

2/13/23

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 9, 2022

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 December 9, 2022.



Samuel L. Miller, Acting Chair
Alabama Environmental Management Commission

Certified this 10th day of February 2023.

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 9, 2022**

**Convened: 11:00 a.m.
Adjourned: 12:13 p.m.**

Part A

**Transcript
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Part B

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Part A

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MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 9, 2022
11:00 a.m.

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COURT REPORTER: PATRICK R. MILLER, ACCR-631

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<p>1 * * * * *</p> <p>2 APPEARANCES</p> <p>3</p> <p>4 COMMISSION MEMBERS PRESENT:</p> <p>5 Mr. John (Jay) H. Masingill, III (Chair)</p> <p>6 Samuel L. Miller, M.D.</p> <p>7 Ruby L. Perry, D.V.M.</p> <p>8 H. Lanier Brown, II, Esq. (Vice Chair)</p> <p>9 Mr. Kevin McKinstry</p> <p>10 Mr. A. Frank McFadden</p> <p>11</p> <p>12 COMMISSION MEMBER NOT PRESENT:</p> <p>13 Mary J. Merritt</p> <p>14</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17</p> <p>18 Lindsay Dawson, EMC Legal Counsel</p> <p>19</p> <p>20 Lance LeFleur, ADEM Director</p> <p>21</p> <p>22 Debi Thomas, EMC Executive Assistant</p> <p>23</p> <p>* * * * *</p>	<p>1 MR. MASINGILL: Seeing that it is</p> <p>2 unanimous, I call for the question by</p> <p>3 requesting that all those in favor of</p> <p>4 the motion signify by raising your</p> <p>5 right hand.</p> <p>6 (Hands were raised.)</p> <p>7 MR. MASINGILL: All those in</p> <p>8 favor -- all those -- since there was</p> <p>9 no opposition, all those opposed to</p> <p>10 the motion, signify with their right</p> <p>11 hand.</p> <p>12 (No hands were raised.)</p> <p>13 MR. MASINGILL: The motion is</p> <p>14 adopted unanimously.</p> <p>15 Agenda Item 2, report from the ADEM</p> <p>16 director.</p> <p>17 MR. LEFLEUR: Good morning to all</p> <p>18 those present for the second meeting</p> <p>19 of the Alabama Environmental</p> <p>20 Management Commission for FY 2023.</p> <p>21 In 1982, the Alabama Department of</p> <p>22 Environmental Management was formed.</p> <p>23 Today's report will focus on the 40th</p>
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<p>1 * * * * *</p> <p>2 MR. MASINGILL: I'll call to order</p> <p>3 the December 9th, 2022 meeting of the</p> <p>4 Alabama Environmental Manage- --</p> <p>5 Management Commission. We have a</p> <p>6 quorum present. The first item is the</p> <p>7 Commission will consider the minutes</p> <p>8 of the Commission meeting held on</p> <p>9 October 14th, 2022. I'll entertain a</p> <p>10 motion from the Commission regarding</p> <p>11 adoption of the minutes.</p> <p>12 MR. MCFADDEN: So moved.</p> <p>13 MR. MASINGILL: Do I have a second?</p> <p>14 MR. BROWN: Second.</p> <p>15 MR. MASINGILL: We have a motion</p> <p>16 and a second. Any discussion</p> <p>17 regarding the motion?</p> <p>18 (No response was heard.)</p> <p>19 MR. MASINGILL: Seeing none, I will</p> <p>20 call the question by requesting that</p> <p>21 all those in favor signify by raising</p> <p>22 their right hand.</p> <p>23 (Hands were raised.)</p>	<p>1 anniversary of the Department. I will</p> <p>2 also introduce you to a group of</p> <p>3 individuals who have accomplished a</p> <p>4 milestone that will affect the future</p> <p>5 of ADEM and close out with a report on</p> <p>6 the progress in construction of the</p> <p>7 Mobile Field Office and Laboratory.</p> <p>8 Do I have my clicker here? Is this</p> <p>9 one on? Okay. We're good; we're</p> <p>10 good; we're good. I'm technically</p> <p>11 challenged. But in the 1940s and</p> <p>12 1950s, increased industrialization was</p> <p>13 taking place in many places around the</p> <p>14 world. A number of significant air</p> <p>15 pollution events resulted in the</p> <p>16 immediately attributable deaths of</p> <p>17 thousands in large industrial cities,</p> <p>18 including several in the United</p> <p>19 States. The lack of clean water and</p> <p>20 the improper disposal of solid and</p> <p>21 hazardous waste resulting in</p> <p>22 significant health problems was --</p> <p>23 also prompted increasing levels of</p>

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<p>1 concern.</p> <p>2 Beginning as early as 1948, Alabama</p> <p>3 began addressing environmental issues</p> <p>4 by creating the Water Improvement</p> <p>5 Commission shortly after the adoption</p> <p>6 of the Federal Water Protection</p> <p>7 Control Act of 1948. In the 1960s,</p> <p>8 our nation saw many social changes.</p> <p>9 Among those changes was an even</p> <p>10 greater awareness of our environment.</p> <p>11 Poor air and water quality in</p> <p>12 industrialized areas began receiving</p> <p>13 stepped-up national attention. Toxic</p> <p>14 waste sites likewise made the national</p> <p>15 news. In the 1970s, in response to</p> <p>16 the growing environmental concerns,</p> <p>17 Congress passed the Clean Air Act, the</p> <p>18 Clean Water Act, the Safe Drinking</p> <p>19 Water Act, and the Resource</p> <p>20 Conservation and Recovery Act.</p> <p>21 In Alabama, numerous functional</p> <p>22 areas within the State Department of</p> <p>23 Health as well as other separate</p>	<p>Page 6</p> <p>1 Laboratory of the State Health</p> <p>2 Department, public water systems</p> <p>3 functions of the State Health</p> <p>4 Department, the solid waste disposal</p> <p>5 functions of the State Health</p> <p>6 Department, and the hazardous waste</p> <p>7 management functions of the State</p> <p>8 Health Department.</p> <p>9 Today's report will recount some of</p> <p>10 what has become of that newly created</p> <p>11 entity we know as ADEM. Information</p> <p>12 in today's report and much more is</p> <p>13 included in a just-published booklet</p> <p>14 titled "ADEM Celebrating 40 Years,"</p> <p>15 copies of which are available on the</p> <p>16 table just outside this meeting room.</p> <p>17 In the 40 years since 1982, much</p> <p>18 has changed in our state, our nation,</p> <p>19 and our world. Environmentally, we</p> <p>20 have all become more aware. With that</p> <p>21 awareness has come advances in the</p> <p>22 detection of pollutants, our</p> <p>23 understanding of the effects of</p>
<p>1 commissions and boards began</p> <p>2 addressing environmental issues by</p> <p>3 implementing provisions of those</p> <p>4 federal statutes. In 1982,</p> <p>5 then-governor Fob James and the</p> <p>6 Alabama Legislature determined it</p> <p>7 would be desirable to create a single</p> <p>8 new entity to deal with environmental</p> <p>9 issues in an efficient, comprehensive,</p> <p>10 coordinated manner.</p> <p>11 The Alabama Environmental</p> <p>12 Management Act was adopted, and as of</p> <p>13 October 1st, 1982, the functions of</p> <p>14 the following nine organizations</p> <p>15 transferred to the newly formed</p> <p>16 Alabama Department of Environmental</p> <p>17 Management: The Water Improvement</p> <p>18 Commission, the Air Pollution Control</p> <p>19 Commission, Alabama Water Well</p> <p>20 Standards Board, Coastal Area Board,</p> <p>21 the Board of Certification of Water</p> <p>22 and Wastewater Systems Personnel, the</p> <p>23 Environmental Health Administration</p>	<p>Page 7</p> <p>1 pollution on human health has</p> <p>2 increased, methods have been developed</p> <p>3 to control or eliminate pollution, and</p> <p>4 numerous federal and state regulations</p> <p>5 have been promulgated to protect human</p> <p>6 health and the environment.</p> <p>7 Significant events in the 40 years</p> <p>8 since ADEM's creation attest to the</p> <p>9 dynamic process of adapting to a</p> <p>10 changing landscape. The Department</p> <p>11 has continuous -- has had continuously</p> <p>12 to change, work smarter, and keep up</p> <p>13 with the ever-increasing advances and</p> <p>14 resulting demands. Financial</p> <p>15 resources in Alabama to implement the</p> <p>16 programs to protect human health and</p> <p>17 the environment have not kept pace</p> <p>18 with the mandates, and the required</p> <p>19 adapting and finding of new funding</p> <p>20 mechanisms have been required.</p> <p>21 Working smarter has involved many</p> <p>22 different activities including</p> <p>23 increasingly working with communities,</p>
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<p>1 business and environmental groups, and 2 other governmental agencies. It has 3 involved embracing automation and 4 modernization, and any success in 5 dealing with change is dependent on 6 the ability and determination of the 7 Department's professional staff to 8 adapt. They have shown the initiative 9 to continue educating themselves, 10 obtaining professional certification, 11 updating and informing themselves, and 12 sticking with their careers through 13 good times and bad. I would note that 14 their jobs are often thankless.</p> <p>15 Regularly at Commission meetings, 16 you see the measurable results of the 17 Department's work in reports on the 18 state of the environment in Alabama, 19 EPA compliance and enforcement 20 dashboards and various other data, so 21 I will save that information for 22 upcoming reports. However, suffice it 23 to say that in the midst of change</p>	<p>1 that have occurred in the last 40 2 years. This is a colorful 3 representation of some of the 4 significant events that occurred in 5 each of the 40 years since 1982. I 6 commend our personnel who came up with 7 the idea to replace the difficult- 8 to-read line-by line listing of the 9 events that appeared in the 30 years' 10 version of this document with this 11 more interesting display. A few of 12 the highlighted entries include: In 13 1983, ADEM began issuing initial 14 hazardous waste permits. In 1995, 15 ADEM adopted acid rain regulations 16 that resulted in substantial 17 reductions in SO2 and nitrogen oxides 18 emissions from utilities. In 2005, 19 the Department converted to the 20 handling of documents electronically. 21 In 2011, the rivers and streams in 22 Alabama classified less than suitable 23 for fish and wildlife had dropped from</p>
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<p>1 over the last 40 years, a results 2 orientation has been a constant.</p> <p>3 Other things have also stayed 4 constant since 1982. Not the least of 5 these is a sense of mission. Our 6 mission, set out in the enabling 7 legislation creating ADEM, remains to 8 assure for all the citizens of Alabama 9 a safe, healthful, and productive 10 environment. Our ongoing obligation 11 to practice good science, to follow 12 the proper process, and to comply with 13 the law continues. The commitment to 14 impartial and ethical execution of our 15 regulatory responsibilities and the 16 strong work ethic of our personnel 17 also remains. Each of these is 18 unchanging.</p> <p>19 As noted earlier, we have developed 20 a brochure titled "ADEM Celebrating 40 21 Years." I am pleased to highlight 22 some of the contents of that document, 23 and it begins with significant events</p>	<p>1 713 miles in 1982 to 141 miles. In 2 2019, biological surveys done by our 3 Field Operations Division received the 4 highest ranking possible by EPA and 5 the Midwest Biodiversity Institute.</p> <p>6 The display that you see on the 7 screen right now includes more than 8 100 significant events. Many more 9 have not been listed.</p> <p>10 Following the significant events 11 pictorial, you will also note a new 12 standard format to the 40-year review 13 of each of our five divisions: Air, 14 Land, Water, Field Operations, and 15 Permits and Services.</p> <p>16 The format begins with a brief 17 overview of what that division's 18 purpose is and how it goes about 19 fulfilling its purpose. Following the 20 overview, each of the five divisions 21 highlights the major programs within 22 the division. For example, the Air 23 Division has programs for implementing</p>

