

**3/20/26**

**DRAFT**  
**Minutes**

**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**February 13, 2026**

**DRAFT**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
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**Montgomery, Alabama 36110-2400**  
**February 13, 2026**

**Convened: 11:00 a.m.**  
**Adjourned: 11:35 a.m.**

**Part A**

**Transcript**  
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**Part B**

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**Attachment 1**  
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## Part A

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, FEBRUARY 13, 2026  
 TIME: 11:00 A.M.

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 COPY  
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REPORTED BY: BEVERLY G. SLACK, CCR  
 ABCR #525  
 Commissioner for the  
 State of Alabama at Large

1 APPEARANCES  
 2 COMMISSION MEMBERS PRESENT:  
 3 A. FRANK McFADDEN, P.E., CHAIRMAN  
 4 KEVIN MCKINSTRY  
 5 J. PATRICK TUCKER, M.D.  
 6 MARY J. MERRITT  
 7 H. LANIER BROWN, II, ESQ.  
 8 NOT PRESENT:  
 9 RUBY L. PERRY, DVM, MS, PhD, VICE CHAIR  
 10 JOHN (JAY) H. MASINGILL, III  
 11 ALSO PRESENT:  
 12 EDWARD POOLOS, DIRECTOR  
 13 ROBERT D. TAMBLING, ESQ.,  
 14 EMC LEGAL COUNSEL  
 15 SHAWN SIBLEY, ESQ., EMC LEGAL COUNSEL  
 16 DEBI THOMAS, EMC EXECUTIVE ASSISTANT  
 17  
 18 SPEAKERS:  
 19 LUKE KISZLA, MOBILE BAYKEEPER  
 20 MICHAEL MULLEN, CHOCTAWHATCHEE  
 21 RIVERKEEPER  
 22  
 23

1 CHAIRMAN MCFADDEN: All right.  
 2 Welcome everyone. We'll get the  
 3 meeting started.  
 4 It is 11:00 o'clock and  
 5 we'll call the meeting to order and  
 6 acknowledge we do have a quorum. And  
 7 the first thing on the item is a  
 8 consideration of the minutes from the  
 9 December 12th meeting.  
 10 Do I hear a motion to  
 11 accept the minutes?  
 12 DR. TUCKER: I move to accept  
 13 the minutes.  
 14 MR. BROWN: Motion.  
 15 MR. MCKINSTRY: Second.  
 16 CHAIRMAN MCFADDEN: Any  
 17 discussion? All in favor, raise your  
 18 hand.  
 19 (Commission members raising  
 20 hands).  
 21 CHAIRMAN MCFADDEN: All opposed?  
 22 (No response).  
 23 CHAIRMAN MCFADDEN: Motion

1 carries.  
 2 Okay. Second, a report  
 3 from the Director, Mr. Poolos?  
 4 MR. POOLOS: Good morning, and  
 5 welcome to the third meeting of the  
 6 Alabama Environmental and Management  
 7 Commission for FY 2026. It's great  
 8 seeing everyone here today.  
 9 CHAIRMAN MCFADDEN: You too.  
 10 MR. POOLOS: I have a few items  
 11 that I wish to brief you on that have  
 12 occurred since the last meeting. And  
 13 at the end of my report, we will  
 14 start something a little different  
 15 that I mentioned to you, previously.  
 16 I wanted to create a way for the  
 17 Department to highlight some of the  
 18 great work being done by our  
 19 employees.  
 20 So, at each Commission  
 21 meeting going forward, a different  
 22 Division Chief will briefly highlight  
 23 a program within their Division.

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1 Water Division is who drew the short  
 2 straw and will be the first Division  
 3 to present, but Daphne Lutz, the  
 4 Chief of the Water Division, she is  
 5 out dealing with a family illness.  
 6 So, I guess, actually, Jeff  
 7 drew the short straw and Jeff will do  
 8 her presentation today.  
 9 The first item I wish to  
 10 update you on is regarding the  
 11 Department's budget. On January 8th,  
 12 Congress passed the FY-26 federal  
 13 budget for EPA and it included  
 14 funding for categorical grants used  
 15 by the states.  
 16 This includes our Federal  
 17 Performance Partnership Grant, known  
 18 as the PPG Grant, that helps fund our  
 19 programs where we have been delegated  
 20 primacy from EPA. These grants will  
 21 remain level funded for this fiscal  
 22 year.  
 23 This is a much higher level

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1 making this appointment and are proud  
 2 that our General Counsel has this  
 3 title.  
 4 On top of Todd's promotion,  
 5 I am pleased to announce today that  
 6 Carrie Blanton has accepted a  
 7 promotion to the newly created Chief  
 8 Litigation Counsel position. The  
 9 Chief Litigation Counsel will be  
 10 responsible for overseeing and  
 11 coordinating the legal representation  
 12 of the Department in court and  
 13 administrative appeal proceedings.  
 14 As Chief Litigation  
 15 Counsel, she will play a critical  
 16 role in ensuring that the Department  
 17 receives fair and just outcomes in  
 18 legal and administrative proceedings.  
 19 Carrie's expertise, dedication and  
 20 oratory skills make her the perfect  
 21 person for this position. And we are  
 22 excited about her new role within the  
 23 Department.

