Minutes
Alabama Environmental Management Commission
Rulemaking Committee Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama
February 20, 2009
This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Rulemaking Committee of the Alabama Environmental Management Commission on February 20, 2009.

W. Scott Phillips
Chair
Rulemaking Committee
Alabama Environmental Management Commission

Certified this 15th day of August 2014.
Minutes
Alabama Environmental Management Commission
Rulemaking Committee Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama
February 20, 2009

Convened: 10:00 a.m.
Adjourned: 10:29 a.m.

Part A

Transcript

Part B

Attachment Index

Attachment 1

Attachment 2
Part A
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
RULEMAKING COMMITTEE MEETING

Alabama Department of Environmental Management
Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama

February 20, 2009 10:00 a.m.

COMMITTEE MEMBERS PRESENT:
1 ANITA L. ARCHIE, CHAIR
2 SAM H. WAINWRIGHT, P.E.
3 W. SCOTT PHILLIPS

ALSO PRESENT
4 ROBERT TAMBLING, EMC LEGAL COUNSEL
5 DEBI THOMAS, EMC EXECUTIVE ASSISTANT

MS. ARCHIE: It's 10 o'clock, and I now call the Rules Committee Meeting to order. I would like to recognize that we do have a quorum. Good morning, everyone.

Item No. 1 is consideration of minutes of meeting held on January 9th, 2009. Have all Committee members had a chance to look over the minutes?

MR. PHILLIPS: Yep.

MS. ARCHIE: Do we have a motion?

MR. PHILLIPS: So move.

MR. WAINWRIGHT: Second.

MS. ARCHIE: It has moved and properly seconded that we accept the minutes. It has been approved.

Next item is discussion and consideration of resolution to recommend to the full Commission for adoption. At the direction of this Committee, I met with Attorney Tambling to discuss the proposed resolution for how we are to operate, and also, other things that were raised in the possible code of conduct for Commissioners that has been floated around since August. At this time, I'd like to call on Robert to give us a little discussion of our thought processes so far as the resolution.

MR. TAMBLING: Good morning.

At the last Committee meeting -- or Commission meeting, I should say -- I think Commissioner Phillips had compiled a list of suggestions from different Committee members as to what our operational guidelines should be.

