#### Minutes

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

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on October 10, 2025.

A. Frank McFadden, Chair

Alabama Environmental Management Commission

Certified this 12th day of December 2025.

# 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.

Part A

Transcript Word Index

Part B

Attachment Index Attachment 1 Attachment 2 Part A

Page 1	P	age 2
MEETING OF THE	1 APPEARANCES	-90 -
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION	2 COMMISSION MEMBERS PRESENT:	
ALABAMA ENTRONMENTAL MANAGEMENT COMMISSION	3 KEVIN MCKINSTRY, VICE CHAIR	
LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL	4 JOHN (JAY) H. MASINGILL, III	
MANAGEMENT (ADEM) BUILDING	5 J. PATRICK TUCKER, M.D.	
ALABAMA ROOM	6 MARY J. MERRITT	
1400 COLISEUM BOULEVARD	7 H. LANIER BROWN, II, ESQ.	
MONTGOMERY, ALABAMA 36110-2400	8 COMMISSIONERS NOT PRESENT:	
DATE: FRIDAY, OCTOBER 10, 2025	9 A. FRANK McFADDEN, P.E., CHAIR	
TIME: 11:00 A.M.	10 RUBY L. PERRY, DVM, MS, PhD	
THVIL. 11.00 A.W.	11 ALSO PRESENT:	
	12 ROBERT D. TAMBLING, ESQ.,	
	13 EMC LEGAL COUNSEL	
*********		
	14 EDWARD POOLOS, DIRECTOR 15 DEBI THOMAS, EMC EXECUTIVE ASSI	CTANT
	16 DEBI THOMAS, EMC EXECUTIVE ASSI	SIANI
	17	
REPORTED BY: JAMIE MCCRACKEN, CCR	18	
ABCR #451	19	
Commissioner for the	20	
	21	
State of Alabama at Large	22	
	23	
	23	
Page 3	Pa	age 4
1 INDEX	1 (WHEREUPON, the meeting of	f
2 Cover page1	2 the Alabama Environmental	
3 Appearances2	3 Management Commission for	
4 Index3	4 October 10, 2025, commenced	
5 Meeting called to order4	5 at 11:00 a.m.)	SU MANUE TOWN
6 Minutes, August 8, 20254	6 COMMISSIONER MCKINSTRY	: Good
7 Elections5	7 morning, everybody. I'd like to	
8 Report from the ADEM Director9	8 welcome you to the October 10th	
9 Other business16	9 Environmental Management Commis	sion
Future business session	10 meeting. We'll call the meeting to	
Public comment period17	order. It's 11:00 o'clock. And we	
12 Meeting adjourned17	have five members, so we do have a	
Court Reporter's Certificate19	13 quorum today.	
14	Obviously, Chairman McFadden i	S
15 ***	not here and Dr. Ruby Perry were	
16	both unable to make it today. And so I'm the substitute for Mr. Chairman	8
17		
18	<ul> <li>today, so I'll do the best I can.</li> <li>And to move on to the first</li> </ul>	
19	20 order of business is to consider the	
20	21 minutes from the meeting held on	
21 22	22 August 8, 2025. I'll entertain a	
	23 motion from the Commission regardi	nα
23		

