

12/12/23

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**October 13, 2023**

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 13, 2023.

A handwritten signature in cursive script, appearing to read "A. Frank McFadden", written over a horizontal line.

A. Frank McFadden, Chair  
Alabama Environmental Management Commission

Certified this 8th day of December 2023.

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
October 13, 2023**

**Convened: 11:00 a.m.  
Adjourned: 11:54 a.m.**

**Part A**

**Transcript  
Word Index**

**Part B**

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**Part A**

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
Meeting on 10/13/2023

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MEETING OF THE

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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OCTOBER 13, 2023

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11:00 a.m.

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LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL

11

MANAGEMENT (ADEM) BUILDING

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Alabama Room

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1400 Coliseum Boulevard

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Montgomery, Alabama 36110

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Court Reporter: Jason Kobielus, RPR, Alabama CCR

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<p>1 COMMISSION MEMBERS PRESENT: 2 John "Jay" H. Masingill, III (Chair) 3 H. Lanier Brown, II, Esq. (Vice Chair) 4 A. Frank McFadden, P.E. (New Chair) 5 Kevin McKinstry (New Vice Chair) 6 Mary J. Merritt 7 Ruby L. Perry, D.V.M. 8 9 ALSO PRESENT: 10 Lance LeFleur, ADEM Director 11 Pamela P. Miller 12 Debi Thomas, EMC Executive Assistant 13 Lindsay Dawson, EMC Legal Counsel 14 15 *** 16 17 18 19 20 21 22 23 24 25</p>	<p>1 MS. PERRY: Yeah. 2 MR. MASINGILL: As chair, do we have a 3 second? 4 MR. BROWN: Second. 5 MR. MASINGILL: Any discussions? 6 Call for the question -- all in favor 7 of accepting Frank McFadden as chair of the 8 Commission, signify by the voting sign. 9 MR. McFADDEN: I abstain. 10 MR. MASINGILL: All oppose? 11 The motion carried with one 12 abstention. Condolences. 13 MR. McFADDEN: Condolences, yeah. 14 MR. MASINGILL: All right. That 15 brings us to the consideration of the -- the vice 16 chair, election of the vice chair. Do I have a 17 motion to accept someone as vice chair? 18 MS. PERRY: Mr. Chairman, I move to 19 accept Kevin McKinstry as vice chair of the 20 Commission. 21 MR. BROWN: Second. 22 MR. MASINGILL: Any discussion? 23 Call for the question -- all in favor 24 of Kevin McKinstry as vice chair, signify by the 25 voting sign.</p>
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<p>1 P R O C E E D I N G S 2 MR. MASINGILL: Okay, I would like to 3 call to order the Alabama Environmental 4 Management Commission meeting. Today is October 5 13th, 2023. We do have a quorum. 6 First item on the agenda, Item 1, is 7 Consideration of the minutes of the meeting held 8 on August the 11th, 2023. I'll entertain a 9 motion from the Commission regarding the minutes. 10 MS. MERRITT: Move to adopt the 11 minutes of the August 11th, 2023. 12 MR. MASINGILL: Do I have a second? 13 MS. PERRY: Second. 14 MR. MASINGILL: All in favor of 15 adopting the minutes, signify by the voting sign. 16 All opposed? None. 17 All right. That brings us to Item 2, 18 Elections. The Commission will consider the 19 election of a Commission chair and -- and a 20 Commission vice chair. I'll entertain a motion 21 from the Commission regarding election of a 22 chair. 23 MS. PERRY: Move to accept John -- 24 excuse me -- move to accept A. Frank McFadden. 25 MR. MASINGILL: Frank?</p>	<p>1 It was unanimous. 2 MS. THOMAS: I do have an order for 3 that. 4 MR. MASINGILL: Oh, okay. Go ahead, 5 and we'll swap. 6 MR. McFADDEN: This is the hot seat 7 here. 8 MR. MASINGILL: That is right. I've 9 warmed it sufficiently for you. 10 MR. McFADDEN: You do know, when you 11 put a freshman quarterback in the game, what can 12 -- what can happen: fumbles and interceptions. 13 So beware. 14 MR. MASINGILL: You'll do well. 15 MS. MERRITT: Yeah, you'll do well. 16 MR. McFADDEN: Appreciate you all's 17 confidence. 18 MR. BROWN: You just didn't want to do 19 it. 20 MR. McFADDEN: That was obvious. 21 Debi, is Ms. Miller here -- is 22 Ms. Miller here yet? 23 MS. THOMAS: They're going to come 24 over when Mrs. Miller gets here. 25 MR. McFADDEN: Okay.</p>

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<p>1 MS. THOMAS: Yes, sir.</p> <p>2 MR. McFADDEN: All right. Okay, then</p> <p>3 we'll go ahead with Agenda Item Number 3, the</p> <p>4 report from the ADEM director.</p> <p>5 MR. LeFLEUR: Good morning, and</p> <p>6 welcome to the first meeting of the Alabama</p> <p>7 Environmental Management Commission for Fiscal</p> <p>8 Year 2024.</p> <p>9 Before beginning today's report, I</p> <p>10 want to express to the family of Dr. Miller our</p> <p>11 sincere condolences, and -- at the passing of</p> <p>12 such a great physician, humanitarian, Christian,</p> <p>13 and Environmental Management Commission member.</p> <p>14 He provided great counsel to me for 13 years, and</p> <p>15 I will miss him.</p> <p>16 When all the family is able to be</p> <p>17 here, please interrupt my -- my report. And I</p> <p>18 know that the Commission has a resolution they</p> <p>19 would like to read to the family.</p> <p>20 MR. McFADDEN: Yeah.</p> <p>21 MR. LeFLEUR: But my personal -- my</p> <p>22 personal condolences at -- at his passing. I did</p> <p>23 want to open with that. And as soon as they are</p> <p>24 available, please notify me and I'll -- I'll</p> <p>25 pause my -- my report.</p>	<p>1 by all who met him. He was a -- a great</p> <p>2 physician, humanitarian, Christian, and</p> <p>3 Environmental Management Commission member.</p> <p>4 And I have a personal relationship</p> <p>5 with him, and I will miss him greatly. He was a</p> <p>6 -- a fine, fine man and helped me in many, many</p> <p>7 ways.</p> <p>8 But, Chair, would you like to --</p> <p>9 MR. McFADDEN: Yeah. So we have a</p> <p>10 presentation for you. And you're welcome to stay</p> <p>11 for his long report, if you -- if you like, or</p> <p>12 you're welcome to -- to leave if you -- if you</p> <p>13 rather. So it is totally up to you.</p> <p>14 MR. LeFLEUR: Yeah, I warned them I</p> <p>15 have a long, boring report. We would love to</p> <p>16 have you stay. And if you decide that it is --</p> <p>17 it is so boring, you can't take it anymore, you</p> <p>18 are perfectly welcome to go about your -- the</p> <p>19 rest of your day with no offense by anybody.</p> <p>20 MR. McFADDEN: So we have a resolution</p> <p>21 that we need to vote on, and then we'll read it.</p> <p>22 Most of you have probably seen it. The</p> <p>23 resolution is, of course, in honor of Dr. Miller,</p> <p>24 a posthumous recognition of him. And we'll read</p> <p>25 it when the family gets up, if that is okay. We</p>
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<p>1 Today, we'll review the proposed 2024</p> <p>2 Unified Strategic Plan developed by the</p> <p>3 Commission-appointed Ad Hoc Committee in</p> <p>4 cooperation with the Department.</p> <p>5 As is done at the first meeting of the</p> <p>6 fiscal year, today's report will also review how</p> <p>7 the Department has done against its FY 2023</p> <p>8 Annual Operating Plan and report to you the</p> <p>9 Departmental plans for the coming year.</p> <p>10 As I begin, I do want to let you know</p> <p>11 that today's report will be longer than usual,</p> <p>12 because we'll be covering both the Strategic Plan</p> <p>13 and the Department's operating plans for '23 and</p> <p>14 '24. So be forewarned on that.</p> <p>15 Oh, here we are.</p> <p>16 MR. McFADDEN: Come in. Glad to have</p> <p>17 you.</p> <p>18 MR. LeFLEUR: We're so pleased that</p> <p>19 you all could be here. You can come on --</p> <p>20 MR. McFADDEN: No age minimum.</p> <p>21 MR. LeFLEUR: We're used to --</p> <p>22 For you who just came in of</p> <p>23 Dr. Miller's family, I -- I do want to express</p> <p>24 the condolences on behalf of the Department and</p> <p>25 to tell you how much he was appreciated here and</p>	<p>1 can go ahead and vote on it -- if any of you</p> <p>2 would rather read it now or whatever, we can do</p> <p>3 that. But I think most of you have seen it.</p> <p>4 So do I have a motion to move to adopt</p> <p>5 the resolution for a posthumous recognition of</p> <p>6 former Commission member Samuel L. Miller, M.D.?</p> <p>7 MR. BROWN: So moved.</p> <p>8 MS. PERRY: Second.</p> <p>9 MR. McFADDEN: Moved and had a second,</p> <p>10 I believe. Any discussion on this? All right.</p> <p>11 Call the question -- all in favor,</p> <p>12 signify with the sign. Okay.</p> <p>13 Anybody opposed? Of course not.</p> <p>14 Motion passes. All right.</p> <p>15 MS. THOMAS: Frank, I'll get you all</p> <p>16 to sign this one copy, okay?</p> <p>17 MR. McFADDEN: And if we have a</p> <p>18 paperwork reduction, I can at least -- all right.</p> <p>19 MS. THOMAS: And it is right down --</p> <p>20 MR. McFADDEN: Okay. Yeah, would you</p> <p>21 all come up. And, Lance, would you join us,</p> <p>22 and get that resolution.</p> <p>23 All right. Let's see. Where does the</p> <p>24 resolution go?</p> <p>25 MS. THOMAS: Yes, sir.</p>

