

8/6/26

DRAFT

Minutes

**Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
June 12, 2026**

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Environmental Management Commission Meeting
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Convened: 11:00 a.m.
Adjourned: 11:26 a.m.

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Part A

Page 1 MEETING OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM) BUILDING ALABAMA ROOM 1400 COLISEUM BOULEVARD MONTGOMERY, ALABAMA 36110-2400 DATE: FRIDAY, JUNE 12, 2026 TIME: 11:00 A.M. ***** REPORTED BY: JEANA S. BOGGS, CCR ABCR #7 Commissioner for the State of Alabama at Large	Page 2 1 APPEARANCES 2 COMMISSION MEMBERS PRESENT: 3 RUBY L. PERRY, DVM, MS, PhD, VICE CHAIR 4 JOHN (JAY) H. MASINGILL, III 5 J. PATRICK TUCKER, M.D. 6 MARY J. MERRITT 7 H. LANIER BROWN, II, ESQ. 8 KEVIN MCKINSTRY 9 COMMISSION MEMBER NOT PRESENT: 10 A. FRANK MCFADDEN, P.E., CHAIR 11 ALSO PRESENT: 12 EDWARD POOLOS, DIRECTOR 13 ROBERT D. TAMBLING, ESQ. 14 EMC LEGAL COUNSEL 15 LINDSAY BARTON, ESQ., EMC LEGAL COUNSEL 16 DEBI THOMAS, EMC EXECUTIVE ASSISTANT 17 18 19 20 21 22 23
Page 3 1 VICE CHAIR DR. PERRY: And as 2 Vice-Chair sitting in for our Chairman, 3 Chair McFadden, I will call the meeting 4 to order at 11:00 o'clock. And we're 5 acknowledging that there is a quorum: 6 Consideration of Agenda Item Number 1, 7 the minutes from the last meeting held 8 on April the 10th, 2026. 9 I'll entertain a motion from the 10 Commission on regarding the minutes. 11 MR. MASINGILL: I move to adopt 12 the minutes. 13 DR. TUCKER: Second. 14 VICE CHAIR DR. PERRY: Commission 15 discussion regarding the motion, Chair 16 calls for the question. All in favor 17 say "aye." 18 (Commission Members saying 19 "aye"). 20 VICE CHAIR DR. PERRY: Opposers 21 have the same right. 22 (No response). 23 VICE CHAIR DR. PERRY: And the	Page 4 1 motion is carried. 2 Agenda Item Number 2: Report 3 from the ADEM Director Poolos. 4 DIRECTOR POOLOS: Thank you, 5 ma'am. Good morning, everyone. 6 MS. MERRITT: Good morning. 7 VICE CHAIR DR. PERRY: Good 8 morning. 9 DIRECTOR POOLOS: It is great to 10 see each of you here this morning. 11 Welcome to the fifth meeting of the 12 Alabama Environmental Management 13 Commission for FY-2026. 14 I hope you noticed when you came 15 into the lobby as you came in. If 16 you did not, you'll get a chance when 17 you leave to see these, the art 18 sculptures that are displayed on the 19 big table beside the stairwell. 20 The sculptures were made by 21 Alabama students from Recycled Litter 22 as part of PALS, People Against a 23 Littered State, their Recycled Art

1 (Pages 1 to 4)

