

12/16/25

**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 handwritten signature in black ink, appearing to read "A. Frank McFadden", written over a horizontal line.

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
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Part B

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Attachment 1
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Part A

<p style="text-align: right;">Page 1</p> <p>MEETING OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION</p> <p>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.</p> <p>*****</p> <p>REPORTED BY: JAMIE MCCrackEN, CCR ABCR #451 Commissioner for the State of Alabama at Large</p>	<p style="text-align: right;">Page 2</p> <p>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</p>
<p style="text-align: right;">Page 3</p> <p>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</p>	<p style="text-align: right;">Page 4</p> <p>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</p>

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

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

<p style="text-align: right;">Page 13</p> <p>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.</p> <p>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.</p> <p>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</p>	<p style="text-align: right;">Page 14</p> <p>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.</p> <p>19 Obviously, as we continue down 20 -- down this path of rulemaking, I 21 will keep you updated.</p> <p>22 Lastly, I want to mention an 23 announcement that occurred since our</p>
<p style="text-align: right;">Page 15</p> <p>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.</p> <p>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.</p> <p>22 That complete -- completes my 23 report but I'm open for any questions</p>	<p style="text-align: right;">Page 16</p> <p>1 you may have.</p> <p>2 Thank y'all very much.</p> <p>3 COMMISSIONER MCKINSTRY: Thank 4 you, Ed.</p> <p>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.</p> <p>12 Agenda Item 5, any -- any other 13 business anybody would like to 14 discuss today?</p> <p>15 (No response.)</p> <p>16 COMMISSIONER MCKINSTRY: Okay.</p> <p>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.</p> <p>21 The next -- date of the next 22 Commission meeting is December 12th 23 of 2025. If anybody is not</p>

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

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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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)

Attachment 1

9/10/25

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

<u>ITEM</u>	<u>PAGE</u>
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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	2
Brief statements by members of the public registered to speak	2

* 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.

Environmental Management Commission Order
Page 2

ISSUED this 10th day of October 2025.

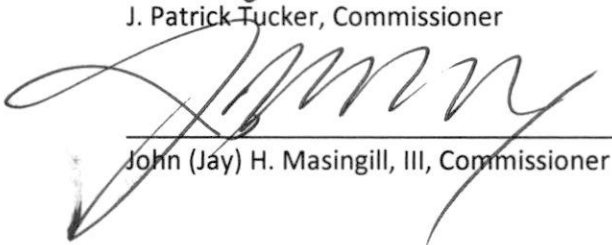
APPROVED:



Mary J. Merritt, Commissioner



J. Patrick Tucker, Commissioner



John (Jay) H. Masingill, III, Commissioner

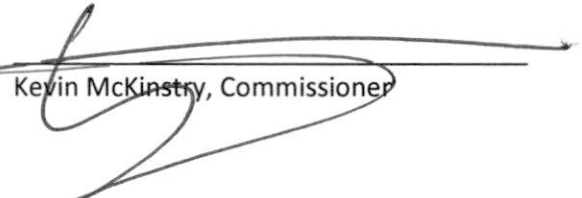
A. Frank McFadden, Commissioner



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

Environmental Management Commission Order
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ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

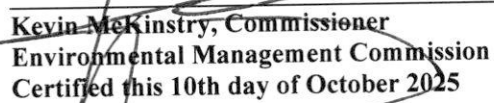
Kevin McKinstry, Commissioner

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