

AGENDA*
MEETING AND WORK SESSION OF THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 20, 2015

TIME: 1:00 p.m.

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

<u>ITEMS</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on December 12, 2014**	2
2. Rulemaking Committee work session on Division 335-2 ADEM Administrative Code Rule 335-2-3-.05, <u>Agenda</u> , Sections (1) through (3)	2 & Attachment
3. Other business	2
4. Future Rulemaking Committee meeting	2

* The agenda for this meeting and work session and notice for the work session will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission and Public Notices and Permits/EMC Notice of Work Session.

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

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Rulemaking Committee Meeting and Work Session
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1. CONSIDERATION OF MINUTES OF MEETING HELD ON DECEMBER 12, 2014
2. RULEMAKING COMMITTEE WORK SESSION ON DIVISION 335-2 ADEM ADMINISTRATIVE CODE
RULE 335-2-3-.05, AGENDA, SECTIONS (1) THROUGH (3)

Attached is a notice that provides details regarding the work session.

3. OTHER BUSINESS
4. FUTURE RULEMAKING COMMITTEE MEETING

ATTACHMENT

**ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION (AEMC)
RULEMAKING COMMITTEE
NOTICE OF WORK SESSION ON DIVISION 335-2 ADEM ADMINISTRATIVE CODE
RULE 335-2-3-.05, AGENDA, SECTIONS (1) THROUGH (3)**

Rule No.	Rule Title
335-2-3-.05, Sections (1) through (3)	Agenda

Notice is hereby given that a work session will be held by the AEMC's Rulemaking Committee under Agenda Item 2 at its meeting on **February 20, 2015, at 1:00 p.m. in the main hearing room at the ADEM – Central Office location at 1400 Coliseum Boulevard in Montgomery**, to conduct an open discussion with interested parties on the Committee's current areas of concern regarding the above Rule as listed below. During the work session, the Committee will hear oral comments from interested parties regarding the Committee's current areas of concern regarding the above Rule and any additional areas of concern regarding the above Rule that they wish to present and discuss with the Committee. **THE PURPOSE OF THIS WORK SESSION IS TO SEEK CONSTRUCTIVE INPUT ON HOW TO IMPROVE THE EXISTING RULE. IT IS NOT THE INTENT OF THE COMMITTEE TO REPEAL THE EXISTING RULE. IT IS THE COMMITTEE'S INTENT TO IMPROVE THE RULE AND IF CHANGES ARE DECIDED TO PRESENT THEM TO THE FULL COMMISSION FOR ITS CONSIDERATION.**

RULEMAKING COMMITTEE'S CURRENT AREAS TO CONSIDER

1. E-mail delivery of requests from members of the public to appear before the Commission is currently not allowed in the existing Rule.
2. Requests from members of the public to appear before the Commission are being submitted right at or after the 14 days deadline before the Commission meeting.
3. Public comments should focus on the following areas of Commission responsibility: (1) To select a Director for the Department of Environmental Management and to advise the Director on environmental matters which are within the Department's scope of authority; (2) To establish, adopt, promulgate, modify, repeal and suspend any rules, regulations or environmental standards for the Department which may be applicable to the State as a whole or any of its geographical parts; and (3) To develop environmental policy for the State.
4. A process for encouraging written public comments at all times in order to let Commission know what input is desired.
5. Commissioners should not be predisposed to granting or denying the requests from members of the public to appear before the Commission. The Rule should clarify that the AEMC Chair shall not communicate to the person or persons requesting that their respective request will be "recommended" or "not recommended" for acceptance by the Commission. The Chair should acknowledge receipt and that it will be placed before the Commission for consideration. If the request fails to meet certain criteria required of such a presentation, the Chair should be able to deny the presentation without consultation of the Commission. Person or persons requesting should come prepared to make their presentation.
6. Clarify that no individual, entity, or various representatives of an entity may be granted permission to address the Commission on the same topic more than once in a short amount of time, except under special circumstances.
7. Clarify that before being granted permission to address the Commission, person or persons requesting to appear before the Commission must pursue all reasonable venues made available through the ADEM and its Director for addressing concerns that are subject to the Department's roles and responsibilities. Verifiable evidence of such effort should be presented with request.
8. Clarify that to be granted permission to address the Commission, person or persons requesting must provide presentations (either PowerPoints or manuscripts) to the Commission no later than 7 business days prior to consideration. Failing to do so will result in default denial of request. Changes cannot be made to the presentation following this submission.

Persons interested in attending and participating in the work session should notify the Committee of their intent to attend and participate in the work session by mail directed to: Rulemaking Committee, Alabama Environmental Management Commission, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at aemc@adem.state.al.us. Notification of intent to attend and participate in the work session must be received by the Rulemaking Committee prior to 5:00 p.m. on **February 6, 2015**.

Persons interested in participating in the work session by teleconference may request to do so and will be provided with a teleconference telephone number to call in to the work session. Participants wanting to provide input through Conference Call need to understand that participation may be limited in engaging their involvement. A request to participate in the work session by teleconference should be directed to the Rulemaking Committee by e-mail at the aemc@adem.state.al.us and received by the Committee prior to 5:00 p.m. on **February 6, 2015**.

Attendance at the work session is not necessary to present comments regarding the Committee's current areas to consider (listed above) regarding the current Rule and other areas of concern regarding the current Rule as the same may be submitted in writing. Written submissions and other inquiries should be directed to: Rulemaking Committee, Alabama Environmental Management Commission, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at aemc@adem.state.al.us and must be received by the Rulemaking Committee prior to 5:00 p.m. on **February 6, 2015**.

This notice is hereby given this day, **January 21, 2015**, by authority of the Chair of the Rulemaking Committee of the Alabama Environmental Management Commission.


W. Scott Phillips
Chair
AEMC Rulemaking Committee