

5/12/26

**DRAFT**

**Minutes**

**Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
April 10, 2026**

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1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
April 10, 2026**

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

**Adjourned: 11:47 a.m.**

**Part A**

**Transcript  
Word Index**

**Part B**

**Attachment Index  
Attachment 1  
Attachment 2**

## 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, APRIL 10, 2026  
TIME: 11:00 A.M.

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REPORTED BY: JEANA S. BOGGS, CCR  
ABCR #7  
Commissioner for the  
State of Alabama at Large

1 APPEARANCES  
2 COMMISSION MEMBERS PRESENT:  
3 A. FRANK McFADDEN, P.E., CHAIRMAN  
4 RUBY L. PERRY, DVM, MS, PhD, VICE CHAIR  
5 JOHN (JAY) H. MASINGILL, III  
6 J. PATRICK TUCKER, M.D.  
7 MARY J. MERRITT  
8 H. LANIER BROWN, II, ESQ.  
9 KEVIN MCKINSTRY  
10 ALSO PRESENT:  
11 EDWARD POOLOS, DIRECTOR  
12 ROBERT D. TAMBLING, ESQ.  
13 EMC LEGAL COUNSEL  
14 LINDSAY BARTON, ESQ., EMC LEGAL COUNSEL  
15 DEBI THOMAS, EMC EXECUTIVE ASSISTANT

1 CHAIRMAN MCFADDEN: Okay. I  
2 think it's time to get started. So,  
3 I welcome you to the April 10th  
4 meeting of the Environmental  
5 Management Commission. I call the  
6 meeting to order and acknowledge we  
7 do have a quorum. And I know the  
8 first item on the agenda is the  
9 minutes from the February 13th  
10 meeting. I'll entertain a motion for  
11 those.  
12 MR. MASINGILL: I move to  
13 approve the minutes.  
14 CHAIRMAN MCFADDEN: Second?  
15 MR. MCKINSTRY: Second.  
16 CHAIRMAN MCFADDEN: All in  
17 favor, raise your right hand.  
18 (Commission Members raising  
19 hands).  
20 CHAIRMAN MCFADDEN: None  
21 opposed. Thank you.  
22 Item Number 2: Report from  
23 Director Poolos.

1 MR. POOLOS: Good morning,  
2 everyone. It is -- it is great to  
3 see you this morning. I hope  
4 everyone had an easy trip to  
5 Montgomery this morning. It is --  
6 enjoyed this wonderful weather and  
7 the glorious spring that we're  
8 having. It's -- it's hard to be  
9 inside right now. I understand that.  
10 Welcome to the fourth meeting of  
11 the Environmental Management  
12 Commission for FY-2026. Let me first  
13 apologize in advance. I have quite a  
14 few items that I'm going to -- that I  
15 wish to brief you on today. So, it  
16 might not be quite as quick as mine  
17 has been in the past, my previous  
18 reports.  
19 I am going to start, though,  
20 with some bad news. At least it's  
21 bad news for us, and it's probably  
22 good news for her. Daphne Lutz, the  
23 head of our Water Division has

<p style="text-align: right;">Page 5</p> <p>1 announced her retirement at the end  2 of the month. Daphne has always been  3 a rock star within the Department.  4 She has been with the Department for  5 over 32 years and has held various  6 roles. She began her career in the  7 Air Division and spent 13 years there  8 before taking her first management  9 position in the Water Quality Branch  10 of the Water Division. From there  11 she held multiple management  12 positions in the Water Division and  13 ultimately became the Chief of the  14 Division in early 2024.  15 Daphne's dedication, hard work,  16 and extensive experience will be  17 sorely missed. Daphne could not be  18 here today, but we wish her very well  19 in retirement. We are going to miss  20 her a lot.  21 Next, as you're aware, yesterday  22 was the last day of the 2026 State  23 Legislative Session. I want to</p>	<p style="text-align: right;">Page 6</p> <p>1 update you on a few items from this  2 year's session. The first is the  3 State General Fund Budget. I am  4 pleased to report that ADEM was level  5 funded for its operational activities  6 and received an increase for our  7 match amount in the State Revolving  8 Loans Fund that provides low interest  9 loans to water and wastewater systems  10 throughout Alabama. Also, the  11 Legislature passed a 2% pay increase  12 for all State employees. Our staff  13 very much deserve this, and I'm  14 appreciative of the Legislature  15 passing this increase.  16 Another bill that will impact  17 the Department was Senate Bill 71.  18 This bill was commonly referred to as  19 the "Sound Science Bill." It passed  20 the Legislature and was signed by  21 Governor Ivey on February the 19th  22 and became effective immediately.  23 In general, there are a few key</p>
<p style="text-align: right;">Page 7</p> <p>1 components to that bill. Number 1:  2 Agencies cannot adopt new rules or  3 amend existing rules for numeric  4 criteria or numeric limitations  5 applicable to a pollutant that is  6 more stringent than that within  7 federal law.  8 Number 2: If a federal law does  9 not exist, agencies must base any new  10 rules that establish numeric criteria  11 or numeric limitations on the best  12 available science.  13 And Number 3: No agency shall  14 establish as the default or be  15 required to use values from EPA's  16 Integrated Risk Information System,  17 or IRIS. This part of the bill does  18 directly impact our Agency as IRIS is  19 currently the default for our water  20 quality criteria. Based on this new  21 law, we have nine months from the  22 date of the Governor's signature to  23 amend Rule 335-6-10-.07. This rule</p>	<p style="text-align: right;">Page 8</p> <p>1 change will be presented to you  2 during our October Commission  3 meeting.  4 Finally, the Department had a  5 Lead-Free Drinking Water bill that we  6 needed passed to keep us consistent  7 with EPA regulations and to ensure  8 that we maintain primacy for our  9 drinking water program. This bill  10 did not pass this session, and we  11 will bring it back next year. We  12 will work with our partners to help  13 ensure this bill passes next year as  14 our federal regulations must remain  15 consistent with federal law. There  16 were many other bills that we worked  17 on and followed throughout the  18 session, but regarding these three  19 pieces of legislation, I thought you  20 would find that information most  21 valuable.  22 I do want to take a second to  23 recognize Russell Kelly. I know you</p>

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1 know Russell. Russell is our Chief  
 2 of our Permits and Services Division.  
 3 He heads up our legislative efforts  
 4 at the State House, and I want to  
 5 thank him for all of his hard work  
 6 during this session.

