

10/19/15

**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
August 21, 2015**

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 21, 2015.

A handwritten signature in black ink, reading "W. Scott Phillips", is written over a solid horizontal line. The signature is cursive and fluid.

W. Scott Phillips

Chair

Rulemaking Committee

Alabama Environmental Management Commission

Certified this 16th day of October 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
August 21, 2015**

**Convened: 10:00 a.m.
Adjourned: 10:22 a.m.**

Part A

**Transcript
Word Index**

Part B

**Attachment Index
Attachment 1
Attachment 2**

Part A

Page 1

1 MEETING OF THE RULEMAKING COMMITTEE
 2 OF THE
 3 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
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 10 ALABAMA DEPARTMENT OF ENVIRONMENTAL
 11 MANAGEMENT
 12 Alabama Room
 13 1400 Coliseum Boulevard
 14 Montgomery, Alabama 36110-2400
 15 August 21, 2015
 16 10:00 a.m.
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 20
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 23

Page 3

1 CHAIRMAN PHILLIPS: We'll
 2 call the Rulemaking Committee to
 3 order and acknowledge that we
 4 have a quorum of the Rulemaking
 5 Committee.
 6 First agenda item is
 7 consideration of the minutes
 8 from the meeting held on April
 9 the 17th, 2015.
 10 I'll entertain a motion from
 11 the Committee regarding the
 12 minutes.
 13 DR. RICHARDSON: Move to
 14 adopt the minutes of the April
 15 17th, 2015, meeting.
 16 CHAIRMAN PHILLIPS: Do I
 17 have a second?
 18 MS. MERRITT: Second.
 19 CHAIRMAN PHILLIPS: I have a
 20 motion and second to accept and
 21 adopt the minutes of the April
 22 17th, 2015, committee meeting.
 23 Any discussion?

Page 2

1 Taken by: Charity McCulley, CCR #424
 2 A P P E A R A N C E S
 3
 4 COMMITTEE MEMBERS PRESENT:
 5 W. Scott Phillips, Chair
 6 Terry D. Richardson, Ph.D.
 7 Mary J. Merritt
 8
 9
 10 ALSO PRESENT:
 11 Robert D. Tambling, EMC Legal Counsel
 12 Debi Thomas, EMC Executive Assistant
 13
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Page 4

1 (No response.)
 2 CHAIRMAN PHILLIPS: No
 3 discussion. All in favor
 4 signify with the sign of aye.
 5 THE COMMITTEE: Aye.
 6 CHAIRMAN PHILLIPS: All
 7 opposed?
 8 (No response.)
 9 CHAIRMAN PHILLIPS: We
 10 accept that adoption of the
 11 minutes.
 12 Agenda item number two.
 13 We're going to move to the
 14 discussion and consideration of
 15 our Division 2 Environmental
 16 Management Commission
 17 regulations. Rule 335-2-3-.05,
 18 agenda sections 1 through 3.
 19 I'll note that we're continuing
 20 our examination of this and the
 21 study of this rule. You'll note
 22 also that Debi sent out some
 23 information from past committee

Page 5

1 meetings and commission meetings
2 regarding when this was taken up
3 before. It did not continue
4 through the Rulemaking Committee
5 at that time. Comments made at
6 the Rulemaking Committee session
7 on February the 20th, we sent
8 out, by Debi, she sent that out
9 to all of us, and the
10 Commissioners and participants
11 of that meeting, so that we
12 could continue to look at those.
13 So what I would really like for
14 us to do now is to discuss what
15 we've got in front of us. I'll
16 also point out that Commissioner
17 Richardson took the first step
18 for his thoughts of what he
19 thought we might consider. But
20 I would just like to open it up
21 for the Committee members who
22 have any discussions relative to
23 what we have in front of us.

Page 7

1 only have just received this, is
2 that we use this as a place to
3 begin taking the comments that
4 we've received and working on
5 the actual rule itself. Not
6 suggesting for a minute that
7 these additions or deletions
8 actually become a part of the
9 rule. It could be that we make
10 these additions and leave the
11 rule pretty much unchanged and
12 make these additions or
13 deletions a part of the
14 guidelines. On the other hand,
15 it could certainly be a part of
16 the rule changes; it depends on
17 how we decide to go with it.
18 Nonetheless, what I thought
19 was, we needed something
20 actually down to start working
21 on, and that's what I feel like
22 I've provided here.
23 CHAIRMAN PHILLIPS: Thank

Page 6

1 Anybody want to start? Mr.
2 Richardson?
3 DR. RICHARDSON: I'll just
4 start by commenting, kind of
5 putting my thoughts out, of
6 where I was when I put this work
7 in progress together. And that
8 was, I felt like, after we had
9 all of the comments in
10 summarized, that we needed to
11 take -- I felt I needed to take
12 what was in those comments and
13 somehow take them from comments
14 to the rule itself. And that's
15 kind of what I've done here, is
16 taken what I thought were some
17 of the major concerns that the
18 public had, that the Committee
19 had, and that the Commission
20 had, and tried to address them
21 in just a draft. That's simply
22 all it is. And what I would
23 recommend is that since you all

Page 8

1 you, Commissioner Richardson.
2 Commissioner Merritt, do you
3 have any thoughts?
4 MS. MERRITT: Well, I like
5 the way it's put together, and
6 it is something for us to start
7 working on. And we can agree
8 that we can take this and look
9 at it and compare it with our
10 old rules and see what we need
11 to decide on, whether to let the
12 old rule stay or make the
13 changes that he put together
14 here.
15 CHAIRMAN PHILLIPS: Thank
16 you, Commissioner Merritt. One
17 of the thoughts that I have is
18 before we really get into what
19 you've proposed here,
20 Commissioner Richardson, is do
21 we really want to go to a full
22 rulemaking change, or do we
23 really want to try to do

