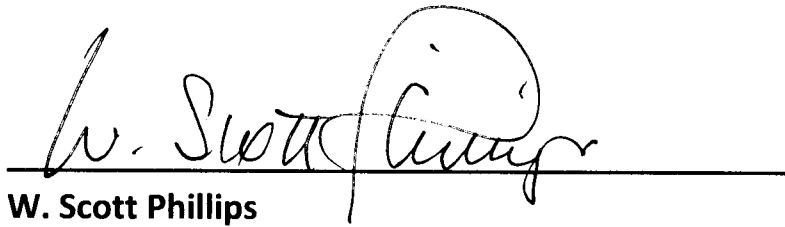


2/25/15

**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  
December 12, 2014**

**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 December 12, 2014.**

A handwritten signature in black ink, appearing to read "W. Scott Phillips", is written over a solid horizontal line. The signature is cursive and somewhat stylized.

**W. Scott Phillips**

**Chair**

**Rulemaking Committee**

**Alabama Environmental Management Commission**

**Certified this 20th day of February 2015.**

**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  
December 12, 2014**

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

**Adjourned: 10:19 a.m.**

**Part A**

**Transcript**

**Word Index**

**Part B**

**Attachment 1 - Agenda**

**Part A**

Page 1

1 \* \* \* \* \*

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3

4 RULEMAKING COMMITTEE

5 OF THE

6 ALABAMA ENVIRONMENTAL MANAGEMENT

7 COMMISSION

8

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10 ALABAMA DEPARTMENT OF ENVIRONMENTAL

11 MANAGEMENT

12 Alabama Room

13 1400 Coliseum Boulevard

14 Montgomery, Alabama 36110-2400

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22 Taken by: Bridgette W. Mitchell,

23 ACCR 231

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1 CHAIRMAN PHILLIPS: Good morning.

2 We want to call to order the December 12,

3 2014 Rulemaking Committee Meeting. I

4 want to acknowledge that we do have a

5 quorum. Good to see all of you

6 Commissioners.

7 Agenda Item No. 1, consideration of

8 minutes of meeting held on October 17th.

9 I'll consider a motion for this.

10 MS. MERRITT: I move to

11 adopt the minutes of the October 17th

12 Committee meeting as distributed to us.

13 DR. RICHARDSON: Second.

14 CHAIRMAN PHILLIPS: I have a

15 motion and a second. Any additional

16 discussion?

17 (No response.)

18 CHAIRMAN PHILLIPS: No

19 discussion. All in favor signify with

20 the sign aye.

21 (Unanimous.)

22 CHAIRMAN PHILLIPS: All opposed?

23 (No response.)

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1 \* \* \* \* \*

2

3 APPEARANCES

4

5 COMMISSION MEMBERS PRESENT:

6 W. Scott Phillips, Chair

7 Mary J. Merritt

8 Terry D. Richardson, Ph.D.

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11 ALSO PRESENT:

12 Robert Tambling, EMC Legal Counsel

13 Debi Thomas, EMC Executive

14 Assistant

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1 CHAIRMAN PHILLIPS: Agenda Item

2 No. 1 carries. Agenda Item No. 2. I

3 want to note that as we reexamine the

4 rule that was before us, 335-2-3-.05,

5 Agenda, Sections 1 through 3, that

6 includes the procedures and requirements

7 regarding requests from the public to

8 appear before the Commission at its

9 meeting following the consideration of

10 agenda items. We talked at our last

11 meeting that we didn't receive a

12 tremendous number of suggestions on how

13 to improve or enhance the rule. We

14 really received mostly comments about not

15 doing away with the rule, which is not

16 our intent.

