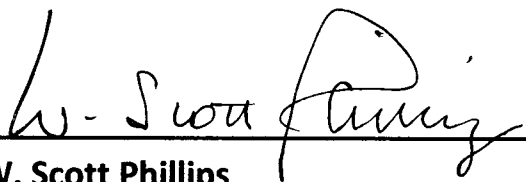


**10/20/14**

**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  
August 15, 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 August 15, 2014.**



---

**W. Scott Phillips**

**Chair**

**Rulemaking Committee**

**Alabama Environmental Management Commission**

**Certified this 17th day of October 2014.**

**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  
August 15, 2014**

**Convened: 10:04 a.m.  
Adjourned: 10:09 a.m.**

**Part A**

**Transcript  
Word Index**

**Part B**

**Attachment Index  
Attachment 1  
Attachment 2**

**Part A**

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1 MEETING OF THE  
2 RULEMAKING COMMITTEE  
3 OF THE  
4 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
5  
6  
7  
8  
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10  
11 ALABAMA DEPARTMENT OF ENVIRONMENTAL  
12 MANAGEMENT  
13 Alabama Room  
14 1400 Coliseum Boulevard  
15 Montgomery, Alabama 36110-2400  
16 August 15, 2014  
17 10:04 a.m.  
18  
19  
20  
21  
22  
23 Taken by: Victoria M. Castillo, CCR#17

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1 CHAIRMAN PHILLIPS: Good  
2 morning. We will call to order the  
3 Rulemaking Committee Meeting of August  
4 15th, 2014. Acknowledge that we have a  
5 quorum.  
6 Agenda Item No. 1 is  
7 consideration of the minutes of the meeting  
8 held of the Rulemaking Committee on  
9 February 20th, 2009. So I will entertain a  
10 motion from the Committee regarding the  
11 minutes.  
12 DR. RICHARDSON: Move to  
13 adopt the minutes of the February 20th,  
14 2009 Committee meeting as distributed.  
15 CHAIRMAN PHILLIPS: Second  
16 to the motion from me. Any other  
17 discussion?  
18 (No response)  
19 CHAIRMAN PHILLIPS: All in  
20 favor of the motion, signify with the sign  
21 "aye."  
22 (All Committee members  
23 signify "aye.")

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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 Terry D. Richardson, Ph.D.  
6  
7 COMMITTEE MEMBER NOT PRESENT:  
8 Mary J. Merritt  
9  
10 ALSO PRESENT:  
11 Robert Tambling, EMC Legal Counsel  
12 Debi Thomas, EMC Executive Assistant  
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1 CHAIRMAN PHILLIPS: Motion  
2 carries. Do you want to wait until we get  
3 to the end before -- so we don't have to do  
4 anything?  
5 MS. THOMAS: We don't have  
6 to sign that.  
7 CHAIRMAN PHILLIPS: Agenda  
8 Item No. 2 is the discussion and the  
9 consideration of Division 2 of the  
10 Environmental Management Commission  
11 Regulations, Rule 335-2-3-.05, Agenda,  
12 Sections 1 through 3.  
13 I will open up the floor for  
14 some discussion before we go any further.  
15 I will start, Dr. Richardson. In my view  
16 of what we've been asked to do by the  
17 Committee is to look at our public comment  
18 sections. The Agenda portion is Section  
19 No. 1, but Sections 2 and 3 are really  
20 guidelines that we passed earlier relative  
21 to public comment.  
22 Personally I believe that what  
23 we did not do in those guidelines was to be

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1 very specific on what the Commission could  
2 do about different things. We have  
3 different roles than the Department has.  
4 And, from my perspective, I think it's  
5 helpful if we can help the public  
6 understand that we really need to hear from  
7 them in the areas where we have control,  
8 things like overseeing the Director,  
9 policy -- environmental policy for the  
10 State, and then in the need for modifying  
11 appealing, adding, or deleting rules and  
12 regulations.  
13 DR. RICHARDSON: I concur  
14 wholeheartedly. I think what's important  
15 here is before we start entertaining any  
16 changes to the rules and guidelines that we  
17 have that we do hear from the public, and I  
18 think that's the idea of the motion to come  
19 is that we will indeed do that, and I think  
20 that's very important.  
21 CHAIRMAN PHILLIPS: I do,  
22 too. With that being said, I would  
23 recommend that our Committee solicit the

