

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 8, 2021

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](http://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 13, 2021

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. REPORT AND RECOMMENDATION FROM THE PERSONNEL COMMITTEE ON THE ADEM DIRECTOR  
JOB PERFORMANCE EVALUATION

The Personnel Committee will provide its report and present a recommendation on the ADEM Director Job Performance Evaluation to the Commission for consideration.

6. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-3,  
AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code Rules 335-3-8-.72, 335-3-10-.01, 335-3-10-.02, 335-3-10-.03, 335-3-11-.01, 335-3-11-.03, 335-11-.06, 335-3-11-.07, and Appendix C, and to add Rules 335-3-19-.01 through 335-3-19-.05. Revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Chapter 335-3-19 is being revised to include EPA's amendments to the Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills. Revisions are being made to Chapter 335-3-8 to correct and clarify monitoring requirements under the NOx SIP call as promulgated by EPA. Appendix C is being proposed for revision to reflect EPA's amendments to New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants as proposed to adopt by reference. Chapter 335-3-8 is considered part of the federally-enforceable State Implementation Plan (SIP). Revisions to this Chapter are proposed to be incorporated into Alabama's SIP. The Department held a public hearing on the proposed amendments on September 8, 2021.

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

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-13, Solid Waste Program Regulations. Revisions to ADEM Administrative Code Division 335-13 are being proposed to ensure consistency with State and Federal statutes and provide clarification of State requirements for the management of solid wastes. These changes include updated language to incorporate recent statutory revisions related to alternate cover material, changes to the permit modification process to provide greater public participation for certain types of modifications, and minor technical revisions to clarify certain regulatory requirements. The provisions for obtaining a permit for landfill units, composting facilities, and coal combustion residual (CCR) facilities were relocated to Chapter 5 to provide a single location for all permitting requirements. The Department held a public hearing on the proposed amendments on September 7, 2021.

8. LEE COUNTY COMMISSION, PETITIONER V. ADEM, RESPONDENT, EMC DOCKET NO. 21-05 (NPDES-RELATED MATTER)

The Commission will consider the Motion for Stay and request for oral argument on the Motion for Stay filed with Petitioner Lee County Commission's appeal/request for hearing regarding ADEM's issuance of NPDES Permit AL0084191 on August 30, 2021, to CreekWood Resources, LLC, Shady Grove Quarry, Opelika, Alabama.

9. BLACK WARRIOR RIVERKEEPER, INC., PETITIONER AND ALABAMA RIVERS ALLIANCE, INTERVENOR/ PETITIONER V. ADEM, RESPONDENT, EMC DOCKET NO. 20-02

The Commission will consider the Hearing Officer's Order and Recommendation, in which the Hearing Officer recommends that the Commission deny the Petitioners' appeal of the Department's rules and regulations ("Rules") concerning land application of certain biosolids and other materials defined in the Rules as beneficial materials. The Rules are codified in ADEM Administrative Code r. § 335-13-16, entitled, "Requirements for Beneficial Use of By-Product Materials for the Purpose of Land Application." The Hearing Officer finds in his Order and Recommendation that the Commission has no jurisdiction over an appeal of the type the Petitioners brought in this case.

10. OTHER BUSINESS

11. 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.