

8/24/16

**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
June 17, 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 June 17, 2016.

A handwritten signature in black ink, appearing to read "W. Scott Phillips", written over a horizontal line.

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

Certified this 19th day of August 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
June 17, 2016**

**Convened: 10:01 a.m.
Adjourned: 10:26 a.m.**

Part A

**Transcript
Word Index**

Part B

**Attachment Index
Attachment 1
Attachment 2**

Part A

Page 1

1 MEETING OF THE
2 RULEMAKING COMMITTEE
3 OF THE
4 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
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11 ALABAMA DEPARTMENT OF ENVIRONMENTAL
12 MANAGEMENT
13 Alabama Room
14 1400 Coliseum Boulevard
15 Montgomery, Alabama 36110-2400
16 June 17, 2016
17 10:01 a.m.
18
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21
22
23 Taken by: Victoria M. Castillo, CCR#17

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1 CHAIRMAN PHILLIPS: Good
2 morning.
3 MS. MERRITT: Good morning.
4 CHAIRMAN PHILLIPS: I'd like
5 to call to order this Rulemaking Committee
6 meeting. I will acknowledge that we have a
7 quorum.
8 Agenda Item 1 is the
9 consideration of the minutes of the meeting
10 held on April 15th, 2016. I will note that
11 the Committee will consider these minutes
12 and will entertain a motion from the
13 Committee regarding the minutes.
14 DR. RICHARDSON: Move to
15 adopt the minutes.
16 MS. MERRITT: Second to
17 that.
18 CHAIRMAN PHILLIPS: I have a
19 motion and a second.
20 Any further discussion?
21 (No response)
22 CHAIRMAN PHILLIPS: Hearing
23 none, I will call the question: All in

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1 A P P E A R A N C E S
2
3 COMMITTEE MEMBERS:
4 W. Scott Phillips, Chair
5 Terry D. Richardson, Ph.D.
6 Mary J. Merritt
7
8 ALSO PRESENT:
9 Robert Tambling, AEMC Legal Counsel
10 Debi Thomas, AEMC Executive Assistant
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1 favor, signify the sign "aye."
2 (All Committee members
3 signify "aye")
4 CHAIRMAN PHILLIPS: All
5 opposed, same sign.
6 (No response)
7 CHAIRMAN PHILLIPS: Motion
8 carries.
9 Agenda Item No. 2 is the
10 discussion of our draft guidelines to the
11 application of proposed amended
12 Environmental Management Commission
13 Regulations Rule 335-2-3-.05, Agenda.
14 We will discuss these
15 guidelines, because they are what we are
16 proposing to be used in the proposed rule
17 and will be used to help educate and inform
18 the public as to how the Commission will
19 interpret the rule and intends to apply to
20 this rule. Of course, at this point, we
21 have not shared these with the full
22 Commission. So once we have in the shape
23 for the Committee to recommend, we will be

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1 providing these to the full Commission, and
2 also to the public, prior to taking the
3 proposed rule at our August meeting.
4 So with that, I will open the
5 floor for a Committee discussion. Do I
6 have any discussion?
7 DR. RICHARDSON: Yes,
8 Mr. Chairman. I presented earlier to the
9 members of the Committee some comments that
10 I had on the draft guidelines on a red-line
11 draft. And I think, as has been pointed
12 out, in keeping with the proposed rule,
13 that we'll strike my Comment No. 1. But I
14 would like for us to consider the
15 incorporation of Comments 2, 3, and 4 to
16 these.
17 Comment No. 2 --
18 CHAIRMAN PHILLIPS: Do we
19 have any questions, Mary?
20 MS. MERRITT: On Number 1?
21 CHAIRMAN PHILLIPS: Yes, on
22 Number 1 before we go to 2?
23 MS. MERRITT: Okay.

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1 CHAIRMAN PHILLIPS: So
2 you're pulling that comment that you made?
3 DR. RICHARDSON: Correct,
4 I'd like to strike that comment in that
5 editorial amendment, if you will.
6 CHAIRMAN PHILLIPS: All
7 right. So do you want to walk us through
8 the others?
9 DR. RICHARDSON: I will walk
10 you through the others. On Section 2 of
11 the guidelines where the sentence currently
12 reads, "The topic of any presentation made
13 to the Commission should be related
14 directly to the Commission's functions and
15 how to improve the environment." And I
16 would like for us to strike "and how to
17 improve the environment" and replace that
18 -- you know, not replace that, just strike
19 that, that the comment should be "directly
20 related to the Commission's functions and
21 things that we can act on."
22 Any questions or comments about
23 that?