Page 9

1 something in more of a guidance
2 initially, maybe see if that
3 works. If it works, then great:
4 If it doesn't, then perhaps we
5 have to go to a rulemaking.
6 One of the things that I did
7 like, Commissioner Richardson,
8 and what you proposed, is really
9 kind of a tiered approach of
10 hearing from the public, giving
11 people the opportunity to sign
12 up before a meeting and present
13 or just make comments to us
14 without presentation materials.
15 But also, those that really
16 would like to spend a little
17 more time with us, educating us
18 or providing information to us,
19 having the opportunity to do
20 that in a way that gives us time
21 to absorb it, and also give them
22 time to prepare for it. So I
23 thought that was nice,

Page 11

1 prepared when someone wants to
2 stand up and address us
3 substantially with five, ten,
4 fifteen-minute presentations
5 with visual aids and all of
6 that. We need to be prepared.
7 And I feel like it's appropriate
8 for us to receive that material
9 upfront, come in prepared.
10 On the other hand, I can
11 also see where members of the
12 public, just a couple of
13 statements they want to make, to
14 bring something to our
15 attention, and I think that's
16 appropriate to have a meeting
17 for that.
18 CHAIRMAN PHILLIPS: I was
19 struck really by how little
20 modifications were really
21 required in what you did to give
22 us that tiered approach to the
23 rule. And it seems to me that

Page 10

1 considering what we had heard
2 from the group.
3 DR. RICHARDSON: And also,
4 in that approach like that --
5 again, all of these came from
6 comments that were made during
7 the group meeting that we had.
8 I mean, it could be that we
9 could use some hybrid approach.
10 It could be that more
11 substantial comments could
12 actually become a part of the
13 rule, whereas the more briefer
14 comments, where people just sign
15 in as something we try as a
16 guideline. Again, there was no
17 real intent for specific rule
18 change in what I've presented
19 here. It's really just --
20 again, gives us a place to
21 start. But I did try to take a
22 two-tiered approach because I
23 think that we need to be

Page 12

1 -- and, Robert, correct me if
2 I'm wrong, but it seems to me
3 that it really is within the
4 management of our meetings that
5 these items that you've included
6 are really more guidance for how
7 we manage our meeting, as
8 opposed to really a hard rule
9 for it.
10 DR. RICHARDSON: Right.
11 CHAIRMAN PHILLIPS: And I
12 think we're within the purview
13 of the existing rule to be able
14 to do that. Maybe something
15 that you want to look at.
16 MR. TAMBLING: Yeah, I'm
17 going to need to look at that,
18 Commissioner Phillips.
19 DR. RICHARDSON: I mean, I
20 guess what I'm hearing is I
21 think we need guidance from you
22 now that you have a little more
23 of something in front of you.

Page 13

1 MR. TAMBLING: Yes.
2 DR. RICHARDSON: We need
3 guidance from you as to what of
4 this really would require a
5 rules change or just be guidance
6 and a part of meeting
7 management.
8 MR. TAMBLING: All right.
9 DR. RICHARDSON: If it
10 requires a rule change, so be
11 it; if not, it might be that the
12 more expedient way is to handle
13 this under just a matter of
14 managing meetings just for a
15 period to see how it goes. And
16 if it all seems to work very
17 well, we'll make a rule change
18 then, maybe then. I don't know.
19 CHAIRMAN PHILLIPS: I think
20 that may be a good thing,
21 Robert, if you can look at this
22 between now and our next
23 meeting.

Page 14

1 To kind of summarize, I'm
2 going to summarize very briefly
3 what you've proposed here,
4 because I want to make sure that
5 there's not something that
6 anyone on the Committee thinks
7 was left out. To really
8 summarize, you've set up --
9 written comments are always
10 welcome. The public would sign
11 up for a brief three-minute or
12 less comment period at the
13 beginning of the meeting, and
14 the Chair would manage that, and
15 we end up with 100 signups,
16 we're not going to be able to do
17 all of them.
18 DR. RICHARDSON: Again, it
19 has to be managed by the Chair.
20 It could be that may be only six
21 people -- time only allows six
22 people to talk that day.
23 CHAIRMAN PHILLIPS: Right.

Page 15

1 DR. RICHARDSON: And next
2 time it may allow ten people.
3 CHAIRMAN PHILLIPS: And then
4 for those that really want to
5 bring something more substantive
6 to the Commission, that they
7 would do that in a formal
8 process very similar to what we
9 have now. But it would be for
10 the meeting down the road, so
11 that the full Commission gets to
12 make --
13 DR. RICHARDSON: One of the
14 things that seems to be clear
15 from the general comments when
16 we all met together, was people
17 presenting and putting these
18 things together, wanted to know
19 before they got here, before
20 they traveled, if they were
21 going to be able to present or
22 not. Well, now, the way this
23 is, if you present us the

Page 16

1 material, we look over it, we
2 vote on it in our Commission
3 meeting and then get back to you
4 and say, yes, at the next
5 meeting you can present. And
6 that way you don't drive down
7 here and waste your time and be
8 turned down. You know up
9 front --
10 CHAIRMAN PHILLIPS: Right.
11 DR. RICHARDSON: -- whether
12 you're going to be allowed to
13 speak or not. Although, I do
14 understand it's a meeting
15 removed kind of thing, but
16 still, that was kind of what the
17 comments -- everybody seemed
18 that they would rather know a
19 meeting ahead on that.
20 CHAIRMAN PHILLIPS: But
21 that's only for those
22 substantive sessions anyway. I
23 mean, if someone wanted a

Page 17

1 three-minute signup to do a
2 public comment, they have that
3 ability at any meeting. And
4 then you add an e-mail.
5 DR. RICHARDSON: Yes.
6 CHAIRMAN PHILLIPS: Which
7 was a very popular comment. Was
8 there anything that we really
9 didn't cover in what you
10 suggested or you thought wasn't
11 necessary in what you suggested
12 that we heard? Anybody? Debi?
13 Robert? Did we miss anything?
14 DR. RICHARDSON: I mean,
15 there were definitely a few
16 items. But I still feel like by
17 allowing people to sign in, and
18 I suggested in here a stopping
19 point of five minutes before the
20 meeting convenes, that way we
21 can get the list and bring it up
22 here, and we know who's going to
23 be talking. That kind of