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<p>1 MR. LeFLEUR: Got it all framed 2 already. 3 MR. McFADDEN: Yeah, yeah, all right. 4 Let me read the resolution we just voted on. 5 Whereas Samuel L. Miller, M.D. was a 6 dedicated public servant. Among his areas of 7 public service was the Environmental Management 8 Commission of the Alabama Department of 9 Environmental Management; 10 And whereas Dr. Miller served on the 11 Commission in the Physician Position from October 12 of 2010 until September 2023; 13 And whereas Dr. Miller served 14 conscientiously in the leadership positions of 15 the Commission's Chair and Vice Chair, Chair of 16 the Personnel Committee, and as a Member of the 17 Personnel, Rulemaking -- a member of the 18 Personnel, Rulemaking, and Strategic Planning 19 Committees; 20 And whereas Dr. Miller consistently 21 met his obligations as a Commissioner to the 22 people of Alabama and the environment; 23 And whereas Dr. Miller will be greatly 24 missed and fondly remembered by his fellow 25 Commissioners, the Commission's legal counsels</p>	<p>1 passed. And I drove him up, and he got out and 2 came in. And his suit was so big, he looked like 3 a vagabond. But he was not going to miss a 4 meeting. He was very dedicated and very grateful 5 for that. 6 And we thank you for putting him in 7 the position that he was in to be able to do the 8 things that he enjoyed doing. So thank you very 9 much. He would be very proud and very humbled by 10 this. So thank you very much. 11 MR. LeFLEUR: Thank you. 12 MR. McFADDEN: Thank you. 13 MR. LeFLEUR: At the last meeting 14 before the meeting, we met and talked. 15 And I said, Sam, you've been going 16 through a lot of difficult times with your 17 chemotherapy and radiation and so forth. I said, 18 You've earned an excused absence. It is very 19 difficult for you to get around; so you have an 20 excused absence. 21 He said, No. I'm coming. He was a 22 trooper; he was a real trooper. And I speak for 23 -- for all of us here: We -- we really, really 24 appreciated the opportunity to know and to be 25 with him.</p>
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<p>1 and assistant; the Director, Deputy Director, 2 supervisors, and staff of the Alabama Department 3 of Environmental Management; and many within the 4 government, regulated, and environmental 5 communities; 6 Now, therefore, be it resolved that 7 the Alabama Environmental Management Commission 8 expresses appreciation for Dr. Miller's 9 contributions and friendship and offers its 10 condolences for his loss to his family, done this 11 13th day of October 2023. 12 MS. MILLER: Thank you very much. 13 MR. McFADDEN: There you go. Yeah, 14 let's give -- 15 (Applause.) 16 MS. MILLER: I would like to say a few 17 words. 18 My husband was very serious about 19 ADEM. He took it seriously, he worked on it, he 20 researched it, and it was an honor to him to be 21 asked to serve in this capacity. And he didn't 22 take it lightly. And he did consider it a very 23 high honor. 24 And he never missed. I remember the 25 last time he came. It was not long before he</p>	<p>1 Okay. Well, now to the other 2 business we have going today. Once again, you 3 may not know what you're in for with our report 4 today, but do feel free to -- to stay or -- or go 5 about the rest of your day as you may wish. 6 MS. MILLER: We do. We want to 7 experience what he used to experience. 8 MR. LeFLEUR: Okay. 9 MR. McFADDEN: Maybe not. 10 MR. LeFLEUR: You've been forewarned; 11 you've been forewarned. 12 MS. MILLER: Thank you. 13 MR. LeFLEUR: Okay. Picking up -- 14 before each of the six Commission meetings during 15 the year, you receive a written memorandum that 16 updates you on progress toward meeting the 17 objectives set out in the current operating plan. 18 Through those memoranda, the Commission as well 19 as the public has the means to hold the 20 Department accountable for our performance 21 throughout the year. 22 It has been five years since the 2019 23 Unified Strategic Plan was adopted. So, as set 24 out in the ADEM Administrative Code, it is now 25 time to update the plan.</p>