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1 CHAIRMAN PHILLIPS: Huh-huh.
2 MS. MERRITT: Huh-huh.
3 DR. RICHARDSON: Number 3 is
4 in the guidelines addressing repetitive
5 presentations. And as it's currently set
6 up, it really doesn't allow for repetitive
7 topic presentations. And I would like to
8 insert at the very end, "Unless new and
9 substantive information is provided." So
10 that in the event that new information has
11 come up and made available, whatever, that
12 this would allow a person to readdress that
13 particular topic, if we choose -- if we
14 choose to allow them to readdress that
15 topic. Regardless, but I think that makes
16 it clear what our thoughts and intentions
17 are.
18 CHAIRMAN PHILLIPS: I think
19 that's a good addition that we most
20 certainly -- if there's new information,
21 that we should reconsider, I think it's
22 good that we clarify that.
23 MS. MERRITT: And I agree

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1 with both of you.
2 DR. RICHARDSON: And then
3 the fourth and final comment is in Number
4 11, Guideline 11, and relates directly to
5 the same statement in Guideline No. 2, and
6 that is, "Commission's functions and how to
7 improve the environment." And I want that
8 to be "Commission's functions."
9 CHAIRMAN PHILLIPS: Any
10 question about that Ms. --
11 MS. MERRITT: Huh-huh, I
12 don't have any.
13 CHAIRMAN PHILLIPS: Okay.
14 So I would ask the Committee to look back
15 through the draft guidelines, with
16 Commissioner Richardson's comments as he's
17 presented them to us, and let's just be
18 certain that we have them in the form that
19 we're ready to get them to the full
20 Commission and the public.
21 DR. RICHARDSON:
22 Mr. Chairman, I'd like to ask that maybe
23 Debi could incorporate these as we just

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1 discussed and redistribute, since there's
2 no opposition from the Committee to make
3 those changes.
4 Robert, you didn't see any
5 particular issues that gave you reason to
6 pause on any of these?
7 MR. TAMBLING: I did not.
8 DR. RICHARDSON: So if we
9 could get those redistributed, then we can
10 look at those from that standpoint. Thank
11 you.
12 CHAIRMAN PHILLIPS: So do I
13 have a motion to accept the guidelines with
14 the corrections that Commissioner
15 Richardson made?
16 MS. MERRITT: I move that we
17 accept those guidelines that Commissioner
18 Richardson has given to us.
19 CHAIRMAN PHILLIPS: Do I
20 have a second?
21 DR. RICHARDSON: Second.
22 CHAIRMAN PHILLIPS: Any
23 further discussion?

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1 I'd just like to clarify that
2 once we make this approval, Debi is going
3 to make those changes.
4 Debi, you will get them back to
5 us, just to make -- we will go through them
6 one last time, then we will get them to the
7 full Commission, and out to the public,
8 correct?
9 DR. RICHARDSON: Yes, that's
10 my understanding.
11 MS. MERRITT: Okay.
12 DR. RICHARDSON: That's very
13 appropriate.
14 CHAIRMAN PHILLIPS: So all
15 in favor with the motion, signify the sign
16 "aye."
17 (All Committee members
18 signify "aye")
19 CHAIRMAN PHILLIPS: All
20 opposed, same sign.
21 (No response)
22 CHAIRMAN PHILLIPS: Motion
23 carries.

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1 DR. RICHARDSON: And, also,
2 just for further clarification, that the
3 public will be allowed to make comments on
4 these guidelines.
5 CHAIRMAN PHILLIPS: Yes.
6 DR. RICHARDSON: And those
7 will be taken into consideration, but by
8 the Commission, rather than by the
9 Committee.
10 CHAIRMAN PHILLIPS: I would
11 agree with that clarification, but just
12 point out that this is not a rule that
13 we're issuing. So it isn't going out for
14 formal rulemaking and subject to the same
15 requirements as formal rulemaking. But,
16 most certainly, we will accept public
17 comments and bring those before the
18 Commission when the Commission looks to
19 accept it.
20 Correct, Robert?
21 MR. TAMBLING: Correct. And
22 I would assume that by just accepting
23 comments you're not going to require