7 Next, I wish to update you on  
 8 the ARPA funding for drinking water  
 9 and wastewater improvements. This is  
 10 funding that came through the COVID  
 11 CARES Act and was appropriated for  
 12 water and wastewater infrastructure  
 13 projects by the Alabama Legislature.  
 14 They appropriated \$615 million under  
 15 this program, and all of these funds  
 16 have been obligated through 492 grant  
 17 agreements. As of yesterday, over  
 18 \$400 million of these funds have been  
 19 expended. As a reminder, these funds  
 20 must be spent by December of this  
 21 year.

22 Also, since our last Commission  
 23 meeting, the SRF Branch staff

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1 identified projects where they were  
 2 concerned that the projects might not  
 3 be finished by the December deadline.  
 4 I sent each of these systems a letter  
 5 asking for a detailed update on the  
 6 project with specific timelines for  
 7 completion. These responses are due  
 8 to the Department today. We will  
 9 continue to monitor these projects  
 10 very closely.

11 Another item, yesterday  
 12 afternoon, United States  
 13 Environmental Protection Agency (EPA)  
 14 announced a rule proposing several  
 15 revisions to the federal regulations  
 16 governing the disposal of coal  
 17 combustion residuals (CCR) and the  
 18 beneficial use of CCR. This is a  
 19 highly anticipated rule update and  
 20 one that our Land Division staff will  
 21 thoroughly review to understand if or  
 22 how it will impact our CCR rules and  
 23 our CCR program. It is a 215-page

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1 technical document. I actually have  
 2 a bound copy right here before me for  
 3 my weekend reading. So, forgive me  
 4 if you have questions as to what it  
 5 says, because right now I don't know.  
 6 But by the next Commission meeting, I  
 7 will brief you on this document. It  
 8 should appear in the Federal Register  
 9 next Monday, and that will kick off  
 10 the 60-day comment period.

11 The final item I wish to  
 12 discuss, and probably the most  
 13 important to me, today with you is  
 14 regarding ADEM's budget situation.  
 15 Over the past few years, ADEM has  
 16 been running with a deficit but had  
 17 carryover funds to make up this  
 18 difference. At the end of last  
 19 fiscal year, those carryover funds  
 20 were totally exhausted.

21 Over 90% of ADEM's budget is  
 22 comprised of personnel costs. So,  
 23 the only way to save money within the

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1 Agency is to cut personnel. As a  
 2 result of this, I instituted a hard  
 3 hiring freeze within the Department  
 4 to balance the budget for the current  
 5 fiscal year.

6 On October 1, 2025, ADEM had 583  
 7 employees. This number is consistent  
 8 to where the Department had been over  
 9 the last 10 years. As of today, the  
 10 Department is down to 560 employees.  
 11 560 is 16 fewer employees than the  
 12 Department has employed since 2003.  
 13 All of this has been done through  
 14 normal attrition and no layoffs have  
 15 occurred.

16 These changes have not been made  
 17 in a vacuum. In November, I met with  
 18 all ADEM supervisors and explained  
 19 the budget situation the Department  
 20 was facing. So, since realizing this  
 21 issue, we have been working to  
 22 develop a solution. In reviewing the  
 23 work that must be done at the

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1 Department and the effort it takes to  
 2 accomplish this mission, I do not  
 3 feel that the 583 level of staffing  
 4 is inflated at all, nor is 560 the  
 5 correct staffing level required to  
 6 fulfill our mission in a thorough and  
 7 timely manner. So, how do we get  
 8 back to the correct funding level?  
 9 ADEM has three sources of  
 10 revenue: The first source is federal  
 11 grants. Since 2010, ADEM federal  
 12 grants for operational purposes have  
 13 been relatively level funded. In  
 14 2010, the ADEM operational grants  
 15 generated \$13.2 million. In 2026,  
 16 these same grants will generate \$12.8  
 17 million. As you can see, this has  
 18 gone down and not even kept up with  
 19 the cost-of-living increases.  
 20 Federal fund increases are not a  
 21 viable option for additional  
 22 resources based on what we have seen  
 23 through Congress and through the

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1 President's budget request.  
 2 The second source of ADEM funds  
 3 are general fund dollars. Currently,  
 4 ADEM receives just over \$10 million  
 5 in State general fund appropriations  
 6 for operations. This is the largest  
 7 general fund appropriation ADEM has  
 8 ever received.  
 9 In talking with legislators and  
 10 the Finance Department and seeing the  
 11 estimated revenues for the next few  
 12 years, I do not believe that  
 13 additional funding from the general  
 14 fund is attainable. And even if  
 15 general funds could be obtained for a  
 16 specific year, it would be very  
 17 difficult to fund staff with one-year  
 18 funds without the certainty of these  
 19 funds for future years.  
 20 So, that brings us to the third  
 21 source of funds. These funds are  
 22 generated by ADEM fees. Beginning  
 23 the first of this year, I established

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1 an internal committee to review our  
 2 current fees. The Committee was  
 3 headed by Sharon Moses within the  
 4 Director's Office and included Branch  
 5 Chiefs from all of our divisions.  
 6 Let me take a second to stop and  
 7 thank Sharon. That was a very  
 8 difficult job to head that committee  
 9 and everyone that was on that  
 10 committee. And they did a phenomenal  
 11 job with their task. That was a hard  
 12 task.  
 13 A little background on the ADEM  
 14 fees. ADEM fees have not been  
 15 increased since 2016. Since that  
 16 time, the CPI has increased over 34%.  
 17 During the same time frame,  
 18 Departmental employees have received  
 19 27% cost-of-living raises from the  
 20 Legislature and through State  
 21 Personnel. Again, with 90% of our  
 22 budget going to personnel costs, this  
 23 is significant.

