

12/16/19

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**October 18, 2019**

**This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on October 18, 2019.**



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**Samuel L. Miller, Chair**  
**Alabama Environmental Management Commission**

**Certified this 13th day of December 2019.**

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**October 18, 2019**

**Convened: 11:05 a.m.**  
**Adjourned: 12:00 p.m.**

**Part A**

**Transcript**  
**Word Index**

**Part B**

**Attachment Index**  
**Attachment 1**  
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**Attachment 3**  
**Attachment 4**

**Part A**

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1 ALABAMA ENVIRONMENTAL MANAGEMENT  
2 COMMISSION MEETING  
3  
4  
5  
6  
7  
8  
9 ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
10 Alabama Room  
11 1400 Coliseum Boulevard  
12 Montgomery, Alabama 36110-2400  
13 October 18, 2019  
14 11:05 a.m.  
15  
16  
17  
18  
19  
20  
21  
22  
23 Taken by: Victoria M. Castillo, ACCR No. 17

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1 (WHEREUPON, proceedings began at  
2 11:05 a.m.)  
3 CHAIRMAN MILLER: Morning. This  
4 is a very nice crowd this morning. That's good  
5 to see.  
6 I'm going to call the Commission  
7 meeting to order.  
8 VICE CHAIR BROWN: Can I sit  
9 down first?  
10 CHAIRMAN MILLER: Please do.  
11 Please.  
12 (Audience laughter.)  
13 CHAIRMAN MILLER: Our first item  
14 is consideration of minutes for the meeting held  
15 on August 16th. These have been circulated to  
16 all the Commissioners for their perusal.  
17 Do I have a motion that we adopt  
18 those minutes?  
19 MR. MASINGILL: Move to adopt  
20 the minutes.  
21 VICE CHAIR BROWN: Second.  
22 CHAIRMAN MILLER: Any further  
23 discussion?

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1 A P P E A R A N C E S  
2  
3 COMMISSION MEMBERS PRESENT:  
4 H. Lanier Brown, II, Esquire, Vice Chair  
5 Samuel L. Miller, M.D., Chair  
6 John H. Masingill, III  
7 Kevin McKinstry  
8 Mary J. Merritt  
9 Ruby L. Perry, D.V.M.  
10 Thomas P. Walters, P.E.  
11  
12 ALSO PRESENT:  
13 Robert Tambling, AEMC Legal Counsel  
14 Zack Wilson, Paralegal  
15 Debi Thomas, AEMC Executive Assistant  
16 Lance R. LeFleur, ADEM Director  
17  
18  
19  
20  
21  
22  
23

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1 (No response.)  
2 CHAIRMAN MILLER: All right.  
3 All in favor, please say "aye."  
4 (All Commission members signify  
5 with "aye.")  
6 CHAIRMAN MILLER: All opposed,  
7 "no."  
8 (No response.)  
9 CHAIRMAN MILLER: Okay. Our  
10 next item on the agenda is the election of the  
11 Chairman and Vice Chairman for this coming year.  
12 And I will open the floor for nominations.  
13 MR. WALTERS: I move to accept  
14 Dr. Sam Miller as Chair of the Commission.  
15 MS. MERRITT: And I second.  
16 CHAIRMAN MILLER: Any other  
17 nominations?  
18 (No response.)  
19 CHAIRMAN MILLER: All right.  
20 Let's call for the question. All in favor, say  
21 "aye."  
22 (All Commission members signify  
23 with "aye.")



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1 CHAIRMAN MILLER: Opposed, "no."  
2 (No response.)  
3 CHAIRMAN MILLER: We also need  
4 to elect a Vice Chairman of the Commission.  
5 And I will open the floor for  
6 nominations. Anyone?  
7 MS. MERRITT: I move that we  
8 accept Lanier Brown as Vice Chair.  
9 MR. WALTERS: I second.  
10 CHAIRMAN MILLER: Any other  
11 nominations?  
12 (No response.)  
13 CHAIRMAN MILLER: If not, let's  
14 call for the question. All in favor, say "aye."  
15 (All Commission members signify  
16 with "aye.")  
17 CHAIRMAN MILLER: All opposed,  
18 "no."  
19 (No response.)  
20 CHAIRMAN MILLER: The ayes have  
21 it.  
22 I'd now like to call on the Director  
23 for his report to the Commission.

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1 DIRECTOR LeFLEUR:  
2 Congratulations -- or condolences, as the case  
3 may be.  
4 Good morning. Welcome to all  
5 present for the first meeting of the Alabama  
6 Environmental Management Commission for fiscal  
7 year 2020. Today's report will review the  
8 Department's operating plan results for FY 2019  
9 and the new FY 2020 plan; review activities  
10 related to wastewater infrastructure in Alabama;  
11 and notify you of two recent legal matters  
12 involving the Department.  
13 Let's see here. Please turn on my  
14 clicker. Okay. Great. Thanks.  
15 Top performance begins with a plan.  
16 In 2019, the Department and the Commission  
17 updated the Unified Strategic Plan, as is done  
18 every five years. Each fiscal year, the  
19 Department updates its Annual Operating Plan  
20 which addresses the same goals reflected in the  
21 unified five-year strategic plan. The strategic  
22 plan and annual operating plan shared goals are:  
23 Effective and responsive Commission,

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1 high-performing work environment, credible  
2 relationships with external stakeholders, and  
3 efficient and effective Departmental operations.  
4 The next several slides will recap  
5 some of the individual FY 2019 Departmental  
6 Operating Plan objectives that were accomplished  
7 during the past fiscal year and provide a general  
8 description of some of the new objectives in the  
9 FY 2020 Plan.  
10 The objectives are grouped under the  
11 four broad shared goals in the unified five-year  
12 strategic plan. The first goal in the  
13 Department's Annual Operating Plan is to have an  
14 effective and responsive Commission. To achieve  
15 this goal, there must be effective communication  
16 between me as Director and each of the seven  
17 Commissioners. To this end, the Commission and  
18 the public are to continue to be provided a  
19 written schedule of all anticipated rulemaking  
20 well before proposed rules are formally  
21 presented. The Director will continue to  
22 regularly meet one-on-one with each Commissioner  
23 to discuss the latest issues confronting the