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<p style="text-align: right;">Page 14</p> <p>1 At the August Commission meeting, a  2 Strategic Planning Ad Hoc Committee was appointed  3 to work with the Department to update the 2019  4 Unified Strategic Plan. The public was also  5 invited to provide input to the plan. As part of  6 the process to develop the proposed 2024 Unified  7 Strategic Plan, EPA's recently released 2022-2026  8 Strategic Plan was reviewed for consistency.  9 You've received a red-lined copy of  10 the proposed 2024 Unified Strategic Plan. And  11 copies of the proposed plan are available on the  12 table in the lobby to any interested party.  13 Later in the agenda for today's  14 meeting, the Commission will receive a  15 recommendation from the Commission's Strategic  16 Planning Ad Hoc Committee regarding the proposed  17 2024 Unified Strategic Plan. It is anticipated  18 the Commission will consider adopting the 2024  19 Unified Strategic Plan at its meeting on December  20 8, 2023. I'll walk you through the major  21 sections of the proposed plan.  22 The plan begins by setting out certain  23 foundational elements: first, the Mission, Values  24 and Operating Guidelines for the Commission and  25 the Department; next, the Roles of the Commission</p>	<p style="text-align: right;">Page 16</p> <p>1 oversight role.  2 The Department's role is to implement  3 Commission policy by developing science-based  4 standards, managing permitting, making compliance  5 determinations, and taking necessary enforcement  6 actions.  7 Finally, it is the Department's role  8 to provide timely quality information to the  9 Commission to assist in policy-setting decisions.  10 The third foundational element is the  11 Vision for Achieving the Most Meaningful Results  12 for the Environment, which is focused  13 individually on air, land, and water media.  14 For the Air media, it is meeting or  15 beating federal ambient air quality standards.  16 For the Land media, it is the safe and  17 responsible management and disposal of solid and  18 hazardous waste, cleaning up and redeveloping  19 contaminated sites, and promoting recycling.  20 For the water media, it is attainment  21 of water quality standards and all use  22 classifications and minimizing the effects of  23 stormwater runoff. The vision for achieving  24 results in the water media includes utilizing the  25 State Revolving Fund Programs to improve</p>
<p style="text-align: right;">Page 15</p> <p>1 and the Department; and, third, the Vision for  2 Achieving the Most Meaningful Results for the  3 Environment.  4 The Mission, as set out in the statute  5 that created the Commission and the Department,  6 is Assure for all citizens of the state a safe,  7 healthful, and productive environment.  8 The Values that Guide the Operation of  9 the Commission and the Department are  10 science-based decisions on policies, mutually  11 respecting the differing roles of the Commission  12 and the Department, transparent communication,  13 using resources wisely, and acting on agreed-upon  14 goals.  15 The second foundational element of the  16 Unified Strategic Plan deals with the roles of  17 the Commission and the Department. It begins by  18 recognizing that the Commission and the  19 Department have differing roles.  20 The Commission's role is to set  21 environmental policy by promulgating rules, which  22 is a legislative-like function; hearing appeals  23 of administrative actions, which is a  24 judicial-like function; and managing the Director  25 of the Department, which is an executive</p>	<p style="text-align: right;">Page 17</p> <p>1 infrastructure.  2 These three components are  3 foundational and are constant in each update of  4 the Unified Strategic Plan.  5 The broad long-range goals in the  6 Unified Strategic Plan are an effective and  7 responsive Commission, a high-performing work  8 environment, credible relationships with external  9 stakeholders, and efficient and effective  10 Departmental operations.  11 Significant progress toward achieving  12 these key goals has been made during the last  13 five years, covered by the 2019 strategic plan.  14 However, the goals remain relevant and are being  15 reaffirmed in the 2024 update.  16 Several additional statements have  17 been added within the key goals that primarily  18 reflect what has been longstanding practice in  19 areas such as fair treatment in all that we do;  20 coordination with other branches of state  21 government; a focus on sustainability and -- and  22 the long-term; and providing technical assistance  23 to communities, including the regulated  24 community.  25 Likewise, the broad strategies for</p>

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<p style="text-align: right;"><b>Page 18</b></p> <p>1 achieving those goals are being reaffirmed with  2 some supplemental statements.  3           Those strategies and the -- and a  4 brief synopsis of the newly added language  5 include: Effective Communication Between the  6 Commission and the Department, with an additional  7 -- an addition recognizing the Personnel  8 Committee has been replaced with a process by  9 which the Commission as a body will review the  10 Director performance; Effectively Addressing  11 Emerging Issues, Regulations, and Interaction  12 with the Public, now including some examples of  13 standardized practices; Robust Departmental  14 Support for the Commission, with additional  15 language noting the Director is expected to  16 provide the Commission information on proposed  17 rules; Steady Department Focus on Goals;  18 Maintaining High Quality Departmental Operations,  19 again, with new language providing an example of  20 quality assurance measures and recognizing proper  21 laboratory and other physical facilities are  22 necessary to support Departmental operations; and  23 Taking all necessary steps to assure high levels  24 of regulated industry compliance, now noting that  25 this occurs through graduated enforcement and</p>	<p style="text-align: right;"><b>Page 20</b></p> <p>1 has objectives that can be categorized in two  2 ways: those that are continuous and those that  3 have a finite completion time frame.  4           Continuous objectives are those in the  5 Operating Plan every year. These are activities  6 like communication practices, promoting  7 professional development, regularly measuring  8 performance, public outreach activities,  9 innovation, and the like.  10           Finite objectives include such  11 activities as completing construction on physical  12 facilities, implementing specific new programs or  13 systems, technology upgrades, and the like.  14           The FY 2023 Operating Plan had 110  15 objectives with 65 categorized as continuous and  16 45 with a finite completion schedule. With one  17 exception, all finite objectives due to be  18 completed in '23 were accomplished and planned  19 progress on other objectives was achieved.  20           The FY '24 Operating Plan has 121  21 itemized objectives of which 55 have a finite  22 completion schedule.  23           The next several slides will recap  24 some of the individual FY 2023 Departmental  25 Operating Plan objectives accomplished during the</p>
<p style="text-align: right;"><b>Page 19</b></p> <p>1 informal enforcement.  2           Additional details regarding each of  3 the goals and the strategies for achieving those  4 goals are set out in the proposed 2024 Unified  5 Strategic Plan document you have been provided.  6 In the December Commission meeting, you will be  7 voting on the 2024 update to the Unified  8 Strategic Plan, as is done every five years.  9           Moving now to the Department's Annual  10 Operating Plans that set out specific annual  11 objectives to achieve the long-term goals in the  12 five-year Strategic Plan, I will review how we  13 did in implementing the Department's FY 2023  14 Annual Operating Plan and what the new FY 2024  15 operating plan seeks to accomplish. The goals in  16 the Department's Annual Operating Plan are the  17 same as those in the proposed 2024 Five-Year  18 Unified Strategic Plan.  19           The strategic plan and each annual  20 operating plan shared goals are: Effective and  21 Responsive Commission; High-Performing Work  22 Environment; Credible Relationships with the --  23 with External Stakeholders; and Efficient and  24 Effective Departmental Operations.  25           The Department's Annual Operating Plan</p>	<p style="text-align: right;"><b>Page 21</b></p> <p>1 past Fiscal Year and provide a general  2 description of some of the new objectives in the  3 FY '24 Plan. The objectives are grouped under  4 the four broad shared goals in the unified  5 five-year strategic plan.  6           The first goal in the Department's  7 Annual Operating Plan is to have an Effective and  8 Responsive Commission. To achieve this goal,  9 there must be effective communication between me  10 as Director and each of the seven commissioners.  11 This involves a set of ongoing objectives that  12 continue year to year.  13           The Commission and the public are  14 provided a written schedule of all anticipated  15 rulemaking well before proposed rules are  16 formally presented. Before each of the six  17 regularly scheduled Commission meetings, the  18 Ongoing Rulemaking Information memo is sent to  19 each commissioner and posted on the ADEM website.  20 This practice will continue.  21           The Director will continue one-on-one  22 meetings six times per year with each  23 commissioner to discuss the latest issues  24 confronting the Department and affecting our  25 environment.</p>

