

7/15/20

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: August 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

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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 JUNE 12, 2020
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. 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, Chapter 335-13-15, Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments. Revisions to the Division 13, Chapter 15 regulations are being proposed to incorporate changes to ensure consistency with federal standards and provide clarification of State requirements for the management of coal combustion residuals in landfills and surface impoundments. The Department held a public hearing on the proposed amendments on June 25, 2020.

5. UNISON ENVIRONMENTAL SERVICES, LLC V. ADEM, EMC DOCKET NO. 20-04

The Commission will consider the Hearing Officer's *Recommendation of Dismissal*. The Hearing Officer recommends dismissal based on the *Suggestion of Mootness* filed by the Department, and confirmation from Petitioner's counsel that this matter is now moot and that a recommendation of dismissal is appropriate. The subject of this appeal is ADEM administrative cease and desist order number 20-060-SW issued on April 21, 2020, to Unison Environmental Services, LLC, Cypress Creek Landfill Solid Waste Permit No. 63-18. On June 2, 2020, ADEM lifted the cease and desist order and allowed the Cypress Creek Landfill to continue regular operations. There being no cease and desist order to challenge, ADEM suggested in its filing that this appeal before the Commission is moot.

6. CONSIDERATION OF PETITION TO AMEND ALA. (ADEM) ADMINISTRATIVE CODE R. 335-2-1-.12, SUBPOENAS, EMC RULEMAKING PETITION 20-01, PETITIONER – ENVIRONMENTAL DEFENSE ALLIANCE

The Commission will consider the Petition to Amend Ala. (ADEM) Administrative Code R. 335-2-1-.12, Subpoenas. The Petition requests that the Commission amend R. 335-2-1-.12 as follows (stricken language to be deleted and underscored language to be added):

335-2-1-.12 Subpoenas

(1) The attendance of witnesses or the production of documentary evidence may be required by subpoena. The Chair of the Commission or the Hearing Officer may grant a request for a subpoena upon a showing of (a) the grounds and necessity therefor, and (b) the materiality and relevance of the evidence to be adduced. Request for the production of documents shall describe the evidence sought as specifically as practicable. A subpoena may be issued by the Chair of the Commission, the Hearing Officer, or a designee.

(2) Subpoenas shall be served in accordance with the Alabama Rules of Civil Procedure.

(3) Witnesses summoned before the Hearing Officer shall be paid the same fees for attendance and mileage travel that are paid witnesses in the courts of Alabama. Fees shall be paid ~~by the party at whose instance the witness appears. Where a witness appears pursuant to a request initiated by the Commission or Hearing Officer, fees shall be paid by~~ from funds of the Department.

7. OTHER BUSINESS

8. 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.