17 However, I would like to use today's

18 meeting to have a little discussion about

19 how to move forward so that we get some

20 good, constructive input before we make

21 any consideration of whether to leave the

22 rule as is or to make any modifications

23 or propose any modifications to the whole

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1 body.  
2 So with that, I'd like to open up  
3 just a general discussion. We had a  
4 fairly nice discussion as we sat at the  
5 end of our last meeting between that one  
6 and the next meeting, but we had ended  
7 our Rulemaking Committee meeting. So I  
8 think today we can kind of revive that  
9 discussion that the three of us had.  
10 DR. RICHARDSON: If I may.  
11 CHAIRMAN PHILLIPS: Commissioner  
12 Richardson, please.  
13 DR. RICHARDSON: Yes. At the end  
14 of our last meeting, I think there was  
15 some informal discussion going on, and  
16 one --  
17 CHAIRMAN PHILLIPS: In public.  
18 We were all in here.  
19 DR. RICHARDSON: We were here.  
20 And there was some informal discussion  
21 going on with some of the stakeholders  
22 that were here and we were just trying,  
23 as I recall -- I don't want to say

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1 disappointed with the input we received.  
2 It just wasn't what we had expected. We  
3 were thinking we would have suggestions  
4 on how to improve it. What we got was  
5 please don't do away with it.  
6 CHAIRMAN PHILLIPS: Right.  
7 DR. RICHARDSON: And I think by  
8 far that was the majority of what we saw.  
9 And we talked amongst ourselves and with  
10 the folks that approached us afterwards  
11 how to move forward, you know, exactly  
12 what do we do. And I think the thing  
13 that came out of it, as best I recall,  
14 was that what we should do is have an  
15 open, for lack of a better description,  
16 let's say, working meeting where the  
17 stakeholders are invited to come to  
18 attend to be a part of it, to give us  
19 feedback on how we can improve this  
20 particular rule, knowing what our  
21 concerns are, knowing what it is that  
22 we're trying to do. And then in a  
23 more -- I hesitate to say this because

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1 it's certainly not round, but roundtable-  
2 type discussion discuss amongst all of  
3 us, the stakeholders and the Rulemaking  
4 Committee as well, how -- you know, what  
5 can we do to make this better, to make  
6 this process better, and addressing some  
7 of the concerns that the Commission in  
8 general has.  
9 CHAIRMAN PHILLIPS: That's  
10 exactly right as I recall it also.  
11 Commissioner Merritt, you have anything  
12 you'd like to add?  
13 MS. MERRITT: Yeah.  
14 I'll agree to what he was saying.  
15 DR. RICHARDSON: So to that end,  
16 my suggestion is that we convene such a  
17 meeting and -- and have, I guess -- I'm  
18 not sure the exact protocol here, but  
19 have it announced that that's exactly  
20 what we're doing. Please come with  
21 construct- -- on how to make the rule  
22 better. And perhaps in that notice that  
23 we put out it could include what our

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1 current concerns are and that that's what  
2 we really want to try to constructively  
3 address.  
4 MS. MERRITT: Correct.  
5 Yes.  
6 DR. RICHARDSON: And just go from  
7 there. And I think with the Commission  
8 members involved, the public involved,  
9 more than just -- I mean, you guys can  
10 certainly be involved from where you're  
11 sitting, but, I mean, knowing that that's  
12 what you're coming here for, to provide  
13 us with input, I think will benefit  
14 everybody involved in this process.  
15 CHAIRMAN PHILLIPS: I agree with  
16 that.  
17 MS. MERRITT: Yeah.  
18 CHAIRMAN PHILLIPS: I think in  
19 order to be manageable and not just be  
20 open-ended, I think being able to provide  
21 our concerns but then ask for those that  
22 want to address or participate at least  
23 let us know so that it's not really a

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1 free for all in this room. When all the  
2 seats in this room are full, it can turn  
3 into a very quick not being able to hear  
4 anyone. So I think if we can get some  
5 mechanism for those that really want to  
6 participate actively, especially once  
7 we've turned out the concerns so that  
8 everybody can see what they are.  
9 DR. RICHARDSON: And to that end,  
10 if we know exactly who's coming and we  
11 have a head count, I think we could  
12 acquire a room --  
13 CHAIRMAN PHILLIPS: Yeah. Maybe  
14 we can get --  
15 DR. RICHARDSON: -- that maybe we  
16 can have a roundtable and we can all be  
17 at that table. And that's what -- this  
18 is too dividing to me. I like to sit  
19 around where we can talk and we can all  
20 exchange our ideas openly and freely.  
21 And if we know who's coming and how many  
22 is coming, I think we can achieve that.  
23 CHAIRMAN PHILLIPS: I agree.

