

4/18/23

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 10, 2023

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on February 10, 2023.



John (Jay) H. Masingill, III, Chair
Alabama Environmental Management Commission

Certified this 14th day of April 2023.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
February 10, 2023

Convened: 11:00 a.m.
Adjourned: 12:15 p.m.

Part A

Transcript
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MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

February 10, 2023

11:00 a.m.

COURT REPORTER: SHANNON P. YOST

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<p>1 APPEARANCES: 2 PRESENT FOR THE COMMISSION: 3 Samuel L. Miller, M.D. (Acting Chair) Kevin McKinstry 4 Ruby L. Perry, D.V.M. A. Frank McFadden 5 6 NOT PRESENT FOR THE COMMISSION: 7 8 John (Jay) H. Masingill, III (Chair) H. Lanier Brown, II, Esquire (Vice Chair) Mary J. Merritt 9 10 ALSO PRESENT: 11 Robert D. Tambling, EMC Legal Counsel Lindsay Dawson, EMC Legal Counsel 12 Lance LeFleur, ADEM Director Debi Thomas, EMC Executive Assistant 13 14 15 16 17 18 19 20 21 22 23</p>	<p>Page 2</p> <p>1 discussion? 2 (No response.) 3 MR. MILLER: All right. I'm 4 going to call for the question. All 5 in favor of approving the minutes, 6 signify by saying aye. 7 (All Commissioners say 8 aye.) 9 MR. MILLER: Actually, Debi 10 likes for us to raise our hand. 11 (All Commissioners raise 12 their hand.) 13 MR. MILLER: Our next item is a 14 report from the ADEM Director, 15 Mr. LeFleur. 16 MR. LEFLEUR: Good morning, 17 Commissioners. I would like to take 18 a moment just to, on behalf of the 19 Department and all of our personnel, 20 extend our condolences to 21 Mrs. Merritt, one of our Commission 22 members whose husband passed away 23 recently, and she is unable to be</p> <p>Page 4</p>
<p>Page 3</p> <p>1 MR. MILLER: Good morning, 2 everyone. I'm Sam Miller, a former 3 Chair of the Commission. And we 4 have a couple of absences today of 5 the Chair and Vice Chair, so they've 6 asked me to run the meeting. 7 I will acknowledge that we have 8 a quorum present, and our first item 9 on the agenda is consideration of 10 the minutes held on the meeting of 11 December 9th, 2022. These minutes 12 have been circulated among 13 Commission members, and so I would 14 entertain a motion to either approve 15 or disapprove of the minutes. 16 MR. MCKINSTRY: Move to adopt 17 the minutes of the December 9th, 18 2022 Commission meeting as 19 circulated. 20 MR. MILLER: Is there a second? 21 MS. PERRY: Second. 22 MR. MILLER: Okay. We have a 23 motion and a second. Any further</p>	<p>Page 5</p> <p>1 here today because of that. But I 2 know I have our condolences along 3 with the rest of the Commission 4 expressing their condolences. 5 All right. Welcome all of you 6 to this third meeting of the Alabama 7 Environmental Management Commission 8 for fiscal year 2023. 9 It's my practice to 10 periodically report on the state of 11 the environment in Alabama to see if 12 our efforts have resulted in 13 measurable improvements to the 14 environment in our state. Today's 15 report will update you on the latest 16 information concerning the condition 17 of Alabama's environment. There 18 will also be an update on the 19 Department's significant work to 20 fund upgrades to water and sewer 21 systems throughout the state. 22 Finally, I will give you an update 23 on the vegetative waste fire near</p>

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<p style="text-align: right;">Page 6</p> <p>1 the city of Moody. 2 It had also been my intention 3 to give you a progress report on the 4 construction of the desperately 5 needed new field office and 6 laboratory in Mobile, but with the 7 very full agenda today, I will defer 8 that report until the April 9 Commission meeting. 10 The Department seeks to measure 11 its results in many ways. At the 12 October Commission meeting, 13 performance against the annual 14 Operating Plan was analyzed. At the 15 Commission meeting in April, we will 16 do the annual review of the 17 EPA-generated quantitative 18 compliance and enforcement metrics 19 comparing all states. We will also 20 provide the results of the state 21 review framework audit performed by 22 EPA every three years. 23 Today we will look at the state</p>	<p style="text-align: right;">Page 8</p> <p>1 Fine particles, ozone, oxides of 2 nitrogen, sulfur dioxide, carbon 3 monoxide, and lead. There is also a 4 regional haze goal. 5 Over time, most of the 6 standards have been revised as shown 7 on this slide, each time becoming 8 more stringent. Fine particles and 9 ozone standards have seen four 10 revisions since the Clean Air Act 11 was enacted in 1971, while others 12 have been more stable. EPA has 13 proposed another revision to the 14 fine particles standard that will, 15 once again, make it more stringent. 16 In 2008, EPA set the 2018 goal 17 of total reductions in haze. As 18 this next slide shows, one by one, 19 Alabama has been able to obtain 20 individual air quality standards 21 statewide even as the standards have 22 become tighter. Fine particles 23 standard was first met in 2013,</p>
<p style="text-align: right;">Page 7</p> <p>1 of the environment in Alabama to see 2 if efforts have actually resulted in 3 a measurably better quality 4 environment in Alabama. The last 5 report on the state of the 6 environment was in June of 2021. 7 The state of the environment takes 8 the longer view and compares the 9 quality of the state of Alabama's 10 environment when reliable records 11 were first -- first became available 12 some 20 to 30 years ago versus where 13 it is now to see if Alabama's 14 environment is improving. The 15 following series of slides will show 16 the comparison for air, water, and 17 land media. Unlike the quantitative 18 performance metrics available from 19 EPA, comparable environmental 20 quality data from other states is 21 not available. 22 We begin with air data. There 23 are six basic air quality standards:</p>	<p style="text-align: right;">Page 9</p> <p>1 followed by ozone in 2014. The NOx 2 standard was first met back in 1971, 3 SO2 in 1977, carbon monoxide in 4 1971, and lead in 2015. 5 In 2015, for the first time 6 since the Clean Air Act was enacted 7 in 1971, the state of Alabama 8 reached attainment for all air 9 quality standards. In addition, 10 ADEM has met the 2018 regional haze 11 goal in 2013, five years early. 12 This graph shows air emissions 13 for major sources in Alabama have 14 declined materially since 1990, and 15 improvement continues even after 16 those more stringent air quality 17 standards were attained. The trend 18 of declining emissions last reported 19 on the state of the environment in 20 Alabama in June of 2021 continues. 21 The air in Alabama is much cleaner 22 than it was in 1990. 23 In the water media, we will</p>

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<p>1 look at drinking water data first 2 because of its importance in that it 3 directly impacts every individual in 4 Alabama.</p> <p>5 Potential contaminants in 6 drinking water fall into four 7 categories: Organic chemical, 8 inorganic chemicals, radionuclides 9 and microbes.</p> <p>10 In 1982 when the Department was 11 created, there were 23 drinking 12 water contaminates regulated. That 13 number is currently 89, as it has 14 been for several years, with most of 15 the increase being in the organic 16 chemicals category. We do not 17 expect -- excuse me.</p> <p>18 We do expect an increase in the 19 number of drinking water 20 contaminants regulated in the future 21 as a result of anticipated 22 development of federally mandated 23 maximum contaminant levels for per</p>	<p>1 quality looks at the impairments to 2 surface waters in the state. 3 Section 303(d) of the Clean Water 4 Act calls for listing of impaired 5 waterbodies, which are those not 6 meeting federally approved water 7 quality standards for various 8 pollutants such as nutrients, 9 pathogens, metals, and suspended 10 solids.</p> <p>11 This chart couples both the 12 area of impairments and the number 13 of pollutants. For example, if one 14 mile of stream or one acre of 15 surface water is impaired for 16 nutrients and pathogens, that would 17 be counted as two combined miles -- 18 or excuse me -- combination miles of 19 impaired stream or two combination 20 acres of surface water.</p> <p>21 25 percent of the 59,000 miles 22 of perennial streams and rivers and 23 93 percent of the more than one</p>
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<p>1 and polyfluoroalkyl substances.</p> <p>2 We are obviously regulating 3 more potential contaminants in 4 drinking water. With more 5 contaminants to monitor how well our 6 water systems doing?</p> <p>7 In 1982, 82 percent of the 8 water systems in Alabama were 9 consistently in compliance with the 10 standards for the 23 regulated 11 contaminants. Today, 98 percent of 12 the water systems in Alabama are 13 continuously in compliance with the 14 health-based standards for the 89 15 contaminants now regulated. This is 16 the same as it was in 2021. As I 17 have noted in the past, only the 18 state of Hawaii has had a lower 19 number of drinking water violations 20 than here in Alabama. The people of 21 Alabama can have great confidence in 22 the quality of their drinking water. 23 Another measure of water</p>	<p>1 million acres of lakes, reservoirs, 2 ocean, and estuaries in the state 3 have now been fully assessed for 4 impairment. Over the years, as more 5 waterbodies have been assessed, more 6 impairments have been identified and 7 listed.</p> <p>8 During the period between 1998 9 and 2022, more than 13,000 10 combination miles of impaired rivers 11 and streams were identified and 12 added to the 303(d) list. In 2022, 13 there remained about 4,500 14 combined -- combination miles of 15 impaired rivers and streams as a 16 result of 9,000 combination miles 17 being removed from the list due to 18 improved water quality or being 19 addressed through the development of 20 a total maximum daily load, or TMDL, 21 determination. A TMDL sets strict 22 limits for the discharge of 23 pollutants into the assessed</p>