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1 Department and affecting our environment.  
2 Additionally, the Director will provide a written  
3 memorandum entitled "ADEM Update" prior to each  
4 Commission meeting, highlighting significant new  
5 activities in each of the Department's five  
6 divisions and addressing interim progress on the  
7 individual objectives set out in the Department's  
8 Annual Operating Plan, and deliver the Director's  
9 Report at each Commission meeting which will  
10 include a review of standard performance metrics.  
11 The Ongoing Rulemaking memo, the  
12 ADEM Update memo, and the Director's Report are  
13 available to any interested party on the ADEM  
14 website in eFile under the heading "Director's  
15 Correspondence."  
16 Goal two, High-Performing Work  
17 Environment, has several sub-goals or objectives  
18 that focus on resource management including  
19 financial, physical, and human resources. On the  
20 financial and physical resources side, in FY 2019  
21 the Department worked with the Governor's Office,  
22 Legislative leadership, and interested  
23 nongovernmental individuals and entities to



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1 increase the Department's FY 2020 General Fund  
2 appropriation from \$575,000 to \$4 million. In FY  
3 2019, the Department was also successful in  
4 obtaining other financial resources in addition  
5 to our General Fund appropriation. We were  
6 successful in obtaining \$5.9 million in RESTORE  
7 Act funding for a new Field Office in Mobile. We  
8 were also awarded a competitive \$200,000 exchange  
9 network grant by EPA to increase Departmental  
10 efficiency through e-enterprise. The FY 2020  
11 plan calls for completion of the Birmingham lab  
12 renovations, and significant progress on both the  
13 Mobile Field Office development and the computer  
14 software upgrades currently underway.

15 In the human resource management  
16 effort to promote a high-performing work  
17 environment, the Department has continued to  
18 recruit interns and co-op students with the  
19 objective of encouraging the most talented  
20 candidates to become permanent employees when  
21 they graduate. The Department has and will  
22 continue to focus on recruiting and advancing  
23 diversity within the Department through specific

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1 initiatives.

2 An ongoing objective in the  
3 management of human resources is to promote  
4 professional development of our workforce, which  
5 is necessary to support a high performance  
6 organization. The 2020 Operating Plan continues  
7 a leadership training program developed in 2019  
8 in cooperation with Auburn University Montgomery  
9 which is dedicated to training ADEM professional  
10 staff who have not yet become managers. More  
11 than 60 individuals have already completed the  
12 voluntary leadership training program.

13 Additionally, in 2020 the Department  
14 will begin providing specialized accreditation  
15 training to assist our personnel seeking to  
16 achieve the Professional Engineer and  
17 Professional Geologist designations. These  
18 initiatives are intended to help develop and  
19 retain more of our high achieving individuals.

20 Also within this broad goal of  
21 promoting a high-performing work environment, we  
22 continue the practice of regularly using  
23 objective relevant data to measure work

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1 performance. This is accomplished in part by  
2 presenting updated EPA dashboard analyses for the  
3 air, water, hazardous waste, and drinking water  
4 programs at Commission meetings. While these  
5 metrics are presented to keep the Commission and  
6 the public informed about performance, as  
7 importantly, the dashboards are used by the  
8 Department to track results, which is a necessary  
9 activity if we are to continue being a high  
10 performing organization.

11 Finally, innovation is an important  
12 objective within the goal of achieving a  
13 high-performing work environment. More on that  
14 later in this report. Maintaining a high  
15 performance organization requires continual  
16 improvement. Thus, we seek not just to maintain  
17 excellence, but to do even better whenever  
18 possible. Nearly all of the objectives in the  
19 High-Performing Work Environment goal, which  
20 include providing financial, physical, and human  
21 resources, using data-driven performance measures  
22 and, promoting innovation, are ongoing endeavors  
23 that continue to move us forward but, by their

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1 nature, are never fully completed. For that  
2 reason, a number of the objectives for FY 2020  
3 within this broad goal remain the same as they  
4 were in FY 2019.

5 The third broad goal is Credible  
6 Relationships with External Stakeholders. This  
7 operating plan objective includes meetings twice  
8 per year with industry groups and meetings with  
9 elected officials, civic groups and any group or  
10 individual interested in working with the  
11 Department on environmental issues. In FY 2020,  
12 we are also seeking to improve our outreach to  
13 media by working with outside experts in media  
14 relations.

15 Other specific community stakeholder  
16 groups reached out to will continue to include  
17 low income, minority, and disadvantaged  
18 communities. Many of ADEM's outreach activities  
19 are detailed in a document entitled "Community  
20 Engagement" shown on the screen and available on  
21 our website. Updates on the Department's  
22 Environmental Justice program will be included  
23 periodically in my reports to the Commission.



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1 The FY 2020 Operating Plan continues  
2 objectives to build credible relationships with  
3 outside stakeholders by increasing awareness of  
4 and encouraging the public to use our electronic  
5 tools. The eMaps, eFile, eComplaint and "What's  
6 Happening In Your County" applications are  
7 available on our website to help citizens voice  
8 their concerns and access information about their  
9 specific geographic areas of interest. These  
10 tools are continually being updated and improved.  
11 Two other examples of outreach to  
12 build credible relationships with external  
13 stakeholders are: targeted outreach to municipal  
14 wastewater treatment systems, which will be  
15 highlighted later in this report; and, a drinking  
16 water quality assurance outreach to all Alabama  
17 public schools including Pre-K and daycare  
18 facilities.  
19 Altogether, the goal of Credible  
20 Relationships with External Stakeholders includes  
21 22 separate objectives in FY 2020.  
22 The fourth and final ADEM Operating  
23 Plan Goal is efficient and effective Departmental

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1 Operations. This is a critical element in the  
2 Department's efforts to provide cost effective  
3 services to Alabama citizens. A coordinated team  
4 effort is necessary to accomplish goals within  
5 any organization. And that requires effective  
6 communication. Specific objectives addressing  
7 both formal and informal means of internal  
8 communication are part of the plan.  
9 A major objective under this goal is  
10 to meet or exceed the detailed annual work plan  
11 commitments with EPA. This was accomplished in  
12 FY 2019 and continues to be an objective for FY  
13 2020.  
14 Another important objective within  
15 the broad goal of Effective and Efficient  
16 Departmental Operations is to incorporate more  
17 e-enterprise and e-business applications. ADEM  
18 has invested considerable resources in electronic  
19 tools for public outreach and also to improve the  
20 efficiency of our day-to-day work output. That  
21 investment has allowed us to become the lowest  
22 cost provider of environmental regulation in the  
23 nation while maintaining among the highest

