

Amended 10/9/09

AGENDA\*  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING  
Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Hearing Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
Friday, October 16, 2009  
11:00 a.m.

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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under EMC Information and Calendar of Events.

\*\* The Minutes for this meeting will be available on the ADEM website under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 21, 2009
2. ELECTIONS
3. REPORT FROM THE DIRECTOR
4. REPORT FROM THE COMMISSION CHAIR
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 6, WATER QUALITY PROGRAM (UNDERGROUND STORAGE TANK) REGULATIONS, CHAPTER 335-6-15

The Commission will consider proposed amendments to ADEM Admin. Code Division 6, Water Quality Program (Underground Storage Tank) Regulations, Chapter 335-6-15, "Technical Standards, Corrective Action Requirements and Financial Responsibility for Owners and Operators of Underground Storage Tanks." The amendments are being proposed to provide updated regulations to meet the requirements for cathodic protection testers, provide for UST Operator Training Requirements, and other necessary updates. The Department held a public hearing on the proposed amendments on September 11, 2009.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 6, WATER QUALITY PROGRAM (UNDERGROUND STORAGE TANK) REGULATIONS, CHAPTER 335-6-16

The Commission will consider proposed amendments to ADEM Admin. Code Division 6, Water Quality Program (Underground Storage Tank) Regulations, Chapter 335-6-16, "Administrative Guidelines and Procedures for the Alabama Underground and Aboveground Storage Tank Trust Fund" to establish the annual Trust Fund Charge and scope of Trust Fund coverage, effective January 1, 2010. The Trust Fund Charge is proposed at \$0.0125 per gallon, and the scope of Trust Fund coverage is proposed at \$1.1 million per incident. The Department held a public hearing on the proposed amendments on September 23, 2009.

7. CONSIDERATION OF ADOPTION OF THE PROPOSED ADDITION OF CHAPTER 335-13-12 TO ADEM ADMIN. CODE DIVISION 13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider the proposed addition of Chapter 335-13-12 to ADEM Admin. Code Division 13, Solid Waste Program Regulations. Chapter 335-13-12 would establish the regulatory requirements necessary for the implementation of the Solid Waste landfill operator certification program. The Department held a public hearing on the proposed addition on August 26, 2009.

8. CONSIDERATION OF ADOPTION OF THE PROPOSED ADDITION OF CHAPTER 335-13-13 TO ADEM ADMIN. CODE DIVISION 13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider the proposed addition of Chapter 335-13-13 to ADEM Admin. Code Division 13, Solid Waste Program Regulations. Chapter 335-13-13 would establish a statewide solid waste reduction and recycling goal. The Department held a public hearing on the proposed addition on September 23, 2009.

9. BLACK WARRIOR RIVERKEEPER, INC. V. ADEM, AND SHEPHERD BEND, L.L.C., EMC DOCKET NO. 09-04 (NPDES-RELATED MATTER)

The Commission will consider the Administrative Law Judge's (ALJ) "Recommended Findings of Fact and Conclusions of Law" in which the ALJ recommends to the Commission that ADEM's and Shepherd Bend's Motions for Summary Judgment be granted as to the issue of standing, particularly the issues expressed by Black Warrior are not ripe for appeal. The Commission will also consider the Petitioner's Request for Oral Argument; the Petitioner's Objections to the ALJ's "Recommended Findings of Fact and Conclusions of Law"; the Petitioner's Alternative Findings of Fact and Conclusions of Law; the Petitioner's Proposed Order; the Intervenor's Reply Brief in Response to the Petitioner's Objections; the Petitioner's Motion to Strike Portions of the Intervenor's Reply Brief; the Intervenor's Response to the Petitioner's Motion to Strike; ADEM's Motion to Extend Time to Respond to Petitioner's Objections to Recommended Findings of Fact and Conclusions of Law; ADEM's Response to Petitioner's Objections to Recommended Findings of Fact and Conclusions of Law; and ADEM's Proposed Order.

The ADEM administrative action appealed under Docket No. 09-04 is ADEM's issuance of NPDES Permit AL0079162 on July 21, 2008, to Shepherd Bend, L.L.C., Shepherd Bend Mine, Walker County.

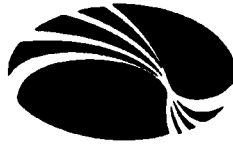
10. OTHER BUSINESS

11. FUTURE BUSINESS SESSION

**PUBLIC COMMENT PERIOD**

Mitchell Reid, on behalf of Alabama Rivers Alliance  
SUBJECT: Presentation by Mitchell Reid (Alabama Rivers Alliance)  
and Matt Rota (Gulf Restoration Network) of findings from the  
*Clean Up Your Act!* Report Card for gulf water quality standards  
(Chair Gardner will recommend approval of this request.)  
(This request to address the Commission is attached to the agenda.)

Mac Underwood, on behalf of the Birmingham Water Works Board (BWVB)  
SUBJECT: Presentation by Patrick Flannelly, P.E. (designated speaker for the BWVB)  
regarding the Shepherd Bend Mine permit  
(Chair Gardner will recommend disapproval of this request.)  
(This request to address the Commission is not attached to the agenda  
because it pertains to an appeal on the agenda.)



Alabama Rivers Alliance  
Water Is Life

September 22, 2009

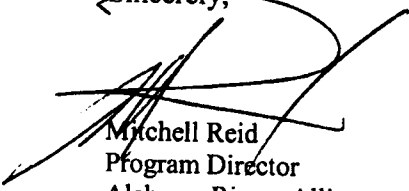
Mr. Laurel G. Gardner, D.V.M.  
Chair, Environmental Management Commission  
c/o Debi Thomas, Executive Assistant  
1400 Coliseum Blvd.  
Montgomery, Alabama 36110-2059

Dear Chair Gardner,

The Alabama Rivers Alliance requests to have a representative speak during the October 16th Environmental Management Commission meeting. On September 2<sup>nd</sup> ARA joined the Gulf Restoration Network in publishing *Clean Up Your Act!* Report Card for gulf state water quality standards. In this report Alabama, along with Florida, Mississippi, Louisiana, and Texas, received unsatisfactory grades for its failure to implement several key components of the Clean Water Act of 1972. The report grades the Gulf States on issues such as water quality standards, policies to prevent Dead Zone-causing pollution, public health protection, and facilitating public participation in the policy-making process. ARA's Mitch Reid and GRN's Matt Rota would like to present these findings with the Commission so that we can all work together to better meet the needs of the citizens who's lives are affected daily by our state's environmental policies.

Thank you for considering our request.

Sincerely,

  
Mitchell Reid  
Program Director  
Alabama Rivers Alliance

CC: Onis "Trey" Glenn, III  
1400 Coliseum Blvd.  
Montgomery, Alabama 36110