Page 18

1 addresses people who want to
2 speak but don't really have the
3 time to prepare something, maybe
4 just doesn't have the desire to
5 put together something more
6 substantial. But, yet, it
7 leaves open the possibility for
8 more substantial comments. So I
9 feel like, no, it did not
10 address every single item that
11 was discussed that day, but I
12 think it really hit our
13 concerns, as well as most of the
14 public's concerns. And that's
15 what I was striving for.
16 CHAIRMAN PHILLIPS:
17 Commissioner Merritt, did you
18 think there was anything that we
19 needed to add or modify?
20 MS. MERRITT: The only thing
21 I see in there is where you talk
22 about, you know, people come in
23 and they sign up. I'm thinking

Page 19

1 you might need to limit it. I
2 mean, how many people can sign
3 up. That's the only thing.
4 Because of the time. I mean,
5 you might have ten or fifteen
6 people, so I just think a limit
7 should probably be entered. I
8 mean, if we decide.
9 DR. RICHARDSON: And the
10 other thing -- I've already made
11 some comments on this markup,
12 this myself. I do think that
13 before we get, as a
14 sub-statement under two; public
15 comment, before we get to A, we
16 need a statement that says
17 something after consideration of
18 the agenda items, the Commission
19 may consider comments from
20 members of the public that deal
21 with concerns of the Commission
22 under the Commission's purview.
23 And specifically list the things

Page 20

1 we, as a Commission, can deal
2 with. Factors that we have
3 control over, and actually list
4 them there, which I think is
5 basically three categories,
6 maybe four categories. I'm not
7 positive of that. And list
8 those there; then have these
9 fall under that.
10 CHAIRMAN PHILLIPS: We have
11 three, but one of them I don't
12 think is something we can take
13 public comment on relative to
14 our judicial role.
15 DR. RICHARDSON: Correct.
16 That would be one thing I've
17 already seen that needs to be
18 added to this. And that's done
19 right up front. So if someone
20 is wanting to address us, they
21 see that and see, okay, well,
22 what I was going to talk about
23 really does fall into any one of

Page 21

1 those categories. And that was
2 something else that the public,
3 I think -- it was a concern of
4 ours. And I think it was a
5 concern at the public meeting as
6 well to know precisely what it
7 is the Commission can and cannot
8 deal with.
9 CHAIRMAN PHILLIPS: I
10 agree. I think that's a good
11 addition. Anything else that we
12 think needs to be included or
13 not included? We have a rule in
14 place. We can take some time.
15 We want Robert to take some time
16 and look at this and see whether
17 we can do this as a guidance
18 verses a rule. I would prefer
19 to do it as a guidance if we
20 can. We can start using it as
21 quickly as we can. I really
22 don't see that we couldn't start
23 using it fairly quickly.

Page 22

1 MR. TAMBLING: Well, I think
2 there's a point of departure.
3 When you're looking at the rule,
4 you have to look at what the
5 reasonable expectations are from
6 the rule. When you look at the
7 rule, and the rule says that
8 anybody who wants to speak
9 before the Commission has to
10 submit a written request, my
11 impression of that is that
12 you're just not going to be able
13 to get up and speak if you sign
14 in. I'm not sure how we --
15 CHAIRMAN PHILLIPS: You want
16 to interpret that as a written
17 request?
18 MR. TAMBLING: Well, I guess
19 you could. And I think the
20 other problem that you could run
21 into, if you don't strictly
22 enforce this, especially with
23 regard to the time limit, is

Page 23

1 that you're going to have
2 certain people who are going to
3 complain, who are going to say,
4 you know, why did I have to give
5 two weeks advanced notice and
6 submit all of my presentations,
7 when these people were able to
8 get up and speak for more than
9 three minutes.
10 DR. RICHARDSON: Certainly,
11 the time limit would have to be
12 strictly enforced.
13 MS. MERRITT: Yeah.
14 MR. TAMBLING: And then I
15 think what Commissioner Merritt
16 said is, you know, how many
17 people are you going to allow --
18 if you're going to have to
19 manage your meeting, how many
20 people are you going to permit
21 to speak for a three-minute
22 period.
23 DR. RICHARDSON: I know a

Page 24

1 lot of city commissions operate
2 in this manner. And I don't
3 think as a general rule they get
4 overwhelmed. It might be
5 occasionally they have more than
6 really they can handle. But I
7 don't think that as a rule of
8 thumb, they get overwhelmed. It
9 may be once or twice they get
10 really -- you're shaking your
11 head out there, you're obviously
12 familiar with some of this. And
13 occasionally they would. I
14 don't doubt that whatsoever.
15 But I think that's a point when
16 the Chair of the Commission has
17 to say, okay, we've been at this
18 for 30 minutes; we're going to
19 have to stop. If you would like
20 to continue and maybe make your
21 comments at the next Commission
22 meeting, we'll leave your name
23 on the list or something, you

Page 25

1 know. I just feel like that as
2 a general rule -- I know my
3 city, home city, Florence, they
4 do this. And I think many
5 others do. Yeah, like I said,
6 occasionally, it's a problem,
7 but as a general rule, I don't
8 think it is. I think, as a
9 general rule, we wouldn't hear
10 either. I think there might be
11 times when some really emotional
12 hot-button issues come up when
13 you have a lot of people who
14 want to speak. You know, it's
15 kind of important to me, as a
16 Commissioner, to see that a lot
17 of people are passionate enough
18 about what's going on that they
19 want to speak about it. So, I
20 mean, there's pros and cons to
21 it, obviously.
22 MR. TAMBLING: I think it's
23 a really good idea. My concern

Page 26

1 is whether or not it needs to be
2 adopted as a rule. Because
3 written requests have to be
4 submitted 14 days ahead of time.
5 DR. RICHARDSON: Correct.
6 MR. TAMBLING: And if you
7 sign up and you consider that a
8 written request, well, then,
9 you're kind of in conflict with
10 the rule.
11 DR. RICHARDSON: Yeah.
12 Would it require the rule to be
13 changed to accommodate that?
14 MR. TAMBLING: I think
15 guidelines from the Commission
16 are helpful, because they inform
17 the public as to how the
18 Commission interprets the rule
19 and how they would like the rule
20 to function. You know, given
21 the changes that you've
22 suggested, I think, first of
23 all, they're really, really good