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<p>1 formal plans to improve air quality 2 for Alabama, developing permits and 3 oversight for air emissions from 4 industrial activities in the State, 5 monitoring air emissions, and 6 controlling asbestos and open burning. 7 The Land Division has programs to 8 regulate landfills and manage 9 hazardous waste, brownfield 10 redevelopment, and recycling, among 11 others. 12 Next is a section titled Internal 13 Support Systems. Internal support 14 systems are critical to being able to 15 operate effectively and efficiently 16 and to make interface with -- and to 17 promote interface with the public. 18 The information systems support 19 provided by our Permits and Services 20 Division is the single largest 21 contributor to the automation that 22 allows the Department to be the lowest 23 cost and among the highest performing</p>	<p>1 Horizon oil spill. 2 The Department and its divisions, 3 branches, and individuals have 4 received numerous recognitions for 5 outstanding achievements during the 6 last 40 years. The list of more than 7 two dozen noteworthy recognitions and 8 awards near the end of the report, 9 though just a sampling, is quite 10 impressive and something in which all 11 those associated with ADEM can take 12 pride. 13 These are but a few examples of the 14 information found in the document 15 commemorating the 40 years ADEM has 16 been in existence. Again, copies of 17 the "ADEM Celebrating 40 Years" 18 brochure are on the table in the lobby 19 outside the meeting room. 20 Forty years is a long time. 21 Believe it or not, a number of 22 individuals at the Department today 23 were here 40 years ago in 1982 at the</p>
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<p>1 providers of environmental regulation 2 in the nation. Our Field Operations 3 Division provides internal support to 4 the Air, Land, and Water Divisions 5 with inspections, laboratory services, 6 and data collection. 7 The section devoted to initiatives 8 highlights a very few of the important 9 activities outside the normal work 10 routine of the department. The Water 11 Division initiated a program to test 12 for lead contamination coming from 13 drinking water fixtures in all public 14 schools, many private schools and 15 daycares in Alabama in 2016, long 16 before EPA will begin requiring such a 17 program in 2024. The Land Division 18 oversaw the destruction of more than 19 600,000 dangerous chemical munitions. 20 Field Operations Division was the lead 21 of 12 Alabama state agencies that 22 responded to the largest oil spill in 23 U.S. history, the 2010 Deepwater</p>	<p>1 creation of ADEM. Several were even 2 present at the predecessor 3 organizations that eventually became 4 ADEM. I am pleased to introduce you 5 to those people now as you are able to 6 stand -- I'm just kidding. 7 (Laughter was heard.) 8 MR. LEFLEUR: They're all vital 9 people. I would like to read the 10 names of those who are currently 11 working with the Department who have 12 been here for the entire 40 years of 13 the Department's existence. I'll 14 begin with Marilyn Elliott. Where are 15 you? There she is. 16 MS. ELLIOTT: I can sit? 17 MR. LEFLEUR: No, no, no, keep 18 standing if it's not too bad. 19 Deputy Director and my right hand 20 and left hand too. Ron Gore, that 21 curmudgeon, he didn't even come. 22 (Laughter was heard.) 23 MR. LEFLEUR: He's our Air Division</p>

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1 Chief. Russell Kelly, he's Chief of
2 our Permits and Services Division.
3 Clethes, are you here? Clethes
4 Stallworth?
5 (No response was heard.)
6 MR. LEFLEUR: No, he's out doing
7 his work, I presume, in the Land
8 Division, the Environmental Services
9 Branch Chief.
10 Julie Browning, Permits and
11 Services Division, Information Systems
12 Branch.
13 Tom Deloach, Water Division,
14 Drinking Water Branch.
15 Glen Golson -- oh, there you are.
16 Okay. Glen Golson, Water Division,
17 Stormwater Management Branch.
18 Ron Hamilton?
19 (No response was heard.)
20 MR. LEFLEUR: No Ron today. Field
21 Operations Division Laboratory Branch
22 Chief.
23 Barbara Kelly? You left Barbara

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1 home, huh?
2 (Laughter was heard.)
3 All right. Barbara Kelly,
4 Administration.
5 Diane Lockwood, Permits and
6 Services Division, Fiscal Branch.
7 Bill Lott? Are you here? Where
8 are you, Bill?
9 (No response was heard.)
10 MR. LEFLEUR: Not here. He's in
11 our Permits and Services Division,
12 General Services branch.
13 And then our own Debi Thomas,
14 Commission Executive Assistant.
15 I'd like to give them all a hand.
16 (Applause was heard.)
17 MR. LEFLEUR: As you can see, we
18 have some very dedicated individuals
19 here. So with that, let me -- let me
20 change gears a little bit.
21 You've seen some of the folks
22 responsible for past success of the
23 Department. Now, I'm pleased to

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1 introduce you to some of the people in
2 later generations who will be the
3 source of future success. As you
4 know, we encourage our personnel to
5 undertake professional development,
6 and when they reach significant
7 milestones, we recognize their
8 achievements. Completing the
9 Certified Public Manager I and the
10 Advanced Certified Public Manager II
11 programs prepare our professional
12 staff to become future leaders. Now,
13 when I call your name, please
14 stand and be recognized. Y'all are
15 probably already standing right now.
16 Wave your hand, if you will.
17 Completing the CPM I program are Beth
18 Bielen in our Permits and Services
19 Division; Mishka Cornaro in our Field
20 Operations Division; James French,
21 Permits and Services. Completing the
22 CPM II Program are Chris Ailor in our
23 Air Division; Alexander Chavers in the

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1 Water Division; Ryan Cooper, Field
2 Ops, Montgomery; Chris Harris from
3 Mobile in our Field Operations
4 Division; Austin Pierce, Land
5 Division; Eric Reidy, Permits and
6 Services -- not here at the moment.
7 James Thrash, General Counsel. Oh,
8 back in the corner. Billie Jean
9 Wascher in the Land Division. Okay.
10 I want to congratulate each of you and
11 thank you for dedicating the time and
12 the effort to prepare yourselves to
13 become the leaders of tomorrow. Thank
14 you so much.
15 (Applause was heard.)
16 MR. LEFLEUR: Okay. As you know,
17 in 2022, we began construction on our
18 largest fiscal-resource upgrade, the
19 multi-year Mobile Field Office
20 development. This is an aerial shot
21 taken on November 22 of this year
22 showing the completed boat storage
23 building in the background, the

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<p>1 completed slab and early concrete 2 block work for the main office and 3 lab. You can see the foundation of 4 the curved front of the building in 5 the foreground with Broad Street in 6 the lower left corner. This is a 7 couple of weeks old.</p> <p>8 This next photo was taken earlier 9 this week. It shows much of the block 10 work in place and the metal trusses 11 being installed. The project is about 12 40 percent, a little over 40 percent, 13 complete. Finally, this is an artist 14 rendering of what the facility will 15 look like when completed in the summer 16 of 2023.</p> <p>17 Now, I want to go off script here 18 just a little bit. I see someone in 19 the room who is also retiring. Roy 20 McAuley, you've been with Manufacture 21 Alabama for 100 years, close to that? 22 (Laughter was heard.) 23 MR. MCAULEY: Yes.</p>	<p>1 MR. LEFLEUR: Where are you, Lynn? 2 Lynn, are you in the room? 3 MS. ELLIOTT: She's in the bonus 4 room. 5 MR. LEFLEUR: Oh, Lynn's in the 6 bonus room. And we also have some of 7 our other folks that have done a good 8 bit of work on it. We have -- 9 DR. MILLER: Because this is a 10 mountain of work to make it look like 11 this. This is incredible. 12 MR. LEFLEUR: Well, we've had a 13 number of folks that have worked on 14 it, and I take very little credit for 15 it. But we -- we do have some very 16 talented people. I want to -- I'll 17 give them your compliments if they 18 aren't already watching them on -- on 19 the monitor. Any other comments, 20 questions? 21 DR. PERRY: If you could please 22 share that on behalf of the 23 Commission, I would appreciate you for</p>
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<p>1 MR. LEFLEUR: Close to 100 years. 2 He will be retiring. As you know, we 3 try to reach out to all the regulated 4 industries to have ongoing 5 communication, and Roy has been very 6 good with having that happen.</p> <p>7 Schuyler, are you in the room? 8 Schuyler Espy will be replacing him. 9 She is one of our alumnae in our -- 10 from our Legal Division, so we'll -- 11 we'll still have good communication 12 lines open with the regulated 13 community.</p> <p>14 With that, that completes the 15 report for today. If you have any 16 questions, I'll be pleased to answer 17 them. Okay.</p> <p>18 DR. MILLER: Mr. Director, I don't 19 know who did this pamphlet, but this 20 is extremely well done.</p> <p>21 MR. LEFLEUR: Well, I don't see -- 22 DR. MILLER: Congratulations to 23 whoever did that.</p>	<p>1 that, and my questions about the 2 distribution of it, why they 3 distributed it so that it would be in 4 the hands of as many people as 5 possible so they could see the work.</p> <p>6 MR. LEFLEUR: It will be on our 7 website, and copies -- hard copies are 8 available out on the table out in 9 front of the meeting room right now, 10 and more will be available to folks as 11 they come in. Okay.</p> <p>12 MR. MASINGILL: Thank you. 13 MR. LEFLEUR: Thank you so much. 14 MR. MASINGILL: Good report. 15 MR. LEFLEUR: Okay. Do you-all 16 need to get the new ones loaded up? 17 Oh, there she is. Is Susan out there? 18 MS. BATTLE: Well, she's here, but 19 she -- she wasn't out there. 20 MR. LEFLEUR: She is the one who 21 did the -- the serpentine design in 22 that to make it more interesting. 23 MR. MASINGILL: Agenda Item 3 is a</p>

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<p>1 report from the Commission Chair, and 2 I have no report. 3 Agenda Item 4, ADEM Director's 4 Compensation. Agenda Item 4 relates 5 to the ADEM Director LeFleur's 6 compensation or salary. At the 7 October 14th, 2022 Commission meeting, 8 the Commission issued an order 9 adopting a motion to approve a salary 10 advance for ADEM Director LeFleur of 11 one step to Step 16 and Pay Grade 91, 12 which is a per-year salary of 13 \$187,924.80. The other part of the 14 motion adopted by the Commission, I 15 was designated to meet with Director 16 LeFleur regarding his evaluation and 17 execute verification of understanding 18 between the Commission and the 19 Director regarding the results of the 20 evaluation. The salary advance for 21 ADEM Director LeFleur of two steps to 22 Step 17 and Pay Grade 91, which is a 23 per-year salary of \$192,645.60, was an</p>	<p>1 from the hip from me. I didn't think 2 really anything much about it. But 3 further discussion realizes -- made me 4 realize that that was simply just the 5 first option which was an easy way to 6 just get the agenda item out of the 7 way, and I think that was a mistake. 8 I think that we should definitely go 9 with the two-step to Step 17 and would 10 propose that as a -- what would we 11 call that? A -- a change to the 12 proposal? Or a -- 13 MR. MASINGILL: It would be a 14 rescission of the prior -- 15 DR. MILLER: I propose that we 16 rescind the one-step and go to the 17 two-step, Step 17, for Director 18 LeFleur's salary. 19 MR. MASINGILL: Any other comments 20 from the Commissioners? 21 MR. MCFADDEN: I'll just say -- of 22 course, it's only my second meeting as 23 a Commissioner here, and although I've</p>
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<p>1 option at the meeting. However, the 2 Commission voted to approve a one-step 3 salary advance. I requested that an 4 item concerning the ADEM Director's 5 compensation be added to the agenda 6 for this meeting for the Commission to 7 discuss possibly rescinding its order 8 of October 14th, 2022 and approving a 9 salary advance for ADEM Director 10 LeFleur of two steps to Step 17 and 11 Pay Grade 91. I call on the 12 Commission at this time for a 13 discussion regarding ADEM Director 14 LeFleur's compensation and possibly 15 rescinding the Commission's order of 16 October 14th, 2022 and approving a 17 salary advance for ADEM Director 18 LeFleur of two steps to Step 17 and 19 Pay Grade 91. 20 DR. MILLER: Mr. Chairman, I am the 21 one that proposed the one-step advance 22 at our last meeting, and I'll have to 23 admit, it just kind of came as a shot</p>	<p>1 worked with the Department for well 2 over 35 years in the private sector 3 and was actually working here as an 4 employee in 1983 -- I was going to say 5 1883 -- 1983, and never knew much 6 about what the Director did, because 7 we were all out in the field working, 8 doing our thing. Within the last 9 couple months, I've been drinking from 10 a fire hose from our Director, who is 11 just giving us all kinds of 12 information, and looking at his 13 schedule and what he does, so I'm 14 seeing the inside of that part now, 15 well underfunded for what he would be 16 valued at in the private sector. And 17 I'm just -- I get tired of reading 18 about what all Mr. LeFleur does, much 19 less if I had to do it. He and I 20 aren't that much different in age. So 21 I fully support the rescinded motion 22 and -- and increase to the second pay 23 grade.</p>

