DRAFT

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

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

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Part A

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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APPEARANCES

COMMISSION MEMBERS PRESENT:
Mr. John (Jay) H. Masingill, III (Chair)
Samuel L. Miller, M.D.
Ruby L. Perry, D.V.M.
H. Lanier Brown, II, Esq. (Vice Chair)
Mr. Kevin McKinstry
Mr. A. Frank McFadden

COMMISSION MEMBER NOT PRESENT:
Mary J. Merritt

ALSO PRESENT:

Lindsay Dawson, EMC Legal Counsel

Lance LeFleur, ADEM Director

Debi Thomas, EMC Executive Assistant

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MR. MASINGILL: I'll call to order the December 9th, 2022 meeting of the Alabama Environmental Manage- -- Management Commission. We have a quorum present. The first item is the Commission will consider the minutes of the Commission meeting held on October 14th, 2022. I'll entertain a motion from the Commission regarding adoption of the minutes.

MR. MCFADDEN: So moved.

MR. MASINGILL: Do I have a second?

MR. BROWN: Second.

MR. MASINGILL: We have a motion and a second. Any discussion regarding the motion?

(No response was heard.)

MR. MASINGILL: Seeing none, I will call the question by requesting that all those in favor signify by raising their right hand.

(Hands were raised.)

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MR. MASINGILL: Seeing that it is unanimous, I call for the question by requesting that all those in favor of the motion signify by raising your right hand.

(Hands were raised.)

MR. MASINGILL: All those in favor -- all those -- since there was no opposition, all those opposed to the motion, signify with their right hand.

(No hands were raised.)

MR. MASINGILL: The motion is adopted unanimously.

Agenda Item 2, report from the ADEM director.

MR. LEFLEUR: Good morning to all those present for the second meeting of the Alabama Environmental Management Commission for FY 2023.

In 1982, the Alabama Department of Environmental Management was formed. Today's report will focus on the 40th

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anniversary of the Department. I will also introduce you to a group of individuals who have accomplished a milestone that will affect the future of ADEM and close out with a report on the progress in construction of the Mobile Field Office and Laboratory.

Do I have my clicker here? Is this one on? Okay. We're good; we're good; we're good. I'm technically challenged. But in the 1940s and 1950s, increased industrialization was taking place in many places around the world. A number of significant air pollution events resulted in the immediately attributable deaths of thousands in large industrial cities, including several in the United States. The lack of clean water and the improper disposal of solid and hazardous waste resulting in significant health problems was -- also prompted increasing levels of

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concern.

Beginning as early as 1948, Alabama began addressing environmental issues by creating the Water Improvement Commission shortly after the adoption of the Federal Water Protection Control Act of 1948. In the 1960s, our nation saw many social changes. Among those changes was an even greater awareness of our environment. Poor air and water quality in industrialized areas began receiving stepped-up national attention. Toxic waste sites likewise made the national news. In the 1970s, in response to the growing environmental concerns, Congress passed the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act.

In Alabama, numerous functional areas within the State Department of Health as well as other separate

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commissions and boards began addressing environmental issues by implementing provisions of those federal statutes. In 1982, then-governor Fob James and the Alabama Legislature determined it would be desirable to create a single new entity to deal with environmental issues in an efficient, comprehensive, coordinated manner.

The Alabama Environmental Management Act was adopted, and as of October 1st, 1982, the functions of the following nine organizations transferred to the newly formed Alabama Department of Environmental Management: The Water Improvement Commission, the Air Pollution Control Commission, Alabama Water Well Standards Board, Coastal Area Board, the Board of Certification of Water and Wastewater Systems Personnel, the Environmental Health Administration

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Laboratory of the State Health Department, public water systems functions of the State Health Department, the solid waste disposal functions of the State Health Department, and the hazardous waste management functions of the State Health Department.

Today's report will recount some of what has become of that newly created entity we know as ADEM. Information in today's report and much more is included in a just-published booklet titled "ADEM Celebrating 40 Years," copies of which are available on the table just outside this meeting room.

In the 40 years since 1982, much has changed in our state, our nation, and our world. Environmentally, we have all become more aware. With that awareness has come advances in the detection of pollutants, our understanding of the effects of

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pollution on human health has increased, methods have been developed to control or eliminate pollution, and numerous federal and state regulations have been promulgated to protect human health and the environment.

Significant events in the 40 years since ADEM's creation attest to the dynamic process of adapting to a changing landscape. The Department has continuous -- has had continuously to change, work smarter, and keep up with the ever-increasing advances and resulting demands. Financial resources in Alabama to implement the programs to protect human health and the environment have not kept pace with the mandates, and the required adapting and finding of new funding mechanisms have been required. Working smarter has involved many different activities including increasingly working with communities,

business and environmental groups, and other governmental agencies. It has involved embracing automation and modernization, and any success in dealing with change is dependent on the ability and determination of the Department's professional staff to adapt. They have shown the initiative to continue educating themselves, obtaining professional certification, updating and informing themselves, and sticking with their careers through good times and bad. I would note that their jobs are often thankless.

Regularly at Commission meetings, you see the measurable results of the Department's work in reports on the state of the environment in Alabama, EPA compliance and enforcement dashboards and various other data, so I will save that information for upcoming reports. However, suffice it to say that in the midst of change

over the last 40 years, a results orientation has been a constant.

Other things have also stayed constant since 1982. Not the least of these is a sense of mission. Our mission, set out in the enabling legislation creating ADEM, remains to assure for all the citizens of Alabama a safe, healthful, and productive environment. Our ongoing obligation to practice good science, to follow the proper process, and to comply with the law continues. The commitment to impartial and ethical execution of our regulatory responsibilities and the strong work ethic of our personnel also remains. Each of these is unchanging.

As noted earlier, we have developed a brochure titled "ADEM Celebrating 40 Years." I am pleased to highlight some of the contents of that document, and it begins with significant events

that have occurred in the last 40 years. This is a colorful representation of some of the significant events that occurred in each of the 40 years since 1982. I commend our personnel who came up with the idea to replace the difficult-to-read line-by line listing of the events that appeared in the 30 years' version of this document with this more interesting display. A few of the highlighted entries include: In 1983, ADEM began issuing initial hazardous waste permits. In 1995, ADEM adopted acid rain regulations that resulted in substantial reductions in SO2 and nitrogen oxides emissions from utilities. In 2005, the Department converted to the handling of documents electronically. In 2011, the rivers and streams in Alabama classified less than suitable for fish and wildlife had dropped from

713 miles in 1982 to 141 miles. In 2019, biological surveys done by our Field Operations Division received the highest ranking possible by EPA and the Midwest Biodiversity Institute.

The display that you see on the screen right now includes more than 100 significant events. Many more have not been listed.

Following the significant events pictorial, you will also note a new standard format to the 40-year review of each of our five divisions: Air, Land, Water, Field Operations, and Permits and Services.

The format begins with a brief overview of what that division's purpose is and how it goes about fulfilling its purpose. Following the overview, each of the five divisions highlights the major programs within the division. For example, the Air Division has programs for implementing

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formal plans to improve air quality for Alabama, developing permits and oversight for air emissions from industrial activities in the State, monitoring air emissions, and controlling asbestos and open burning. The Land Division has programs to regulate landfills and manage hazardous waste, brownfield redevelopment, and recycling, among others.