Page 27

1 changes; I think they encourage
2 public comment. And I think
3 that's what we're here to do.
4 But I'm not sure that we could
5 go forward with that without
6 making a rule change.
7 DR. RICHARDSON: Right.
8 MR. TAMBLING: And if we
9 have to --
10 CHAIRMAN PHILLIPS: So be
11 it.
12 MR. TAMBLING: -- so be it.
13 CHAIRMAN PHILLIPS: Well,
14 and the other, so be it, the
15 Committee tends to recommend --
16 DR. RICHARDSON: If that's
17 what the Committee decides to
18 do. And I also think that -- my
19 intention wasn't for this to
20 stand alone without guidelines.
21 I do think that, in addition to
22 this, we need to have a set of
23 guidelines for anyone that's

Page 28

1 wanting to put together a more
2 detailed addressing of the
3 Commission, what kind of -- you
4 know, the guidelines for that,
5 as well as the general
6 guidelines for a three-minute
7 talk. I don't think that's
8 unreasonable for us to have
9 guidelines out and say that, you
10 know, this is what you should
11 strive to obtain or follow,
12 these guidelines.
13 MR. TAMBLING: And please
14 understand, my role is to
15 protect you as a committee from
16 challenges down the road. If my
17 recommendation is that you
18 pursue this change through
19 rulemaking, then that's what it
20 is. It's done to protect you.
21 It may not be the most expedient
22 suggestion, but in my opinion,
23 the best course to take. And I

Page 29

1 will certainly look at this and
2 give you my thoughts on it.
3 DR. RICHARDSON: What I
4 would suggest then is that
5 Robert take this, we each take
6 this back, think about some of
7 the additions we've even spoken
8 about here today, other things
9 or deletions, changes to this
10 that each of you, as well as
11 myself, may need to be made, and
12 Robert. Also try to put
13 together guidelines that we
14 think should be followed that we
15 know of relative to our
16 experience as sitting on the
17 Commission, and then maybe we'll
18 have that to come forth at the
19 October meeting.
20 CHAIRMAN PHILLIPS: Are you
21 offering that as a motion?
22 DR. RICHARDSON: So moved.
23 MS. MERRITT: I second.

Page 30

1 CHAIRMAN PHILLIPS: I have a
2 motion to take the information
3 provided by Commissioner
4 Richardson, for all of us to
5 look, including Robert, who will
6 advise us on the necessity of
7 rulemaking versus guidance,
8 provide any additional guidance
9 that we think should go with
10 this, and we will entertain that
11 at the October Rulemaking
12 Committee meeting.
13 All in favor signify with
14 the sign of aye.
15 THE COMMITTEE: Aye.
16 CHAIRMAN PHILLIPS: All
17 opposed?
18 (No response.)
19 CHAIRMAN PHILLIPS: It
20 passes.
21 MS. THOMAS: Scott, I have
22 an order that we can fill in.
23 Do you want an order to go along

Page 31

1 with the adopted motion?
2 CHAIRMAN PHILLIPS: Yes, I
3 would.
4 MS. THOMAS: I'll get y'all
5 to sign this, and I'll get the
6 exact wording from the court
7 reporter.
8 CHAIRMAN PHILLIPS: While
9 Debi is doing that, your
10 comment, Commissioner
11 Richardson, about the number of
12 people that may sign up. You
13 know, to me, that's really a
14 Chair management issue. And I
15 think as long as we do that at
16 the beginning of the meeting, so
17 that we acknowledge that we have
18 three people that are going to
19 speak, verses 100 people that
20 are going to speak, I think that
21 may be the best way, so the
22 expectation is set early on and
23 not just a cut off in the

Page 32

1 middle, because it seems a
2 little arbitrary at that point.
3 So that may be a way to deal
4 with that effectively.
5 Agenda item number three.
6 Any other business to come
7 before the Committee?
8 (No response.)
9 CHAIRMAN PHILLIPS: All
10 right. Let's talk about the
11 future Rulemaking Committee
12 meeting. We will have that on
13 October the 16th, 2015, at 10:00
14 a.m. Does that time work with
15 the Committee members?
16 MS. MERRITT: I won't be
17 able to be here the next
18 meeting.
19 CHAIRMAN PHILLIPS: Okay.
20 But you'll get us information
21 before?
22 MS. MERRITT: Yes, I will.
23 DR. RICHARDSON: I'll be

1 able to be here.
2 CHAIRMAN PHILLIPS: I should
3 also. Are you okay with us
4 moving forward?
5 MS. MERRITT: Yes.
6 CHAIRMAN PHILLIPS: All
7 right. I'll accept a motion to
8 adjourn.
9 DR. RICHARDSON: So moved.
10 CHAIRMAN PHILLIPS: Second?
11 MS. MERRITT: Second.
12 CHAIRMAN PHILLIPS: All in
13 favor?
14 THE COMMITTEE: Aye.
15 CHAIRMAN PHILLIPS: Thank
16 you.
17
18
19 (THE MEETING OF THE RULEMAKING COMMITTEE
20 WAS ADJOURNED AT 10:22 A.M.)
21
22
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 CHARITY McCULLEY ACCR# 424
23 My Commission Expires: 2/19/17

C E R T I F I C A T E

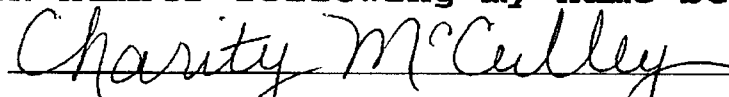
STATE OF ALABAMA)

COUNTY OF CONECUH)

I hereby certify that the above and foregoing transcript of proceedings was taken down by me in machine shorthand, 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 proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise 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.