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1 So, final decisions have not  
 2 been made, but over the next few  
 3 weeks, we will finalize a fee  
 4 increase request. I have already  
 5 begun discussing this future request  
 6 with industrial groups within the  
 7 state; and once the specific draft  
 8 fee proposal is complete, we will  
 9 communicate and discuss with all of  
 10 our regulated industry sectors.  
 11 One additional change that I  
 12 will be proposing along with the fee  
 13 increase is to change ADEM from the  
 14 cycle where no fees are modified for  
 15 an extended period of time, 10 years  
 16 in this case, and then a large  
 17 increase is required. That makes it  
 18 very difficult for industries to  
 19 budget when these large increases  
 20 occur.  
 21 Going forward, I will propose  
 22 for the ADEM fees to be adjusted each  
 23 year based on the Consumer Pricing

1 Index. This is currently how many  
 2 other State agencies function, and it  
 3 will allow fees to be consistent with  
 4 the rate of inflation, and large fee  
 5 increases should not be needed going  
 6 forward. I have already spoken with  
 7 the Governor's Office, the State  
 8 legislative leadership, the  
 9 Legislative Services Agency -- this  
 10 is the agency that governs all State  
 11 rulemaking -- and the Examiners of  
 12 Public Accounts -- this is the agency  
 13 who audits our funds -- to ensure  
 14 that our funds are used correctly and  
 15 with their legislative prescribed  
 16 mission. I have talked to them to  
 17 ensure that their -- of their support  
 18 for the changes and that they are --  
 19 we are also on solid legal ground in  
 20 making these changes.  
 21 By rolling this plan out over  
 22 the next few weeks, it is my hope  
 23 that we can present this to the

1 Commission as a Division I rulemaking  
 2 for fees during the August Commission  
 3 meeting. And let me take a moment to  
 4 say that, during our initial  
 5 conversations with industry groups  
 6 and elected officials, I truly  
 7 appreciate their support. No one  
 8 likes to see fees increase, and I  
 9 certainly don't like to be the one to  
 10 ask for fees to be increased.  
 11 So far, everyone has been  
 12 understanding and supportive. This  
 13 support is due to the tremendous work  
 14 that has been accomplished by ADEM  
 15 staff and the Department's timely  
 16 responses to requests and issues.  
 17 Before I turn it over to Scott  
 18 Hughes to discuss a very important  
 19 program within the Field Operations  
 20 Division, I will open it up for you  
 21 for any questions you may have of me.  
 22 CHAIRMAN MCFADDEN: Ed, I have a  
 23 question on the ARPA funding.

1 MR. POOLOS: Yes, sir.  
 2 CHAIRMAN MCFADDEN: What happens  
 3 if a project is not completed? You  
 4 know, engineers and contractors are  
 5 always optimistic: Yes, we're going  
 6 to get it done, and then end of the  
 7 year comes and, well, we're not done.  
 8 What's the remedy there?  
 9 MR. POOLOS: I don't have --  
 10 that's a great question. And with  
 11 ARPA funds, I'm not sure there is a  
 12 remedy. And that's why this --  
 13 that's why the letter went out this  
 14 time. This is federal dollars that  
 15 were a gift. In most cases and in  
 16 most grants that we received, we have  
 17 the ability to extend those. In this  
 18 case, we don't see that as an option.  
 19 The Finance Department, US Treasury,  
 20 has told us that. So, that's why now  
 21 is a critical time. That's why the  
 22 letters went out to try to determine  
 23 if they will be able to complete it

1 and to ensure that they can. If  
 2 there's a problem or someone can't  
 3 get it done or can't start a project,  
 4 then we will look to move that to a  
 5 project that is currently underway  
 6 that is matching some.  
 7 We do have the ability to  
 8 potentially use some BIL IJA money  
 9 or future SRF money to -- to fill in  
 10 a gap, but that's not something we're  
 11 really prepared to do right now.  
 12 CHAIRMAN MCFADDEN: So, if they  
 13 didn't finish the project, they don't  
 14 have to refund the money they got or  
 15 any --  
 16 MR. POOLOS: No, it's a --  
 17 CHAIRMAN MCFADDEN: -- or  
 18 something like that.  
 19 MR. POOLOS: It's a  
 20 reimbursable. So, we're only paying  
 21 them for what they've done so they  
 22 wouldn't have to. But they're not  
 23 going to want to get 80% done with a

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1 project and not be able to complete  
2 it.

3 So, we hope that that doesn't  
4 happen, and we'll try to ensure with  
5 all of our resources that that  
6 doesn't happen. But that's why these  
7 letters are very important for this  
8 time. This is a key time with water  
9 and wastewater ARPA funds in the  
10 state. And this is generational  
11 money. This is -- We have about \$1.2  
12 billion in water and wastewater  
13 projects going on around the state.  
14 This is a time that -- that the state  
15 has never seen before in water and  
16 wastewater infrastructure projects.  
17 We are thrilled, but it's going to  
18 take -- it's the top priority for the  
19 Department right now.

20 CHAIRMAN MCFADDEN: All right.  
21 Thank you.

22 MR. POOLOS: With that, let me  
23 introduce Scott Hughes, and let me

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1 Division. I'm going to give you a  
2 brief overview of our emergency  
3 response efforts.

4 In my opinion, one of the most  
5 challenging tasks that the Department  
6 deals with on a regular basis, as the  
7 name implies, emergencies are not  
8 planned events. These events can  
9 occur outside of our normal work  
10 hours, nights, weekends, holidays.  
11 Incidents occur also outside of our  
12 normal work settings.

13 As the Director mentioned many  
14 times, we have people on the side of  
15 the interstate, on railways, dealing  
16 with waterways, trying to address  
17 these environmental impacts in  
18 emergency response efforts. And,  
19 also, these incidents involve a lot  
20 of competing interests. For  
21 instance, ALDOT and ALEA, their goal  
22 is to get the highways open and the  
23 traffic flowing. The responsible

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1 tee this up a little bit for Scott.  
2 He's going to tell you a little bit  
3 about a very important program.

4 I was on a podcast last week at  
5 the Environmental Council of States  
6 meeting, and this was a nationwide  
7 podcast. And I was asked the  
8 question: As an environmental  
9 director, what keeps you up at night?  
10 What -- what keeps you up at night?  
11 And the answer that I gave and that I  
12 considered is environmental emergency  
13 response. We have individuals that  
14 are out in dangerous situations doing  
15 dangerous things. Scott's going to  
16 tell you about it, but that's what  
17 keeps me up at night. So this  
18 program is very, very important, and  
19 we appreciate Scott leading that.