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1 quality performance in the nation. For FY 2020,  
2 the most significant new endeavor in this arena  
3 will be upgrading nearly all of our major  
4 internal electronic data entry, reporting and  
5 performance tracking programs to the latest  
6 generation of computer software.  
7 The software upgrades are part of  
8 our move to greater automation through electronic  
9 applications designed to improve efficiency,  
10 which allows us to operate at a high level of  
11 performance despite having a very tight budget.  
12 A more complete rundown on progress  
13 in meeting our FY 2019 Operating Plan objectives  
14 is available in the six ADEM Update reports,  
15 mentioned earlier, that were prepared during FY  
16 2019. Once again, these are available on the  
17 ADEM website. Copies of the FY 2020 Departmental  
18 Operating Plan have been provided to you, and  
19 additional copies are available on the table  
20 outside the meeting room for others who may be  
21 interested.  
22 While development of the  
23 Department's Operating Plan is an annual

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1 activity, many of the initiatives focus on the  
2 long term. In particular, three of the  
3 initiatives in this plan, namely, the replacement  
4 of ADEM's woefully outdated Mobile Field Office  
5 and Coastal Program facilities, completion of the  
6 renovation of ADEM's Birmingham Field Office,  
7 especially the lab, and installing the latest  
8 generation of computer software in the Air, Land,  
9 and Water divisions represent major steps that  
10 position the Department to continue high  
11 performance for the long term despite extremely  
12 low funding.  
13 A few moments ago I mentioned the  
14 Department's targeted outreach efforts to assist  
15 municipal wastewater treatment facilities. I  
16 would like to use this next portion of today's  
17 report to focus on municipal wastewater systems.  
18 We have all heard about crumbling infrastructure  
19 throughout the nation. Municipal wastewater  
20 treatment systems are at the forefront of  
21 infrastructure challenges today in our nation and  
22 in Alabama -- in particular, wastewater treatment  
23 systems in small communities. The declining



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1 condition of wastewater infrastructure makes  
2 municipal wastewater facilities perhaps the most  
3 problematic sector for environmental compliance.  
4 After highlighting some of the factors  
5 contributing to non-compliance by wastewater  
6 systems, the remainder of today's report will  
7 describe some of the innovative initiatives the  
8 Department is leading to proactively help address  
9 this pressing environmental and quality of life  
10 issue here in Alabama.

11 We begin with some common factors  
12 contributing to non-compliance by municipal  
13 wastewater systems.

14 Wastewater treatment systems are  
15 costly to build, operate, and maintain.

16 Wastewater treatment systems require  
17 a number of sequential collection and treatment  
18 processes to effectively remove pollutants and  
19 protect the environment.

20 The first step involves costly  
21 collection system investments, in the form of  
22 sanitary sewer lines, lift stations, and force  
23 mains. The treatment steps for municipal

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1 wastewater often require large investments in  
2 treatment processes and equipment.

3 The wastewater treatment system  
4 often consumes large amounts of energy.

5 And the collection system and  
6 wastewater water treatment processes typically  
7 require high operation and maintenance costs.

8 Over time, these systems have also  
9 required expensive technology upgrades which have  
10 been driven by:

11 New or increasingly tighter  
12 discharge limits, particularly for compounds  
13 containing phosphorus and nitrogen, which are  
14 pervasive nutrients that can degrade water  
15 quality.

16 Many wastewater treatment facilities  
17 must also meet tighter standards because they  
18 discharge to impaired waterbodies or waterbodies  
19 with limited assimilative capacity. When  
20 discharges go to an impaired or limited  
21 assimilative capacity waterbody, more  
22 contaminants must be removed at the plant which  
23 requires additional investments in treatment

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1 equipment and operations.

2 Another factor contributing to  
3 non-compliance is that wastewater infrastructure  
4 is getting old.

5 Many of the municipal wastewater  
6 facilities were initially built in the 1970s when  
7 water quality problems drove federal legislation  
8 to improve water quality.

9 Along with the initial federal  
10 legislation came federal funding to build or  
11 upgrade wastewater infrastructure and treatment  
12 plants.

13 In many cases, the treatment systems  
14 built in the 1970s and 1980s are approaching the  
15 end of both their physical and technological  
16 design lives.

17 Municipal wastewater systems often  
18 require subsidies to operate because of the high  
19 capital investment, operating costs, and  
20 maintenance costs.

21 Typically they operate at a deficit,  
22 increasingly so as the facilities become older.

23 In order to keep consumer sewage

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1 rates at acceptable levels, many communities  
2 subsidize their sewer revenue shortfalls out of  
3 other community revenues.

4 The budgetary challenges experienced  
5 by many communities have resulted in deferred  
6 maintenance and the inability to upgrade  
7 technology to meet increasingly tighter discharge  
8 limits for municipal wastewater facilities.

9 Municipal leaders are faced with  
10 difficult decisions about how to allocate scarce  
11 financial resources. As a result, often a  
12 decision is made to defer equipment replacement,  
13 defer maintenance, defer technology upgrades, and  
14 cut operating costs to the bone for their  
15 wastewater treatment plants.

16 Those decisions eventually lead to  
17 the higher levels of non-compliance being seen  
18 here in Alabama and throughout the nation.

19 When non-compliance does occur due  
20 to failing infrastructure, there are limited  
21 regulatory options to end the non-compliance.

22 Stopping operations of a wastewater  
23 treatment plan for permit violations is a serious



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1 event. Diverting system inflows to other  
2 treatment facilities is rarely an option.  
3       Inflows to the collection system  
4 will continue regardless of whether the facility  
5 is operating and sanitary sewer overflows,  
6 back-ups into homes, or untreated discharges to  
7 receiving waterbodies will inevitably occur.  
8       These are far worse public health  
9 and environmental degradation outcomes than  
10 temporarily discharging partially treated  
11 wastewater.  
12       Unlike any other type of facility,  
13 due to public health issues it is rarely a viable  
14 option to stop a wastewater treatment plant's  
15 operations despite environmental regulatory  
16 violations.  
17       When an impoverished, disadvantaged,  
18 or declining population community does not have  
19 the financial resources to come back into  
20 compliance, there are a limited number of  
21 plausible ways to deal with the non-compliance.  
22       As you can see, there are many  
23 financial and operational factors contributing to