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1 MS. MERRITT: I agree.  
2 CHAIRMAN PHILLIPS: We can  
3 probably accommodate that better.  
4 MS. MERRITT: Yeah.  
5 CHAIRMAN PHILLIPS: You have all  
6 that, Debi? Of course, you are --  
7 nothing is impossible to the people that  
8 don't have to do it.  
9 MS. THOMAS: You and I will get  
10 together and figure out the logistics.  
11 CHAIRMAN PHILLIPS: All right.  
12 Is it the desire of the Commissioners to  
13 do this as we have been doing, before our  
14 commission meeting, or do you want to do  
15 it as a separate --  
16 DR. RICHARDSON: I --  
17 CHAIRMAN PHILLIPS: I know the  
18 timing is my concern.  
19 DR. RICHARDSON: It's good for me  
20 to do it on the same day only because of  
21 travel concerns.  
22 CHAIRMAN PHILLIPS: Saves the  
23 state money, too.

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1 DR. RICHARDSON: My thoughts  
2 would be -- I hesitate to say this -- but  
3 we need to start an hour earlier or we  
4 need to go after the meeting, because  
5 with this kind of roundtable  
6 discussion --  
7 MS. MERRITT: It might  
8 take longer.  
9 DR. RICHARDSON: -- I don't know  
10 that I want to be confined by an hour, or  
11 actually less than that because we've got  
12 to clear the room for others to start  
13 coming in.  
14 CHAIRMAN PHILLIPS: Then we  
15 actually may be better off doing that  
16 afterwards --  
17 MS. MERRITT: After the  
18 meeting, yeah.  
19 CHAIRMAN PHILLIPS: -- so we're  
20 not -- because even if we do it an hour  
21 earlier, we're still going to --  
22 DR. RICHARDSON: I would be -- I  
23 would be happy if we scheduled this at

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1 one o'clock. And, please, let's get  
2 their input.  
3 What do you guys think?  
4 MS. LOWRY: I just want to say --  
5 and this is up to you guys, of course --  
6 but we, you know, we work for -- most of  
7 us here work for environmental groups or  
8 concern groups so it's easier for us to  
9 come during the day. If you wanted some  
10 representatives from average Joe Citizen,  
11 then it might be easier if it were an  
12 evening or a time that's easier -- an  
13 afternoon time that's easier for them to  
14 get here. Just a -- just a thought.  
15 CHAIRMAN PHILLIPS: You know,  
16 that's a good thought. Thank you.  
17 DR. RICHARDSON: It is a good  
18 point.  
19 CHAIRMAN PHILLIPS: I think the  
20 other thing that has been going through  
21 my mind as we've explored this -- and  
22 we've seen what we've done in  
23 reevaluating it and then getting the

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1 comments. You know, the expectation that  
2 someone has to come here to make a  
3 comment to me is a little ludicrous in  
4 this day and age. I mean, even in the  
5 day and age of snail mail, it wasn't that  
6 hard to send a letter if you have a  
7 comment. So I think we need to be very  
8 clear that we'll take any comment from  
9 anybody at any time between now and that  
10 meeting. They don't have to be here.  
11 They can write it. They can e-mail it.  
12 They can send it by mail. At least then  
13 it gives people the opportunity to make  
14 known. We'll put it on the record, I  
15 think -- if you guys are okay with that.  
16 DR. RICHARDSON: Yes.  
17 MS. MERRITT: Yes.  
18 CHAIRMAN PHILLIPS: -- put it on  
19 the record, bring it up to the group that  
20 is here so that we're really not  
21 penalizing people that -- even in the  
22 evening if they have kids they can't be  
23 here.