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1 than was first proposed in the  
 2 President's budget request.  
 3 On the state side, the  
 4 Governor's General Fund request for  
 5 FY-27, level funds the Department's  
 6 operational budget and includes a  
 7 slight increase in our SRF match.  
 8 This budget will now work its way  
 9 through the state legislative process  
 10 and we will be following that  
 11 intently.  
 12 The next item is one that I  
 13 am extremely happy to announce. This  
 14 is regarding our Legal Office. On  
 15 January 29th, Attorney General Steve  
 16 Marshall promoted ADEM's General  
 17 Counsel, Todd Carter, to a Deputy  
 18 Attorney General position.  
 19 This is the first time in  
 20 more than twelve years that ADEM has  
 21 had a Deputy Attorney General. This  
 22 is a great honor for Todd and we  
 23 truly appreciate the Attorney General

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1 Todd and Carrie, will you  
 2 please stand to be recognized? Todd  
 3 Carter.  
 4 MR. CARTER: Yes.  
 5 (Applause).  
 6 MR. POOLOS: We are very excited  
 7 about that for the Department. Thank  
 8 you all.  
 9 CHAIRMAN MCFADDEN: I wonder if  
 10 they're excited about it. It sounds  
 11 like a tough job to me.  
 12 MR. BROWN: They said yes.  
 13 MR. POOLOS: But, for me, I am  
 14 thrilled. I am thrilled for the  
 15 Department and I am thrilled for  
 16 them.  
 17 The next item is one that I  
 18 am always excited to cover and that  
 19 is the recognition of professional  
 20 development of our personnel. When  
 21 they reach significant milestones, we  
 22 enjoy recognizing their achievements.  
 23 Today, I want to recognize

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1 two individuals that have been  
 2 granted their professional  
 3 geologist's license. That is a long,  
 4 difficult process and I want you to  
 5 join me in congratulating these two  
 6 individuals.

7 The first one, who could  
 8 not be here today and that is Gigi  
 9 Copeland. Just because she couldn't  
 10 be here today, I still wanted to  
 11 announce her significant  
 12 achievements.

13 The second is Robert  
 14 Stanley. I know Robert is here.  
 15 Robert, will you please stand and be  
 16 recognized?

17 (Applause).

18 MR. POOLOS: Congratulations,  
 19 Robert, we are extremely proud of  
 20 your achievement.

21 Next, I wish to update you  
 22 on the ARPA funding for Drinking  
 23 Water and Wastewater Improvements.

Page 11

1 Standards.

2 As proposed in this rule,  
 3 EPA found that Alabama's SIP had  
 4 adequate data that demonstrated it  
 5 was not interfering with ozone  
 6 attainment for the 2015 eight-hour  
 7 NAAQS in any other state.

8 We truly appreciate EPA's  
 9 efforts regarding this  
 10 reconsideration.

11 So, the final item that I  
 12 have is regarding the water quality  
 13 criteria rule changes as required by  
 14 the granting of the petition in June  
 15 of last year. These rule changes  
 16 were placed on notice in November of  
 17 last year, came off notice on January  
 18 12th and a public hearing was held on  
 19 that same day on January the 12th.

20 We received 64 comments  
 21 from individuals or organizations  
 22 totaling 1,550 pages. We are in the  
 23 process of replying to these

Page 10

1 This is funding that came  
 2 through the COVID CARES Act and was  
 3 appropriated for water and wastewater  
 4 infrastructure projects by the  
 5 Alabama Legislature. They  
 6 appropriated \$615 million under this  
 7 program, and all of these funds have  
 8 been obligated through 492 grant  
 9 agreements.

10 As of yesterday, almost  
 11 \$332 million of these funds have been  
 12 expended. That is right at 54% of  
 13 the money that is already out the  
 14 door. And as a reminder, these funds  
 15 must be spent by December of 2026.

16 Another item is on January  
 17 27th, EPA announced it was proposing  
 18 the reconsideration of Phase I of  
 19 the, "Good Neighbor Plan."

20 This proposal will approve  
 21 Alabama's State Implementation Plan  
 22 or SIP pertaining to the eight-hour  
 23 Ozone National Ambient Air Quality

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1 comments.

2 As a reminder, these rules  
 3 will come before you as a commission  
 4 at the next meeting in April.

5 That completes my portion  
 6 of the report, but I am happy to  
 7 answer any questions before I turn it  
 8 over to Jeff.