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<p style="text-align: right;">Page 14</p> <p>1 waterbody that will bring that 2 waterbody into compliance with water 3 quality standards. This data 4 reflects the removal of 340 5 combination miles from what was 6 recorded back in 2021. 7 During the period from 1998 8 through 2022, more than 1.1 million 9 combination acres of impaired lakes, 10 reservoirs, ocean, and estuaries 11 were added to the 303(d) list when 12 identified. 13 In 2022, there remained about 14 660,000 combination acres of 15 impaired lakes, reservoirs, ocean, 16 and estuaries as a result of more 17 than 450,000 combination acres being 18 removed from the list due to 19 improved water quality or being 20 addressed by TMDL development. As 21 with rivers and streams, this shows 22 continued improvement since our last 23 report.</p>	<p style="text-align: right;">Page 16</p> <p>1 miles and nearly 5600 acres in the 2 two combined designations of natural 3 waters of outstanding quality that 4 are considered important to Alabama 5 and the nation. 6 Alabama also had more than 7 40,000 acres of exceptionally high 8 quality waters resulting from the 9 manmade impoundment of watercourses 10 into reservoirs with the Treasured 11 Alabama Lakes designation. 12 Conversely at the other end of 13 the scale, the number of miles of 14 watercourses in the lowest use 15 classifications, which is below the 16 fish and wildlife classification and 17 suitable only for industrial and 18 agriculture use, has declined from 19 more than 700 miles to just over 20 100 miles. 21 Since 1982, Alabama has seen 22 dramatic increases in the waters 23 qualifying for the highest quality</p>
<p style="text-align: right;">Page 15</p> <p>1 Overall, impaired waterbodies 2 have seen significant improvement 3 over the years, and that improvement 4 continues. 5 The 303(d) list identifies 6 impaired waterbodies. 7 Waterbodies are also tracked by 8 an assigned designation or use 9 classification. The data in this 10 slide will go back to 1982, which is 11 a bit further back than the previous 12 slide. 13 Looking at the three highest 14 classifications and designations: 15 Outstanding National Resource 16 Waters; Outstanding Alabama Waters; 17 and Treasured Alabama Lakes, as you 18 can see in 1982, no State waters 19 were yet determined to have met the 20 requirements to be designated in the 21 highest categories. 22 By 2022, Alabama was recognized 23 to have a total of more than 1100</p>	<p style="text-align: right;">Page 17</p> <p>1 designations and use classifications 2 and a likewise dramatic decrease in 3 those falling into the lowest 4 classifications. 5 As measured by drinking water 6 quality, impaired waterbodies, and 7 waterbody designations or use 8 classifications, water quality in 9 Alabama is exceptionally good and 10 continues to improve. 11 Moving on to data from the land 12 media, we begin by looking at 13 landfills. Landfills are a 14 necessary feature if we are to 15 dispose of solid waste generated by 16 each of us in a safe, efficient, and 17 effective manner. 18 In 1989, Alabama had 141 19 unlined municipal solid waste 20 landfills. All of those have been 21 closed. And today there are 30 22 state-of-the-art lined MSW permitted 23 landfills handling all the municipal</p>

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<p style="text-align: right;">Page 18</p> <p>1 waste and solid wastes in Alabama. 2 The number of operating landfills is 3 down two from 2021. 4 Alabama, like other states, has 5 had to deal with not only permitted 6 landfills but also with unauthorized 7 solid waste dumps. 8 Since 2009, more than 2200 9 unauthorized solid waste dumps have 10 been remediated. This is up 11 9.9 percent over 2021. 12 More than 1600 of those have 13 been remediated by actions against 14 responsible parties while nearly 600 15 representing innocent landowners 16 have been cleaned up using funds 17 provided by the \$1-a-ton fee on 18 solid waste disposed of in 19 landfills, which was initiated in 20 2009. The responsible party number 21 is up by 12.8 percent, and the 22 innocent landowner number is up by 23 2.5 percent compared to 2021.</p>	<p style="text-align: right;">Page 20</p> <p>1 problems as fire hazards and 2 breeding grounds for vectors. Since 3 2006, 370 illegal scrap tire dumps 4 containing 11 million tires have 5 been cleaned up. The number of 6 scrap tire dumps cleaned up is up 7 3 percent. 8 Today, solid waste in Alabama's 9 environment is being dealt with 10 responsibly. 11 In the past, underground 12 storage tanks typically found at gas 13 stations have been subject to leaks 14 due to corrosion or physical damage. 15 Leaking petroleum products 16 contaminate both soil and 17 groundwater. New regulations and 18 technology now prevent or provide 19 for early detection of leaks from 20 tanks installed in recent years, but 21 many legacy sites exist in Alabama 22 and throughout the nation. 23 Since 1989, more than 12,000</p>
<p style="text-align: right;">Page 19</p> <p>1 In addition to safely disposing 2 of solid waste, efforts have been 3 expanding to reduce the total amount 4 of solid wastes in Alabama by 5 promoting recycling. Once again, 6 significant progress has been made 7 since our last report in 2021 just 8 as it has been in prior years. 9 The solid waste reduction rate 10 in Alabama today is more than five 11 times what it was in 1989, and it 12 has now surpassed the 25 percent 13 recycling goal set back in 1991, and 14 this compares favorably with 15 national averages. The total 16 recycling volume now comes to 3.9 17 million tons per year, a whopping 18 56 percent increase since 2021. A 19 robust recycling grant program 20 administered by ADEM since 2010 has 21 provided more than \$24 million in 22 grants to help achieve the success. 23 Scrap tires present special</p>	<p style="text-align: right;">Page 21</p> <p>1 leak sites have been identified in 2 Alabama. 3 More than 11,000 or 93 percent, 4 which is up from 2021, have been 5 cleaned up with the remaining 872 in 6 some stage of the cleanup process. 7 Groundwater contamination from 8 underground storage tanks continues 9 to decline. 10 This final state of the 11 environment slide shows what has 12 been happening with other 13 contaminated legacy sites known as 14 brownfields. Those most often are 15 old industrial sites. As with 16 underground storage tanks, new 17 regulatory programs, and technology 18 have all but halted the creation of 19 new brownfield sites. 20 The brownfield program has 21 identified 661 legacy brownfield 22 sites in Alabama. Since 2001, 444, 23 two-thirds of those sites, totaling</p>

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<p>1 6400 acres, have been returned to 2 productive use. That is a 3 percent 3 increase in the number of sites 4 returned to productive use and a 5 7 percent increase in the acreage 6 returned to productive use since 7 2021. 8 91 of the remaining sites 9 totaling more than 8100 acres are 10 actively enrolled in the brownfields 11 program. 12 Work continues to identify, 13 enroll, and clean up brownfield 14 sites. The land returned to 15 productive use is very often in 16 prime areas for future industrial 17 development. Both the environment 18 and the economic prospects in 19 Alabama have been improved since 20 2001 because of this program. 21 The quality of Alabama's 22 environment as measured by air 23 emissions, meeting or beating water</p>	<p>1 favorable. 2 Now, the Department regulates 3 35,000 facilities in Alabama. 4 Occasionally, some of those 35,000 5 regulated facilities, as well as 6 entities not subject to ADEM 7 regulation encounter problems that 8 result in adverse environmental 9 impacts. This is the case in every 10 state in the nation. Those affected 11 by such events clearly have reason 12 to be concerned. The Department 13 undertakes enforcement when 14 warranted and works with other 15 federal, state, and local 16 governmental organizations as 17 necessary to undertake corrective 18 measures. In a few moments I will 19 report on an event of great concern 20 especially to those near the city of 21 Moody. Unwelcomed as individual 22 events causing great concern may be, 23 this report on the state of the</p>
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<p>1 quality standards and remediated 2 legacy soil contamination, has been 3 improving continuously over the 4 years, and it has continued that 5 improvement since we last reviewed 6 the data. Hard data suggests the 7 progress. Results are what we look 8 for. This report is a look back at 9 some of the highlights and 10 achievements and is a commitment to 11 continue the work in the future. 12 The state of the environment in 13 Alabama is much improved over what 14 it was 20 to 30 years ago. It is 15 improved over what it was in 2021. 16 Our citizens breathe much cleaner 17 air, have higher quality water and 18 can be assured that solid waste 19 management and contaminated land 20 remediation have significantly 21 progressed. The current state of 22 the environment in Alabama is very 23 good and overall the trends are</p>	<p>1 environment looks at the entire 2 state of Alabama over time that also 3 factors in the various violations of 4 environmental regulations that may 5 occur. 6 Improving the environment 7 requires many actions including 8 statutory activities, regulatory 9 oversight, commitment to cooperative 10 efforts and investment in 11 infrastructure. For many years, the 12 one action lagging has been 13 investments in infrastructure. In 14 particular, inadequate investments 15 in public water and sewer 16 infrastructure have resulted in 17 increasing environmental problems. 18 For more than 30 years, ADEM has 19 administered the State Revolving 20 Fund programs. It makes low 21 interest loans to upgrade water and 22 sewer systems. Those systems unable 23 to afford to pay back loans are able</p>