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<p>1 MR. MASINGILL: Okay. We're 2 considering a motion from the 3 Commission regarding rescinding the 4 Commissioner's order of October 14th, 5 2022 and approving a salary advance 6 for ADEM Director LeFleur of two steps 7 to Step Grade 17 and Pay Grade 91. I 8 was just clarifying the motion that -- 9 DR. MILLER: Thank you. 10 MR. MASINGILL: That's okay. Do I 11 have a second? 12 DR. MILLER: Second. 13 MR. MASINGILL: We have a motion 14 and a second. Is there any discussion 15 regarding the motion? Seeing none, no 16 discussion, I will call for the 17 question by requesting that all those 18 in favor signify by raising their 19 right hand. 20 (Hands were raised.) 21 MR. MASINGILL: Since the motion 22 was unanimous, then the motion was 23 approved unanimously.</p>	<p>1 on revisions to Division 1. Proposed 2 revisions include modifying, adding, 3 and deleting forms necessary for the 4 implementation of the Department's 5 rules and regulations. In total, one 6 form was modified, one form was added, 7 and four forms were deleted. 8 Additionally, there were modifications 9 proposed to restructure Fee Schedule E 10 to address changes related to solid 11 waste permit registration program 12 fees. During the hearing and comment 13 period, there were no comments 14 received, and at this time I would 15 request your favorable consideration 16 and answer any questions. 17 MR. MASINGILL: Any questions from 18 the Commission? 19 (No response was heard.) 20 MR. MASINGILL: Thank you. 21 MR. KELLY: All right. Y'all got 22 to adopt. 23 MR. MASINGILL: Oh, yeah.</p>
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<p>1 MS. THOMAS: And I do have an order 2 to circulate, please. 3 MR. MASINGILL: All right. Thank 4 you, Debi. 5 That brings us to Agenda Item 5, 6 which is consideration of a proposed 7 amendment to ADEM Administrative Code 8 Division 335-1, General Administration 9 Regulations to modify, remove, and add 10 new forms required for the 11 implementation of the Department's 12 rules and regulations. Additional 13 modifications are also being proposed 14 to restructure the beneficial use 15 program fees outlined in Fee 16 Schedule E. 17 MR. KELLY: Thank you, 18 Mr. Chairman, members of the 19 Commission. Again, I am Russell 20 Kelly, Chief of the Permits and 21 Service Division, responsible for 22 these Division 1 regulations. We held 23 a public hearing on October 18th, 2022</p>	<p>1 MR. KELLY: Okay. 2 MR. MASINGILL: I will entertain a 3 motion from the Commission regarding 4 the proposed amendments to the General 5 Administrative Regulations. 6 MR. BROWN: Move to adopt the 7 amendments presented -- as presented 8 in Agenda Item 5. 9 DR. PERRY: Second. 10 MR. MASINGILL: We have a motion 11 and a second. Is there any discussion 12 regarding the motion? Seeing none, I 13 will call for the question. I request 14 that all those in favor of the motion 15 signify by raising their right hand. 16 (Hands were raised.) 17 MR. MASINGILL: Any opposed? 18 (No response was heard.) 19 MR. MASINGILL: It looks to be 20 unanimous. The motion was approved 21 unanimously. 22 MR. KELLY: Thank you, 23 Mr. Chairman, members of the</p>

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<p>1 Commission.</p> <p>2 MR. MASINGILL: Thank you. Agenda</p> <p>3 Item 6, other business. Do any</p> <p>4 Commissioners have any other business?</p> <p>5 (No response was heard.)</p> <p>6 MR. MASINGILL: Agenda Item 7,</p> <p>7 future business sessions. The Chair</p> <p>8 notes that the proposed dates for the</p> <p>9 Commission meeting in Calendar Year</p> <p>10 2023 have been circulated to the</p> <p>11 Commissioners with a proposed start</p> <p>12 time for the meetings being 11:00 a.m.</p> <p>13 and the location in this room, the</p> <p>14 ADEM main conference room, also</p> <p>15 referred to as the Alabama Room. The</p> <p>16 dates for the Commission meetings next</p> <p>17 year are February 10th, 2023; April</p> <p>18 14th, 2023; June 9th, 2023; August</p> <p>19 11th, 2023; October 13th, 2023;</p> <p>20 December 8th, 2023. I have a conflict</p> <p>21 with the proposed February 10th</p> <p>22 meeting date. I will entertain a</p> <p>23 motion from the Commission regarding</p>	<p>1 MR. MASINGILL: Yes. We -- Vice</p> <p>2 Chair -- go ahead. Respond, Vice</p> <p>3 Chair.</p> <p>4 MR. BROWN: Vice Chair.</p> <p>5 (Laughter was heard.)</p> <p>6 DR. PERRY: I just need to note</p> <p>7 that for the record.</p> <p>8 MR. MASINGILL: All right.</p> <p>9 All right. We've got -- this</p> <p>10 brings us to the public comment</p> <p>11 period. We have a couple of requests</p> <p>12 to make presentations. Request one,</p> <p>13 resubmitted request from Justinn</p> <p>14 Overton, Executive Director of the</p> <p>15 Riverkeeper -- Coosa Riverkeeper. The</p> <p>16 subject of the presentation has to do</p> <p>17 with fish consumption advisory program</p> <p>18 conducted in part by ADEM from a</p> <p>19 stakeholder perspective and to</p> <p>20 identify some gaps in the current</p> <p>21 program that could be improved upon.</p> <p>22 The presentation would include a</p> <p>23 narrative discussion of the background</p>
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<p>1 the proposed 2023 Commission meetings.</p> <p>2 MR. BROWN: I move to adopt.</p> <p>3 DR. MILLER: I move to accept the</p> <p>4 Commission dates as previously</p> <p>5 described.</p> <p>6 MR. MASINGILL: Do I have a second?</p> <p>7 DR. PERRY: Second.</p> <p>8 MR. MASINGILL: We have a motion</p> <p>9 and a second. Any discussion? There</p> <p>10 being no discussion, I will call for</p> <p>11 the question by requesting that all</p> <p>12 those in favor, signify by raising</p> <p>13 their right hand.</p> <p>14 (Hands were raised.)</p> <p>15 MR. MASINGILL: Motion passed</p> <p>16 unanimously -- unanimously so the</p> <p>17 motion is adopted.</p> <p>18 DR. PERRY: Mr. Chair, I have a</p> <p>19 question.</p> <p>20 MR. MASINGILL: Yes.</p> <p>21 DR. PERRY: Since you are not going</p> <p>22 to be here on the 10th, is there a</p> <p>23 plan of action for that?</p>	<p>1 and ongoing work around fish</p> <p>2 consumption in their watershed.</p> <p>3 Request two is a resubmitted</p> <p>4 request from Cindy Lowry, Executive</p> <p>5 Director of -- and Victoria Miller,</p> <p>6 Advocacy Assistant with the Alabama</p> <p>7 River Alliance. This presentation has</p> <p>8 to do with information about the fish</p> <p>9 consumption advisory program conducted</p> <p>10 in part by ADEM from a stakeholder</p> <p>11 perspective and to identify some gaps</p> <p>12 in the current program that could be</p> <p>13 improved upon. The presentation would</p> <p>14 include data and findings gathered in</p> <p>15 the Coosa River Creel Survey of the</p> <p>16 community anglers by Victoria Miller.</p> <p>17 I just want to request that each</p> <p>18 speaker limit their presentations to</p> <p>19 not more than ten minutes. These</p> <p>20 requests to make presentations were</p> <p>21 tabled at the October 14th, 2022</p> <p>22 Commission meeting and carried on to</p> <p>23 this meeting. I will now entertain a</p>

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1 motion regarding approving, denying,
2 or tabling the request to make
3 presentations.
4 MR. BROWN: I move to approve the
5 request to make presentations.
6 MR. MASINGILL: Do I have a second?
7 DR. MILLER: Second.
8 MR. MASINGILL: We have a motion
9 and a second. Any discussion
10 regarding the motion?
11 (No response was heard.)
12 MR. MASINGILL: Seeing none, I will
13 call for the question by requesting
14 that all those in favor of the motion
15 signify by raising their right hand.
16 (Hands were raised.)
17 MR. MASINGILL: All opposed?
18 (No hands were raised.)
19 MR. MASINGILL: Seeing none, motion
20 passed unanimously. I'd like to call
21 on Ms. Overton to make her
22 presentation.
23 MS. OVERTON: Good morning.

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1 SIMULTANEOUS SPEAKERS: Good
2 morning.
3 MS. OVERTON: Thank you so much for
4 having me here today, and happy
5 holiday.
6 MR. MASINGILL: We're pleased to
7 have you.
8 MS. OVERTON: Yes, thank you so
9 much. So I'm going to do -- thank
10 you. I'm glad I can see the ten
11 minutes. I get very excited when I
12 get the opportunity to talk to folks
13 about my river. So as you know, my
14 name is Justin Overton. I have the
15 pleasure of being the Executive
16 Director and Staff Riverkeeper at
17 Coosa Riverkeeper.
18 Very quickly, I grew up in the
19 bottom of an aluminum jon boat on
20 Logan Martin Lake, begging my parents
21 to reel in their rods so that I could
22 go swimming. So this river has played
23 a huge part of my life and, obviously,

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1 a big part of my career and it really
2 began with fishing. Fishing is an
3 intergenerational tradition, and here
4 in Alabama especially, lots of folks
5 look to the river for recreation. We
6 have a lot of families that also look
7 to our river systems for food. So the
8 intention of my very brief
9 presentation today is to give you an
10 idea from the boots-on-the-ground
11 perspective talking to anglers within
12 the Coosa River system of their
13 understanding of the advisories so we
14 can hopefully work together to ensure
15 that the people who need this
16 information the most not only have
17 access to it, but that truly
18 understand what these fish consumption
19 advisories mean. So let's dive in.
20 So fishing on the Coosa River --
21 there are lots of different types of
22 anglers. On the left side of your
23 screen, you see on Neely Henry Lake, a

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1 bass fishing tournament. On that
2 particular reservoir, \$10.4 million a
3 year of new revenue comes to that
4 particular lake from that tournament,
5 so those guys and ladies are often not
6 the folks necessarily pulling in fish
7 to take home for dinner but are
8 interested in this information, and
9 communicating to that angler group is
10 very different than the gentleman you
11 see on the right at Logan Martin Dam
12 Park.
13 So Logan Martin Dam Park, we've got
14 a lot of folks that are there fishing
15 for supper, sitting on buckets,
16 pulling in catfish to take home to
17 serve to their loved ones and friends
18 and family, so it is very important to
19 note that fishing is not just for fun
20 for some people. It's their
21 livelihood and it's also supper and
22 the way that they commune together on
23 the river with their loved ones and

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<p>1 families.</p> <p>2 So a lot of people that we meet in</p> <p>3 the field don't understand what these</p> <p>4 fish consumption advisories that have</p> <p>5 been issued on nearly every major</p> <p>6 river system in the state means for</p> <p>7 them and their family. So let's just</p> <p>8 very quickly -- I'm assuming that you</p> <p>9 probably are all familiar with what a</p> <p>10 fish consumption advisory is, but it</p> <p>11 is an advisory. It's a recommendation</p> <p>12 that's been issued by the Department</p> <p>13 of Public Health for a specific -- or</p> <p>14 a specific fish species for a specific</p> <p>15 contaminant on a very specific body of</p> <p>16 water. That's a lot of information</p> <p>17 for the average person to remember</p> <p>18 before they drop their lure in the</p> <p>19 lake or on their favorite creek.</p> <p>20 So what we have been trying to work</p> <p>21 on at the Coosa Riverkeeper over the</p> <p>22 past eight or nine years is not only</p> <p>23 getting a better understanding from an</p>	<p>1 license, and learning about the places</p> <p>2 they can get on their waterway close</p> <p>3 to them.</p> <p>4 The contaminants that we have in</p> <p>5 fish tissue here in Alabama -- and I'm</p> <p>6 going to focus obviously specifically</p> <p>7 on the Coosa River system -- is methyl</p> <p>8 mercury. So methyl mercury is in a</p> <p>9 lot of the fish consumption advisories</p> <p>10 throughout the state, including on the</p> <p>11 Coosa, which is -- has 35 fish</p> <p>12 consumption advisories. So methyl</p> <p>13 mercury is atmospherically deposited</p> <p>14 into our waterways due to the burning</p> <p>15 of fossil fuels and then works its way</p> <p>16 into the food chain.</p> <p>17 As I mentioned, nearly every major</p> <p>18 river has at least one methyl mercury</p> <p>19 advisory in the state of Alabama, and</p> <p>20 the health impacts are myriad, so it's</p> <p>21 a known neurotoxin. It can impact</p> <p>22 developmental issues as well as for --</p> <p>23 for myself, being a woman of</p>
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<p>1 agency perspective what our role is</p> <p>2 and supplementing what ADEM does, what</p> <p>3 the Department of Public Health does,</p> <p>4 and DCNR's role. So you'll see how</p> <p>5 the program works. ADEM goes out and</p> <p>6 collects the fish tissue, brings it</p> <p>7 back to their very amazing lab, which</p> <p>8 we got the opportunity to tour earlier</p> <p>9 this week and meet with the Field</p> <p>10 Division folks, and then the</p> <p>11 Department of Public Health issues</p> <p>12 those advisories and puts out a</p> <p>13 30-plus-page PDF document on their</p> <p>14 website and issues them press</p> <p>15 releases. So if you're not following</p> <p>16 what y'all know is a very crazy news</p> <p>17 cycle at the exact right time, it's</p> <p>18 very easy to miss this important</p> <p>19 public health information. The</p> <p>20 Department of Conservation & Natural</p> <p>21 Resources obviously plays a huge role</p> <p>22 in encouraging people to get out on</p> <p>23 the water, getting those fishing</p>	<p>1 child-bearing age, it's very important</p> <p>2 that women especially understand this</p> <p>3 information if they are looking to,</p> <p>4 you know, start a family and</p> <p>5 throughout their lives. So reducing</p> <p>6 exposure is really following the</p> <p>7 advisories and the portion</p> <p>8 recommendations, which is really a</p> <p>9 deck of cards. I don't know about</p> <p>10 y'all, but I have never seen anyone</p> <p>11 limit a fish fry to just that size of</p> <p>12 catfish or largemouth bass. So that's</p> <p>13 really important to think about, not</p> <p>14 just portion control for your health,</p> <p>15 but if you're eating fish under an</p> <p>16 advisory over a long period of time,</p> <p>17 that has health implications.</p> <p>18 PCBs were first commercially</p> <p>19 manufactured in Anniston, Alabama,</p> <p>20 actually where my dad is from. I</p> <p>21 would not be standing here talking to</p> <p>22 you folks today if I didn't grow up</p> <p>23 going to Anniston wondering why my dad</p>