Next is a section titled Internal Support Systems. Internal support systems are critical to being able to operate effectively and efficiently and to make interface with -- and to promote interface with the public. The information systems support provided by our Permits and Services Division is the single largest contributor to the automation that allows the Department to be the lowest cost and among the highest performing

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providers of environmental regulation in the nation. Our Field Operations Division provides internal support to the Air, Land, and Water Divisions with inspections, laboratory services, and data collection.

The section devoted to initiatives highlights a very few of the important activities outside the normal work routine of the department. The Water Division initiated a program to test for lead contamination coming from drinking water fixtures in all public schools, many private schools and daycares in Alabama in 2016, long before EPA will begin requiring such a program in 2024. The Land Division oversaw the destruction of more than 600,000 dangerous chemical munitions. Field Operations Division was the lead of 12 Alabama state agencies that responded to the largest oil spill in U.S. history, the 2010 Deepwater

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Horizon oil spill.

The Department and its divisions, branches, and individuals have received numerous recognitions for outstanding achievements during the last 40 years. The list of more than two dozen noteworthy recognitions and awards near the end of the report, though just a sampling, is quite impressive and something in which all those associated with ADEM can take pride.

These are but a few examples of the information found in the document commemorating the 40 years ADEM has been in existence. Again, copies of the "ADEM Celebrating 40 Years" brochure are on the table in the lobby outside the meeting room.

Forty years is a long time. Believe it or not, a number of individuals at the Department today were here 40 years ago in 1982 at the

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creation of ADEM. Several were even present at the predecessor organizations that eventually became ADEM. I am pleased to introduce you to those people now as you are able to stand -- I'm just kidding.

(Laughter was heard.)

MR. LEFLEUR: They're all vital people. I would like to read the names of those who are currently working with the Department who have been here for the entire 40 years of the Department's existence. I'll begin with Marilyn Elliott. Where are you? There she is.

MS. ELLIOTT: I can sit?

MR. LEFLEUR: No, no, no, keep standing if it's not too bad.

Deputy Director and my right hand and left hand too. Ron Gore, that curmudgeon, he didn't even come.

(Laughter was heard.)

MR. LEFLEUR: He's our Air Division

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Chief. Russell Kelly, he's Chief of our Permits and Services Division.
Clethes, are you here? Clethes Stallworth?
(No response was heard.)
MR. LEFLEUR: No, he's out doing his work, I presume, in the Land Division, the Environmental Services Branch Chief.
Julie Browning, Permits and Services Division, Information Systems Branch.
Tom Deloach, Water Division, Drinking Water Branch.
Glen Golson -- oh, there you are. Okay. Glen Golson, Water Division, Stormwater Management Branch.
Ron Hamilton?
(No response was heard.)
MR. LEFLEUR: No Ron today. Field Operations Division Laboratory Branch Chief.
Barbara Kelly? You left Barbara

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

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introduce you to some of the people in later generations who will be the source of future success. As you know, we encourage our personnel to undertake professional development, and when they reach significant milestones, we recognize their achievements. Completing the Certified Public Manager I and the Advanced Certified Public Manager II programs prepare our professional staff to become future leaders. Now, when I call your name, please stand and be recognized. Y'all are probably already standing right now. Wave your hand, if you will. Completing the CPM I program are Beth Bielen in our Permits and Services Division; Mishka Cornaro in our Field Operations Division; James French, Permits and Services. Completing the CPM II Program are Chris Ailor in our Air Division; Alexander Chavers in the

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

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completed slab and early concrete block work for the main office and lab. You can see the foundation of the curved front of the building in the foreground with Broad Street in the lower left corner. This is a couple of weeks old.

This next photo was taken earlier this week. It shows much of the block work in place and the metal trusses being installed. The project is about 40 percent, a little over 40 percent, complete. Finally, this is an artist rendering of what the facility will look like when completed in the summer of 2023.

Now, I want to go off script here just a little bit. I see someone in the room who is also retiring. Roy McAuley, you've been with Manufacture Alabama for 100 years, close to that?

(Laughter was heard.)

MR. MCAULEY: Yes.

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MR. LEFLEUR: Close to 100 years. He will be retiring. As you know, we try to reach out to all the regulated industries to have ongoing communication, and Roy has been very good with having that happen.

Schuyler, are you in the room? Schuyler Espy will be replacing him. She is one of our alumnae in our -- from our Legal Division, so we'll -- we'll still have good communication lines open with the regulated community.

With that, that completes the report for today. If you have any questions, I'll be pleased to answer them. Okay.

DR. MILLER: Mr. Director, I don't know who did this pamphlet, but this is extremely well done.

MR. LEFLEUR: Well, I don't see --

DR. MILLER: Congratulations to whoever did that.

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MR. LEFLEUR: Where are you, Lynn? Lynn, are you in the room?

MS. ELLIOTT: She's in the bonus room.

MR. LEFLEUR: Oh, Lynn's in the bonus room. And we also have some of our other folks that have done a good bit of work on it. We have --

DR. MILLER: Because this is a mountain of work to make it look like this. This is incredible.

MR. LEFLEUR: Well, we've had a number of folks that have worked on it, and I take very little credit for it. But we -- we do have some very talented people. I want to -- I'll give them your compliments if they aren't already watching them on -- on the monitor. Any other comments, questions?

DR. PERRY: If you could please share that on behalf of the Commission, I would appreciate you for

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that, and my questions about the distribution of it, why they distributed it so that it would be in the hands of as many people as possible so they could see the work.

MR. LEFLEUR: It will be on our website, and copies -- hard copies are available out on the table out in front of the meeting room right now, and more will be available to folks as they come in. Okay.

MR. MASINGILL: Thank you.

MR. LEFLEUR: Thank you so much.

MR. MASINGILL: Good report.

MR. LEFLEUR: Okay. Do you-all need to get the new ones loaded up? Oh, there she is. Is Susan out there?

MS. BATTLE: Well, she's here, but she -- she wasn't out there.

MR. LEFLEUR: She is the one who did the -- the serpentine design in that to make it more interesting.

MR. MASINGILL: Agenda Item 3 is a

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report from the Commission Chair, and I have no report.

Agenda Item 4, ADEM Director's Compensation. Agenda Item 4 relates to the ADEM Director LeFleur's compensation or salary. At the October 14th, 2022 Commission meeting, the Commission issued an order adopting a motion to approve a salary advance for ADEM Director LeFleur of one step to Step 16 and Pay Grade 91, which is a per-year salary of $187,924.80. The other part of the motion adopted by the Commission, I was designated to meet with Director LeFleur regarding his evaluation and execute verification of understanding between the Commission and the Director regarding the results of the evaluation. The salary advance for ADEM Director LeFleur of two steps to Step 17 and Pay Grade 91, which is a per-year salary of $192,645.60, was an

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option at the meeting. However, the Commission voted to approve a one-step salary advance. I requested that an item concerning the ADEM Director's compensation be added to the agenda for this meeting for the Commission to discuss possibly rescinding its order of October 14th, 2022 and approving a salary advance for ADEM Director LeFleur of two steps to Step 17 and Pay Grade 91. I call on the Commission at this time for a discussion regarding ADEM Director LeFleur's compensation and possibly rescinding the Commission's order of October 14th, 2022 and approving a salary advance for ADEM Director LeFleur of two steps to Step 17 and Pay Grade 91.