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1 the potential for environmental permit violations  
2 by municipal wastewater treatment facilities.  
3 There are also limited options for dealing with  
4 those failures to meet permit conditions when  
5 they occur.  
6       The bottom line is that large  
7 infrastructure investments and net operating cost  
8 reductions are now needed in the municipal  
9 wastewater sector.  
10       As mentioned a moment ago, the  
11 challenges faced by the municipal wastewater  
12 treatment sector are being experienced throughout  
13 the nation. There is no one answer to this  
14 problem. The Department has made addressing the  
15 problem in Alabama a priority.  
16       We have initiated a multifaceted  
17 approach to: provide affordable funding; help in  
18 improving operating efficiencies; help utilities  
19 provide better cost effective service to the  
20 public; and, have also committed to additional  
21 effort, if needed, to help systems overcome the  
22 numerous challenges they face.  
23       The Department has operated a State

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1 Revolving Fund loan program for many years.  
2 ADEM's Clean Water SRF Program loans funds for  
3 capital outlays to qualifying wastewater systems  
4 at low interest rates. Many small systems and  
5 those in areas of declining population are unable  
6 to meet the standard financial requirements to  
7 borrow money. We are addressing that with:  
8       Stepped up SRF program education and  
9 solicitation to every public wastewater system in  
10 the state.  
11       Tailoring interest rates and the  
12 allocation of principal forgiveness for those  
13 systems most in need due to financial challenges,  
14 being disadvantaged communities, or declining  
15 populations.  
16       Legislative approval is being sought  
17 to allow lengthened loan terms when remaining  
18 asset lives justify longer repayment periods.  
19       Increased coordination has been  
20 initiated with other federal and state funding  
21 sources, for example USDA loans and ADECA grants.  
22       Priority will continue to be given  
23 to those systems with compliance issues related

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1 to sub-par physical facilities.  
2       The Department is seeking ways to  
3 fund the infrequently used Pollution Control  
4 Grant Fund. We are currently working on a test  
5 case with an enforcement settlement negotiation  
6 involving EPA, the Department of Justice, and  
7 ADEM where the federal portion may be directed to  
8 provide grant funds to struggling wastewater  
9 systems in Alabama.  
10       Six years ago the Department began  
11 offering an energy assessment and optimization  
12 program, sometimes referred to as an energy  
13 audit, to help wastewater treatment facilities  
14 reduce operating costs.  
15       Wastewater treatment facilities are  
16 very large users of energy to run pumps,  
17 aerators, sludge handling equipment, and other  
18 large electrical components to support plant  
19 operations. Often they are the largest single  
20 user of a city's electrical energy.  
21       ADEM's energy assessment and plant  
22 optimization program is voluntary and does not  
23 subject the facility receiving the assistance to



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1 any increased risk of non-compliance discovery.  
2 It is not enforcement driven.  
3       The facility is not obligated to  
4 implement any of the recommendations made as a  
5 result of the audit. For those facilities  
6 electing to make plant changes, ADEM provides  
7 follow-up support with troubleshooting and energy  
8 use tracking.  
9       There is no financial cost to the  
10 facility for the audit or the follow-up support.  
11       The Department's rationale for  
12 offering this service at no cost to the  
13 wastewater treatment facilities is to help  
14 address the single biggest contributor to  
15 non-compliance in this sector, which is the lack  
16 of financial resources. The more efficiently  
17 wastewater facilities operate, the further they  
18 can stretch their limited resources.  
19 Additionally, more efficient wastewater  
20 operations often lead to reduced discharges of  
21 certain pollutants.  
22       During the last six years, ADEM has  
23 performed more than 60 audits of municipal

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1 wastewater facilities. ADEM identified annual  
2 energy savings for the impacted systems have  
3 totaled more than \$2 million per year.  
4       This slide highlights one truly  
5 innovative program at the Hanceville Waste Water  
6 Treatment Plant that utilizes solar panels to  
7 markedly reduce utility energy costs. For a  
8 number of years now, Hanceville has made great  
9 strides to improve its plant energy efficiency.  
10 ADEM presented Hanceville an award in 2018 for  
11 the success they have achieved in energy savings.  
12 They have taken it one step further. And we are  
13 pleased to note that Hanceville is the first  
14 utility in Alabama to install a solar array  
15 dedicated to the operation of its wastewater  
16 utility.  
17       At this time, I'd like to recognize  
18 Nathan Finley, the Plant Manager for the  
19 Hanceville Water and Sewer Board who had the  
20 vision to undertake this project.  
21       Nathan, would you come forward?  
22 Now, Nathan you have done a great job. You have  
23 really thought ahead. And I want to present you

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1 a little something in front of a number of folks  
2 that recognizes the work that you've done. You  
3 have been innovative. You have been dogged. And  
4 we want you to be the example for others in the  
5 wastewater field.  
6       MR. FINLEY: The only thing I  
7 would tell you about that is it's been a "we"  
8 project. Because it's everybody -- our board saw  
9 -- looked into the future, and you guys gave us  
10 some assistance. And without the SRF program, we  
11 wouldn't have had the money. So it's been a "we"  
12 program. So we have all done it.  
13       DIRECTOR LeFLEUR: Well,  
14 congratulations.  
15       (Audience applause.)  
16       DIRECTOR LeFLEUR: We hope to  
17 have other utilities following Hanceville's  
18 footsteps to install renewable energy at their  
19 wastewater facilities also. This is an example  
20 how we seek to work with the regulated community  
21 to encourage innovative forward-thinking  
22 solutions to real problems.  
23       Upon permit reissuance, each

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1 municipal wastewater treatment system in Alabama  
2 is required to have a written sanitary sewer  
3 overflow response plan that also includes a plan  
4 for local public notification of overflows.  
5       The Department implemented a program  
6 to install permanent signage showing multiple  
7 ways for the public to conveniently obtain  
8 current water quality information, including  
9 information regarding SSOs. These signs have  
10 been placed at public boat ramps and marinas and  
11 at other locations, upon request, throughout the  
12 state.  
13       This permanent signage can, in some  
14 circumstances, help utilities reduce the labor  
15 intensive, costly, and often untimely and  
16 ineffective practice of manually placing  
17 temporary signage.  
18       The ADEM website posts the current  
19 SSO information available from municipal  
20 wastewater systems throughout the state as an  
21 additional notification opportunity available to  
22 the public.  
23       The Department continues to go the



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1 extra mile to help wastewater systems in addition  
2 to providing funding and reducing operating  
3 costs. An example is one with which you are  
4 all familiar -- Uniontown. The Uniontown  
5 wastewater system has been in a state of near  
6 collapse for a number years. Although the  
7 Department had to turn the matter over to the  
8 courts after exhausting all its enforcement  
9 options, we have continued to work with USDA and  
10 many others to help find a way to address  
11 Uniontown's wastewater problems. I am pleased to  
12 report that an independent Uniontown Waterworks  
13 and Sewer Board has been established to provide  
14 local oversight, funding has been secured, and  
15 the initial construction phase of the necessary  
16 upgrades is anticipated to begin by year end.

