

Amended 4/1/10

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: April 16, 2010

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing 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 FEBRUARY 19, 2010
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF FORMATION OF A STAKEHOLDER COMMITTEE TO STUDY AIR TOXICS

The Commission will consider the formation of a stakeholder committee to study air toxics.

5. GULF EQUIPMENT CORPORATION V. ADEM, EMC DOCKET NO. 10-01 (NPDES-RELATED MATTER)

The Commission will acknowledge Petitioner Gulf Equipment Corporation's withdrawal of the appeal and request for hearing and Respondent ADEM's withdrawal of its motion to dismiss. The administrative action appealed in this matter is the Notice of Violation of ADEM Administrative Code Rule 335-6-12, Hope VI Housing Development Project, Phases 4 and 5, Construction and Land Disturbance Registration ALR16EDTT – Gulf Equipment Corporation, Mobile County, Alabama.

6. FRIENDS OF HURRICANE CREEK AND ALABAMA RIVERS ALLIANCE, INC. V. ADEM, AND TUSCALOOSA RESOURCES, INC., EMC DOCKET NO. 08-07 (FORMERLY CONSOLIDATED DOCKET NOS. 08-07 AND 08-08) (NPDES-RELATED MATTER)

The Commission will consider the Recommendation of the Hearing Officer and the Hearing Officer's Order on Motions for Summary Judgment (Attachment "A" to the Recommendation). The administrative action appealed in this matter is ADEM's reissuance of NPDES Permit No. AL0074012 to Tuscaloosa Resources, Inc., Panther 3 Mine, Tuscaloosa County. Docket No. 08-07 was formerly consolidated with Tuscaloosa Resources, Inc. v. ADEM, Docket No. 08-08. The request for hearing in Docket No. 08-08 was withdrawn.

7. DE NORA TECH, INC. (FORMERLY KNOWN AS ELTECH SYSTEMS CORP.) V. ADEM, EMC DOCKET NO. 10-05

The Commission will consider a Joint Motion to Continue and for Placement on Administrative Docket. The administrative action appealed in this matter is ADEM's denial by letter dated February 22, 2010, of De Nora Tech, Inc.'s request to utilize the financial test to replace DNT's existing Letter of Credit as a financial assurance mechanism for the former Eltech Colbert County Facility.

8. APPOINT AND SET THE SALARY FOR THE NEW ADEM DIRECTOR

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

(Request from the public to address the Commission is attached to the agenda.)

Request

Clara Curtis, Sylacauga Concerned Citizens for a Better Environment
SUBJECT: REEF, LLC's waste treatment facility located in Sylacauga, Alabama
(Chair Archie will recommend approval of the request.)

ATTACHMENT
PUBLIC COMMENT PERIOD REQUEST

Date: March 8, 2010

TO: Debi Thomas
Alabama Department of Environmental Management
(334)279-3052

FROM: Clara Curtis - *Clara Curtis*
Sylacauga Concern Citizens for Better Environment
(256) 249-9002



Attendance: Clara Curtis - Vicki Crowe

I would like to request a private hearing with the Environmental Management at your April, 2010 meeting.

For three years the citizens of Sylacauga have experienced health-related illness due to the air permeating into our homes from REEF LLC. located at Twin Street, Sylacauga. This waste treatment facility is located in Talladega County but only 500 feet from the city limits of Sylacauga. The fumes and odors have destroy the Quality of Life for all citizens in the area.

For three years we have constantly requested assistance from Alabama Department of Environmental Management with little or no success. In July 2010 they indicated a Consent Order against REEF and published it in our local newspaper for anyone that wished to speak. I have over 2000 signatures and a personal letter requesting the hearing be located in Sylacauga at a convenient time for senior citizens, students and working citizens to attend. We were told that those citizens did not word their request properly and the Consent Order would stand. Or we could request for an appeal. 351 citizens requested an appeal with letters and ADEM still denied our appeal.

I have requested from the Freedom of Information Act the content of matter that REEF was bring into our area. NO WORD to date from ADEM. The Talladega County Commissioners also requested this information. NO WORD from ADEM.

Therefore, upon the recommendation of Rep. Ron Johnson I request a hearing with your Commission to discuss how the citizens of Sylacauga can stop this terrorist crime against them. Citizens suffer from nosebleeds, headaches, nausea, G.I. distress, fatigue, eye irritation, throat irritation, shortness of breath, runny nose, sleep disturbance, chemical taste. Our Quality of Life has been destroyed and it is now affecting the economy of our area.

This operation is located less than a mile from 3 schools and a senior citizen living complex. Over 50% of the seniors are now living with oxygen due to breathing problems.

Thanking you in advance for your consideration for a hearing at your April 16, 2010 meeting.

Those attending this meeting will be myself, Vicki Crowe, Nelson Bates, Retired Talladega Co. EMA Director, and if not in session Rep. Ron Johnson of District 33. I shall be the only one speaking.