9 CHAIRMAN MCFADDEN: Does anybody  
 10 have any questions, any of the  
 11 Commissioners?

12 (No response).

13 CHAIRMAN MCFADDEN: Okay. Thank  
 14 you-all.

15 MR. KITCHENS: Good morning,  
 16 Chairman McFadden, Commission  
 17 members.

18 CHAIRMAN MCFADDEN: Good  
 19 morning.

20 MR. KITCHENS: As you all know,  
 21 I'm Jeff Kitchens. I'm the Deputy  
 22 Director. As Ed said, I'm filling in  
 23 for Daphne today giving this

Page 13

1 presentation.

2 And, today, I'm channeling

3 my inner Lance LeFleur. So, if you

4 will bear with me, I've got about a

5 30-minute presentation. So, I will

6 just keep this a little bit short.

7 But, as the Director said,

8 he had asked Daphne to highlight a

9 success story and explain some of the

10 great work that is being done by the

11 employees within our Water Division.

12 And while there are a

13 number of programs that we can talk

14 to you about, we chose the Water

15 Quality Branch as monitoring and

16 analysis work and that's a program

17 that is beneficial to all residents

18 in Alabama.

19 The employees within the

20 Water Quality Branch do a tremendous

21 amount of highly technical work to

22 help protect waterways within the

23 state.

Page 15

1 On this slide, you can see

2 how the state is split into three

3 areas and depicted in yellow, blue

4 and pink. And ADEM focuses on one of

5 these target basins each calendar

6 year.

7 It may be a little bit

8 difficult to discern here, but we can

9 -- based on the fact that we do

10 combine some basins. We do all the

11 blue locations one year, the pink,

12 the next and then the yellow, the

13 next. And then this year, 2026,

14 we're concentrating on the basin

15 highlighted in yellow, which includes

16 the west Tennessee, portions of the

17 west Tennessee River, Tallapoosa,

18 Cahaba and the Alabama River and the

19 Mobile Bay.

20 In this slide here, you'll

21 see a map of all the stations that

22 have been sampled over the past three

23 years, covering all the basins in the

Page 14

1 ADEM conducts trend station

2 monitoring at approximately 31

3 stations multiple times each and

4 every year that's shown on this slide

5 that you have before you. This

6 monitoring provides vital information

7 on changes in water quality

8 throughout the year and from year to

9 year.

10 We've been conducting trend

11 station monitoring in Alabama since

12 the 1970s. We have a tremendous

13 amount of data regarding water

14 quality trends throughout the state.

15 In addition to those annual

16 trend stations, sampling that occur

17 every year, ADEM conducts an

18 additional water quality monitoring

19 using a three year rotating basin

20 approach.

21 Under this approach, the

22 state's major basins are sampled at

23 least once every three years.

Page 16

1 state.

2 We've sampled about 780

3 plus stations around the state.

4 These stations are mostly sampled

5 each month from March through

6 October.

7 And this sampling has

8 resulted in almost 450,000 water

9 quality data records.

10 And so the Department does

11 have extensive water quality data

12 that we've collected over the years.

13 And, on this, since about 1978, you

14 can see that we've sampled over 3,000

15 stations and have almost four million

16 data records.

17 Annually, our Water Quality

18 Branch works with our Field

19 Operations Division and other

20 programs of ADEM to determine the

21 locations and the parameters to be

22 sampled and the frequency of sampling

23 to obtain information regarding water

Page 17

1 quality.

2 I would be remiss if I

3 didn't mention that our Field

4 Operations Division collects the

5 majority of these samples with some

6 assistance from our Water Quality

7 Branch. And after those samples are

8 collected, the samples are analyzed

9 by the laboratory groups within Field

10 Operations.

11 Scott Hughes, who heads up

12 our Field Operations Division, is

13 here today. And I'd like to thank

14 him and our Field Operations

15 Division, as well as our Water

16 Quality Branch.

17 In this slide here, I know

18 it's going to be a little bit hard to

19 see, and I don't expect you to read

20 through all this, but I just wanted

21 to give it as an indication of how

22 many parameters we do sample. But on

23 this slide, it shows a list of the

Page 18

1 routine water quality pollutants

2 and/or parameters that we would most

3 always obtain samples from and quite

4 a number of additional parameters

5 that we may have analyzed or shown on

6 this slide when we do both the trend

7 and the basin rotation stations.

8 Something not included on

9 the previous slides are additional

10 studies that the Water Quality Branch

11 conducts. These include studies,

12 such as the 72-hour diurnal or the

13 dissolved oxygen studies to collect

14 continuous field data, time of travel

15 studies to determine stream flows and

16 intensive surveys which are targeted,

17 short term and high frequency

18 monitoring activities.