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<p style="text-align: right;">Page 26</p> <p>1 to qualify for modest loan 2 forgiveness, but due to limited 3 available funds, many systems have 4 been unable to undertake needed 5 upgrades. 6 The state of Alabama received 7 \$2.1 billion in American Rescue Plan 8 Act (ARPA) funds in 2022. In 2022, 9 the legislature in conjunction with 10 Governor Ivey allocated \$225 million 11 for grants to upgrade water and 12 sewer systems based on need. ADEM 13 was tasked with identifying the 14 systems with the greatest needs, 15 soliciting improvement projects, 16 analyzing and prioritizing those 17 projects, and administering the 18 expenditure of those funds. Also in 19 2022, ADEM received \$127 million as 20 the first of five years of 21 installments under the Bipartisan 22 Infrastructure Law directly from EPA 23 to upgrade water and sewer systems</p>	<p style="text-align: right;">Page 28</p> <p>1 Finally, the situation in Moody 2 is on all of our minds, so we'll 3 discuss that now. 4 First, I want to express our 5 sincere empathy and concern for 6 those who have had their lives 7 upended by the fire at the 8 vegetative waste disposal site near 9 Moody. We know many have been 10 affected by the smoke. Some have 11 had to temporarily move to avoid 12 exposure. We have heard people's 13 frustrations -- and we share them. 14 From the beginning, we 15 recognized the best way to protect 16 their health and safety is to put 17 out the fire and thus eliminate the 18 smoke as quickly as possible. 19 To that end from the moment the 20 fire was first reported to us, ADEM 21 has been actively involved in 22 efforts to extinguish the fire. 23 ADEM immediately engaged with the</p>
<p style="text-align: right;">Page 27</p> <p>1 in Alabama through grants and loans. 2 The commitment of these funds was 3 also prioritized on need. The 4 Department made financial 5 commitments from the ARPA, BIL, and 6 normal State Revolving Funds to 7 water and sewer upgrades for the 8 entire \$463 million available in 9 2022. The total dollars of projects 10 requested was approximately 11 \$3 billion. 12 ADEM made project commitments 13 in 63 of the 67 counties in Alabama. 14 That total represents more than 15 four times the volume ADEM 16 administers in a normal year. The 17 dramatically increased workload was 18 borne with no additional personnel. 19 It is a testament to the hard work 20 and dedication of our personnel. 21 An increased workload will 22 continue for at least the next four 23 years.</p>	<p style="text-align: right;">Page 29</p> <p>1 Moody Fire Department, the Alabama 2 Forestry Commission, the St. Clair 3 County Commission, the State 4 Emergency Management Agency, the 5 St. Clair County Emergency 6 Management Agency, and others. 7 Unfortunately, none of us has 8 the resources or ability to 9 extinguish an underground fire of 10 this nature. 11 We also reached out to EPA to 12 ask for assistance. Because the 13 fire involved vegetative materials 14 not subject to either state or 15 federal regulations, the EPA said at 16 the time that it lacked authority to 17 take action. ADEM persisted, 18 however, and asked the EPA to deploy 19 its advanced air monitoring units to 20 clearly determine the level of risks 21 that smoke from the fire posed to 22 the public. The EPA agreed, and its 23 tests found the presence of four</p>

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<p>1 chemicals above the accepted minimal 2 risk level on the fire site itself 3 and two of the chemicals above the 4 accepted minimal risk level offsite 5 at a single home about 300 feet from 6 the fire.</p> <p>7 As unwelcome as that finding 8 was, it did allow ADEM to then ask 9 EPA to take the lead in 10 extinguishing the fire. Unlike 11 state or local agencies, EPA does 12 have resources and contractors on 13 retainer with the experience -- 14 expertise to tackle an underground 15 fire like this one. The EPA agreed 16 and work to put out the fire began 17 on January 19.</p> <p>18 Work is proceeding well. Smoke 19 from the fire has been greatly 20 reduced. EPA expects the fire to be 21 out in matter of weeks, perhaps 22 sooner.</p> <p>23 We want the public to know that</p>	<p>1 scope of regulated activities but 2 nonetheless pose risks to the 3 public. We are in talks with 4 representatives of county 5 governments and other agencies about 6 ways to close these gaps.</p> <p>7 Our goal as always is to 8 protect the health and safety of our 9 citizens and the environment and to 10 make sure we have the tools and 11 authority to do so. We must work 12 together and do all we can to ensure 13 an incident like this does not 14 happen again.</p> <p>15 That completes today's report. 16 I will be pleased to answer any 17 questions you may have.</p> <p>18 MR. MILLER: Are there any 19 questions from the Commission on the 20 Director's report? 21 (No response.) 22 MR. MILLER: Thank you, 23 Director.</p>
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<p>1 ADEM personnel are on the site every 2 day. We are providing regular 3 updates to the public at 4 MoodyFireUpdate.com, all one word. 5 In addition to the air monitoring at 6 the six nearby stationary monitors 7 and the EPA mobile air monitors, the 8 Department is monitoring water 9 quality. Test results show the fire 10 does not appear to be having any 11 discernible effect on water quality. 12 We will continue to monitor water 13 quality and report our findings 14 along with air monitoring results. 15 As we stated before, ADEM will 16 investigate and take appropriate 17 enforcement action against the site 18 operator after the fire is out.</p> <p>19 This fire is an extraordinary 20 event. The exposed shortcomings in 21 the ability and authority of state 22 and local governments to respond to 23 situations that are outside the</p>	<p>1 MR. LEFLEUR: Thank you.</p> <p>2 MR. MILLER: All right. There 3 is no report today from the 4 Commission Chair.</p> <p>5 Is there any other business 6 that anyone from the Commission is 7 aware of that we should talk about 8 or discuss today? 9 (No response.)</p> <p>10 MR. MILLER: Okay. Our next 11 scheduled meeting is April 14, 2023. 12 Is there anybody that has a conflict 13 that they know of at this point with 14 that date? 15 (No response.)</p> <p>16 MR. MILLER: Well, our plan 17 will be, then, to meet on 18 April 14th, 2023.</p> <p>19 Our next item is the public 20 comments period, and we have three 21 requests to make presentations. One 22 from GASP with Michael Hansen, 23 Jilisa Milton, and Sidni Elise</p>

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<p>1 Smith; one from Mr. David Ludder 2 from the Environmental Defense 3 Alliance; and a third request from 4 McKay Lyvers -- is that Lyvers or 5 Livers (pronouncing)? 6 MR. LYVERS: You've got it 7 correct, Lyvers. Yes, sir. 8 MR. MILLER: Well, anyway, he's 9 from Morris, Alabama, and he has 10 made a request to discuss a chicken 11 litter problem, as he describes it. 12 Now, we have three requests for 13 the 10-minute period. And at this 14 point, we have to either move to 15 approve these requests, deny the 16 requests, or table the 17 presentations. 18 Do I have a motion for one of 19 those three? 20 MR. McFADDEN: So moved -- 21 MR. MILLER: So moved that 22 we -- 23 MS. PERRY: Second.</p>	<p>1 participation such as we're going to 2 hear today. 3 For reasons of fairness and due 4 process to the parties on both sides 5 of the question, we are specifically 6 discouraged from engaging in 7 non-deliberative discussion of any 8 of the matters that are subject to 9 this litigation. 10 So as I read that -- and, 11 Robert, correct me if I'm wrong 12 here -- we will simply listen to the 13 presentations, but we probably 14 should avoid making any response to 15 these proposals. So I'm just 16 telling you that's the way I read 17 the rule. It's up to you if you 18 want to continue to follow that 19 rule. 20 All right. So our first 21 request is from GASP, from Michael 22 Hansen, Jilisa Milton, and Sidni 23 Elise Smith.</p>
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<p>1 MR. McFADDEN: -- to have the 2 presentation. 3 MR. MILLER: All right. Is 4 there a second? 5 MS. PERRY: Second. 6 MR. MILLER: So we have a 7 motion and a second. Any further 8 discussion? 9 (No response.) 10 MR. MILLER: All right. All in 11 favor of allowing the requests to 12 move forward, please signify by 13 raising your hand. 14 (All Commissioners raised 15 their hand.) 16 MR. MILLER: All opposed, same 17 sign. 18 (No response.) 19 MR. MILLER: Now, before we get 20 started with these requests, I 21 wanted to point out something in our 22 statute 335-2-3-.05, and what this 23 says is that we encourage public</p>	<p>1 Now, all the GASP members, I'm 2 sure, since they've been here many 3 times, are aware we have a 10-minute 4 time limit for these presentations. 5 That is a cumulative 10 minutes, not 6 10 minutes from each of the three 7 people. 8 MS. SMITH: It's just me. 9 MR. MILLER: Okay. Just want 10 to make sure we're on the same page. 11 All right. And you are? 12 MS. SMITH: Sidni Elise Smith. 13 MR. MILLER: You are Ms. Sidni 14 Elise Smith. Well, welcome and 15 proceed. 16 MS. SMITH: Well, good 17 morning -- or afternoon, everyone. 18 So this presentation is Moving 19 Forward from the Fire. It's just 20 myself talking today. 21 So GASP -- GASP is the 22 Greater-Birmingham Alliance to Stop 23 Pollution.</p>