CHARITY MCCULLEY ACCR# 424

My Commission Expires: 2/19/17

A	<p>15:2;23:17 allowed (1) 16:12 allowing (1) 17:17 allows (1) 14:21 alone (1) 27:20 along (1) 30:23 Although (1) 16:13 always (1) 14:9 approach (5) 9:9;10:4,9,22;11:22 appropriate (2) 11:7,16 April (3) 3:8,14,21 arbitrary (1) 32:2 attention (1) 11:15 aye (5) 4:4,5;30:14,15;33:14</p>	<p>21;24:6;30:22 categories (3) 20:5,6;21:1 certain (1) 23:2 certainly (3) 7:15;23:10;29:1 Chair (4) 14:14,19;24:16; 31:14 CHAIRMAN (35) 3:1,16,19;4:2,6,9; 7:23;8:15;11:18;12:11; 13:19;14:23;15:3; 16:10,20;17:6;18:16; 20:10;21:9;22:15; 27:10,13;29:20;30:1, 16,19;31:2,8;32:9,19; 33:2,6,10,12,15 challenges (1) 28:16 change (7) 8:22;10:18;13:5,10, 17;27:6;28:18 changed (1) 26:13 changes (5) 7:16;8:13;26:21; 27:1;29:9</p>	<p>compare (1) 8:9 complain (1) 23:3 concern (3) 21:3,5;25:23 concerns (4) 6:17;18:13,14;19:21 conflict (1) 26:9 cons (1) 25:20 consider (3) 5:19;19:19;26:7 consideration (3) 3:7;4:14;19:17 considering (1) 10:1 continue (3) 5:3,12;24:20 continuing (1) 4:19 control (1) 20:3 convenes (1) 17:20 couple (1) 11:12 course (1) 28:23 court (1) 31:6 cover (1) 17:9 cut (1) 31:23</p>	<p>28:2 discuss (1) 5:14 discussed (1) 18:11 discussion (3) 3:23;4:3,14 discussions (1) 5:22 Division (1) 4:15 done (3) 6:15;20:18;28:20 doubt (1) 24:14 down (5) 7:20;15:10;16:6,8; 28:16 DR (25) 3:13;6:3;10:3;12:10, 19;13:2,9;14:18;15:1, 13;16:11;17:5,14;19:9; 20:15;23:10,23;26:5, 11;27:7,16;29:3,22; 32:23;33:9 draft (1) 6:21 drive (1) 16:6 during (1) 10:6</p>
	B	<p>city (3) 24:1;25:3,3 clear (1) 15:14 comment (7) 14:12;17:2,7;19:15; 20:13;27:2;31:10 commenting (1) 6:4 Comments (16) 5:5;6:9,12,13;7:3; 9:13;10:6,11,14;14:9; 15:15;16:17;18:8; 19:11,19;24:21 Commission (17) 4:16;5:1;6:19;15:6, 11;16:2;19:18,21;20:1; 21:7;22:9;24:16,21; 26:15,18;28:3;29:17 Commissioner (12) 5:16;8:1,2,16,20;9:7; 12:18;18:17;23:15; 25:16;30:3;31:10 Commissioners (1) 5:10 commissions (1) 24:1 Commission's (1) 19:22 Committee (21) 3:2,5,11,22;4:5,23; 5:4,6,21;6:18;14:6; 27:15,17;28:15;30:12, 15;32:7,11,15;33:14,19</p>	D	E
<p>ability (1) 17:3 able (7) 12:13;14:16;15:21; 22:12;23:7;32:17;33:1 absorb (1) 9:21 accept (3) 3:20;4:10;33:7 accommodate (1) 26:13 acknowledge (2) 3:3;31:17 actual (1) 7:5 actually (4) 7:8,20;10:12;20:3 add (2) 17:4;18:19 added (1) 20:18 addition (2) 21:11;27:21 additional (1) 30:8 additions (4) 7:7,10,12;29:7 address (4) 6:20;11:2;18:10; 20:20 addresses (1) 18:1 addressing (1) 28:2 adjourn (1) 33:8 ADJOURNED (1) 33:20 adopt (2) 3:14,21 adopted (2) 26:2;31:1 adoption (1) 4:10 advanced (1) 23:5 advise (1) 30:6 again (4) 10:5,16,20;14:18 agenda (5) 3:6;4:12,18;19:18; 32:5 agree (2) 8:7;21:10 ahead (2) 16:19;26:4 aids (1) 11:5 allow (2)</p>	<p>back (2) 16:3;29:6 basically (1) 20:5 become (2) 7:8;10:12 begin (1) 7:3 beginning (2) 14:13;31:16 best (2) 28:23;31:21 brief (1) 14:11 briefe (1) 10:13 briefly (1) 14:2 bring (3) 11:14;15:5;17:21 business (1) 32:6</p>	<p>back (2) 16:3;29:6 basically (1) 20:5 become (2) 7:8;10:12 begin (1) 7:3 beginning (2) 14:13;31:16 best (2) 28:23;31:21 brief (1) 14:11 briefe (1) 10:13 briefly (1) 14:2 bring (3) 11:14;15:5;17:21 business (1) 32:6</p>	<p>day (2) 14:22;18:11 days (1) 26:4 deal (4) 19:20;20:1;21:8; 32:3 Debi (4) 4:22;5:8;17:12;31:9 decide (3) 7:17;8:11;19:8 decides (1) 27:17 definitely (1) 17:15 deletions (3) 7:7,13;29:9 departure (1) 22:2 depends (1) 7:16 desire (1) 18:4 detailed (1)</p>	<p>early (1) 31:22 educating (1) 9:17 effectively (1) 32:4 either (1) 25:10 else (2) 21:2,11 e-mail (1) 17:4 emotional (1) 25:11 encourage (1) 27:1 end (1) 14:15 enforce (1) 22:22 enforced (1) 23:12 enough (1) 25:17 entered (1) 19:7 entertain (2) 3:10;30:10 Environmental (1)</p>
	C			

