

1/15/20

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 14, 2020

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on December 13, 2019**	3
2. Report from the ADEM Director	3
3. Report from the Commission Chair	3
4. Consideration of proposed amendments to ADEM Administrative Code 335-3, Air Pollution Control Program Regulations	3
5. Consideration of proposed amendments to ADEM Administrative Code 335-11, State Revolving Fund Programs Regulations	3
6. Consideration of proposed amendments to ADEM Administrative Code 335-13, Solid Waste Program Regulations	3
7. Consideration of proposed amendments to ADEM Administrative Code 335-14, Hazardous Waste Program Regulations	4
8. Consideration of proposed amendments to ADEM Administrative Code 335-15, Brownfield Redevelopment and Voluntary Cleanup Program Regulations	4
9. Consideration of proposed amendments to ADEM Administrative Code 335-1, General Administration Regulations	4
10. <u>Shady Side Farm, LLC v. ADEM</u> EMC Docket No. 19-05 (NPDES-Related Matter)	4
11. Other business	5
12. Future business session	5

* 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.

PUBLIC COMMENT PERIOD	5
Brief statements by members of the public registered to speak	5

1. CONSIDERATION OF MINUTES OF MEETING HELD ON DECEMBER 13, 2019
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-3, Air Pollution Control Program Regulations. These amendments include proposed revisions to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), the National Emissions Standards for Hazardous Air Pollutants (NESHAPs), and the definition of volatile organic compounds (VOCs) to allow the Department to retain State primacy of federal programs. Revisions to Chapter 335-3-3 are being proposed to reflect EPA's amendments to the Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units. Revisions are being proposed to Chapter 335-3-8 to regulate NOx emissions from non-EGU (electric generating unit) sources subject to the NOx SIP call emissions budget. Appendix D, which is a list of nonattainment areas within the State, is being proposed for revision to reflect that all areas of the State meet all ambient air quality standards. The Department held a public hearing on the proposed amendments on January 8, 2020.

5. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-11, STATE REVOLVING FUND PROGRAMS REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-11, State Revolving Fund Programs Regulations, Chapters 335-11-1 (Clean Water State Revolving Fund) and 335-11-2 (Drinking Water State Revolving Fund). Amendments are being proposed to the Clean Water and Drinking Water State Revolving Fund Programs to provide additional clarity to the Department's rules and regulations in accordance with updated federal guidelines. The minor changes include modifications to the definitions to be consistent with the federal definitions, minor modifications to the rules to provide greater clarity, and formatting changes, as needed, throughout both chapters. The Department held a public hearing on the proposed amendments on December 5, 2019.

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

The Commission will consider proposed amendments to ADEM Administrative Code 335-13, Solid Waste Program Regulations, new Chapter 335-13-16, Requirements for Beneficial Use of By-Products Materials for the Purpose of Land Application, Rules 335-13-16-.01 through 335-13-16-.07. Amendments to ADEM Administrative Code 335-13 are proposed to adopt new standards for the beneficial use of by-product materials for the purpose of land application. The Department held a public hearing on the proposed amendments on January 7, 2020.

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

The Commission will consider proposed amendments to ADEM Administrative Code 335-14, Hazardous Waste Program Regulations to adopt Hazardous Waste Management Standards for Hazardous Waste Pharmaceuticals and the Safe Management of Recalled Air Bag Rules. Amendments are being proposed to incorporate Hazardous Waste Management Pharmaceuticals and Safe Management of Recalled Air Bag rules promulgated by EPA to ensure consistency with state and federal statutes. Revisions to the code are also being proposed to make general clarification and correct typographical or grammatical errors. The Department held a public hearing on the proposed amendments on December 5, 2019.

8. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-15, BROWNFIELD REDEVELOPMENT AND VOLUNTARY CLEANUP PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code 335-15, Brownfield Redevelopment and Voluntary Cleanup Program Regulations. Amendments are being proposed to add a definition for Operation and Maintenance and outline programmatic requirements for modifying an application. Revisions to the code are also being proposed to make general clarification and correct typographical or grammatical errors. The Department held a public hearing on the proposed amendments on December 5, 2019.

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

The Commission will consider proposed amendments to ADEM Administrative Code 335-1, General Administration Regulations, Rules 335-1-1-.07 (Departmental Forms, Instructions, and Procedures) and 335-1-6-.07 (Fee Schedules E, H and J). Amendments to Rule 335-1-1-.07 are being proposed in order to delete, modify, and add forms required with the implementation of ADEM Program Regulations. Amendments to Rule 335-1-6-.07 are being proposed to correct a citation in Fee Schedule J, to restructure the Solid Waste Permits/Registration Program Fees in Schedule E needed to adopt new standards for the beneficial use of by-product materials for the purpose of land application, and to align the Brownfield Voluntary Cleanup Program fees with programmatic requirements identified in Division 15. The Department held a public hearing on the proposed amendment on December 5, 2019.

10. SHADY SIDE FARM, LLC V. ADEM, EMC DOCKET NO. 19-05 (NPDES-RELATED MATTER)

The Commission will consider the *Joint Motion to Dismiss*, submitted by Petitioner, Shady Side Farm, LLC and Respondent, ADEM. The Parties are jointly requesting that the Commission grant the *Joint Motion to Dismiss* to provide for the final resolution of all matters between them related to this administrative appeal. The subject of this appeal is ADEM Notice of Violation – Need to Apply, issued on April 18, 2019 to Shady Side Farm, FID61643, Chambers County.

11. OTHER BUSINESS

12. 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.