

11/20/25

DRAFT

Minutes

**Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 10, 2025**

DRAFT
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
October 10, 2025

Convened: 11:00 a.m.
Adjourned: 11:11 a.m.

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Part A

Page 1 MEETING OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM) BUILDING ALABAMA ROOM 1400 COLISEUM BOULEVARD MONTGOMERY, ALABAMA 36110-2400 DATE: FRIDAY, OCTOBER 10, 2025 TIME: 11:00 A.M. ***** REPORTED BY: JAMIE MCCrackEN, CCR ABCR #451 Commissioner for the State of Alabama at Large	Page 2 1 APPEARANCES 2 COMMISSION MEMBERS PRESENT: 3 KEVIN MCKINSTRY, VICE CHAIR 4 JOHN (JAY) H. MASINGILL, III 5 J. PATRICK TUCKER, M.D. 6 MARY J. MERRITT 7 H. LANIER BROWN, II, ESQ. 8 COMMISSIONERS NOT PRESENT: 9 A. FRANK McFADDEN, P.E., CHAIR 10 RUBY L. PERRY, DVM, MS, PhD 11 ALSO PRESENT: 12 ROBERT D. TAMBLING, ESQ., 13 EMC LEGAL COUNSEL 14 EDWARD POOLOS, DIRECTOR 15 DEBI THOMAS, EMC EXECUTIVE ASSISTANT 16 17 18 19 20 21 22 23
Page 3 1 INDEX 2 Cover page.....1 3 Appearances.....2 4 Index.....3 5 Meeting called to order.....4 6 Minutes, August 8, 2025.....4 7 Elections.....5 8 Report from the ADEM Director.....9 9 Other business.....16 10 Future business session.....16 11 Public comment period.....17 12 Meeting adjourned.....17 13 Court Reporter's Certificate.....19 14 15 *** 16 17 18 19 20 21 22 23	Page 4 1 (WHEREUPON, the meeting of 2 the Alabama Environmental 3 Management Commission for 4 October 10, 2025, commenced 5 at 11:00 a.m.) 6 COMMISSIONER MCKINSTRY: Good 7 morning, everybody. I'd like to 8 welcome you to the October 10th 9 Environmental Management Commission 10 meeting. We'll call the meeting to 11 order. It's 11:00 o'clock. And we 12 have five members, so we do have a 13 quorum today. 14 Obviously, Chairman McFadden is 15 not here -- and Dr. Ruby Perry were 16 both unable to make it today. And so 17 I'm the substitute for Mr. Chairman 18 today, so I'll do the best I can. 19 And to move on to the first 20 order of business is to consider the 21 minutes from the meeting held on 22 August 8, 2025. I'll entertain a 23 motion from the Commission regarding