	Page 5		Page 6
1	those minutes.	1	the election of the Chair position.
2	COMMISSIONER MASINGILL: Move to	2	COMMISSIONER TUCKER: I'd like
3	adopt.	3	to nominate Chairman McFadden to
4	COMMISSIONER TUCKER: Second.	4	continue to be Chairman.
5	COMMISSIONER MCKINSTRY: Any	5	COMMISSIONER MERRITT: Second.
6	discussion?	6	COMMISSIONER MCKINSTRY: Any
7	(No response.)	7	discussion?
8	COMMISSIONER MCKINSTRY: Call	8	(No response.)
9	for the question. All in favor,	9	COMMISSIONER MCKINSTRY: Call
10	please raise your hand.	10	for the question. All in favor,
11	(Commissioners raising	11	raise your hand.
12	hands.)	12	(Commissioners raising
13	COMMISSIONER MCKINSTRY: Any	13	hands).
14	opposed, use the same sign?	14	COMMISSIONER MCKINSTRY: Any
15	(No response.)	15	opposed, same sign.
16	COMMISSIONER MCKINSTRY: Okay.	16	(No response.)
17	Moving on to Agenda Item Number 2.	17	COMMISSIONER MCKINSTRY: Motion
18		18	carries.
	Today we're going to consider the election of the Commission Chair and	19	
19		20	Congratulations, Frank, if
20	Vice Chair for the next upcoming	21	you're watching live-stream.  Now we'll move on to a motion
21	year.	22	
22	So, first, we'll entertain a	2000000	for the Vice Chair of the Commission.
23	motion from the Commission regarding	23	COMMISSIONER TUCKER: I move to
	Page 7		Page 8
1	nominate Dr. Ruby Perry as Vice	1	the order to be signed by the
2	Chair.	2	Commissioners.)
3	COMMISSIONER MERRITT: And I	3	COMMISSIONER MCKINSTRY: Since
4	second.	4	we do have unusual circumstances
5	COMMISSIONER MCKINSTRY: Any	5	where Frank McFadden and Dr. Perry
6	discussion on that?	6	aren't here today we normally
7	(No response.)	7	would just turn the meeting over to
8	COMMISSIONER MCKINSTRY: Hearing	8	them, or Dr. Perry in this case
9	none, we'll call for the question.	9	but since she's not here, I need to
10	All in favor of Dr. Perry serving as	10	ask for a motion from the
11	Vice Chair of the Commission, raise	11	Commissioners if they'd like me to
12	your hand.	12	continue leading the meeting for
13	(Commissioners raising	13	today.
S-100-020	hands).	14	COMMISSIONER MERRITT: So moved.
14	AARTON OF CO.		
14 15		15	COMMISSIONER TUCKER: Second.
15	COMMISSIONER MCKINSTRY: Any	16	COMMISSIONER TUCKER: Second.  COMMISSIONER MCKINSTRY: All in
15 16	COMMISSIONER MCKINSTRY: Any opposed, same sign.	1000	COMMISSIONER MCKINSTRY: All in
15 16 17	COMMISSIONER MCKINSTRY: Any opposed, same sign. (No response.)	16 17	COMMISSIONER MCKINSTRY: All in favor, raise your hand.
15 16 17 18	COMMISSIONER MCKINSTRY: Any opposed, same sign. (No response.) COMMISSIONER MCKINSTRY: Motion	16 17 18	COMMISSIONER MCKINSTRY: All in favor, raise your hand.  (Commissioners raising
15 16 17 18 19	COMMISSIONER MCKINSTRY: Any opposed, same sign. (No response.) COMMISSIONER MCKINSTRY: Motion carries.	16 17 18 19	COMMISSIONER MCKINSTRY: All in favor, raise your hand.  (Commissioners raising hands).
15 16 17 18 19 20	COMMISSIONER MCKINSTRY: Any opposed, same sign. (No response.) COMMISSIONER MCKINSTRY: Motion carries. Congratulations, Dr. Perry.	16 17 18 19 20	COMMISSIONER MCKINSTRY: All in favor, raise your hand.  (Commissioners raising hands).  COMMISSIONER MCKINSTRY: Any
15 16 17 18 19 20 21	COMMISSIONER MCKINSTRY: Any opposed, same sign. (No response.) COMMISSIONER MCKINSTRY: Motion carries. Congratulations, Dr. Perry. MS. THOMAS: I do have an order	16 17 18 19 20 21	COMMISSIONER MCKINSTRY: All in favor, raise your hand.  (Commissioners raising hands).  COMMISSIONER MCKINSTRY: Any opposed?
15 16 17 18 19 20	COMMISSIONER MCKINSTRY: Any opposed, same sign. (No response.) COMMISSIONER MCKINSTRY: Motion carries. Congratulations, Dr. Perry.	16 17 18 19 20	COMMISSIONER MCKINSTRY: All in favor, raise your hand.  (Commissioners raising hands).  COMMISSIONER MCKINSTRY: Any