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<p style="text-align: right;">Page 38</p> <p>1 MR. MILLER: Hold on one 2 second. 3 Is there any way we can 4 increase her volume? I'm having a 5 really hard time hearing her. Or 6 maybe just move closer to the 7 microphone. 8 MS. SMITH: Okay. There we go. 9 Alliance to Stop Pollution. Our 10 justice in the great. 11 GASP is the Greater-Birmingham 12 Alliance to Stop Pollution. Our 13 mission is to advance healthy air 14 and environmental justice in the 15 Greater-Birmingham area through 16 education, advocacy, and 17 collaboration. 18 Our vision: We envision a 19 healthy, just, and sustainable 20 Alabama for everyone who lives, 21 works, learns, and worships here. 22 And we strive to reduce air 23 pollution to educate the public on</p>	<p style="text-align: right;">Page 40</p> <p>1 that one out loud. It says that the 2 Department is hereby designated as 3 the State Environmental Control 4 Agency for the purposes of federal 5 and environmental law. 6 Specifically, the Department is 7 designated as a State Air Pollution 8 Control Agency for the purposes of 9 the Clean Air Act, as the State 10 Water Pollution Control Agency for 11 the purposes of the Federal Clean 12 Water Act, the State agency 13 responsible for the promulgation 14 enforcement of drinking water 15 regulations in according with the 16 federal and state Drinking Water 17 Act, also responsible for the 18 promulgation and enforcement of 19 solid and hazardous -- 20 COURT REPORTER: Ma'am, can I 21 get you to slow down, please? 22 MS. SMITH: Okay. Sure. 23 COURT REPORTER: Okay.</p>
<p style="text-align: right;">Page 39</p> <p>1 the health risk associated with poor 2 air quality and to encourage 3 community leaders to serve as role 4 models for clean air and clean 5 energy development. 6 So these are just a few of the 7 acronyms I'll be using in this 8 presentation. The most important 9 ones are ADEM, AEMC for the 10 Commission, and Environmental 11 Landfill, Inc. as ELI. The rest are 12 important as well, but those are the 13 major ones. 14 You-all see what the 15 presentation is about in the guide, 16 so I won't belabor that. 17 So about ADEM in the Alabama 18 Code of 1975 and Title 22, this is 19 where the Department was created 20 under that particular law. So it's 21 authorized by the State. 22 Specifically in Section 22-22A-4 on 23 subsection (n), I wanted to read</p>	<p style="text-align: right;">Page 41</p> <p>1 MS. SMITH: Regulations and 2 authorized to take all necessary and 3 appropriate actions to secure to 4 this state the benefits of federal 5 and environmental laws. 6 ADEM's mission is to ensure for 7 all citizens of the state a safe, 8 healthful, and productive 9 environment under Alabama Code 1975 10 Section 22-22A, subsection 6, and is 11 also reflected in ADEM's 12 administrative code. We see the 13 Commission's authority as well, 14 which they are to select a director 15 and advise the director to 16 establish, adopt, accommodate, 17 modify, repeal, and suspend any 18 rules, regulations, or environmental 19 standards for the Department, to 20 development environmental policy, 21 and to hear and determine appeals 22 for administrative actions. 23 My focus is on the first three</p>

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<p style="text-align: right;">Page 42</p> <p>1 powers of the Commission. 2 So just to address some 3 failures, I'm going to go through a 4 quick timeline. I won't read them, 5 but I went through ADEM's e-file for 6 ELI, which is the Environmental 7 Landfill, Incorporation, which is 8 the location of where this Moody 9 landfill fire is taking place. 10 You-all will see dating back to 11 January of 2013 there was a record 12 of complaint filed. That was closed 13 a couple of months later. There was 14 no further action taken after it was 15 investigated. 16 Throughout these different 17 notices of violations and site 18 investigation memos, you'll see 19 descriptions talking about it being 20 an unauthorized dump, that the 21 landowner is not innocent. It was 22 marked as a fire hazard potential on 23 several occasions. You'll see where</p>	<p style="text-align: right;">Page 44</p> <p>1 place with the landfill. 2 So with the Moody Landfill Fire 3 Timeline, we know that this was 4 reported on Friday, November 25th, 5 back in 2022, and to date, as you 6 heard earlier, they are making 7 efforts to extinguish the fire. 8 That is a top priority. 9 As an air pollution regulation 10 organization, we are concerned with 11 the lasting impacts beyond 12 extinguishing the fire. That is a 13 public health concern. 14 So going back to the failures, 15 it is our assertion that ADEM failed 16 to regulate. While we understand 17 that ADEM claims it had no authority 18 over ELI because the landfill is not 19 regulated, there should have been 20 rules in place for when a green 21 waste landfill poses or presents as 22 a regulated landfill due to 23 noncompliance, abuse of leniency,</p>
<p style="text-align: right;">Page 43</p> <p>1 the inspector marked waste 2 descriptions as construction 3 demolition waste, household waste, 4 scrap tires, et cetera. 5 And that goes on. We're in 6 2017. It's still some of the same 7 things. They come out; they 8 investigate; they still determine 9 that landfill is responsible for 10 being an unauthorized dump. 11 Several correspondences, 12 several memos. Still we're in 2023. 13 We got the EPA sampling report where 14 they revealed that there were 15 chemicals identified that exceeded 16 certain levels where removal action 17 may be triggered. We know that 18 they're working on everything. 19 And the most recent document in 20 the e-file is a letter from ADEM to 21 the landowner requiring the operator 22 to provide certain documents of 23 certain transactions that have taken</p>	<p style="text-align: right;">Page 45</p> <p>1 et cetera. 2 ADEM also failed to enforce. 3 ELI's track record in the ADEM 4 e-file demonstrates multiple notices 5 of violations, indications of fire 6 hazards, indication of non-innocent 7 landowner, and demonstration of the 8 presence of regulative waste in 9 their landfill. 10 One of the memos dated on 11 August 10th -- and that's in the 12 presentation as well -- was an 13 18-month opportunity for the owner 14 to rectify the situations, the 15 different debris that was out there. 16 That was the most recent 17 documentation prior to the land fire 18 starting. 19 It is also our assertion that 20 ADEM failed to enforce. 21 So while ADEM claimed no 22 authority for land matters, ADEM is 23 still responsible for the air under</p>

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<p style="text-align: right;">Page 46</p> <p>1 the authority mentioned earlier. 2 This is copied directly from your 3 website. 4 The Air Division also 5 administers the delegable provisions 6 of the Clean Air Act, the federal 7 law that regulates air emissions for 8 stationary and mobile sources. The 9 Air Division has primary 10 jurisdiction over all air emission 11 sources within the State, except for 12 those emission sources located 13 within Jefferson County or the City 14 of Huntsville. 15 So in ADEM's admin code under 16 Regulation 335-3-1-.02(qqq), "Source 17 shall mean any building, structure, 18 or facility, installation, article, 19 machine, equipment, device, or other 20 contrivance which emits or may emit 21 any air contaminant. Any activity 22 which utilizes abrasives or 23 chemicals for cleaning or any other</p>	<p style="text-align: right;">Page 48</p> <p>1 Therefore, ADEM failed to declare a 2 chapter -- Air Pollution Emergency 3 under the code. We provided data as 4 GASP. And the EPA recently provided 5 data, and there was no action from 6 ADEM. The AEMC failed to advise. 7 So ADEM was not properly 8 advised by the Commission on how or 9 what to do to effectively regulate 10 ELI in the past five or so years, 11 nor how to directly handle this 12 Moody landfill fire situation. 13 And our final assertion is that 14 the Commission failed to advise. 15 The statements that ADEM has no 16 authority to regulate green waste is 17 inaccurate, and the Commission 18 failed to advise accordingly. 19 So our proposal in Proposal 1, 20 in the Commission's advisory 21 capacity, you need to direct ADEM to 22 regulate green waste as it is part 23 of the definition of solid waste,</p>
<p style="text-align: right;">Page 47</p> <p>1 purpose, such as cleaning the 2 exterior buildings which emits air, 3 air contaminants shall be considered 4 a source." 5 There is case law that makes it 6 okay to look at the dictionary 7 definition if it does not exist in 8 the law. So facility by dictionary 9 definition is something such as a 10 hospital that is built, installed, 11 or established to serve a particular 12 purpose. 13 So based on this definition, 14 ELI is the facility established to 15 accept and dispose of natural waste, 16 and under ADEM's definition of 17 source, ELI is a source that emits 18 or may emit any air contaminant. 19 So it's also our assertion that 20 ADEM failed to respond. ELI is 21 still an air emissions source 22 regardless of its claim status as a 23 facility with unregulated materials.</p>	<p style="text-align: right;">Page 49</p> <p>1 and you can find that in the 2 applicable code. 3 Proposal 2, in its advisory 4 capacity, the Commission needs to 5 direct the Department to create an 6 action plan to tackle emergencies 7 like this in the future. 8 Again, regulation is only part 9 of the strategy for efficient 10 landfill operations like ELI, and 11 that's the applicable code. 12 Proposal 3, that's a typo. It 13 should say ADEM. So ADEM needs to 14 include organizations like GASP, who 15 are representative of the community 16 to contribute to pending discussions 17 and planning of certain 18 environmental rules, regulations, 19 and laws, along with Commission's 20 attorney, engineer, scientists, and 21 the remainder of the Commission. 22 And that's pursuant to that code. 23 The Department does have the</p>