Page 5 1 those minutes. 2 COMMISSIONER MASINGILL: Move to 3 adopt. 4 COMMISSIONER TUCKER: Second. 5 COMMISSIONER MCKINSTRY: Any 6 discussion? 7 (No response.) 8 COMMISSIONER MCKINSTRY: Call 9 for the question. All in favor, 10 please raise your hand. 11 (Commissioners raising 12 hands.) 13 COMMISSIONER MCKINSTRY: Any 14 opposed, use the same sign? 15 (No response.) 16 COMMISSIONER MCKINSTRY: Okay. 17 Moving on to Agenda Item Number 2. 18 Today we're going to consider the 19 election of the Commission Chair and 20 Vice Chair for the next upcoming 21 year. 22 So, first, we'll entertain a 23 motion from the Commission regarding	Page 6 1 the election of the Chair position. 2 COMMISSIONER TUCKER: I'd like 3 to nominate Chairman McFadden to 4 continue to be Chairman. 5 COMMISSIONER MERRITT: Second. 6 COMMISSIONER MCKINSTRY: Any 7 discussion? 8 (No response.) 9 COMMISSIONER MCKINSTRY: Call 10 for the question. All in favor, 11 raise your hand. 12 (Commissioners raising 13 hands). 14 COMMISSIONER MCKINSTRY: Any 15 opposed, same sign. 16 (No response.) 17 COMMISSIONER MCKINSTRY: Motion 18 carries. 19 Congratulations, Frank, if 20 you're watching live-stream. 21 Now we'll move on to a motion 22 for the Vice Chair of the Commission. 23 COMMISSIONER TUCKER: I move to
Page 7 1 nominate Dr. Ruby Perry as Vice 2 Chair. 3 COMMISSIONER MERRITT: And I 4 second. 5 COMMISSIONER MCKINSTRY: Any 6 discussion on that? 7 (No response.) 8 COMMISSIONER MCKINSTRY: Hearing 9 none, we'll call for the question. 10 All in favor of Dr. Perry serving as 11 Vice Chair of the Commission, raise 12 your hand. 13 (Commissioners raising 14 hands). 15 COMMISSIONER MCKINSTRY: Any 16 opposed, same sign. 17 (No response.) 18 COMMISSIONER MCKINSTRY: Motion 19 carries. 20 Congratulations, Dr. Perry. 21 MS. THOMAS: I do have an order 22 for us to sign. 23 (Off the record briefly for	Page 8 1 the order to be signed by the 2 Commissioners.) 3 COMMISSIONER MCKINSTRY: Since 4 we do have unusual circumstances 5 where Frank McFadden and Dr. Perry 6 aren't here today -- we normally 7 would just turn the meeting over to 8 them, or Dr. Perry in this case -- 9 but since she's not here, I need to 10 ask for a motion from the 11 Commissioners if they'd like me to 12 continue leading the meeting for 13 today. 14 COMMISSIONER MERRITT: So moved. 15 COMMISSIONER TUCKER: Second. 16 COMMISSIONER MCKINSTRY: All in 17 favor, raise your hand. 18 (Commissioners raising 19 hands). 20 COMMISSIONER MCKINSTRY: Any 21 opposed? 22 (No response.) 23 COMMISSIONER MCKINSTRY: I'm the

Page 9 1 winner. 2 All right. We'll move on to 3 Agenda Item 3, a report from our ADEM 4 Director. 5 DIRECTOR POOLOS: You're right, 6 remind me to never miss a meeting, I 7 don't know -- I don't know what I'd 8 get myself into. Good morning and 9 welcome to the first meeting of the 10 Environmental Management Commission 11 for FY 2026. With September 30th 12 being the end of our -- with the 13 Department's fiscal year, I am 14 pleased to report that we met all of 15 our FY '25 grant commitments for that 16 fiscal year. Meeting these 17 commitments is a true testament to 18 the dedication of the ADEM staff and 19 I want to congratulate them on 20 meeting all of those commitments. 21 Our end-of-the-year reporting is 22 still ongoing for -- for the fiscal 23 year and it'll be completed in the	Page 10 1 correct timeframe. However, work 2 never stops. And we've already begun 3 the FY 2026 commitments. 4 Over the past few days, the item 5 I think that I've been asked the most 6 about is the Federal Government work 7 stoppage and how it impacts ADEM. We 8 received notification from EPA Region 9 4 that EPA is operating according to 10 their lapse-plan that is posted on 11 the EPA website. Their message was 12 that EPA will work to fulfill their 13 statutory obligations, emergency 14 response efforts, and administration 15 priorities. At this time we are 16 unsure how this could impact our FY 17 '26 grants. I will keep you updated 18 as we -- we learn things regarding 19 this -- this situation, obviously. 20 Next, I am pleased to report the 21 Department has updated its operation 22 plan to include activities it intends 23 to undertake during the next fiscal
Page 11 1 year to meet our goals under the 2 Unified Strategic Plan that you 3 adopted. We update this plan 4 annually, prior to the beginning of 5 each fiscal year, so that our goals 6 are clear for next year. A copy of 7 this plan has been provided to you 8 and can be found on our website. 9 Another item related to this 10 strategic plan and our op' plan is 11 the publishing of our FY '25 12 Community Engagement report. This 13 document highlights the Department's 14 efforts to ensure Alabamians are 15 involved and informed regarding the 16 environmental activities in their 17 community. A copy of this report is 18 available for viewing on our -- on 19 the table in the lobby and is also 20 available on our website. 21 Another item I wish to update 22 you on is the ARPA funding for 23 drinking water and wastewater	Page 12 1 improvements that are going on 2 throughout the State. This is 3 funding that came through the COVID 4 Cares Act and was appropriated for 5 water and wastewater infrastructure 6 projects by the Alabama State 7 Legislature. They appropriated 8 \$615,000,000 under this program and 9 all of these funds have been 10 obligated. As of the middle of 11 September, over 267,000,000 of these 12 dollars have been expended. This is 13 -- over 43 percent of the money is 14 already out the door. As a reminder, 15 these funds must be spent 16 out-the-door by December of 2026 and 17 I will ensure that, that -- that we 18 meet that obligation. 19 The next item that has been a 20 priority for the Department over the 21 past few years is the implementation 22 of the Alabama Environmental 23 Permitting and Compliance System,