20 MR. HUGHES: Thank you,  
21 Director. Mr. Chairman, members of  
22 the Commission, again, I'm Scott  
23 Hughes, Chief of the Field Operations

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1 party, their goal is to either keep  
2 the freight moving down the highways  
3 or get back to their manufacturing  
4 processes. And then we're also  
5 dealing with emergency response  
6 contractors. Sometimes they want to  
7 do too little to try to save their  
8 clients' money. Other times they  
9 want to do too much.

10 So, it is a very challenging  
11 task that we deal with. And some of  
12 the ways that we overcome those  
13 challenges is, first, through our  
14 organization. We've got field  
15 offices that are geographically  
16 located around the state: Decatur,  
17 Birmingham, Montgomery and Mobile.  
18 So, we can be really anywhere in the  
19 state with about an hour's drive.

20 As the Director mentioned, we  
21 have staff on call 24 hours a day,  
22 seven days a week, every day of the  
23 year. Our staff do rotate through

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1 those emergency response duties. We  
 2 don't task one individual in each  
 3 office to handle that task throughout  
 4 the year.  
 5 We also have a very streamlined  
 6 notification process. Each  
 7 individual in the field office that's  
 8 on emergency response duty carries an  
 9 emergency response telephone. We  
 10 work with the Emergency Management  
 11 Agency on our warning point system.  
 12 They have a very streamlined approach  
 13 where they get calls related to  
 14 spills and releases, and things like  
 15 that, and then they funnel those out  
 16 to the Department, and we provide the  
 17 appropriate response.  
 18 Similar situation on the  
 19 national level is the National  
 20 Response Center. That is a 1-800  
 21 number that's manned by the U.S.  
 22 Coast Guard personnel. They take  
 23 details that are called in related to

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1 emergency response efforts, and then  
 2 they relay those out to the  
 3 appropriate state so that the State  
 4 can get eyes on the site and see  
 5 what's going on with regards to the  
 6 complaint.  
 7 Communication, as you can  
 8 imagine, is certainly a high priority  
 9 for us in these situations. We're  
 10 dealing with local first responders.  
 11 Again, EMA, ALDOT, ALEA, our state  
 12 sister agencies, federal counterparts  
 13 like EPA, the Corps of Engineers, and  
 14 U.S. Coast Guard, and then the other  
 15 divisions within the Department.  
 16 Many of these emergency response  
 17 events occur at facilities that we  
 18 actually regulate. So, there may be  
 19 a need for enforcement actions in the  
 20 wake of the emergency response  
 21 efforts. So, we're oftentimes many  
 22 times communicating with other  
 23 divisions within the Department to

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1 make sure we collect the appropriate  
 2 data that they would need to proceed  
 3 with any kind of enforcement actions.  
 4 So, I want to run through just a  
 5 couple of pictures here to give you  
 6 an idea of the kind of the things  
 7 that we deal with in emergency  
 8 response. This is an impact to a  
 9 local waterway. I think this is  
 10 where a facility lost a grease cap  
 11 off their pond. We've also got here  
 12 a -- a chemical -- a fire at a  
 13 chemical plant that had a lot of  
 14 abandoned drums.  
 15 I will note in these slides, we  
 16 are not the ones that are actually  
 17 performing the cleanup here. Our job  
 18 is to make sure that the responsible  
 19 party hires the appropriate response  
 20 contractor to come in and bring the  
 21 resources to bear to make sure that  
 22 they initiate cleanup  
 23 responsibilities and get the incident

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1 relief corrected.  
 2 Train derailments: Luckily, we  
 3 don't have a large number of these,  
 4 but when we do, they are usually very  
 5 significant events.  
 6 Tanker rollovers is probably our  
 7 most common emergency response that  
 8 we deal with. Again, a lot of times  
 9 the local EMAs are on scene, as well,  
 10 working with us, and we try to push  
 11 these duties to them as much as we  
 12 can. But some counties just don't  
 13 have the ability to respond to  
 14 situations like this. So, when they  
 15 don't have the ability to respond, we  
 16 step in with our resources.  
 17 Fish kills: As you can see  
 18 here, sometimes these are small  
 19 tributaries that are wadeable. Other  
 20 times they're large river systems  
 21 that require boat -- boat resources  
 22 and things like that. On our fish  
 23 kills we do coordinate with the

1 Alabama Department of Conservation  
 2 and Natural Resources on those  
 3 response efforts.  
 4 This is an illegal scrap tire  
 5 fire that we responded to in North  
 6 Alabama back a couple of months ago.  
 7 Weather events, hurricanes,  
 8 tornadoes: The unique thing about  
 9 the weather events is a lot of times  
 10 these are associated with the  
 11 Governor declaring a state of  
 12 emergency. And when that occurs, our  
 13 staff are dispatched up to the  
 14 Emergency Operations Center in  
 15 Clanton, and they will serve 12-hour  
 16 duties in that Emergency Operations  
 17 Center until the emergency is  
 18 completed and the Governor does away  
 19 with the state of emergency for the  
 20 state.  
 21 Of course, everybody remembers  
 22 this one: Deepwater Horizon.  
 23 Department was determined to be the

1 Emergency Response. Grady carries  
 2 the Emergency Response phone more  
 3 than anybody in the division. He  
 4 also does a tremendous job  
 5 coordinating with our federal/state  
 6 counterparts representing the  
 7 Department at various meetings and so  
 8 forth like that.  
 9 So, just a tremendous job that  
 10 our folks do under challenging  
 11 circumstances. And I'll just say  
 12 that they -- they always perform at a  
 13 high level. They always represent  
 14 the Department in a professional  
 15 manner, and they do a very good job  
 16 of making sure the release is stopped  
 17 and the remediation efforts occur so  
 18 that we are doing our job of  
 19 protecting the environmental  
 20 resources here in the state of  
 21 Alabama.  
 22 So, with that said, I'll be glad  
 23 to answer any questions you might

