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
April 15, 2016
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 April 15, 2016.

W. Scott Phillips, Chair
Rulemaking Committee
Alabama Environmental Management Commission

Certified this 17th day of June 2016.
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
April 15, 2016

Convened: 10:00 a.m.
Adjourned: 10:09 a.m.

Part A

Transcript
Word Index

Part B

Attachment 1 - Agenda
Part A
CHAIRMAN PHILLIPS: Good morning. I'll call to order the April 15th Rulemaking Committee meeting and acknowledge that we have a quorum. We are missing one of our members. He would much rather be with us than where he is, I'm sure.

Let's start with agenda item number 1: Consideration of the minutes of the meeting held on February 19th, 2016.

I'll entertain a motion from the Committee regarding the minutes.

MS. MERRITT: I move to adopt the minutes of February 19th.

CHAIRMAN PHILLIPS: I second the motion. Any discussion?

(No response.)

CHAIRMAN PHILLIPS: There being no discussion, all in favor signify with a sign of aye.

THE COMMITTEE: Aye.

CHAIRMAN PHILLIPS: Motion carries.

Agenda item number 2 is the discussion of our draft guidelines for the application of the proposed amended Environmental Management Commission Regulations Rule 335-2-3-.05, Agenda.

I'll note that we have, in our regular meeting today on our agenda, an item for the full Commission to consider to take those proposed amended regulations and put them out.

So I would like to at least talk a little bit about the guidelines today. Realizing that we haven't gone out for rulemaking yet, but I do think...
that these guidelines, which are
intended to educate and inform
the public and our Commission on
how we see the rule being
interpreted and applied. So I
would like to open it up for
Committee discussion on that
item on the guidelines.
Ms. Merritt, do you have
anything you would like to
discuss? While you're looking,
I would say that I think it's
really our intent, realizing
that if the motion carries with
the Commission today on our
amended rule, the best we would
do would be August for that rule
to come back before the full
Commission, so we do have time.
I want to make sure that what we
do on our guidelines gets to the
next Commission meeting in June
so that they have time to

consider them before the rule
would come back, should it pass
today.

MS. MERRITT: Okay. After
looking over the --
CHAIRMAN PHILLIPS:
Guidelines.
MS. MERRITT: -- guidelines,
what we had come up with?
CHAIRMAN PHILLIPS: Yeah.
MS. MERRITT: I don't have
any discussion on them.
CHAIRMAN PHILLIPS: I have,
on a couple of items -- I mean,
I don't have any proposed
language for us to consider, but
there are a couple of items that
I really want to make sure,
Robert, that we look at closely
between now and the next
Committee Meeting. And at least
give Commissioner Richardson
also an opportunity to give us

his input relative to the
guidelines before they go to the
full Commission. And that is
really just making sure that
they are guidelines and that
they are providing the
expectations that we have for
how Commission meetings would be
managed and what we would expect
from the public, but also what
we would expect from the full
Commission. So if you could
just go through them between now
and the next Committee meeting,
we'll do the same thing very
thoroughly and just make sure
that we understand that what
we're proposing to the
Commission in June are these
guidelines and that we really
believe that they're the best
way to manage our meetings.
So we'll carry that over to

our next meeting in June. If
you could just give us a report
on that in June.

MR. TAMBLING: I'll be happy
to.

CHAIRMAN PHILLIPS: Our next
agenda item is the discussion on
the policy issue of
environmental justice and what,
if any, action the Rulemaking
Committee should take.
I'll note that Committee
Member Richardson brought this
forward to the full Commission
and asked that after we finish
the public comment and agenda
rulemaking discussions, that we
bring this up.
We have gathered information
-- Debi has provided us some
information today that we, as a
Committee, need to go through
and review.
We have asked the Director to make a presentation to the full Commission at our regular meeting after this Committee meeting on the Department’s activities in environmental justice. And, so, I think we’re on the right track. I don’t know that we have a lot of discussion to have this morning other than to say we got the information that Debi gathered for us, for us to review between now and the next Committee meeting when Commissioner Richardson could rejoin us. And we are hearing from the Department at eleven o’clock on the environmental justice activities of the Department. Is there anything else, Commissioner Merritt, that you would like to discuss relative to that?