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<p style="text-align: right;">Page 46</p> <p>1 wouldn't let me get in the creeks 2 and -- and eat fish from that area. 3 So it's very, very important for the 4 Coosa in particular that we're taking 5 into account the very important 6 information known that PCBs -- 7 polychlorinated biphenyls -- are a 8 known carcinogen and the best way to 9 reduce exposure for them is to not 10 just follow the advisories and portion 11 recommendations. It's also how you 12 cook your fish and making sure that 13 you're cutting the fat away and you're 14 being mindful of the various cooking 15 methods that could unintentionally 16 magnify over time. I don't know about 17 y'all, but I grew up -- we reused our 18 frying oil because it just tastes 19 better, right? But when you have a 20 fish that has PCBs in it, when you are 21 reusing that frying oil, you may be 22 unintentionally exposing your body to 23 this known carcinogen with each fry</p>	<p style="text-align: right;">Page 48</p> <p>1 advisory and what that advisory means, 2 but the aspect of biomagnification or 3 bioaccumulation is a very difficult 4 subject to explain to the average 5 person. So this is a great graphic 6 that we use in the field to explain as 7 these contaminants work their way up 8 the food chain how it impacts us as 9 humans. 10 So when we are out in the field -- 11 and Victoria, our colleague at Alabama 12 Rivers Alliance, is going to talk to 13 you about this at great length -- but 14 just some overarching things where we 15 are seeing and noticing in the field 16 is these advisories currently are only 17 available in one language. And so we 18 have been working to complement that 19 and we now have our statewide fish 20 consumption advisory hotline available 21 in Spanish. 22 The other aspect currently is 23 literacy barriers. Unfortunately, we</p>
<p style="text-align: right;">Page 47</p> <p>1 reuse. 2 Last, but certainly not least, is 3 PFOS, and I'm sure you-all have been 4 being inundated with information about 5 PFAS in the chemical compound family, 6 and it's exciting to know that the 7 Department is starting to test more 8 places, including the Coosa River 9 system, because the health impacts 10 are -- are just as severe. It 11 accumulates in your blood, it 12 accumulates in your kidneys, as well 13 as it just stays in your body for a 14 long time. It is a forever chemical 15 so it is obviously persistent, not 16 just in the environment but also 17 within our bodies. Just -- this is a 18 graphic that I want -- if you can 19 imagine going to a public fishing pier 20 and you're talking to a gentleman, 21 that might be his only day off that 22 week. And I am having to explain to 23 him why that channel catfish has an</p>	<p style="text-align: right;">Page 49</p> <p>1 have folks that may not understand the 2 language -- the literal language, 3 meaning English -- but may not also 4 understand some of these science and 5 thought processes about 6 bioaccumulation, so they don't take 7 these advisories seriously or into 8 account. So we are suggesting 9 providing more visual information so 10 that we don't have to take the actual 11 language barrier or literacy into 12 account, but we'll be able to show the 13 fish that are under advisory with a 14 picture of the fish instead of maybe 15 listing what the fish species is, 16 because not everybody, unfortunately, 17 knows what the difference between a 18 blue cat and a channel cat is. 19 The next sort of barrier is 20 technological barriers, so at this 21 time, roughly 25 percent of the Coosa 22 River basin, the 12 counties that 23 Coosa Riverkeeper works in, doesn't</p>

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<p style="text-align: right;">Page 50</p> <p>1 have regular access to broadband 2 Internet. And for a lot of folks, 3 that seems like kind of wild but, 4 unfortunately, that is the reality of 5 the situation based on the most recent 6 data. So having that high-speed 7 Internet to download a 30-plus-page 8 PDF document from the Department of 9 Public Health, for some people, it's 10 just not realistic or possible in 11 their homes, so we have been promoting 12 and supplementing with our statewide 13 fish consumption advisory hotline and 14 partnering with the Department of 15 Conservation & Natural Resources to 16 install signs, which I'll show you 17 later, that promote the use of this 18 hotline, which is a more equitable way 19 for people to get this information 20 without relying on the Internet but 21 also having the two languages 22 available. 23 So room for improvement is</p>	<p style="text-align: right;">Page 52</p> <p>1 the fish tissue monitoring, 2 specifically for ADEM predates a lot 3 of the great work that Director 4 LeFleur spoke about today, and this is 5 something that they have made a 6 priority. 7 I'm already out? I got too 8 excited. Well, you have access to the 9 rest of this information, and I will 10 turn it over to our colleague, 11 Victoria Miller. Thank you so much 12 for your time. 13 MR. MASINGILL: Thank you. 14 MS. MILLER: All right. I'd like 15 to thank y'all for the opportunity to 16 present today. As Justinn mentioned, 17 I'll be telling y'all a little bit 18 more about our data and findings from 19 our Coosa River Creel Survey. A creel 20 survey is just a survey of anglers 21 asking them how they like to fish. 22 A little bit more about me. I'm 23 Victoria Miller. I work with the</p>
<p style="text-align: right;">Page 51</p> <p>1 currently there are no fish 2 consumption advisory signs at Alabama 3 Power-owned fishing piers on the 4 Coosa, and that is one of the most 5 popular places for subsistence anglers 6 to go have a free place to fish to 7 bring home food to eat. But, 8 unfortunately, there have been 9 multiple barriers to getting those 10 signs up, and I'm hoping that you-all 11 can help us make that a reality for 12 the many people that are there 13 literally every single time I go or 14 every single day of the week. They 15 deserve to know this information, and 16 Victoria will go into the rationale 17 behind why the public thinks signs is 18 the best route for disseminating this 19 information. 20 The last two things are much more 21 of a regulatory and legislative angle. 22 The codification of this program is to 23 improve its longevity. This program,</p>	<p style="text-align: right;">Page 53</p> <p>1 Alabama Rivers Alliance, and I 2 conducted this research as an advocacy 3 service member in service to Coosa 4 Riverkeeper. 5 A bit more about that survey. We 6 gathered over 400 responses from 7 anglers in person and online -- which 8 helped us out a lot during the 9 pandemic -- of just about how they 10 like to go fishing, how they like to 11 eat fish, and their knowledge of fish 12 consumption advisories and 13 environmental pollution in general. 14 Our goal is just to better understand 15 how anglers eat fish and how they 16 interact with fish consumption 17 advisories on a daily basis. These 18 lovely individuals (indicating) are my 19 interns from UAB for 2021. 20 I encourage y'all to go check out 21 what we compiled and made our original 22 report in 2021, the creel survey 23 report, that talks in length about</p>

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<p>1 recommendations for improving the 2 program and the educational pieces of 3 that as well. I encourage y'all to go 4 read that report another time, but a 5 little bit more about those anglers. 6 About 40 percent of them like to go 7 fishing a few times a week. Most of 8 them are out there between a few times 9 a month and a few times a week. They 10 spend an average of \$2,860 on fishing 11 annually. This is each angler's 12 individual impact into the local 13 fishing economy through licensing, 14 bait, ice, tackle. We just asked them 15 to give us a ballpark of how much they 16 like to spend, and people prefer to 17 target bass on the Coosa. 18 For the rest of the presentation 19 today, however, I'm going to talk 20 about just the information I gathered 21 from anglers who eat fish on the Coosa 22 because I believe those are the most 23 relevant to fish consumption</p>	<p>1 been frequenting the area for fishing 2 for longer than 20 years, and these 3 anglers also still spend a -- a -- a 4 nice amount in the economy each year. 5 \$2,520 is also spent, and these 6 anglers like to share their catch with 7 others. More about that in a minute. 8 A few quick slides real quick about 9 the favorite fish to catch versus the 10 favorite fish to eat. Everyone loves 11 to catch bass, but when you're 12 bringing fish home to eat, you 13 probably prefer to get a crappie or 14 catfish. How often are Coosa fish 15 consumed? Looking at the bottom half 16 of the graph here, you'll see the 17 majority of anglers are consuming 18 Coosa River fish between a few meals a 19 year and once a month, but an 20 interesting 19 percent of anglers that 21 are eating our Coosa River fish are 22 eating the fish at least once a week. 23 And if you look at the areas of the</p>
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<p>1 advisories. Sixty-one percent of the 2 total responses we gathered were of 3 those who eat fish. That just shows 4 that eating fish on the Coosa is 5 very -- increasingly popular. These 6 anglers are primarily from Alabama and 7 mostly middle-aged white men, but we 8 did have representation from women, 9 people of color, as well as the 10 over-65 crowd and a few individuals 11 under 18 that wanted to participate in 12 our survey. 13 How and when Coosa River fish -- 14 Coosa River fish consumers like to go 15 fishing, they tend to go fishing a bit 16 more than our total group. They are 17 going fishing about -- half of them 18 are going fishing between a few times 19 a week and 9 percent are going fishing 20 almost every single day. The majority 21 of these anglers have been frequenting 22 the area for longer than five years. 23 The majority of them, in fact, have</p>	<p>1 Coosa River that have fish consumption 2 advisories, it's often recommended 3 that they limit consumption to once a 4 month or less, so that's concerning 5 that they might be eating more than 6 the advisory amount. 7 Who else is eating Coosa River 8 catch? People love to share their 9 catch. Fishing is a very popular 10 tradition in the area, and people take 11 their fish home and share -- share it 12 widely. Children under the age of 18 13 and their elderly neighbors are 14 commonly who anglers like to share 15 their catch with, or they just 16 generally share with whoever will ask 17 them for it. 18 Eight percent of anglers we spoke 19 to also like to share their catch with 20 women who are pregnant, nursing, or 21 may want to become pregnant. As 22 Justin mentioned earlier, these 23 groups are at a particularly higher</p>

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<p>1 risk of health impacts from consuming 2 fish caught under a fish consumption 3 advisory. I offer this quick summary 4 from Okin -- that study's 5 interesting -- about eating fish 6 during pregnancy offers great benefits 7 for fetal development, but mothers 8 question whether the dangers of 9 mercury in fish outweigh the 10 nutritional benefit.</p> <p>11 How Coosa catch gets on the table? 12 Real quick, people love to fish for 13 their food around here, and that's 14 definitely what we found over and over 15 again. Awareness of fish consumption 16 advisories, 57 percent of the anglers 17 we talked to -- and again, these are 18 fish consumers -- were previously 19 aware of fish consumption advisories 20 being issued on the Coosa River, 21 though be -- be assured that 100 22 percent of the people we talked to 23 walked away with more resources and</p>	<p>1 online and social media outreach 2 division of the Alabama Department of 3 Conversation & Natural Resources, is 4 the most popular source of advisory 5 information by far. People are just 6 asked to pick from a list of how they 7 found out, and the next most popular 8 response was generally on the Internet 9 through social media, and then ADPH, 10 the Alabama Department of Public 11 Health, who actually produces the 12 advisories, is the third most popular 13 response.</p> <p>14 In year two, we asked anglers a 15 knowledge-check question. If you are 16 already aware of the advisories, could 17 you tell us what level of government 18 produces those, such as does 19 advisories come from the federal 20 government, your county government, 21 state, local. And unfortunately, 64 22 percent of the anglers we asked didn't 23 know or answered incorrectly. And</p>
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<p>1 information about how to protect 2 themselves. We asked them a bit 3 further, if you do know about the 4 advisories, do you know what they may 5 say as in where it is, what fish to 6 avoid. And, unfortunately, only 35 7 percent of the anglers self-admitted 8 that they feel confident about where 9 the advisories are or are not 10 specifically. And of those anglers 11 who are unaware of the advisories, 12 unfortunately, most have been fishing 13 and frequenting the Coosa area for 14 longer than five years without 15 encountering fish consumption advisory 16 information. And the picture here on 17 the right is a small -- a little 18 hard-to-see copy of the fish 19 consumption advisory sign that we 20 posted.</p> <p>21 Source of advisory information, how 22 anglers find out about the advisories 23 is interesting. Outdoor Alabama, our</p>	<p>1 just to be clear, this wasn't to make 2 fun of anybody for not knowing about 3 the source of the advisory 4 information. It was just to point out 5 that if you don't know who produces 6 advisories, it's hard for you to 7 contact that agency in the future when 8 you need to know more subsequent 9 information and continue protecting 10 your health.</p> <p>11 Awareness to understanding, we'd 12 like to stress that just being aware 13 of the advisories does not necessitate 14 that you completely understand how 15 these advisories could impact you or 16 your family's long-term health. 67 17 percent of the anglers we spoke to 18 were previously aware that pollution 19 existed on the Coosa River, but a 20 little bit less, 52 percent, were 21 aware that eating fish under advisory 22 could impact health. So even if they 23 have heard of pollution or the</p>