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<p style="text-align: right;">Page 50</p> <p>1 authority to do so.</p> <p>2 Our rationale for our proposals</p> <p>3 is to promote an effort to eliminate</p> <p>4 illegal and/or improper waste</p> <p>5 disposal, an opportunity to fix gaps</p> <p>6 in the law concerning a specific</p> <p>7 type of waste; to strengthen</p> <p>8 designated authorities charged with</p> <p>9 environmental management and</p> <p>10 protection matters in the areas of</p> <p>11 regulation, management, and</p> <p>12 enforcement; to prevent future</p> <p>13 public health and environmental</p> <p>14 disasters and emergencies; to</p> <p>15 prevent future threats to public</p> <p>16 health, safety, and the environment</p> <p>17 in this capacity.</p> <p>18 Thank you for your time and</p> <p>19 consideration.</p> <p>20 MR. MILLER: Thank you. Is</p> <p>21 there a response from the</p> <p>22 Department?</p> <p>23 MR. LEFLEUR: If I could just</p>	<p style="text-align: right;">Page 52</p> <p>1 opportunity, as all citizens and</p> <p>2 organizations do, to comment on any</p> <p>3 proposed regulations that the</p> <p>4 Commission may be considering. They</p> <p>5 have the opportunity to propose</p> <p>6 rules for the Commission to</p> <p>7 consider, and they have the</p> <p>8 opportunity, like all citizens do,</p> <p>9 to lobby the legislature to</p> <p>10 undertake any legislation that may</p> <p>11 be required.</p> <p>12 So we certainly support those</p> <p>13 opportunities that they do have, as</p> <p>14 all citizens and organizations do.</p> <p>15 If you have any questions, I'll be</p> <p>16 happy to address them, but we will</p> <p>17 address these in more detail.</p> <p>18 I was very pleased to see that</p> <p>19 she was making extensive use of our</p> <p>20 e-file system. We are among the</p> <p>21 most transparent systems or agencies</p> <p>22 in the state, for sure, and the</p> <p>23 nation where all of this</p>
<p style="text-align: right;">Page 51</p> <p>1 make a couple of points. The air</p> <p>2 emissions she's referring to are a</p> <p>3 result of the fire at the</p> <p>4 unregulated site of the landfill --</p> <p>5 of the waste disposal site,</p> <p>6 vegetative waste disposal site.</p> <p>7 So when a fire does occur, we</p> <p>8 do take enforcement action and are</p> <p>9 authorized to take that action,</p> <p>10 which is what we're doing in this</p> <p>11 case. As far as the proposal to</p> <p>12 change the rule to cover vegetative</p> <p>13 waste, I believe that the attorneys</p> <p>14 will be responding to the next</p> <p>15 presentation, that that will likely</p> <p>16 require legislation as opposed to</p> <p>17 regulatory action or rulemaking to</p> <p>18 accomplish that. There are a number</p> <p>19 of proposals that are put out on the</p> <p>20 table, and we will certainly work</p> <p>21 with them to discuss those</p> <p>22 proposals.</p> <p>23 They currently do have the</p>	<p style="text-align: right;">Page 53</p> <p>1 documentation is readily available</p> <p>2 to anybody who may wish to have it.</p> <p>3 It does not require a lengthy</p> <p>4 process to get those documents.</p> <p>5 They can find whatever they're</p> <p>6 looking for in there.</p> <p>7 Thank you for using that. I</p> <p>8 appreciate that.</p> <p>9 MR. MILLER: Thank you. I have</p> <p>10 a couple of things I'd like to say,</p> <p>11 but based on my reading of the</p> <p>12 rules, I'm not supposed to, so I'm</p> <p>13 not going to.</p> <p>14 All right. Now, we have</p> <p>15 Mr. David Ludder.</p> <p>16 MR. LUDDER: Thank you,</p> <p>17 Mr. Chairman, and the Commissioners.</p> <p>18 Good morning. I am David</p> <p>19 Ludder, attorney for the</p> <p>20 Environmental Defense Alliance.</p> <p>21 I sent you a rather long</p> <p>22 letter, I guess, on January 26</p> <p>23 describing this presentation. The</p>

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<p style="text-align: right;">Page 54</p> <p>1 basic point of the presentation was 2 to establish that, in my opinion, 3 the Department has sufficient 4 statutory authority today to have 5 regulated the environmental landfill 6 site as well as other green waste 7 disposal sites. And what I'd like 8 to do is just very briefly summarize 9 where or how I get to that 10 conclusion. 11 First off, this provision in 12 the Code of Alabama says that solid 13 waste shall be disposed according to 14 requirements of this article and the 15 rules of the Department and shall be 16 disposed of in a permitted landfill. 17 Of course, the Environmental 18 Landfill, Inc. site was not a 19 permitted landfill. 20 So the question is, what is 21 solid waste? Does it include green 22 waste? Well, the statute defines 23 solid waste as including any other</p>	<p style="text-align: right;">Page 56</p> <p>1 thrown away, abandoned, disposed of, 2 or otherwise given up without the 3 intent to reuse, recycle, or 4 reclaim. Green waste that is put in 5 a landfill is a discarded material. 6 It's not going to be reused or 7 recycled or reclaimed. It's 8 abandoned or disposed of in the 9 landfill. 10 So stumps, logs, tree limbs, 11 brush, yard trimmings, leaves, and 12 other vegetative debris that is 13 disposed of is a discarded material 14 as defined both in the ADEM rule and 15 in dictionary definitions. 16 Going further, stumps, logs, 17 tree limbs, brush, yard trimmings, 18 leaves, and other vegetative debris, 19 which are, as I said, discarded 20 material and solid waste that is 21 disposed of on land, according to 22 the statute, shall be disposed of in 23 a permitted landfill.</p>
<p style="text-align: right;">Page 55</p> <p>1 discarded materials. The statute 2 does not define what discarded 3 materials are. And when a statute 4 is silent like that, the courts look 5 to dictionary definitions of terms 6 to find out what the ordinary usage 7 of the term is. 8 So the dictionary definition of 9 material and discarded are reflected 10 here. Material is basically any 11 matter, and discarded is any 12 material that has been rejected, 13 cast aside, or abandoned as no 14 longer needed or wanted. 15 So that's probably what the 16 courts would look to, at least in 17 the absence of the statutory 18 definition. 19 Now, in one ADEM rule on the 20 solid waste program, there is a 21 definition of discarded material. 22 It's very much like the dictionary 23 definition. It's material that is</p>	<p style="text-align: right;">Page 57</p> <p>1 So my concern or the concern of 2 the Environmental Defense Alliance 3 is probably less -- has less to do 4 with the Environmental Landfill, 5 Inc. landfill because that's in the 6 process of being mitigated. Our 7 concern is really what about all the 8 other green waste landfills in the 9 state that do not have any 10 protection against fires like 11 occurred at the one in St. Claire 12 County. 13 If you know anything about 14 landfills, municipal solid waste 15 landfills have to be covered daily 16 with some kind of cover, and that 17 cover is intended, in part, to 18 prevent fires, not only fires from 19 occurring at the surface, but if the 20 surface catches fire, the layers of 21 cover below that are supposed to 22 prevent fires from progressing 23 downward.</p>

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<p>1 Construction and demolition 2 debris landfills also have to be 3 covered periodically. And, again, 4 one of its purposes is to prevent 5 fires. So we have an issue with how 6 many landfills are there, green 7 waste landfills are there -- out 8 there that have no protection 9 against fire. And we think that the 10 Department has ample authority to 11 regulate, and you, the Commission, 12 has ample authority to adopt rules 13 governing the regulation of these 14 type landfills.</p> <p>15 Now, on January 19th, I 16 submitted a public records request 17 to the Department to try to learn 18 how many landfills like this do we 19 know exist in Alabama. I'm still 20 waiting on an answer, but that's 21 obviously one of the first things 22 that has to be determined: How many 23 are out there.</p>	<p>1 Dr. Miller. May it please the 2 Commission. My name is Chris 3 Sasser. I'm with the Office of 4 General Counsel. I'll be brief. 5 Just three points.</p> <p>6 First, from the definition of 7 solid waste, the legislature 8 excludes waste from silviculture 9 operations. That's in that big line 10 of definitions that was put up there 11 just a few minutes ago.</p> <p>12 Silviculture means growing and 13 cultivation of trees. That's from 14 the Google English online dictionary 15 that's published -- that's provided 16 by the Oxford publishers. Waste 17 from those operations would, of 18 course, be limbs, logs, stumps, and 19 associated vegetation. And even if 20 this definition is a little more 21 narrow -- that is, it means only 22 some kind of tree cultivation -- 23 there's no practical way to tell</p>
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<p>1 Some other things that we have 2 suggested in our letter are that 3 there ought to be an immediate 4 inspection of these landfills by 5 ADEM to determine whether or not 6 they present any risks to the 7 environment presently. At some 8 point, we need to determine whether 9 any cover has been included in these 10 landfills, and then we need to go on 11 further and begin a regulation 12 process to make sure that the same 13 kind of fire that happened up in 14 St. Claire County doesn't occur 15 elsewhere. It's a risk. It's a 16 risk that has been demonstrated to 17 exist, and we ought not to ignore 18 it.</p> <p>19 Thank you.</p> <p>20 MR. MILLER: Thank you, 21 Mr. Ludder.</p> <p>22 Is there a response? 23 MR. SASSER: There is,</p>	<p>1 where this waste comes from once 2 it's disposed. A limb is a limb is 3 a limb.</p> <p>4 And so, also, there's no 5 rational basis to treat this kind of 6 waste from different places 7 differently.</p> <p>8 Thank you.</p> <p>9 MR. MILLER: All right. Thank 10 you, Mr. Sasser.</p> <p>11 All right. Our third request 12 is from McKay Lyvers.</p> <p>13 MR. LYVERS: Yes, sir.</p> <p>14 MR. MILLER: Welcome, McKay. 15 I'll just call you by your first 16 name.</p> <p>17 MR. LYVERS: Yes, sir. Thank 18 you.</p> <p>19 MR. MILLER: We're glad you're 20 here. You have 10 minutes.</p> <p>21 MR. LYVERS: Yes, sir. Thank 22 you. I'll introduce myself. McKay 23 Lyvers. I am a city council member</p>

