimate costs.

Author: Phillip D. Davis, Brent A. Watson. Michael J. Cruise

Statutory Authority: Code of ~~Ala.~~Alabama 1975, §§22-27-7, 22-27-10, 22-27-12.

History: Amended: Filed April 21, 2009; effective May 26, 2009. Amended: Published _____ ; effective _____ .

335-13-12-.02

Training And Certification Requirements.

(1) In addition to the requirements listed in rules 335-13-12-.02(2) and (3), all applicants for certification or re-certification under this chapter must complete a training course developed and provided by the Department. The curriculum of this training course will be tailored specifically to the requirements of this Division. The completion of this course will qualify towards the training requirements of rules 335-13-12-.02(2)(f) and (h), and of rules 335-13-12-.02(3)(d) and (f).

(2) Municipal Solid Waste (MSW) Landfill Operator Certification.

(a) The facilities subject to this chapter are required to have at least one operator holding certification from the Department.

(b) A person desiring to be certified or re-certified must file an application with the Department on a form provided by the Department, along with the appropriate application fee.

(c) At a minimum, the applicant must be a graduate of high school or an accredited GED program, and have worked at a MSW landfill ~~in the State of Alabama~~ for at least 3 years.

(d) The applicant must pass a written examination developed and given by the Department or, developed and given by another entity that has been approved by the Department.

(e) Any certificate granted under this rule shall be renewable every 3 years, unless revoked or invalidated for cause as determined by the Department.

(f) All persons required to obtain certification may become re-certified within 3 years by attending a total of at least 30 hours of Department approved training. The Department will maintain a list of training programs approved by the Department.

(g) An applicant who fails to pass an examination given by the Department may repeat the examination at the next regularly scheduled examination date. If the applicant again fails to pass, he may then reapply for the training and certification and pay the appropriate application fees.

(h) Exceptions.

1. An applicant for initial certification as an operator may request to be certified without meeting the requirements of either rule 335-13-12-.02~~(1)~~(2)(c) or rule 335-13-12-.02(2)(d), provided the applicant has attended at least 15 hours of ADEM-approved training or continuing education courses ~~since April 15, 2008~~within the past three years and can demonstrate at least 5 years of relevant experience working at MSW Landfills; or

2. An applicant may request to be certified without meeting the requirements of both rule 335-13-12-.02(2)(c) and rule 335-13-12-.02(2)(d) by attending at least 15 hours of ADEM-approved training or continuing education courses ~~since April 15, 2008, and can demonstrate at least 8 years of~~qualifyingwithin the past three years, and can demonstrate at

least 8 years of relevant experience working at MSW landfills;
or

3. An applicant may request initial certification pursuant to the provisions of rule 335-13-12-.03.

(3) Construction/Demolition and Industrial Landfill Operator Certification.

(a) The facilities subject to this chapter are required to have at least one operator holding certification from the Department.

(b) A person desiring to be certified must file an application with the Department on a form provided by the Department, along with the appropriate application fee.

(c) At a minimum, the applicant must be a graduate of high school or an accredited GED program, and have worked at a landfill ~~in the State of Alabama~~ for at least 1 year.

(d) The applicant must have attended at least 10 hours of relevant training or continuing education courses approved by the Department ~~since April 15, 2008~~ within the past three years to receive certification.

(e) Any certificate granted under this rule shall be renewable every 3 years, unless revoked or invalidated for cause as determined by the Department.

(f) All persons required to obtain certification may become re-certified within 3 years by attending a total of at least 30 hours of Department approved training. The Department will maintain a list of approved continuing education training programs.

(g) Exceptions.

1. An applicant for initial certification as an operator may request to be certified without meeting the requirements of 335-13-12-.02(3)(c) provided the applicant can demonstrate at least 3 years of relevant experience; or

2. The applicant has passed an approved examination in accordance with rule 335-13-12-.02(2)(d); or

3. The applicant may request initial certification pursuant to the provisions of rule 335-13-12-.03.

Author: S. Scott Story, Phillip D. Davis, Jason Wilson, Jared Kelly, Heather M. Jones

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-9, 22-27-12(7).

History: New Rule: Filed October 20, 2009; effective November 24, 2009. Amended: Published ; effective .

335-13-12-.04 Revocation Of Certificate.

Following a hearing before the Director or his designated representative, the Director may revoke or suspend a certificate if it is found that the operator:-

~~(a)~~ (1) Has practiced fraud or deception in obtaining the certificate or in the performance of his duties as an operator;

~~(b)~~ (2) Has not used reasonable care, judgment, or the application of his knowledge or ability in the performance of his duties;

~~(c)~~ (3) Is incompetent or unable to perform his duties as an operator;

~~(d)~~ (4) Has knowingly submitted incorrect or falsified operational data or information;

~~(e) Has consistently failed to submit operational data as required by the department~~ (5) Has consistently failed to submit operational data as required by the Department; or

~~(f) Has violated the requirements of this chapter~~ (6) Has violated the requirements of 335-13-12.