	Page 9	Γ	Page 10
1	winner.	1	correct timeframe. However, work
2	All right. We'll move on to	2	never stops. And we've already begun
3	Agenda Item 3, a report from our ADEM	3	the FY 2026 commitments.
4	Director.	4	Over the past few days, the item
5	DIRECTOR POOLOS: You're right,	5	I think that I've been asked the most
6	remind me to never miss a meeting, I	6	about is the Federal Government work
7	don't know I don't know what I'd	7	stoppage and how it impacts ADEM. We
8	get myself into. Good morning and	8	received notification from EPA Region
9	welcome to the first meeting of the	9	4 that EPA is operating according to
10	Environmental Management Commission	10	their lapse-plan that is posted on
11	for FY 2026. With September 30th	11	the EPA website. Their message was
12	being the end of our with the	12	that EPA will work to fulfill their
13		13	
14	Department's fiscal year, I am	20.000	statutory obligations, emergency
15	pleased to report that we met all of	14	response efforts, and administration
16	our FY '25 grant commitments for that	15	priorities. At this time we are
	fiscal year. Meeting these	16	unsure how this could impact our FY
17	commitments is a true testament to	17	'26 grants. I will keep you updated
18	the dedication of the ADEM staff and	18	as we we learn things regarding
19	I want to congratulate them on	19	this this situation, obviously.
20	meeting all of those commitments.	20	Next, I am pleased to report the
21	Our end-of-the-year reporting is	21	Department has updated its operation
22	still ongoing for for the fiscal	22	plan to include activities it intends
23	year and it'll be completed in the	23	to undertake during the next fiscal
	Page 11		Page 12
1	year to meet our goals under the	1	improvements that are going on
2	Unified Strategic Plan that you	2	throughout the State. This is
3	adopted. We update this plan	3	funding that came through the COVID
4	annually, prior to the beginning of	4	Cares Act and was appropriated for
5	each fiscal year, so that our goals	5	water and wastewater infrastructure
6	are clear for next year. A copy of	6	projects by the Alabama State
7	this plan has been provided to you	7	Legislature. They appropriated
8	and can be found on our website.	8	\$615,000,000 under this program and
9	Another item related to this	9	all of these funds have been
10	strategic plan and our op' plan is	10	obligated. As of the middle of
11	the publishing of our FY '25	11	September, over 267,000,000 of these
12	Community Engagement report. This	12	dollars have been expended. This is
13	document highlights the Department's	13	over 43 percent of the money is
14	efforts to ensure Alabamians are	14	already out the door. As a reminder,
15	involved and informed regarding the	15	these funds must be spent
16	environmental activities in their	16	out-the-door by December of 2026 and
17	community. A copy of this report is	17	I will ensure that, that that we
18	available for viewing on our on	18	meet that obligation.
19	the table in the lobby and is also	19	The next item that has been a
20	available on our website.	20	priority for the Department over the
21	Another item I wish to update	21	past few years is the implementation
22	you on is the ARPA funding for	22	of the Alabama Environmental
0.0	drinking water and westerveter	23	Permitting and Compliance System,
23	drinking water and wastewater	23	r crimiting and compnance system,