4:15 especially (1) 22:22 even (1) 29:7 everybody (1) 16:17 exact (1) 31:6 examination (1) 4:20 existing (1) 12:13 expectation (1) 31:22 expectations (1) 22:5 expedient (2) 13:12;28:21 experience (1) 29:16	forward (2) 27:5;33:4 four (1) 20:6 front (5) 5:15,23;12:23;16:9; 20:19 full (2) 8:21;15:11 function (1) 26:20 future (1) 32:11	held (1) 3:8 helpful (1) 26:16 hit (1) 18:12 home (1) 25:3 hot-button (1) 25:12 hybrid (1) 10:9	L	18:3;20:6;24:20;29:17 mean (8) 10:8;12:19;16:23; 17:14;19:2,4,8;25:20 meeting (27) 3:8,15,22;5:11;9:12; 10:7;11:16;12:7;13:6, 23;14:13;15:10;16:3,5, 14,19;17:3,20;21:5; 23:19;24:22;29:19; 30:12;31:16;32:12,18; 33:19 meetings (4) 5:1,1;12:4;13:14 members (4) 5:21;11:11;19:20; 32:15 MERRITT (13) 3:18;8:2,4,16;18:17, 20;23:13,15;29:23; 32:16,22;33:5,11 met (1) 15:16 middle (1) 32:1 might (6) 5:19;13:11;19:1,5; 24:4;25:10 minute (1) 7:6 minutes (8) 3:7,12,14,21;4:11; 17:19;23:9;24:18 miss (1) 17:13 modifications (1) 11:20 modify (1) 18:19 more (13) 9:1,17;10:10,13; 12:6,22;13:12;15:5; 18:5,8;23:8;24:5;28:1 most (2) 18:13;28:21 motion (6) 3:10,20;29:21;30:2; 31:1;33:7 Move (2) 3:13;4:13 moved (2) 29:22;33:9 moving (1) 33:4 much (1) 7:11 myself (2) 19:12;29:11		
F	G	I	M			
Factors (1) 20:2 fairly (1) 21:23 fall (2) 20:9,23 familiar (1) 24:12 favor (3) 4:3;30:13;33:13 February (1) 5:7 feel (5) 7:21;11:7;17:16; 18:9;25:1 felt (2) 6:8,11 few (1) 17:15 fifteen (1) 19:5 fifteen-minute (1) 11:4 fill (1) 30:22 First (3) 3:6;5:17;26:22 five (2) 11:3;17:19 Florence (1) 25:3 follow (1) 28:11 followed (1) 29:14 formal (1) 15:7 forth (1) 29:18	general (6) 15:15;24:3;25:2,7,9; 28:5 gets (1) 15:11 given (1) 26:20 gives (2) 9:20;10:20 giving (1) 9:10 goes (1) 13:15 good (4) 13:20;21:10;25:23; 26:23 great (1) 9:3 group (2) 10:2,7 guess (2) 12:20;22:18 guidance (9) 9:1;12:6,21;13:3,5; 21:17,19;30:7,8 guideline (1) 10:16 guidelines (9) 7:14;26:15;27:20,23; 28:4,6,9,12;29:13	idea (1) 25:23 important (1) 25:15 impression (1) 22:11 included (3) 12:5;21:12,13 including (1) 30:5 inform (1) 26:16 information (4) 4:23;9:18;30:2; 32:20 initially (1) 9:2 intent (1) 10:17 intention (1) 27:19 interpret (1) 22:16 interprets (1) 26:18 into (3) 8:18;20:23;22:21 issue (1) 31:14 issues (1) 25:12 item (4) 3:6;4:12;18:10;32:5 items (3) 12:5;17:16;19:18	leave (2) 7:10;24:22 leaves (1) 18:7 left (1) 14:7 less (1) 14:12 limit (4) 19:1,6;22:23;23:11 list (5) 17:21;19:23;20:3,7; 24:23 little (4) 9:16;11:19;12:22; 32:2 long (1) 31:15 look (11) 5:12;8:8;12:15,17; 13:21;16:1;21:16;22:4, 6;29:1;30:5 looking (1) 22:3 lot (3) 24:1;25:13,16	major (1) 6:17 making (1) 27:6 manage (3) 12:7;14:14;23:19 managed (1) 14:19 Management (4) 4:16;12:4;13:7; 31:14 managing (1) 13:14 manner (1) 24:2 many (4) 19:2;23:16,19;25:4 markup (1) 19:11 material (2) 11:8;16:1 materials (1) 9:14 matter (1) 13:13 may (10) 13:20;14:20;15:2; 19:19;24:9;28:21; 29:11;31:12,21;32:3 maybe (7) 9:2;12:14;13:18;	N	name (1) 24:22
	H	J				
	hand (2) 7:14;11:10 handle (2) 13:12;24:6 hard (1) 12:8 head (1) 24:11 hear (1) 25:9 heard (2) 10:1;17:12 hearing (2) 9:10;12:20	judicial (1) 20:14	K			
		kind (10) 6:4,15;9:9;14:1; 16:15,16;17:23;25:15; 26:9;28:3				