17 On the legal front, I am pleased to  
18 report that on September 12th the U.S. 11th  
19 Circuit Court of Appeals ruled without dissent  
20 that the EPA acted within its authority in  
21 dismissing a petition by Alabama environmental  
22 activist groups seeking to require that EPA  
23 withdraw the ability of ADEM to administer the

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1 Clean Water Act in Alabama. In early 2010, the  
2 environmental groups petitioned EPA to withdraw  
3 state authority for 26 alleged failures to  
4 properly administer the program during the years  
5 2009 and earlier.

6 Following an in-depth investigation  
7 that began in 2010, in 2017 EPA determined that  
8 the ADEM program met the requirements of the  
9 Clean Water Act and dismissed the petition by the  
10 environmental groups. That decision was appealed  
11 by the environmental groups. And on September  
12 12th, 2019, the 11th Circuit made its ruling that  
13 EPA properly acted within its authority in  
14 dismissing each allegation. This closes the  
15 chapter on a very long process that had EPA,  
16 under two different administrations, affirm that  
17 our NPDES program does, in fact, meet all federal  
18 requirements.

19 Also, on October 11th there was a  
20 ruling by the Alabama Court of Civil Appeals that  
21 overturned a lower court ruling related to the  
22 use of daily cover at landfills in Alabama. In  
23 1993, the Commission adopted a rule to allow

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1 certain types of daily cover, such as tarps, to  
2 conform to the then recently enacted EPA rules.  
3 The Alabama Solid Wastes Disposal Act adopted by  
4 the legislature in 1981, and subsequent  
5 amendments, did not specifically address the use  
6 of alternative cover even though it is often more  
7 effective and efficient in protecting human  
8 health and the environment. The Department will  
9 be taking appropriate action to affirm the use of  
10 alternative daily cover as EPA rules allow at the  
11 Federal level, as we believe the Alabama  
12 legislature intended, and to continue the  
13 practice that has served Alabama well for more  
14 than 25 years.

15 And that concludes my report. If  
16 you have any questions, I'd be pleased to address  
17 them.

18 CHAIRMAN MILLER: Any questions  
19 or comments for the Director?  
20 (No response.)  
21 CHAIRMAN MILLER: Thank you.  
22 DIRECTOR LeFLEUR: Thank you.  
23 CHAIRMAN MILLER: Next is our

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1 report from the Commission Chair. And I would  
2 like to -- we all realize that the coal ash  
3 problem is a big deal and will continue to be in  
4 the years to come. And at the Commission's  
5 request, the Department met with small groups of  
6 us to go over the current regulations and the  
7 current proposals for dealing with this. And it  
8 was very helpful. And I think there is a video  
9 of that presentation available on the website  
10 perhaps?

11 MALE AUDIENCE MEMBER: It's on  
12 the FTP site, and we will move it over to the --  
13 FEMALE AUDIENCE MEMBER: On the  
14 ADEM website --  
15 (Simultaneous speakers.)  
16 CHAIRMAN MILLER: But I think  
17 it's very informative, and we appreciate it very  
18 much. Because it took several people away from  
19 their normal duties to meet with us. I thank the  
20 Commissioners, some of whom had to travel quite a  
21 distance to get here. But we do realize that  
22 it's an important problem and that we're going  
23 to -- we need to be fully aware of what the



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1 current regulations are and what our options  
2 might be. And I want to thank you for having the  
3 parties to meet with us in small groups. Thank  
4 you.  
5 MALE AUDIENCE MEMBER: Thank  
6 you.  
7 CHAIRMAN MILLER: Next is our  
8 report from the Personnel Committee, Commissioner  
9 Walters.  
10 MR. WALTERS: Thank you,  
11 Chairman.  
12 As you recall, at our June 21st  
13 meeting this year, Chair Miller directed the  
14 Personnel Committee to conduct a job performance  
15 evaluation of Director LeFleur's performance  
16 starting October 30th, 2018, through today. As  
17 we did in 2018, part of that evaluation was to  
18 solicit comments from Commissioners and from the  
19 general public.  
20 And in so doing, operating as Chair  
21 of the Personnel Committee, I requested via memo  
22 to the Commissioners and notice to the public  
23 that written comments be submitted to the

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1 Personnel Committee by the close of business July  
2 31st of this year. And that notice to the public  
3 was posted on the ADEM website and also  
4 circulated to the advance notice of Commission  
5 meetings mailing list.  
6 I'm pleased to announce that we  
7 received in excess of 220 comments as a result of  
8 that request. And in our meeting this morning --  
9 actually, the Personnel Committee meeting this  
10 morning -- we adopted the draft compilation of  
11 those comments on the Director's performance  
12 evaluation. And I think if anyone wants to get a  
13 copy of those to contact the Commission  
14 Executive Assistant Debi Thomas to get a copy of  
15 those compilation -- the compilation of those  
16 comments.  
17 The Committee is recommending that  
18 we retain Lance LeFleur as our Director and that  
19 is in no change to his current salary. And that  
20 completes my report.  
21 CHAIRMAN MILLER: Okay. Are  
22 there any questions from other Commissioners to  
23 Chairman Walters?

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1 MR. WALTERS: So I would also  
2 like to present to the Commission for adoption  
3 the Committee's recommendation, which is that the  
4 Personnel Committee Chair, myself, meet with the  
5 Director regarding the compilation of the written  
6 comments on his performance in the past year and  
7 to execute the Verification of Understanding  
8 between the Commission and the Director regarding  
9 the evaluation.  
10 CHAIRMAN MILLER: Okay. Do I  
11 have a motion to adopt the recommendation of the  
12 Personnel Committee?  
13 MR. MASINGILL: Move to adopt.  
14 DR. PERRY: Second.  
15 CHAIRMAN MILLER: Is there any  
16 further discussion?  
17 (No response.)  
18 CHAIRMAN MILLER: All in favor,  
19 please say "aye."  
20 (All Commissioners signify  
21 with "aye.")  
22 CHAIRMAN MILLER: All opposed,  
23 "no."