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1 MS. LOWRY: Sure. True.  
2 DR. RICHARDSON: And I'll just  
3 point out that a lot of the John Q.  
4 Public that would -- that this would be  
5 of interest to typically make it to the  
6 Commission meetings, so it actually might  
7 be easier for those that it would  
8 directly impact to -- if we did have it  
9 close together like that. But  
10 understanding your comment is a very good  
11 comment and something I hadn't  
12 considered.  
13 CHAIRMAN PHILLIPS: And it's  
14 still a big state, even in the evening.  
15 MS. LOWRY: Very true.  
16 CHAIRMAN PHILLIPS: Yes, sir?  
17 MR. CHURCHMAN: Is it open for  
18 other questions?  
19 CHAIRMAN PHILLIPS: Yeah. We  
20 asked for your input.  
21 MR. CHURCHMAN: You mentioned  
22 that --  
23 CHAIRMAN PHILLIPS: Could you

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1 give us your name?  
2 MR. CHURCHMAN: I'm Michael  
3 Churchman. I'm with Alabama  
4 Environmental Council.  
5 CHAIRMAN PHILLIPS: I knew you.  
6 MR. CHURCHMAN: It's been a  
7 number of years. Good to see you.  
8 CHAIRMAN PHILLIPS: It's good  
9 seeing you.  
10 MR. CHURCHMAN: -- that you  
11 accept information if we were to send  
12 information by mail or whatnot in today's  
13 age. I know that I've heard from a  
14 number of folks that were trying -- have  
15 attempted before to request the time to  
16 make a presentation officially during the  
17 AEMC meeting and either it wasn't  
18 accepted because it was late by the mail  
19 or it needed to be faxed. And in the day  
20 of e-mail and everything else, as simple  
21 as things are, I wondered if that was  
22 something that y'all would also accept,  
23 is a request or information by e-mail or

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1 other form beyond just facsimile.  
2 DR. RICHARDSON: To me, just my  
3 opinion, you have precisely hit on one of  
4 the main issues that we as a rulemaking  
5 committee need to decide about this.  
6 That is precisely the kind of roundtable  
7 input that we're seeking. Okay? And as  
8 far as I'm concerned -- and I'll defer to  
9 the Chair on this but, you know, for  
10 comments directly put into this  
11 Rulemaking Committee, they can be sent in  
12 in that manner, you know. And then it  
13 will be our decision -- I think this is  
14 correct. It's our decision as to whether  
15 they become a part of our record.  
16 MS. MERRITT: Right.  
17 DR. RICHARDSON: We could decide,  
18 well, this was just out in left field.  
19 CHAIRMAN PHILLIPS: So I would --  
20 I would be with my colleague here that,  
21 you know, that is a part of the rule that  
22 has become very obvious that needs to be  
23 looked at and discussed. That rule was



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1 put in place twelve years ago or more.  
2 MS. MERRITT: So it's  
3 time for a change.  
4 CHAIRMAN PHILLIPS: Yeah.  
5 Technology has changed, things have  
6 changed, life has changed. But I think  
7 for the purposes of our next meeting,  
8 anything and everything will be welcome.  
9 DR. RICHARDSON: But that's  
10 exactly the kind of stuff that I had in  
11 mind when I thought "we" need to sit  
12 down.  
13 CHAIRMAN PHILLIPS: "We."  
14 DR. RICHARDSON: Yes. The bigger  
15 "we" need to sit down without some chasm  
16 here between us.  
17 CHAIRMAN PHILLIPS: Anybody else  
18 have thoughts or questions? We aren't  
19 there yet, so if the question is what are  
20 you going to do, we don't know yet.  
21 MR. CHURCHMAN: One additional  
22 question that connects with Cindy's  
23 comment is that the videoconferencing