	Page 13		Page 14
1	_	1	
2	AEPACS. It's an online reporting and	1	filed. As I mentioned during my
	permitting system. The Department	2	update during the last Commission
3	has been working on a phase	3	meeting, ADEM has initiated
4	implementation approach regarding	4	rulemaking. On my first day on the
5	this system for the past seven years	5	job, I requested assistance of Dr.
6	doing basically a doing a few	6	Scott Harris and the Alabama
7	programs at a time. Now almost all	7	Department of Public Health and
8	of our programs are underway, with	8	review of the values for the 12
9	Solid Waste Program going live in	9	pollutants to ensure that we, at
10	September of this year. Our Air	10	ADEM, develop criteria that are
11	Programs are scheduled to begin using	11	protective and scientifically
12	this program in early 2026.	12	justified. I received a letter back
13	And the last program that we're	13	from Dr. Harris agreeing to assist.
14	that we are doing under AEPACS is	14	And we had a meeting between the
15	for the Hazardous Waste Transporter	15	Department and ADPH on September 22nd
16	Program and work has begun and we've	16	of this year to begin the
17	initiated that with the contractor	17	consultation process as required by
18	now.	18	the ADEM regulations.
19	The next item I wish to update	19	Obviously, as we continue down
20	you on is is the rulemaking	20	down this path of rulemaking, I
21	regarding the water quality criteria	21	will keep you updated.
22	values as required on on your	22	Lastly, I want to mention an
23	granting of the petition that was	23	announcement that occurred since our
	Page 15		Page 16
1	last meeting and that's the	1	you may have.
2			0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 -
	Department announced recycling grants	2	Thank y'all very much.
3	totaling over 2.5 million dollars.	3	Thank y'all very much. COMMISSIONER MCKINSTRY: Thank
3 4	totaling over 2.5 million dollars.  These grants were to recipients from	3 4	Thank y'all very much.  COMMISSIONER MCKINSTRY: Thank you, Ed.
3 4 5	totaling over 2.5 million dollars.  These grants were to recipients from county and city governments, Solid	3	Thank y'all very much.  COMMISSIONER MCKINSTRY: Thank you, Ed.  Move on to Agenda Item Number 4,
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3 4 5 6 7	totaling over 2.5 million dollars.  These grants were to recipients from county and city governments, Solid Waste Authority, recycling centers and a recycling partnership. This is	3 4 5 6 7	Thank y'all very much.  COMMISSIONER MCKINSTRY: Thank you, Ed.  Move on to Agenda Item Number 4, the report from the Commission Chair, which we don't have a report today,
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	totaling over 2.5 million dollars.  These grants were to recipients from county and city governments, Solid Waste Authority, recycling centers and a recycling partnership. This is the 17th year these of this grant program and we can clearly see the impact this funding is having on recycling around the state of Alabama. Every item that is recycled, is one less item that ends up in a landfill or littered alongside our roads, on our land, or in our water.  I want to thank our Land Division and their staff for their hard work in managing this program so that we can help so many areas across the State.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Thank y'all very much.  COMMISSIONER MCKINSTRY: Thank you, Ed.  Move on to Agenda Item Number 4, the report from the Commission Chair, which we don't have a report today, but do want to congratulate the agency for their accomplishments in 2025 and certainly off to a good start for '26.  Agenda Item 5, any any other business anybody would like to discuss today?  (No response.)  COMMISSIONER MCKINSTRY: Okay. Hearing none, we'll move on to Agenda Item Number 6 well, we'll move on from Agenda Item Number 6 and talk about future business session.
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	Page 17		Page 18
1	available, please, please let Debi	1	(No response.)
2	know as soon as you can and we can	2	COMMISSIONER MCKINSTRY: Meeting
3	make a plan for that meeting.	3	is adjourned.
4	Now we'll move on to public	4	(WHEREUPON, the meeting of
5	comment period. We've had nobody	5	the Alabama Environmental
6	sign up for comments today. So that	6	Management Commission was
7	just leaves one item to discuss and	7	concluded and the meeting was
8	that is	8	adjourned at approximately
9	COMMISSIONER BROWN: Move to	9	11:11 a.m.)
10	adjourn.	10	11.11 a.m.)
11		11	
177.07	COMMISSIONER MCKINSTRY:	12	
12	adjourn.		
13	COMMISSIONER BROWN: Move to	13	
14	adjourn.	14	
15	COMMISSIONER MCKINSTRY: Do I	15	
16	have a second?	16	
17	COMMISSIONER TUCKER: Second.	17	
18	COMMISSIONER MCKINSTRY: All in	18	
19	favor, raise your hand.	19	
20	(Commissioners raising	20	
21	hands).	21	
22	COMMISSIONER MCKINSTRY: Any	22	
23	opposed?	23	
	Page 19		Page 20
1	* * * *	1	employee of such attorney or counsel, nor am I
2	REPORTER'S CERTIFICATE	2	financially interested in the results thereof. All
3		3	rates charged are usual and customary.
4	STATE OF ALABAMA	4	I further certify that I am duly licensed
5	MONTGOMERY COUNTY	5	by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ABCR
6	I, Jamie McCracken, Certified	7	number following my name found below.
7	Professional Reporter and Notary Public in and for	8	This 11th day of November, in the year of
8	the State of Alabama at Large, do hereby certify on	9	our Lord, 2025.
9	Friday, October 10th, 2025, that I reported the	10	15/ Jamie Mc Cracken
10	meeting in the matter of:	11	James McCracken, CCR
11	MEETING OF THE		ACCR NO. 451, Exp 9/30/2026
12	ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION	12	Certified Court Reporter and
13	ALABAMA DEPARTMENT OF ENVIRONMENTAL		Notary Public
14	MANAGEMENT (ADEM) BUILDING	13 14	Commission expires: 10-23-2028
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Part B