Page 5 1 Contest. 2 As you know, PALS is an 3 important anti-litter program that 4 for decades has worked to combat 5 litter and to protect the 6 environment. PALS partners with 7 numerous organizations throughout the 8 state to bring awareness to litter 9 prevention and cleanup. PALS 10 Recycled Art Contest is a creative 11 component of the Alabama Clean Campus 12 Program which focuses on litter 13 education and recycling initiatives 14 in Alabama schools. The contest 15 encourages students to reuse 16 materials collected during litter 17 pickups to make art. 18 ADEM is proud to support PALS 19 and the Recycled Art Contest. I 20 think this is the third year that 21 we've displayed some of the winning 22 art in the lobby, and we certainly 23 look forward to continuing to	Page 6 1 showcase the work of Alabama's 2 talented students. 3 I have a few items I wish to 4 discuss with you this morning. The 5 first is, I wanted to announce the 6 promotion of Jimbo Carlson to Chief 7 of Water Division, filling the 8 position left vacant by Daphne Lutz's 9 retirement. Jimbo already had 10 vacation planned for this week, so he 11 is not here today. But I will 12 formally introduce him to you in the 13 August meeting. The next item I wish 14 to update you on is one that has been 15 in my report every meeting and will 16 continue to be in my report 17 throughout the calendar year; and 18 that is, the grant funding through 19 ARPA for drinking water and 20 wastewater improvements. 21 We have currently distributed 22 just under \$449 million. That is a 23 \$50-million-dollar increase just
Page 7 1 since our last meeting. As you can 2 see by those numbers, our staff is 3 working extremely hard to get those 4 dollars out the door. But we still 5 have \$166 million remaining that we 6 have to get out the door. So, 7 there's still a lot of hard work to 8 do, and we intend to get that work 9 done. 10 Another item that has been 11 discussed many times over the past 12 few years is the sale of the old 13 field office on Perimeter Road in 14 Mobile. I am pleased to announce 15 that this sale was finalized 16 yesterday, and I want to thank my 17 General Counsel Todd Carter for the 18 hard work in getting that across the 19 finish line. I was talking to Sean. 20 This has been a multi-year process, 21 and we are glad to get that across 22 the finish line. 23 VICE CHAIR DR. PERRY: That calls	Page 8 1 for an applause. 2 (Applause). 3 DIRECTOR POOLOS: I know. That's 4 what I did yesterday. 5 The next two items are regarding 6 changes that were mandated by the 7 State Legislature through the passing 8 of two separate acts. The first 9 deals with us modifying our Division 10 6 Water Quality Regulations to remove 11 the current language regarding the 12 use of values in the United States 13 Environmental Protection Agency's 14 Integrated Risk Information System, 15 otherwise known as IRIS, as the 16 default in computing numeric water 17 quality criteria. There's a lot of 18 words in there. 19 This will allow us to comply 20 with Act Number 2026-81. These rules 21 are scheduled to go on public notice 22 June the 24th and will be presented 23 to you for your consideration during

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Page 9 1 the October Commission meeting. 2 The second is regarding Act 3 2026-41 and dredging within coastal 4 areas. The United States Army Corps 5 of Engineers, Mobile District, issued 6 a public notice on June the 5th 7 regarding the maintenance dredging 8 and placement activities regarding 9 the Mobile Shipping Channel. This 10 permit is required to do any dredging 11 within the ship channel regardless of 12 where the material will be placed. 13 So, this is just within their normal 14 process. 15 After the Corps responds to the 16 public comments and finalizes their 17 proposal, they will request two 18 letters of concurrence from the 19 Department. These letters are 20 regarding the Coastal Zone management 21 and the 401 water quality. Inside 22 those letters will be where we intend 23 to place the requirements from Act	Page 10 1 2026-41. 2 The last item that I have is 3 regarding ADEM's budget. As I 4 mentioned during our last meeting, we 5 were reviewing the fee amounts 6 charged by the Department. On May 7 20th, the Department initiated the 8 public comment period regarding a 9 proposed fee increase. The proposed 10 fee increase is not totally across 11 the board. If our internal committee 12 identified a program that was 13 sufficiently funded, those fees are 14 not proposed to be increased. Two 15 such areas are offshore drilling and 16 agricultural operations. 17 We also did not propose an 18 increase in fees regarding 19 applications for programs that we are 20 promoting. These are related to 21 brownfields, voluntary cleanups and 22 environmental covenants. Our fee 23 increase proposal for the other
Page 11 1 programs is generally 25%. I want to 2 remind everyone regarding some 3 numbers I presented last month. The 4 Department has not raised fees since 5 2016. Since 2016, the Consumer Price 6 Index, or CPI, is up over 34%. 7 Also, during that period, 8 departmental employees have received 9 27% cost of living raises from the 10 Legislature and through State 11 Personnel. This proposal comes off 12 of public notice on July the 7th and 13 a public hearing is scheduled for 14 that day. Our intent is to propose 15 these changes for your consideration 16 during the next meeting in August. 17 Also of note, regarding the 18 departmental budget, the President 19 released his EPA budget request for 20 FY-2027. And in that request, it 21 zeroed out the funding that states 22 would receive through categorical 23 grants which are used to implement	Page 12 1 several of our delegated 2 environmental programs. This is 3 consistent with what the President's 4 request was in 2026. However, the 5 House of Representatives' full 6 committee markup reinstated this 7 funding. That is something that we 8 will obviously follow throughout the 9 budgeting process. 10 Before I turn it over to Steve 11 to do a presentation on a little bit 12 about our Land Division Program, I'll 13 ask for any questions. Anything I 14 can answer? 15 (No response). 16 DIRECTOR POOLOS: If not, let me 17 bring Steve Cobb up, the Chief of our 18 Land Division. And I also want to make 19 a comment. This will be the third 20 presentation that we've done -- 21 divisions have done at the end of my 22 presentation. And I really appreciate 23 the Division Chief presenting the good