DR. MILLER: Mr. Chairman, I am the one that proposed the one-step advance at our last meeting, and I'll have to admit, it just kind of came as a shot

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from the hip from me. I didn't think really anything much about it. But further discussion realizes -- made me realize that that was simply just the first option which was an easy way to just get the agenda item out of the way, and I think that was a mistake. I think that we should definitely go with the two-step to Step 17 and would propose that as a -- what would we call that? A -- a change to the proposal? Or a --

MR. MASINGILL: It would be a rescission of the prior --

DR. MILLER: I propose that we rescind the one-step and go to the two-step, Step 17, for Director LeFleur's salary.

MR. MASINGILL: Any other comments from the Commissioners?

MR. MCFADDEN: I'll just say -- of course, it's only my second meeting as a Commissioner here, and although I've

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worked with the Department for well over 35 years in the private sector and was actually working here as an employee in 1983 -- I was going to say 1883 -- 1983, and never knew much about what the Director did, because we were all out in the field working, doing our thing. Within the last couple months, I've been drinking from a fire hose from our Director, who is just giving us all kinds of information, and looking at his schedule and what he does, so I'm seeing the inside of that part now, well underfunded for what he would be valued at in the private sector. And I'm just -- I get tired of reading about what all Mr. LeFleur does, much less if I had to do it. He and I aren't that much different in age. So I fully support the rescinded motion and -- and increase to the second pay grade.

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MR. MASINGILL: Okay. We're considering a motion from the Commission regarding rescinding the Commissioner's order of October 14th, 2022 and approving a salary advance for ADEM Director LeFleur of two steps to Step Grade 17 and Pay Grade 91. I was just clarifying the motion that --

DR. MILLER: Thank you.

MR. MASINGILL: That's okay. Do I have a second?

DR. MILLER: Second.

MR. MASINGILL: We have a motion and a second. Is there any discussion regarding the motion? Seeing none, no discussion, I will call for the question by requesting that all those in favor signify by raising their right hand.

(Hands were raised.)

MR. MASINGILL: Since the motion was unanimous, then the motion was approved unanimously.

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MS. THOMAS: And I do have an order to circulate, please.

MR. MASINGILL: All right. Thank you, Debi.

That brings us to Agenda Item 5, which is consideration of a proposed amendment to ADEM Administrative Code Division 335-1, General Administration Regulations to modify, remove, and add new forms required for the implementation of the Department's rules and regulations. Additional modifications are also being proposed to restructure the beneficial use program fees outlined in Fee Schedule E.

MR. KELLY: Thank you, Mr. Chairman, members of the Commission. Again, I am Russell Kelly, Chief of the Permits and Service Division, responsible for these Division 1 regulations. We held a public hearing on October 18th, 2022

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on revisions to Division 1. Proposed revisions include modifying, adding, and deleting forms necessary for the implementation of the Department's rules and regulations. In total, one form was modified, one form was added, and four forms were deleted. Additionally, there were modifications proposed to restructure Fee Schedule E to address changes related to solid waste permit registration program fees. During the hearing and comment period, there were no comments received, and at this time I would request your favorable consideration and answer any questions.

MR. MASINGILL: Any questions from the Commission?

(No response was heard.)

MR. MASINGILL: Thank you.

MR. KELLY: All right. Y'all got to adopt.

MR. MASINGILL: Oh, yeah.

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MR. KELLY: Okay.

MR. MASINGILL: I will entertain a motion from the Commission regarding the proposed amendments to the General Administrative Regulations.

MR. BROWN: Move to adopt the amendments presented -- as presented in Agenda Item 5.

DR. PERRY: Second.

MR. MASINGILL: We have a motion and a second. Is there any discussion regarding the motion? Seeing none, I will call for the question. I request that all those in favor of the motion signify by raising their right hand.

(Hands were raised.)

MR. MASINGILL: Any opposed?

(No response was heard.)

MR. MASINGILL: It looks to be unanimous. The motion was approved unanimously.

MR. KELLY: Thank you, Mr. Chairman, members of the

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Commission.
MR. MASINGILL: Thank you. Agenda Item 6, other business. Do any Commissioners have any other business?
(No response was heard.)
MR. MASINGILL: Agenda Item 7, future business sessions. The Chair notes that the proposed dates for the Commission meeting in Calendar Year 2023 have been circulated to the Commissioners with a proposed start time for the meetings being 11:00 a.m. and the location in this room, the ADEM main conference room, also referred to as the Alabama Room. The dates for the Commission meetings next year are February 10th, 2023; April 14th, 2023; June 9th, 2023; August 11th, 2023; October 13th, 2023; December 8th, 2023. I have a conflict with the proposed February 10th meeting date. I will entertain a motion from the Commission regarding

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the proposed 2023 Commission meetings.
MR. BROWN: I move to adopt.
DR. MILLER: I move to accept the Commission dates as previously described.
MR. MASINGILL: Do I have a second?
DR. PERRY: Second.
MR. MASINGILL: We have a motion and a second. Any discussion? There being no discussion, I will call for the question by requesting that all those in favor, signify by raising their right hand.
(Hands were raised.)
MR. MASINGILL: Motion passed unanimously -- unanimously so the motion is adopted.
DR. PERRY: Mr. Chair, I have a question.
MR. MASINGILL: Yes.
DR. PERRY: Since you are not going to be here on the 10th, is there a plan of action for that?

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MR. MASINGILL: Yes. We -- Vice Chair -- go ahead. Respond, Vice Chair.
MR. BROWN: Vice Chair.
(Laughter was heard.)
DR. PERRY: I just need to note that for the record.
MR. MASINGILL: All right.
All right. We've got -- this brings us to the public comment period. We have a couple of requests to make presentations. Request one, resubmitted request from Justinn Overton, Executive Director of the Riverkeeper -- Coosa Riverkeeper. The subject of the presentation has to do with 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

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and ongoing work around fish consumption in their watershed.
Request two is a resubmitted request from Cindy Lowry, Executive Director of -- and Victoria Miller, Advocacy Assistant with the Alabama River Alliance. This presentation has to do with 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 in the Coosa River Creel Survey of the community anglers by Victoria Miller.
I just want to request that each speaker limit their presentations to not more than ten minutes. These requests to make presentations were tabled at the October 14th, 2022 Commission meeting and carried on to this meeting. I will now entertain a

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motion regarding approving, denying, or tabling the request to make presentations.

MR. BROWN: I move to approve the request to make presentations.

MR. MASINGILL: Do I have a second?

DR. MILLER: Second.

MR. MASINGILL: We have a motion and a second. Any discussion regarding the motion?

(No response was heard.)

MR. MASINGILL: Seeing none, I will call for the question by requesting that all those in favor of the motion signify by raising their right hand.