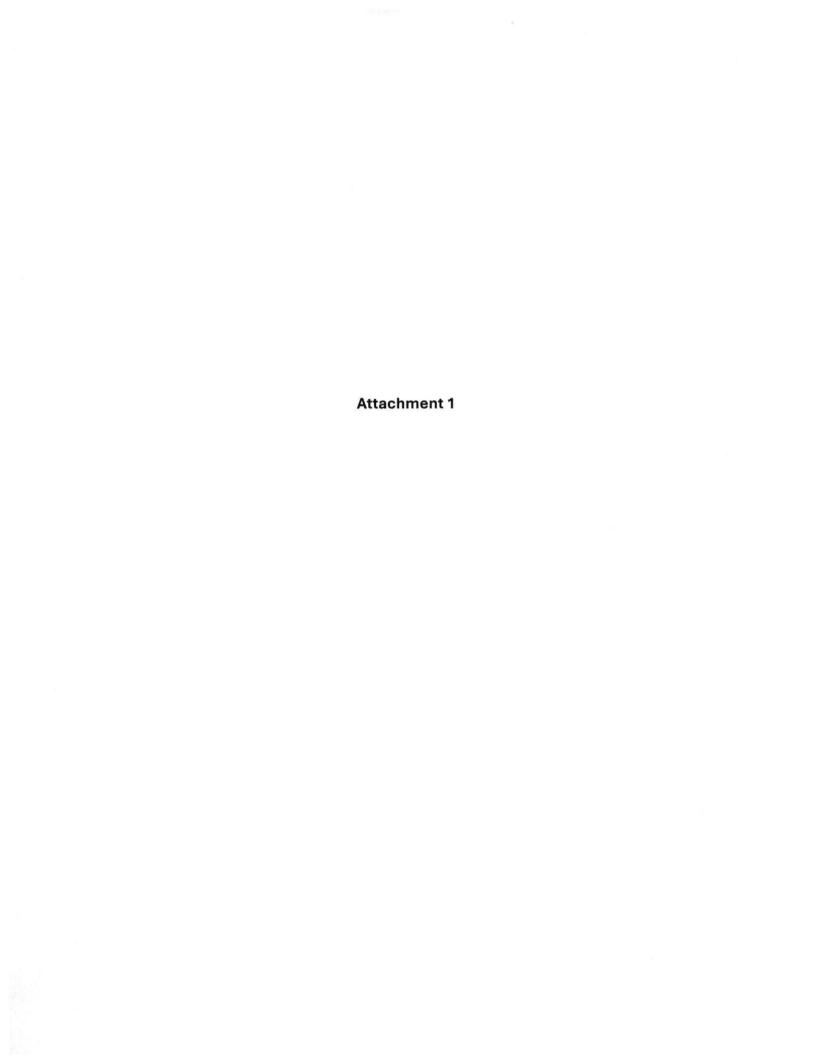
#### **Attachment Index**

Attachment 1 Agenda

Attachment 2 Order nominating Frank McFadden as Chair and

**Ruby Perry as Vice Chair** 

(Agenda Item 2)



#### 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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2.	Elections	2
3.	Report from the ADEM Director	2
4.	Report from the Commission Chair	2
5.	Other business	2
6.	Future business session	2
PUBLIC COMMENT PERIOD		
Brief statements by members of the public registered to speak		

<sup>\*</sup> The agenda for this meeting will be available on the ADEM website, <u>www.adem.alabama.gov</u>, under Environmental Management Commission.