19 All of these are labor

20 intensive, and I appreciate the Water

21 Quality Branch's dedication and the

22 Field Operations Group for their

23 dedication to collecting this vital

Page 19

1 information.

2 But collecting water

3 quality data is just the first step.

4 After the water, the Field Operations

5 Division and Water Quality Branch

6 completes all the lab work and the

7 quality assurance and control work.

8 Then the Water Quality Branch reviews

9 and interprets this data and uses it

10 for a multitude of purposes, such as

11 to assess if water bodies are meeting

12 the water quality standards.

13 If a water body is listed

14 as "impaired," that means it doesn't

15 meet the water quality standards and

16 monitoring results can be used to

17 help identify causes of impairments,

18 to upgrade water body use

19 classifications, such as use is

20 considered less than the Clean Water

21 Act fishable, swimmable goal, to

22 develop eco-regional reference

23 benchmarks, which are levels of

Page 20

1 pollutants expected for minimally

2 impacted water bodies in a specific

3 region, to establish existing levels

4 of emerging contaminants in water

5 bodies, such as PFAS, to develop

6 water quality models, which are tools

7 to predict water quality conditions

8 under various scenarios and/or

9 conditions.

10 And these models can be

11 used to develop protected permit

12 limits for our NPDES Program, to

13 develop total maximum daily loads,

14 which are allowable limits to

15 loadings to impaired waterbodies to

16 attainment status, to develop water

17 quality standards such as Chlorophyll

18 A, which are used to help develop

19 standards, which are to prevent algae

20 blooms and ensure other criteria such

21 as dissolved oxygen levels are

22 achieved, to determine if the TMDL

23 implementation or activities or other

Page 21

1 remediations have resulted in  
 2 impaired waterbody meeting its water  
 3 quality standards or if the waterways  
 4 have recovered after a spill or a  
 5 release, to designate special  
 6 waterbodies, such as the Treasured  
 7 Alabama Lakes or Outstanding National  
 8 Resource Water.

9 Determine the particular  
 10 cause of fish kills, to determine the  
 11 effects of permitted and unpermitted  
 12 discharges, to notify the Department  
 13 of Public Health the potential issues  
 14 in water quality that could affect  
 15 public health so that health  
 16 advisories can be issued, and then  
 17 the development of GIS maps, which  
 18 are available to the public that  
 19 provide a wealth of data and  
 20 information in an interactive format.

21 Now, these are just some of  
 22 the activities that the Water Quality  
 23 Branch performs with our water

Page 22

1 quality data.

2 And finally, what I've  
 3 highlighted today is just our Water  
 4 Quality Monitoring Program. But  
 5 within the Water Division, as well as  
 6 other Divisions across the  
 7 Department, we could conduct  
 8 additional monitoring related to  
 9 ground water, wastewater and storm  
 10 water discharges from numerous source  
 11 types, as well as drinking water.

12 A large data set of  
 13 reliable water quality data is very  
 14 important. But how we use that data  
 15 is where the rubber meets the road  
 16 and these uses help protect waters in  
 17 the state where you and I fish, swim,  
 18 recreate and receive our drinking  
 19 water.

20 We always like to highlight  
 21 that we've made significant progress,  
 22 meeting the Clean Water Act's goal to  
 23 ensure that all of our water bodies

Page 23

1 are fishable and swimmable with  
 2 greater than 99% of those water  
 3 bodies now meeting that designation.

4 Again, I'd like to  
 5 recognize the Water Quality Branch  
 6 members that are here with us today.  
 7 So, as I call your name, if you  
 8 wouldn't mind standing and continue  
 9 to stand.

10 We have Chris Johnson, who  
 11 is the Chief of the Water Quality  
 12 Branch. Rebecca Strickland, who is  
 13 his assistant in the Water Quality  
 14 Branch. Kimberly Minton, Chief of  
 15 the Modeling and Analysis Section.  
 16 Jennifer Haslbauer, Chief of the  
 17 Standards and Planning Section.

18 Additional members of the  
 19 Modeling and Analysis Section include  
 20 Nick Caraway, Brian Haigler, Shae  
 21 Holley, James Mooney, Keosha Stone,  
 22 Jonathan Straiton and Hayden Wright,  
 23 who can't be here today.

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1 Additional members of the  
 2 Standards and Planning Section,  
 3 include Trevor Bates, Karla Crews,  
 4 David Moore, Joseph Roy, David  
 5 Thompson and last, but not least,  
 6 Caitlin Washington.

7 I'd like to thank you for  
 8 all you do for keeping our water  
 9 safe. Thank you. I will be glad to  
 10 answer your questions if you have  
 11 any.

12 (Applause).