Author: S. Scott Story, Phillip D. Davis, Jason Wilson, Heather M. Jones.

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-9, 22-27-12(7).

History: **New Rule:** Filed October 20, 2009; effective November 24, 2009. **Amended:** Published ; effective .

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, October 11, 2024, and filed with the agency secretary on Tuesday, October 15, 2024.

AGENCY NAME: Alabama Department of Environmental Management Land Division - Solid Waste Program

INTENDED ACTION: Amend

RULE NO.: 335-13-4-.21

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: General Operational Standards For Landfill Units

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. Comments were made that requested the December 31, 2026 compliance date in the proposed rules be extended. In response to the comment, the Department has extended the date to December 21, 2027. One commenter requested that the requirement to cut tires into fourths prior to disposal be revised such that tires be cut into thirds rather than fourths. The Department agreed with the proposed change.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 9, AAM, DATED FRIDAY, JUNE 28, 2024.

STATUTORY RULEMAKING AUTHORITY: Ala. Code §§ 22- 22A- 5, 22- 22-A 6, 22- 22A-8, 22 -28 -14, (as amended) and Ala. Code §§ 41-22-4 and 41-22-5 (as amended)

(Date Filed)
(For LRS Use Only)

Certifying Officer or his or her
Deputy

APA-3

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

General Operational Standards For Landfill Units.

Any person or agency operating or planning to operate a landfill unit shall operate and maintain the facility consistent with this Division. General requirements for operating and maintaining an acceptable landfill unit shall be:

(1) General Operation.

(a) The operation and use of the landfill unit shall be as stipulated in the permit.

(b) Waste accepted at the facility shall be strictly controlled so as to allow only waste stipulated in the permit or otherwise as may be approved by the Department. The permittee of any facility permitted under these rules must have in the operating record a plan describing procedures the permittee will implement for detecting and preventing the disposal of free liquids, regulated hazardous wastes, regulated medical wastes, and regulated PCB wastes at the facility. This plan must include at a minimum:

1. Random inspections of incoming loads to ensure that incoming loads do not contain free liquids, regulated hazardous wastes, regulated medical wastes, or regulated PCB wastes.

2. Inspection of suspicious loads.

3. Records of all inspections to include the origin of waste suspected to be regulated hazardous, regulated medical, or regulated PCB waste if known; transporters, to include transfer stations and all handlers of the waste en route to the disposal site; and any certifications from generators provided to the permittee or facility personnel. These records must be maintained on file in the operating record of the facility.

4. Training of facility personnel to recognize free liquids, regulated hazardous wastes, regulated medical wastes, and regulated PCB wastes.

5. Procedures for notifying the proper authorities if free liquids, regulated hazardous wastes, regulated medical wastes, or regulated PCB wastes are discovered at the facility.

6. Methods to identify all industrial users of the facility, producers of special wastes, and transporters of these wastes.

(c) Prior to disposal of industrial waste and/or medical waste, the permittee shall obtain from each generator a written certification that the material to be disposed does not contain free liquids, regulated hazardous wastes, regulated medical wastes, or regulated PCB wastes.

1. This certification may be based on laboratory analysis of the waste on a case-by-case basis, or documentation supporting the generator's knowledge of the wastestreams(s), or as may be required by the Department.

2. Copies of the certification shall be submitted to the Department for disposal approval and for any specific requirements prior to disposal. After submittal of the required

certification, the Department shall have five (5) working days to respond. If no response is given, the permittee may dispose of the material as proposed.

3. In the case of one-time emergency disposal requests, the permittee shall submit the required certification no later than five (5) days after the disposal of waste.

4. Certification shall be renewed or revised biennially (every two years) or at such time that operational changes at the point of generation could render the waste hazardous, whichever is more frequent and submitted to the Department for approval.

5. Copies of these certifications and approvals shall be maintained on file in the operating record of the facility and shall be made available for the Department upon request.

6. The above requirements notwithstanding and, as may otherwise be required, pursuant to Division 13 rules, generators will not be required to submit certification to the Department provided that:

(i) The waste will be disposed of at a non-commercial industrial waste landfill which has been permitted by the Department, and is owned either exclusively or mutually by the generator(s) of the waste, and which disposes of waste generated only by the owner(s);

(ii) The wastestream(s) to be disposed of are specifically described in the Solid Waste Landfill Permit issued by the Department or in the final application as referenced by the permit for the site designated to receive the waste;

(iii) The required certification, as described above, is maintained on-site by the owner(s) of the landfill; and

(iv) The required certification, as described above, is made available for inspection by the Department upon request.

(d) The landfill unit shall be operated in such a manner that there will be no water pollution or unauthorized discharge.

1. Any discharge resulting from a landfill unit or practice may require:

(i) A National Pollutant Discharge Elimination System (NPDES) permit under the Alabama Water Pollution Control Act as issued by the Department.