Committee met; Committee directed that the Chair and I get together and review the list and pare it down and come up with a proposal, at least -- to move forward at least to see what we could do with the list. We looked -- I looked over the list. I was able to distill it down to about three or four proposals.
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<td>1. In my discussion with Mr. Wainwright and Ms. Archie, we decided the best approach would be to go ahead and handle this one issue at a time. And we -- Ms. Archie and I met, and we came up with this resolution here which is before you today. Would you like me to read it?</td>
<td>1. meetings, whereas the paragraph I just read would apply to situations where an individual Commissioner approaches the Director after a Commission meeting or between Commission meetings. But I agree with you. I think it is redundant. I think you have rules that would take care of that situation.</td>
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<td>MS. ARCHIE: Yes.</td>
<td>MS. ARCHIE: Commissioner Wainwright?</td>
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<td>MR. WAINRIGHT: No.</td>
<td>MR. WAINRIGHT: This probably would require a rule change because it is a direction to the Commission rather than to the Director. Do we need a motion to remove this or just strike it and go ahead and adopt it, less that?</td>
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<td>MR. TAMBLING: No?</td>
<td>MR. ARTHUR: I -- I suggest we have a motion to strike it.</td>
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<td>Actually, we had -- we had drafted this, so it's probably not necessary for me to go ahead and read it since we drafted it at the last Committee meeting a few weeks ago. So it simply is, &quot;Should a Commission member request the Director to take action on any matter, then the Director shall immediately notify the Commission Chair for direction with regard to resolution of the matter. &quot;The Chair shall report the disposition of the matter to the full Commission at the next regularly scheduled meeting of the Commission.&quot;</td>
<td>MR. WAINRIGHT: So move then.</td>
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<td>MR. PHILLIPS: Second.</td>
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<td>1. Commission at the next regularly scheduled meeting of the Commission.&quot;</td>
<td>1. MS. ARCHIE: It will be stricken, taken out. I guess we -- I guess where we are right now is whether we're going to -- did we just officially adopt this resolution to present to the full Commission. So I guess that's what's on the table right now, is did we just do that, just striking that provision out.</td>
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<td>2. MS. ARCHIE: Is there any questions of Robert or me regarding our thoughts on this resolution?</td>
<td>So I guess to make it clean, do I have a motion that we recommend this resolution to the full Commission?</td>
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<td>3. MR. PHILLIPS: I have one question, Madam Chair, and that is relative to the paragraph that begins, &quot;Be it further resolved,&quot; resolved during Commission meetings. I didn't really recall us having a discussion about Commission meetings, and it seems to me that we have our rules as well as Robert's Rules of Order that we follow. So it seems a little redundant to me in this resolution.</td>
<td>MR. WAINRIGHT: With the stricken language, yes, I so move.</td>
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<td>4. MR. TAMBLING: That was one of the -- that was one of the suggestions that was made along with this one. It was -- it was very, very close and very similar to that paragraph I just read to you. But it -- the difference was is that it takes place during Commission</td>
<td>MR. PHILLIPS: Second.</td>
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<td>5. MR. WAINRIGHT: Moving with this by second.</td>
<td>MS. ARCHIE: It has been moved and properly seconded that we recommend to the full Commission this resolution. It is hereby recommended and sent to the full Commission. Thanks, Robert.</td>
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<td>7. MS. ARCHIE: Item No. 3 is</td>
<td>MS. ARCHIE: Item No. 3 is</td>
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| discussion and consideration of Commission rules of conduct to recommend to the full Commission for potential rulemaking. I would just like to say, I think Robert kind of sums it up that pretty much, I think this was our main concern that we had that we pretty much have addressed with this resolution. I think that -- my personal opinion is that we don't need a standard of conduct. I think our rules pretty much cover how we should govern ourselves. So do I have any comments from any of the other members?  

MR. WAINWRIGHT: Madam Chair, the material that Robert's given us to boil down the issues, is there one of these that we should be looking at between now and our next meeting? We handled one of the issues, number one. Are there any of these others that we ought to be looking at between now and the next -- we can probably handle No. 6 also. We've already gotten new letterhead.  

MS. ARCHIE: What number is that?  

MR. WAINWRIGHT: This is Robert's copy. Not sure where it is.  

MR. PHILLIPS: I don't see that.  

MS. THOMAS: I didn't get a copy of that. I didn't have a copy of that to put in your folder.  

MR. WAINWRIGHT: I don't know where I got it then. I thought Robert had sent this to all of us. Y'all pass it around.  

MR. TAMBLING: I apologize. I must not have sent a copy to Debi, but I did send it to each of you.  

MS. ARCHIE: I have seen this. This is a confidential memo that the attorney had sent to us regarding EMC operation guidelines.  

MR. PHILLIPS: Is that |
| taking the -- these originals and just boiling them down?  


MR. WAINWRIGHT: We could take one of those and study it between now and our next meeting, if there's one that stands out to you.  

MS. ARCHIE: Just give me a quick second to go through them. I think that since we have -- it was not part of the official packet today, I think we don't have enough time to really go through this and decide whether we want to pursue this at this time. So I'd just state that maybe we have -- have a chance for this Committee to look over it, give some comments, and decide whether we're going to meet on to discuss these further items for consideration.  

MR. WAINWRIGHT: That's fine.  

MR. PHILLIPS: Okay. |
| Page 11 |
| taking the -- these originals and just boiling them down?  


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MR. WAINWRIGHT: That's fine.  