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1 (No response.)  
2 CHAIRMAN MILLER: The ayes have  
3 it.  
4 While we're signing this resolution,  
5 I'd like to note that the Commission acknowledges  
6 for the record that the petitioner of the Alabama  
7 Treatment and Energy Company, Incorporated,  
8 versus ADEM, EMC Docket No. 18-06, has been  
9 withdrawn and there is no request for a hearing  
10 on this matter.  
11 Is there any other business that any  
12 Commissioner would like to bring up?  
13 (No response.)  
14 CHAIRMAN MILLER: All right.  
15 Our next meeting is December 13th, 2019.  
16 Is there anyone who has a known  
17 conflict for that day?  
18 (No response.)  
19 CHAIRMAN MILLER: All right.  
20 For now then we'll plan on December 13th.  
21 We now will enter the public comment  
22 period. And we have three people who have  
23 requested to make a three-minute presentation to



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1 the Commission.  
2       The first one is Julie Lay.  
3 Welcome, Ms. Lay.  
4       MS. LAY: Thank you. My name is  
5 Julie Lay, and I'm here to provide case in points  
6 regarding the impossibility of regulating land  
7 applications of beneficial use byproducts, also  
8 known as wastewater sludge, to the point that  
9 human and environmental health are protected.  
10       My first point. In the proposed  
11 ADEM regulations, the proposed states: to  
12 establish procedures to encourage and regulate  
13 the land application of eligible nonhazardous  
14 byproduct materials within the state.  
15 Nonhazardous.  
16       Ladies and gentlemen, as you know,  
17 if biological and chemical hazards cannot be  
18 identified, one cannot assess the probability of  
19 the hazard nor the severity of the hazard and,  
20 therefore, calculate the risk.  
21       Against industries' best efforts,  
22 industries have accidental releases and will  
23 continue to have accidental releases. These can

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1 go undetected for hours, days, weeks, or months,  
2 all the while releasing their wastewater to  
3 municipalities or allowing companies to pick up  
4 their sludge. Equipments fail. People fail.  
5 Until companies' generators are liable for what  
6 they put in their wastewater or sludges, any  
7 regulations that you propose will be  
8 unsuccessful.  
9       I suggest a new requirement where  
10 companies utilize a site system for  
11 their wastewater and sludge systems to identify  
12 if it's safe to be released in municipalities or  
13 to be land applied.  
14       If you are interested in talking  
15 about this or find out my opinions about this, I  
16 would love to provide those to you.  
17       My point number two. Across the  
18 country and in our own state, cases of land and  
19 water contamination due to land application of  
20 wastewater sludges are increasing dramatically.  
21 Who should be held responsible? In several cases  
22 that I'm aware of the property owner was not  
23 aware of the application. The lessor of the land

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1 allowed the application after they fell for the  
2 sales pitch of food grade fertilizer. We show no  
3 violations. Well, because there's none to be had  
4 as far as poultry wastewater process sludge. And  
5 the 503s are extremely lax for the biosolid  
6 application. That's why there's no violations.  
7       Oh, and also they show results from  
8 local universities that show the fertilizing  
9 capabilities.  
10       Lease agreements typically give the  
11 lessor fertilizing application rights. These  
12 products are considered fertilizer by our state.  
13 Should the state be held liable for subsequent  
14 land and water contamination? Should the  
15 applicator? Should the generator? Certainly not  
16 the farmer, I would hope. Should the landowner?  
17 The liability for contamination is endless.  
18       Point three. A company that oozed  
19 into my community handles poultry wastewater and  
20 sludge and Class B biosolids. How are you  
21 ensuring in fact that they are applying poultry  
22 wastewater sludge versus biosolids? This is  
23 important as to which is being applied as grazing

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1 crop and human exposure requirements vary  
2 depending on sludge type.  
3       Genetic testing on the sludge is the  
4 only way I can know of. These companies have  
5 holding ponds. Are they mixing products? How do  
6 you prove that they are not?  
7       My point number four. How are you  
8 ensuring that these companies/landowners  
9 are adhering to the crops and cattle grazing  
10 requirements?  
11       An example. The company  
12 mentions/states on a nutrient management plan  
13 that no crops for human consumption, not  
14 processed to eliminate pathogens, should not be  
15 grown on 18 months on the land after application.  
16       In one of the pictures I was  
17 provided by ADEM that was taken 6/25 of 2019 in a  
18 field, the description states that wheat is going  
19 to be planted in a field in the fall. How are  
20 you ensuring this is not going to human  
21 consumption? Did you contact the Department of  
22 Ag or the Department of Human Health to follow  
23 the wheat?



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1 I'm sure you have also seen the  
2 multitude of flour recall due to E. coli. I  
3 wonder why? I confirmed with an associate that  
4 from their knowledge flour processing does not  
5 have a kill step for biological hazards. How are  
6 you going to trace that wheat to the elevator,  
7 from the elevator to the processor, and from the  
8 processor to the consumer, as our elevators are  
9 not required under federal law to do traceability  
10 exercises?  
11 Do you have resources to do this  
12 work? Does the state? Alabama, we should expect  
13 better. We have to do better, and we can do  
14 better. The companies that promote this state  
15 that this is full-circle recycling. And I could  
16 not agree more. They participate in a full  
17 recycling of contaminants right back to our  
18 dinner plates and our glasses of water that  
19 you-all are drinking now.  
20 Companies and municipalities need to  
21 invest their capital in digesters or incinerators  
22 or other innovative options for the sludge.  
23 Commissioners, in my opinion, you