Page 13 1 work that's going on within the 2 Department. And I hope you're getting 3 as much out of it as I am. 4 Today's presentation to me is 5 extremely eye opening to see how much 6 one program is, that we are putting 7 our money in, and how much economic 8 benefit the State is receiving from 9 just one program. 10 So, Steve, take it away for us. 11 MR. COBB: Okay. Thank you, Ed, 12 and good morning, Commissioners. It's 13 good to be here in front of you to talk 14 about a program that is really exciting 15 and was borne out of a need that was 16 recognized about 25 years ago, both 17 nationally and certainly here within 18 the State; and that is our Brownfields 19 Redevelopment and Voluntary Cleanup 20 Program. 21 As an overview of what this 22 program is about, there are really 23 three major components of the	Page 14 1 program. We operate an EPA grant 2 funded 128, a Brownfield Program, 3 that enables us to provide phase one 4 and phase two environmental site 5 assessments and cleanup funds to 6 public entities, including nonprofit 7 organizations, to do some 8 redevelopment work in -- in their 9 communities. The Brownfield Program 10 also administers a revolving loan 11 fund that is available to local 12 governments. 13 And then we have the voluntary 14 cleanup program which enables 15 property owners and other parties to 16 come in on property that we don't 17 regulate as far as cleanup. You're 18 familiar with the RCRA Program, the 19 CIRCLE program, the Solid Waste 20 Program, where certain Activities are 21 required. That actually touches only 22 a small portion of the property in 23 the state. We have many other
Page 15 1 properties that, in the late '90s, we 2 started seeing consultants and 3 entities coming in saying: We're not 4 regulated, but we would like you to 5 review what we have to see if we have 6 a problem we need to address so we 7 can be redeveloped. In the case of 8 Brownfields, often the perception of 9 contamination is as much an 10 impediment or more to the 11 redevelopment of a property than an 12 actual problem. And so, part of this 13 program is clearing up those 14 perceptions about properties as well. 15 In 2001, the Legislature passed 16 the Alabama Land Recycling and 17 Economic Redevelopment Act, which 18 authorized us to develop a voluntary 19 cleanup program. The regulations for 20 that program were then established in 21 Division 15 of our Administrative 22 Code in 2002. 23 In these programs, the combined	Page 16 1 programs, we offer environmental 2 assessments where we go out and 3 evaluate property. We offer 4 regulatory and voluntary cleanup 5 support where property owners or 6 potential purchasers will come to us, 7 say: We want to evaluate this site. 8 We'd like for you to review our 9 plans. We'd like for you to review 10 our reports and give us your feedback 11 so that we have a little better sense 12 of what we're dealing with. 13 We also work with communities on 14 redevelopment planning, because one 15 of the things that we see in, 16 particularly in smaller communities, 17 a property has been an eyesore often 18 for decades. That's how it's viewed 19 in the community. And it takes a 20 little while for the community to 21 realize it can be something else. 22 And so, helping communities to see 23 the possibilities of what could be