MR. PHILLIPS: Okay. |
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| MS. ARCHIE: Robert, just -- if you would, you know, just resend it, you know, again if somebody doesn't have it, one of the Committee members. We'll decide, and I'll talk to you regarding the next meeting to discuss it, okay.  

Is there any other business for the Committee at this time?  

MS. THOMAS: If I can clarify, did y'all vote on those two motions? I knew there was someone moved and seconded. Did you vote?  

MS. ARCHIE: Yes, Debi, on both of them.  

At this time, if there's no further business, we stand adjourned. Thank you.  

(The Rulemaking Committee Meeting concluded at approximately 10:29 on February 20, 2009.)
REPORTER'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, Jenny Cone, Certified Court
Reporter and Notary Public in and for the
State of Alabama at Large, do hereby
certify that the foregoing is a true and
accurate excerpt of the proceedings as
taken stenographically by me at the time
and place aforementioned.

This 2nd day of March, 2009.

Jenny Cone
Certified Court Reporter (Lic. #108) and Notary Public
State of Alabama at Large
STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, Jenny Cone, Certified Court Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that the foregoing is a true and accurate excerpt of the proceedings as taken stenographically by me at the time and place aforementioned.

This 2nd day of March, 2009.

______________________________
Jenny Cone
Certified Court Reporter (Lic. #108) and Notary Public
State of Alabama at Large
Part B
Attachment Index

Attachment 1  Agenda
Attachment 2  Draft Resolution

(Agenda Item 2 – Discussion and consideration of resolution to recommend to the full Commission for adoption)
Attachment 1
AGENDA*
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
RULEMAKING COMMITTEE MEETING
Alabama Room (Main Hearing Room)
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
February 20, 2009
10:00 a.m.

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<td>2. Discussion and consideration of resolution to recommend to the</td>
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<td>full Commission for adoption</td>
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<td>recommend to the full Commission for potential rulemaking</td>
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<td>4. Other business</td>
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* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

** The Minutes for this meeting will be available on the ADEM website under EMC Information.
Agenda
Rulemaking Committee Meeting
Page 2

1. CONSIDERATION OF MINUTES OF MEETING HELD ON JANUARY 9, 2009

2. DISCUSSION AND CONSIDERATION OF RESOLUTION TO RECOMMEND TO THE FULL COMMISSION FOR ADOPTION

The Committee will discuss and consider the following resolution to recommend to the full Commission for adoption:

Should a Commission member request the Director to take any action, the Director shall immediately notify the Commission’s Chair for direction with regard to resolution of the matter. The Chair shall report the disposition of the matter at the next regularly-scheduled Commission meeting.

3. DISCUSSION AND CONSIDERATION OF COMMISSION RULES OF CONDUCT TO RECOMMEND TO THE FULL COMMISSION FOR POTENTIAL RULEMAKING

The Committee will discuss a compilation of comments from Commission members on standards of conduct for the Commission and consider recommending rules of conduct to the full Commission for potential rulemaking.

4. OTHER BUSINESS
Attachment 2
ENVIRONMENTAL MANAGEMENT COMMISSION

RESOLUTION

WHEREAS, it is a function of the Environmental Management Commission, pursuant to Section 22-22A-6(a)(3) of the Alabama Environmental Management Act, to develop the Environmental Policy for the State; and,

WHEREAS, Environmental issues may arise between meetings of the Environmental Management Commission that may be of interest to individual Commission members; and,

WHEREAS, the Director and Department staff may need to devote substantial time and resources to properly address these issues.

THEREFORE, BE IT RESOLVED THAT, should a Commission member request the Director to take action on any matter, then the Director shall immediately notify the Commission Chair for direction with regard to resolution of the matter. The Chair shall report the disposition of the matter to the full Commission at the next regularly scheduled meeting of the Commission.

IN WITNESS WHEREOF, we have affixed our signatures below on this 20th day of February 2009.

APPROVED:

______________________________  ______________________________

______________________________  ______________________________

______________________________  ______________________________

______________________________  ______________________________