1 lead state agency on this and head up  
 2 cleanup and environmental resources  
 3 for -- for this incident. I think we  
 4 compressed about 60,000 work hours  
 5 into about a 12- or 15-month period.  
 6 So, I don't want to see a lot of  
 7 these. I really don't want to see  
 8 any more of these. This was a very  
 9 traumatic time, not only for the  
 10 Department, but for the State as a  
 11 whole.  
 12 And I know you-all like to have  
 13 staff in the Commission meetings who  
 14 recognize their efforts. I just have  
 15 too many to name and too many that  
 16 are spread across the four field  
 17 offices. I'll note that we've got 48  
 18 members of the Field Operations  
 19 Division that will serve a week on ER  
 20 duty throughout this fiscal year.  
 21 And I do have here today Grady  
 22 Springer. Grady, will you stand?  
 23 Grady heads up our Office of

1 have about Emergency Response  
 2 efforts.  
 3 CHAIRMAN MCFADDEN: It sounds  
 4 like you're doing a great job, Scott.  
 5 MR. POOLOS: Yeah, and let me  
 6 say that's the thing I want to  
 7 reiterate is, that all of those calls  
 8 when it's a big event, those staff,  
 9 the first person they call is Scott.  
 10 And Scott does a great job with that.  
 11 And, Grady, we appreciate  
 12 everything you do. Thank you very  
 13 much.  
 14 (Applause).  
 15 CHAIRMAN MCFADDEN: Thank you.  
 16 MR. HUGHES: Okay.  
 17 CHAIRMAN MCFADDEN: Thank you.  
 18 Commission Chair does not have a  
 19 report. But I do want to comment on  
 20 the retiring Ms. Lutz. I worked with  
 21 her for, God, most of her 30 years  
 22 here. She's a very -- going to be a  
 23 big loss institutional knowledge wise

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1 and very professional. And so, we  
 2 wish her the best in her retirement,  
 3 and we'll miss her.  
 4 Okay. Moving on to Agenda Item  
 5 4. The Chair notes that Agenda Item  
 6 4 is Consideration of Proposed  
 7 Amendments to the ADEM Administrative  
 8 Code Division 335-6, Water Quality  
 9 Program Regulations, Chapter  
 10 335-6-10, Appendix A.  
 11 The proposed revisions would  
 12 update certain factors utilized in  
 13 the calculation of human health  
 14 criteria for toxic pollutants to  
 15 values from EPA's Integrated Risk  
 16 Information System, or IRIS -- or  
 17 IRIS. This rulemaking was initiated  
 18 in compliance with the EMC's June 13,  
 19 2025, order in which the Commission  
 20 adopted a motion to grant EMC  
 21 Rulemaking Petition 25-01 with  
 22 petitioners, the Environmental  
 23 Defense Alliance, et al., and

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1 initiate rulemaking proceedings on  
 2 the proposed amendments to ADEM  
 3 Administrative Code chapter that was  
 4 previously mentioned; that's  
 5 335-6-10, Appendix A.  
 6 Now, I note that there was a  
 7 hearing record and related documents  
 8 pertaining to this. All of you have  
 9 seen that. It was sent to us by Ms.  
 10 Thomas and looked at that extensively  
 11 and looked at it.  
 12 So, having done that, I'll call  
 13 for comments. We'll hear from the  
 14 Department first, and Ms. Blanton.  
 15 MS. BLANTON: Good morning,  
 16 Honorable Chair and members of the  
 17 Commission. I'm Carrie Blanton,  
 18 Chief Litigation Counsel and an  
 19 Assistant Attorney General for the  
 20 Department.  
 21 As you will recall during the  
 22 Commission's meeting on June 13th,  
 23 2025, the Commission granted a

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1 rulemaking petition related to the  
 2 Department's Water Quality Criteria  
 3 Regulations. The Commission ordered  
 4 the Department to initiate rulemaking  
 5 proceedings to revise the toxicity  
 6 values for 12 of the pollutants in  
 7 Appendix A of Chapter 335-6-10 as  
 8 specified in the petition. You have  
 9 before you the complete hearing  
 10 record for the rulemaking conducted  
 11 pursuant to the Commission's order.  
 12 The rulemaking process was  
 13 initiated in November of 2025. A  
 14 public hearing was held on January  
 15 12th, 2026, to receive comments from  
 16 interested persons regarding the  
 17 proposed revisions. Written comments  
 18 were accepted at any time during the  
 19 public comment period, which extended  
 20 from November 13th, 2025, through  
 21 January 12th, 2026.  
 22 The Department received numerous  
 23 oral and written comments during the

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1 comment period, and the comments were  
 2 a mix of both support and opposition  
 3 to the proposed revisions. The  
 4 Department has considered those  
 5 comments as reflected in its  
 6 "Response to Comments" document,  
 7 which is attached to the  
 8 Reconciliation Statement provided to  
 9 the Commission.  
 10 The Department has completed its  
 11 portion of the rulemaking process as  
 12 ordered by this Commission and is now  
 13 presenting those revisions to the  
 14 Commission for its consideration.  
 15 Thank you.  
 16 CHAIRMAN MCFADDEN: Thank you,  
 17 Carrie.  
 18 MR. MCKINSTRY: Mr. Chairman,  
 19 based on the rulemaking record before  
 20 us, I move to deny the adoption of  
 21 the proposed rules.  
 22 CHAIRMAN MCFADDEN: We have a  
 23 motion. Do we have a second?

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1 DR. TUCKER: I would second  
 2 that.  
 3 CHAIRMAN MCFADDEN: We have a  
 4 motion and a second.  
 5 Any discussion on this?  
 6 (No response).  
 7 CHAIRMAN MCFADDEN: Okay.  
 8 Hearing none, I call for question.  
 9 All those in favor of the motion to  
 10 deny, raise your hand.  
 11 (Commission members raising  
 12 hands).  
 13 CHAIRMAN MCFADDEN: Any opposed?  
 14 (No response).  
 15 CHAIRMAN MCFADDEN: So, the  
 16 motion carries. Okay.  
 17 (Commission members signing  
 18 document).  
 19 CHAIRMAN MCFADDEN: Okay. Thank  
 20 you, Debi.  
 21 Agenda Item Number 5: Other  
 22 Business. Any other business before  
 23 the Commission?