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<p style="text-align: right;">Page 62</p> <p>1 in this little, small town of 2 Morris, Alabama, which is in 3 northern Jefferson County. Recently 4 kind of ran across a situation that, 5 at first, did not really think much 6 of it. Then after kind of doing a 7 little bit further reading and kind 8 of really looking into it a little 9 bit more, I realized, to be quite 10 honest with you, I found out that 11 this situation has been in front of 12 you prior, which is kind of the 13 spreading of beneficial use for 14 agriculture purpose chicken 15 skimmings and chicken sludge. 16 There's many names out there for it. 17 What I kind of wanted to do is 18 just kind of recap very quickly kind 19 of what happened in our town, and 20 then just kind of bring it to your 21 attention and make a couple of 22 requests, potentially. 23 So Morris, Alabama in north</p>	<p style="text-align: right;">Page 64</p> <p>1 going on. 2 So kind of the request is just 3 kind of some ideas and things that I 4 kind of thought of that might be 5 beneficial and help with that is 6 just to basically -- right now, from 7 what I have observed -- and I could 8 be incorrect, so, you know, please 9 understand that. But from what I've 10 observed, there's a minimum 11 standard, and that minimum footage 12 distance does not vary based on the 13 location. And so kind of one of my 14 requests is just to kind of take a 15 little bit more consideration into 16 the locale based on, potentially, 17 population density, and, also, the 18 route traveled, I think, is 19 important to kind of note. 20 Secondly, just kind of 21 requiring, also, a little bit of 22 additional notification to the local 23 government entities, including with</p>
<p style="text-align: right;">Page 63</p> <p>1 Jefferson County, it's about 18 2 miles north of downtown Birmingham, 3 so kind of at the northern point 4 there. But about September, October 5 we noticed that multiple -- and when 6 I say multiple, probably 10-plus 7 would be a pretty safe conservative 8 number -- 10-plus tanker trucks 9 traversing through our town limits 10 going just on the outskirts of town 11 and then later find out they're 12 actually operating within our city 13 limits. I'll discuss that in a 14 minute. Trying to figure out what 15 was going on. That was followed 16 shortly thereafter by a faint odor, 17 and then that culminated with a 18 couple of situations on a spread of 19 about a week where the odor was 20 literally unbearable to the point 21 where residents within the area -- 22 we started fielding multiple 23 complaints and had no idea what was</p>	<p style="text-align: right;">Page 65</p> <p>1 these operations being a financial 2 situation not to the end user, but 3 including potentially requesting 4 that the proper local governmental 5 business licenses and those kind of 6 things be required because that 7 gives us an opportunity for some 8 sort of a rebuttal, basically. 9 So I just want to kind of point 10 out this is kind of the location of 11 Morris on the screen. The 12 operation's here. There's a little 13 faint red line. You can't see it 14 very well. The operations occurred 15 there in that location, and then 16 heading to the left of the screen 17 there, continued along those fields. 18 As you can kind of see, Morris, 19 Alabama -- we are small, but we have 20 a fairly large population density in 21 the area as well as most of 22 Jefferson County does. 23 So I'll just point out a few</p>

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<p style="text-align: right;">Page 66</p> <p>1 locations. As you can see, there's 2 the city. I wanted to kind of 3 just -- I don't think I've got a 4 pointer on here, but kind of the 5 operation is in the southern part of 6 the screen there. As you can see 7 here, we've got a pretty small, 8 little downtown area, but those 9 areas -- those vehicles are 10 traveling -- were traveling daily. 11 From what I understand, the 12 operation is still active. I 13 requested whether or not to find out 14 whether this was, and I did not get 15 a response. I asked a couple of 16 times on that. And so I believe it 17 is still, from what I understand, an 18 active site based on using the 19 e-file system, as well. 20 So our first request is just 21 requesting some new requirements. 22 Just kind of taking a secondary look 23 and just kind of a little bit more</p>	<p style="text-align: right;">Page 68</p> <p>1 residents per square mile. In my 2 opinion, and it is obviously my 3 opinion, is that that is way too 4 large of a population density for 5 these operations. If you've ever 6 had an opportunity to experience it 7 when it's in full operation, it 8 really shouldn't occur. 9 Give you an example, just give 10 you a couple of homes. And this 11 came directly from -- the footages 12 came off the inspection reports on 13 the e-file. So storage and land 14 applications, less than 500 feet 15 from inhabited building, less than 16 100 feet from water surfaces. 17 Storage and land applications less 18 than 100 feet from property 19 boundaries. That's all I could find 20 as far as some minimum requirements. 21 If it meets those, from what I'm 22 understanding, it's potentially 23 permitted. I'll just kind of point</p>
<p style="text-align: right;">Page 67</p> <p>1 extensive look before permitting 2 these operations. From what I'm 3 understanding -- and I'm sure I'm a 4 little incorrect on this, so please 5 feel free to correct me on some of 6 these things. But it seems to be 7 from what I'm being able to see is 8 you're given a list of the 9 operations, and as long as it's 10 within those minimum footages, it's 11 permitted. I'll kind of point out a 12 couple of things on this, and then 13 I'll kind of go into the secondary 14 request. 15 As you can see, this is just 16 the 2010 census bureau. This is the 17 most up-to-date. I tried to find 18 some additional state maps. But you 19 can see the population densities 20 here. With us having 3.3 square 21 miles, we've got approximately 2300 22 residents, I believe, or -- I did 23 the math -- 2350, about 712</p>	<p style="text-align: right;">Page 69</p> <p>1 out a couple of locations there. 2 That home right there we receive 3 phone calls on, it's 921 feet. I 4 try to be conservative in my 5 estimates, you know, just using some 6 Google Earth, you know, 7 measurements. 921 feet. That is 8 actually my sister's home, which is 9 actually 1900 feet. Sister and 10 brother-in-law could not go outside, 11 two small children. When these are 12 in full operations, you cannot be 13 outside. It is unbearable. My 14 daughter -- when I got the phone 15 call, she and I jumped in the car, 16 rode down the road, rolled the 17 windows down, started gagging. It 18 is pretty, pretty horrible. I just 19 don't believe that this is an 20 operation that needs to be occurring 21 this close to a city. 22 Another location here is our 23 new park. We've got a new</p>

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<p>1 children's park. That's estimated 2 1900 feet away. If this operation 3 is still permitted within this area, 4 that is impacted also. We've been 5 up there because it's under 6 construction. To the point where 7 it's not unbearable in that 8 location, but we can still smell it 9 very strongly.</p>	<p>1 bit, and potentially provide some 2 education to those local government 3 entities for us to be able to kind 4 of provide a response back.</p>
<p>10 Kind of mentioned, too, this is 11 just kind of -- I want to go back to 12 this in just a minute, but this is 13 also kind of the route that's 14 traversed to get to that particular 15 location, as well. That's one of 16 the considerations I think I'd like 17 to be considered, as well, is just 18 what is the route and how many 19 people and what's impacted along 20 that route to get to these 21 operations. If a spill were to 22 occur in that location, we're going 23 to be very, very poorly prepared to</p>	<p>5 I'm here kind of representing 6 my citizens and protecting my 7 citizens, in particular my sister 8 and my little nephew, you know. So 9 that's kind of a part of it that 10 goes along with it.</p>
	<p>11 Any type of operations where 12 revenue is exchanged -- I spoke with 13 the Jefferson County Revenue 14 Department. We are both in 15 agreement that with this kind of a 16 situation, there should be some 17 local business licensing that occurs 18 before the operations are permitted. 19 That didn't occur. I think it would 20 be -- probably the best thing is 21 before a permit is issued, probably 22 to allow them to come to us, obtain 23 that local business permit, that</p>
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<p>1 be able to handle any kind of a 2 situation like that.</p>	<p>1 local business license, and then be 2 permitted from the State, from ADEM. 3 So that's kind of part of the second 4 request.</p>
<p>5 So that kind of brings me to 6 the second request would be just for 7 the Commission to require any type 8 of operations -- once again, I 9 mention kind of obtain or at least 10 provide some education to the local 11 communities and government entities 12 that would be involved.</p>	<p>5 During the peak operations, 6 multiple commercial vehicles, like I 7 mentioned, way more than we normally 8 experience, during all days, all 9 times. Saturday we had a chili 10 cookoff competition brought into 11 town. The entire duration of this 12 chili cookoff, right along in our 13 city park, we've got multiple 14 18-wheelers full of this operations 15 riding through our city.</p>
<p>11 We should be made aware, at 12 least in some way, shape, or form, 13 that this operation is going to be 14 occurring in our area. The town 15 received multiple complaints. Both 16 of our clerks got daily phone calls 17 for a pretty good little stretch of 18 time to the point we didn't have any 19 responses. We didn't have any 20 answers until I started making some 21 phone calls and asking some 22 questions. So it's a way to kind of 23 just stop, slow things down a little</p>	<p>16 So just kind of to point out a 17 couple of things along the route and 18 why I think it's probably -- 19 specifically this one, but why it 20 should be considered on all. Route 21 included goes through town hall. It 22 goes right through our gas station, 23 our brand new Jack's. We've got a</p>

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<p style="text-align: right;">Page 74</p> <p>1 Jack's. You know you're moving up 2 when you get a Jack's in your town; 3 right? But in all seriousness, 4 we're very thankful for that because 5 it's producing an additional \$90,000 6 a year in revenue for us. 7 So passes right through the 8 Jack's, goes right next to town 9 hall, the senior center. You hang a 10 right. You go in front of your 11 first town park, in front of the 12 police station, in front of the fire 13 station, our community ballpark, our 14 new playground, and then continues 15 on and passes through three 16 subdivisions to get 900 to a 17 thousand feet away from those 18 subdivisions. 19 So that's just my request on 20 that. I just think it's something 21 that just a little bit of additional 22 kind of consideration on that part 23 would be beneficial. So we did</p>	<p style="text-align: right;">Page 76</p> <p>1 ask a question? 2 MR. LYVERS: Yes, sir. 3 MR. McFADDEN: All of this is 4 within the city limits you're 5 talking about? 6 MR. LYVERS: Partly within the 7 city limits, and that property, same 8 owner. Part within the city limits, 9 and then part within the county. 10 Yes, sir. 11 MR. McFADDEN: So do you have 12 any zoning possibilities? 13 MR. LYVERS: Zoned 14 agricultural. So the only thing 15 that we could probably potentially 16 do is specifically outline to 17 disallow. But that, again, is in 18 the reactive type, you know, 19 situation. But, yes, sir, 20 absolutely, it is zoned 21 agricultural. And to be quite 22 honest with you, too, not to really 23 get into a debate on it, but that</p>
<p style="text-align: right;">Page 75</p> <p>1 confirm, as mentioned. That's just 2 kind of what this shows, that those 3 operations did occur within the city 4 limits. 5 I have read extensively on 6 these operations, and I am not an 7 expert on the environmental impact 8 that they involve. But I'll be 9 quite honest with you, if you ever 10 do experience it in person, you 11 won't forget it. I've been inside 12 of chicken houses. I've been inside 13 of those. It's a completely 14 different kind of situation. 15 So that's really it. Those 16 were kind of the requests and 17 considerations, and I finished with 18 20 seconds on the clock, so I'm 19 proud of myself because I'm 20 long-winded. 21 But thank you for your time. I 22 appreciate it. 23 MR. McFADDEN: Counsel, can I</p>	<p style="text-align: right;">Page 77</p> <p>1 operation, there's nothing that 2 occurs on that piece of property. 3 So when the word beneficial use 4 comes in, which is used a lot of 5 times, there's nothing going on 6 there. There's a few cattle, and 7 that's it. It's a grass field, has 8 been for many, many years. 9 And so that's probably another 10 consideration, maybe, for another 11 day. I didn't really include that, 12 but yes, sir. 13 MR. McFADDEN: Thank you for 14 your presentation. 15 MR. MCKINSTRY: How big is that 16 tract of land? 17 MR. LYVERS: The tract that's 18 within our city limits is not quite 19 as big. I want to say it's -- the 20 section there is 16, 18 acres. I 21 want to say, overall, it's pretty 22 significant. It's about five times 23 that size completely. So it</p>