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<p style="text-align: right;"><b>Page 22</b></p> <p>1 As in the past, the Director will</p> <p>2 provide a written memorandum called ADEM Update</p> <p>3 prior to each Commission meeting, highlighting</p> <p>4 significant new activities in each of the</p> <p>5 Department's five divisions and addressing</p> <p>6 interim progress on individual objectives set out</p> <p>7 in the Department's Annual Operating Plan.</p> <p>8 And the Director will deliver a report</p> <p>9 at each Commission meeting. The reports will</p> <p>10 include a review of standard EPA performance</p> <p>11 metrics, an analysis of the State of the</p> <p>12 Environment in Alabama, and other current</p> <p>13 environmental topics.</p> <p>14 Each of these objectives was</p> <p>15 accomplished in 2023 and will continue as</p> <p>16 objectives in FY '24.</p> <p>17 The Ongoing Rulemaking memo, the ADEM</p> <p>18 Update memo, and the Director's Reports are</p> <p>19 available to any interested party on the ADEM</p> <p>20 website and in eFile under the heading Director's</p> <p>21 Correspondence.</p> <p>22 Goal 2, High Performing Work</p> <p>23 Environment, has several subgroups or objectives</p> <p>24 that focus on resource management, including</p> <p>25 financial, physical, and human resources. Other</p>	<p style="text-align: right;"><b>Page 24</b></p> <p>1 grants and the Alabama Legislative General Fund.</p> <p>2 That project is now 95 percent complete.</p> <p>3 Here is an aerial photo of the Mobile</p> <p>4 Field Office from a few weeks ago showing the</p> <p>5 north side of the main building. The main</p> <p>6 entrance is on the right at the center of the</p> <p>7 distinctive curved front wall facing on Broad</p> <p>8 Street. All the exterior glass windows and doors</p> <p>9 have been installed.</p> <p>10 The glass partitions on the hallway</p> <p>11 side of the individual offices have also been</p> <p>12 installed, as you see in this photo.</p> <p>13 This slide shows the laboratory area,</p> <p>14 where the lab benches have been installed along</p> <p>15 with plumbing and piping for various lab gases</p> <p>16 that are being installed.</p> <p>17 In the human resource management</p> <p>18 effort to promote a high-performing work</p> <p>19 environment, the Department has continued to</p> <p>20 recruit interns and co-op students with the</p> <p>21 objective of encouraging the most talented</p> <p>22 candidates to become permanent employees when</p> <p>23 they graduate. During 2023, we were able to</p> <p>24 recruit nine interns and co-ops.</p> <p>25 The Department has and will continue</p>
<p style="text-align: right;"><b>Page 23</b></p> <p>1 objectives under this goal focus on management</p> <p>2 activities that promote high performance.</p> <p>3 There are both ongoing objectives that</p> <p>4 are the same year to year and fixed horizon</p> <p>5 objectives that are to be accomplished within a</p> <p>6 specific time frame that may be one or more</p> <p>7 years.</p> <p>8 On the financial and physical</p> <p>9 resources side, as was the case in FY 2023, the</p> <p>10 Department successfully worked with the</p> <p>11 Governor's Office, Legislative leadership, and</p> <p>12 interested non-governmental individuals and</p> <p>13 entities to obtain the Department's FY '24</p> <p>14 General Fund appropriation of \$4.75 million,</p> <p>15 which represents about 7 percent of our operating</p> <p>16 budget.</p> <p>17 In FY 2023, the Department was also</p> <p>18 able -- successful in obtaining nearly \$1.8</p> <p>19 million in competitive grants in addition to our</p> <p>20 General Fund appropriation and the normal</p> <p>21 programmatic funding from EPA.</p> <p>22 In FY 2023, we also made progress on</p> <p>23 our largest physical resource upgrade, the \$12</p> <p>24 million multiyear Mobile Field Office</p> <p>25 development, funded primarily by RESTORE Act</p>	<p style="text-align: right;"><b>Page 25</b></p> <p>1 to focus on advancing diversity within the</p> <p>2 Department through specific initiatives,</p> <p>3 including recruiting at all Alabama and many</p> <p>4 out-of-state historically black colleges and</p> <p>5 universities. We recruit minority candidates</p> <p>6 from many other regional colleges and</p> <p>7 universities as well.</p> <p>8 In keeping with the current trend in</p> <p>9 recruiting, we will -- we are also using online</p> <p>10 recruiting services.</p> <p>11 Another ongoing objective in the</p> <p>12 management of human resources is to promote</p> <p>13 professional development of our workforce, which</p> <p>14 is necessary to support a high-performing</p> <p>15 organization.</p> <p>16 Progress made includes: During FY</p> <p>17 '23, 27 individuals completed a voluntary</p> <p>18 leadership training program developed by the</p> <p>19 Department in cooperation with Auburn University</p> <p>20 Montgomery. The program trains ADEM professional</p> <p>21 staff who have not yet become managers. In</p> <p>22 total, 141 personnel have completed the program</p> <p>23 since its inauguration in 2020- -- 2019. The FY</p> <p>24 '24 Operating Plan continues the leadership</p> <p>25 training initiative.</p>

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<p style="text-align: right;">Page 26</p> <p>1 All our managers have completed the 2 course in how to manage a remote workforce. 3 Approximately 54 percent of our personnel are 4 able to telework either one or two days per week. 5 In FY 2023, 22 individuals took 6 advantage of the opportunity for specialized 7 training to become Professional Geologist or 8 Professional Engineer. That program will 9 continue in FY '24. 10 In FY '23, we introduced you to two 11 individuals who earned PG, or Professional 12 Geologist, accreditation. Today, I'm pleased to 13 introduce you to Dusty Hawkins, who completed the 14 education, work experience, and rigorous testing 15 required to earn the designation of Professional 16 Geologist. Dusty, would you please stand. 17 It is a long, hard road. I know you 18 worked hard for it. 19 We currently have four individuals in 20 the Certified Public Managers, or CPM, I 21 accreditation program and four more in the 22 advanced CPM II program. They will graduate 23 later this month, and I will introduce them 24 individually at the December Commission meeting. 25 This list of professional development</p>	<p style="text-align: right;">Page 28</p> <p>1 identify and clean up unauthorized dumps, 2 development of a CPM refresher course; initiating 3 grant writing workshops for city and county 4 officials; initiating an Unmanned Aerial Vehicle 5 test program; and expanding public awareness of 6 water quality information by distributing cards 7 with each Alabama boating and fishing license 8 issued and initiating a digital campaign to 9 generate interest -- Internet impressions to link 10 to water quality information on the ADEM website. 11 Maintaining a high-performing 12 organization requires continual improvement. 13 Many of the objectives in the High-Performing 14 Work Environment goal, which include providing 15 financial, physical, and human resources, using 16 data-driven performance measures, and promoting 17 innovation, are ongoing endeavors and continue to 18 move us forward but, by their nature, are never 19 fully completed. 20 For that reason, a number of 30 21 objectives in the FY '24 -- for FY '24 within 22 this broad goal remain the same as they were in 23 FY '23. 24 The third goal is Credible 25 Relationships with External Stakeholders.</p>
<p style="text-align: right;">Page 27</p> <p>1 objectives does not include the numerous 2 continuing education programs our personnel 3 engage in to maintain their accreditations. The 4 FY '24 Plan -- Operating Plan will continue to 5 emphasize professional development. 6 Also within the broad goal of 7 promoting high-performing work environment, we 8 will continue the practice of presenting updated 9 standard EPA dashboard analyses for the air, 10 water, hazardous waste, and drinking water 11 programs at Commission meetings. We present 12 these metrics to keep the Commission and the 13 public informed about performance. 14 But, as importantly, the Department 15 uses the dashboards to track its results, which is 16 a necessary activity if we are to continue being 17 a high-performing organization. The most recent 18 dashboard updates show the Department continues 19 to beat national averages. 20 Finally, innovation is an important 21 objective within the goal of achieving a 22 high-performing work environment. 23 As is typical, ideas generated in FY 24 '22 and '23 gave rise to innovations in FY '23 25 and '24, for example: partnering with counties to</p>	<p style="text-align: right;">Page 29</p> <p>1 Objectives to achieve this Operating Plan goal 2 include engaging at least twice per year with all 3 interested regulated industry groups as well as 4 meetings with elected officials, state agencies, 5 civic groups, and any group or individual 6 interested in working with the Department on 7 environmental issues. That objective was 8 achieved in FY '23 and continues to be an 9 objective in FY '24. 10 For several years, we have been 11 working with outside advisors to improve 12 communication with the public. That effort is 13 showing results and will continue to be a 14 priority in FY -- in the FY '24 Operating Plan. 15 We plan to continue engaging with 16 specific community stakeholder groups, including 17 low-income, minority, and disadvantaged 18 communities. A detailed update on the 19 Department's activities to promote outreach and 20 fair treatment to those groups was presented at 21 the August Commission meeting. 22 The FY '23 and the planned FY '24 23 activities include: formal Environmental Justice 24 training for all ADEM employees; formal training 25 in diversity, equity, and inclusion for all</p>