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1 reconciliation statements, as would be
2 required by formal rulemaking?
3 CHAIRMAN PHILLIPS: That is
4 my intent; therefore, it wouldn't be --
5 we'd be following rulemaking if we were
6 doing that, and these are not intended as
7 rules. These are guidelines.
8 MR. TAMBLING: Thank you.
9 CHAIRMAN PHILLIPS: Thank
10 you.
11 Moving on to Agenda Item No. 3:
12 Discussion on the policy issue of
13 environmental justice and what, if any,
14 action the Rulemaking Committee should
15 take.
16 I want to note that the purpose
17 of this is really to open up to the full
18 Committee the policy issue of environmental
19 justice and have a discussion about it.
20 I want to call on Commissioner
21 Richardson to start that discussion, since
22 you brought that to the full Commission's
23 attention and asked that it be brought to

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1 the Rulemaking Committee.
2 DR. RICHARDSON: Thank you,
3 Mr. Chairman. Just very briefly, kind of
4 give it a little sort of a history, as I
5 know it, which I will be the first to admit
6 I'm not the best versed in this particular
7 area, though I'm getting that way slowly
8 but surely.
9 But President Clinton in '94
10 signed an Executive Order 12898 that
11 basically said that the federal
12 departments, including EPA, were to promote
13 environmental justice, and it names off
14 some specifics that kind of defines what
15 environmental justice is and so forth and
16 so on.
17 And so this idea of
18 environmental justice and the pursuit of it
19 has been around for quite some time, going
20 on, what, now 22 years. Two years ago, at
21 the June meeting, Mr. Ludder gave a
22 presentation on Environmental Justice in
23 Alabama, and the ADEM Environmental Justice

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1 else or be prejudiced in who we included.
2 That wasn't the intent at all. It was the
3 fact that he had just simply made the
4 presentation and brought the idea and the
5 concept forth.
6 So the idea then, we already at
7 that point had these public comments before
8 us as Rulemaking Committee, and we knew we
9 wanted to be slow and deliberative and in
10 making those changes. So the idea then was
11 to take this up following that. Well,
12 we're just about finished with that, so I
13 think it's time to begin our changing our
14 thinking and shifting more towards that
15 topic as it becomes the primary topic that
16 the Rulemaking Committee focuses on.
17 So this past April, end of
18 March, actually, prior to the last
19 Commission meeting and Rulemaking Committee
20 meeting -- which I did not get to attend
21 but -- and then again this past week, I
22 sent out several documents to the members
23 of the Rulemaking Committee. I sent out

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1 Policy that is in place, or the practices
2 that are in place and currently used.
3 Following that meeting, I
4 consulted with you, as Chair of the
5 Rulemaking Committee, what you thought
6 about the ideas that were presented in that
7 meeting and that perhaps we should look
8 into this. My thinking was that at this
9 point, even if EPA -- they're making moves
10 on this, but nothing is to the level of law
11 yet. But they do have policies and
12 guidelines, and I thought that it would be
13 good if we would be a little more proactive
14 in this in pursuing this particular issue.
15 With that in mind, I think the
16 two of us, if I remember -- it may have
17 just been me, approached Mr. Ludder in the
18 hallway. And because he had just given a
19 presentation on the matter, I asked him if
20 he would mind putting together some
21 specific comments for me that would help us
22 as we began to pursue this particular
23 issue. I am not trying to exclude anyone

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1 the Executive Order 12898. I sent out a
2 version, I believe it was Version 3, of
3 ADEM Environmental Justice Activities that
4 the Director had prepared some time back,
5 the Director's report that he made to the
6 Environmental Management Commission at that
7 particular April meeting, a statement
8 from -- titled Disparate Impact from an --
9 I forget exactly what the testimony --
10 Equal Rights Commission maybe -- it was
11 testimony before the Equal Rights
12 Commission, something like that -- I don't
13 remember the specifics, and then
14 Mr. Ludder's letter to me that contained
15 his comments and his thoughts about some
16 specific things towards the policy.
17 There's a lot more to come. I
18 would like to encourage my fellow Committee
19 members to go to Environmental Justice on
20 Environmental Protection Agency's website.
21 There's a lot of helpful information there,
22 and at least I think that's relevant
23 because it would tend to put our mindset in

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1 what the Environmental Protection Agency's
2 mindset is, what their energy is. They're
3 just kind of moving out of what they refer
4 to as "Plan 2014" and they're moving into
5 what is now better known as "Agenda 2020."
6 I think that's right. I may have my
7 nomenclature mixed up a little bit. But
8 that's where this is headed to, "Action
9 Agenda 2020," yes.