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1 continues on back. But, actually,
2 on the back side of the operation,
3 it starts impacting another city and
4 some other homes.
5 But, you know, I just -- from
6 looking at the map, there's plenty
7 of other areas and locales that
8 could be used and could be
9 permitted. And this just seems to
10 be a little too close to home from
11 an impact standpoint, so that's kind
12 of why.
13 MR. MILLER: The people that
14 are doing this have an ADEM permit
15 to do it?
16 MR. LYVERS: Yes, sir. Yes,
17 sir.
18 MR. MILLER: Okay.
19 MR. LYVERS: They do. Yes,
20 sir. They provide reports back on
21 where they're working, their
22 operations. And they're permitted,
23 and they're listed on the e-file.

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1 You can find them. You know, it
2 might take a week or two to get on
3 there, but yes, sir, they're
4 permitted through ADEM.
5 MR. McKINSTRY: Does the ADEM
6 permit limit, you know, density, the
7 amount of this application per acre,
8 or is it open?
9 MR. LEFLEUR: Our Land Division
10 Chief, Steve Cobb, addressed some of
11 the issues that were brought up
12 here.
13 MR. McKINSTRY: Oh, okay. I'm
14 sorry. I'm jumping ahead.
15 MR. LEFLEUR: If you-all would
16 like to have a response in total,
17 but, yes, there is a requirement
18 for -- a plan for application rates
19 required.
20 MR. MILLER: Okay. Have you
21 talked to any of these folks from
22 ADEM about this?
23 MR. LYVERS: Yes, sir. I've

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1 made a couple of phone calls, got a
2 couple of names that I could provide
3 and try to have some conversations.
4 And to be quite honest with you, one
5 of them was actually very helpful in
6 the education process. So I do
7 understand that there is a certain
8 amount that has to be spread on top
9 of the property for nitrogen content
10 that is injected in the soil. So I
11 kind of -- they were very helpful in
12 that standpoint as far as an
13 education standpoint. But if I'm in
14 a reactive stance and having to do
15 that, I just feel like there should
16 probably be a little bit more, you
17 know, considered as far as the local
18 communities impacted on it.
19 Yes, sir?
20 MR. MILLER: Well, keep calling
21 them back.
22 MR. LYVERS: Yes, sir. Yeah, I
23 have had some good conversations and

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1 one in particular. To be quite
2 honest with you, I don't know if I
3 need to name names, but she was
4 very, very helpful. Her name is
5 Alexis Rogers. She was very helpful
6 in just providing a good education
7 standpoint. But, again, the
8 recommendation was made, you know,
9 based on the considerations for
10 changes that had to be made through
11 this. That's why I ended up here.
12 MR. MILLER: Okay.
13 MR. LYVERS: Yes, sir.
14 MR. MILLER: Any other
15 questions from the Commission?
16 (No response.)
17 MR. MILLER: Thank you for
18 coming.
19 MR. LYVERS: Yes, sir.
20 MR. MILLER: We appreciate you
21 sharing with us today.
22 Now, we have one other request
23 for a different -- oh, I'm sorry.

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<p style="text-align: right;">Page 82</p> <p>1 Go ahead.</p> <p>2 MR. COBB: Chairman Miller,</p> <p>3 Steven Cobb, Chief of the Land</p> <p>4 Division. If I could just cover a</p> <p>5 couple of points regarding this.</p> <p>6 As you'll recall, the</p> <p>7 beneficial use regulations were</p> <p>8 first implemented by the Department</p> <p>9 about three years ago. Prior to</p> <p>10 that, there were no controls on</p> <p>11 activities of the nature that's been</p> <p>12 described here. And after the first</p> <p>13 two years of operation of those</p> <p>14 regulations, we came back to the</p> <p>15 Commission about a year ago with</p> <p>16 substantial upgrades to those</p> <p>17 activities. I believe from the</p> <p>18 presentation that the activity</p> <p>19 described by Councilor Lyvers was --</p> <p>20 shortly after, those regulations</p> <p>21 went into effect.</p> <p>22 We are in a continuing process</p> <p>23 of evaluating the regulations that</p>	<p style="text-align: right;">Page 84</p> <p>1 that we're providing the information</p> <p>2 we need.</p> <p>3 MR. MILLER: Thank you very</p> <p>4 much.</p> <p>5 All right. We have David</p> <p>6 Butler, who is requesting a</p> <p>7 three-minute comment period on the</p> <p>8 Moody landfill.</p> <p>9 MR. BUTLER: Yeah. So my name</p> <p>10 is David Butler. I am the staff</p> <p>11 attorney at Riverkeeper, at Cahaba</p> <p>12 Riverkeeper. The points that I</p> <p>13 wanted to talk about today are</p> <p>14 really larger than the Moody</p> <p>15 landfill fire or the Alabama Oil and</p> <p>16 Gas Recovery, a situation just down</p> <p>17 the road.</p> <p>18 First, I want to recognize that</p> <p>19 we often criticize the Department,</p> <p>20 but we also recognize there are some</p> <p>21 tremendous employees doing a great</p> <p>22 job. Our issue really comes -- why</p> <p>23 I'm here today is the issue of</p>
<p style="text-align: right;">Page 83</p> <p>1 we have in situations such as this</p> <p>2 and will be coming back to the</p> <p>3 Commission as we identify additional</p> <p>4 changes that need to be made to</p> <p>5 continue to upgrade those</p> <p>6 regulations. The Department is also</p> <p>7 funding research to find improved</p> <p>8 ways for control of odor, pathogens,</p> <p>9 and other things, because we do</p> <p>10 recognize the sensitivity of this in</p> <p>11 communities where it occurs.</p> <p>12 Councilor Lyvers mentioned</p> <p>13 about the concerns about business</p> <p>14 licenses. Our regulations do not</p> <p>15 exempt parties from complying with</p> <p>16 local business license requirements</p> <p>17 and things such as that. So that is</p> <p>18 still within the jurisdiction of the</p> <p>19 local community. And regarding</p> <p>20 comments about being able to get</p> <p>21 information, the Land Division will</p> <p>22 be talking with Councilor Lyvers to</p> <p>23 find out specifics and make sure</p>	<p style="text-align: right;">Page 85</p> <p>1 enforcement. And so with the</p> <p>2 environmental landfill situation, as</p> <p>3 Sidni covered in her presentation,</p> <p>4 for, you know, roughly 10 years, the</p> <p>5 Department warned this facility</p> <p>6 about problems at the landfill. As</p> <p>7 recently as August 10th of 2022, the</p> <p>8 operator of the landfill</p> <p>9 acknowledged in a visit with ADEM,</p> <p>10 which is recorded and reflected in</p> <p>11 the inspection report, that</p> <p>12 regulated waste remained buried at</p> <p>13 that site. It was eluded to in the</p> <p>14 earlier presentation. He asserted</p> <p>15 that he had a plan over the next 18</p> <p>16 months to clean up that regulated</p> <p>17 material that was buried there but</p> <p>18 clearly acknowledged that it was</p> <p>19 still there. The Department did not</p> <p>20 take any further action at that</p> <p>21 point, even though they had</p> <p>22 documented that the site was a fire</p> <p>23 hazard.</p>

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<p>1 We -- dispute the presentation 2 about the closure of unauthorized 3 dumps, we would assert that prior to 4 this fire, the Department viewed 5 that unauthorized dump as being 6 closed. We have demonstrated 7 through water quality testing, 8 through air monitoring that there 9 are regulated materials burning at 10 that site, and we find it 11 unacceptable that with that 12 knowledge the Department did not 13 request the EPA to do air monitoring 14 in November when it was clear from 15 the Moody Fire Department, from the 16 Forestry Commission, from the 17 Emergency Management Authority that 18 they could not put out the fire. 19 And discussing with people at the 20 site, they have recognized that they 21 didn't have the resources to do 22 that, and their plan of action was 23 to sit and watch it burn until it</p>	<p>1 And until this landfill fire, the 2 Department had failed to take action 3 to ensure that that site was closed. 4 And so that's two sites within, 5 you know, a mile and a half of each 6 other that demonstrate the failure 7 of enforcement. 8 Thank you. 9 MR. MILLER: Thank you. 10 Well, we've had some 11 stimulating discussion today. We, I 12 think, have completed our schedule, 13 and I will entertain a motion to 14 adjourn. 15 Do I have one? 16 MR. McKINSTRY: So moved. 17 MR. MILLER: And second? 18 MR. McFADDEN: Second. 19 MR. MILLER: All in favor, 20 raise your hand. 21 (All Commissioners raise 22 their hand.) 23 MR. MILLER: All opposed, same</p>
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<p>1 extinguished itself while the 2 residents in the area were being 3 told that only vegetative waste was 4 burning there. The EPA air quality 5 results that were returned in 6 mid-January clearly demonstrated 7 that was not the case. 8 In February of this year, the 9 Department sent a notice to the 10 residents in the area that they are 11 monitoring the situation. The 12 people there felt like that every 13 resident that we've talked to that 14 received that notice felt like it 15 was far too late to be useful. In 16 the situation with the Alabama oil 17 and recovery business, as an oil 18 aggregator that collected and 19 transported hazardous waste, they 20 have not filled out one piece of 21 paperwork in over four years. They 22 have not submitted monitoring 23 reports, certifications, anything.</p>	<p>1 thing. 2 (No response.) 3 MR. MILLER: All right. Thank 4 you very much. 5 (Concluded at 12:15 p.m., 6 Central Standard Time.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>

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REPORTER'S CERTIFICATE

STATE OF ALABAMA,
ELMORE COUNTY,

I, Shannon P. Yost, Certified Shorthand Reporter and Commissioner for the State of Alabama at Large, do certify that I reported the meeting of the aforementioned matter.