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<p style="text-align: right;">Page 30</p> <p>1 employees; updating and publishing on our website 2 the Community Engagement document that provides 3 the public a way to track the many ways the 4 Department goes about creating credible 5 relationships with external stakeholders. 6         The FY '24 Operating Plan continues 7 objectives to build credible relationships with 8 external stakeholders utilizing the Internet by 9 encouraging the public to use eMaps, eFile, 10 What's Happening In Your County, Water Quality 11 information, eComplaint, and other applications 12 available on our website to help citizens access 13 information about their specific geographic areas 14 of interest and, if needed, to voice their 15 concerns. 16         Encouraging the public to view the 17 live streaming of Commission meetings and 18 rulemaking hearings on our website is another 19 item. 20         The planned upgrade to our website to 21 make it more user-friendly has been delayed in 22 part to fully implement the Alabama Environmental 23 Permitting and Compliance System software 24 upgrades so the website upgrades can incorporate 25 the new features available from the AEPACS</p>	<p style="text-align: right;">Page 32</p> <p>1 reassignment of inspectors that was 2 miscommunicated. 3         Both facilities have now been 4 inspected. Meeting or exceeding EPA work plan 5 commitments continues to be an objective for FY 6 '24. 7         For more than a decade, ADEM has 8 invested considerable resources in electronic 9 tools to promote public outreach and improve the 10 efficiency of our day-to-day work output. That 11 investment in automation had allowed us to become 12 the lowest-cost provider of environmental 13 regulation in the nation while maintaining among 14 the highest quality performance in the nation. 15         Some of the initiatives include the 16 high priority multiyear objective for the 17 development and implementation of a new 18 generation of computer software begun in FY 2020 19 that is ongoing. Fiscal Year '23 milestones were 20 met, and the project is scheduled to be complete 21 by Calendar Year End '24. 22         With greater automation and increasing 23 remote work, maintaining cybersecurity measures, 24 including secure communication and data storage 25 as well as overall system backup, are important</p>
<p style="text-align: right;">Page 31</p> <p>1 program. 2         Altogether the goal of Credible 3 Relationships with External Stakeholders includes 4 50 discrete objectives set out in the '24 5 Operating Plan, we continue to build that effort. 6         The fourth and final ADEM Operating 7 Plan Goal is Effective -- Efficient and Effective 8 Departmental Operations. This is a critical 9 element in the Department's efforts to provide 10 high-quality, cost-effective services to Alabama 11 citizens. 12         A major objective under this goal is 13 to meet or exceed our detailed annual work plan 14 commitments with EPA. Specific work plans are 15 negotiated with EPA for the NPDES water program, 16 the drinking water program under the Safe 17 Drinking Water Act, the air program under the 18 Clean Air Act, and hazardous waste program under 19 the Resource Conservation and Recovery Act. 20         With one exception, the Department met 21 all work plan commitments in 2023. The one 22 exception is that two out of the 320 Indirect 23 Dischargers that send treated wastewater into 24 public wastewater facilities were not inspected 25 during FY '23. This occurred as a result of a</p>	<p style="text-align: right;">Page 33</p> <p>1 ongoing objectives in the Operating Plan. In FY 2 '23, an independent comprehensive cybersecurity 3 review was completed, which resulted in the 4 addition of two full-time equivalents to oversee 5 various cybersecurity programs. 6         Other objectives under the Efficient 7 and Effective Departmental Operations goal 8 completed in 2023 include: upgrading the 9 electronic Drinking Water Reporting system to 10 inventory drinking water lead service lines; 11 updating the -- and implementing the planned 12 laboratory equipment replacement schedule. 13         Objectives from FY '23 that will 14 continue in FY '24 include: continuing 15 implementation of the American Rescue Plan, 16 Bipartisan Infrastructure Plan, and State 17 Revolving Fund loan programs to help address 18 deteriorating water and wastewater 19 infrastructure, especially in disadvantaged and 20 small communities; regional, formal, and informal 21 internal communication -- regular, excuse me -- 22 regular formal and informal internal 23 communication; implementing the AEPACS conversion 24 for Solid Waste and other Land programs, the CAFO 25 program, and the Air program; initiating updates</p>

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1 to ADEM rules to conform to federal rules,  
 2 rationalize rules where needed, and improve  
 3 regulatory oversight.  
 4       Some of the new FY '24 objectives for  
 5 Efficient and Effective Departmental Operations  
 6 include: implement new in-state and out-of-state  
 7 travel optimization program; upgrade the phone  
 8 system with a cloud-based solution; undertake  
 9 updates to the beneficial use program based upon  
 10 results from an Auburn University odor reduction  
 11 research project; and determine the availability  
 12 -- or applicability of Artificial Intelligence in  
 13 permitting, compliance, and enforcement.  
 14       All together, the goal of Efficient  
 15 and Effective Departmental Operations includes 38  
 16 individual objectives set out in the FY '24  
 17 Operating Plan.  
 18       Additional information on meeting the  
 19 110 objectives in our FY '23 Operating Plan is  
 20 available in the six ADEM Update reports  
 21 mentioned earlier, which were prepared during FY  
 22 '23. Once again, these are available on the ADEM  
 23 website.  
 24       You received copies of the FY '24  
 25 Departmental Operating Plan with its 121

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1 individual objectives. Additional copies are  
 2 available on the table outside the meeting room  
 3 for others who may be interested.  
 4       While development of the Department's  
 5 Operating -- Annual Operating Plan is an annual  
 6 activity, many of the initiatives focus on  
 7 positioning the Department to be a high-achieving  
 8 organization for the long term.  
 9       That long-term focus involves  
 10 developing our future leaders through education  
 11 and recognizing their accomplishments;  
 12 establishing a routine of regularly measuring  
 13 performance; embracing innovation, including  
 14 modern, leading-edge automation to allow high  
 15 performance despite extremely low funding;  
 16 building lasting relationships with various  
 17 stakeholder groups; and providing the physical  
 18 facilities and other tools necessary to  
 19 accomplish the Department's missions.  
 20       The FY '24 Operating Plan undertakings  
 21 are ambitious. We are committed to performing to  
 22 the same high standard as in FY '23.  
 23       That concludes today's long report.  
 24 I'll be pleased to answer any questions.  
 25       MR. McFADDEN: Anybody have anything?