(Hands were raised.)

MR. MASINGILL: All opposed?

(No hands were raised.)

MR. MASINGILL: Seeing none, motion passed unanimously. I'd like to call on Ms. Overton to make her presentation.

MS. OVERTON: Good morning.

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SIMULTANEOUS SPEAKERS: Good morning.

MS. OVERTON: Thank you so much for having me here today, and happy holiday.

MR. MASINGILL: We're pleased to have you.

MS. OVERTON: Yes, thank you so much. So I'm going to do -- thank you. I'm glad I can see the ten minutes. I get very excited when I get the opportunity to talk to folks about my river. So as you know, my name is Justinn Overton. I have the pleasure of being the Executive Director and Staff Riverkeeper at Coosa Riverkeeper.

Very quickly, I grew up in the bottom of an aluminum jon boat on Logan Martin Lake, begging my parents to reel in their rods so that I could go swimming. So this river has played a huge part of my life and, obviously,

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a big part of my career and it really began with fishing. Fishing is an intergenerational tradition, and here in Alabama especially, lots of folks look to the river for recreation. We have a lot of families that also look to our river systems for food. So the intention of my very brief presentation today is to give you an idea from the boots-on-the-ground perspective talking to anglers within the Coosa River system of their understanding of the advisories so we can hopefully work together to ensure that the people who need this information the most not only have access to it, but that truly understand what these fish consumption advisories mean. So let's dive in.

So fishing on the Coosa River -- there are lots of different types of anglers. On the left side of your screen, you see on Neely Henry Lake, a

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bass fishing tournament. On that particular reservoir, $10.4 million a year of new revenue comes to that particular lake from that tournament, so those guys and ladies are often not the folks necessarily pulling in fish to take home for dinner but are interested in this information, and communicating to that angler group is very different than the gentleman you see on the right at Logan Martin Dam Park.

So Logan Martin Dam Park, we've got a lot of folks that are there fishing for supper, sitting on buckets, pulling in catfish to take home to serve to their loved ones and friends and family, so it is very important to note that fishing is not just for fun for some people. It's their livelihood and it's also supper and the way that they commune together on the river with their loved ones and

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families.

So a lot of people that we meet in the field don't understand what these fish consumption advisories that have been issued on nearly every major river system in the state means for them and their family. So let's just very quickly -- I'm assuming that you probably are all familiar with what a fish consumption advisory is, but it is an advisory. It's a recommendation that's been issued by the Department of Public Health for a specific -- or a specific fish species for a specific contaminant on a very specific body of water. That's a lot of information for the average person to remember before they drop their lure in the lake or on their favorite creek.

So what we have been trying to work on at the Coosa Riverkeeper over the past eight or nine years is not only getting a better understanding from an

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agency perspective what our role is and supplementing what ADEM does, what the Department of Public Health does, and DCNR's role. So you'll see how the program works. ADEM goes out and collects the fish tissue, brings it back to their very amazing lab, which we got the opportunity to tour earlier this week and meet with the Field Division folks, and then the Department of Public Health issues those advisories and puts out a 30-plus-page PDF document on their website and issues them press releases. So if you're not following what y'all know is a very crazy news cycle at the exact right time, it's very easy to miss this important public health information. The Department of Conservation & Natural Resources obviously plays a huge role in encouraging people to get out on the water, getting those fishing

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license, and learning about the places they can get on their waterway close to them.

The contaminants that we have in fish tissue here in Alabama -- and I'm going to focus obviously specifically on the Coosa River system -- is methyl mercury. So methyl mercury is in a lot of the fish consumption advisories throughout the state, including on the Coosa, which is -- has 35 fish consumption advisories. So methyl mercury is atmospherically deposited into our waterways due to the burning of fossil fuels and then works its way into the food chain.

As I mentioned, nearly every major river has at least one methyl mercury advisory in the state of Alabama, and the health impacts are myriad, so it's a known neurotoxin. It can impact developmental issues as well as for -- for myself, being a woman of

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child-bearing age, it's very important that women especially understand this information if they are looking to, you know, start a family and throughout their lives. So reducing exposure is really following the advisories and the portion recommendations, which is really a deck of cards. I don't know about y'all, but I have never seen anyone limit a fish fry to just that size of catfish or largemouth bass. So that's really important to think about, not just portion control for your health, but if you're eating fish under an advisory over a long period of time, that has health implications.

PCBs were first commercially manufactured in Anniston, Alabama, actually where my dad is from. I would not be standing here talking to you folks today if I didn't grow up going to Anniston wondering why my dad

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wouldn't let me get in the creeks and -- and eat fish from that area. So it's very, very important for the Coosa in particular that we're taking into account the very important information known that PCBs -- polychlorinated biphenyls -- are a known carcinogen and the best way to reduce exposure for them is to not just follow the advisories and portion recommendations. It's also how you cook your fish and making sure that you're cutting the fat away and you're being mindful of the various cooking methods that could unintentionally magnify over time. I don't know about y'all, but I grew up -- we reused our frying oil because it just tastes better, right? But when you have a fish that has PCBs in it, when you are reusing that frying oil, you may be unintentionally exposing your body to this known carcinogen with each fry

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reuse.

Last, but certainly not least, is PFOS, and I'm sure you-all have been being inundated with information about PFAS in the chemical compound family, and it's exciting to know that the Department is starting to test more places, including the Coosa River system, because the health impacts are -- are just as severe. It accumulates in your blood, it accumulates in your kidneys, as well as it just stays in your body for a long time. It is a forever chemical so it is obviously persistent, not just in the environment but also within our bodies. Just -- this is a graphic that I want -- if you can imagine going to a public fishing pier and you're talking to a gentleman, that might be his only day off that week. And I am having to explain to him why that channel catfish has an

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advisory and what that advisory means, but the aspect of biomagnification or bioaccumulation is a very difficult subject to explain to the average person. So this is a great graphic that we use in the field to explain as these contaminants work their way up the food chain how it impacts us as humans.

So when we are out in the field -- and Victoria, our colleague at Alabama Rivers Alliance, is going to talk to you about this at great length -- but just some overarching things where we are seeing and noticing in the field is these advisories currently are only available in one language. And so we have been working to complement that and we now have our statewide fish consumption advisory hotline available in Spanish.

The other aspect currently is literacy barriers. Unfortunately, we

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have folks that may not understand the language -- the literal language, meaning English -- but may not also understand some of these science and thought processes about bioaccumulation, so they don't take these advisories seriously or into account. So we are suggesting providing more visual information so that we don't have to take the actual language barrier or literacy into account, but we'll be able to show the fish that are under advisory with a picture of the fish instead of maybe listing what the fish species is, because not everybody, unfortunately, knows what the difference between a blue cat and a channel cat is.