The foregoing computer-printed pages contains a true and correct transcript of said meeting.

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

This 27th day of February, 2023.



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/s/Shannon P. Yost

Shannon P. Yost,
Certified Shorthand Reporter
and Commissioner for the
State of Alabama at Large
My Commission Expires 6/1/2025
ACCR #158 - Expires 9/30/2023

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Part B

Attachment Index

Attachment 1 Agenda

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

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: February 10, 2023

TIME: 11:00 a.m.

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

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* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, 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 DECEMBER 9, 2022
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. OTHER BUSINESS
5. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

a. REQUESTS TO MAKE PRESENTATIONS

- (1) Request 1 – Request from Michael Hansen, Jilisa Milton, and Sidni Elise Smith, GASP
Description of presentation: *The presentation is a snapshot of where the Alabama Department of Environmental Management's (ADEM) failure to act on certain environmental matters is attributable to gaps in rules, regulations, and/or environmental standards established by the Alabama Environmental Management Commission (AEMC), as well as AEMC's inefficiency in its capacity to advise the Director of ADEM of the existing rules, regulations, and/or environmental standards. As a result, GASP proposes environmental policy surrounding "green waste" due to the recent and ongoing concern about the Moody Landfill Fire.*
- (2) Request 2 – Request from David A. Ludder, Environmental Defense Alliance
Description of presentation: *ADEM's authority to regulate the land disposal of stumps, logs, tree limbs, brush, yard trimmings, leaves or other vegetative debris.*
- (3) Request 3 – Request from Councilor McKay Lyvers, Morris, Alabama
Description of presentation: *The presentation makes a request to the Commission to consider modifying the minimum land application distances of chicken skimmings and sludge spreading operations from occupied structures, and to consider a more comprehensive approach to the permitting of these operations, which includes the consideration of population density, additional surroundings such as parks and subdivisions, and communities and areas affected by the route. The presentation also makes a request that the Commission adopt new standards that require these operations to acquire all proper business licenses and permits, as well as be required by ADEM to provide ample notifications to the municipality and local government and jurisdictions involved before an operation can begin.*

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

Performance Measures

- Performance vs Annual Operating Plan
- EPA Compliance and Enforcement Metrics vs All States
- EPA State Review Framework Audit vs EPA Region 4 States
- State of the Environment in Alabama



Alabama Department Of Environmental Management

State of the Environment in Alabama



Alabama Department Of
Environmental Management

AIR DATA



Alabama Department Of
Environmental Management

Air Quality and related standards

- PM2.5
- Ozone
- NO_x
- SO₂
- CO
- Pb
- Haze



Alabama Department Of Environmental Management

Revisions to Air Quality Standards and Goals

- PM_{2.5} – 1971; 1987; 1997; 2006; 2012
- Ozone – 1971; 1979; 1997; 2008; 2015
- NO_x – 1971; 2010
- SO₂ – 1971; 2010
- CO – 1971
- Pb – 1978; 2008
- Haze – goal for 2018 set in 2008

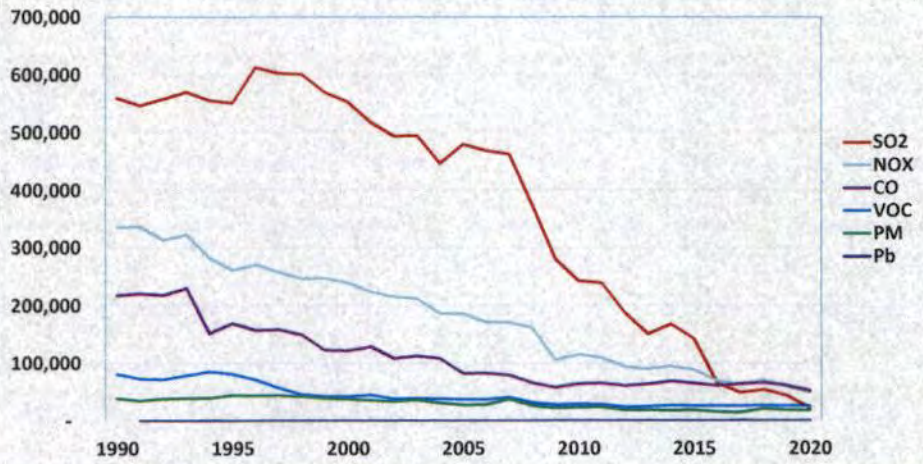


Alabama Department Of Environmental Management

Statewide Attainment of Air Quality and related standards

- PM_{2.5} – 2013
- Ozone – 2014
- NO_x – 1971
- SO₂ – 1977
- CO – 1971
- Pb – 2015
- Haze – 2013

**AL Emissions from Major Sources (tons)
1990-2022**



WATER DATA



Alabama Department Of Environmental Management

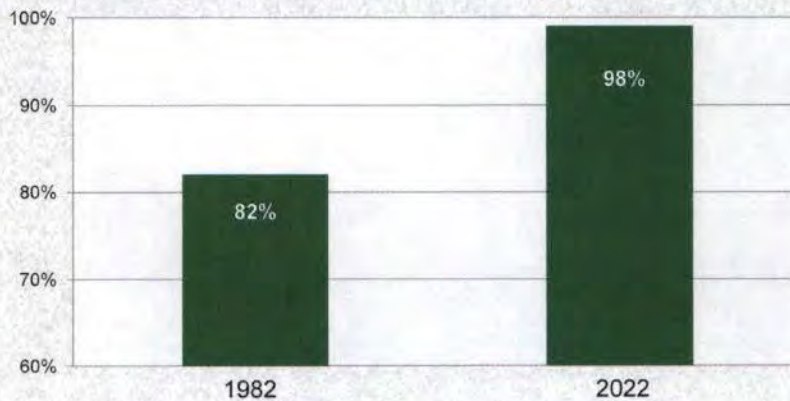
Number of Drinking Water Contaminants Regulated

	<u>1982</u>	<u>2022</u>
• Organic chemicals	7	55
• Inorganic chemicals	10	19
• Radionuclides	3	7
• Microbes	3	8
Total	23	89



Alabama Department Of Environmental Management

Percentage of Public Water Systems in Compliance





Alabama Department Of Environmental Management

303(d) Impaired water body / pollutant combinations 1998-2022

	<u>Listed</u>	<u>Ending</u>
River/Stream (miles)	13,499	4,451
Lake/Reservoir (1000s ac)	568	213
Ocean/Estuary (1000s ac)	563	463



Alabama Department Of Environmental Management

Water Designations & Classifications

	<u>1982</u>	<u>2022</u>
• Highest Quality Waters:		
– Outstanding National Resource Waters		
➢ miles	0	805
➢ acres	0	1,946
– Outstanding Alabama Waters		
➢ miles	0	343
➢ acres	0	3,651
– Treasured Alabama Lakes		
➢ acres	0	40,065
• Lowest Use Classifications:		
– Lower than Fish & Wildlife		
➢ miles	713	138



Alabama Department Of
Environmental Management

LAND DATA



Alabama Department Of
Environmental Management

Landfills

- Improved landfills 1989 - 2022:
 - 141 unlined MSW landfills closed
 - 30 state-of-the-art lined MSW landfill permits today



Alabama Department Of Environmental Management

Unauthorized solid waste dumps (UAD)

- 2,217 UADs remediated 2009 – 2022
 - 1,640 UADs remediated by responsible parties
 - 577 UADs innocent landowners held harmless



Alabama Department Of Environmental Management

Solid waste & Scrap tire recycling

- Solid waste reduction since 1989
 - rate increased from 5% to >25%
 - rate increased from .2 million TPY to 3.9 million TPY
- Scrap tire cleanup since 2006
 - 371 illegal scrap tire dumps cleaned up
 - 11 million passenger tires cleaned up



Alabama Department Of Environmental Management

Underground Storage Tanks (UST)

Since 1989:

- 12,363 UST leak sites identified
 - 11,491 UST sites cleaned up
 - 872 UST sites currently being cleaned up



Alabama Department Of Environmental Management

Brownfields (BF)

- 661 BF sites identified 2001 – 2022
 - 444 BF sites returned to productive use
 - 6,424 acres returned to productive use
 - 91 BF sites currently actively enrolled
 - 8,105 acres currently actively enrolled



WATER & SEWER FUNDING



Water & Sewer Infrastructure Funding

- American Rescue Plan Act = \$225 mil.
 - Bipartisan Infrastructure Law = \$127 mil.
 - State Revolving Funds = \$111 mil.
- TOTAL \$463 mil.