<p>necessary (1) 17:11</p> <p>necessity (1) 30:6</p> <p>need (10) 8:10;10:23;11:6; 12:17,21;13:2;19:1,16; 27:22;29:11</p> <p>needed (4) 6:10,11;7:19;18:19</p> <p>needs (3) 20:17;21:12;26:1</p> <p>next (5) 13:22;15:1;16:4; 24:21;32:17</p> <p>nice (1) 9:23</p> <p>Nonetheless (1) 7:18</p> <p>note (2) 4:19,21</p> <p>notice (1) 23:5</p> <p>number (3) 4:12;31:11;32:5</p>	<p>25:5</p> <p>ours (1) 21:4</p> <p>out (8) 4:22;5:8,8,16;6:5; 14:7;24:11;28:9</p> <p>over (2) 16:1;20:3</p> <p>overwhelmed (2) 24:4,8</p>	<p>11:1,6,9</p> <p>present (4) 9:12;15:21,23;16:5</p> <p>presentation (1) 9:14</p> <p>presentations (2) 11:4;23:6</p> <p>presented (1) 10:18</p> <p>presenting (1) 15:17</p> <p>pretty (1) 7:11</p> <p>probably (1) 19:7</p> <p>problem (2) 22:20;25:6</p> <p>process (1) 15:8</p> <p>progress (1) 6:7</p> <p>proposed (3) 8:19;9:8;14:3</p> <p>pros (1) 25:20</p> <p>protect (2) 28:15,20</p> <p>provide (1) 30:8</p> <p>provided (2) 7:22;30:3</p> <p>providing (1) 9:18</p> <p>public (12) 6:18;9:10;11:12; 14:10;17:2;19:14,20; 20:13;21:2,5;26:17; 27:2</p> <p>public's (1) 18:14</p> <p>pursue (1) 28:18</p> <p>purview (2) 12:12;19:22</p> <p>put (6) 6:6;8:5,13;18:5; 28:1;29:12</p> <p>putting (2) 6:5;15:17</p>	<p>really (27) 5:13;8:18,21,23;9:8, 15;10:19;11:19,20; 12:3,6,8;13:4;14:7; 15:4;17:8;18:2,12; 20:23;21:21;24:6,10; 25:11,23;26:23,23; 31:13</p> <p>reasonable (1) 22:5</p> <p>receive (1) 11:8</p> <p>received (2) 7:1,4</p> <p>recommend (2) 6:23;27:15</p> <p>recommendation (1) 28:17</p> <p>regard (1) 22:23</p> <p>regarding (2) 3:11;5:2</p> <p>regulations (1) 4:17</p> <p>relative (3) 5:22;20:13;29:15</p> <p>removed (1) 16:15</p> <p>reporter (1) 31:7</p> <p>request (3) 22:10,17;26:8</p> <p>requests (1) 26:3</p> <p>require (2) 13:4;26:12</p> <p>required (1) 11:21</p> <p>requires (1) 13:10</p> <p>response (4) 4:1,8;30:18;32:8</p> <p>RICHARDSON (32) 3:13;5:17;6:2,3;8:1, 20;9:7;10:3;12:10,19; 13:2,9;14:18;15:1,13; 16:11;17:5,14;19:9; 20:15;23:10,23;26:5, 11;27:7,16;29:3,22; 30:4;31:11;32:23;33:9</p> <p>Right (8) 12:10;13:8;14:23; 16:10;20:19;27:7; 32:10;33:7</p> <p>road (2) 15:10;28:16</p> <p>Robert (7) 12:1;13:21;17:13; 21:15;29:5,12;30:5</p> <p>role (2) 20:14;28:14</p> <p>Rule (32) 4:17,21;6:14;7:5,9,</p>	<p>11,16;8:12;10:13,17; 11:23;12:8,13;13:10, 17;21:13,18;22:3,6,7,7; 24:3,7;25:2,7,9;26:2, 10,12,18,19;27:6</p> <p>Rulemaking (11) 3:2,4;5:4,6;8:22;9:5; 28:19;30:7,11;32:11; 33:19</p> <p>rules (2) 8:10;13:5</p> <p>run (1) 22:20</p>
	P		S	
	<p>part (5) 7:8,13,15;10:12;13:6</p> <p>participants (1) 5:10</p> <p>passes (1) 30:20</p> <p>passionate (1) 25:17</p> <p>past (1) 4:23</p> <p>people (20) 9:11;10:14;14:21,22; 15:2,16;17:17;18:1,22; 19:2,6;23:2,7,17,20; 25:13,17;31:12,18,19</p> <p>perhaps (1) 9:4</p> <p>period (3) 13:15;14:12;23:22</p> <p>permit (1) 23:20</p> <p>PHILLIPS (36) 3:1,16,19;4:2,6,9; 7:23;8:15;11:18;12:11, 18;13:19;14:23;15:3; 16:10,20;17:6;18:16; 20:10;21:9;22:15; 27:10,13;29:20;30:1, 16,19;31:2,8;32:9,19; 33:2,6,10,12,15</p> <p>place (3) 7:2;10:20;21:14</p> <p>please (1) 28:13</p> <p>point (5) 5:16;17:19;22:2; 24:15;32:2</p> <p>popular (1) 17:7</p> <p>positive (1) 20:7</p> <p>possibility (1) 18:7</p> <p>precisely (1) 21:6</p> <p>prefer (1) 21:18</p> <p>prepare (2) 9:22;18:3</p> <p>prepared (3)</p>	<p>Q</p> <p>quickly (2) 21:21,23</p> <p>quorum (1) 3:4</p>		
		R		
<p>O</p> <p>obtain (1) 28:11</p> <p>obviously (2) 24:11;25:21</p> <p>occasionally (3) 24:5,13;25:6</p> <p>October (3) 29:19;30:11;32:13</p> <p>off (1) 31:23</p> <p>offering (1) 29:21</p> <p>old (2) 8:10,12</p> <p>once (1) 24:9</p> <p>One (6) 8:16;9:6;15:13; 20:11,16,23</p> <p>only (6) 7:1;14:20,21;16:21; 18:20;19:3</p> <p>open (2) 5:20;18:7</p> <p>operate (1) 24:1</p> <p>opinion (1) 28:22</p> <p>opportunity (2) 9:11,19</p> <p>opposed (3) 4:7;12:8;30:17</p> <p>order (3) 3:3;30:22,23</p> <p>others (1)</p>		<p>rather (1) 16:18</p> <p>real (1) 10:17</p>	<p>Robert (7) 12:1;13:21;17:13; 21:15;29:5,12;30:5</p> <p>role (2) 20:14;28:14</p> <p>Rule (32) 4:17,21;6:14;7:5,9,</p>	<p>Scott (1) 30:21</p> <p>second (6) 3:17,18,20;29:23; 33:10,11</p> <p>sections (1) 4:18</p> <p>seemed (1) 16:17</p> <p>seems (5) 11:23;12:2;13:16; 15:14;32:1</p> <p>sent (3) 4:22;5:7,8</p> <p>session (1) 5:6</p> <p>sessions (1) 16:22</p> <p>set (3) 14:8;27:22;31:22</p> <p>shaking (1) 24:10</p> <p>sign (12) 4:4;9:11;10:14; 14:10;17:17;18:23; 19:2,22;13;26:7;30:14; 31:5,12</p> <p>signify (2) 4:4;30:13</p> <p>signup (1) 17:1</p> <p>signups (1) 14:15</p> <p>similar (1) 15:8</p> <p>simply (1) 6:21</p> <p>single (1) 18:10</p> <p>sitting (1) 29:16</p> <p>six (2) 14:20,21</p> <p>somehow (1) 6:13</p> <p>someone (3) 11:1;16:23;20:19</p>