10 So my thoughts right now is for
11 us to just begin reviewing these documents,
12 because there's going to be a lot of
13 documents to review. And I think that what
14 we want to pay attention to at this point
15 is kind of what the Department -- you know,
16 the things we have in front of us, get
17 ourselves as well versed on the topic as we
18 possibly can, and then we can see how we
19 want to proceed in terms of what the
20 Department should or should not be doing.

21 Pretty much that's it. I think
22 that, depending on what some of the things
23 that will be revealed here in a moment, I

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1 public comment maybe as a basis for what we
2 did?

3 MS. MERRITT: Well --

4 CHAIRMAN PHILLIPS: Any
5 thoughts?

6 MS. MERRITT: I just started
7 reading that Environmental Justice, you
8 know, the information that --

9 CHAIRMAN PHILLIPS: Terry
10 sent --

11 MS. MERRITT: Yes, that he
12 sent out. So I'm just bringing -- getting
13 up to speed of what, you know -- and how to
14 get there. Also, get the letter that --
15 was a letter that Mr. Ludder, he had sent
16 out, you know, when we had that meeting.
17 All the information you had sent out, I did
18 start reading that in trying to bring
19 myself up to, you know, what it's all
20 about.

21 DR. RICHARDSON: Well, I
22 think for certain, Mr. Chairman, that, you
23 know, I think one of the big successes in

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1 think we should probably plan on coming
2 back thinking towards full discussion more
3 like in October, at the October meeting,
4 seeing as how we still have some of this
5 public comment to deal with, put to rest at
6 the August meeting. And some of us will
7 pin upon this next area.

8 So that's pretty much what I had
9 to say. I just wanted to bring everybody
10 up to speed, make sure you have the
11 documents, that you know what we need to be
12 looking at and reviewing. And I will be
13 sending other stuff that I find forward and
14 be copying you guys and Mr. Tambling as
15 well.

16 So thank you, Mr. Chairman.

17 CHAIRMAN PHILLIPS: Any
18 other discussion, and specifically about
19 what Commissioner Richardson just provided
20 to us, but specifically any discussion from
21 the Committee or thoughts relative to
22 process? I mean, how do you envision us
23 moving forward with this, kind of using the

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1 the public comment consideration is when we
2 had the joint roundtable meeting. And I
3 think that there will be a point at which
4 we probably would wish to do that again
5 with this particular topic. It might not
6 be before the next meeting on this issue.
7 But I definitely think before we start
8 really putting pencil to paper with things
9 that we think the direction this should go,
10 we should sit down and enter into some
11 serious roundtable discussion with
12 stakeholders and things. That's just my
13 thoughts. I appreciate your comment along
14 those lines as well.

15 CHAIRMAN PHILLIPS: My
16 comment relative to process is I think we
17 need to be as thorough and deliberate as we
18 were in the public comment as Rulemaking.

19 DR. RICHARDSON: Yes.

20 CHAIRMAN PHILLIPS: I think
21 we did it correctly. I think we did it
22 deliberately. I think we spent a lot of
23 time before we ever crafted a proposed rule

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1 change. We actually didn't go in the
2 public comment period thinking that there
3 was going to be a proposed rule change
4 until after we really spent the time to
5 understand how everyone felt about the
6 existing rule. I think we need to do the
7 same thing here. I don't think we should
8 go into this thinking necessarily that
9 there's a problem that we need to fix --
10 MS. MERRITT: Just --
11 CHAIRMAN PHILLIPS: --
12 without knowing whether there is. And,
13 with that, you know, I appreciate greatly,
14 Commissioner Richardson, the information
15 that you've shared with us. It was quite a
16 bit. It's pretty voluminous, but very
17 helpful in understanding the issues and the
18 different perspectives. And I think in
19 light of that, you know, I would really
20 like to get more information. I'd like to
21 understand it better from all perspectives.
22 And so I'm going to -- I'm going
23 to ask -- so that you don't have to do the