The next sort of barrier is technological barriers, so at this time, roughly 25 percent of the Coosa River basin, the 12 counties that Coosa Riverkeeper works in, doesn't

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have regular access to broadband Internet. And for a lot of folks, that seems like kind of wild but, unfortunately, that is the reality of the situation based on the most recent data. So having that high-speed Internet to download a 30-plus-page PDF document from the Department of Public Health, for some people, it's just not realistic or possible in their homes, so we have been promoting and supplementing with our statewide fish consumption advisory hotline and partnering with the Department of Conservation & Natural Resources to install signs, which I'll show you later, that promote the use of this hotline, which is a more equitable way for people to get this information without relying on the Internet but also having the two languages available.

So room for improvement is

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currently there are no fish consumption advisory signs at Alabama Power-owned fishing piers on the Coosa, and that is one of the most popular places for subsistence anglers to go have a free place to fish to bring home food to eat. But, unfortunately, there have been multiple barriers to getting those signs up, and I'm hoping that you-all can help us make that a reality for the many people that are there literally every single time I go or every single day of the week. They deserve to know this information, and Victoria will go into the rationale behind why the public thinks signs is the best route for disseminating this information.

The last two things are much more of a regulatory and legislative angle. The codification of this program is to improve its longevity. This program,

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the fish tissue monitoring, specifically for ADEM predates a lot of the great work that Director LeFleur spoke about today, and this is something that they have made a priority.

I'm already out? I got too excited. Well, you have access to the rest of this information, and I will turn it over to our colleague, Victoria Miller. Thank you so much for your time.

MR. MASINGILL: Thank you.

MS. MILLER: All right. I'd like to thank y'all for the opportunity to present today. As Justinn mentioned, I'll be telling y'all a little bit more about our data and findings from our Coosa River Creel Survey. A creel survey is just a survey of anglers asking them how they like to fish.

A little bit more about me. I'm Victoria Miller. I work with the

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Alabama Rivers Alliance, and I conducted this research as an advocacy service member in service to Coosa Riverkeeper.

A bit more about that survey. We gathered over 400 responses from anglers in person and online -- which helped us out a lot during the pandemic -- of just about how they like to go fishing, how they like to eat fish, and their knowledge of fish consumption advisories and environmental pollution in general. Our goal is just to better understand how anglers eat fish and how they interact with fish consumption advisories on a daily basis. These lovely individuals (indicating) are my interns from UAB for 2021.

I encourage y'all to go check out what we compiled and made our original report in 2021, the creel survey report, that talks in length about

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recommendations for improving the program and the educational pieces of that as well. I encourage y'all to go read that report another time, but a little bit more about those anglers. About 40 percent of them like to go fishing a few times a week. Most of them are out there between a few times a month and a few times a week. They spend an average of $2,860 on fishing annually. This is each angler's individual impact into the local fishing economy through licensing, bait, ice, tackle. We just asked them to give us a ballpark of how much they like to spend, and people prefer to target bass on the Coosa.

For the rest of the presentation today, however, I'm going to talk about just the information I gathered from anglers who eat fish on the Coosa because I believe those are the most relevant to fish consumption

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advisories. Sixty-one percent of the total responses we gathered were of those who eat fish. That just shows that eating fish on the Coosa is very -- increasingly popular. These anglers are primarily from Alabama and mostly middle-aged white men, but we did have representation from women, people of color, as well as the over-65 crowd and a few individuals under 18 that wanted to participate in our survey.

How and when Coosa River fish -- Coosa River fish consumers like to go fishing, they tend to go fishing a bit more than our total group. They are going fishing about -- half of them are going fishing between a few times a week and 9 percent are going fishing almost every single day. The majority of these anglers have been frequenting the area for longer than five years. The majority of them, in fact, have

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been frequenting the area for fishing for longer than 20 years, and these anglers also still spend a -- a -- a nice amount in the economy each year. $2,520 is also spent, and these anglers like to share their catch with others. More about that in a minute.

A few quick slides real quick about the favorite fish to catch versus the favorite fish to eat. Everyone loves to catch bass, but when you're bringing fish home to eat, you probably prefer to get a crappie or catfish. How often are Coosa fish consumed? Looking at the bottom half of the graph here, you'll see the majority of anglers are consuming Coosa River fish between a few meals a year and once a month, but an interesting 19 percent of anglers that are eating our Coosa River fish are eating the fish at least once a week. And if you look at the areas of the

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Coosa River that have fish consumption advisories, it's often recommended that they limit consumption to once a month or less, so that's concerning that they might be eating more than the advisory amount.

Who else is eating Coosa River catch? People love to share their catch. Fishing is a very popular tradition in the area, and people take their fish home and share -- share it widely. Children under the age of 18 and their elderly neighbors are commonly who anglers like to share their catch with, or they just generally share with whoever will ask them for it.

Eight percent of anglers we spoke to also like to share their catch with women who are pregnant, nursing, or may want to become pregnant. As Justinn mentioned earlier, these groups are at a particularly higher

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risk of health impacts from consuming fish caught under a fish consumption advisory. I offer this quick summary from Okin -- that study's interesting -- about eating fish during pregnancy offers great benefits for fetal development, but mothers question whether the dangers of mercury in fish outweigh the nutritional benefit.

How Coosa catch gets on the table? Real quick, people love to fish for their food around here, and that's definitely what we found over and over again. Awareness of fish consumption advisories, 57 percent of the anglers we talked to -- and again, these are fish consumers -- were previously aware of fish consumption advisories being issued on the Coosa River, though be -- be assured that 100 percent of the people we talked to walked away with more resources and

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information about how to protect themselves. We asked them a bit further, if you do know about the advisories, do you know what they may say as in where it is, what fish to avoid. And, unfortunately, only 35 percent of the anglers self-admitted that they feel confident about where the advisories are or are not specifically. And of those anglers who are unaware of the advisories, unfortunately, most have been fishing and frequenting the Coosa area for longer than five years without encountering fish consumption advisory information. And the picture here on the right is a small -- a little hard-to-see copy of the fish consumption advisory sign that we posted.

Source of advisory information, how anglers find out about the advisories is interesting. Outdoor Alabama, our

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online and social media outreach division of the Alabama Department of Conversation & Natural Resources, is the most popular source of advisory information by far. People are just asked to pick from a list of how they found out, and the next most popular response was generally on the Internet through social media, and then ADPH, the Alabama Department of Public Health, who actually produces the advisories, is the third most popular response.

In year two, we asked anglers a knowledge-check question. If you are already aware of the advisories, could you tell us what level of government produces those, such as does advisories come from the federal government, your county government, state, local. And unfortunately, 64 percent of the anglers we asked didn't know or answered incorrectly. And

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just to be clear, this wasn't to make fun of anybody for not knowing about the source of the advisory information. It was just to point out that if you don't know who produces advisories, it's hard for you to contact that agency in the future when you need to know more subsequent information and continue protecting your health.

Awareness to understanding, we'd like to stress that just being aware of the advisories does not necessitate that you completely understand how these advisories could impact you or your family's long-term health. 67 percent of the anglers we spoke to were previously aware that pollution existed on the Coosa River, but a little bit less, 52 percent, were aware that eating fish under advisory could impact health. So even if they have heard of pollution or the

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advisories, they may not connect that back to their health. But, however, it's encouraging at the end of the day that in -- oops -- 78 percent of our Coosa River fish consumers do follow advisories, or would like to follow them if they had easier access. We typically tell people, If there was a sign right here, you'd listen to it?