Page 17 1 there, that can help them in 2 marketing that property, as well. 3 We also provide stakeholder 4 engagement, getting people to talking 5 with each other, working together, 6 certainly cleanup oversight, and 7 where we're able to funding 8 assistance in doing that. 9 How many sites have we touched 10 across the state since 2000? About 11 almost 800 sites in one of the other 12 programs. We have almost 500 sites 13 in voluntary cleanup program. Over 14 300 in Brownfield's program. 15 Currently active voluntary cleanup 16 sites, 94 that are currently going 17 through the process. 18 And as you can see from the dots 19 on the map, we've touched already 20 virtually every county in the state. 21 The more populated areas obviously 22 have more dots, but this is for rural 23 areas as well as metropolitan areas.	Page 18 1 Now, the fun part: What's been 2 some of the successes? And this is 3 just a snapshot of some of the things 4 that we've been able to see 5 accomplished in the State. If you're 6 familiar with Montgomery, I'm sure 7 you've been by Riverwalk Stadium. It 8 didn't always used to be the Stadium 9 that's there now. It used to be a 10 Gas Works. It had a coal 11 gasification plant, a prison, a rail 12 yard depot. Now it's the home of the 13 Minor League Montgomery Biscuits, of 14 course. The Department invested 15 about \$28,000 in the work that we 16 did. The project itself was worth 17 over \$60 million in the 18 redevelopment. 19 Next to the Riverwalk is the 20 Riverwalk Amphitheater Complex which 21 was historically a dock area. It is 22 now a 6,000-seat venue on the Alabama 23 River and a very scenic place for
Page 19 1 community activities and other things 2 that help build the heart of downtown 3 Montgomery. Again, a significant 4 investment that went into 5 reestablishing that as this new 6 property compared to what it used to 7 be in the top picture. 8 One that's going on now down in 9 Dothan, they had a former corner that 10 had gas stations, service centers, 11 some residential areas. The future 12 of it is the new Dothan City Hall. 13 We were able to award a Brownfield 14 Cleanup Grant to assist the City with 15 some of the cleanup activity there. 16 We had our cost, but again the 17 project cost for the -- for what is 18 to be there is over \$50 million. 19 Over in West Alabama, 20 Livingston, the former Sumter County 21 bus shop, which had become a 22 dilapidated structure not used. The 23 City of Livingston is looking forward	Page 20 1 to converting that into a training 2 center. We were able to provide 3 assistance through a Brownfields 4 grant. Some work on our part. USD 5 is providing funding for the future 6 building, and we're looking forward 7 to the future plan which is shown in 8 the top schematic. 9 In Thomasville, the former 10 Thomasville Air Force radar base had 11 sat dormant since the late 1960s. We 12 performed a phase one and phase two 13 assessment there. Provided a cleanup 14 grant that the City was able to use 15 to address asbestos, lead based 16 paint, some other issues with the 17 radar tower. And the plan the 18 facility has is to convert that tower 19 into a fire and police training 20 facility and also look to enter it on 21 the National Register of Historic 22 Monuments. 23 In Birmingham, the former

Page 21 1 rolling mill that was used as a 2 warehouse and an auto repair shop and 3 EBSCO Industries is now an upscale 4 residential apartment complex. 5 \$35,000 program cost on our end 6 enabled about an \$80-million-dollar 7 redevelopment project. 8 Here closer to home in 9 Prattville, part of the Daniel Pratt 10 Gin Mill there that, as you can see, 11 had seen better days. Developers 12 wanted to work with us to assess the 13 property, see what could be done. It 14 is now high-end apartments and is the 15 focal point of downtown Prattville 16 with a development investment of 17 about \$40 million. 18 One that's going on now and 19 nearing completion. If you're 20 familiar in Birmingham with the old 21 Stockholm valve facility, it has been 22 going through our program. They are, 23 I believe, nearing the completion of	Page 22 1 construction, an investment of over 2 \$350 million to bring the Coca Cola 3 headquarters to Birmingham. 4 And one that I know you heard 5 about here just in the last few 6 months, the former Gulf State Steel 7 facility in Gadsden that had been -- 8 since Gulf State Steel went out of 9 business in about 2000, the -- it had 10 been somewhat used as an industrial 11 park. Minth Corporation has come in, 12 is going through the voluntary 13 cleanup program now to assess issues 14 that remain from that property and 15 are planning to invest about \$450 16 million to have their largest 17 advanced manufacturing facility in 18 the world on that property. 19 So, looking at the impact of 20 just those nine facilities, as I 21 mentioned, we've addressed almost 700 22 facilities -- or 800 facilities in 23 the state. Just those nine that I
Page 23 1 just showed, our program cost was 2 somewhere less than a million 3 dollars. The investment impact 4 coming from those exceeds \$1 billion 5 dollars in economic investment for 6 the State. 7 So, looking at the program 8 overall, this is a program that is 9 designed and is continuing to help 10 investors see clear paths for safe 11 cleanups, to be able to put property 12 back into use in our downtowns, using 13 existing infrastructure and putting 14 jobs back into communities. It 15 supports environmental protection 16 because we're getting cleanup on 17 things that we don't have the other 18 means to require cleanup often. It 19 promotes economic growth, as we've 20 seen, and basically, it's turning 21 environmental challenges into 22 development opportunities. 23 And at this time, I would like	Page 24 1 to recognize the folks who currently 2 make that happen; and that is, this 3 group of people here. I know we have 4 quite a few of them here. If y'all 5 would please stand. 6 Sonja and Crystal, Austin, Chip, 7 and their teams -- these are the 8 folks that are making it happen, and 9 they do it every day. And they 10 really seem to enjoy doing what 11 they're doing because, like I said, 12 it's a fun program to be in. 13 VICE CHAIR DR. PERRY: And we want 14 to thank you. 15 (Applause). 16 DIRECTOR POOLOS: Let me say, 17 these guys do incredible work. They 18 are an incredible team. And you can 19 see the Brownfields. The redevelopment 20 of this is key to the economic success 21 going forward for the State of Alabama. 22 And we appreciate what these guys are 23 doing every day to make that happen.