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<p>1 advisories, they may not connect that 2 back to their health. But, however, 3 it's encouraging at the end of the 4 day that in -- oops -- 78 percent of 5 our Coosa River fish consumers do 6 follow advisories, or would like to 7 follow them if they had easier access. 8 We typically tell people, If there was 9 a sign right here, you'd listen to it? 10 And they say, Absolutely, I would 11 love to. 12 Ideal solutions from those anglers. 13 We wanted to get it from the horse's 14 mouth about what they think we should 15 do to improve fish consumption 16 advisories in Alabama, and the most 17 popular response was signage at 18 popular fishing areas displaying what 19 they should or should not eat. 20 Posting information online is also 21 popular, or using traditional media 22 like TV route, paper media, and news, 23 though many were unsure of what to</p>	<p>1 state. Ensuring the fish tissue 2 monitoring program is brought back 3 into full swing after the pandemic is 4 very important, and as we mentioned, 5 we had a tour earlier this week where 6 we got shown how that program is back 7 in full swing, and it was very 8 impressive to see that lab. Also, an 9 idea is to encourage volunteers to 10 bring in fish or accept accredited 11 field data from other universities, an 12 idea. Another one would just be to 13 help us with public communication of 14 this important public health 15 information. ADEM could perhaps help 16 us get this information out in the 17 public. 18 Thank you for allowing me to 19 present to you today. This work 20 really means a lot to me. This 21 (indicating) is my partner and I as we 22 finished personally driving into the 23 ground the 50th fish consumption</p>
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<p>1 do to improve the advisory program but 2 were eager to learn more. 3 Our recommendations from Coosa 4 Riverkeeper and the Alabama Rivers 5 Alliance is overall, we just want to 6 strengthen the fish consumption 7 advisory program and its public 8 outreach. I think it's a little bit 9 of a shame that there's over 200 fish 10 consumption advisories and it feels 11 like not enough people know about them 12 in the public. What specifically ADEM 13 and the EMC needs to be able to help 14 us to do is help us to expand testing. 15 Test that popular fishing area is 16 relevant to anglers eating the fish. 17 Perhaps open up a survey to the 18 public. Where would you like to see 19 this fish at in the future? 20 Target species that are most often 21 eaten, as I mentioned, crappie is 22 popular, but it's not just popular on 23 the Coosa. It's popular across the</p>	<p>1 advisory sign that features our 2 hotline where is the only source 3 people can hear about fish consumption 4 advisories currently without an 5 Internet connection. These are my 6 sources, and I encourage y'all to 7 check out our subsequent report about 8 this data coming out soon. Thank you. 9 MR. MASINGILL: Thank you, 10 Ms. Miller. And Ms. Overton, I didn't 11 get a chance to thank you either. I 12 would encourage you just to get 13 together with ADEM on your concerns 14 and -- and, you know, see what -- what 15 can be done, what -- you know. 16 MS. MILLER: Absolutely. 17 MR. MASINGILL: That's what I would 18 encourage you to do. 19 MS. MILLER: Thank you. 20 MR. MASINGILL: Thank you very much 21 for both of your presentations. 22 Okay. We've reached the point in 23 our meeting where we will have --</p>

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<p align="right">Page 66</p> <p>1 entertain brief statements by members 2 of the public that are registered to 3 speak, and we have one request from 4 Cindy Lowry with the Alabama River 5 Alliance. Cindy? 6 MS. LOWRY: Good afternoon. Thank 7 you -- or morning, whatever it is. 8 Thanks for letting me come to you 9 today. I hate to -- for those of you 10 I haven't met, my name is Cindy. I'm 11 the Executive Director of the Alabama 12 Rivers Alliance, and we're -- you just 13 heard from Victoria on our staff. 14 We're a statewide organization that 15 works to bring the network of local, 16 community, and watershed-based groups 17 together and advocate for clean water 18 policies and healthy rivers. 19 So I wanted to speak to you today, 20 and I hate to end this celebratory 21 meeting on a slightly negative note, 22 but I thought -- if y'all have heard 23 me speak up here before, you know that</p>	<p align="right">Page 68</p> <p>1 subsequently received a response from 2 the Chair confirming the receipt and 3 that the request be put on the agenda. 4 The Chair's letter made no request for 5 further information and no request for 6 a PowerPoint. Debi's e-mail did say, 7 Please send a PowerPoint when they're 8 finalized, but there was no deadline 9 given for that. The presentation 10 request also made it clear that it was 11 informational, that we weren't asking 12 anything in particular of the 13 Department at this time, but that we 14 wanted to reengage with you after the 15 pandemic. 16 So I understand that being a 17 Commissioner is not your full-time job 18 and that it's impossible for you to 19 hear every concern that impacts the 20 health and environment of Alabama, and 21 that is where environmental groups 22 like ours and community groups can 23 play a role. That is, in fact, why we</p>
<p align="right">Page 67</p> <p>1 public participation is my passion, 2 and I had to come back and talk to you 3 about the way the public participation 4 requests by these two wonderful 5 presenters was handled at the last 6 meeting. The two presenters submitted 7 their requests, materials exactly as 8 the EMC regulations required, and 9 I'll -- reminding y'all that the 10 regulations require -- the rule 11 requires a written request with a 12 written description of what you're 13 going to talk about, and the 14 guidelines further state that the 15 chairman may ask for more information 16 and more documentation, but it doesn't 17 say they necessarily will. 18 Each of these presenters did submit 19 a request to the EMC in 14 days in 20 advance, and that's to that October 21 meeting, and each letter included a 22 description of the topic to be 23 discussed with an outline. We</p>	<p align="right">Page 69</p> <p>1 advocated in the early 2000s for the 2 passing of this public participation 3 time to speak. I was actually working 4 in this field then, and this rule was 5 not meant to bring -- to create so 6 many hoops to jump through. That is 7 too burdensome for citizens to even 8 try to bring information and concerns 9 to you. It was meant to provide some 10 parameters so that it would make 11 presentations to you good for both 12 sides. It would make it work for all 13 of us. And, in fact, we revised them 14 several years ago and heard from you 15 guys how many complaints you were 16 having about the way it was being 17 used, and we added the three-minute, 18 which I think was a very good 19 improvement. The previous 20 Commissioners who originally passed 21 this I think really understood the 22 essential role that you have and the 23 duty of the appointed Commission to</p>

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<p>1 hear concerns from the public. 2 Unfortunately, in October, instead 3 of hearing our presentation after our 4 first request, you manufactured a 5 technicality and did not hear our 6 request and, unfortunately, this just 7 merely served to -- to just affirm the 8 cynicism and the frustration that so 9 many of the public have with this 10 Department. And we resubmitted them. 11 We're very grateful that you heard 12 from us today. We thank you for 13 hearing from us, and we just hope 14 you'll take it into consideration when 15 you think of -- when you get public 16 presentation requests in the future. 17 MR. MASINGILL: Thank you, 18 Ms. Lowry. I know I -- I'll speak for 19 myself. I received that PowerPoint 20 presentation maybe the day before or 21 whatever. I remember it was the very 22 last minute. I never even had a -- 23 had time to look at it, and that's</p>	<p>1 that's needed. And for people who 2 aren't staffed environmental groups -- 3 MR. MASINGILL: Right. 4 MS. LOWRY: -- that technicality 5 could be really important. If they're 6 coming here, if they take off work or 7 something, that would be a really big 8 blow if they didn't get heard, so I 9 just think it -- maybe we can -- you 10 know, we'll submit the PowerPoint 11 ahead of time, but if you guys can 12 also be sure that you request 13 everything you need when you need it 14 so that we're not -- someone is not 15 stuck here in the audience having 16 taken off work or spent our time, 17 valuable time, coming down here and 18 not being heard at that time, so maybe 19 we can just both communicate better. 20 MR. MASINGILL: Any other 21 Commissioners have anything to say? 22 DR. MILLER: I was under the 23 impression that any PowerPoint or</p>
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<p>1 really -- is the concern, because if 2 we let that -- I mean, we want -- we 3 want you to have input; we really do. 4 But when it comes in that late, we 5 don't even have an opportunity to look 6 at it and, therefore, get a better 7 perform- -- or kind of have an idea of 8 what you intend to present. Now, I'm 9 just speaking personally for me, what 10 happened to me. Do any other 11 Commissioners have any comment? 12 That's the way I remember it, but -- 13 and that's why -- 14 MS. LOWRY: Well, and I just want 15 to clarify that the rules don't say 16 that -- that part, and if you -- if 17 you -- if you feel that you're going 18 to have to deny it if you don't get a 19 PowerPoint, then that should be -- 20 that should be requested -- that would 21 be helpful if it's requested when you 22 send back your confirmation, because 23 the rules say a written request is all</p>	<p>1 materials that were to be presented 2 were required to be sent to the 3 Commission two weeks ahead of time. 4 MR. MASINGILL: Right. 5 DR. MILLER: Is that incorrect? 6 MR. MASINGILL: That has been my 7 understanding. 8 MS. LOWRY: Well, I actually 9 printed out my comments, and it has 10 those rules written in it, and it's 11 highlighted -- well, it's not 12 highlighted because I didn't have a 13 color printer -- but it states those 14 things if you want me to pass those 15 out, and we can also just look at 16 them, but... 17 DR. MILLER: Well -- 18 MS. LOWRY: It does -- it does say 19 "written request." And it says you 20 may ask for more information, more 21 documentation when the -- when the 22 Chair sends back the confirmation that 23 it was received.</p>

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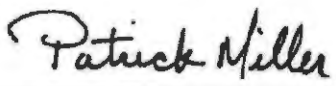
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<p>1 DR. MILLER: Well, I felt terrible 2 about them driving all the way down 3 here. 4 MR. MASINGILL: Yeah, I -- we all 5 felt bad about that. 6 DR. MILLER: But I also felt 7 totally unprepared with -- I got the 8 e-mail with the presentation at about 9 5:30 the afternoon before. That just 10 won't work. I mean, that can't -- I 11 mean, how can you possibly try to be, 12 you know, prepared and know how to 13 ask, you know, sensible questions if 14 you don't have a chance to look over 15 the material? So that -- that would 16 be my comment. If we need to change 17 the rule, then -- 18 MS. LOWRY: Well, I think the 19 guidelines are adequate if you just -- 20 if you -- when you get a request, if 21 it doesn't have everything you need, 22 then you can ask for that and that -- 23 you can still say, I need those five</p>	<p>1 maybe you're not able to always 2 under- -- or be a part of, because we 3 see things sometimes differently than 4 what the Department sees. And we're 5 interacting with the public a lot; 6 we're getting complaints just like the 7 Department does. So we want to 8 sometimes just share information with 9 you. You can sit and mull on it and 10 maybe we start a dialogue, and it 11 doesn't have to be that day. 12 So that was one of the reasons we 13 did add the three minutes, was because 14 I think the Commissioners at the time 15 were -- were thinking that y'all were 16 expected to answer us in the moment 17 when we present, and that's not always 18 the case, and that's why I made that 19 clear in the request, that we weren't 20 asking that of y'all at this point. 21 And I think that also has an impact on 22 how much information you get ahead of 23 time, if you're -- if you're expected</p>
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<p>1 to ten days in advance, or -- if the 2 person was that close to the deadline. 3 MR. MASINGILL: Yeah. 4 MS. LOWRY: If they submit them 20 5 days in advance, then you can -- you 6 can have a little more time. I also 7 will just add that when we had the 8 conversation -- and I can't remember 9 if any of you were on the Commission 10 when we revised and added the three- 11 minute part, but we had a dialogue 12 with the Commissioners about this and 13 about the back-and-forth. And we -- 14 we made it clear, because -- when -- 15 and that's why I made it clear -- we 16 made it clear in this request that we 17 weren't asking you to necessarily 18 respond that day. 19 Sometimes we present information 20 because we just want you to hear it 21 and we want you to know we're working 22 on it. We want you to know what's 23 happening out there in the world that</p>	<p>1 to do something or answer us in that 2 moment. So that's just another thing 3 to think about. 4 MR. MASINGILL: Do you have a 5 comment? 6 MR. BROWN: Oh, no. I was just 7 pointing out that I was here. 8 MR. MASINGILL: Right. If you have 9 anything else to add because of 10 that -- 11 MR. BROWN: I still had hair. 12 (Laughter was heard.) 13 MS. LOWRY: Anyway, thank you all 14 for the time. 15 MR. MASINGILL: Thank you. 16 MR. BROWN: Thank you. 17 MR. MASINGILL: Thank you so much. 18 All right. Let's see. All right. 19 I'll entertain a motion to adjourn. 20 MR. BROWN: So moved. 21 DR. PERRY: Second. 22 MR. MASINGILL: All in favor, raise 23 your right hand.</p>