<sup>\*\*</sup> The minutes for this meeting will be available on the ADEM website under Environmental Management Commission.

#### AEMC Meeting Agenda Page 2

- CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 8, 2025
- 2. ELECTIONS

The Commission will elect a Commission Chair and Vice Chair.

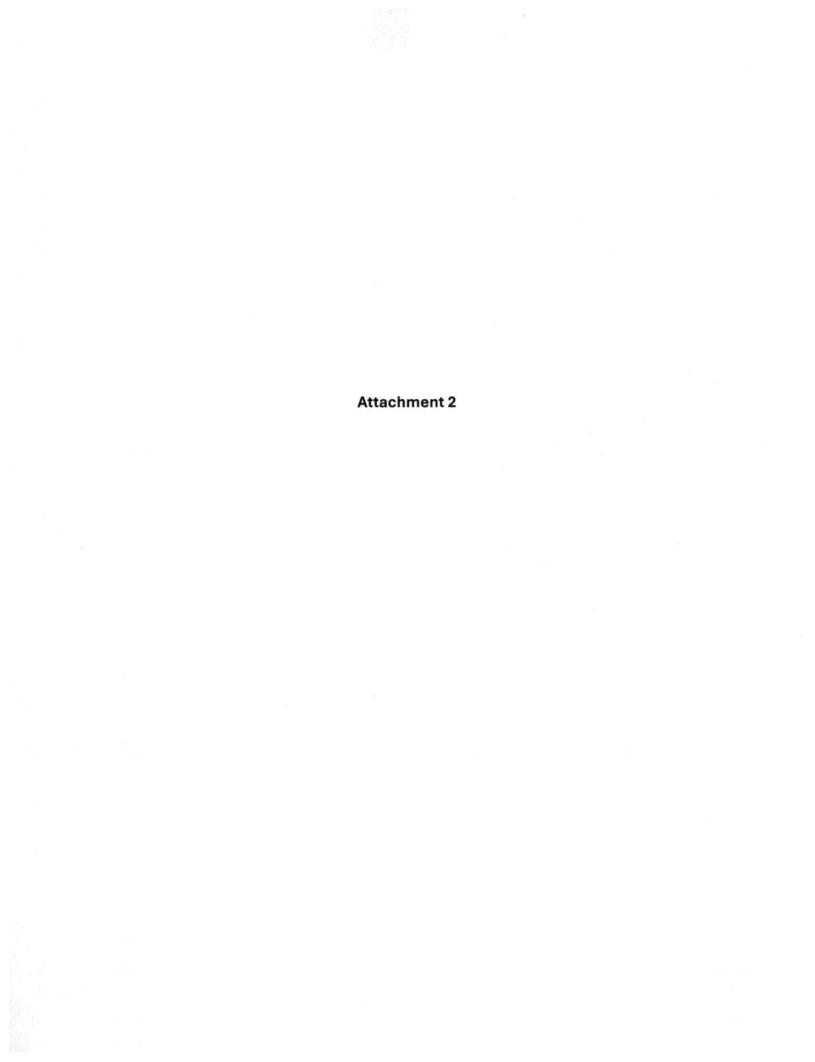
- REPORT FROM THE ADEM DIRECTOR
- 4. REPORT FROM THE COMMISSION CHAIR
- OTHER BUSINESS
- FUTURE BUSINESS SESSION

#### 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.



## 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.

### Environmental Management Commission Order Page 2

APPROVED:  Mary J. Merritt, Commissioner  J. Patrick-Tucker, Commissioner  John (Jay) H. Masingill, III, Commissioner	H. Lanier Brown, II Commissioner  Kevin McKinstry, Commissioner  Ruby L. Perry, Commissioner
A. Frank McFadden, Commissioner  DISAPPROVED:	
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	

#### Environmental Management Commission Order Page 3

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