Page 25 1 And the citizens are seeing the 2 benefits of what they do. 3 So, thank you-all very much. 4 VICE CHAIR DR. PERRY: Thank you, 5 Director Poolos. It's always good to 6 see evidence of work in action rather 7 than just reporting. 8 So, that was a good report. 9 Thank you so much. 10 And for the Commissioners, do 11 you-all have any comments or 12 questions for Director Poolos? 13 (No response). 14 VICE CHAIR DR. PERRY: If not, 15 then we're moved to Agenda Item Number 16 3. Vice-Chair announces that it's time 17 to start an evaluation of Director 18 Poolos' job performance as part of the 19 Commission's upcoming ADEM Director 20 Poolos job performance evaluation. 21 Written comments from the EMC members 22 will be requested via a memo that you 23 will receive from Chair McFadden.	Page 26 1 A notice providing this 2 opportunity for interested persons to 3 submit comments will be posted on the 4 ADEM website and emailed to the 5 advance notice of Commission meetings 6 notification list. 7 Comments on Director Poolos' job 8 performance should cover the period 9 from August the 1st, 2025, the 10 effective date of his appointment to 11 the ADEM position, to July 31st, 12 2026, the deadline for receipt of 13 comments for the upcoming evaluation. 14 A compilation of the written comments 15 received will be compiled as part of 16 the evaluation process. 17 It doesn't seem like it's been 18 that long, huh? 19 DIRECTOR POOLOS: Hard to believe. 20 Time flies when you're having fun. 21 VICE CHAIR DR. PERRY: I hope you 22 enjoyed all of this, the work that 23 you're doing.
Page 27 1 Agenda Item 4: Barry Young, et 2 al., Petitioners, versus ADEM, 3 Respondent, and Grayson Carter and 4 Son Contracting, Incorporated, 5 Intervenor, EMC Docket Number 26-02, 6 NPDES-related matter. In the matter 7 of ADEM's December the 11th, 2025, 8 issuance and modification of NPDES 9 Permit Number AL0084523 to Grayson 10 Carter and Son Contracting, 11 Incorporation, Tuscumbia Quarry 12 Number 3, Colbert County and all 13 matters related thereto, including 14 air permits. 15 The Vice-Chair notes that Agenda 16 Item 4 pertains to Barry Young, et 17 al., Petitioners, versus ADEM, 18 Respondent, and Grayson Carter and 19 Son Contracting, Incorporated, 20 Intervener, EMC Docket Number 26-02, 21 in which the Petitioners filed 22 motions to withdraw their motion for 23 stay of NPDES Permit Number AL0084523	Page 28 1 and withdraw Christy Waters as a 2 party in this appeal. It's got to be 3 in attorney language. 4 So, the Vice-Chair entertains a 5 motion from the Commission regarding 6 the Petitioner's motions to withdraw 7 their motion for a stay and withdraw 8 Christy Waters as a party in this 9 appeal. 10 DR. TUCKER: I move to grant the 11 Petitioner's motions to withdraw their 12 motion for a stay and withdraw Christy 13 Waters as a party to this appeal. 14 MS. MERRITT: Second. 15 VICE CHAIR DR. PERRY: It has been 16 moved and the Commission discussion 17 regarding the motion. 18 (No response). 19 VICE CHAIR DR. PERRY: Vice Chair 20 calls for the question. All in favor 21 say "aye." 22 (Commission Members saying 23 "aye").