Page 13 1 AEPACS. It's an online reporting and 2 permitting system. The Department 3 has been working on a phase 4 implementation approach regarding 5 this system for the past seven years 6 doing basically a -- doing a few 7 programs at a time. Now almost all 8 of our programs are underway, with 9 Solid Waste Program going live in 10 September of this year. Our Air 11 Programs are scheduled to begin using 12 this program in early 2026. 13 And the last program that we're 14 -- that we are doing under AEPACS is 15 for the Hazardous Waste Transporter 16 Program and work has begun and we've 17 initiated that with the contractor 18 now. 19 The next item I wish to update 20 you on is -- is the rulemaking 21 regarding the water quality criteria 22 values as required on -- on your 23 granting of the petition that was	Page 14 1 filed. As I mentioned during my 2 update during the last Commission 3 meeting, ADEM has initiated 4 rulemaking. On my first day on the 5 job, I requested assistance of Dr. 6 Scott Harris and the Alabama 7 Department of Public Health and 8 review of the values for the 12 9 pollutants to ensure that we, at 10 ADEM, develop criteria that are 11 protective and scientifically 12 justified. I received a letter back 13 from Dr. Harris agreeing to assist. 14 And we had a meeting between the 15 Department and ADPH on September 22nd 16 of this year to begin the 17 consultation process as required by 18 the ADEM regulations. 19 Obviously, as we continue down 20 -- down this path of rulemaking, I 21 will keep you updated. 22 Lastly, I want to mention an 23 announcement that occurred since our
Page 15 1 last meeting and that's the 2 Department announced recycling grants 3 totaling over 2.5 million dollars. 4 These grants were to recipients from 5 county and city governments, Solid 6 Waste Authority, recycling centers 7 and a recycling partnership. This is 8 the 17th year these -- of this grant 9 program and we can clearly see the 10 impact this funding is having on 11 recycling around the state of 12 Alabama. Every item that is 13 recycled, is one less item that ends 14 up in a landfill or littered 15 alongside our roads, on our land, or 16 in our water. 17 I want to thank our Land 18 Division and their staff for their 19 hard work in managing this program so 20 that we can help so many areas across 21 the State. 22 That complete -- completes my 23 report but I'm open for any questions	Page 16 1 you may have. 2 Thank y'all very much. 3 COMMISSIONER MCKINSTRY: Thank 4 you, Ed. 5 Move on to Agenda Item Number 4, 6 the report from the Commission Chair, 7 which we don't have a report today, 8 but do want to congratulate the 9 agency for their accomplishments in 10 2025 and certainly off to a good 11 start for '26. 12 Agenda Item 5, any -- any other 13 business anybody would like to 14 discuss today? 15 (No response.) 16 COMMISSIONER MCKINSTRY: Okay. 17 Hearing none, we'll move on to Agenda 18 Item Number 6 -- well, we'll move on 19 from Agenda Item Number 6 and talk 20 about future business session. 21 The next -- date of the next 22 Commission meeting is December 12th 23 of 2025. If anybody is not