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1 think it's important for this Committee to
2 understand the distinction between the two.
3 DR. RICHARDSON: And I might
4 add, and there's certainly some
5 intermingling in there as well, and I think
6 it's very clear that as we approach this
7 topic, that we need to know exactly where
8 Title VI is versus where EJ itself is and
9 where they co-mingle.
10 CHAIRMAN PHILLIPS: And I
11 think that the next item is a true
12 explanation. I was going to say
13 "definition," but I think it's probably
14 better an explanation of EJ as currently
15 set forth by EPA.
16 Commissioner Richardson directed
17 us to the website at EPA, and I think
18 that's great, but I think it would be --
19 and I know, through the information that
20 you've already sent us, that EPA is
21 progressing -- continuing to progress the
22 agenda of EJ, so I think it's important for
23 us to understand that as fully as we can.

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1 heavy lifting, and, Mary, you don't have to
2 do it, and I don't have to do it. I'm going
3 to ask Robert and Debi to do it.
4 And what I mean by "do it" is I
5 think there's some information, Robert,
6 that we really need -- and, Debi, that we
7 really need before we can really sincerely
8 start, and I think maybe October is the
9 right time frame, but I think it's the
10 right time frame to start the process. I'm
11 not sure that we'll really have time to go
12 through a roundtable like we did before
13 then.
14 And, Robert, what I would really
15 like to see is -- and I think the full
16 Committee, please chime in here if you want
17 more or less, is the distinction between
18 Title VI and Environmental Justice. I
19 think it's important -- in Commissioner
20 Richardson's comments just a moment ago, he
21 said really there's an executive order, not
22 a rule, not a federal requirement, not a
23 law for EJ. There is for Title VI, and I

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1 And then I think we need to
2 understand ADEM's activities, what ADEM's
3 doing. I know that is happening, that
4 there are actions and activities occurring
5 now. And I think we need to understand
6 that, both in the sense of Title VI and EJ.
7 And if there are gaps -- I'm not
8 saying there are, but if there are, just we
9 need to understand what those gaps are.
10 And then the final thing,
11 Robert, I would add to that is, we are the
12 Environmental Management Commission. We
13 have a state legislature. I think it's
14 important for us to understand the
15 perspective of the state legislature and
16 any laws that have been passed in the past,
17 any bills that may be proposed in the
18 future, and how those impact what we take
19 up in the realm of environmental justice.
20 And I tried to think of less to
21 give you, but -- and I think if we could
22 start getting that type of information,
23 even if it's not totally complete, by our

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1 next meeting in August, just kind of an
2 update on where we are. If we have it
3 August, great. If we don't -- but I think
4 before we really step into a process
5 surrounding environmental justice, we
6 really need that information --
7 DR. RICHARDSON: Correct.
8 CHAIRMAN PHILLIPS: -- to
9 thoroughly understand it.
10 MS. MERRITT: I agree.
11 DR. RICHARDSON: And that's
12 in part, my understanding, would be
13 October, or maybe even December, because I
14 want to hear from Robert along these lines
15 before we really get deep into it.
16 And you may need the time.
17 MR. TAMBLING: Yes.
18 CHAIRMAN PHILLIPS: You
19 don't have anything else to do, do you?
20 MR. TAMBLING: Yes, I think
21 I will need the time.
22 DR. RICHARDSON: Very flat
23 this summer, so no other issues to deal

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1 next regular Commission meeting is
2 scheduled for August 19th at 11 a.m. in
3 this room.
4 So any motion?
5 DR. RICHARDSON: Before I
6 make the motion, I want to ask if -- on the
7 public comment, do we have -- will there be
8 more for us to discuss at that --
9 CHAIRMAN PHILLIPS: At the
10 August meeting?
11 DR. RICHARDSON: Possibly.
12 CHAIRMAN PHILLIPS: Possibly
13 on the guidelines, if we've received any
14 comments or we've heard anything from
15 Commissioners before we go to the full
16 Commission meeting on the proposed rule
17 that might be relevant that we need to
18 bring to the Commission's attention.
19 DR. RICHARDSON: Then I
20 would move to set the next Committee
21 meeting on August 19th at ten o'clock in
22 this room.
23 CHAIRMAN PHILLIPS: Okay.