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1 ability or that kind of -- that's really  
2 starting to go down a different path, but  
3 I know there's a lot of really nice  
4 technology in this building and wonder if  
5 it is difficult to travel for a certain  
6 meeting and/or to allow feedback or input  
7 from people that aren't able to take a  
8 day to travel to Montgomery, that might  
9 be something to consider at least at a  
10 minimum, a conference call capability  
11 whenever we have this bigger "we"  
12 conversation.  
13 CHAIRMAN PHILLIPS: Debi, you and  
14 I will -- I mean, if you'll get with the  
15 Department, see what we do have  
16 available.  
17 The only comment I'll make about  
18 that, because I've been blessed enough to  
19 work for a company that needed that  
20 technology. It still -- it is -- it's  
21 not the best as being there, but it's  
22 better than not being there at all. But  
23 to really to be able to participate -- I

Page 19

1 mean, you can hear a lot of it even if  
2 you're on the video. People kind of  
3 forget when there are fifteen people in  
4 the room that there's one person sitting  
5 back there, so we'll explore it. We just  
6 need to be cognizant that it has its  
7 drawbacks and somebody may get frustrated  
8 because they're not really here. That's  
9 a good idea. We'll see what we have.  
10 I'm impressed with the technology change  
11 in the time that I've been here.  
12 Anything else? Anybody else? I see  
13 the back row out there and I don't hear  
14 anybody talking. You got anything?  
15 UNIDENTIFIED MALE: No, sir.  
16 MS. LOWRY: I'll just -- I do  
17 think the idea of a roundtable is great.  
18 I think that's very -- leads much more to  
19 open discussion. I appreciate that  
20 thought.  
21 CHAIRMAN PHILLIPS: Although I  
22 say we're doing pretty good here.  
23 DR. RICHARDSON: I think I

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1 would -- before I actually state a  
2 motion, let me put just -- bring this  
3 out. Do we want to meet, then --  
4 certainly we should convene from the  
5 Commission meeting enough time for a  
6 lunch break, then to return.  
7 MS. MERRITT: Correct.  
8 DR. RICHARDSON: So are we  
9 talking one or are we talking one-thirty  
10 or are we talking two?  
11 CHAIRMAN PHILLIPS: Well, you've  
12 got a long way back, as do you.  
13 DR. RICHARDSON: That's  
14 irrelevant.  
15 CHAIRMAN PHILLIPS: Well, I  
16 understand. But I would say instead of  
17 having this nice big window of two hours,  
18 which would be great, maybe everybody  
19 could get lunch in thirty to forty-five  
20 minutes --  
21 DR. RICHARDSON: Okay.  
22 CHAIRMAN PHILLIPS: -- and be  
23 back in an hour.

Page 21

1 DR. RICHARDSON: Yeah. Okay.  
2 CHAIRMAN PHILLIPS: I would say  
3 let's start at one.  
4 MS. MERRITT: I agree.  
5 CHAIRMAN PHILLIPS: I think we'll  
6 think about the concept of an evening,  
7 but at this point, I think it's -- we're  
8 already here. I think by opening it up  
9 to take any comments any way we can get  
10 them and then making a conference number  
11 or something available, hopefully we'll  
12 capture all those that really would like  
13 to be here but couldn't be here unless it  
14 was at night.  
15 DR. RICHARDSON: So I make a  
16 motion that we hold our next meeting of  
17 the Rulemaking Committee at 1 p.m.  
18 February --  
19 MS. THOMAS: 20.  
20 DR. RICHARDSON: -- 20th  
21 following the Commission meeting --  
22 CHAIRMAN PHILLIPS: Till we're  
23 done.