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1           Okay, thank you.  
 2           MR. LeFLEUR: Okay, thank you.  
 3           MR. McFADDEN: Okay. Back up and pick  
 4 up Agenda Item Number 4. That was report from  
 5 the Commission Chair. And I have no report.  
 6           So we will then jump over Item Number  
 7 6. Debi, keep me straight here if I'm --  
 8           MS. THOMAS: Okay.  
 9           MR. McFADDEN: -- getting out of line  
 10 here, but I think we're at Item 6, the ADEM  
 11 Director Job Performance Evaluation.  
 12           And the Chair notes that the  
 13 Commission is concluding an evaluation of  
 14 Director LeFleur's job performance as part of the  
 15 ADEM Director Job Performance Evaluation and that  
 16 16 written comments were received regarding  
 17 Director LeFleur's job performance. And those  
 18 have been provided to the Commissioners and --  
 19 and the Director and considered as part of the  
 20 evaluation.  
 21           So I suggest if there are no  
 22 objections from the Commission, I will meet with  
 23 the Director regarding his evaluation and execute  
 24 the verification of understanding between the  
 25 Commission and the Director regarding the results

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1 of his evaluation. Has anybody --  
 2           MR. BROWN: No.  
 3           MR. McFADDEN: -- have a different  
 4 opinion? Okay. All right.  
 5           So the Chair notes that the evaluation  
 6 of the Director may or may not include  
 7 consideration of an adjustment to the Director's  
 8 salary, reminding the Commission that Director  
 9 LeFleur is currently in Step 17 of Pay Grade 91.  
 10 And the Chair notes that Step 17 of Pay Grade 91,  
 11 increase from \$192,645.60 to \$196,497.60,  
 12 effective 9/1 of '23, due to an increase -- due  
 13 to an across-the-board increase of living --  
 14 cost-of-living increase of 2 percent for State  
 15 employees by the Alabama Legislature.  
 16           The Chair notes that Step 18 of Pay  
 17 Grade 91 is a per-year salary of \$201,511.20.  
 18 Step 19 is a per-year salary of \$206,606- --  
 19 \$206,606.40.  
 20           So are there any comments from the  
 21 Commissioners and any discussion related to the  
 22 evaluation of our Director?  
 23           MS. PERRY: No.  
 24           MR. McFADDEN: All right. So we'll  
 25 need a motion, which includes the three options

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<p style="text-align: right;">Page 38</p> <p>1 of basically move to approve a salary advance two 2 steps and Step 19 and Pay Grade 91 of 3 \$206,606.40; or approve the salary advance -- 4 one-step advance to Step 18 and Pay Grade 91 -- 5 that would result in a per-year salary of 6 \$201,511.20 -- or move from no salary advance for 7 the Director for his evaluation. 8 Do I have a motion on that? 9 MR. MASINGILL: Move to approve a 10 salary advance for Director LeFleur of two steps 11 to Step 19 and Pay Grade 91 per-year salary of 12 \$206,606.40. 13 MR. McFADDEN: Okay. Is there a 14 second? 15 MS. MERRITT: I second. 16 MR. McFADDEN: All right, any 17 discussion regarding this? Okay. 18 Call for question -- all in favor of 19 increasing, or -- or increasing the salary to two 20 steps, Step 19, Pay Grade 91 as a per-year salary 21 of \$206,606.40, signify with the sign. 22 Okay, any opposed? Seeing none. 23 Motion is approved. Sign the 24 paperwork. 25 Okay, all right. Moving on to Agenda</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. BROWN: I know I cannot. 2 MR. McFADDEN: You cannot, okay. 3 MR. BROWN: That may change. 4 MR. McFADDEN: We might be Zooming you 5 in, so -- 6 MR. BROWN: I don't think a judge is 7 going to allow that. 8 MR. McFADDEN: Well, that makes sense, 9 too, Lanier. 10 Okay, the public comment period is 11 next. And, as I understand it, we have none -- 12 MS. THOMAS: That is right -- 13 MR. McFADDEN: -- no one that signed 14 up to make a statement or anything. So the only 15 thing left is -- 16 MR. BROWN: Move to adjourn. 17 MR. McFADDEN: -- is to adjourn, 18 and -- 19 MR. BROWN: I move to adjourn. 20 MR. MASINGILL: I second -- 21 MR. McFADDEN: Everybody seconds that. 22 And one brief statement of discussion 23 before we vote. We appreciate the Miller family. 24 Ms. Pam? 25 MS. MILLER: We have a new respect.</p>
<p style="text-align: right;">Page 39</p> <p>1 Item 7, this is a report and possible 2 recommendations from the Strategic Planning 3 Ad Hoc Committee regarding adoption of the draft 4 2024 AEMC-ADEM Unified Strategic Plan by the 5 Commission. And the chairman of that ad hoc 6 committee was Kevin McKinstry, so Kevin. 7 MR. MCKINSTRY: Mr. Chairman, the 8 committee met this morning. And our 9 recommendation was to adopt the 2024 Unified 10 Strategic Plan at the December 8th, 2023, AEMC 11 meeting. 12 MS. PERRY: Second. 13 MR. McFADDEN: Okay, we have a second. 14 Any discussion on this, by the way? 15 All in favor, signify with the sign. 16 All opposed? 17 So that passes. Some more paperwork. 18 Okay, go on to Agenda Item Number 8. 19 Any other business that has come before the 20 Commission? All right, none. 21 Future business, Item -- Item Number 22 9, note the next Commission meeting is December 23 8 -- 8th of 2023. And we expect everyone to make 24 that. Anyone know they cannot make it? So we 25 should have a quorum. All right.</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. McFADDEN: And you should be here 2 at some other meetings. But, no, we appreciate 3 you all coming, and it -- 4 MS. MILLER: Thank you very much -- 5 MR. McFADDEN: -- says a whole lot 6 about Sam that his family is so supportive at an 7 event like this, that you all have supported him. 8 I only got to serve with him one year, 9 unfortunately, but I really enjoyed that year and 10 saw his intellect and love for the -- our state 11 and the environmental concern. 12 So we cherish his membership on this 13 Committee, and we will forever remember him. So 14 thank you all for -- 15 MS. MILLER: Thank you very much. 16 MR. McFADDEN: Now, do I have a -- 17 MS. PERRY: If I could -- 18 MR. McFADDEN: Yeah. 19 MS. PERRY: I would like to make a 20 comment. I put a statement on the -- on his 21 memory page and noted that, as a new 22 commissioner, he was a mentor as well. So I want 23 you all to hear that, also to me. And I 24 appreciate what he -- the guidance that he gave 25 me as well.</p>