Page 17 1 available, please, please let Debi 2 know as soon as you can and we can 3 make a plan for that meeting. 4 Now we'll move on to public 5 comment period. We've had nobody 6 sign up for comments today. So that 7 just leaves one item to discuss and 8 that is -- 9 COMMISSIONER BROWN: Move to 10 adjourn. 11 COMMISSIONER MCKINSTRY: -- 12 adjourn. 13 COMMISSIONER BROWN: Move to 14 adjourn. 15 COMMISSIONER MCKINSTRY: Do I 16 have a second? 17 COMMISSIONER TUCKER: Second. 18 COMMISSIONER MCKINSTRY: All in 19 favor, raise your hand. 20 (Commissioners raising 21 hands). 22 COMMISSIONER MCKINSTRY: Any 23 opposed?	Page 18 1 (No response.) 2 COMMISSIONER MCKINSTRY: Meeting 3 is adjourned. 4 (WHEREUPON, the meeting of 5 the Alabama Environmental 6 Management Commission was 7 concluded and the meeting was 8 adjourned at approximately 9 11:11 a.m.)
Page 19 1 * * * * * 2 REPORTER'S CERTIFICATE 3 * * * * * 4 STATE OF ALABAMA 5 MONTGOMERY COUNTY 6 I, Jamie McCracken, Certified 7 Professional Reporter and Notary Public in and for 8 the State of Alabama at Large, do hereby certify on 9 Friday, October 10th, 2025, that I reported the 10 meeting in the matter of: 11 MEETING OF THE 12 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION 13 ALABAMA DEPARTMENT OF ENVIRONMENTAL 14 MANAGEMENT (ADEM) BUILDING 15 ALABAMA ROOM 16 1400 COLISEUM BOULEVARD 17 MONTGOMERY, ALABAMA 36110-2400 18 19 That the foregoing 18 computer-printed 20 Pages contain a true and correct transcript of the 21 meeting set out herein. I further certify that I am 22 neither of relative, employee, attorney or counsel 23 of any of the parties, nor am I a relative or	Page 20 1 employee of such attorney or counsel, nor am I 2 financially interested in the results thereof. All 3 rates charged are usual and customary. 4 I further certify that I am duly licensed 5 by the Alabama Board of Court Reporting as a 6 Certified Court Reporter as evidenced by the ABCR 7 number following my name found below. 8 This 11th day of November, in the year of 9 our Lord, 2025. 10 <i>/s/ Jamie McCracken</i> 11 Jamie McCracken, CCR 12 ACCR NO. 451, Exp 9/30/2026 13 Certified Court Reporter and 14 Notary Public 15 Commission expires: 10-23-2028 16 (C) Copyright 2025, Boggs Reporting & Video LLC. 17 All rights reserved. No portion of this document 18 may be reproduced without written consent of Boggs 19 Reporting & Video. 20 21 22 23

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Part B

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Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 10, 2025

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

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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 AUGUST 8, 2025

2. ELECTIONS

The Commission will elect a Commission Chair and Vice Chair.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

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.

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTIONS

Nominate Frank McFadden as Chair and

Nominate Ruby Perry as Vice Chair

ORDER

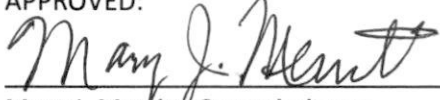
This cause having come before the Environmental Management Commission pursuant to the above motions, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motions are hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

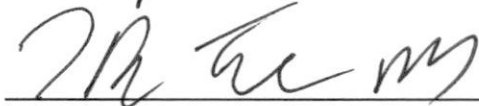
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ISSUED this 10th day of October 2025.

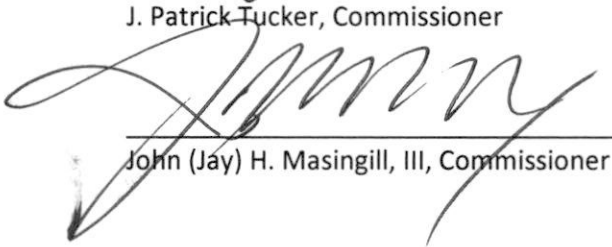
APPROVED:



Mary J. Merritt, Commissioner



J. Patrick Tucker, Commissioner



John (Jay) H. Masingill, III, Commissioner

A. Frank McFadden, Commissioner



H. Lanier Brown, II, Commissioner



Kevin McKinstry, Commissioner

Ruby L. Perry, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

J. Patrick Tucker, Commissioner

John (Jay) H. Masingill, III, Commissioner

A. Frank McFadden, Commissioner

H. Lanier Brown, II, Commissioner

Kevin McKinstry, Commissioner

Ruby L. Perry, Commissioner

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ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

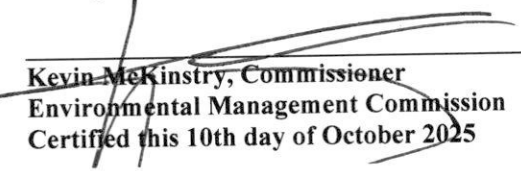
Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 10th day of October 2025.



Kevin McKinstry, Commissioner
Environmental Management Commission
Certified this 10th day of October 2025