13 CHAIRMAN MCFADDEN: I think that  
 14 shows where we are headed with water  
 15 quality issues. Some of you know my  
 16 tenure here back 37, 38 years ago. I  
 17 was the one water quality person.

18 Now, you have that whole  
 19 group that just stood up. So, I'm  
 20 sorry. I didn't do what they're  
 21 doing, but I think we tried to  
 22 enumerate how many miles of streams  
 23 we had back then. And, of course,

1 that was just the old map just by  
2 hand, no GIS, no special stuff.  
3 And now I think we've found  
4 a whole lot more water in Alabama.  
5 So, maybe that -- we need more  
6 sampling, but good job guys. Chris,  
7 good job for your group.  
8 And does anybody else have  
9 any questions for any director or  
10 Jeff? Okay. Thank you very much.  
11 Now, I have just a short  
12 presentation here that we'll play. I  
13 did not know that Jeff was going to  
14 give that report on water quality,  
15 especially focusing on the area of  
16 the state, the watershed that feeds  
17 Mobile Bay, but fish consumption and  
18 some of those issues we're all  
19 looking at now, as we know with the  
20 petitions before us and all that.  
21 So, we'll get another  
22 independent review of this.  
23 Sometimes the Department and we get

1 Shores. So, anyway, I thought that  
2 was a good clip.  
3 All right. Let's see.  
4 Item -- Agenda Item Number 4 is Barry  
5 Young, et al., Petitioners versus  
6 ADEM, Respondent and Grayson Carter &  
7 Son Contracting, Intervenor, EMC  
8 Docket 26-02. And I'll just note  
9 that on February the 4th, our last  
10 meeting or share notes that on  
11 February 4th, the parties filed a  
12 Joint Motion to Continue Commission's  
13 Consideration of Petitioner's Request  
14 for Stay referencing in the Joint  
15 Motion that the Petitioner's Request  
16 for Stay is on the agenda for today's  
17 meeting.  
18 And all that means is that  
19 it's not anything -- in some states,  
20 they want to not allow the permit to  
21 be in effect and all this. It's just  
22 basically to kicking this decision on  
23 the stay to the next Commission

1 good reviews. Sometimes we get bad  
2 reviews. And that's just the way it  
3 goes.  
4 The good news, sometimes,  
5 doesn't make it out. But, anyway,  
6 let's play this short one-and-a-half,  
7 two-minute video, and we'll see what  
8 you think about it.  
9 (Video played at 10:20 a.m.)  
10 CHAIRMAN MCFADDEN: All right.  
11 So, maybe that's a little good news  
12 from an independent source. I did  
13 have to think about the Chamber of  
14 Commerce, the Gulf Shores and Orange  
15 Beach and what that might do to  
16 tourism, but I have it on good  
17 authority from Richard Dreyfuss who  
18 said these sharks go back to Amity  
19 Island in the summertime because it's  
20 cooler.  
21 So, they're going up there  
22 to terrorize them, and they will not  
23 be down in Orange Beach and Gulf

1 meeting in June.  
2 So, it's really -- it's  
3 sort of like a continuance, I guess,  
4 in the court hearing, but --  
5 MR. BROWN: Not similar. It is.  
6 CHAIRMAN MCFADDEN: It is.  
7 MR. BROWN: It is a continuance.  
8 That's what it's for.  
9 CHAIRMAN MCFADDEN: Yes. You  
10 get it from the expert. Our attorney  
11 here.  
12 All right. So, do we have  
13 a motion?  
14 MR. BROWN: Move to grant the  
15 joint motion to continue.  
16 CHAIRMAN MCFADDEN: Second?  
17 DR. TUCKER: Second.  
18 CHAIRMAN MCFADDEN: Motion to  
19 second. Anymore discussion?  
20 (No response).  
21 CHAIRMAN MCFADDEN: All in  
22 favor, raise your hand.  
23 (Commission members raise

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1 hands).

2 CHAIRMAN MCFADDEN: All opposed?

3 (No response).

4 CHAIRMAN MCFADDEN: Motion

5 carries. Thank you, Lanier.

6 MS. THOMAS: I have the papers.

7 CHAIRMAN MCFADDEN: And we need

8 to sign it, right? Okay. Thank you,

9 Debi.

10 Any other business to come

11 before the Commission?

12 (No response).

13 CHAIRMAN MCFADDEN: Hearing

14 none, okay. Future business

15 sessions. The next meeting will be

16 April the 10th of 2026 here in this

17 room, and there may be some agendas

18 out there floating around that says

19 the 12th, but it's April 10th would

20 be obviously the second Friday in

21 April.

22 We always ask if the

23 Commission is available for that, and

Page 31

1 time.

2 CHAIRMAN MCFADDEN: Sure. Yes.

3 You have it.

4 MR. KISZLA: But thank you very

5 much, Mr. Chair, and members of the

6 Commission, the opportunity to speak

7 regarding Senate Bill 71 and the

8 matter of the Legislature that

9 relates very clearly to the purview

10 of this Commission.

