8/27/14

DRAFT

Minutes
Meeting of the
Rulemaking Committee of the
Alabama Environmental Management Commission
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 15, 2014

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Convened: 10:04 a.m.
Adjourned: 10:09 a.m.

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Part A

1 MEETING OF THE
2 RULEMAKING COMMITTEE
3 OF THE
4 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
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11 ALABAMA DEPARTMENT OF ENVIRONMENTAL
12 MANAGEMENT
13 Alabama Room
14 1400 Coliseum Boulevard
15 Montgomery, Alabama 36110-2400
16 August 15, 2014
17 10:04 a.m.
18
19
20
21
22
23 Taken by: Victoria M. Castillo, CCR#17

1 A P P E A R A N C E S
2
3 COMMITTEE MEMBERS PRESENT:
4 W. Scott Phillips, Chair
5 Terry D. Richardson, Ph.D.
6
7 COMMITTEE MEMBER NOT PRESENT:
8 Mary J. Merritt
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10 ALSO PRESENT:
11 Robert Tambling, EMC Legal Counsel
12 Debi Thomas, EMC Executive Assistant
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1 CHAIRMAN PHILLIPS: Good
2 morning. We will call to order the
3 Rulemaking Committee Meeting of August
4 15th, 2014. Acknowledge that we have a
5 quorum.
6 Agenda Item No. 1 is
7 consideration of the minutes of the meeting
8 held of the Rulemaking Committee on
9 February 20th, 2009. So I will entertain a
10 motion from the Committee regarding the
11 minutes.
12 DR. RICHARDSON: Move to
13 adopt the minutes of the February 20th,
14 2009 Committee meeting as distributed.
15 CHAIRMAN PHILLIPS: Second
16 to the motion from me. Any other
17 discussion?
18 (No response)
19 CHAIRMAN PHILLIPS: All in
20 favor of the motion, signify with the sign
21 "aye."
22 (All Committee members
23 signify "aye.")

1 CHAIRMAN PHILLIPS: Motion
2 carries. Do you want to wait until we get
3 to the end before -- so we don't have to do
4 anything?
5 MS. THOMAS: We don't have
6 to sign that.
7 CHAIRMAN PHILLIPS: Agenda
8 Item No. 2 is the discussion and the
9 consideration of Division 2 of the
10 Environmental Management Commission
11 Regulations, Rule 335-2-3-.05, Agenda,
12 Sections 1 through 3.
13 I will open up the floor for
14 some discussion before we go any further.
15 I will start, Dr. Richardson. In my view
16 of what we've been asked to do by the
17 Committee is to look at our public comment
18 sections. The Agenda portion is Section
19 No. 1, but Sections 2 and 3 are really
20 guidelines that we passed earlier relative
21 to public comment.
22 Personally I believe that what
23 we did not do in those guidelines was to be

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1 very specific on what the Commission could
2 do about different things. We have
3 different roles than the Department has.
4 And, from my perspective, I think it's
5 helpful if we can help the public
6 understand that we really need to hear from
7 them in the areas where we have control,
8 things like overseeing the Director,
9 policy -- environmental policy for the
10 State, and then in the need for modifying
11 appealing, adding, or deleting rules and
12 regulations.
13 DR. RICHARDSON: I concur
14 wholeheartedly. I think what's important
15 here is before we start entertaining any
16 changes to the rules and guidelines that we
17 have that we do hear from the public, and I
18 think that's the idea of the motion to come
19 is that we will indeed do that, and I think
20 that's very important.
21 CHAIRMAN PHILLIPS: I do,
22 too. With that being said, I would
23 recommend that our Committee solicit the

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1 input or solicit input from the public
2 through written comments regarding the
3 current rule that we have and the proposed
4 changes, improvements, anything that they
5 would like to offer relative to those
6 sections of the rule, and submit those
7 comments by September 15th, 2014 by the end
8 of the day, 5 p.m., to the Rulemaking
9 Committee through Debi.
10 So I will entertain a motion
11 relative to that.
12 DR. RICHARDSON: I would
13 move to adopt the Chair's recommendation.
14 CHAIRMAN PHILLIPS: Okay.
15 So I have a motion to accept the
16 recommendation -- let me see if I can say
17 it again -- that we solicit input from the
18 public through written comments regarding
19 the current rule and proposed changes or
20 improvements, if any, to these sections of
21 this rule and set a deadline of 5 p.m. on
22 September 15th, 2014, for the comments to
23 be submitted to the Rulemaking Committee.