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1 of the Environmental Defense Alliance  
 2 regarding the so-called Sound Science  
 3 Bill that passed the Legislature.  
 4 It passed as Act Number 2026-81.  
 5 It is the most regressive  
 6 environmental legislation passed by  
 7 the Legislature since ADEM was  
 8 created 44 years ago. It ensures  
 9 that polluters can continue to  
 10 pollute and that the health of fish  
 11 consumers will be placed in jeopardy.  
 12 Alabama environmental groups  
 13 opposed the legislation. The  
 14 Director of ADEM did not. Subsection  
 15 E requires that ADEM's existing rule  
 16 that imposes EPA's Integrated Risk  
 17 Information System values for  
 18 reference doses and cancer potency  
 19 factors as a default be repealed.  
 20 The Director spoke to that already.  
 21 However, Subsection E does not  
 22 prohibit the Commission from  
 23 considering human health value --

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1 (No response).  
 2 CHAIRMAN MCFADDEN: Okay. Item  
 3 6, Agenda Item Number 6 is future  
 4 business session. We'll note the  
 5 next Commission meeting is June 12th,  
 6 2026. And assuming most of us can  
 7 make it, we'll know closer to June --  
 8 to the June 12th date we'll know.  
 9 But thank you for your understanding  
 10 of that and commitment to be here.  
 11 We do have -- In the Public  
 12 Comment section, we do have six  
 13 people that signed up to address the  
 14 Commission, and we'll do them in  
 15 order of their signing up. So, I'll  
 16 just encourage you, you know, to  
 17 stick to matters relevant here and to  
 18 the three-minute allotment to this.  
 19 And we'll begin with Mr. Ludder,  
 20 number one on the list.  
 21 MR. LUDDER: Thank you, Mr.  
 22 Chairman and Commissioners. I'd like  
 23 to make a brief statement on behalf

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1 human health values from IRIS or  
 2 water quality criteria or other  
 3 studies that are produced by EPA.  
 4 You may still consider those values.  
 5 You just cannot have a rule that  
 6 establishes those values by default.  
 7 Subsection B prohibits the  
 8 adoption of new or revised criteria  
 9 that are more stringent or extensive  
 10 in scope, coverage, or effect than  
 11 any federal law or regulation setting  
 12 a standard regarding the same or  
 13 substantially similar topic. This  
 14 provision has no effect unless there  
 15 is a federal law or regulation  
 16 setting a standard on pollutants in  
 17 ambient surface waters. There are no  
 18 such standards in effect in Alabama.  
 19 EPA is authorized to promulgate  
 20 standards for Alabama or any other  
 21 state, but they have not done so in  
 22 Alabama.  
 23 Subsection C prohibits the

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1 adoption of newer or revised water  
 2 quality criteria unless the  
 3 scientific and technical information  
 4 relied on to support the standard  
 5 established by the rule is based on  
 6 best available science and the weight  
 7 of the evidence. Those terms are  
 8 defined very restrictively in the  
 9 statute.

10 Subsection D requires that the  
 11 best available science and weight of  
 12 the evidence supporting the adoption  
 13 of a new rule or amendment of an  
 14 existing rule that establishes  
 15 numeric criteria shall establish a  
 16 direct causal link between exposure  
 17 at or above the numeric criteria  
 18 provided by the rule and manifest  
 19 bodily harm. This is a significant  
 20 departure from historical practice by  
 21 this Commission and EPA.

22 I have parsed the language of  
 23 Subsections C and D and conclude that

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1 any proposed new or revised water  
 2 quality criteria will have to be  
 3 evaluated against a minimum of 21  
 4 factors. Application of these  
 5 factors will undoubtedly necessitate  
 6 that ADEM employ or contract with a  
 7 toxicologist.

8 CHAIRMAN MCFADDEN: David, stand  
 9 by just for a minute. I think we  
 10 need to turn the dinger off. And  
 11 appreciate you wrapping up, too.

12 MR. LUDDER: Yes, of course.

13 CHAIRMAN MCFADDEN: That was  
 14 much better.

15 MR. LUDDER: As I said, the  
 16 application of these factors, I  
 17 think, will necessitate that ADEM  
 18 employ a toxicologist, which it does  
 19 not have on staff, or contract with a  
 20 toxicologist to evaluate proposals.

21 In my opinion, Act Number  
 22 2026-81 has made it much more  
 23 difficult for this Commission to

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1 protect human health. It is  
 2 unfortunate that the Legislature has  
 3 chosen to protect polluters rather  
 4 than human health. Thank you.

5 CHAIRMAN MCFADDEN: Thank you,  
 6 David.

7 All right. The next on the list  
 8 would be Ms. Katie Holmes.

9 MS. HOLMES: Good morning, Mr.  
 10 Chairman, Commissioners. Thank you  
 11 for the time.

12 I will start by briefly  
 13 reiterating the main point of our  
 14 original petition, and I'm here on  
 15 behalf of Black Warrior Riverkeeper.  
 16 Protection of human health is  
 17 certainly the highest priority for  
 18 this Commission. It is more  
 19 important than protection of  
 20 Alabama's aquatic life and certainly  
 21 more important than protection of the  
 22 economic wellbeing of Alabama's  
 23 industries.

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1 The Commission's failure to  
 2 adopt the revised reference dose  
 3 values and cancer potency factor  
 4 values for the 12 priority toxic  
 5 pollutants identified in Appendix A  
 6 has resulted in, or threatens to  
 7 result in, exposure to excess  
 8 concentrations of priority toxic  
 9 pollutants in water and fish.