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1 Correct?  
2 DR. RICHARDSON: Yes.  
3 CHAIRMAN PHILLIPS: Second.  
4 All in favor of the motion, signify with  
5 the sign "aye."  
6 (All Committee members  
7 signify "aye.")  
8 CHAIRMAN PHILLIPS: Motion  
9 carries. Agenda Item No. 3 is other  
10 business. Do we have any other business to  
11 come before the Committee?  
12 (No response)  
13 CHAIRMAN PHILLIPS: No other  
14 business, we will move to Agenda Item No.  
15 4, which is our future Rulemaking Committee  
16 Meeting which is scheduled for October  
17 17th, 2014. That's just prior to our  
18 regular meeting, correct?  
19 MS. THOMAS: Yes, sir.  
20 CHAIRMAN PHILLIPS: So I  
21 will accept a motion for the Committee  
22 meeting on October 17th at 10 a.m. in this  
23 conference room.

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1 input or solicit input from the public  
2 through written comments regarding the  
3 current rule that we have and the proposed  
4 changes, improvements, anything that they  
5 would like to offer relative to those  
6 sections of the rule, and submit those  
7 comments by September 15th, 2014 by the end  
8 of the day, 5 p.m., to the Rulemaking  
9 Committee through Debi.  
10 So I will entertain a motion  
11 relative to that.  
12 DR. RICHARDSON: I would  
13 move to adopt the Chair's recommendation.  
14 CHAIRMAN PHILLIPS: Okay.  
15 So I have a motion to accept the  
16 recommendation -- let me see if I can say  
17 it again -- that we solicit input from the  
18 public through written comments regarding  
19 the current rule and proposed changes or  
20 improvements, if any, to these sections of  
21 this rule and set a deadline of 5 p.m. on  
22 September 15th, 2014, for the comments to  
23 be submitted to the Rulemaking Committee.

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1 DR. RICHARDSON: So move.  
2 CHAIRMAN PHILLIPS: Second.  
3 All in favor, signify with the sign "aye."  
4 (All Committee members  
5 signify "aye.")  
6 CHAIRMAN PHILLIPS: And I  
7 will look for a motion to adjourn.  
8 DR. RICHARDSON: So move.  
9 CHAIRMAN PHILLIPS: Second.  
10 Thank you.  
11 (The meeting concluded at  
12 10:09 a.m.)  
13 \*\*\*\*\*  
14  
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22  
23

1 STATE OF ALABAMA)

2 COUNTY OF MONTGOMERY)

3  
4  
5 I hereby certify that the above  
6 proceedings were taken down by me and  
7 transcribed by me using computer-aided  
8 transcription and that the above is a true  
9 and accurate transcript of said proceedings  
10 taken down by me and transcribed by me.

11 I further certify that I am  
12 neither of kin nor of counsel to any of the  
13 parties nor in anywise financially  
14 interested in the outcome of this case.

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

20  
21 Victoria Castillo

22 VICTORIA CASTILLO, ACCR #17, 9/30/14

23 FREELANCE COURT REPORTER

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**Part B**

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**Attachment 1**

**Agenda**

**Attachment 2**

**Order to adopt the Chair's recommendation  
(Agenda Item 2)**

**Attachment 1**

7/16/14

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

DATE: August 15, 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 February 20, 2009\*\*
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 FEBRUARY 20, 2009
2. DISCUSSION AND CONSIDERATION OF DIVISION 2, ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS, RULE 335-2-3-.05, AGENDA, SECTIONS (1) THROUGH (3)

On June 20, 2014, the Environmental Management Commission by adopted motion referred to the Rulemaking Committee re-examination and study of Rule 335-2-3-.05, Agenda, Sections (1) through (3), and to further report back its findings to the full Commission along with any recommendations as needed to amend the rule. 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

**Attachment 2**

BEFORE THE  
RULEMAKING COMMITTEE  
OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

ORDER

This cause having come before the Rulemaking Committee pursuant to the Chair's recommendation that the Committee solicit input from the public through written comments regarding the current R. 335-2-3-.05, Agenda, Sections (1) through (3), and proposed changes, or improvements, to these sections of this rule and set the deadline of 5:00 p.m. on September 15, 2014, for the comments to be submitted to the Rulemaking Committee, the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the Chair's recommendation referenced above 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.

Issued this 15<sup>th</sup> day of August 2014.


APPROVED:

  
\_\_\_\_\_  
Committee Member

  
\_\_\_\_\_  
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 15th day of August 2014.

  
\_\_\_\_\_  
W. Scott Phillips, Chair  
Rulemaking Committee  
Certified this 15th day of August 2014