<p>speak (10) 16:13;18:2;22:8,13; 23:8,21;25:14,19; 31:19,20</p> <p>specific (1) 10:17</p> <p>specifically (1) 19:23</p> <p>spend (1) 9:16</p> <p>spoken (1) 29:7</p> <p>stand (2) 11:2;27:20</p> <p>start (7) 6:1,4;7:20;8:6; 10:21;21:20,22</p> <p>statement (1) 19:16</p> <p>statements (1) 11:13</p> <p>stay (1) 8:12</p> <p>step (1) 5:17</p> <p>still (2) 16:16;17:16</p> <p>stop (1) 24:19</p> <p>stopping (1) 17:18</p> <p>strictly (2) 22:21;23:12</p> <p>strive (1) 28:11</p> <p>striving (1) 18:15</p> <p>struck (1) 11:19</p> <p>study (1) 4:21</p> <p>submit (2) 22:10;23:6</p> <p>submitted (1) 26:4</p> <p>substantial (3) 10:11;18:6,8</p> <p>substantially (1) 11:3</p> <p>substantive (2) 15:5;16:22</p> <p>sub-statement (1) 19:14</p> <p>suggest (1) 29:4</p> <p>suggested (4) 17:10,11,18;26:22</p> <p>suggesting (1) 7:6</p> <p>suggestion (1) 28:22</p> <p>summarize (3) 14:1,2,8</p>	<p>summarized (1) 6:10</p> <p>sure (3) 14:4;22:14;27:4</p>	<p>U</p>	<p>working (3) 7:4,20;8:7</p> <p>works (2) 9:3,3</p> <p>written (5) 14:9;22:10,16;26:3,8</p> <p>wrong (1) 12:2</p>
		<p>V</p>	<p>y'all (1) 31:4</p>
		<p>verses (2) 21:18;31:19</p> <p>versus (1) 30:7</p> <p>visual (1) 11:5</p> <p>vote (1) 16:2</p>	<p>1</p>
		<p>W</p>	<p>1 (1) 4:18</p> <p>10:22 (1) 33:20</p> <p>100 (2) 14:15;31:19</p> <p>14 (1) 26:4</p> <p>16th (1) 32:13</p> <p>17th (3) 3:9,15,22</p>
			<p>2</p>
			<p>2 (1) 4:15</p> <p>2015 (4) 3:9,15,22;32:13</p> <p>20th (1) 5:7</p>
			<p>3</p>
			<p>3 (1) 4:18</p> <p>30 (1) 24:18</p> <p>335-2-3-05 (1) 4:17</p>
	<p>talk (5) 14:22;18:21;20:22; 28:7;32:10</p> <p>talking (1) 17:23</p> <p>TAMBLING (12) 12:16;13:1,8;22:1, 18;23:14;25:22;26:6, 14;27:8,12;28:13</p> <p>ten (3) 11:3;15:2;19:5</p> <p>tends (1) 27:15</p> <p>thinking (1) 18:23</p> <p>THOMAS (2) 30:21;31:4</p> <p>thought (5) 5:19;6:16;7:18;9:23; 17:10</p> <p>thoughts (5) 5:18;6:5;8:3,17;29:2</p> <p>three (5) 20:5,11;23:9;31:18; 32:5</p> <p>three-minute (4) 14:11;17:1;23:21; 28:6</p> <p>thumb (1) 24:8</p> <p>tiered (2) 9:9;11:22</p> <p>times (1) 25:11</p> <p>today (1) 29:8</p> <p>together (8) 6:7;8:5,13;15:16,18; 18:5;28:1;29:13</p> <p>took (1) 5:17</p> <p>traveled (1) 15:20</p> <p>tried (1) 6:20</p> <p>try (4) 8:23;10:15,21;29:12</p> <p>turned (1) 16:8</p> <p>twice (1) 24:9</p> <p>two (3) 4:12;19:14;23:5</p> <p>two-tiered (1) 10:22</p>	<p>work (3) 6:6;13:16;32:14</p>	

Part B

Attachment Index

Attachment 1

Agenda

Attachment 2

**Order adopting motion for EMC counsel to review information provided by Commissioner Richardson and thereafter advise the Committee on the necessity of rulemaking v. guidance, which shall be further addressed by the Committee at its October meeting
(Agenda Item 2)**

Attachment 1

7/22/15

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

DATE: August 21, 2015

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

ITEMS

1. Consideration of minutes of meeting held on April 17, 2015**
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, under Environmental Management Commission.

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

Rulemaking Committee Meeting Agenda
Page 2

1. CONSIDERATION OF MINUTES OF MEETING HELD ON APRIL 17, 2015
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

Attachment 2

BEFORE THE
RULEMAKING COMMITTEE
OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

ORDER

This cause having come before the Rulemaking Committee pursuant to motion for EMC
counsel to review information provided by Commissioner Richardson and
thereafter advise the Committee on the necessity of rulemaking v. guidance,
which shall be further addressed by the Committee at its October meeting

the Committee hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the _____ motion _____ 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 21st day of August 2015.


APPROVED:



Committee Member

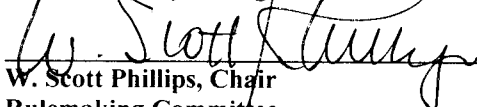


Committee Member



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 21st day of August 2015.



W. Scott Phillips, Chair
Rulemaking Committee
Certified this 21st day of August 2015