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1 Correct?
2 DR. RICHARDSON: Yes.
3 CHAIRMAN PHILLIPS: Second.
4 All in favor of the motion, signify with
5 the sign "aye."
6 (All Committee members
7 signify "aye.")
8 CHAIRMAN PHILLIPS: Motion
9 carries. Agenda Item No. 3 is other
10 business. Do we have any other business to
11 come before the Committee?
12 (No response)
13 CHAIRMAN PHILLIPS: No other
14 business, we will move to Agenda Item No.
15 4, which is our future Rulemaking Committee
16 Meeting which is scheduled for October
17 17th, 2014. That's just prior to our
18 regular meeting, correct?
19 MS. THOMAS: Yes, sir.
20 CHAIRMAN PHILLIPS: So I
21 will accept a motion for the Committee
22 meeting on October 17th at 10 a.m. in this
23 conference room.

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1 DR. RICHARDSON: So move.
2 CHAIRMAN PHILLIPS: Second.
3 All in favor, signify with the sign "aye."
4 (All Committee members
5 signify "aye.")
6 CHAIRMAN PHILLIPS: And I
7 will look for a motion to adjourn.
8 DR. RICHARDSON: So move.
9 CHAIRMAN PHILLIPS: Second.
10 Thank you.
11 (The meeting concluded at
12 10:09 a.m.)
13 **********
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1 STATE OF ALABAMA)
2 COUNTY OF MONTGOMERY)
3
4
5 I hereby certify that the above
6 proceedings were taken down by me and
7 transcribed by me using computer-aided
8 transcription and that the above is a true
9 and accurate transcript of said proceedings
10 taken down by me and transcribed by me.
11 I further certify that I am
12 neither of kin nor of counsel to any of the
13 parties nor in anywise financially
14 interested in the outcome of this case.
15 I further certify that I am duly
16 licensed by the Alabama Board of Court
17 Reporting as a Certified Court Reporter as
18 evidenced by the ACCR number following my
19 name found below.
20
21 Victoria Castillo
22 VICTORIA CASTILLO, ACCR #17, 9/30/14
23 FREELANCE COURT REPORTER

*

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Part B

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Attachment 2	**Order to adopt the Chair's recommendation (Agenda Item 2)**

Attachment 1

7/16/14

AGENDA*
MEETING OF THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: August 15, 2014
TIME: 10:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

ITEMS

1. Consideration of minutes of meeting held on February 20, 2009**

2. Discussion and consideration of Division 2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda, Sections (1) through (3)

3. Other business

4. Future Rulemaking Committee meeting

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The minutes of this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 20, 2009

2. DISCUSSION AND CONSIDERATION OF DIVISION 2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA, SECTIONS (1) THROUGH (3)

   On June 20, 2014, the Environmental Management Commission by adopted motion referred to the Rulemaking Committee re-examination and study of Rule 335-2-3-.05, Agenda, Sections (1) through (3), and to further report back its findings to the full Commission along with any recommendations as needed to amend the rule. This rule includes the procedures and requirements regarding requests from the public to appear before the Commission at its meetings following consideration of agenda items.

3. OTHER BUSINESS

4. FUTURE RULEMAKING COMMITTEE MEETING

Attachment 2

BEFORE THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

ORDER

This cause having come before the Rulemaking Committee pursuant to the Chair's recommendation that the Committee solicit input from the public through written comments regarding the current R. 335-2-3-.05, Agenda, Sections (1) through (3), and proposed changes, or improvements, to these sections of this rule and set the deadline of 5:00 p.m. on September 15, 2014, for the comments to be submitted to the Rulemaking Committee, the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the Chair's recommendation referenced above is hereby adopted; and

2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Issued this 15th day of August 2014.

APPROVED:

Terry D. Richardson
Committee Member

W. Scott Phillips
Committee Member

Committee Member

This is to certify that this Order is a true and accurate account of the actions taken by the Rulemaking Committee on this 15th day of August 2014.

W. Scott Phillips
W. Scott Phillips, Chair
Rulemaking Committee
Certified this 15th day of August 2014