10 The Commission's failure to  
 11 adopt the revised values for these 12  
 12 priority pollutants and the  
 13 Department's failure to oppose the  
 14 bills that became Act Number 2026-81  
 15 or Senate Bill 71 are unacceptable.  
 16 Director, Commissioners, you offered  
 17 no resistance to that legislation to  
 18 the detriment of human health.  
 19 Implementing new obstacles to protect  
 20 public health is frighteningly  
 21 antithetical to the purpose of the  
 22 Department and the roles you-all  
 23 serve. The wellbeing of our entire

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1 state depends on the work of the  
 2 people in this room. And it really  
 3 pains me to say this, but you-all  
 4 have abandoned your biggest  
 5 responsibility to protect Alabamians.  
 6 Thank you for the time.  
 7 CHAIRMAN MCFADDEN: Thank you,  
 8 Ms. Holmes.  
 9 Michael Mullen would be the next  
 10 one on the list.  
 11 MR. MULLEN: Commissioners, I  
 12 can't say much more than the young  
 13 lady just said. If we depend on  
 14 industry to protect us, we'll have  
 15 the same thing we had with PFAS.  
 16 Industry -- industry knew 35, 40  
 17 years ago that PFAS was dangerous,  
 18 that their employees were getting  
 19 sick because of exposure to PFAS.  
 20 So, we're going to wait until we  
 21 basically have people -- hot spots  
 22 for cancer, or whatever. I don't  
 23 know if you've been paying attention

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1 First, we want to thank you for  
 2 your due diligence through a very  
 3 lengthy process, taking into account  
 4 all the public comments that did come  
 5 in, in particular from the heavily  
 6 regulated industry that is  
 7 manufacturing. First, thank you for  
 8 that.  
 9 Second, thank you for your  
 10 common sense approach to your  
 11 decision today. You know, as a  
 12 regulated industry, we certainly  
 13 scratch our heads at some of the  
 14 measures that were being proposed  
 15 from a viability and reality  
 16 standpoint. But more importantly, we  
 17 stand here because we want to offer  
 18 up and certainly are willing and able  
 19 to be a resource for you and to be of  
 20 assistance as we continue to move the  
 21 state forward while we balance  
 22 environmental stewardship with  
 23 economic growth in this state.

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1 to the election in Georgia. A big  
 2 issue in that election in Georgia was  
 3 the spiking cancer rates, probably  
 4 due to PFAS and the carpet industry  
 5 there.  
 6 You-all have totally abandoned  
 7 your mission. You might as well take  
 8 the statement about protecting  
 9 people, your Mission Statement, and  
 10 burn it up and throw it away. It's  
 11 worthless.  
 12 CHAIRMAN MCFADDEN: Okay. Thank  
 13 you, Mr. Mullen.  
 14 Next on the list, Mr. Barganier.  
 15 MR. BARGANIER: I'll be brief.  
 16 Good morning. Thank you, Mr.  
 17 Chairman, members of the Commission.  
 18 I'm John Barganier, President of  
 19 Manufacture Alabama, trade  
 20 association that really exists to be  
 21 the voice of the industry across this  
 22 state and just here to make two quick  
 23 points.

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1 Environmental stewardship is a top  
 2 priority for our industry and our  
 3 members, and they invest greatly in  
 4 that. But also environmental --  
 5 economic growth is critical to our  
 6 communities where manufacturers call  
 7 home.  
 8 So, I just want to thank you for  
 9 your leadership and service to the  
 10 state. Sometimes I think it  
 11 certainly goes unnoticed, but if you  
 12 need anything, please reach out.  
 13 So, thank you very much.  
 14 CHAIRMAN MCFADDEN: Okay. Thank  
 15 you.  
 16 J.P. Martin, you're next. He  
 17 was here when the agency began.  
 18 MR. MARTIN: Dirt was made.  
 19 CHAIRMAN MCFADDEN: So was I.  
 20 MR. MARTIN: Yes, thank you.  
 21 Thank you, Commissioners and Mr.  
 22 Chairman, for the opportunity to  
 23 speak to you.

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1 I am J.P. Martin, and I am a  
 2 consulting engineer and professional  
 3 engineer, and I have worked in  
 4 wastewater treatment water quality  
 5 matters for about 48 years, 49 years  
 6 actually. My wife corrected me the  
 7 other day.  
 8 I have a thorough understanding  
 9 of the proposed rules of Appendix A  
 10 at Alabama Administrative Code  
 11 335-6-10 and their impact on Alabama  
 12 industries and municipalities.  
 13 So, I want to thank you-all for  
 14 the thoughtful attention you gave to  
 15 these proposed rules, and I want to  
 16 acknowledge the depth and complexity  
 17 of the package before you. This was  
 18 not a routine update of the rules.  
 19 It was a highly technical set of rule  
 20 changes that required significant  
 21 study, careful interpretation, and a  
 22 clear understanding of how these  
 23 provisions would function in the real

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1 And, importantly, despite the  
 2 significant burden these rules would  
 3 have imposed, there was no evidence  
 4 that these would produce any  
 5 measurable impact, improvement, in  
 6 Alabama's water quality. Our state's  
 7 environmental protections must be  
 8 both protective and practical. They  
 9 must be grounded in science,  
 10 achievable in application, and  
 11 capable of delivering real  
 12 environmental benefit. The proposed  
 13 rules did not meet that test.  
 14 Your careful review and your  
 15 willingness to weigh both the  
 16 environmental and operational  
 17 consequences demonstrate the  
 18 thoughtful stewardship that  
 19 Alabamians expect from this  
 20 Commission. I appreciate the  
 21 diligence you brought to the issue  
 22 and the balanced approach you  
 23 continue to take in safeguarding our

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1 world.  
 2 Your willingness to take the  
 3 time to understand the implication  
 4 reflects a genuine commitment to  
 5 sound environmental management to the  
 6 people of industry -- and to the  
 7 people and industries in Alabama who  
 8 rely on a workable science-based  
 9 regulatory framework.  
 10 As many stakeholders noted  
 11 throughout the process, the proposed  
 12 rules, if adopted, would have created  
 13 NPDES permitting requirements that  
 14 were extraordinarily difficult and in  
 15 some cases effectively impossible to  
 16 meet. The modeling assumptions,  
 17 compliance thresholds, and  
 18 implementation mechanics would have  
 19 placed NPDES permittees in a position  
 20 where achieving compliance was not a  
 21 matter of just improved performance  
 22 or better technology, but basically  
 23 an unattainable standard.