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1 (Hands were raised.)
2 MR. MASINGILL: Passed unanimous.
3 We're adjourned.
4 (Whereupon, the meeting
5 concluded at 12:13 p.m.)
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1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA
3 LEE COUNTY
4 I, Patrick Miller, Alabama Certified
5 Court Reporter No. 631, and Commissioner for the
6 State of Alabama at Large, hereby certify that
7 on Friday, December 9th, 2022, I reported the
8 PROCEEDINGS in the matter of the foregoing
9 cause, and that the pages herein contain a true
10 and accurate transcription of said proceedings.
11 I further certify that I am neither kin
12 nor of counsel to the parties to said cause, nor
13 in any manner interested in the results thereof.
14 This 19th day of October, 2022.
15
16 
17
18
19 PATRICK MILLER, ACCR-631
20 Commissioner for the
21 State of Alabama at Large
22 MY LICENSE EXPIRES: 9/30/23
23 MY COMMISSION EXPIRES: 2/08/23

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Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Director's Slides
(Agenda Item 2)**

**Attachment 3 Order rescinding the Commission's order of October 14, 2022, and approving a salary advance for ADEM Director LeFleur of two steps to Step 17 in Pay Grade 91
(Agenda Item 4)**

Attachment 4 Resolution adopting amendments to ADEM Administrative Code 335-1, General Administration Regulations, and Attachment A, Final Proposed Rules

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: December 9, 2022

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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2. Report from the ADEM Director	2
3. Report from the Commission Chair	2
4. ADEM Director's Compensation	2
5. Consideration of proposed amendments to ADEM Administrative Code Division 335-1, General Administration Regulations	2
6. Other business	2
7. Future business sessions	2
PUBLIC COMMENT PERIOD	2, 3
a. Requests to make presentations	2
b. Brief statements by members of the public registered to speak	3

* The Agenda for this meeting will be available on the ADEM website, 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 OCTOBER 14, 2022
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. ADEM DIRECTOR'S COMPENSATION
5. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-1, GENERAL ADMINISTRATION REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-1, General Administration Regulations. Revisions are proposed to modify, remove, and add new forms required for the implementation of the Department's rules and regulations. Additional modifications are being proposed to restructure the Beneficial Use Program fees outlined in Fee Schedule E. The Department held a public hearing on the proposed amendments on October 18, 2022.

6. OTHER BUSINESS
7. FUTURE BUSINESS SESSIONS

PUBLIC COMMENT PERIOD

- a. REQUESTS TO MAKE PRESENTATIONS
 - (1) Request 1 – Re-submitted request from Justinn Overton, Executive Director and Riverkeeper, Coosa Riverkeeper, Subject of presentation: Present information about the fish consumption advisory program conducted in part by ADEM from a stakeholder perspective and to identify some gaps in the current program that could be improved upon. The presentation would include a narrative discussion of the background and ongoing work around fish consumption in their watershed.
 - (2) Request 2 – Re-submitted request from Cindy Lowry, Executive Director and Victoria Miller, Advocacy Assistant, Alabama Rivers Alliance, Subject of presentation: Present information about the fish consumption advisory program conducted in part by ADEM from a stakeholder perspective and to identify some gaps in the current program that could be improved upon. The presentation would include data and findings gathered from the Coosa River Creek Survey of Community Anglers by Victoria Miller.

b. 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



Alabama Department Of Environmental Management

Federal Environmental Statutes

- Clean Air Act - 1970
- Clean Water Act - 1972
- Safe Drinking Water Act - 1974
- Resource Conservation Recovery Act - 1976



Alabama Department Of Environmental Management

Organizations forming ADEM in 1982

- Water Improvement Commission
- Air Pollution Control Commission
- Alabama Water Well Standards Board
- Coastal Area Board
- Board of Certification of Water and Wastewater Systems Personnel



Alabama Department Of Environmental Management

Organizations forming ADEM in 1982

- Environmental Health Administration
Laboratory of the State Health Department
- State Health Department – public water
- State Health Department – solid waste
- State Health Department – hazardous waste



Alabama Department Of Environmental Management

Environmental Advances since 1982

- Detection of Pollutants
- Understanding Effects of Pollutants
- Methods to Control or Eliminate Pollutants
- Federal & State Regulations to Protect Human Health and Environment



Alabama Department Of Environmental Management

Adapting to Ongoing Changes

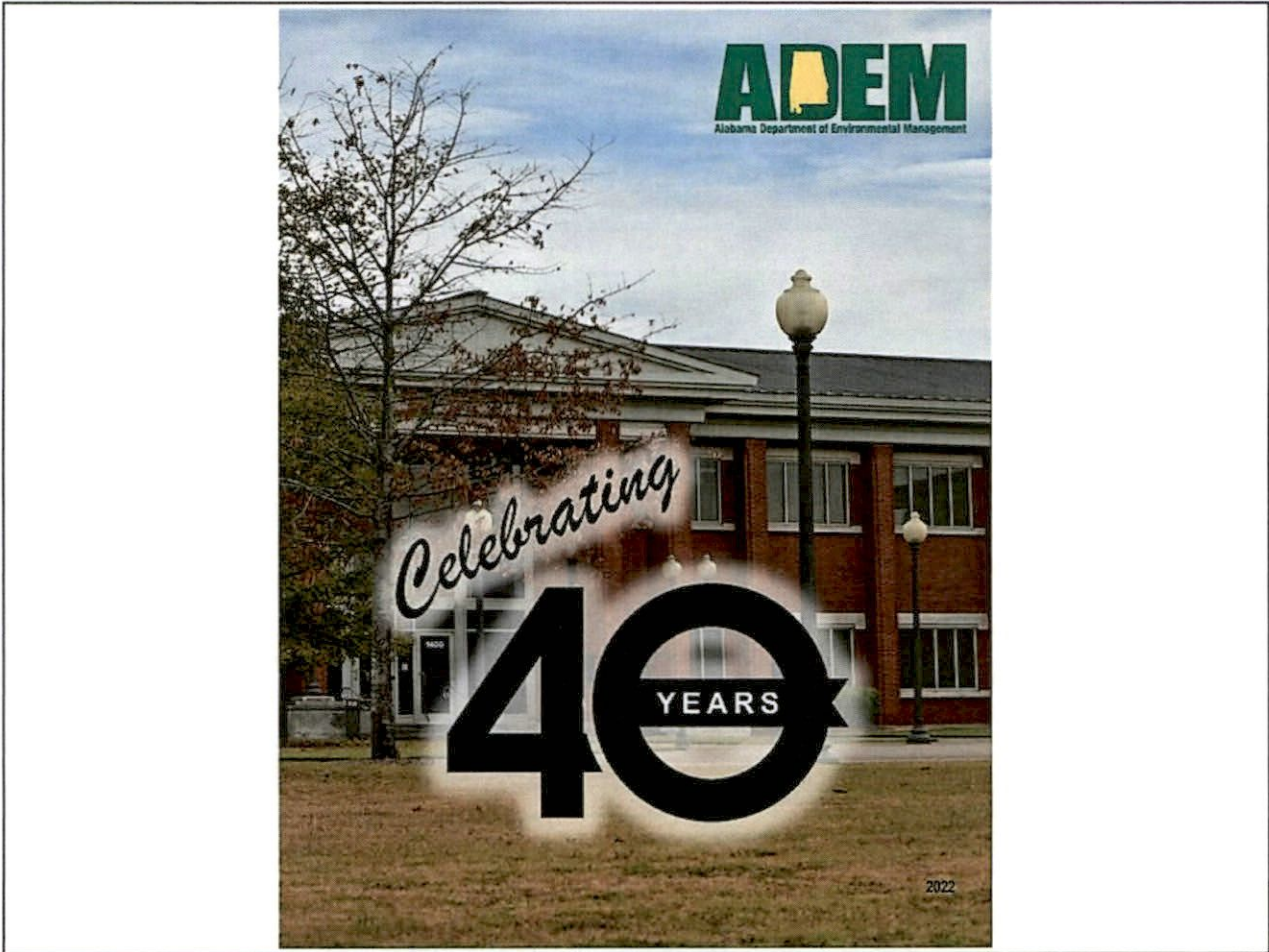
- New Funding Mechanisms
- Collaboration – Communities, Industry, NGOs, Governmental Agencies
- Automation / Modernization
- Developing Staff
- Results Oriented



Alabama Department Of Environmental Management

Unchanging Attributes

- Mission
- Good Science, Proper Process, Comply with Law
- Impartial and Ethical Execution
- Strong Work Ethic

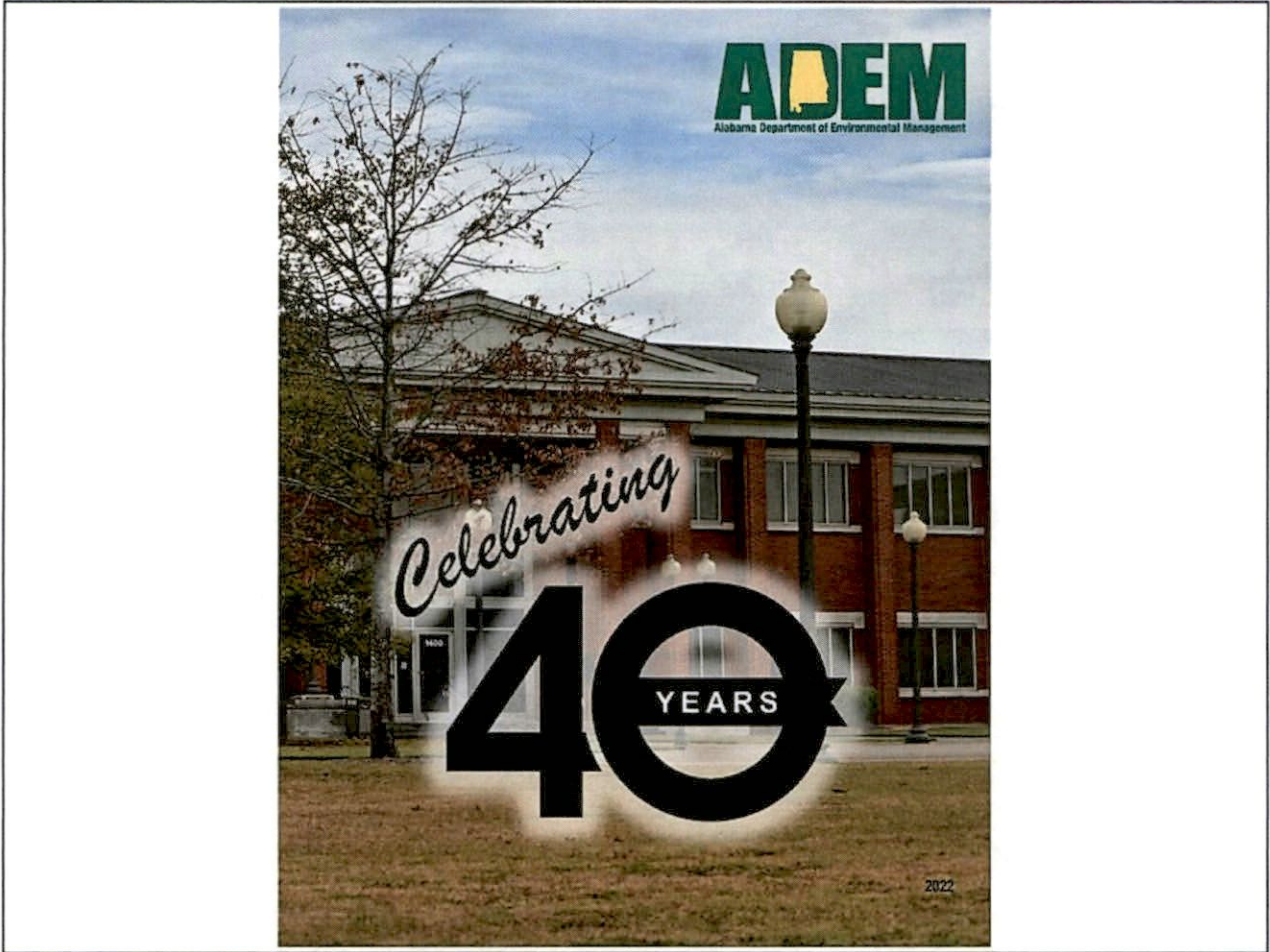




Alabama Department Of Environmental Management

“ADEM Celebrating 40 Years”

- Significant Events
- Overview
- Programs
- Internal Support Systems
- Initiatives
- Awards



ADEM
Alabama Department of Environmental Management

Celebrating

40
YEARS

2022



**Alabama Department Of
Environmental Management**

Mobile Field Office & Lab







Attachment 3

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

MOTION

Rescind the Commission's order of October 14, 2022, and
approve a salary advance for ADEM Director LeFleur of two steps to Step 17 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 rescinds its order of October 14, 2022, and approves a salary advance for ADEM Director LeFleur of two steps to Step 17 in Pay Grade 91; 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 9th day of December 2022.