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1 DR. RICHARDSON: -- as a more  
2 informal roundtable discussion involving  
3 the stakeholders.  
4 MS. MERRITT: I second  
5 that.  
6 CHAIRMAN PHILLIPS: I have a  
7 motion and a second. Any further  
8 discussion?  
9 (No response.)  
10 CHAIRMAN PHILLIPS: Once again,  
11 I'll just, for the Commissioners, say  
12 Debi and I will get together on the  
13 logistics, but we'll also, the three of  
14 us, sit and talk through how to get the  
15 information out that we need to get out  
16 to everybody. I really want to also  
17 think through some other people that we'd  
18 like in the room. I mean, if we look at  
19 the room, it's not the most diverse in  
20 the room, so let's see who else we might  
21 be able to specifically invite or at  
22 least follow up after we've made our  
23 notice so that we can get some more

Page 23

1 perspective in the room. Good with that?  
2 DR. RICHARDSON: Good.  
3 MS. MERRITT: Good with that.  
4 CHAIRMAN PHILLIPS: All right. I  
5 have a motion and a second. No further  
6 discussion?  
7 (No response.)  
8 CHAIRMAN PHILLIPS: All in favor  
9 signify aye.  
10 (Unanimous.)  
11 CHAIRMAN PHILLIPS: All opposed?  
12 (No response.)  
13 CHAIRMAN PHILLIPS: Motion  
14 carries. Thank you, Commissioners. That  
15 was excellent.  
16 Moving to Agenda Item No. 3, any  
17 other business to come before the  
18 Rulemaking Committee?  
19 (No response.)  
20 CHAIRMAN PHILLIPS: On this item,  
21 I want to ask a question of Commissioner  
22 Richardson. Our last board meeting or  
23 Rulemaking Committee, there was a

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1 discussion that you had relative to a  
2 topic that you wanted considered for the  
3 commission.  
4 DR. RICHARDSON: Yes. And that  
5 is the Rulemaking Committee addressing, I  
6 guess it would be, Title VI,  
7 environmental justice policy or issues  
8 relevant to the Commission and the  
9 Department. And I think what we agreed,  
10 I believe we took as a committee that we  
11 would address this after we finish this  
12 issue, just taking one at a time and  
13 getting completely finished with that  
14 before moving on and dealing with the  
15 next one.  
16 CHAIRMAN PHILLIPS: That's what I  
17 recall. I just wanted some clarity to  
18 make sure that we covered it.  
19 Anything else to come before the  
20 Rulemaking Committee?  
21 (No response.)  
22 CHAIRMAN PHILLIPS: Okay. Agenda  
23 Item No. 4, which is our future

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1 Rulemaking Committee meeting. As we've  
2 all heard, it will be at one o'clock  
3 February 20, 2015 -- hard to believe  
4 2015. Right around the corner -- and  
5 we'll go to when we get finished. So  
6 I'll entertain a motion for that.  
7 DR. RICHARDSON: So moved.  
8 CHAIRMAN PHILLIPS: Second?  
9 MS. MERRITT: Second.  
10 CHAIRMAN PHILLIPS: All in favor  
11 signify with the sign of aye.  
12 (Unanimous.)  
13 CHAIRMAN PHILLIPS: All opposed?  
14 (No response.)  
15 CHAIRMAN PHILLIPS: Motion  
16 carries.  
17 DR. RICHARDSON: And I will just  
18 for the sake of comment for those that  
19 are here that will be interested in this  
20 meeting, for me particularly, the earlier  
21 any comments come to me via e-mail or  
22 whatever, the much better it is for me to  
23 have the time to actually consider them.

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1 MS. MERRITT: That's  
2 true.  
3 DR. RICHARDSON: Of course, I  
4 don't expect that all comments will be --  
5 will arise in that manner. That's what I  
6 hope comes out of this discussion, is  
7 that there will be things come up then,  
8 you know, that we all can look at and go,  
9 oh, yeah, that's a great idea.  
10 CHAIRMAN PHILLIPS: That's an  
11 excellent point. Just for everyone in  
12 the room, if you don't know it, we have  
13 roughly two months between our Commission  
14 meetings, and I would say without fail, a  
15 hundred percent of our requests to do  
16 public comment come fourteen or less days  
17 before the Commission meeting.  
18 DR. RICHARDSON: Yes.  
19 CHAIRMAN PHILLIPS: So we have  
20 eight weeks, and then we really get them  
21 in two weeks or less. And we have full-  
22 time jobs, so it would be -- we like to  
23 be prepared. We really do not take