11 My name is Luke Kiszla.

12 I'm the Government Affairs Director,

13 the Mobile Baykeeper. I've presented

14 before this Commission before.

15 But I want to approach it

16 from a little bit of a different

17 angle. Before I became the Mobile

18 Baykeeper, I spent just under 10

19 years in the Alabama Statehouse

20 drafting legislation, as well as

21 shepherding legislation through the

22 legislative process. And throughout

23 these 15 or 16 some-odd legislative

Page 30

1 I don't think we ever know until

2 about three weeks before or three

3 days before.

4 DR. TUCKER: Should be.

5 CHAIRMAN MCFADDEN: But I think

6 everyone should be enough for a

7 quorum anyway. It certainly would be

8 an important meeting.

9 All right. Let's see,

10 public comment period. We had two

11 register for three-minute sessions.

12 Is that correct, Debi?

13 MS. THOMAS: That's correct.

14 CHAIRMAN MCFADDEN: All right.

15 Luke Kiszla, would you come up and

16 please keep it to three minutes as we

17 try to limit these, but good to have

18 you. Thank you for coming.

19 MR. KISZLA: Thank you very

20 much. It's actually a minute more

21 than I was able to give in the

22 Statehouse to discuss this same

23 issue. So, I appreciate the extra

Page 32

1 sessions that have been around there,

2 I haven't viewed many bills that are

3 concerning, particularly, relating to

4 Commission's purview as Senate Bill

5 71 of this Legislative Session.

6 My concerns about this bill

7 don't just relate to the environment.

8 They mainly relate to the shared

9 Alabama values that this bill

10 addresses or rather that this bill

11 harms.

12 The first Senate Bill 71

13 would tie Alabama's Environmental

14 Standards to federal law. Federal

15 law establishes that it itself is the

16 floor and this bill would say that

17 federal law is also the ceiling.

18 For the statement whose

19 model is "We dare defend our rights,"

20 I have not seen a bill so boldly

21 surrender our ability to defend the

22 rights of Alabamians. It is for that

23 reason that I'm primarily concerned

1 about this bill.  
 2 But the bill has another  
 3 thrust in it; and that is, to set up  
 4 parameters regarding sound science.  
 5 Supporters of this bill claim that  
 6 this bill was similar to bills  
 7 advanced in Tennessee and by  
 8 President Trump's Executive Order  
 9 regarding Gold Standard Science.  
 10 The Senate Bill 71 misses  
 11 the mark on both. Senate Bill 71  
 12 would eliminate our ability to  
 13 consider increased risk of cancer  
 14 itself as a reason for manifest  
 15 bodily harm resulting from exposure  
 16 to toxic substances.  
 17 This limitation is not  
 18 found anywhere in either President  
 19 Trump's Executive Order or this NSE  
 20 bill that the supporters of this bill  
 21 are likened it to.  
 22 Secondly, there's other  
 23 parameters put in this bill that

1 I believe in the power of truth and  
 2 the power of debate.  
 3 This legislation has  
 4 received a neutral stance according  
 5 to the sponsors from the Department  
 6 of the Environmental Management, and  
 7 I found that highly irregular from a  
 8 bill that so deeply affects this  
 9 Commission and this Department's  
 10 purview.  
 11 So, I recognize that this  
 12 bill is before the Legislature. It,  
 13 in fact, only has one final step  
 14 before a final passage, and that's  
 15 likely to occur on Tuesday. But I  
 16 want to note that this is the first  
 17 Environmental Management Commission  
 18 meeting that has happened since this  
 19 bill was introduced and this bill  
 20 will likely become a law on Tuesday.  
 21 So, I please ask the  
 22 Commission to consider this bill and  
 23 make your stance on this bill, then.

1 generally cull the ability of this  
 2 Commission and other people that have  
 3 a debate on what sound science is and  
 4 what sound science is not.  
 5 This Commission has made  
 6 some pretty incredible strides  
 7 forward over the recent past, and I  
 8 would appreciate the Chairman  
 9 McFadden's comments regarding the  
 10 progress that's made in this  
 11 Commission through his long sideline  
 12 working with the Department.  
 13 However, that debate that I  
 14 treasure very highly, the debate  
 15 about what sound science is and what  
 16 sound science is not, that debate, in  
 17 large, could be precluded if we adopt  
 18 this legislation.  
 19 I'm not a scientist. I'm  
 20 not the person to come up here and  
 21 argue about what sound science is and  
 22 what sound science is not, but I  
 23 appreciate having that debate because