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1 with.
2 CHAIRMAN PHILLIPS: So those
3 are my thoughts, Commissioners, as you've
4 asked.
5 Any other thoughts or comments
6 that you would like to share today on this
7 topic?
8 DR. RICHARDSON: Nothing
9 other than I just concur with the comments
10 that you just made, and I think that will
11 help us get started on the topic.
12 CHAIRMAN PHILLIPS: Moving
13 to Agenda Item No. 4: Other Business. Is
14 there any other business to come before
15 this Committee.
16 (No response)
17 CHAIRMAN PHILLIPS: Hearing
18 none, I will move to Agenda Item No. 5:
19 Future Rulemaking Committee meeting.
20 Considering what we just talked about, it
21 seems that we need to have a meeting in
22 August, so I will entertain a motion for a
23 possible future Committee meeting. Our

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1 MS. MERRITT: Okay. I
2 second.
3 CHAIRMAN PHILLIPS: I have a
4 motion and a second.
5 Any further discussion?
6 (No response)
7 CHAIRMAN PHILLIPS: Hearing
8 none, call the question: All in favor,
9 signify with the sign "aye."
10 (All Committee members
11 signify "aye")
12 CHAIRMAN PHILLIPS: All
13 opposed, same sign.
14 (No response)
15 CHAIRMAN PHILLIPS: Motion
16 carries.
17 I will entertain a motion to
18 adjourn.
19 MS. MERRITT: So moved.
20 DR. RICHARDSON: Second.
21 CHAIRMAN PHILLIPS: All in
22 favor?
23 (All Committee members

1 signify "aye")
2 CHAIRMAN PHILLIPS: Meeting
3 is adjourned. Thank you.
4 (The meeting is adjourned at
5 10:26 a.m.)
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1 STATE OF ALABAMA)
2 COUNTY OF MONTGOMERY)
3
4 I hereby certify that the above
5 proceedings were taken down by me and
6 transcribed by me using computer-aided
7 transcription and that the above is a true
8 and accurate transcript of said proceedings
9 taken down by me and transcribed by me.
10 I further certify that I am
11 neither of kin nor of counsel to any of the
12 parties nor in anywise financially
13 interested in the outcome of this case.
14 I further certify that I am duly
15 licensed by the Alabama Board of Court
16 Reporting as a Certified Court Reporter as
17 evidenced by the ACCR number following my
18 name found below.
19
20
21
22 _____
23 VICTORIA CASTILLO, ACCR #17, 9/30/16
FREELANCE COURT REPORTER


1 STATE OF ALABAMA)

2 COUNTY OF MONTGOMERY)

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19
20 
21

22 VICTORIA CASTILLO, ACCR #17, 9/30/16

23 FREELANCE COURT REPORTER

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Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Order to adopt motion to accept the draft guidelines with the corrections
Commissioner Richardson made
(Agenda Item 2)**

Attachment 1

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

DATE: June 17, 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 April 15, 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 APRIL 15, 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 335-2, 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

Attachment 2

BEFORE THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

MOTION

Accept the draft guidelines with the corrections that
Commissioner Richardson made

ORDER

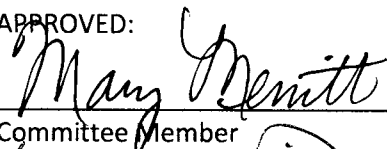
This cause having come before the Rulemaking Committee pursuant to the above motion, and having considered the same, the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

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

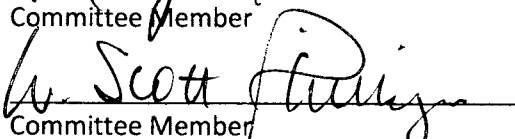
Rulemaking Committee Order
Page 2

ISSUED this 17th day of June 2016.

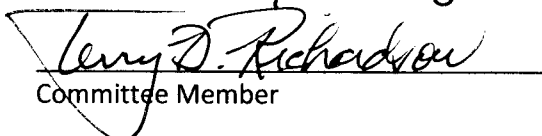
APPROVED:



Committee Member



Committee Member



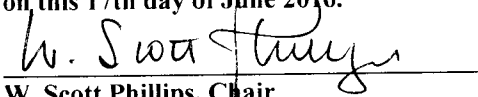
Committee Member

DISAPPROVED:

Committee Member

Committee Member

This is to certify that this Order is a true and accurate account of the actions taken by the Rulemaking Committee on this 17th day of June 2016.



W. Scott Phillips, Chair
Rulemaking Committee
Certified this 17th day of June 2016