Page 29 1 VICE CHAIR DR. PERRY: Opposers 2 have the same right. 3 (No response). 4 VICE CHAIR DR. PERRY: And the 5 motion is carried. 6 And now we have signing of the 7 order. 8 (Commission members signing 9 the order). 10 VICE CHAIR DR. PERRY: Did we 11 finish that? Oh, my goodness. That 12 was quick. Okay. I didn't see you 13 come up. Okay. 14 Okay. Are there any other 15 business matters needing to come 16 before the Commission? 17 (No response). 18 VICE CHAIR DR. PERRY: Item Number 19 6: Future Business Session. The Vice 20 Chair notes that the next Commission 21 meeting is August the 14th, 2026. Any 22 Commissioners not able to come to that 23 meeting?	Page 30 1 (No response). 2 VICE CHAIR DR. PERRY: Hearing 3 none, we expect to have a quorum. 4 The last agenda item is 5 Adjournment. The Vice Chair 6 entertains a motion to adjourn. 7 MR. MASINGILL: Move we adjourn. 8 DR. TUCKER: Second. 9 VICE CHAIR DR. PERRY: Okay. 10 Commission discussion regarding the 11 motion. 12 (No response). 13 VICE CHAIR DR. PERRY: All in 14 favor say "aye." 15 (Commission Members saying 16 "aye"). 17 VICE CHAIR DR. PERRY: Opposers 18 have the same right. 19 (No response). 20 VICE CHAIR DR. PERRY: Motion 21 carried. Vice Chair calls for the 22 question. 23 (No response).
Page 31 1 VICE CHAIR DR. PERRY: Meeting 2 adjourned at 11:26. Thank you. Thank 3 you-all for attending. And thank you, 4 Commissioners. 5 MR. MASINGILL: Thank you. Good 6 job. 7 VICE CHAIR DR. PERRY: Thank you, 8 Debi. 9 10 (WHEREUPON, the Commission 11 meeting was concluded at 12 11:26 a.m.) 13 14 15 16 17 18 19 20 21 22 23	Page 32 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, June 12, 2026, that I reported the meeting 10 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 31 computer-printed 20 Pages contain a true and correct transcript of the 21 meeting set out herein. I further certify that I am 22 neither of relative, employee, attorney or counsel 23 of any of the parties, nor am I a relative or

employee of such attorney or counsel, nor am I
financially interested in the results thereof. All
rates charged are usual and customary.

I further certify that I am duly licensed
by the Alabama Board of Court Reporting as a
Certified Court Reporter as evidenced by the ABCR
number following my name found below.

This 1st day of July, in the year of our
Lord, 2026.

/s/ Jeana S. Boggs

Jeana S. Boggs, CCR
ACCR NO. 7, Exp 9/30/2026
Certified Court Reporter and
Notary Public
Commission expires: 8/9/2026

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Part B

Attachment Index

Attachment 1	Agenda
Attachment 2	Order granting Petitioners' Motion to Withdraw Motion to Stay NPDES Permit No. AL0084523 and granting Petitioners' Motion to Withdraw Christy Waters as a Party in the appeal (Agenda Item 4)

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: June 12, 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, 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 APRIL 10, 2026
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' motion to withdraw their motion for a stay of NPDES Permit No. AL0084523. The Commission will also consider the Petitioners' motion to withdraw Petitioner Christy Waters as a Party in this appeal.

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
	)	NPDES Permit No. AL0084523
Alabama Department of Environmental	)	
Management,	)	
Respondent,	)	
	)	
and	)	
	)	
Grayson Carter and Son Contracting, Inc.,	)	
Intervenor.	)	

ORDER

Before the Commission in the above matter are the Petitioners' Motion to Withdraw Motion to Stay and Motion to Withdraw Christy Waters as a Party. Having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the Petitioners' Motion to Withdraw their Motion to Stay NPDES Permit No. AL0084523 issued by ADEM on December 11, 2025, to Grayson Carter and Son Contracting, Inc., Tuscumbia Quarry No. 3, Colbert County, is hereby granted; and
2. That the Petitioners' Motion to Withdraw Christy Waters as a Party in this appeal is hereby granted; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
4. 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
Page 2

ISSUED this 12th day of June 2026.

APPROVED:



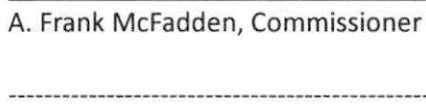
Mary J. Merritt, Commissioner



J. Patrick Tucker, Commissioner



John (Jay) H. Masingill, III, Commissioner



A. Frank McFadden, Commissioner

H. Lanier Brown, II, Commissioner



Kevin McKinstry, Commissioner



Ruby L. Perry, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

J. Patrick Tucker, Commissioner

John (Jay) H. Masingill, III, Commissioner

A. Frank McFadden, Commissioner

H. Lanier Brown, II, Commissioner

Kevin McKinstry, Commissioner

Ruby L. Perry, Commissioner

Environmental Management Commission Order
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 12th day of June 2026.



Ruby L. Perry, Vice Chair
Environmental Management Commission
Certified this 12th day of June 2026