And they say, Absolutely, I would love to.

Ideal solutions from those anglers. We wanted to get it from the horse's mouth about what they think we should do to improve fish consumption advisories in Alabama, and the most popular response was signage at popular fishing areas displaying what they should or should not eat. Posting information online is also popular, or using traditional media like TV route, paper media, and news, though many were unsure of what to

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do to improve the advisory program but were eager to learn more.

Our recommendations from Coosa Riverkeeper and the Alabama Rivers Alliance is overall, we just want to strengthen the fish consumption advisory program and its public outreach. I think it's a little bit of a shame that there's over 200 fish consumption advisories and it feels like not enough people know about them in the public. What specifically ADEM and the EMC needs to be able to help us to do is help us to expand testing. Test that popular fishing area is relevant to anglers eating the fish. Perhaps open up a survey to the public. Where would you like to see this fish at in the future?

Target species that are most often eaten, as I mentioned, crappie is popular, but it's not just popular on the Coosa. It's popular across the

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state. Ensuring the fish tissue monitoring program is brought back into full swing after the pandemic is very important, and as we mentioned, we had a tour earlier this week where we got shown how that program is back in full swing, and it was very impressive to see that lab. Also, an idea is to encourage volunteers to bring in fish or accept accredited field data from other universities, an idea. Another one would just be to help us with public communication of this important public health information. ADEM could perhaps help us get this information out in the public.

Thank you for allowing me to present to you today. This work really means a lot to me. This (indicating) is my partner and I as we finished personally driving into the ground the 50th fish consumption

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advisory sign that features our hotline where is the only source people can hear about fish consumption advisories currently without an Internet connection. These are my sources, and I encourage y'all to check out our subsequent report about this data coming out soon. Thank you.

MR. MASINGILL: Thank you, Ms. Miller. And Ms. Overton, I didn't get a chance to thank you either. I would encourage you just to get together with ADEM on your concerns and -- and, you know, see what -- what can be done, what -- you know.

MS. MILLER: Absolutely.

MR. MASINGILL: That's what I would encourage you to do.

MS. MILLER: Thank you.

MR. MASINGILL: Thank you very much for both of your presentations.

Okay. We've reached the point in our meeting where we will have --

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entertain brief statements by members of the public that are registered to speak, and we have one request from Cindy Lowry with the Alabama River Alliance. Cindy?

MS. LOWRY: Good afternoon. Thank you -- or morning, whatever it is. Thanks for letting me come to you today. I hate to -- for those of you I haven't met, my name is Cindy. I'm the Executive Director of the Alabama Rivers Alliance, and we're -- you just heard from Victoria on our staff. We're a statewide organization that works to bring the network of local, community, and watershed-based groups together and advocate for clean water policies and healthy rivers.

So I wanted to speak to you today, and I hate to end this celebratory meeting on a slightly negative note, but I thought -- if y'all have heard me speak up here before, you know that

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public participation is my passion, and I had to come back and talk to you about the way the public participation requests by these two wonderful presenters was handled at the last meeting. The two presenters submitted their requests, materials exactly as the EMC regulations required, and I'll -- reminding y'all that the regulations require -- the rule requires a written request with a written description of what you're going to talk about, and the guidelines further state that the chairman may ask for more information and more documentation, but it doesn't say they necessarily will.

Each of these presenters did submit a request to the EMC in 14 days in advance, and that's to that October meeting, and each letter included a description of the topic to be discussed with an outline. We

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subsequently received a response from the Chair confirming the receipt and that the request be put on the agenda. The Chair's letter made no request for further information and no request for a PowerPoint. Debi's e-mail did say, Please send a PowerPoint when they're finalized, but there was no deadline given for that. The presentation request also made it clear that it was informational, that we weren't asking anything in particular of the Department at this time, but that we wanted to reengage with you after the pandemic.

So I understand that being a Commissioner is not your full-time job and that it's impossible for you to hear every concern that impacts the health and environment of Alabama, and that is where environmental groups like ours and community groups can play a role. That is, in fact, why we

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advocated in the early 2000s for the passing of this public participation time to speak. I was actually working in this field then, and this rule was not meant to bring -- to create so many hoops to jump through. That is too burdensome for citizens to even try to bring information and concerns to you. It was meant to provide some parameters so that it would make presentations to you good for both sides. It would make it work for all of us. And, in fact, we revised them several years ago and heard from you guys how many complaints you were having about the way it was being used, and we added the three-minute, which I think was a very good improvement. The previous Commissioners who originally passed this I think really understood the essential role that you have and the duty of the appointed Commission to

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hear concerns from the public.
Unfortunately, in October, instead of hearing our presentation after our first request, you manufactured a technicality and did not hear our request and, unfortunately, this just merely served to -- to just affirm the cynicism and the frustration that so many of the public have with this Department. And we resubmitted them. We're very grateful that you heard from us today. We thank you for hearing from us, and we just hope you'll take it into consideration when you think of -- when you get public presentation requests in the future.
MR. MASINGILL: Thank you, Ms. Lowry. I know I -- I'll speak for myself. I received that PowerPoint presentation maybe the day before or whatever. I remember it was the very last minute. I never even had a -- had time to look at it, and that's

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really -- is the concern, because if we let that -- I mean, we want -- we want you to have input; we really do. But when it comes in that late, we don't even have an opportunity to look at it and, therefore, get a better perform- -- or kind of have an idea of what you intend to present. Now, I'm just speaking personally for me, what happened to me. Do any other Commissioners have any comment? That's the way I remember it, but -- and that's why --
MS. LOWRY: Well, and I just want to clarify that the rules don't say that -- that part, and if you -- if you -- if you feel that you're going to have to deny it if you don't get a PowerPoint, then that should be -- that should be requested -- that would be helpful if it's requested when you send back your confirmation, because the rules say a written request is all

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that's needed. And for people who aren't staffed environmental groups --
MR. MASINGILL: Right.
MS. LOWRY: -- that technicality could be really important. If they're coming here, if they take off work or something, that would be a really big blow if they didn't get heard, so I just think it -- maybe we can -- you know, we'll submit the PowerPoint ahead of time, but if you guys can also be sure that you request everything you need when you need it so that we're not -- someone is not stuck here in the audience having taken off work or spent our time, valuable time, coming down here and not being heard at that time, so maybe we can just both communicate better.
MR. MASINGILL: Any other Commissioners have anything to say?
DR. MILLER: I was under the impression that any PowerPoint or

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materials that were to be presented were required to be sent to the Commission two weeks ahead of time.
MR. MASINGILL: Right.
DR. MILLER: Is that incorrect?
MR. MASINGILL: That has been my understanding.
MS. LOWRY: Well, I actually printed out my comments, and it has those rules written in it, and it's highlighted -- well, it's not highlighted because I didn't have a color printer -- but it states those things if you want me to pass those out, and we can also just look at them, but...
DR. MILLER: Well --
MS. LOWRY: It does -- it does say "written request." And it says you may ask for more information, more documentation when the -- when the Chair sends back the confirmation that it was received.

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DR. MILLER: Well, I felt terrible about them driving all the way down here.