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1 MR. McFADDEN: Yeah.  
2 MS. MILLER: Thank you.  
3 MR. McFADDEN: I noticed the previous  
4 Ad Hoc Strategic Planning Committee that was  
5 assigned five years ago was -- he was chair of  
6 that committee. So he got us -- got us through  
7 until now. Thank you, Sam.  
8 So, okay, we have a motion on the  
9 table to adjourn. All in favor, raise your hand.  
10 Opposed, no?  
11 We're adjourned. Thank you all.  
12 (Hearing ended at 11:54 a.m.)  
13  
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1 C E R T I F I C A T E  
2  
3 STATE OF ALABAMA )  
4 JEFFERSON COUNTY )  
5  
6 I hereby certify that the above  
7 and foregoing hearing was taken down  
8 by me in stenotype, and the questions and  
9 answers thereto were reduced to computer  
10 print under my supervision, and that the  
11 foregoing represents a true and correct  
12 transcript of the hearing given by  
13 said witnesses upon said hearing. I  
14 further certify that I am neither of  
15 counsel nor of kin to the parties to the  
16 action, nor am I in anywise interested in  
17 the result of said cause.  
18   
19 /s/ Jason Kobielus  
20 Jason Kobielus, Commissioner  
21 (My commission expires Sept. 8, 2026)  
22 RPR #990854 - Expires Dec. 31, 2023  
23 Alabama CCR #668 - Expires Sept. 30, 2024  
24  
25



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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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**Part B**

## Attachment Index

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(Agenda Item 2)**

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

**Attachment 4 Resolution for posthumous recognition of former Commission Member  
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**Attachment 5 Order to approve a salary advance for Director LeFleur of two steps to  
Step 19 in Pay Grade 91  
(Agenda Item 6)**

**Attachment 6 Order to adopt Strategic Planning Ad Hoc Committee's recommendation that  
the Commission consider adoption of the Draft 2024 AEMC-ADEM Unified  
Strategic Plan at the December 8, 2023 AEMC meeting  
(Agenda Item 7)**

**Attachment 1**

Amended 9/29/23

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 13, 2023

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 11, 2023

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. CONSIDERATION OF ADOPTION OF A RESOLUTION FOR POSTHUMOUS RECOGNITION OF FORMER COMMISSION MEMBER SAMUEL L. MILLER, M.D.

The Commission will consider adoption of a resolution to recognize posthumously former Commission Member Samuel L. Miller, M.D.

6. ADEM DIRECTOR JOB PERFORMANCE EVALUATION

The Commission will consider the ADEM Director's job performance as part of the ADEM Director Job Performance Evaluation. The Commission will take into account written comments received and compiled regarding the Director's job performance for the evaluation. The Commission will discuss actions it will take for the ADEM Director Job Performance Evaluation.

7. REPORT AND POSSIBLE RECOMMENDATION FROM THE STRATEGIC PLANNING AD HOC COMMITTEE REGARDING ADOPTION OF THE DRAFT 2024 AEMC-ADEM UNIFIED STRATEGIC PLAN BY THE COMMISSION

The Strategic Planning Ad Hoc Committee will provide its report and possibly present a recommendation regarding adoption of the Draft 2024 AEMC-ADEM Unified Strategic Plan by the Commission at the December 8, 2023 AEMC meeting.

8. OTHER BUSINESS

9. 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 Frank McFadden as Chair and

Kevin McKinstry as Vice Chair

ORDER

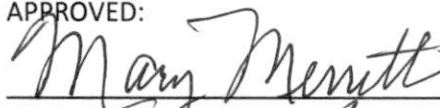
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

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.

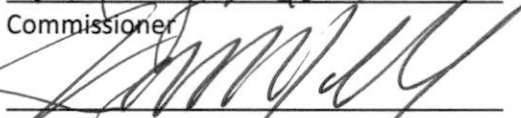
Environmental Management Commission Order  
Page 2

ISSUED this 13th day of October 2023.

APPROVED:

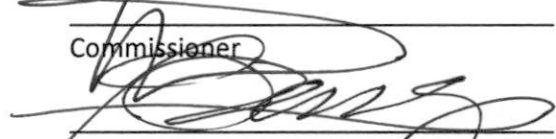
  
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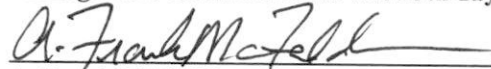
  
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Commissioner

DISAPPROVED:

\_\_\_\_\_  
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 13th day of October 2023.

  
\_\_\_\_\_  
A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 13th day of October 2023

**Attachment 3**

**Strategic Plan Foundational Elements**

1. Mission, Values, Operating Guidelines
2. Roles of the Commission and Department
3. Vision for Achieving Environmental Results

1

**1. Mission, Values, Operating Guidelines**

- ✓ Assure for all citizens of the state a safe, healthful and productive environment

2

**1. Mission, Values, Operating Guidelines**

- ✓ Science-based decisions and policies
- ✓ Mutually respecting differing roles of Commission and Department
- ✓ Transparent communication
- ✓ Using resources wisely
- ✓ Acting on agreed upon goals

3

**2. Roles of the Commission and Department**

- ✓ Commission and Department differing roles.
- ✓ Commission sets environmental policy:
  - Promulgating rules
  - Hearing appeals of administrative actions
  - Managing the Director of the Department

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**2. Roles of the Commission and Department**

- ✓ Commission and Department differing roles
- ✓ Commission sets environmental policy
- ✓ Department implements policy:
  - Developing science-based standards
  - Managing permitting,
  - Compliance determinations
  - Enforcement actions

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**2. Roles of the Commission and Department**

- ✓ Commission and Department differing roles
- ✓ Commission sets environmental policy
- ✓ Department implements policy
- ✓ Department provides timely quality information to help Commission set policy

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**3. Vision for Achieving Environmental Results**

- ✓ Air media: attaining federal ambient air quality standards
- ✓ Land media: safely manage solid & hazard waste, cleanup contamination, recycle
- ✓ Water media: attain water quality standards, use classifications, control storm water

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**Strategic Plan Foundational Elements**

1. Mission, Values, Operating Guidelines
2. Roles of the Commission and Department
3. Vision for Achieving Environmental Results

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**Shared AEMC / ADEM Plan Goals**

- A. Effective and Responsive Commission
- B. High Performing Work Environment
- C. Credible Relationships with External Stakeholders
- D. Efficient and Effective Departmental Operations

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**Strategies for Achieving Shared Plan Goals**

- Effective Commission / Department Communication
- Effectively Address Emerging Issues, New Regulations, and Public Interaction
- Robust Departmental Support for the Commission
- Departmental Focus on Goals
- Maintaining High Quality Departmental Operations
- Taking all necessary steps to assure high levels of regulated industry compliance

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**Shared AEMC / ADEM Plan Goals**

1. Effective and Responsive Commission
2. High Performing Work Environment
3. Credible Relationships with External Stakeholders
4. Efficient and Effective Departmental Operations

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**1. Effective and Responsive Commission**

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**1. Effective and Responsive Commission**

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

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**2. High Performing Work Environment**

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## 2. High Performing Work Environment

- Financial and physical resources
  - Stable state-sourced funding - \$4.75 mil. Gen Fund
  - Obtain other funding sources - \$1.8 mil. Grants
  - Mobile facilities - \$12 mil. RESTORE Act / GF