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1 state's water resources.  
 2 Thank you for your time.  
 3 CHAIRMAN MCFADDEN: Thank you,  
 4 J.P.  
 5 Philip Davis, another alumnus of  
 6 the Department.  
 7 MR. DAVIS: But not as old as  
 8 J.P.  
 9 Good morning, Mr. Chairman,  
 10 members of the Commission. My name  
 11 is Philip Davis with LaBella  
 12 Associates. I'm here today to speak  
 13 on behalf of a number of regulated  
 14 facilities regarding the proposed  
 15 water quality standards considered  
 16 during today's meeting. The clients  
 17 I'm representing are a diverse group  
 18 of regulated facilities. Each of  
 19 these is subject to NPDES and/or SID  
 20 permits for their discharges and  
 21 would have been significantly  
 22 impacted by the proposed regulations.  
 23 On their behalf, I want to

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1 commend you, the Commission, for its  
 2 decision today. Today, the  
 3 Commission relied on sound science  
 4 and proper management of its duty to  
 5 establish environmental policy for  
 6 the state that enables this  
 7 Department to achieve its mission of  
 8 a safe, helpful and productive  
 9 environment for all Alabamians.  
 10 That said, it's the position of  
 11 these facilities that I'm  
 12 representing that when all the  
 13 factors at play were considered, your  
 14 decision today is the only  
 15 appropriate action that could have  
 16 been taken. Thank you.  
 17 CHAIRMAN MCFADDEN: That was the  
 18 last person to sign up. I think it's  
 19 ironic. I'll just make a note here.  
 20 And I failed to mention Mr. Ludder is  
 21 also an alumnus of the Department.  
 22 So, we've got a group here.  
 23 We had three -- three folks

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1 is a very, very tough subject as you  
 2 can imagine dealing with this and  
 3 finding -- finding the right answer.  
 4 So, we will continue to search for  
 5 that.  
 6 So, anyway, I don't see anything  
 7 else on the agenda. Do I have a  
 8 motion to adjourn?  
 9 DR. TUCKER: Move to adjourn.  
 10 DR. PERRY: Second.  
 11 CHAIRMAN MCFADDEN: Second. Any  
 12 discussion?  
 13 (No response).  
 14 CHAIRMAN MCFADDEN: All those in  
 15 favor, raise your hand.  
 16 (Commission members raising  
 17 hands).  
 18 CHAIRMAN MCFADDEN: Opposed?  
 19 (No response).  
 20 CHAIRMAN MCFADDEN: Motion  
 21 carries.  
 22 Thank you-all for coming.  
 23 Appreciate all the comments.

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1 speaking, you know, regarding the  
 2 position of the environmental  
 3 community in three versus the -- for  
 4 the manufacturing. And it goes back  
 5 to what my boss, when I was hired on  
 6 here like 38 years ago, said: We  
 7 have people fussing at us on one side  
 8 and fussing at us on the other. We  
 9 must be doing something right.  
 10 So, we've been, you know, kind  
 11 of chided today by one side and  
 12 lifted up by the other. So, I can  
 13 tell you about this Commission,  
 14 though. The -- Each member here  
 15 wants to do absolutely the right  
 16 thing. That was obvious in granting  
 17 the petition back last year.  
 18 So, you have a group here that  
 19 understands that, you know, we -- we  
 20 want good science. We want the right  
 21 thing. If the right thing is to  
 22 eliminate a pollutant, great. If the  
 23 right thing is to not, great. But it

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1 (WHEREUPON, the Commission  
 2 meeting was concluded at  
 3 11:47 a.m.)  
 4  
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1 \* \* \* \* \*

2 REPORTER'S CERTIFICATE

3 \* \* \* \* \*

4 STATE OF ALABAMA

5 TALLAPOOSA COUNTY

6 I, Jeana S. Boggs, Certified

7 Professional Reporter and Notary Public in and for

8 the State of Alabama at Large, do hereby certify on

9 Friday, April 10th, 2026, 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 56 computer-printed

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23 of any of the parties, nor am I a relative or

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

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7 number following my name found below.

8 This 10th day of May, in the year of our

9 Lord, 2026.

10

11 *Jeana S. Boggs*

12 Jeana S. Boggs, CCR

13 ACCR NO. 7, Exp 9/30/2026

14 Certified Court Reporter and

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16 Commission expires: 8/9/2026

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23

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**Part B**

## **Attachment Index**

**Attachment 1      Agenda**

**Attachment 2      Order adopting motion to deny the adoption of the proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations, Chapter 335-6-10, Appendix A (Agenda Item 4)**

**Attachment 1**

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
DATE: April 10, 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. Consideration of proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations, Chapter 335-6-10, Appendix A (NPDES-Related Matter)	2
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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 FEBRUARY 13, 2026
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTER 335-6-10, APPENDIX A (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations, Chapter 335-6-10, Appendix A. The proposed revisions would update certain factors utilized in the calculation of human health criteria for toxic pollutants. This rulemaking was initiated in compliance with the EMC's June 13, 2025, Order in which the Commission adopted a motion to grant EMC Rulemaking Petition 25-01, Petitioners – Environmental Defense Alliance, et al., and initiate rulemaking proceedings on the proposed amendments to ADEM Administrative Code Chapter 335-6-10, Appendix A.

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: )  
 )  
CONSIDERATION OF PROPOSED AMENDMENTS )  
TO ADEM ADMIN. CODE DIVISION 335-6, )  
WATER QUALITY PROGRAM REGULATIONS, )  
CHAPTER 335-6-10, APPENDIX A )

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ORDER

The Environmental Management Commission having considered the Hearing Record and Related Documents pertaining to the proposed amendments to ADEM Admin. Code Division 335-6, Water Quality Program Regulations, Chapter 335-6-10, Appendix A, and pursuant to the motion having come before the Commission to deny the adoption of the proposed amendments, hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That the adoption of the proposed amendments before the Commission is denied; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Environmental Management Commission Order  
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ISSUED this 10th day of April 2026.

  
\_\_\_\_\_  
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

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DISSENTS:

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

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

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

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

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John (Jay) H. Masingill, III, Commissioner

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

\_\_\_\_\_  
A. Frank McFadden, Commissioner

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Environmental Management Commission Order  
Page 3

ABSTAINS:

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

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H. Lanier Brown, II, Commissioner

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J. Patrick Tucker, Commissioner

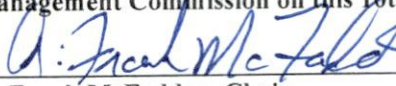
\_\_\_\_\_  
Kevin McKinstry, Commissioner

\_\_\_\_\_  
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 April 2026.**

  
\_\_\_\_\_  
**A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 10th day of April 2026**