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1 lightly when somebody wants to talk  
2 before the Commission or to offer public  
3 comment, and so anything you can do to  
4 help us. That's going to be one of the  
5 concerns you'll see --  
6 DR. RICHARDSON: Right. Right.  
7 CHAIRMAN PHILLIPS: -- is how do  
8 we get comments more consistently  
9 throughout a time period than just right  
10 before our Commission meeting.  
11 Okay. I'll take a motion to  
12 adjourn.  
13 DR. RICHARDSON: So moved.  
14 MS. MERRITT: Second.  
15 CHAIRMAN PHILLIPS: All in favor?  
16 (Unanimous.)  
17 CHAIRMAN PHILLIPS: We're  
18 adjourned. Thank you, Commissioners, for  
19 your service.  
20  
21  
22  
23

Page 28

1 REPORTER'S CERTIFICATE  
2  
3 STATE OF ALABAMA )  
4 ELMORE COUNTY )  
5  
6 I do hereby certify that the above  
7 and foregoing transcript was taken down  
8 by me in stenotype, and the questions and  
9 answers thereto were transcribed by means  
10 of computer-aided transcription, and that  
11 the foregoing represents a true and  
12 correct transcript of the testimony given  
13 by said witness.  
14  
15 I further certify that I am  
16 neither of counsel, nor any relation to  
17 the parties to the action, nor am I  
18 anyway interested in the result of said  
19 cause.  
20  
21 I further certify that I am duly  
22 licensed by the Alabama Board of Court  
23 Reporting as a Certified Court Reporter  
as evidenced by the ACCR number following  
my name below.  
  
/s/ Bridgette W. Mitchell  
Bridgette W. Mitchell  
Certified Court Reporter and  
Commissioner for the State of  
Alabama at Large  
ACCR No. 231 - Expires 9/30/15  
MY COMMISSION EXPIRES 12/19/17

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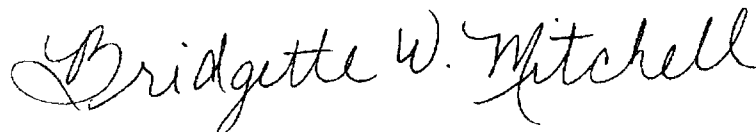
REPORTER'S CERTIFICATE

STATE OF ALABAMA     )  
                                  )  
ELMORE COUNTY         )

I do hereby certify that the above and foregoing transcript was taken down by me in stenotype, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the testimony given by said witness.

I further certify that I am neither of counsel, nor any relation to the parties to the action, nor am I anyway interested in the result of said cause.

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



/s/ Bridgette W. Mitchell  
Bridgette W. Mitchell  
Certified Court Reporter and  
Commissioner for the State of  
Alabama at Large  
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MY COMMISSION EXPIRES 12/19/17

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**Part B**

**Attachment 1**

11/12/14

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

DATE: December 12, 2014

TIME: 10:00 a.m.

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

ITEMS

1. Consideration of minutes of meeting held on October 17, 2014\*\*
2. Discussion and consideration of Division 2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda, Sections (1) through (3)
3. Other business
4. Future Rulemaking Committee meeting

\* The agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://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 OCTOBER 17, 2014
2. DISCUSSION AND CONSIDERATION OF DIVISION 2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA, SECTIONS (1) THROUGH (3)

The Rulemaking Committee continues its re-examination and study of Rule 335-2-3-.05, Agenda, Sections (1) through (3). This rule includes the procedures and requirements regarding requests from the public to appear before the Commission at its meetings following consideration of agenda items.

3. OTHER BUSINESS
4. FUTURE RULEMAKING COMMITTEE MEETING