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1 are currently reviewing the regulations that are  
2 historic. Your names will forever be attached to  
3 these regulations. With all due respect, are you  
4 going to ignore the massive amount of science  
5 that negates the fertilizing capabilities of  
6 beneficial use byproducts?  
7 Even with the passage of these  
8 regulations, these companies will find the  
9 loopholes and continue to do business in Alabama.  
10 The owners of the company that I mentioned before  
11 have master's degrees in business, not natural  
12 resources. I have observed that they're more  
13 concerned with making money than to provide soil  
14 management to our farmers. People like  
15 this will continue to take advantage of the  
16 potential loopholes in our laws. What is your  
17 stance? Will you make a stance for the people in  
18 rural communities such as Asbury, Nixon Chapel,  
19 Mt. Hebron, Flat Rock, rural communities, to name  
20 a few? Will you make a stand like Mr. Tommy  
21 Hanes, Alabama House of Representatives, from  
22 Jackson County who -- what he is doing for his  
23 county is actively working to allow a vote on

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1 beneficial use byproducts in Jackson County per  
2 the request of their citizens.  
3 Will you make a stand like Mr. Billy  
4 Pittard, who is the county commissioner for  
5 Oglethorpe County in Georgia who run a cease-and-  
6 desist against the company spreading beneficial  
7 use byproducts in his county per the request of  
8 his citizens. Mr. Pittard is a grower and  
9 elected official. These men honor their role to  
10 protect their citizens regardless of backlash  
11 they receive.  
12 Will you stand? Are you the kind of  
13 people Mr. Hanes and Mr. Pittard are? Are you  
14 willing to say cease and desist in our state?  
15 People may be thinking that I'm naive. But I  
16 think -- I have faith that together we can turn  
17 this around. After all, we're called to be our  
18 brother's keeper.  
19 Some farmers that are a proponent of  
20 using the sludge are not aware of the risks or  
21 ignore the risks. As a common statement from the  
22 users of the sludge state, it's perfectly legal.  
23 And if it wasn't good for the land, the

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1 government wouldn't allow it --  
2 CHAIRMAN MILLER: Ms. Lay,  
3 you're well over your time limit.  
4 MS. LAY: Yes, sir. I drove  
5 three hours here and took a vacation day to be  
6 here.  
7 CHAIRMAN MILLER: Well, you  
8 should have practiced maybe a little bit more.  
9 MS. LAY: I did.  
10 CHAIRMAN MILLER: Take another  
11 30 seconds and --  
12 MS. LAY: They're relying on you  
13 to protect them. I encourage you to please  
14 provide swiftly and thoroughly and please do not  
15 allow farmers in our farmland to be excluded  
16 anymore. I would like to give each of you a  
17 reference sheet that contains a multitude of  
18 scientific studies and cases of farms and  
19 communities that's been decimated by beneficial  
20 use byproducts. Thank you for your time.  
21 CHAIRMAN MILLER: Thank you very  
22 much.  
23 Mr. Lay, do you have anything to add



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1 to that or -- try to remember you have three  
2 minutes.  
3 MR. LAY: I will.  
4 CHAIRMAN MILLER: Not six or  
5 seven.  
6 MR. LAY: Mine is not as  
7 technical as hers. I'm Keith Lay, her husband.  
8 I'm from Guntersville. I'm going along the same  
9 things though. It says -- I picked up brochures  
10 from your very lobby and it talked about the evils of  
11 water pollution and sediment run-off. The first  
12 brochure states that sediments carry pathogens,  
13 nutrients, and toxic materials such as heavy  
14 metals and chemicals into our waterways. These  
15 pollutants affect drinking water and surface  
16 water quality, contribute to increased water  
17 treatment cost, cause fish consumption advisories,  
18 and expand oxygen-depleted dead zones into the  
19 Gulf of Mexico, which leads to the suspended sediment  
20 reduces visibility and damages fish gills  
21 affecting the ability for fish to feed and  
22 breathe.  
23 The next brochure is about picking

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1 up after your dog does his business. Our tax  
2 dollars paid for a brochure about dog feces. It  
3 reads that soil samples -- sorry, that pet waste  
4 is a health risk to animals and people. Pet  
5 waste is full of bacteria that can cause  
6 illnesses.  
7 The soil samples that came back on  
8 the applied land from near our plant  
9 came back at 31,000 MPNs for fecal coliform. A  
10 typical cow pasture only has around 300. It's  
11 also tested positive for heavy metals and a  
12 compound that is known as a GenX PFAS.  
13 As an outdoorsman, this is deeply  
14 unsettling to me. Please truly consider  
15 everything while reviewing the regulations on the  
16 beneficial byproducts. The land that this  
17 applied on is 100 yards from Big Spring Creek,  
18 which directly feeds Lake Guntersville watershed.  
19 And what's even worse is the close proximity to  
20 the Douglas water board's aquifer, where Douglas  
21 gets its water -- that thousands of people get  
22 their drinking water from. And they actually  
23 have a test facility directly across from our

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1 house. All this -- the water run-off was applied  
2 within 50 foot of a creek -- a wet weather stream  
3 that runs directly into the creek and aquifer.  
4 That's all.  
5 CHAIRMAN MILLER: Thank you.  
6 Thank you both for coming so far to talk to the  
7 Commission. We appreciate it.  
8 Mayor McCarty.  
9 MAYOR McCARTY: Good morning,  
10 Mr. Chairman. Good morning, members of the  
11 Commission. Mr. Chairman, I forget, is the time  
12 limit three minutes or 30 minutes?  
13 CHAIRMAN MILLER: Three.  
14 MAYOR McCARTY: Just making  
15 sure. Okay. Let me cut to the chase then.  
16 Mr. LeFleur talked about credible relationships  
17 with external stakeholders. Another way to  
18 phrase that would be, Does the public at large  
19 believe that you're doing what's best for the  
20 health, safety, and welfare of all Alabamians?  
21 Are you making your decisions transparently? Are  
22 you making them publicly? Are you taking into  
23 account all aspects of the information?

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1 I've bombarded you with information,  
2 and I know other groups have, other people have.  
3 I'm sure the power company has. How many of you  
4 even made up your mind as to whether or not  
5 you're going to allow Alabama Power Company to  
6 cap in place the 24 million tons of coal ash in  
7 Wilsonville? How many of you made up your mind  
8 yes or no on that question? When are you going  
9 to make up your mind? When you do make up your  
10 mind, are you going to have a public vote on it  
11 where each one of you says yes or no, they can or  
12 they can't? Will we know how that decision is  
13 made? You owe it to us that we do know how that  
14 decision is made.  
15 At some point -- I'm glad you  
16 brought up coal ash earlier, Mr. Chairman.  
17 You-all have been covered up with information.  
18 You-all should have -- and you have the authority  
19 to say yes or no. When is that going to happen?  
20 Last meeting we said the public hearings were  
21 coming, decision was coming. What's happened on  
22 that? How would I know? Who would I ask? We  
23 need to be transparent, and we need to be open

1 and we need to get these decisions made. And I  
2 would appreciate a public vote from each one of  
3 you yes or no, up or down, on whether or not this  
4 coal ash can remain in these communities. Thank  
5 you.

