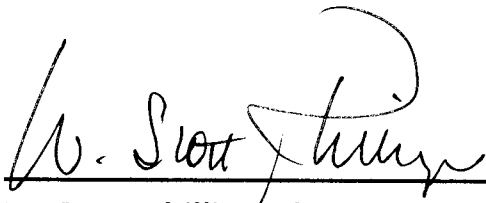


6/20/16

**Minutes
Meeting of the
Rulemaking Committee of the
Alabama Environmental Management Commission
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 15, 2016**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Rulemaking Committee of the Alabama Environmental Management Commission on April 15, 2016.



**W. Scott Phillips, Chair
Rulemaking Committee
Alabama Environmental Management Commission**

Certified this 17th day of June 2016.

**Minutes
Meeting of the
Rulemaking Committee of the
Alabama Environmental Management Commission
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 15, 2016**

**Convened: 10:00 a.m.
Adjourned: 10:09 a.m.**

Part A

**Transcript
Word Index**

Part B

Attachment 1 - Agenda

Part A

L*4545*L* Page 1

1 MEETING OF THE RULEMAKING COMMITTEE
2 OF THE
3 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
4
5
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7
8
9
10 ALABAMA DEPARTMENT OF ENVIRONMENTAL
11 MANAGEMENT
12 Alabama Room
13 1400 Coliseum Boulevard
14 Montgomery, Alabama 36110-2400
15 April 15, 2016
16 10:00 a.m.
17
18
19
20
21
22
23 Taken by: Charity McCulley, CCR #424

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1 CHAIRMAN PHILLIPS: Good
2 morning. I'll call to order the
3 April 15th Rulemaking Committee
4 meeting and acknowledge that we
5 have a quorum. We are missing
6 one of our members. He would
7 much rather be with us than
8 where he is, I'm sure.
9 Let's start with agenda item
10 number 1: Consideration of the
11 minutes of the meeting held on
12 February 19th, 2016.
13 I'll entertain a motion from
14 the Committee regarding the
15 minutes.
16 MS. MERRITT: I move to
17 adopt the minutes of February
18 19th.
19 CHAIRMAN PHILLIPS: I second
20 the motion. Any discussion?
21 (No response.)
22 CHAIRMAN PHILLIPS: There
23 being no discussion, all in

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1 A P P E A R A N C E S
2
3 COMMITTEE MEMBERS PRESENT:
4 W. Scott Phillips, Chair
5 Mary J. Merritt
6
7
8
9 COMMITTEE MEMBERS NOT PRESENT:
10 Terry D. Richardson, Ph.D.
11
12
13 ALSO PRESENT:
14 Robert D. Tambling, EMC Legal Counsel
15 Debi Thomas, EMC Executive Assistant
16
17
18
19
20
21
22
23

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1 favor signify with a sign of
2 aye.
3 THE COMMITTEE: Aye.
4 CHAIRMAN PHILLIPS: Motion
5 carries.
6 Agenda item number 2 is the
7 discussion of our draft
8 guidelines for the application
9 of the proposed amended
10 Environmental Management
11 Commission Regulations Rule
12 335-2-3-.05, Agenda.
13 I'll note that we have, in
14 our regular meeting today on our
15 agenda, an item for the full
16 Commission to consider to take
17 those proposed amended
18 regulations and put them out.
19 So I would like to at least
20 talk a little bit about the
21 guidelines today. Realizing
22 that we haven't gone out for
23 rulemaking yet, but I do think

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1 that these guidelines, which are
2 intended to educate and inform
3 the public and our Commission on
4 how we see the rule being
5 interpreted and applied. So I
6 would like to open it up for
7 Committee discussion on that
8 item on the guidelines.
9 Ms. Merritt, do you have
10 anything you would like to
11 discuss? While you're looking,
12 I would say that I think it's
13 really our intent, realizing
14 that if the motion carries with
15 the Commission today on our
16 amended rule, the best we would
17 do would be August for that rule
18 to come back before the full
19 Commission, so we do have time.
20 I want to make sure that what we
21 do on our guidelines gets to the
22 next Commission meeting in June
23 so that they have time to