APPROVED:



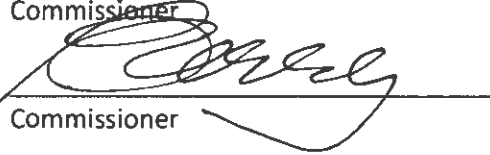
Commissioner



Commissioner



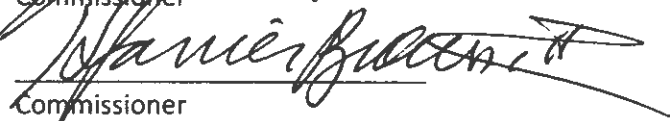
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

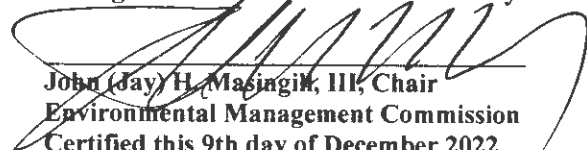
DISAPPROVED:

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 9th day of December 2022.



John (Jay) H. Masingih, III, Chair
Environmental Management Commission
Certified this 9th day of December 2022

Attachment 4

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-1 of the Department's Administrative Division – General Administration Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-1 [rules 335-1-1-.07/Departmental Forms, Instructions, and Procedures (Amend); 335-1-6-.07/Payment of Fees (Fee Schedule E) (Amend)] of the Department's Administrative Division – General Administration Rules, administrative code attached hereto, to become effective

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-1 -- Administrative Division -- General Administration Rules

IN WITNESS WHEREOF, we have affixed our signatures below on this 9th day of December, 2022.

APPROVED:

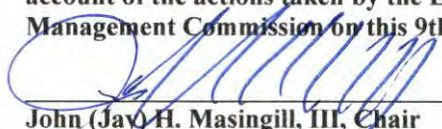
DISAPPROVED:

_____	_____
_____	_____
_____	_____

ABSTAINED:

_____	_____
-------	-------

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 9th day of December 2022.


John (Jay) H. Masingill, III, Chair
Environmental Management Commission
Certified this 9th day of December 2022

ATTACHMENT A

335-1-1-.07 Departmental Forms, Instructions, and Procedures.

(1) Designation as the State Environmental Control Agency. The Department is the State Environmental Control Agency for the purposes of federal environmental law including the Federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended; the Federal Clean Water Act, 33 U.S.C. 1251 et seq., as amended; the Federal Safe Drinking Water Act, 42 U.S.C. A 201 et seq., as amended. The Department is authorized to take all actions necessary and appropriate to secure the benefits of federal environmental laws. The Department operates in conformity with such federal laws, policies, and procedures, as provided in the Act.

(2) Policies and Procedures. The Commission, through the adoption of rules pursuant to Code of Alabama 1975, § 22-22A-7(c)(6), establishes environmental policies and procedures.

(3) Form and Instructions. The Director may require such forms within the rules as he deems necessary. The content of such forms and instructions for their completion may be prescribed by the Director including the changes of such from time to time. Federal forms as published by the Environmental Protection Agency may be used in lieu of state developed forms. Departmental forms prescribed by the Director shall be identified and numbered as follows:

(4)

Name of Forms	Form Number
Air Program	
Specifications for Air Curtain Incinerators M-1	17
MEME Vendor Application	39
Registration Form for the Construction, Installation, or Modification of an Incinerator M-2	52
Operating Permit Application Facility Identification Form M-7	103
Permit Application for Indirect Heating Equipment M-3	104
Permit Application for Manufacturing or Processing Operation M-5	105
Permit Application for Waste Disposal M-2	106
Permit Application for Stationary Internal Combustion Engines M-7	107
Permit Application for Loading and Storage of Organic Compounds M-2	108
Permit Application for Volatile Organic Compound Surface Coating Emission Source M-3	109
Permit Application for Air Pollution Control Device M-4	110
Permit Application for Solvent Metal Cleaning M-1	112
Seal Gap Test Form M-1	184
Air Permit Application For Gasoline Dispensing Facilities M-5	197
Gasoline Transport Tank Truck Application M-3	198
Cargo Tank Tightness Test Report M-1	309
Bulk (Gasoline) Plant Application M-2	331
Emissions Statement Reporting Form M-1	372

Name of Forms	Form Number
Excess Emission Monitoring Report	373
Exemption Claim Form for Cofired Combustors (Appendix H - Division 3) M-1	374
Exemption Claim Form for Incinerators Burning Only Pathological, Low-Level Radioactive, and Chemotherapeutic Waste (Appendix H - Division 3) M-1	375
Gasoline Dispensing Facility Information Survey M-1	378
NOX Budget Permit Application Form	426
NOX Budget Retired Unit Exemption Claim Form	427
Open Burning Incident Report	434
Perc Dry Cleaner Status Update M-1	436
Permit Application for Compliance Schedule M-1	437
Permit Application for Continuous Emission Monitoring Systems (CEMS)	438
Petroleum Solvent Dry Cleaning Questionnaire M-1	440
PSD-Project Information Form	445
Remediation Approval Form M-2	448
Remediation Reporting Form M-2	449
112(j) Part 1 Applicability Notification	493
Birmingham Fuel Supplier Report M-1	494
Major Source Operation Permit Skeleton Form	495
Notice of Demolition and/or Asbestos Removal M-1	496
Asbestos Removal Contractor Certification	497
Visible Emission Field Test Sheet	502
CAIR Permit Application (for sources covered under a CAIR SIP)	519
Coastal Program	
Joint Application and Notification U. S. Department of Army, Corps of Engineers Alabama Department of Environmental Management M-3	166
Alabama Coastal Area Management Program Application for Approval of a Non-Regulated Use ADEM Administrative Code rule 335-8-1-.11 Groundwater Extraction 50 PM or Greater M-1	316
Application for a Permit for the Construction for a Motel, Hotel, or Other Multi-Unit Development on a Property Intersected by the Construction Control Line in the Alabama Coastal Area M-1	327
Application for a Permit for the Construction of Single Family Dwellings, Duplexes, or Other Similar Structures on Properties Intersected by the Construction Control Line in the Alabama Coastal Area M-1	328
Application for Approval of a Non-Regulated Use in the Alabama Coastal Area Developments and Subdivisions of Property Greater than 5 Acres in Size M-1	329
Waste/Remediation Program	
Alabama Recycling Fund Grant Application M-2	9

Name of Forms	Form Number
Solid Waste Landfill Operator Initial Certification Application	11
Solid Waste Landfill Operator Reciprocal Certification Application	12
Solid Waste Landfill Operator Certification Renewal	13
Processing and Recycling General Information Recycling Registration M-2	15
Annual Recycling Report	16
Composting Facility Application	18
UST Annual Walkthrough Inspection Checklist Log M3	19
UST 3 Year Spill Prevention Equipment (Spill Bucket) Integrity Test Report (Hydrostatic and Vacuum Method) M-3	20
UST Alabama Tank Trust Fund Cost Proposal Part 1 M-4	31
UST Alabama Tank Trust Fund Payment Request Part 1 M-4	32
Disposal Approval Request M-1	278
UST Notification for Underground Storage Tanks M-4	279
UST Notification for Above Ground Storage Tanks M-4	283
Solid Waste Profile Sheet M-3	300
SARA Title III Section 302: Extremely Hazardous Substance Notification M-1	302
Permit Application Solid Waste Disposal Facility Construction/Demolition Landfill M-2	305
UST Notice of Temporary Closure M-2	310
Alabama Hazardous Waste/Used Oil Transporter Permit Application M-2	317
Alternative Medical Waste Treatment Technology Equipment Approval Application	323
UST Annual Statistical Inventory Reconciliation (SIR) Report Form M-2	326
Application for Name Change or Transfer of Permit or Exemption M-5	330
UST Cathodic Protection Monitoring Form M-2	332
UST Impressed Current Cathodic Protection System 60-Day Inspection Log M-1	400
UST Interior Lining Inspection Form	403
UST Interior Lining Report Form	404
UST Manual Interstitial Monitoring Monthly Log M-1	406
SARA Title III Section 311: SDS/MSDS Reporting M-1	407
Medical Waste Notification Form M-2	410
Medical Waste Transporter Permit Application M-5	411
Medical Waste Treatment Permit Application M-5	412
Medical Waste Storage Permit Application	413
UST 30 Day Statistical Inventory Reconciliation (SIR) Log M-3	414
UST Notice of Intent to Permanently Close Underground Storage Tanks or Piping M-4	422
UST Notice of Proposed UST New Installation or Modification M-5	423
Notification of Election of Coverage under The Alabama Drycleaning Environmental Response Trust Fund Act M-3	425

Name of Forms	Form Number
Permit Application Solid Waste Disposal Facility M-2	439
UST Statistical Inventory Reconciliation SIR 7 Day Release Investigation Report M-3	460
UST Tank Trust Fund Eligibility / Ineligibility Determination Form M-1	462
UST Underground and Above Ground Storage Tank Transfer of Ownership M-3	469
UST ARBCA Tier 1 Report Forms	471
UST ARBCA Tier 2 Report Forms	472
UST ARBCA Tier 3 Report Forms	473
UST Closure Site Assessment Report Form M-4	474
UST Free Product Recovery Report Form	475
UST Groundwater Monitoring Report Form M-1	476
UST Line Tightness Test Report Form M-3	477
UST Natural Attenuation Monitoring Report Form	478
UST Release Fact Sheet	479
UST Release Report Form M-3	480
UST Site Classification System Checklist	481
UST System Effectiveness Monitoring Report Form	482
UST Tracer Tank Tightness Test Report Form M-2	483
UST Ullage Tank Tightness Test Report Form M-2	484
UST Tank Tightness Test (Vacuum) Report M-3	485
UST Volumetric Overfill Tank Tightness Test Report Form M-2	486
UST Volumetric Underfill Tank Tightness Test Report Form M-1	487
UST Closure Total Potential VOC Emissions Calculations	492
Voluntary Cleanup Program Application M-2	521
Technical Proposal for Qualification as a Large Site Scrap Tire Fund Remediation Center M-1	530
Scrap Tire Manifest M-4	536
Scrap Tire Registration & Exemption Application M-7	537
Scrap Tire Transporter Permit Application M-8	538
Scrap Tire Quarterly Report M-6	539
Scrap Tire Processor Permit Application M-7	540
Scrap Tire Site Registration M-1	541
Brownfields State Revolving Fund Pre-Application Form M-1	542
Brownfields State Revolving Fund Application Form M-1	543
Cathodic Protection Monitoring for Galvanic Systems M-2	545
Alabama Hazardous Waste Receipt for Samples and Documents	546
Brownfields Assessment Request Application M-1	550
UST Line Leak Detector (LLD) Test Report M-3	551
UST 3 Year Containment Sump Integrity Test Report (Low Level Method) M-1	556
UST 3 Year Containment Sump Integrity Test Report M-1	557
UST 30 Day Walkthrough Inspection Checklist Log M-2	558
UST 3 Year Overfill Prevention Equipment Inspection Report M-2	559
UST Annual Probe and Sensor Test Report M-1	560

Name of Forms	Form Number
UST Annual Release Detection Equipment Operation and Calibration Testing Log M-2	561
UST Compatibility Demonstration Log M-1	562
UST Manual Tank Gauging Monthly Log M-1	563
UST Annual Liquid Sensor Inspection and Functionality Test M-1	564
UST Annual Tank Gauge Test Report M-1	565
UST Automatic Line Leak Detector (ALLD) and Line Tightness Test Report M-1	566
Application for Facility Name Change or Transfer of Solid Waste Disposal Facility Permit	568
Biosolids Beneficial Use Facility Registration Application M-1	569
Beneficial Use Annual Reporting	570
Notification of Regulated Waste Activity M-6	8700-12
Water Program	
Drinking Water - Groundwater System Monthly Operational Data Report M-1	8
Information Needed for 316(b) Determination in Regards to General NPDES Permits	14
Notice of Termination - NPDES General Permit Number ALR100000 M-2	21
NPDES Construction Stormwater Inspection Report and BMP Certification M-1	23
Notice of Intent - NPDES General Permit Number ALR100000 (Construction Stormwater) M-3	24
NPDES Construction Stormwater Noncompliance Notification Report M-1	25
Notice of Intent-NPDES General Permit Number ALG850000 M-4	26
Drinking Water - Operational Evaluation Level Exceedance Report M-2	27
Notice of Intent-General Permit Number ALG870000 (Pesticides) M-2	28
ADEM NPDES Pesticide Adverse Incident Report M-1	29
Notice of Termination - NPDES General Permit Number ALG870000 M-1	30
EDWRS Permittee Registration Form	33
EDWRS Lab Registration Form	34
EDWRS Terms and Conditions Agreement	35
Drinking Water - Total Coliform Rule - Level 1 Assessment M-2	36
Drinking Water - Total Coliform Rule - Level 2 Assessment M-2	37
Drinking Water - Notification of Intent to Drill a Water Well	60
Drinking Water - Purchase Water System Monthly Operation Report M-1	185
State Indirect Discharge (SID) Permit Application M-6	186
NPDES Individual Permit Application Supplementary Information	187