(ii) A dredge or fill permit from the Army Corps of Engineers as required under Section 404 of the Clean Water Act, as amended; or

(iii) That a non-point source of surface waters does not violate an area wide or statewide water quality management plan that has been approved under the Alabama Water Pollution Control Act.

2. The groundwater shall not be contaminated as specified by this Division.

(e) The historic and certified disposal areas shall be identified with a sufficient number of permanent markers which are at least visible from one marker to the next.

(f) Measuring or weighing devices shall be required for all municipal solid waste landfill units accepting solid waste. All solid waste shall be properly measured or weighed prior to disposal unless otherwise approved by the Department.

(g) Deep rooted vegetation (with roots that may grow below the six inch erosion layer) shall be prohibited as vegetative cover.

(h) With the exception of very small quantity generator waste disposed of in municipal solid waste landfills, regulated hazardous waste, as defined by Division 14 of the ADEM Administrative Code, is prohibited from disposal in a non-hazardous landfill unit.

(i) Except as provided in paragraph 1. below, a landfill shall not dispose of whole tires after December 31, ~~2026. Whole tires shall at a minimum be shredded or cut into quarters~~2027. Whole tires shall at a minimum be shredded or cut into thirds or smaller pieces prior to disposal.

1. Incidental whole tires received in loads of solid waste may be disposed, provided the whole tires constitute a de minimis portion of the overall load of waste.

2. "De minimis" refers to a small amount of material or number of items, as applicable, commingled and incidentally disposed of with other solid waste.

(2) Open Burning.

(a) Open burning of solid waste at any landfill unit is prohibited unless approved by the Department as follows:

1. Clearing debris at the landfill unit such as trees and stumps may be burned if prior approval is received from the Department and the Alabama Forestry Commission.

2. Emergency clean-up debris resulting from catastrophic incidents may be burned at a permitted landfill unit if consistent with the intent of this Division and air pollution control requirements. Prior approval must be received from this Department and other appropriate agencies.

3. If approved, the burning shall not occur over previously filled areas or within 200 feet of existing disposal operations unless otherwise specified by the Department and such burning shall not cause a public nuisance or pose a threat to public health.

(b) The person or agency requesting permission to burn solid waste shall apply in writing to the Department, outlining why a burn request should be granted. This request should include, but not be limited to, specifically what areas will be utilized, types of waste to be burned, the projected starting and completion dates for the project, and the projected days and hours of operation.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-3, 22-27-4, 22-27-7, 22-27-47, 22-27-48.

History: November 18, 1981; **Amended:** March 31, 1988

(Emergency Regulations); July 21, 1988; October 2, 1990.

Amended: Filed September 28, 1993; effective November 2, 1993.

Amended: Filed June 21, 1996; effective July 26, 1996.

Amended: Filed April 24, 2018; effective June 8, 2018.

Amended: Filed June 25, 2019; effective July 9, 2019.

Amended: Published October 29, 2021; effective December 13,

2021. **Amended:** Published ~~_____~~; ~~effective _____~~ October 31,

2024; effective December 15, 2024.

Attachment 7

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In the Matter of:)	
)	
Valicor Environmental Services, LLC,)	
Petitioner,)	
)	EMC Docket No. 24-02
v.)	[ADEM Administrative Action: ADEM's
)	reissuance of Valicor Environmental
Alabama Department of Environmental)	Services, LLC State Indirect Discharge (SID)
Management,)	Permit No. IU08450052 effective August 30,
Respondent,)	2024]
)	
and)	
)	
The City of Huntsville, Alabama,)	
Intervenor.)	

ORDER

This cause having come before the Environmental Management Commission pursuant to a Joint Motion to Continue Commission's Consideration of Petitioner's Motion to Stay, and the Commission having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the Joint Motion to Continue Commission's Consideration of Petitioner's Motion to Stay is hereby granted; and
2. That the Commission's consideration of Petitioner's Motion to Stay is continued to the Commission meeting on December 13, 2024; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
3. That a copy of this Order shall be forthwith served upon each of the parties hereto either personally, or by certified mail, return receipt requested.

Environmental Management Commission Order
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ISSUED this 11th day of October 2024.

APPROVED:



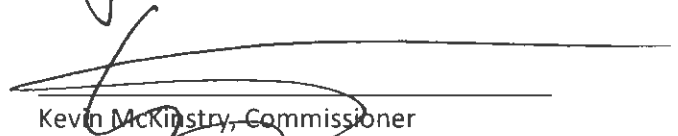
Mary J. Merritt, Commissioner



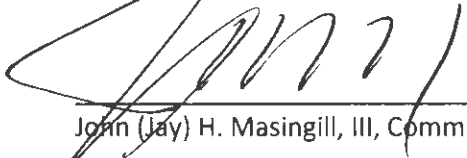
H. Lanier Brown, II, Commissioner



J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
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ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner


Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

**This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 11th day of October 2024.**



**A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of October 2024**