MS. MERRITT: No. And I agree with you about waiting until Commissioner Terry comes back, that way we can discuss it.

CHAIRMAN PHILLIPS: With this information that’s brought out, I want to read it. We also have some information that I think Mr. Ludder provided to us relative to the development of environmental justice policy that he sent to Commissioner Richardson, that Commissioner Richardson has shared with us. And then information from the Department from federal and state environmental justice activities. So with that, I’ll take a motion to continue this until the next Committee meeting.

MS. MERRITT: So moved.
CHAIRMAN PHILLIPS: Second.
All in favor signify with a sign of aye.
THE COMMISSION: Aye.
CHAIRMAN PHILLIPS: Motion carries. I’m not accustomed to doing that.
Our next item is other business. Is there any other business to come before the Commission?

Hold on just a second.
We’re not in a public discussion at the moment.
Is there any other business from the Committee?

MS. MERRITT: There’s none.
CHAIRMAN PHILLIPS: Our future Rulemaking Committee meeting is on -- when’s our next regular meeting, Debi?

MS. THOMAS: That is June the 17th.

CHAIRMAN PHILLIPS: So our next Committee meeting will be on June 17th at 10:00 a.m. in this conference room. I’ll make that motion. Is that okay with you?

MS. MERRITT: Yes.
CHAIRMAN PHILLIPS: That passes. I’ll entertain a motion to adjourn.

MS. MERRITT: So moved.
CHAIRMAN PHILLIPS: Second.
All in favor signify with a sign of aye.
THE COMMITTEE: Aye.
CHAIRMAN PHILLIPS: Thank you.

THE MEETING OF THE RULEMAKING COMMITTEE WAS ADJOURNED AT 10:09 A.M.)
CERTIFICATE
STATE OF ALABAMA )
COUNTY OF CONECCUH )
I hereby certify that the above and
foregoing transcript of proceedings was
taken down by me in machine shorthand, and
the questions and answers thereto were
transcribed by means of computer-aided
transcription, and that the foregoing
represents a true and correct transcript of
the proceedings given by said witness upon
said hearing.
I further certify that I am neither
of counsel nor of kin to the parties to the
action, nor am I in anywise interested in
the result of said cause.
I further certify that I am duly licensed
by the Alabama Board of Court Reporting as
a Certified Court Reporter as evidenced by
the ACCR number following my name below.

CHARITY MCCULLEY ACCR# 424
My Commission Expires: 2/19/17
CERTIFICATE

STATE OF ALABAMA )
COUNTY OF CONECUH )

I hereby certify that the above and foregoing transcript of proceedings was taken down by me in machine shorthand, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name below.

Charity McCulley
CHARITY McCULLEY ACCR# 424

My Commission Expires: 2/19/17
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Part B
Attachment 1
AGENDA*
MEETING OF THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 15, 2016
TIME: 10:00 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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<td>4. Other business</td>
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<td>5. Future Rulemaking Committee meeting</td>
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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 of this meeting will be available on the ADEM website under Environmental Management Commission.
1. **CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 19, 2016**

2. **DISCUSSION OF DRAFT GUIDELINES TO THE APPLICATION OF PROPOSED AMENDED ADEM ADMINISTRATIVE CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA**

   The Rulemaking Committee will discuss draft guidelines that would be used in the application of proposed amended ADEM Administrative Code, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda. These guidelines would serve to educate and inform the public as to how the Commission interprets and intends to apply this Rule.

3. **DISCUSSION ON THE POLICY ISSUE OF ENVIRONMENTAL JUSTICE AND WHAT, IF ANY, ACTION THE RULEMAKING COMMITTEE SHOULD TAKE**

   The Rulemaking Committee will discuss the policy issue of environmental justice and what, if any, action the Committee should take.

4. **OTHER BUSINESS**

5. **FUTURE RULEMAKING COMMITTEE MEETING**