1 Thank you very much, Mr.  
 2 Chair, and thank you very much  
 3 members of the Commission.  
 4 CHAIRMAN MCFADDEN: Okay. Thank  
 5 you, Mr. Kiszla. I appreciate that.  
 6 Look out for Great Whites this winter  
 7 until it warms up.  
 8 MR. KISZLA: We've got more of  
 9 those, now.  
 10 CHAIRMAN MCFADDEN: Okay. Thank  
 11 you.  
 12 All right. The next person  
 13 is Michael Mullen.  
 14 MR. MULLEN: Thank you,  
 15 Chairman. Thank you, Commissioners.  
 16 CHAIRMAN MCFADDEN: Yes. Thank  
 17 you for coming.  
 18 MR. MULLEN: Luke has addressed  
 19 very well just about everything I  
 20 would say, except I want to give a  
 21 specific example of what not being  
 22 able to do, the regulation,  
 23 ourselves, like me.

1 I'm in the Choctawhatchee  
 2 River Basin. We have some extremely  
 3 high PPOX coming off of Fort Rucker.  
 4 We have been monitoring that for four  
 5 years now. I believe this week, EPA  
 6 has people out monitoring that  
 7 because we've been asking this  
 8 Department to do some fish  
 9 monitoring. So, maybe we can get  
 10 some limits set and maybe get some  
 11 fish consumption advisories.  
 12 This basically ties our  
 13 hands. And worse than that, if you  
 14 rely on the Feds, the Feds are doing  
 15 everything they can right now to push  
 16 PPOX Regulation on the report. This  
 17 is an Alabama value to be able to go  
 18 out and fish in our waters and catch  
 19 fish and eat fish and not fear about  
 20 the health, our health and our  
 21 children's health. It's not going to  
 22 bother me.  
 23 But this is something, you

1 ought to -- it's your responsibility,  
 2 you basically are the policy makers,  
 3 environmental policy makers of the  
 4 state. You ought to be communicating  
 5 with the Legislature. Your Director  
 6 ought to be communicating with the  
 7 Legislature.  
 8 And that's all I ask.  
 9 There's not much time left, and the  
 10 bill is probably going to pass  
 11 anyway. It probably falls on us, not  
 12 communicating with you before this.  
 13 But I appreciate the  
 14 opportunity and hope you will look  
 15 after the folks in Alabama. Thank  
 16 you.  
 17 CHAIRMAN MCFADDEN: Thank you  
 18 very much. I appreciate that input.  
 19 Okay. If there's nothing  
 20 else on the agenda, I want to  
 21 entertain a motion to adjourn.  
 22 MS. MERRITT: So moved.  
 23 CHAIRMAN MCFADDEN: Second. Do

1 you-all want to stay here some more?  
 2 MS. MERRITT: Is there a second?  
 3 DR. TUCKER: Second.  
 4 CHAIRMAN MCFADDEN: We're not  
 5 paid by the hour. We're paid by the  
 6 job.  
 7 All right. We have a  
 8 motion and a second. Any discussion  
 9 or anything that we need to further  
 10 discuss if that's why we had a little  
 11 pause there?  
 12 If not, all in favor of  
 13 adjourning, raise your hand.  
 14 (Commission members raising  
 15 hands).  
 16 CHAIRMAN MCFADDEN: Any oppose?  
 17 (No response).  
 18 CHAIRMAN MCFADDEN: We are  
 19 adjourned. Thank you-all. I  
 20 appreciate everybody coming.  
 21 (Meeting concluded at  
 22 approximately 11:35 a.m.)  
 23 \*\*\*

1 REPORTER'S CERTIFICATE  
 2 \* \* \* \* \*  
 3 STATE OF ALABAMA  
 4 AUTAUGA COUNTY  
 5 I, Beverly G. Slack, Certified  
 6 Professional Reporter and Notary Public in and for  
 7 the State of Alabama at Large, do hereby certify on  
 8 Friday, February 13th, 2026, that I reported the  
 9 meeting in the matter of:  
 10 MEETING OF THE  
 11 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
 12 MANAGEMENT (ADEM) BUILDING  
 13 ALABAMA ROOM  
 14 1400 COLISEUM BOULEVARD  
 15 MONTGOMERY, ALABAMA 36110-2400  
 16  
 17 That the foregoing 39 computer-printed  
 18 Pages contain a true and correct transcript of the  
 19 meeting set out herein. I further certify that I  
 20 am neither of relative, employee, attorney or  
 21 counsel of any of the parties, nor am I a relative  
 22 or employee of such attorney or counsel, nor am I  
 23 financially interested in the results thereof. All

1 rates charged are usual and customary.  
2 I further certify that I am duly licensed  
3 by the Alabama Board of Court Reporting as a  
4 Certified Court Reporter as evidenced by the ABCR  
5 number following my name found below.  
6 This the 26th day of February, 2026.  
7