MR. MASINGILL: Yeah, I -- we all felt bad about that.

DR. MILLER: But I also felt totally unprepared with -- I got the e-mail with the presentation at about 5:30 the afternoon before. That just won't work. I mean, that can't -- I mean, how can you possibly try to be, you know, prepared and know how to ask, you know, sensible questions if you don't have a chance to look over the material? So that -- that would be my comment. If we need to change the rule, then --

MS. LOWRY: Well, I think the guidelines are adequate if you just -- if you -- when you get a request, if it doesn't have everything you need, then you can ask for that and that -- you can still say, I need those five

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to ten days in advance, or -- if the person was that close to the deadline.

MR. MASINGILL: Yeah.

MS. LOWRY: If they submit them 20 days in advance, then you can -- you can have a little more time. I also will just add that when we had the conversation -- and I can't remember if any of you were on the Commission when we revised and added the three-minute part, but we had a dialogue with the Commissioners about this and about the back-and-forth. And we -- we made it clear, because -- when -- and that's why I made it clear -- we made it clear in this request that we weren't asking you to necessarily respond that day.

Sometimes we present information because we just want you to hear it and we want you to know we're working on it. We want you to know what's happening out there in the world that

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maybe you're not able to always under- -- or be a part of, because we see things sometimes differently than what the Department sees. And we're interacting with the public a lot; we're getting complaints just like the Department does. So we want to sometimes just share information with you. You can sit and mull on it and maybe we start a dialogue, and it doesn't have to be that day.

So that was one of the reasons we did add the three minutes, was because I think the Commissioners at the time were -- were thinking that y'all were expected to answer us in the moment when we present, and that's not always the case, and that's why I made that clear in the request, that we weren't asking that of y'all at this point. And I think that also has an impact on how much information you get ahead of time, if you're -- if you're expected

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to do something or answer us in that moment. So that's just another thing to think about.

MR. MASINGILL: Do you have a comment?

MR. BROWN: Oh, no. I was just pointing out that I was here.

MR. MASINGILL: Right. If you have anything else to add because of that --

MR. BROWN: I still had hair.

(Laughter was heard.)

MS. LOWRY: Anyway, thank you all for the time.

MR. MASINGILL: Thank you.

MR. BROWN: Thank you.

MR. MASINGILL: Thank you so much.

All right. Let's see. All right. I'll entertain a motion to adjourn.

MR. BROWN: So moved.

DR. PERRY: Second.

MR. MASINGILL: All in favor, raise your right hand.

(Hands were raised.)
MR. MASINGILL: Passed unanimous.
We're adjourned.
(Whereupon, the meeting concluded at 12:13 p.m.)

* * * * * * * *

REPORTER'S CERTIFICATE

STATE OF ALABAMA
LEE COUNTY

I, Patrick Miller, Alabama Certified Court Reporter No. 631, and Commissioner for the State of Alabama at Large, hereby certify that on Friday, December 9th, 2022, I reported the PROCEEDINGS in the matter of the foregoing cause, and that the pages herein contain a true and accurate transcription of said proceedings.

I further certify that I am neither kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.

This 19th day of October, 2022.

Patrick Miller

PATRICK MILLER, ACCR-631
Commissioner for the
State of Alabama at Large
MY LICENSE EXPIRES: 9/30/23
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

Amended 11/18/22

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
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PUBLIC COMMENT PERIOD		2, 3
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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

ADEM

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

ADEM

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

ADEM

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

ADEM **Alabama Department Of Environmental Management**

Adapting to Ongoing Changes

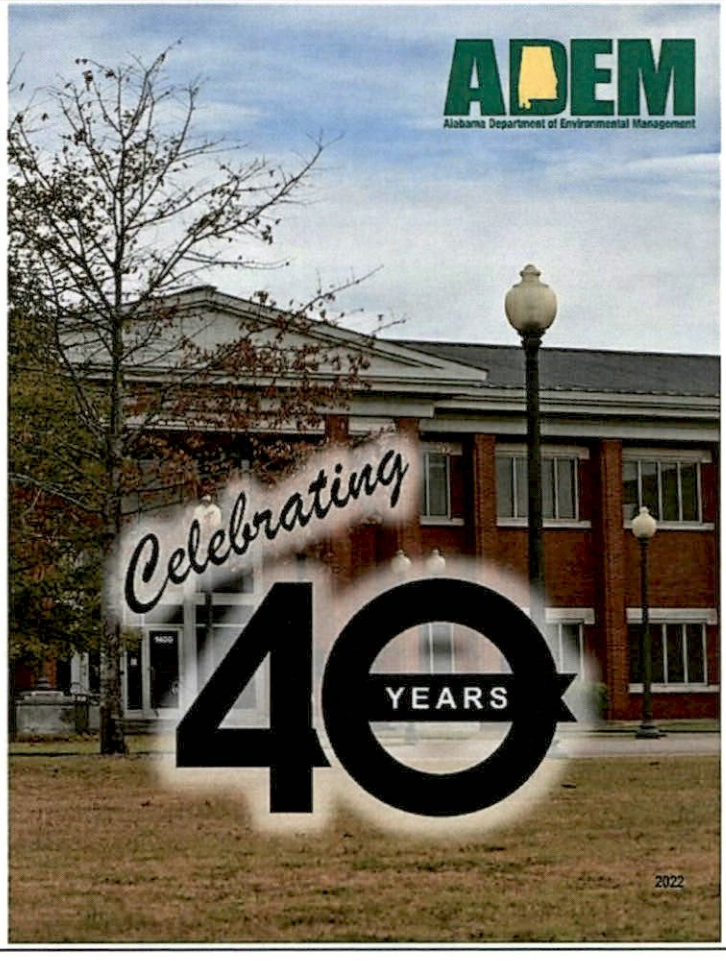
- New Funding Mechanisms
- Collaboration – Communities, Industry, NGOs, Governmental Agencies
- Automation / Modernization
- Developing Staff
- Results Oriented