Name of Forms	Form Number
for Industrial Facilities M-7	
NPDES Individual Permit Application Supplementary Information for Publicly-Owned Treatment Works (POTW), Other Treatment Works Treating Domestic Sewage (TWTDS), and Public Water Supply Treatment Plants M-4	188
Permit Application of Reclaimed Water Reuse (RWR)	189
Application for Alabama Well Driller's License M-1	193
Water Well Driller Reciprocal Application	194
Water Well Standards Program License Renewal	195
Drinking Water - Filter Plant Monthly Operational Data Report M-1	242
One-Time Compliance Report for Dental Dischargers	570
Drinking Water - Monthly Membrane Surface Plant Operational Data Report M-1	243
Drinking Water - Application for Approval to Use a Water Supply Well	259
Alternative Analysis	311
Calculation of Total Annualized Project Cost for Public-Sector Projects	312
Calculation of Total Annualized Project Cost for Private-Sector Projects	313
ADEM Baseline Monitoring Report Submittal Form	314
NPDES Individual Permit Application (Mining Operations) M-6	315
Annual Certification Form for Discharges Associated with Petroleum Storage and Handling Areas M-2	324
Drinking Water - Chemical Monitoring Data Report M-1	335
Drinking Water - Chemical Monitoring Waiver Application M-1	336
Clean Water State Revolving Fund (CWSRF) Loan Application Form M-3	339
Clean Water State Revolving Fund (CWSRF) Preapplication Form M-4	340
Coalbed Methane Stormwater Inspection Summary Report M-1	343
Coalbed Methane Temporary Pit Wastewater Land Application Certification Report M-1	344
Drinking Water - Community Public Notification Certification Form	345
Drinking Water - Community System Susceptibility Analysis Sheet M-1	346
Drinking Water - Consumer Confidence Report (CCR) Certification Form M-2	347
Drinking Water State Revolving Fund (DWSRF) Loan Application Form M-3	369
Drinking Water State Revolving Fund (DWSRF) Preapplication Form M-4	370
NPDES Individual Permit Application Addendum M-1	376
NPDES Individual Permit Application Minor Permit Modification Addendum M-2	377
Notice of Intent-NPDES General Permit Number ALG110000 M-5	380

Name of Forms	Form Number
Notice of Intent-NPDES General Permit Number ALG120000 M-6	381
Notice of Intent-NPDES General Permit Number ALG140000 M-5	382
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Notice of Intent-NPDES General Permit Number ALG360000 M-6	395
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Notice of Intent-NPDES General Permit Number ALG670000 M-4	397
Drinking Water - Lead and Copper Monitoring Data Report M-1	405
Material Safety Data Sheet Reporting	407
Drinking Water - Maximum Residual Disinfectant Level Input Form (Samples) M-1	408
Sanitary Sewer Overflow (SSO) Event Reporting Form M-4	415
Municipal Water Pollution Prevention (MWPP) Annual Report (Collection Systems) Package M-1	416
Municipal Water Pollution Prevention (MWPP) Annual Report Package M-3	417
Municipal Water Pollution Prevention Resolution Form	418
MWPP Sewage Sludge Survey M-1	419
Drinking Water - Non-Community Public Notification Certification Form	420
NPDES/SID Non-Compliance Notification Form M-4	421
NPDES Annual Notice of Registration (NOR)	429
NPDES Individual Permit Pollution Abatement / Treatment Measures and Sediment Control Structures Certification Report M-2	432
NPDES Permitted Coalbed Methane Operations Pollution Abatement/Treatment Measures and Waste Treatment Facilities Certification Report M-1	433
Operator Certification Renewal Form M-1	435
Plant and Collection System Personnel Inventory	441
Drinking Water - Potable Water Laboratory Certification Application M-3	442
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Drinking Water - Project Completion Form M-2	444
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Representative Stormwater Outfall Certification M-3	450

Name of Forms	Form Number
Request for NPDES Permit Post-Mining Discharge Limitations (Coal Mining Operations) M-2	451
Request for Release from NPDES Permit Monitoring and Reporting Requirements (Mining Operations) M-3	452
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Request to Remove Treatment Basin/Pond or Other Discharge Structure (NPDES-Permitted Mining Operations) M-3	454
Required Information for Mixing Zone Modeling M-1	455
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SID Discharge Monitoring Report Form (Quarterly)	458
SRF Payment Request Form	459
Drinking Water - Surface Source Susceptibility Analysis Worksheet M-1	461
Toxicity Discharge Monitoring Report Form	464
Toxicity Test Report Summary	465
NPDES/SID/UIC Permit Transfer Agreement M-3	466
Drinking Water - Construction Permit Application M-2	488
Drinking Water - Modification Permit Application	489
Drinking Water - Renewal Permit Application M-2	490
Drinking Water - Public Water System Information Update M-1	491
Notice of Intent-NPDES General Permit Number ALG890000 M-6	498
Notice of Termination - NPDES General Permit Number ALG890000 M-4	499
NPDES Noncoal/Nonmetallic Mining and Dry Processing Less than Five Acres Stormwater Inspection Report and BMP Certification M-3	500
NPDES Small Mining Noncompliance Notification Report M-4	501
Notice of Intent - NPDES General Permit Number ALR040000 (MS4 Phase II) M-3	503
Water and Wastewater Operator Exam Application M-1	505
Water and Wastewater Operator Experience Verification M-1	506
Water and Wastewater Reciprocal Application M-1	507
Water and Wastewater Operator for Multiple Systems M-1	508
Cooling Water Supplemental Information M-2	510
Permittee Registration Form for e-DMR/e-SSO M-1	511
Electronic Signature Agreement (ESA) for e-DMR/e-SSO M-2	512
Deactivation Request Form for e-DMR/e-SSO M-1	513
EDMR Daily Discharge Monitoring Report Form	514
EDMR Monthly Discharge Monitoring Report Form	515
Supplemental Petroleum Application Information	516
Alabama Clean Vessel Act Grant Application	517
Boating Infrastructure Grant Application	518
General Phase II MS4 Stormwater Permit Renewal Notice of Intent M-1	520
Notice of Intent-NPDES General Permit Number ALG640000 M-6	522
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Name of Forms	Form Number
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Drinking Water – Giardia and Virus Profile Spreadsheet M-1	535
Drinking Water - WTP Quarterly Report for the Disinfectants and Disinfection Byproducts Rule M-2	547
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Notice of Intent-UIC General Permit Number ALIG010000	552
Notice of Intent-UIC General Permit Number ALIG020000	553
Notice of Termination – NPDES General Permits (Industrial Activities)	554
No Exposure Certification for Exclusion from NPDES Stormwater Permitting for Industrial Activities M-1	555
NPDES Mining and Preparation Plant Outfall Data for Metals, Cyanide, and Total Phenols	567

Author: Marilyn Elliott, Russell A. Kelly, Aubrey White, David Hutchinson, Brian C. Espy.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.

History: Effective: August 1, 1988. **Amended:** Effective: August 1, 2002. **Amended:** Effective: January 23, 2003. **Amended:** Effective: August 4, 2004. **Amended:** Effective: January 10, 2006. **Amended:** Effective: July 11, 2006. **Amended:** Effective: November 14, 2006. **Amended:** Effective: January 22, 2008. **Amended:** Effective: January 19, 2009. **Amended:** Effective: January 19, 2010. **Amended:** Effective: January 18, 2011. **Amended:** Effective: November 29, 2011. **Amended:** Effective: November 27, 2012. **Amended:** Effective: May 27, 2014. **Amended:** Effective: July 28, 2015. **Amended:** Effective: August 5, 2016. **Amended:** Effective: October 6, 2017. **Amended:** Filed: October 23, 2018; Effective: December 7, 2018. **Amended:** Filed: February 28, 2020; Effective: April 13, 2020. **Amended:** Filed: December 31, 2020; Effective: February 15, 2021; **Amended:** Filed: April 29, 2022; Effective: June 13, 2022. **Proposed:** August 19, 2022.

335-1-6-.07 Payment of Fees.

(1) Payment of permit application/registration fees required under subparagraphs (1)(a) and (1)(b) or paragraph (2) of rule 335-1-6-.04 shall be included with the permit application/registration. No permit application shall be processed without payment of such fees.

(2) Any fee required under subparagraph (1)(c) of rule 335-1-6-.04 shall be billed to the applicant. Payment of such fee shall be made within thirty days of the invoice date. No final decision regarding the permit application shall be made until after payment of such fee. Failure to make payment as provided herein shall constitute cause for non-processing/denial of the permit application.

(3) Payment of fees required under rule 1-6-.05 shall be made within thirty days of the date of the invoice which the Department shall send to the person making the application or request or requiring the certificate.

(4) Payment of fees required under rule 335-1-6-.06 shall be included with the application for such license, variance or certification. No application shall be processed without payment of such fees.

(5) All fees paid pursuant to the requirements of this chapter shall be non-refundable.

(6) All fees and remittances shall be made payable to the Alabama Department of Environmental Management.

Author: Marilyn Elliott, Russell A. Kelly, Brian C. Espy.

Statutory Authority: Code of Alabama 1975, § 22-22A-5.

History: Effective: February 13, 1985; **Amended:** Effective: January 16, 1997; **Amended:** Effective: March 31, 1999; **Amended:** Effective: January 9, 2002; **Amended:** Effective: May 16, 2002; **Amended:** Effective: October 4, 2002; **Amended:** Effective: August 4, 2004; **Amended:** Effective: January 10, 2006; **Amended:** Effective: July 11, 2006; **Amended:** Effective: November 14, 2006; **Amended:** Effective: January 22, 2008; **Amended:** Effective: January 19, 2010; **Amended:** Effective: November 29, 2011; **Amended:** Effective: May 27, 2014; **Amended:** Effective: February 4, 2016; **Amended:** Filed April 24, 2018; Effective: June 8, 2018. **Amended:** Filed: June 25, 2019; Effective: August 9, 2019. **Amended:** Filed: February 28, 2020; Effective: April 13, 2020. **Amended:** Filed: December 15, 2020; Effective: February 15, 2021; **Amended:** Filed: April 29, 2022; Effective: June 13, 2022. **Proposed:** August 19, 2022.

**FEE SCHEDULE E
SOLID WASTE PERMITS/REGISTRATION**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Medical Waste Transfer Facility	\$2,035	\$725	\$1,330
New Technology Review	\$10,205	-----	-----
Commercial Treatment Facility	\$16,460	\$7,280	\$9,180
Commercial Transportation of Medical Waste	\$3,490	\$1,460	\$2,035
Storage of Untreated Medical Waste	\$2,630	\$665	\$1,960
Municipal Solid Waste Landfill/ CCR Unit	\$83,880	-----	\$37,270
Minor Mod. ^{(1)*}	-----	\$3,275	-----
Major Mod. ^{(2)*}	-----	\$32,615	-----
Construction/Demolition Waste Landfill	\$7,145	-----	\$5,400
Minor Mod. ^{(1)*}	-----	\$1,460	-----
Major Mod. ^{(2)*}	-----	\$2,915	-----
Industrial Waste Landfill	\$12,670	-----	\$8,150
Minor Mod. ^{(1)*}	-----	\$1,460	-----
Major Mod. ^{(2)*}	-----	\$4,375	-----
Compost Facility	\$4,860	-----	\$3,670
Minor Mod.	-----	\$1,225	-----
Major Mod	-----	\$1,945	-----
Additive Fees			
Geological Review	\$4,865	\$3,275	\$3,275
Solid Waste Disposal Notification	\$215	\$215	\$215
Variance Request	\$1,460	\$1,460	\$1,460
Beneficial Use Facility Registration	\$1,015	\$550	\$510
Beneficial Use Generator	\$1680	-----	\$1680
Beneficial Use Distributor	\$3360	-----	\$3360
Beneficial Use FPR Treatment Facility	\$5050	-----	\$5050

(1)*. These are modifications as included in ADEM Admin. Code rule

335-13-5-.06(2).

(2)*. These are modifications as included in ADEM Admin. Code rule 335-13-5-.06(1).