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1 consider them before the rule
2 would come back, should it pass
3 today.
4 MS. MERRITT: Okay. After
5 looking over the --
6 CHAIRMAN PHILLIPS:
7 Guidelines.
8 MS. MERRITT: -- guidelines,
9 what we had come up with?
10 CHAIRMAN PHILLIPS: Yeah.
11 MS. MERRITT: I don't have
12 any discussion on them.
13 CHAIRMAN PHILLIPS: I have,
14 on a couple of items -- I mean,
15 I don't have any proposed
16 language for us to consider, but
17 there are a couple of items that
18 I really want to make sure,
19 Robert, that we look at closely
20 between now and the next
21 Committee Meeting. And at least
22 give Commissioner Richardson
23 also an opportunity to give us

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1 his input relative to the
2 guidelines before they go to the
3 full Commission. And that is
4 really just making sure that
5 they are guidelines and that
6 they are providing the
7 expectations that we have for
8 how Commission meetings would be
9 managed and what we would expect
10 from the public, but also what
11 we would expect from the full
12 Commission. So if you could
13 just go through them between now
14 and the next Committee meeting,
15 we'll do the same thing very
16 thoroughly and just make sure
17 that we understand that what
18 we're proposing to the
19 Commission in June are these
20 guidelines and that we really
21 believe that they're the best
22 way to manage our meetings.
23 So we'll carry that over to

Page 8

1 our next meeting in June. If
2 you could just give us a report
3 on that in June.
4 MR. TAMBLING: I'll be happy
5 to.
6 CHAIRMAN PHILLIPS: Our next
7 agenda item is the discussion on
8 the policy issue of
9 environmental justice and what,
10 if any, action the Rulemaking
11 Committee should take.
12 I'll note that Committee
13 Member Richardson brought this
14 forward to the full Commission
15 and asked that after we finish
16 the public comment and agenda
17 rulemaking discussions, that we
18 bring this up.
19 We have gathered information
20 -- Debi has provided us some
21 information today that we, as a
22 Committee, need to go through
23 and review.

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1 We have asked the Director
2 to make a presentation to the
3 full Commission at our regular
4 meeting after this Committee
5 meeting on the Department's
6 activities in environmental
7 justice. And, so, I think we're
8 on the right track. I don't
9 know that we have a lot of
10 discussion to have this morning
11 other than to say we got the
12 information that Debi gathered
13 for us, for us to review between
14 now and the next Committee
15 meeting when Commissioner
16 Richardson could rejoin us. And
17 we are hearing from the
18 Department at eleven o'clock on
19 the environmental justice
20 activities of the Department.
21 Is there anything else,
22 Commissioner Merritt, that you
23 would like to discuss relative

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1 to that?
2 MS. MERRITT: No. And I
3 agree with you about waiting
4 until Commissioner Terry comes
5 back, that way we can discuss
6 it.
7 CHAIRMAN PHILLIPS: With
8 this information that's brought
9 out, I want to read it. We also
10 have some information that I
11 think Mr. Ludder provided to us
12 relative to the development of
13 environmental justice policy
14 that he sent to Commissioner
15 Richardson, that Commissioner
16 Richardson has shared with us.
17 And then information from the
18 Department from federal and
19 state environmental justice
20 activities.
21 So with that, I'll take a
22 motion to continue this until
23 the next Committee meeting.