8 *15/Beverly G. Slack*  
9

10 Beverly G. Slack, CCR  
11 ACCR NO. 525, Exp 9/30/26  
12 Certified Court Reporter and  
13 Notary Public  
14 Commission expires: 4/16/2026

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**Part B**

## Attachment Index

<b>Attachment 1</b>	<b>Agenda</b>
<b>Attachment 2</b>	<b>Order adopting motion to grant Joint Motion to Continue Commission's Consideration of Petitioners' Request for Stay and continue the Commission's consideration of Petitioners' Request for Stay to the Commission's regularly scheduled meeting on June 12, 2026 (Agenda Item 4)</b>

**Attachment 1**

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 13, 2026

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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2. Report from the ADEM Director	2
3. Report from the Commission Chair	2
4. <u>Barry Young, et al., Petitioners v. ADEM, Respondent, and Grayson Carter and Son Contracting, Inc., Intervenor</u> EMC Docket No. 26-02 (NPDES-Related Matter) [In the matter of ADEM's December 11, 2025, issuance and modification of NPDES Permit No. AL0084523 to Grayson Carter and Son Contracting, Inc., Tuscumbia Quarry No. 3, Colbert County, and all matters related thereto (including air permits)]	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](http://www.adem.alabama.gov), under About/Notices and Events/EMC Meetings.

\*\* The minutes for this meeting will be available on the ADEM website under About/Notices and Events/EMC Meetings.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON DECEMBER 12, 2025
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. BARRY YOUNG, ET AL., PETITIONERS V. ADEM, RESPONDENT, AND GRAYSON CARTER AND SON CONTRACTING, INC., INTERVENOR, EMC DOCKET NO. 26-02 (NPDES-RELATED MATTER) [IN THE MATTER OF ADEM'S DECEMBER 11, 2025, ISSUANCE AND MODIFICATION OF NPDES PERMIT NO. AL0084523 TO GRAYSON CARTER AND SON CONTRACTING, INC., TUSCUMBIA QUARRY NO. 3, COLBERT COUNTY, AND ALL MATTERS RELATED THERETO (INCLUDING AIR PERMITS)]

The Commission will consider the Petitioners Barry Young, Christy Waters, Ken and Nina Gordon, and Dorothy and Thomas Williams' request for a stay of the effectiveness of NPDES Permit No. AL0084523 pending the outcome of the administrative appeal hearing requested in the above-referenced appeal/request for hearing.

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

In the Matter of:	)	
	)	
Barry Young, Christy Waters, Ken and Nina Gordon, and Dorothy and Thomas Williams, Petitioners,	)	
	)	
vs.	)	
	)	EMC Docket No. 26-02
Alabama Department of Environmental Management, Respondent,	)	
	)	
and	)	
	)	
Grayson Carter and Son Contracting, Inc., Intervenor.	)	

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MOTION

Grant the Joint Motion to Continue Commission's Consideration of Petitioners' Request for Stay and  
continue the Commission's consideration of Petitioners' Request for Stay to the Commission's  
regularly scheduled meeting on June 12, 2026

ORDER

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

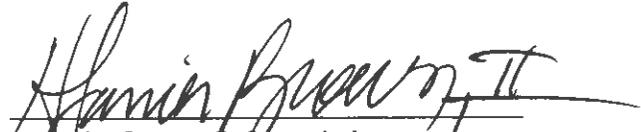
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
3. That a copy of the Order shall be forthwith served upon each of the parties hereto either personally, or by certified mail.

Environmental Management Commission Order  
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ISSUED this 13th day of February 2026.

APPROVED:

  
\_\_\_\_\_  
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

DISAPPROVED:

\_\_\_\_\_  
Mary J. Merritt, Commissioner

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H. Lanier Brown, II, Commissioner

\_\_\_\_\_  
J. Patrick Tucker, Commissioner

\_\_\_\_\_  
Kevin McKinstry, Commissioner

\_\_\_\_\_  
John (Jay) H. Masingill, III, Commissioner

\_\_\_\_\_  
Ruby L. Perry, Commissioner

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A. Frank McFadden, Commissioner

Environmental Management Commission Order  
Page 3

ABSTAINED:

\_\_\_\_\_  
Mary J. Merritt, Commissioner

\_\_\_\_\_  
H. Lanier Brown, II, Commissioner

\_\_\_\_\_  
J. Patrick Tucker, Commissioner

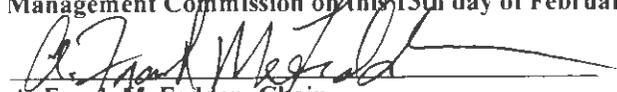
\_\_\_\_\_  
Kevin McKinstry, Commissioner

\_\_\_\_\_  
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 13th day of February 2026.**

  
\_\_\_\_\_  
A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 13th day of February 2026