

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: June 9, 2023
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

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on April 14, 2023**	2
2. Report from the ADEM Director	2
3. Report from the Commission Chair	2
4. <u>Bill Patterson Construction, Inc., Petitioner v. ADEM, Respondent</u> EMC Docket No. 22-02	2
5. Other business	2
6. Future business session	2
PUBLIC COMMENT PERIOD	3
Brief statements by members of the public registered to speak	3

* 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 APRIL 14, 2023
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. BILL PATTERSON CONSTRUCTION, INC., PETITIONER V. ADEM, RESPONDENT, EMC DOCKET NO. 22-02

Before the Commission in the above matter are the following:

- (1) Hearing Officer's "Order on Petitioner Bill Patterson Construction, Inc.'s Motion for Directed Verdict", dated April 3, 2023 and directed to the Hearing Officer, and his recommendation that the Commission deny the Motion if the Commission deems it as a matter for it to determine, rather than the Hearing Officer.
- (2) Hearing Officer's "Order on Motion of ADEM to Strike and Dismiss" and his recommendation that the Commission deny said Motion.
- (3) Hearing Officer's "Report and Recommendation to the Commission" in which he recommends that the Commission find that the Petitioner failed to meet its burden of proof and approve as issued ADEM's Order 22-024-AP issued to Bill Patterson Construction, Inc. for a debris pit in Robertsdale, Baldwin County, Alabama.
- (4) Petitioner's "Motion for Directed Verdict", dated May 19, 2023 and directed to the Commission, and Petitioner's recommendations in the Motion that the Commission dismiss the "Findings" (Administrative Order #22-024-AP) and exonerate the Petitioner based on the adduced evidence, and the law.
- (5) Petitioner's "Objection to Administrative Law Judge's Findings of Fact and Conclusions of Law" and Petitioner's recommendations in the Objection that the Commission reject the unsupported Findings of Fact and Conclusions of Law of the Administrative Law Judge and withdraw the Findings Order.
- (6) Petitioner's alternative "Findings of Fact and Conclusions of Law by the Environmental Management Commission" and Petitioner's recommendations in the alternative Findings of Fact and Conclusions of Law that the Commission withdraw the Administrative Order (Findings) and all fines and costs be held for naught.
- (7) "ADEM's Reply to Petitioner's Objections to Recommendation of Hearing Officer" and "Proposed Order" and ADEM's recommendation in the Reply that the Commission adopt the Hearing Officer's recommendations in full and reject the Petitioner's Objection and adopt the Proposed Order.

5. OTHER BUSINESS
6. 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.