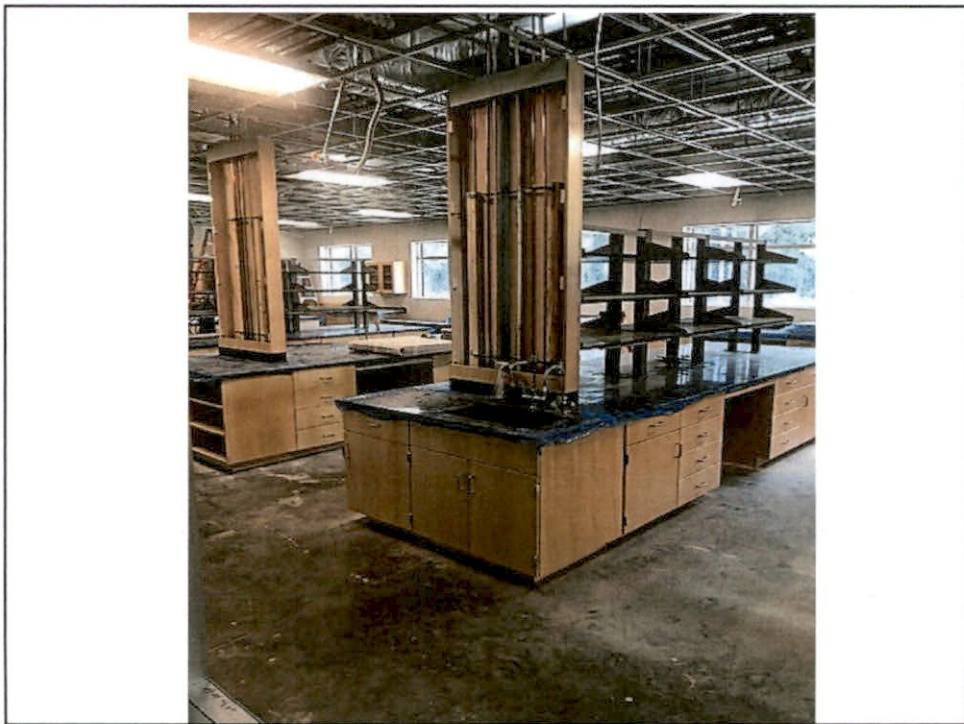
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**High Performing Work Environment**

- Human resources
  - Recruit interns & co-ops
  - Recruit minority university students
  - Professional development of personnel
    - Specialized leadership training
    - Remote workforce management training
    - Professional accreditation training
    - Professional accreditation recognition
    - Certified Public Manager training

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**High Performing Work Environment**

- Data driven performance measurement
- Promoting Innovation
  - UAD grants to counties
  - CPM refresher course
  - Grant writing workshops for public officials
  - Initiate Unmanned Aerial Vehicle test program
  - Water Quality cards & digital campaign

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### 3. Credible Relationships with External Stakeholders

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### 3. Credible Relationships with External Stakeholders

- Engage private sector, NGOs, Fed & State
- Improved public communication
- Community engagement
  - Environmental Justice training for all personnel
  - Diversity, equity, inclusion training personnel
  - Document community engagement

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**Credible Relationships with External  
Stakeholders**

- Encourage website utilization
  - eMaps, eFile, What's Happening in Your County, Water Quality info, eComplaint
  - Encourage livestream utilization
  - User friendly website upgrades

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**4. Efficient & Effective Departmental Ops**

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**4. Efficient & Effective Departmental Ops**

- Meet or exceed EPA work plans:
  - NPDES Water
  - SDWA Drinking Water
  - CAA Air
  - RCRA Hazardous Waste

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**Efficient & Effective Departmental Ops**

- Emphasis on automation:
  - Complete implementation of next generation software by CYE 2024
  - Cyber security enhancements

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**Efficient & Effective Departmental Ops**

- Other objectives completed in FY 2023
  - Update eDWR program to track lead drinking water service lines
  - Update and implement laboratory equipment replacement schedule

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**Efficient & Effective Departmental Ops**

- Other objectives ongoing in FY 2024
  - ARPA / BIL / SRF funding programs
  - Formal & informal communication
  - Implement AEPACS for Land, CAFO & Air programs
  - Initiate ADEM rule updates

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**Efficient & Effective Departmental Ops**

- New objectives in FY 2024
  - Implement travel optimization program
  - Upgrade phone system with cloud-based solution
  - Beneficial use odor reduction research
  - Determine AI applications

1

**Attachment 4**

# State of Alabama



## RESOLUTION

*WHEREAS, Samuel L. Miller, M.D. was a dedicated public servant. Among his areas of public service was the Environmental Management Commission of the Alabama Department of Environmental Management; and*

*WHEREAS, Dr. Miller served on the Commission in the Physician Position from October 2010 until September 2023; and*

*WHEREAS, Dr. Miller served conscientiously in the leadership positions of Commission Chair and Vice Chair; Chair of the Personnel Committee; and as a Member of the Personnel, Rulemaking, and Strategic Planning Committees; and*

*WHEREAS, Dr. Miller consistently met his obligations as a Commissioner to the people of Alabama and the environment; and*

*WHEREAS, Dr. Miller will be greatly missed and fondly remembered by his fellow Commissioners; the Commission's legal counsels and assistant; the Director, Deputy Director, supervisors, and staff of the Alabama Department of Environmental Management; and many within the governmental, regulated, and environmental communities; now*

*THEREFORE, be it resolved that the Alabama Environmental Management Commission expresses appreciation for Dr. Miller's contributions and friendship and offers its condolences for his loss to his family.*

*DONE this 13th day of October 2023.*

*Mary Merritt*  
*[Signature]*  
*A. Frank McFadden*

*James Brown, II*  
*Chair M<sup>s</sup> Hasty*  
*[Signature]*

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 13th day of October 2023.

*A. Frank McFadden*  
A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 13th day of October 2023

**Attachment 5**

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

MOTION

Approve a salary advance for Director LeFleur of two steps to Step 19 in Pay Grade 91

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 above motion, the Commission approves a salary advance for Director LeFleur of two steps to Step 19 in Pay Grade 91 (per year salary of \$206,606.40);  
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 13th day of October 2023.

APPROVED:


  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

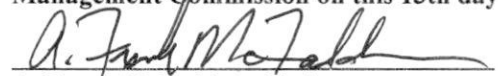
  
Commissioner

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DISAPPROVED:

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Commissioner

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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 13th day of October 2023.

  
A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 13th day of October 2023

**Attachment 6**

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

MOTION

Adopt the Strategic Planning Ad Hoc Committee's recommendation

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. Pursuant to the adoption of the Strategic Planning Ad Hoc Committee's recommendation, the Commission will consider adoption of the Draft 2024 AEMC-ADEM Unified Strategic Plan at the December 8, 2023 AEMC meeting; 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 13th day of October 2023.

APPROVED:

  
\_\_\_\_\_  
Commissioner

  
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Commissioner

  
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Commissioner

  
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Commissioner

  
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Commissioner

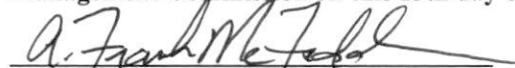
  
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Commissioner

DISAPPROVED:

\_\_\_\_\_  
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 13th day of October 2023.

  
\_\_\_\_\_  
A. Frank McFadden, Chair  
Environmental Management Commission  
Certified this 13th day of October 2023