6 CHAIRMAN MILLER: Thank you. I  
7 think that's all of our presentations for today.  
8 I will entertain a motion that we adjourn.

9 VICE CHAIR BROWN: So moved.

10 MR. WALTERS: Second.

11 (The meeting is adjourned at  
12 12:00 p.m.)

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1 STATE OF ALABAMA)

2 COUNTY OF ELMORE)

3

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

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

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

18  
19

20 

21 \_\_\_\_\_  
22 VICTORIA CASTILLO, ACCR #17, 9/30/20

23 FREELANCE COURT REPORTER



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<b>\$2 (1)</b> 26:3	<b>addition (2)</b> 9:4;29:1	<b>again (1)</b> 15:16	<b>Annual (7)</b> 6:19,22;7:13;8:8; 14:10;15:23;26:1	<b>assist (2)</b> 10:15;16:14
<b>\$200,000 (1)</b> 9:8	<b>additional (4)</b> 15:19;18:23;22:20; 28:21	<b>Against (2)</b> 37:21;43:6	<b>anticipated (2)</b> 7:19;29:16	<b>assistance (2)</b> 24:23;27:10
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**Part B**



## **Attachment Index**

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**Attachment 2 Order to adopt motion to accept Sam Miller as Chair and Lanier Brown as Vice Chair  
(Agenda Item 2)**

**Attachment 3 Director's Slides  
(Agenda Item 3)**

**Attachment 4 Order to adopt recommendation of the Personnel Committee  
(Agenda Item 5)**

**Attachment 1**



9/18/19

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 18, 2019

TIME: 11:00 a.m.

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

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\* 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 for this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 16, 2019

2. ELECTIONS

The Commission will elect a Commission Chair and Vice Chair.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. REPORT AND RECOMMENDATION FROM THE PERSONNEL COMMITTEE ON THE ADEM DIRECTOR JOB PERFORMANCE EVALUATION

The Personnel Committee will provide its report and present a recommendation on the ADEM Director Job Performance Evaluation to the Commission for consideration.

6. ALABAMA TREATMENT AND ENERGY COMPANY, INC. V. ADEM, EMC DOCKET NO. 18-06

The Commission will acknowledge for the record the Petitioner's withdrawal of the request for hearing in the above matter. The subject of the request for hearing is ADEM Administrative Order No. 18-067-HW issued on May 16, 2018, to Invictus Energy, Inc. and Alabama Treatment and Energy Company, Inc., Fort Mitchell, Russell County, Alabama, EPA Identification Number ALR000005322.

7. OTHER BUSINESS

8. FUTURE BUSINESS SESSION



PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.

**Attachment 2**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept Sam Miller as Chair and

Lanier Brown as Vice Chair

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission 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.

Environmental Management Commission Order  
Page 2

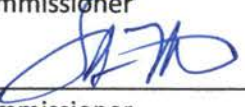
ISSUED this 18th day of October 2019.

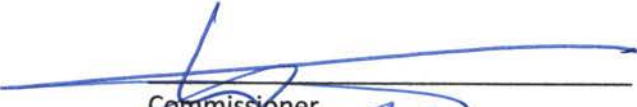
APPROVED:

  
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Commissioner

  
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Commissioner

  
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Commissioner

  
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Commissioner

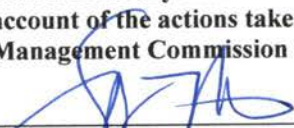
DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 18th day of October 2019.

  
\_\_\_\_\_  
Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 18th day of October 2019



**Attachment 3**



## Alabama Department of Environmental Management

### Shared AEMC / ADEM Plan Goals

- Effective and Responsive Commission
- High Performing Work Environment
- Credible Relationships with External Stakeholders
- Efficient and Effective Departmental Operations



## Alabama Department of Environmental Management

### ADEM Operating Plan Goals

- Effective and Responsive Commission
  - Information on proposed rulemaking
  - Information on current environmental policy issues
  - Regular updates on Operating Plan progress
  - Provide performance metrics



**ADEM Operating Plan Goals**

- High Performing Work Environment
  - Financial and physical resources
  - Human resources
  - Data driven performance measurement
  - Promote innovation

**ADEM Operating Plan Goals**

- Credible Relationships with External Stakeholders
  - Meet with private sector, NGOs, Fed & State
  - Community engagement
  - Website information
  - Waste water infrastructure and safe drinking water outreach



## Alabama Department of Environmental Management



### Community Engagement

ADEM is committed to keeping all residents of Alabama informed and involved regarding the environmental activities in their local communities.

Updated October 2019



## Alabama Department of Environmental Management

### ADEM Operating Plan Goals

- Efficient and Effective Departmental Operations
  - Effective internal communication
  - Meet or exceed EPA work plan
  - Incorporate electronic applications
  - Operate with tight budget





## Alabama Department of Environmental Management

### Factors contributing to Non- Compliance by Municipal Wastewater Systems

- Costly to build, operate, and maintain
- Costly system upgrade requirements
- Systems are getting old
- Inability to self-fund investments and operations
- Limited regulatory options to stop non-compliance
- Large investments and cost reductions needed



## Alabama Department of Environmental Management

### ADEM actions to help address problems

- Enhancements to SRF loan program
- Funding Pollution Control Grant Fund
- Energy efficiency assistance
- Program to provide cost effective local SSO notification
- Extra effort to provide other assistance



**ADEM** Hanceville WWTP Solar Array



**Attachment 4**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Adopt the recommendation of the Personnel Committee

ORDER


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

1. That the above motion is hereby adopted; and
2. That pursuant to the adoption of the recommendation of the Personnel Committee, the Personnel Committee Chair is authorized to meet with Director LeFleur regarding the Summary of Written Comments for ADEM Director Job Performance Evaluation and to execute the verification of understanding between the Commission and the Director regarding the evaluation; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Environmental Management Commission Order  
Page 2

ISSUED this 18th day of October 2019

APPROVED:

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 18th day of October 2019.

  
\_\_\_\_\_

Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 18th day of October 2019