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1 MS. MERRITT: So moved.
2 CHAIRMAN PHILLIPS: Second.
3 All in favor signify with a sign
4 of aye.
5 THE COMMISSION: Aye.
6 CHAIRMAN PHILLIPS: Motion
7 carries. I'm not accustomed to
8 doing that.
9 Our next item is other
10 business. Is there any other
11 business to come before the
12 Commission?
13 Hold on just a second.
14 We're not in a public discussion
15 at the moment.
16 Is there any other business
17 from the Committee?
18 MS. MERRITT: There's none.
19 CHAIRMAN PHILLIPS: Our
20 future Rulemaking Committee
21 meeting is on -- when's our next
22 regular meeting, Debi?
23 MS. THOMAS: That is June

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1 the 17th.
2 CHAIRMAN PHILLIPS: So our
3 next Committee meeting will be
4 on June 17th at 10:00 a.m. in
5 this conference room. I'll make
6 that motion. Is that okay with
7 you?
8 MS. MERRITT: Yes.
9 CHAIRMAN PHILLIPS: That
10 passes. I'll entertain a motion
11 to adjourn.
12 MS. MERRITT: So moved.
13 CHAIRMAN PHILLIPS: Second.
14 All in favor signify with a sign
15 of aye.
16 THE COMMITTEE: Aye.
17 CHAIRMAN PHILLIPS: Thank
18 you.
19
20
21 (THE MEETING OF THE RULEMAKING COMMITTEE
22 WAS ADJOURNED AT 10:09 A.M.)
23

1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 COUNTY OF CONECUH)

4 I hereby certify that the above and
5 foregoing transcript of proceedings was
6 taken down by me in machine shorthand, and
7 the questions and answers thereto were
8 transcribed by means of computer-aided
9 transcription, and that the foregoing
10 represents a true and correct transcript of
11 the proceedings given by said witness upon
12 said hearing.

13 I further certify that I am neither
14 of counsel nor of kin to the parties to the
15 action, nor am I in anywise interested in
16 the result of said cause.

17 I further certify that I am duly licensed
18 by the Alabama Board of Court Reporting as
19 a Certified Court Reporter as evidenced by
20 the ACCR number following my name below.

21

22 _____
23 CHARITY McCULLEY ACCR# 424

 My Commission Expires: 2/19/17

1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 COUNTY OF CONECHUH)

4 I hereby certify that the above and
5 foregoing transcript of proceedings was
6 taken down by me in machine shorthand, and
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8 transcribed by means of computer-aided
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10 represents a true and correct transcript of
11 the proceedings given by said witness upon
12 said hearing.

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14 of counsel nor of kin to the parties to the
15 action, nor am I in anywise interested in
16 the result of said cause.

17 I further certify that I am duly licensed
18 by the Alabama Board of Court Reporting as
19 a Certified Court Reporter as evidenced by
20 the ACCR number following my name below.

21 Charity McCulley

22 CHARITY MCCULLEY ACCR# 424

23 My Commission Expires: 2/19/17

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Part B

Attachment 1

Amended 4/1/16

AGENDA*
MEETING OF THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: April 15, 2016

TIME: 10:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

<u>ITEMS</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on February 19, 2016**	2
2. Discussion of draft guidelines to the application of proposed amended ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda	2
3. Discussion on the policy issue of environmental justice and what, if any, action the Rulemaking Committee should take	2
4. Other business	2
5. Future Rulemaking Committee meeting	2

* The agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The minutes of this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 19, 2016
2. DISCUSSION OF DRAFT GUIDELINES TO THE APPLICATION OF PROPOSED AMENDED ADEM ADMINISTRATIVE CODE 335-2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA

The Rulemaking Committee will discuss draft guidelines that would be used in the application of proposed amended ADEM Administrative Code, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda. These guidelines would serve to educate and inform the public as to how the Commission interprets and intends to apply this Rule.

3. DISCUSSION ON THE POLICY ISSUE OF ENVIRONMENTAL JUSTICE AND WHAT, IF ANY, ACTION THE RULEMAKING COMMITTEE SHOULD TAKE

The Rulemaking Committee will discuss the policy issue of environmental justice and what, if any, action the Committee should take.

4. OTHER BUSINESS
5. FUTURE RULEMAKING COMMITTEE MEETING