ADEM

Alabama Department Of Environmental Management

Unchanging Attributes

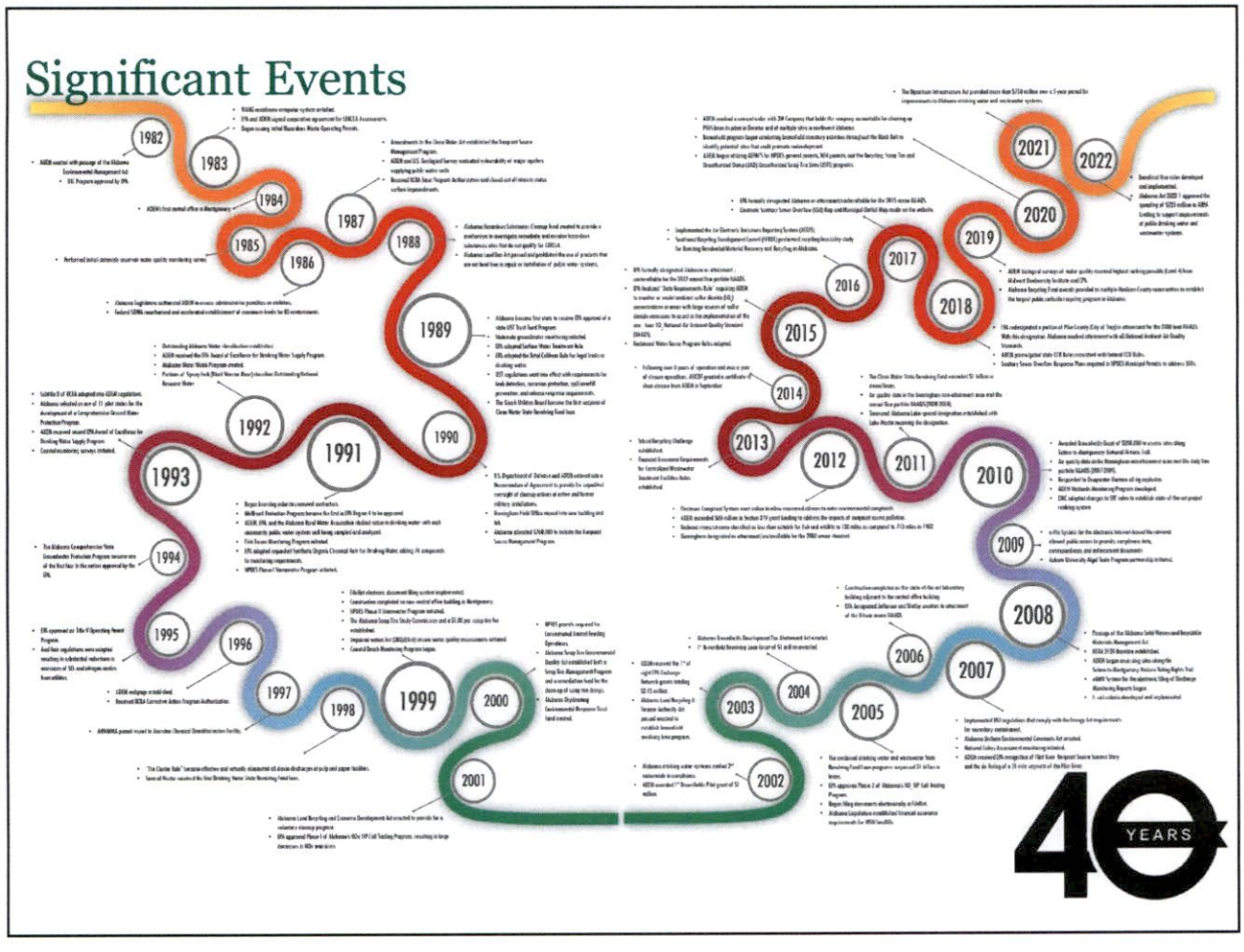
- Mission
- Good Science, Proper Process, Comply with Law
- Impartial and Ethical Execution
- Strong Work Ethic


ADEM
Alabama Department of Environmental Management
Celebrating
40
YEARS
2022

Alabama Department Of Environmental Management

"ADEM Celebrating 40 Years"

- Significant Events
- Overview
- Programs
- Internal Support Systems
- Initiatives
- Awards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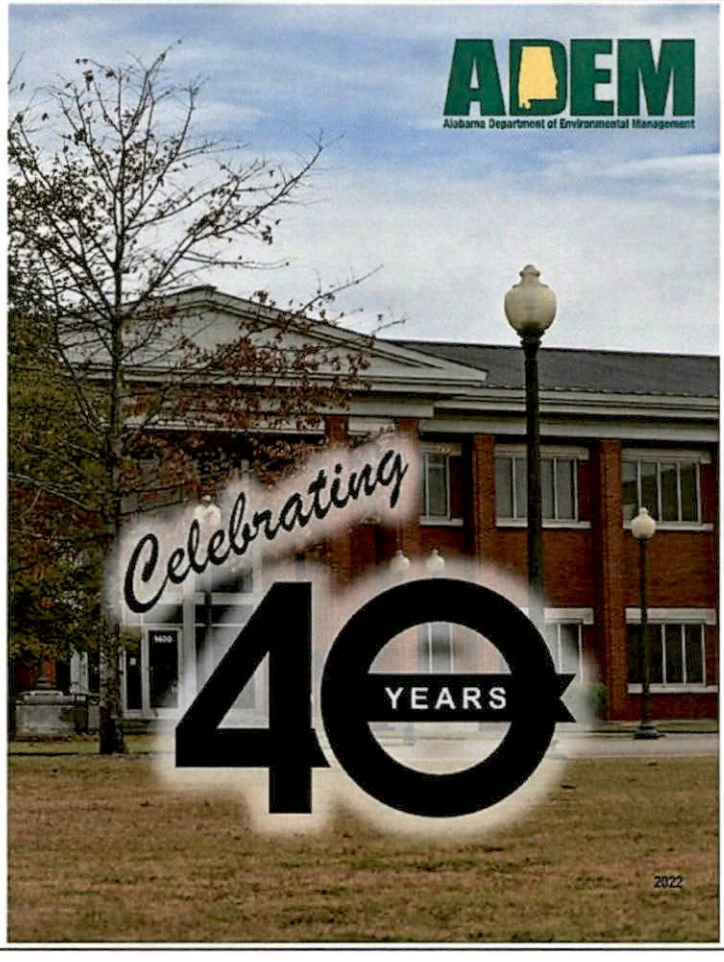
ADEM
Alabama Department of Environmental Management
Celebrating
40
YEARS
2022

ADEM 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.

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. Masingill, 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

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

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
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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**
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~~Major Source Operation Permit Skeleton Form~~	~~**495**~~
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Solid Waste Landfill Operator Certification Renewal	**13**
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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**
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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**
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Notification of Election of Coverage under The Alabama Drycleaning Environmental Response Trust Fund Act **M-3**	**425**

Name of Forms	Form Number
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UST Free Product Recovery Report Form	**475**
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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**
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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**
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NPDES Construction Stormwater Inspection Report and BMP Certification **M-1**	**23**
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NPDES Construction Stormwater Noncompliance Notification Report **M-1**	**25**
Notice of Intent-NPDES General Permit Number ALG850000 **M-4**	**26**
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Name of Forms	Form Number
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Name of Forms	Form Number
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Request for Release from NPDES Permit Monitoring and Reporting Requirements (Mining Operations) **M-3**	**452**
Request to Remove Subsurface Withdrawal from Discharge Structure (NPDES-Permitted Mining Operations) **M-2**	**453**
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**
SID Discharge Monitoring Report Form (Monthly)	**457**
SID Discharge Monitoring Report Form (Quarterly)	**458**
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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**
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Deactivation Request Form for e-DMR/e-SSO **M-1**	**513**
EDMR Daily Discharge Monitoring Report Form	**514**
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General Phase II MS4 Stormwater Permit Renewal Notice of Intent **M-1**	**520**
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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**
NPDES Individual Permit Application (Coalbed Methane Operations) **M-4**	**549**
Notice of Intent-UIC General Permit Number ALIG010000	**552**
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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

Type of Activity	Initial Issuance	Modification	Reissuance
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).