

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 15, 2019

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 DECEMBER 14, 2018
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. 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. Revisions to Division 14 Code are being proposed to maintain the program's authorized status, to adopt new rules published by EPA, and to make typographical and grammatical corrections. The first of the new rules published by EPA proposed for adoption is the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule. This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. The second is the Hazardous Waste Electronic Manifest System User Fee Rule, and is the second in a series of new rules that implement the national electronic manifest system. The third rule is the Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule, promulgated in Response to vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit. The Department held a public hearing on the proposed amendments on December 7, 2018.

5. INVICTUS ENERGY, INC. V. ADEM, EMC DOCKET NO. 18-05

The Commission will acknowledge for the record Petitioner Invictus Energy, Inc.'s withdrawal of the request for hearing in this matter.

6. ALABAMA TREATMENT AND ENERGY COMPANY, INC. V. ADEM, EMC DOCKET NO. 18-06

The Commission will consider Petitioner Alabama Treatment and Energy Company, Inc.'s *Motion to Stay 180-Day Deadline for Compliance With Administrative Order*. Respondent ADEM filed an *Objection to Request for Stay of 180-Day Deadline for Compliance With Administrative Order*. The subject of the motion to stay and the appeal/request for hearing is ADEM Administrative Order No. 18-067-HW issued on May 16, 2018, to Invictus Energy, Inc. and Alabama Treatment and Energy Company, Inc., Fort Mitchell, Russell County, Alabama, EPA Identification No. ALR000005322.

7. DANNY CLEMENTS BUILDER, INC. V. ADEM, EMC DOCKET NO. 18-07 (NPDES-RELATED MATTER)

The Commission will consider the *Report of Hearing Officer*, which includes Findings of Fact, Conclusions of Law and Recommendation. The subject of the appeal/request for hearing is ADEM Administrative Order No. 18-083-LD issued on June 21, 2018, to Danny Clements, Danny Clements Builder, Inc., Clements Eastchase, Montgomery, Montgomery County, Alabama, FID 59204, Unpermitted Site.

8. OTHER BUSINESS

9. 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.